

JOHNSON COUNTY, KANSAS

ZONING & SUBDIVISION REGULATIONS

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**ZONING AND
SUBDIVISION
REGULATIONS
JOHNSON COUNTY,
KANSAS**

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**ARTICLE 1.
GENERAL PROVISIONS
ZONING AND SUBDIVISIONS REGULATIONS**

Section 1. TITLE:

These regulations shall be known and may be cited as the Zoning and Subdivision Regulations of Johnson County, Kansas.

Section 2. AUTHORITY:

These regulations are adopted pursuant to the authority granted to the Board of County Commissioners in K.S.A. 19-2956 *et seq.* as currently enacted and any amendments thereto, if any. These regulations are also adopted pursuant to the authority granted to the Board of County Commissioners in K.S.A. 3-701 *et seq.* regarding the Airport Zoning Regulations and pursuant to the home rule powers granted to the Board of County Commissioners in K.S.A. 19-101 *et seq.*

Section 3. JURISDICTION:

These regulations shall apply to all structures and land within the unincorporated area of the County as shown on the Zoning Map. Except for Airport Vicinity Overlay zoning as provided in Article 21 of these regulations, the provisions of these regulations shall not apply in areas where the Board of County Commissioners has vacated its zoning or subdivision authority; to areas annexed into cities, or to areas in which cities are legally exercising their zoning or subdivision authority.

Section 4. PURPOSES:

These Zoning and Subdivision Regulations were drafted with the intent to serve the following purposes:

- A. To promote the public health, safety, morals, comfort, convenience, prosperity and general welfare of the citizens of the County;
- B. To preserve and protect the land, air, water, environment and values of property under the jurisdiction of the County;
- C. To divide the unincorporated area of the County into land use zoning districts;
- D. To provide for the efficient and effective expenditure of public funds for adequate public utilities and facilities by regulating the location and use of buildings, structures and land within each zoning district;
- E. To restrict and regulate the height, number of stories, and size of buildings; the minimum lot size required, the size of yards and other open spaces, and the density of population in the unincorporated portions of the county;
- F. To lessen or avoid congestion in the public streets and highways;

- G. To lessen or avoid the hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters;
- H. To protect and maintain the unique and irreplaceable resources, natural resources, and agricultural land within the County;
- I. To promote the preservation of the environmental benefits of open space, clean air, groundwater recharge and wildlife preservation;
- J. To direct the timely and orderly development of Johnson County;
- K. To facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and
- L. To assure adequate light and air is available in developed areas.

Section 5. RELATIONSHIP TO COMPREHENSIVE PLAN:

The intent of these regulations is to implement the land use and development policies in the comprehensive plan adopted by the County. The adopted comprehensive plan considers and evaluates past land use and development patterns and trends; identifies and considers both deficiencies and opportunities exhibited by past development patterns and expected future development patterns, and establishes goals and objectives for guiding future development within the County. The comprehensive plan may be used to guide zoning of land in the County.

Section 6. RELATIONSHIP TO ADOPTED DEVELOPMENT STANDARDS:

These regulations also are intended to support the implementation of the street construction and stormwater drainage standards, and the Sanitary, Fire and Building Codes formally adopted by the County.

Section 7. SEVERABILITY:

If any article, section, clause or other provision of these regulations is held to be invalid or unenforceable by any court of competent jurisdiction in a valid judgment or decree, such decision shall not affect the validity of the other provisions of these regulations which can be given effect without the invalid or unenforceable provision, it being the intent of the Board that each article, section, clause or other provision is to be considered separate and severable from one another.

Section 8. RELATIONSHIP TO PREVIOUS REGULATIONS; EFFECTIVE DATE:

Previously adopted zoning and subdivision regulations or parts of such regulations in conflict with these regulations or inconsistent therewith are not rescinded by these regulations. To the extent these regulations conflict with previously adopted zoning and subdivision regulations, these regulations shall control. These regulations shall become effective from and after the date of their approval and adoption by the Board and publication of notice thereof. All zoning actions taken under prior regulations are hereby affirmed with zoning district classifications assigned as indicated on the Zoning Map(s) adopted with these regulations.

Section 9. ADMINISTRATIVE STANDARDS:

Whenever in the course of the administration or enforcement of these regulations it becomes necessary or desirable to make an administrative decision, unless other standards are elsewhere provided for herein, the administrative decision or enforcement shall be made so that the result will not be contrary to the spirit, intent and purpose of these regulations.

Section 10. VESTED RIGHTS:

Nothing in these regulations shall be interpreted or construed to give rise to any vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein, and these regulations are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to preserve and protect the public health, safety, and welfare of the unincorporated area of the County.

Section 11. MEANING OF TITLES AND SUBTITLES:

Titles and subtitles used for sections and subsections in these regulations are for convenience of reference purposes only.

ARTICLE 2. DEFINITIONS

Section 1. INTERPRETATION OF TERMS OR WORDS:

For the purpose of these regulations, certain terms or words when used herein shall be construed as follows:

- A. Words in the singular number include the plural, those in the plural number include the singular.
- B. Words used in the present tense include the past and future tenses, and words used in the future tense include the present tense.
- C. Words importing the masculine gender include the feminine and neuter genders.
- D. The word "shall" is mandatory, while the word "may" is permissive.
- E. The word "erected" includes the words "constructed", "enlarged", "reconstructed", "moved", "located", "relocated".
- F. The word "building" includes the word "structure", the word "dwelling" includes the word "residence", and the word "lot" includes the word "plot", "parcel", or "tract".
- G. The word "map" or "zoning map" means the official "zoning map" of Johnson County, Kansas.
- H. The term "these regulations" means the Zoning and Subdivision Regulations of Johnson County, Kansas.
- I. The words "road" and "street" shall be considered to be interchangeable.

Section 2. SPECIAL INDEXES FOR TERMS RELATED TO AIRPORTS, FLOOD PLAINS, SIGNS, SUBDIVISIONS, AND COMMUNICATION TOWERS:

These special indexes are provided for convenience of the reader, and list defined terms which may be of special or particular interest to each of the five index categories. The reader is cautioned that other defined terms not included in these special indexes also may be of interest and also shall be applicable. These special indexes and the groupings of terms therein shall not be regarded to affect, limit, or establish the applicability of terms used or terms defined in these regulations.

A. Index of defined terms which may be of particular interest for Airport Vicinity Overlay Zoning:

- | | |
|---|------------------------------------|
| 1. Airport | 12. Nonprecision Instrument Runway |
| 2. Airport Zoning Commission | 13. Person |
| 3. Airport Elevation | 14. Precision Instrument Runway |
| 4. Airport Hazard | 15. Primary surface |
| 5. Airport Hazard Area | 16. Runway |
| 6. Airport Hazard Overlay Zones | 17. Structure |
| 7. Approach Surface | 18. Transitional Surfaces |
| 8. Conical Surface | 19. Tree |
| 9. Horizontal Surface | 20. Utility Runway |
| 10. Larger than Utility Runway | 21. Visual Runway |
| 11. Nonconforming Use Building, Lot or Yard | |

OMITTED
BY SECTION
30A ORDINANCE
No. ZRR-2691

B. Index of defined terms which may be of particular interest for the Flood Plain Overlay Zoning District:

1. A Zone
2. A99 Zone
3. Accessory Building or Accessory Structure
4. Accessory Use
5. Actuarial or Risk Premium Rates
6. AE Zone and A1-A30 Zones
7. AH Zone
8. AO Zone
9. Appeal
10. Area of Future-Conditions Flood Hazard
11. Area of Shallow Flooding
12. Area of Special Flood Hazard
13. Base Flood
14. Basement
15. D Zone
16. Development
17. Elevated Building
18. Existing Construction
19. Existing Manufactured Home Park or Subdivision
20. Expansion of an Existing Manufactured Home Park or Subdivision
21. Flood or Flooding
22. Flood Damage Reduction System
23. Flood Elevation, Regulatory
24. Flood Hazard Area
25. Flood Insurance Study
26. Flood Plain
27. Flood Plain Development Permit
28. Flood Plain Management
29. Flood Plain Management Regulations
30. Flood Plain, Regulatory
31. Flood Proofing
32. Flood Protection Elevation, Regulatory
33. Floodway Encroachment Lines
34. Floodway Fringe
35. Floodway or Regulatory Floodway
36. Freeboard
37. Future-Conditions Flood Hazard Area, or, Future-Conditions Flood Plain
38. Future-Conditions Hydrology
39. Height
40. Highest Adjacent Grade
41. Historic Structure
42. Johnson County Flood Insurance Rate Map (FIRM)
43. Lowest Floor
44. Manufactured Home
45. Manufactured Home Park or Subdivision
46. Market Value or Fair Market Value
47. Mean Sea Level
48. New Construction
49. New Manufactured Home Park or Subdivision
50. One Hundred Year Frequency Flood
51. Other Areas in X Zone
52. Other Flood Areas in X Zone
53. Overlay District Zoning Map
54. Principally Above Ground
55. Recreational Vehicles
56. Start of Construction
57. Structure
58. Substantial Damage
59. Substantial Improvement
60. Variance
61. Violation
62. Water Surface Elevation

C. Index of defined terms which may be of particular interest for Signs:

1. Nonconforming Sign
2. Nonconforming Sign Support
3. Sign Alteration
4. Sign Area
5. Sign Face
6. Sign Maintenance
7. Sign Refacing
8. Sign Structure
9. Signable Wall Area
10. Signs
 - a. Attention Attracting Device
 - b. Directly Illuminated Sign
 - c. Handbills, Placards, or Posters
 - d. Indirectly Illuminated Sign
 - e. Internally Illuminated Sign
 - f. Off-Premise Sign
 - g. On-Premise Sign
 - h. Outdoor Advertising Signs

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 - 1). Bulletin Sign
 - 2). General Advertising Sign
 - 3). Incidental Advertising Signs
 - a). Minor Advertising Sign
 - b). Real Estate Lot Sign
 - c). Real Estate Project Sign
 - d). Special Event Sign
 - 4). Junior Poster Panel Sign
 - 5). Poster Panel Sign
 - b. Identification Signs
 - 1). Business Sign
 - 2). Development Complex Sign
 - 3). Incidental Identification Signs
 - a). Construction Site Sign

- b). Instruction Sign
- c). Minor Identification Sign
- 4). Institutional Sign
- 5). Nameplate Sign
- 6). Neighborhood Sign
- c. Noncommercial Speech Signs
- 12. Signs, Structural Types
 - a. Awning Sign
 - b. Detached Sign
 - c. Marquee, Canopy, or Overhead Canopy Sign
 - d. Monument Sign
 - e. Pole Sign
 - f. Projecting Sign
 - g. Roof Sign
 - h. Under-Canopy Sign
 - i. Wall Sign
- 13. Symbol

D. Index of defined terms which may be of particular interest for Subdivisions:

- | | |
|-------------------------|-----------------------------|
| 1. Access | 24. Lot, Corner |
| 2. Alley | 25. Lot, Interior |
| 3. Arterial Street | 26. Lot, Through |
| 4. Block | 27. Lot Width |
| 5. Bond | 28. Major Street Plan |
| 6. Collector Street | 29. Major Subdivision |
| 7. Cul-de-Sac | 30. Minor Local Street |
| 8. Cul-de-Sac Street | 31. Minor Subdivision |
| 9. Dead-end Street | 32. Monument, Survey |
| 10. Dedication | 33. No Access Easement |
| 11. Double Frontage Lot | 34. Offset Street |
| 12. Easement | 35. Plat |
| 13. Final Plat | 36. Plat, Preliminary |
| 14. Frontage Road | 37. Right-of-Way |
| 15. Improvements | 38. Sidewalk |
| 16. Local Street | 39. Street |
| 17. Lot | 40. Street Line |
| 18. Lot Depth | 41. Subdivider |
| 19. Lot Frontage | 42. Subdivider's Agent |
| 20. Lot Line | 43. Subdivision |
| 21. Lot Line, Front | 44. Subdivision Regulations |
| 22. Lot Line, Rear | 45. Tract or Lot Split |
| 23. Lot Line, Side | |

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E Index of defined terms which may be of particular interest for Communication Towers and Communication Antennas:

1. Antenna Support Structure
2. Architecturally Designed Antenna
3. Associated Equipment Structure
4. Co-Location
5. Communication Antenna
6. Communication Tower
 - a. Guyed Tower
 - b. Lattice Tower
 - c. Monopole Tower
 - d. Self-Support Tower
7. Service Provider
8. Site Equipment
9. Telecommunications Consultant

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.

"A Zone"

Area of Special Flood Hazard without water surface elevations determined. Because detailed hydraulic analyses have not been performed, neither Base Flood Elevations nor depths of flooding are shown.

"A99 Zone"

Area of Special Flood Hazard subject to inundation by a flood that has a one percent (1%) or greater chance of occurrence in any given year, but that ultimately will have flood risks reduced by a federal Flood Damage Reduction System that is being constructed. Flood Damage Reduction Systems in this zone include dikes, dams, and levees on which construction progress has reached specified federal statutory milestones for considering the system complete for Flood Insurance rating purposes. No Base Flood Elevations or depths of flooding are shown.

"AB-3"

Unwashed crushed limestone gravel consisting of multiple aggregate sizes, rock chips, and rock dust as typically available in Johnson County.

"Access"

A way or means of approach to provide physical entrance to a property or building.

"Accessory Building or Accessory Structure"

A building or structure subordinate to and detached from but located on the same lot as the principal building or structure, the use of which is incidental and accessory to that of the principal building or structure.

"Accessory Use"

A use that: a) is clearly incidental to and customarily found in connection with a principal building or use; b) is subordinate to and serves a principal building or a principal use; c) is subordinate in area,

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extent, or purpose to the principal building, structure or use served; d) contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal building, structure, or use served; and e) is except in the Rural District, RUR, located on the same lot as the principal building, structure or use served.

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~~"Actuarial or Risk Premium Rates"~~

~~Those rates established by the Federal Insurance Administrator pursuant to individual community studies and investigations, which are undertaken to provide flood insurance in accordance with Section 1307 of the National Flood Disaster Protection Act of 1973, and the accepted actuarial principles. "Risk Premium Rates" include provisions for operating costs and allowances.~~

"Adult-Care Center"

See "Day-Care Center".

"Advertising Signs"

Any sign which primarily identifies or directs attention to goods, merchandise, property, business, commodity, service or entertainment conducted, sold, produced, provided, bought, furnished or offered and including the following: Bulletin Sign; General Advertising Sign; Incidental Advertising Sign; Junior Poster Panel Sign; and Poster Panel Sign.

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~~"AE Zone and A1-A30 Zones"~~

~~Area of Special Flood Hazard with water surface elevations determined by detailed engineering analysis methods that meet the Federal Emergency Management Agency (FEMA) criteria for such analyses. Base flood elevations are shown within the AE Zone. (The AE Zone is used on new and revised maps in place of A1-A30 Zones.)~~

"Affected jurisdiction(s)"

The municipal or quasi-municipal entities which have adopted the Airport Overlay District regulations in Article 21 of these regulations, specifically the City of Olathe, Kansas; the City of Overland Park, Kansas; the County of Johnson, Kansas; and the Johnson County, Kansas Airport Commission.

"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; and accessory uses, necessary for the carrying out of farming operations, including structures for storage, processing and 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.

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~~"AH Zone"~~

~~Area of Special Flood Hazard having shallow water depths or unpredictable flow paths, or both, where depths are between one (1) and three (3) feet with Base Flood Elevations determined. These are usually areas of ponding.~~

"Airport"

Any area of land or water designed, set aside or used for the landing and take-off of aircraft including all necessary facilities for the housing and maintenance of aircraft and also including the Johnson County Executive Airport near 151st Street and Pflumm road and the New Century AirCenter near 175th Street and Interstate Highway 35 and any privately owned airport which uses its facilities to provide a service to the public and which is located within unincorporated Johnson County or within 5 miles of the territorial limits of unincorporated Johnson County and for which the Board has found that airport zoning is necessary to protect the public interest in the services afforded by said privately owned airport.

"Airport Elevation"

The highest point of the usable landing area of an airport measured in feet from mean sea level.

"Airport Hazard"

Any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking-off at any airport or is otherwise hazardous to such landing or taking-off of aircraft.

"Airport Hazard Area"

Any area of land or water upon which an airport hazard might be established if not prevented as provided in Article 21 of these regulations.

"Airport Hazard Overlay Zones"

The approach, transitional, horizontal, and conical zones. These zones apply to the area under the approach, transitional, horizontal, and conical surfaces defined in Subpart C of Federal Aviation Regulations (FAR), Part 77 and as described herein, and as shown on the Johnson County Airspace Zoning Map on file with the County Planning Office. These surfaces are also referred to as "imaginary surfaces."

"Airport Zoning Commission"

The commission duly appointed by the Board and charged with airport planning and zoning duties as provided in these regulations.

"Alley"

A minor public right-of-way or minor private easement other than a street not intended for general traffic circulation and which provides only a secondary means of public access to abutting property which also has principal access to a street.

"Alteration"

Any change, addition or modification in construction or occupancy of an existing building or structure.

"Amusement, Arcade"

Any business establishment housing four or more amusement devices, including video games, pinball, or similar coin-operated amusement devices.

"Amusement, Device"

Any machine, device that is coin operated, or otherwise available for hire, which permits a person or operator to use the device as a game or contest of skill, regardless of registering a score. It includes, electronic or mechanical game machines, pool games, mechanical children's rides, electronic video games, shooting gallery type games or similar operations. This definition does not include merchandise vending machines or coin-operated phonographs, televisions or other devices which are not designed for manipulation by the person operating the device.

"Animal Hospital or Clinic"

An establishment where animals are admitted principally for examination, treatment, or care by a Doctor of Veterinary Medicine. This does not include boarding or breeding kennels other than boarding limited to short-term care incidental to the hospital/clinic use.

"Antenna Support Structure"

A pole, telescoping mast, tower tripod, or any other structure which supports a communication antenna.

"AO Zone"

Area of Special Flood Hazard having shallow water depths or unpredictable flow paths, or both, where depths are between one (1) and three (3) feet with average depths of inundation determined. These are usually areas of sheet flow on sloping terrain.

"Apartment"

A room or suite of rooms comprising an independent self-contained dwelling unit with private bath and kitchen facilities within a building containing, arranged, intended or designed for more than two dwelling units.

"Apartment, Garden"

An apartment house/building located on a lot either singly or together with other similar buildings generally one or two stories in height, and having grounds completely landscaped.

"Apartment House/Building"

A building arranged, intended or designed for more than two families.

"Appeal"

A request for the Board of Zoning Appeals to review the Zoning Administrator's interpretation of any provision of these regulations or a request for a variance.

"Applicant"

The owner, lease holder, contract buyer or person duly authorized to be a representative of the legal owner of the land proposed to be subdivided, or for which a building permit, conditional use permit, variance, rezoning, zoning amendment, or zoning permit has been requested.

"Approach Surface"

A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 3 of Article 21 of these regulations. In plan view the perimeter of the approach surface coincides with the perimeter of the approach zone.

"Approach, transitional, horizontal, and conical zones"

The height hazard zones as established and set forth in Article 21 of these regulations.

"Architecturally Designed Antenna"

A communication antenna designed as an architectural or sculptural element in terms of material, style or other design considerations, so that it is architecturally compatible with the structure on which it is mounted or the existing use and structures of the site, and with the character of the neighborhood.

"Area of Future Conditions Flood Hazard"

The land area that would be inundated by a flood having a one percent (1%) or greater chance of occurrence in any given year based on analyses that account for future-conditions hydrology.

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"Area of Shallow Flooding"

Area of Special Flood Hazard designated AO Zone or AH Zone on the Johnson County Flood Insurance Rate Map (FIRM) with a one percent (1%) or greater chance of flooding in any given year to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of Special Flood Hazard"

The land in the flood plain within unincorporated Johnson County according to the Johnson County Flood Insurance Rate Map (FIRM) that has a one percent (1%) or greater chance of flooding in any given year. The Area of Special Flood Hazard is comprised of areas designated either A Zone, AE Zone, AH Zone, AO Zone, A99 Zone, or Floodway Areas in AE Zone on the Johnson County Flood Insurance Rate Map (FIRM). For purposes of that portion of the Flood Plain Management Regulations contained within the Zoning and Subdivision Regulations, the term "Special Flood Hazard Area" is synonymous in meaning with the phrase "Area of Special Flood Hazard".

"Arterial Street"

A street or road which primarily serves as a transportation link for vehicular traffic into, out of, or around the County and carries or is expected to carry high traffic volumes. Arterial streets serve neighborhoods and large areas of the County. Generally, section line roads become arterial streets as the area along the section line develops. Existing and proposed major streets in the County are depicted on the Comprehensive Arterial Road Network Plan (CARNP). Arterial streets do not generally provide direct access to residential driveways except in very unusual circumstances where such access clearly would be of an interim or temporary nature.

"Associated Equipment Structure"

A structure containing the equipment necessary for the operation of a communication tower or communication antennas.

"Attention Attracting Device"

Any sign or portion of a sign with flashing, blinking, rotating, or moving action, banner, representation of animal or human forms, searchlight or balloons designed or intended to attract attention of the public to an establishment or to a sign.

"Automotive Repair Shop"

A building or place used as a repair garage for passenger cars, pick-up trucks, light-duty trucks, motorcycles, truck tractors with or without attached freight trailer), , and other such similar motorized vehicles where repair is provided totally within a completely-enclosed building.

"Awning"

A roof-like cover that is temporary in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

"Awning Sign"

Any sign affixed directly on, painted on or attached to a non-permanent shelter supported entirely from the exterior wall of a building and composed of non-rigid material except for the supporting framework.

"Base Flood"

The flood having a one percent chance of being equaled or exceeded in any given year.

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"Base Flood Elevation"
See "Flood Elevation, Regulatory"

"Basement"
That portion of a building which has more than one-half of its floor-to-ceiling height below the average grade of the adjoining ground. For purposes of that portion of the Flood Plain Management Regulations contained within the Zoning and Subdivision Regulations, any area of the building having its floor subgrade (below ground level) on all sides.

"Berm"
A mound of earth, or the act of moving earth into a mound.

"Block"
A tract or parcel of land entirely bounded by streets, or by a combination of streets and public parks, cemeteries, railroads, rights-of-way, shoreline or waterways, or boundary lines of municipalities other than alleys. In cases where platting is incomplete or disconnected, the outline of block(s) is determined based on typical, current development patterns in the neighborhood and the County.

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"Board" or "BOCC"
The Board of County Commissioners.

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"Board of County Commissioners"
Those members duly elected or appointed to the Johnson County Board of County Commissioners pursuant to state statutory law and constituting the Board as a whole.

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"Board of Zoning Appeals" (BZA)
Those members of the Johnson County Board of Zoning Appeals duly appointed by the Board of County Commissioners pursuant to state statutory law and constituting the Board of Zoning Appeals as a whole.

"Boarding House or Lodging House"
Any building, or part thereof in which lodging is provided by the owner or operator to not less than three persons for compensation, with meals served to paying guests or with provisions for cooking in any of the rooms occupied by paying guests, but not for general public or transient use. A rooming house or furnished rooming house shall be deemed a boarding house.

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"Bond"
A form of security including a cash deposit, surety bond, or instrument of credit in an amount and form satisfactory to the County's Attorney. All bonds shall be approved by Johnson County whenever a bond is required by these regulations prior to the commencement of any construction.

"Bonus Lot"
In Planned Rural Development Subdivisions, an additional lot that is allowed at the rate of one (1) additional lot per thirty (30) acres of real property platted into a Planned Rural Development Subdivision in return for arranging the subdivision to front all lots onto Local or Collector streets.

"Buffer Area"
An open and unobstructed land area of a tract used to visibly separate one use from another or to shield or block noise, lights or other nuisances or potential nuisances and usually in addition to any required yards around the perimeter of any building or structure where required.

"Building"

Any structure having a roof or dome and built for the support, shelter or enclosure of any individual, persons, process, equipment, goods, animals, chattels, materials or movable property of any kind or nature.

"Building Code"

The building code duly adopted by the Board to regulate the construction of buildings or structures in the County and including all related or ancillary codes pertaining to the electrical, plumbing, structural, and the like regarding aspects of the construction of buildings or structures.

"Building Front"

The side of a building with the main entrance door.

"Building Height"

See "Height".

"Building Permit"

A permit for new construction, remodeling or additions pursuant to the building code as adopted by the County.

"Building, Principal"

Any building where the main or principal use is conducted on the tract or lot on which it is located.

"Bulletin Sign"

Any advertising sign from 301 through 650 square feet in sign area.

"Business Park"

See "Industrial Park".

"Business Sign"

Any identification sign for an individual business establishment which identifies or directs attention to the activity, business, entertainment, product, profession, or service conducted, furnished, offered, provided, or sold on the premises where the sign is located.

"Camp"

Any plot, including its area of land or water, where two or more cabins, tents, shelters, houseboats or other accommodations of the design or character suitable for seasonal or other, more or less, temporary living purposes, for recreation, education or vacation purposes, but not including a day camp, trailer camp, boarding house, rooming house, tourist home, hotel, summer colony, hospital, place of detention, school of general instruction or nursery school.

"Camping Trailer"

See "Trailer, Camping/Travel Trailer".

"Capital Budget"

The budget adopted for capital improvements in the County.

"Capital Improvement Plan"

The plan duly prepared and adopted by the Board for the Capital Improvement Program for Johnson County, Kansas.

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~~"Capital Improvement Program" (CIP)~~

~~The process and products of addressing all future capital improvements for public facilities or public facilities projects to identify needs; solutions and options, if any; priorities for implementation; capital budget resources; and the associated allocation of funds for construction of public facilities or public facilities projects. The common product of the needs assessment, identification of solutions and options and priority setting activities in the capital improvements program process is the Capital Improvements Plan.~~

"Car Wash"

A building, portion thereof, or area containing facilities for washing automobiles, trucks, motor vehicles for ground transportation purposes only and using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices; or providing space, water, equipment or soap for the complete or partial hand-washing of automobiles, whether by operator or by customer.

"Central Water System"

A water system serving a subdivision or grouping of two (2) or more nearby building lots established and operated in accordance with applicable codes and license requirements either privately to serve the general area of the property considered for development or established and operated by a water utility district serving general areas of the County. This includes the associated water treatment and distribution facilities.

"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.

"Channel"

A natural or artificial watercourse of perceptible extent with a definite bed and banks to confine and conduct the normal continuous or periodical flow of water.

"Channel Flow"

The water which is flowing within the limits of a defined channel.

"Child" or "Children"

Human being(s) not over the age of twelve (12).

"Child-Care Center"

See "Day-Care Center".

"Church"

A building or structure, or parts thereof, or groups of buildings or structures, which by design and construction are primarily intended for the conduction of organized religious services and accessory uses associated therewith.

"Club, Private"

A building or premises used for social, recreational, dining, or philanthropic purposes. Normal use is limited to specific members, patrons or otherwise listed and enumerated persons.

"Cluster Development"

The site planning technique of grouping buildings in specific areas on the site around courts or common open spaces to allow the remaining land to be used for recreation, the preservation of environmentally sensitive features, such as agricultural lands or land for future development.

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"Co-Location"

Locating wireless communication equipment from more than one service provider on a single structure.

"Code Enforcement Officer"

The Zoning Administrator or any person or employee of the County appointed by the Board of County Commissioners to administer and enforce the provisions of these regulations.

"Collector Street"

A street intended to move traffic from local streets to arterial streets. A collector street typically is located along or near the half section lines in each land section of the Section, Township and Range geographic location system grid. A collector street typically serves a neighborhood or large subdivision, and it is designed to limit the number of residential properties facing onto it or having direct driveway access to it unless such access is clearly of an interim or temporary nature.

"College"

Any accredited educational institution authorized to award baccalaureate or higher degrees.

"Commercial Greenhouse"

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

"Commercial Use"

An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.

"Commercial Vehicle"

Any motor vehicle licensed by the state as a commercial vehicle.

"Communication Antenna"

An apparatus designed for transmitting or receiving television, AM/FM radio, radar, digital, microwave, cellular, telephone, or similar forms of electronic communication, except ground-mounted satellite dish antennas, which are not used for domestic purposes (i.e., television or radio antennas for single family dwellings).

"Communications Nuisance"

A use or structure which creates interference with radio communications and electronic navigational aids or devices, including instrument landing systems, for aircraft using an airport.

"Communication Tower"

A guyed or self-supporting tower, constructed as a free-standing structure or in association with a building or other permanent structure or equipment, which contains one or more communication antenna. The following types of communication towers are referred to in these regulations:

1. "Guyed Tower"
A tower that is supported, in whole or in part, by guy wires.
2. "Lattice Tower"
A guyed or self-support tower that is generally three or four sided and has a lattice frame.
3. "Monopole Tower"
A self-support tower consisting of a single pole.
4. "Self-Support Tower"
A tower that is constructed without guy wires.

"Completely Enclosed Building"

A building separated on all sides from adjacent open space or from other buildings by fixed exterior walls or party walls, pierced only by windows and entrance or exit doors, and covered by a permanent roof.

"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.

"Comprehensive Plan"

The "Rural Comprehensive Plan: A Plan for the Unincorporated Area of Johnson County" adopted by the County for the development of the entire unincorporated area of the county, pursuant to the applicable Revised Statutes of Kansas, showing the desirable land use patterns which may include streets, bridges, viaducts, parks, public reservations, roadways in parks, sites for public buildings and structures, zoning districts, waterways and drainage systems, and such other features, existing and proposed, as will provide for the improvement of the County and its future growth, protection and development, and will afford adequate facilities for the housing, transportation, distribution, comfort, convenience, public health, safety and general welfare of the population of the county.

"Conditional Use"

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

"Conditional Use Permit"

A permit issued after authorization by the Board pursuant to the provisions of Article 23 of these regulations. The resolution adopted by the Board authorizing the conditional use shall be considered the permit.

"Conical Surface"

A surface extending outward and upward from the periphery of the horizontal surface at a slope of one foot (1') upward for each twenty feet (20') outward for a horizontal distance of four thousand feet (4,000').

"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).

"Construction Landfill"

See, "Demolition Landfill".

"Construction Plans"

The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the

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subdivision regulations, adopted construction standards for streets or storm drainage systems, and the conditions of the approval of the subdivision plat.

"Construction Site Sign"

Any temporary identification sign located on a construction site and providing general information about the construction project underway or the participants.

"Conventional Subdivision"

A style of subdivision that generally places lots across the entirety of the tract being subdivided and that is designed and developed in accordance with these regulations.

"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.

"Costs"

The estimated cost of public facilities or public facilities as stated in the Capital Improvements Plan.

"County"

Johnson County, Kansas.

"County's Attorney"

The attorney in charge of the Johnson County Legal Department, or such person's designee.

"Court"

An open area, unobstructed from the ground to the sky which is bounded on three or more sides by exterior walls of one or more buildings.

"Cul-de-Sac"

The turnaround at the end of a dead-end street.

"Cul-de-Sac Street"

A local street with only one (1) outlet and having a circular turnaround for the safe and convenient reversal of traffic movement.

"Curb Level"

The average level of the curb in front of a lot, or, in the case of a corner lot, along each abutting street where the curb level is the highest.

"D Zone"

Areas where there are possible but undetermined flood hazards.

"Datum"

For the purpose of determining the height limits in the Airport Overlay District or the Flood Plain Overlay District zones set forth in these regulations, the datum shall be mean sea level elevation unless otherwise specified.

"Day Camp"

Any plot of land, including any building or structure thereon, if any, used for any assembly of persons for what is known as "day camp" purposes, including any area of land or water, or both, on which are

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located facilities, accommodations, buildings or structures of a design or character not suitable for permanent or year-round occupancy but suitable for recreational purposes, primarily for children, but not including any nursery school nor including any living quarters except for one principal single-family residence on the plot.

"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.

"dB(A)"

The unit of measurement of sound levels on the A-weighted decibel scale which gives greater weight to the middle frequencies to which the human ear is more sensitive and which are the frequencies useful for human communication.

"Dead-End Street"

A street having only one (1) outlet.

"Decibel"

The unit for expressing and measuring the relative intensity of sounds on a scale from zero for the average least perceptible sound for the human ear to about 135 for the average sound level which inflicts pain to humans.

"Dedication"

The setting aside of land for public use; the appropriation or donation of land by its owner for some public use.

"Delicatessen"

A place serving food already prepared without the use of an on-site kitchen or foods that require little on-site preparation whether for on-site consumption or for carry-out.

"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 landfilling within each approved layer and landfill cell area within the boundaries of the landfill.

"Density"

The average number of persons or dwelling units per unit of land. The density is usually expressed as "persons per acre or dwellings per acre".

"Destroyed"

Damaged by any cause whatsoever to the extent of more than fifty percent (50%) of the value immediately prior to damage.

"Detached Sign"

Any free-standing sign placed upon or set onto the ground or supported by one or more uprights or braces independent of any building or other structure.

"Developer"

Any applicant with respect to any parcel of land, who causes it to directly or indirectly be used for development; one who directly or indirectly sales, leases or develops or offers to sell, lease or develop, any lot, plot, parcel, site, unit or interest for a development; one who engages directly or indirectly or through an agent in the business or occupation of selling, leasing, developing or offering for sale, lease or development, a development use of any lot, plot, parcel, site, unit or interest for a development use; or one who is directly or indirectly controlled by, or under direct or indirect common control with, any of the foregoing shall be deemed to be a developer.

"Development"

Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of materials or equipment or any other activity which requires the issuance of a permit.

"Development Complex"

A group of three (3) or more free-standing buildings, or buildings intended for permitted use as apartment complexes, townhouse complexes, office or business parks, shopping centers, industrial parks, hotels and motor hotels and constructed in such a way as to give an appearance of being inter-related because of architectural similarity and interconnected drives and parking areas; or a building divided into three or more separate offices, businesses or apartments for three or more tenants or business establishments.

"Development Complex Sign"

Any identification sign giving the name, address, logo, symbol, etc. of a development complex.

"Development Plan"

The plan drawings for one or more tracts on which is shown the existing and proposed conditions of the tract including: topography, vegetation, drainage, building outline(s), site pavement, locations of ingress and egress, utility services, signs, outside illumination, site screening, and any other information that reasonably may be required in order that an informed decision can be made by the Board.

"Directly Illuminated Sign"

Any sign where the source of illumination of the sign is exposed to the human eye, such as incandescent bulb or florescent tube but not including neon tube.

"Director"

The Director of Planning for Johnson County, Kansas or such person's designee.

"Double Frontage Lot"

A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot which fronts on two intersecting streets.

"Drive-In/Drive-Through Establishment"

An establishment which by design, physical facilities, service, or by packaging procedures encourages or permits patrons to be served or otherwise conduct their business while remaining in their motor vehicle which is parked or stopped in a space provided on the premises for that purpose.

"Drive/Driveway"

A surfaced area specifically designated and reserved on the lot for the movement of vehicles from one lot to another or from a lot to a public street.

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"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 and 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.

"Dwelling, Detached"

A dwelling which is not attached to any other dwelling.

"Dwelling, Efficiency or Efficiency Unit"

An apartment intended for occupancy by one person, generally having one or two rooms.

"Dwelling, House, Condominium"

A building containing dwelling units that are separated by a party wall and designed and intended to be separately owned.

"Dwelling, Multiple-Family"

A building used for occupancy by three or more families living independently of one another.

"Dwelling, One-Family or Single-Family"

A building with one dwelling unit arranged, intended or designed for occupancy by one family and including Residential Design Manufactured Homes and including Group Homes Type One.

"Dwelling, Permanent"

A permanent building or portion there, designed exclusively for human habitation, including one-family, two-family and multiple-family dwellings, boarding and lodging houses, apartment houses and townhouses, but not hotels.

"Dwelling, Townhouse"

A single-family dwelling constructed as part of a series or row of dwellings, each of which has its own front and rear access to the outside, and all of which are either attached to the adjacent dwelling or dwellings by party walls or are located immediately adjacent thereto, and no unit is located over another unit, and each unit is separated from any other unit by one or more common fire-walls.

"Dwelling, Two-Family or Duplex"

A building containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall except for a common stairwell exterior to both dwelling units and designed for occupancy by two families.

"Dwelling Unit"

One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of one family maintaining a household.

"Easement"

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

"Effective Floor Area Ratio, (Effective F.A.R. or Effective FAR)"

See "Floor Area Ratio, Effective ('F.A.R., Effective' or 'FAR, Effective')"

"Elevated Building"

For Flood Plain Management purposes, a non-basement building which has its lowest elevated floor raised above ground elevation by foundation walls, shear walls, posts, piers, pilings, or columns.

"Environmental Overlay Analysis"

A copy of the Preliminary Plat of a proposed subdivision, or at least a tracing vellum map overlay on a copy of the Preliminary Plat of a proposed subdivision, on which Environmental Review Information as required by Article 30, Section 4 of these regulations is depicted and also any written calculation sheets, reports, descriptions, explanations, or other such information submitted to supplement or complete the Environmental Overlay Analysis.

"Established Setback"

The average setback along the same side of the street as established by three (3) or more existing buildings not farther than three hundred (300) feet apart and not beyond any intersecting street.

"Excavation"

The removal or recovery by any means whatsoever of soil, rock, minerals, stone, sand, gravel, loam, topsoil, or other earth or earth product from water or land or from beneath the surface thereof on a lot, tract or parcel of land, except for removal or recovery necessary for the construction of a building, structure, roadway or other paved area.

"Existing Construction"

For the purposes of determining flood insurance rates, structures for which "Start of Construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRM's effective before that date. "Existing Construction" may also be referred to as "Existing Structure."

"Existing Manufactured Home Park or Subdivision"

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the July 31, 2003, effective date of that portion of the Flood Plain Management Regulations contained within the Zoning and Subdivision Regulations.

"Existing Use"

The use of a lot or tract or building or structure at the time of enactment of these regulations.

"Exotic Birds or Animals"

Birds or animals not commonly kept domestically.

OMITTED BY
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"Expansion of an Existing Manufactured Home Park or Subdivision"

The construction of facilities for servicing additional lots on which manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"FAA"

The Federal Aviation Administration.

"Factory"

A building in which semi-finished or finished materials are converted to a different form or state or where goods are manufactured, assembled, treated, or processed.

"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 is built to enclose, partially enclose or screen areas of land, but shall not include barriers around sites where construction is actively underway.

"Fence, Ornamental"

A fence which is designed and built to be decorative and to add to the aesthetics or attractiveness of the lot or tract upon which it is placed.

"Final Plat"

See "Plat, Final".

"Flea Market"

Any place, with or without permanent buildings or structures, where the owner or operator thereof allows more than one person to sell merchandise from stalls, booths, stands, etc., which are not open for business on a daily basis or which are not regularly used by the same persons selling the merchandise.

OMITTED BY
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"Flood" or "Flooding"

A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland waters;
2. The unusual and rapid accumulation of runoff of surface waters from any source; or
3. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by the unusually high water level in a natural body of water, accompanied by severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding as defined above in item (1).

OMITTED BY
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"Flood Damage Reduction System"

Those physical structural works for which funds have been authorized, appropriated, and expended and that have been constructed specifically to modify flooding in order to reduce the extent of the area within the County subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

OMITTED BY
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"Flood Elevation, Regulatory"

The elevation indicated on the Johnson County Flood Insurance Rate Map (FIRM) as the elevation of a flood that has a one percent (1%) or greater chance of occurrence in any given year. The term "Regulatory Flood Elevation" is synonymous in meaning with the phrase "Base Flood Elevation."

OMITTED BY
SECTION 4 OF
ORDINANCE
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"Flood Hazard Area"

The areas of the County designated as "Area of Shallow Flooding," "Area of Special Flood Hazard," "Floodway," "Regulatory Floodway," or "Floodway Fringe" as provided in these regulations.

OMITTED BY
SECTION 4 OF
ORDINANCE
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"Flood Insurance Study"

The official two volume report for Johnson County, Kansas (which is designated as Community Number 200159), with a revised date of, June 17, 2002, and any amendments thereto, if any, as provided by the Federal Emergency Management Agency and which report is on file with the County Planning Office. The report contains flood profiles, as well as the Johnson County Flood Insurance Rate Map (FIRM) and the water surface elevations of the base flood.

AMENDED: SEE
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"Flood Plain"

Any land area susceptible to being inundated by water from any source.

OMITTED BY
SECTION 4 OF
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"Flood Plain, Regulatory"

Any land area adjacent to a watercourse subject to inundation from a flood having a chance of occurrence in any one year of one percent (1%) or greater.

OMITTED BY
SECTION 4 OF
ORDINANCE NO.
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"Flood Plain Development Permit"

A permit signed by the Zoning Administrator authorizing development in a flood plain, which includes all necessary supporting documentation such as: (1) the site plan; (2) an elevation certificate when required by these regulations; and (3) any other necessary or applicable approvals or authorizations from federal, state or local authorities.

OMITTED BY
SECTION 4 OF
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"Flood Plain Management"

The operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and Flood Plain Management Regulations.

OMITTED BY
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"Flood Plain Management Regulations"

The zoning and subdivision regulations, building codes, Johnson County Environmental Sanitary Code and special purpose regulations (such as riparian buffer and grading regulations) and other applications of police power that provide standards for the purpose of flood damage prevention and reduction.

"Flood Plain, Regulatory"

Any land area indicated on the Johnson County Flood Insurance Rate Map (FIRM) that is subject to inundation from a flood having a one percent (1%) or greater chance of occurrence in any given year.

OMITTED BY
SECTION 4 OF
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"Flood Proofing"

Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

OMITTED BY SECTION
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"Flood Protection Elevation, Regulatory"

An elevation two (2) feet higher than the Regulatory Flood Elevation.

OMITTED BY
SECTION 4 OF
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"Flood Protection System"

Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within the County subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound federal engineering standards.

OMITTED BY
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"Floodway" or "Regulatory Floodway"

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.

OMITTED BY SECTION
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"Floodway Encroachment Lines"

The lines marking the limits of floodways on federal, state and local flood plain maps.

OMITTED BY SECTION
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"Floodway Fringe"

That area of the flood plain, outside of the Floodway Encroachment Lines, but still within the boundaries of the Regulatory Flood Plain.

OMITTED BY
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"Floor Area, Gross"

The sum of the gross horizontal areas of all floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.

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"Floor Area, Main"

The sum of the gross floor area of a building and the gross horizontal areas of all interior parking spaces, loading spaces for motor vehicles where the floor-to-ceiling height is greater than six (6) feet and any attached structure.

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"Floor Area, Net"

The total of all floor areas of a building, excluding elevator shafts and stair wells, hallways, incidental storage rooms, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

"Floor Area Ratio, (F.A.R.)"

The gross floor area of all buildings on any lot divided by the lot area.

"Floor Area Ratio, Effective ('F.A.R., Effective' or 'FAR, Effective')"

The floor area ratio that is calculated to include permanent open spaces, primary flight corridor areas for airports, flight operations areas at the airports, park and open space areas dedicated to the public, regulatory flood plain areas and similar such open areas around or adjacent to the development site as shown in detail on the Preliminary and Final Development Plans for any lot.

"Freeboard"

A factor of safety usually expressed in feet above a flood level for purposes of Flood Plain Management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.

"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.

"Frontage Road"

A public or private access roadway generally paralleling and contiguous to a street or highway providing access to abutting properties and which is designed to promote safety by eliminating ingress and egress to such street or highway by providing points of access at generally uniformly spaced intervals.

"Future-Conditions Flood Hazard Area" or "Future-Conditions Flood Plain"

See "Area of Future-Conditions Flood Hazard."

"Future-Conditions Hydrology"

The flood discharges associated with projected land-use conditions based on the County's Rural Comprehensive Plan or zoning map, whichever would allow the most intensive uses, without consideration of projected future construction of flood detention structures or projected future hydraulic modifications within a stream or other waterway, such as bridge and culvert construction, fill, and excavation.

"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.

"Garage, Community or Storage"

A garage other than a repair garage, used exclusively for the parking and storage for vehicles owned or operated by residents of nearby dwelling units and their guests or for development complexes

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within three hundred (300) feet of the garage and in lieu of private garages and not available to the general public.

"Garage, Private"

A building or portion of a main building accessory to a dwelling or business and used for the parking and storage of vehicles owned and operated by the residents or occupants of the property, and which is not a separate commercial enterprise or available to the general public.

"Garage, Public"

A garage other than a repair garage or private garage, used exclusively for the parking and storage for vehicles and available to the general public.

"Garage, Repair"

A building or premises designed or used for the storage, care, repair, servicing or refinishing of vehicles including both minor and major mechanical overhauling, paint and body work.

"Gasoline Sales Facility"

Any use of land, including any buildings or structures thereon, that is used for the supply of gasoline or other fuel for the propulsion of vehicles, without any area, building or structure used for polishing, greasing, washing, spraying, cleaning, servicing or repairing of motor vehicles.

"Gasoline Service Station"

Any use of land, including any buildings or structures thereon, that is used for the supply of gasoline or other fuel for the propulsion of vehicles, including any area, building or structure used for polishing, greasing, washing, spraying, cleaning, servicing or repairing of motor vehicles.

"General Advertising Sign"

Any advertising sign no larger than the general sign area requirements for the zoning district in which the sign is located.

"Glare"

The effect produced by brightness sufficient to cause annoyance, discomfort, or a reduction in visual performance and visibility.

"Governing Body"

The Board of County Commissioners of Johnson County, Kansas.

"Grade"

The elevation of a surface, specified in feet above a reference mark elevation.

"Gradient"

The slope of the surface of land or a road, street or other public way specified in percent (%).

"Grading"

Any stripping, removing, terracing, cutting, filling, stockpiling or other altering of earth or land.

"Ground Cover"

Grasses or other plants grown to keep soil from being blown or washed away or to improve the appearance of the land area.

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"Group Home"

Type One: Any dwelling occupied by not more than ten individuals including a) eight (8) or fewer individuals with a disability who need not be related by blood or marriage and b) not to exceed two staff residents who need not be related by blood or marriage to each other or to the eight or fewer other said individuals, who are occupying and 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 Two: Any dwelling occupied by not more than ten individuals including a) eight (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 One;

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

"Growth Policy Area"

The area(s) designated for certain land use and development policies established by the "Rural Comprehensive Plan: A Plan for the Unincorporated area of Johnson County," for areas designated as "Growth Policy Areas" by that Plan.

"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.

"Habitable Floor"

Any floor used for living, which includes working, sleeping, eating, cooking or recreation or combination thereof. A floor used only for storage purposes is not a habitable floor.

"Handbills, Placards or Posters"

Any temporary sign made of cardboard, paper, pressed wood, plastic, or metal and attached to a fence, tree, post, utility pole, building or structure, or inside a window.

"Head-In Parking"

Parking provided at an angle to the curb or edge of street surface that requires the automobile to use the traffic lanes when backing out of the parking space.

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"Height"

The vertical distance measured from the average finished grade adjoining the front of a building or structure to the highest point of a building or highest point of any permanent part of a structure other than a building. Chimneys, towers, spires, mechanical equipment, equipment penthouses, tanks, and other similar projections or appurtenances not intended for human occupancy shall be excluded but in no case shall any of these projections or appurtenances exceed the maximum allowed height by more than 25 feet. Height, where not regulated in feet, shall be regulated by stories. A story shall be equal to twelve feet for purposes of measuring structures other than buildings. For purposes of the Airport Overlay District zones, the datum for height measurements shall be mean sea level unless otherwise specified and the height limits in all Airport Overlay Zones shall be as established on the Airport Zoning Map. For purposes of the Flood Plain Overlay District zones, the datum for height measurements shall be mean sea level unless otherwise specified, and the elevation limits in all Flood Plain Overlay Zones shall be the elevations as established on the Flood Plain Zoning Map(s).

"Helipad"

The designated takeoff and landing area for helicopters at a heliport.

"Helipad Primary Surface"

A horizontal plane area which coincides with the size and shape of the helipad and which is at the established elevation of the helipad.

"Heliport"

A landing, loading and takeoff area used by helicopters, whether at ground level or elevated on a structure, and including necessary passenger and cargo facilities, maintenance equipment and overhaul areas, fueling, service, storage, tie-down areas, hangars, and other necessary buildings and open spaces.

"Highest Adjacent Grade"

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

"Highway"

A thoroughfare controlled and maintained by the Kansas Department of Transportation.

"Highway, Limited Access"

A freeway or expressway providing a trafficway for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such trafficway.

"Historic Structure"

Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

- a. By an approved state program as determined by the Secretary of the Interior; or
- b. Directly by the Secretary of the Interior in states without approved programs.

"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.

"Horizontal Surface"

A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan-view coincides with the perimeter of the horizontal zone.

"Hotel, Motel or Motor Hotel"

A building offering transient lodging accommodations to the general public which is open for year-round occupancy, and including establishments designated as auto courts, tourist cabins, and the like.

"Identified Primary Flight Corridors"

The linear-shaped areas of the width and length established by Article 21 of these regulations which are located along and centered on the extended centerline of runways at the Johnson County Executive Airport and the New Century AirCenter and which are labeled in a general fashion as "Primary Flight Corridors" by the Johnson County Executive Airport Comprehensive Compatibility Plan and by the New Century AirCenter Comprehensive Compatibility Plan.

"Identification Signs"

Any on-premise sign which primarily identifies or directs attention to the name, symbol, or address of a building, development, development complex, institution, or person, and including the following: "Business Sign", "Development Complex Sign", "Incidental Identification Signs", "Institutional Sign", "Nameplate Sign", and "Neighborhood Sign".

"Illumination Nuisance at an Airport"

A use which creates difficulty for pilots to distinguish between navigational lights or markers and other lights or which otherwise impairs visibility with respect to aviation operations in the vicinity of an airport.

"Imaginary Surfaces"

The approach, transitional, horizontal, and conical surfaces as defined and established by the regulations in Article 21 of these regulations.

"Improvements"

All facilities constructed or erected within a subdivision or development by the developer, or persons, employees or agents of the developer, or the County, to permit and facilitate the use of lots or blocks for a principal residential, commercial, or industrial use.

"Incidental Advertising Signs"

Certain temporary or accessory advertising signs customarily associated with certain uses or events, as follows: See "Real Estate Lot Sign", "Real Estate Project Sign", "Special Event Sign".

"Incidental Identification Signs"

Certain temporary or accessory identification signs customarily associated with certain uses or events, as follows: See "Construction Site Sign", "Instruction Sign", "Minor Identification Sign".

"Indirectly Illuminated Sign"

Any sign illuminated by a light source directed onto the sign surface but which is so shielded as to not be visible at eye level.

"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.

"Industrial Park" (or "Business Park")

A planned, coordinated development of a tract of land with two or more separate industrial or business buildings. Such developments are designed, planned, constructed, managed and equipped as an integrated and coordinated facility to accommodate a community of businesses or industries, providing them with all necessary facilities and services with special attention to on-site vehicular circulation, parking, utility needs, open space, and building design and orientation compatible with surrounding buildings.

"Infrastructure"

Facilities and services needed to accommodate commercial, industrial and residential uses.

"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.

"Institutional Use"

A non-profit or quasi-public use or institution such as a church, library, public or private school, hospital, or governmentally operated building, structure or land used for a public purpose.

"Institutional Sign"

Any identification sign for an institutional use which identifies or directs attention to the activity, entertainment, or service conducted, furnished, offered, or provided on the premises where the sign is located.

"Instruction Sign"

Any sign no larger than four (4) square feet providing general instructions such as "Enter", "Exit", "No Hunting", "No Trespassing", "Open", or "Vacancy".

"Internally Illuminated Sign"

Any sign illuminated by an internal light source diffused through a translucent material.

"Johnson County Flood Insurance Rate Map (FIRM)"

An official map of Johnson County, Kansas, with a revised date of June 17, 2002, on which the results of the Flood Insurance Study have been delineated to show the Area of Special Flood Hazard and the Risk Premium Rate areas applicable to Johnson County.

"Junior Poster Panel Sign"

Any advertising sign not exceeding 100 square feet in sign area but larger than a General Advertising Sign.

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"Junk"

Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition.

"Junk Yard"

See "Salvage Yard".

"Kennel"

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

"Kitchen"

Any place or part of a building that is used for the preparation and cooking of food and the washing of dishes. For purposes of restaurants per these regulations, a food service establishment shall be deemed to have a kitchen if it has any place or part of a building that in any manner exceeds either of the following two food service establishment classifications which are based on the food service establishment classifications of the Kansas Department of Health and Environment:

Class One: Restricted food service establishments including those facilities serving non-potentially hazardous food in the original container or in single-service containers. Facilities serving potentially hazardous food also are Class One facilities if the potentially hazardous food is served in the original container. Class One establishments shall not prepare potentially hazardous food on site. Examples of Class One food service establishment foods include prepackaged popcorn, microwave pizza and sandwiches (these foods are only heated and not prepared on site). Further examples of Class One food service establishments include taverns that do not serve draft beer or a concession stand at a ball park. Class One establishments shall have a hand sink, but, if there is dish washing on site, then the establishment is not a Class One food service establishment. If a place needs to wash utensils, it shall be a Class Two food service establishment.

Class Two: Limited food service establishments shall include facilities serving or preparing potentially hazardous food with no on-site cooking activities or facilities. For example, deli sandwiches (cold meat) that are made on site. Another example is satellite food service uses, such as at schools, where food is served or prepared but not cooked on-site. All Class Two Food Service Establishments should have dish washing and shall have a hand washing facility. Foods shall not be served on reusable tableware, and reusable eating utensils shall not be used. Instead, all tableware and eating utensils shall be single-use, disposable items. However, reusable serving ware and serving utensils may be used and may be washed on site.

"Landscaping"

The bringing of the soil surface to a smooth finished grade, installing trees, shrubs, ground cover or mulch of decorative stone or wood chips or similar materials to soften building lines, provide shade and generally enhance the appearance of the premises and produce an aesthetically pleasing effect.

"Larger than Utility Runway"

A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum ground weight or jet powered aircraft.

"Ldn"(day-night average sound level)"

The unit of measurement of sound levels on the day-night loudness decibel scale which averages the decibel levels of sounds over a 24-hour period and reflects the tendency for sounds to be more disruptive between 10:00 P.M. and 7:00 A.M. by adding ten decibels (10 dB) to all sound intensities occurring between those hours.

"Leq"

The unit of measurement of sound levels on the loudness equivalent decibel scale which averages the decibel levels over a 24-hour period.

"Light-duty Truck"

A pick-up, van, or box-van truck not exceeding 12,500 pounds gross vehicle weight.

"Light Industry"

A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

"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 fifty percent (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.

"Local Street"

A street intended to provide access from individual properties to collector streets and, in unusual circumstances, occasionally to arterial streets. A local street serves or is designed to serve not more than 25 dwelling units per block, has individual building lots fronting onto it, and provides direct access to individual lot driveways.

"Long-Range Road Network Plan"

The plan, duly prepared by the Planning Commission and adopted by the Board in accordance with applicable state laws regarding the preparation and adoption of such plans, and designating the hierarchy of existing and future streets as to design and improvement capacity and specifying the relative importance of the streets for transportation in and through the community.

"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, the PRUR, Planned Rural District, or the PRLD, Planned Residential Low-Density District, the lot size that is determined by 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 centerline of the street, whichever is the case adjacent to the property.

AMENDED: SEE
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"Lot, Corner"

A lot abutting upon two or more streets at their intersection. A corner lot shall be deemed to front on that street on which the lot has its least dimension.

"Lot Depth"

The mean horizontal distance from the front lot line to the rear lot line.

"Lot Frontage"

The distance for which the front lot line and the right-of-way are coincident.

"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"

A line of record bounding a lot which divides one lot from another lot or from a street right-of-way or easement line or any other public space.

"Lot Line, Front"

The lot line separating a lot from the street on which it fronts; or, on a corner lot, the shorter lot line abutting a 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 Line, Side"

Any lot line not a front or rear line thereof. A side lot line may be a party lot line, a line bordering an alley or a street.

"Lot Split"

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

"Lot, Through"

"See Double Frontage Lot".

"Lot Width"

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

"Lowest Floor"

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of these regulations.

"Machinery Repair Shop"

A building or place used as a repair garage for motor vehicles, tractors, construction equipment, farm implements, and other such similar motorized equipment and machinery where repair is provided totally within a completely-enclosed building.

OMITTED BY
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"Major Street Plan"

The plan, duly prepared by the Planning Commission and adopted by the Board in accordance with applicable state laws regarding the preparation and adoption of such plans, and analyzing the conditions and capabilities of existing streets and projecting the needs to improve existing streets and to develop new streets for development in the community.

OMITTED BY SECTION
4 OF ORDINANCE NO.
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"Major Subdivision"

See, "Subdivision, Major".

"Manufacture"

Any method of processing, developing, fabricating, assembling, either raw materials, semi-finished materials or parts into a semi-finished or finished product.

"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 square feet 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.

"Manufactured Home Pad"

That portion of an individual lot on which a manufactured home unit and any associated accessory structure or building is placed.

"Manufactured Home Park or Subdivision"

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Manufactured Home Skirting"

The enclosing of the area between the manufactured home and the ground with a durable and solid material designed to obscure from view the chassis of a manufactured home or designed to enclose the area beneath the manufactured home from the elements.

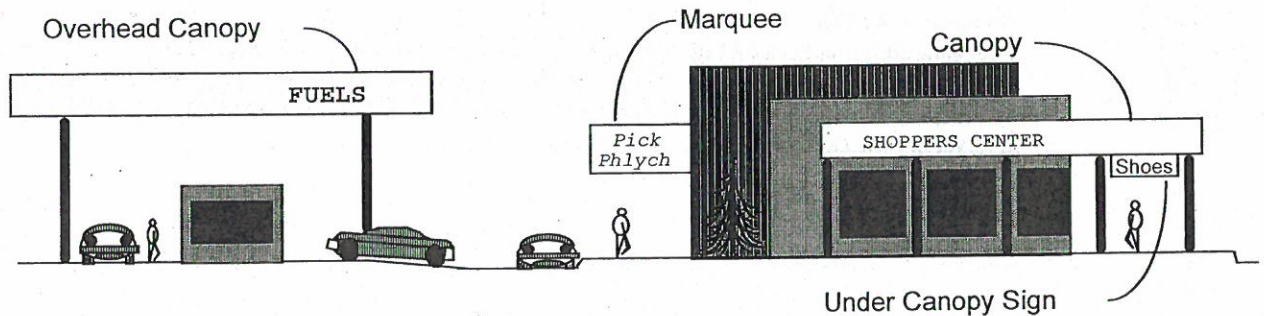
"Market Value" or "Fair Market Value"

For purposes of that portion of the Flood Plain Management Regulations contained within the Zoning and Subdivision Regulations, an estimate of what is fair, economic, just and equitable value under normal local market conditions.

"Marquee, Canopy, or Overhead Canopy Sign"

Any sign affixed flat against, painted on, mounted on or supported by a marquee, canopy or overhead canopy. For purposes of these regulations, marquees or canopies shall be permanent roof-like shelters extending more than one (1) foot from the face of a building or structure; and marquees shall be supported solely by or from the side of a building; and canopies shall be any permanent roof-like structure supported

in part by a building and in part by posts or columns to the ground; and overhead canopies shall be permanent roof-like structures built above a building or any part of a building, such as over the pump islands and a building at a gasoline sales facility. Marquee and canopy surfaces with slopes less than 75% from horizontal shall be considered to be roof surfaces.



OMITTED BY SECTION
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"Mean Sea Level"

The National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on the County's Flood Insurance Rate Map are referenced.

"Median"

A curbed island or other device that acts as a barrier placed on a street between lanes of traffic flowing in opposite directions.

"Median Break"

A place where a street median is not continuous and that is intended for left-turn or U-turn movements by vehicles.

"Minor Advertising Sign"

Any advertising sign with a commercial message that is not legible to a person with 20/20 corrected vision standing at any property line of the lot or tract on which the sign is located, and including, for example, menu board signs, price signs and operating instructions on vending machines, or similar advertising signs not legible as provided herein.

"Minor Identification Sign"

Any identification sign with an informational message that is not legible to a person with 20/20 corrected vision standing at any property line of the lot or tract on which the sign is located, and including, for example, signs stating directives such as "no parking", "entrance", "loading only", "telephone", or "no smoking".

"Minor Local Street"

A street intended to serve abutting properties by providing access to local streets and collector streets. It serves or is designed to serve no more than seven (7) dwelling units and only in very unusual circumstances would it provide direct access to arterial streets unless such access is of an interim or temporary nature as in the case of a street which is initially developed as a minor local street but for which future plans indicated that the street will be extended to become a local street or collector street.

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"Minor Subdivision"

See "Subdivision, Minor".

"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, which contains plumbing, heating, air conditioning and electrical systems installed primarily at the place of manufacture and which is constructed in accordance with the building codes adopted by the County.

"Monument, Survey"

The device, usually a metallic bar or tube, used to mark and identify the corners in the boundaries of subdivisions or lots.

"Monument Sign"

Any detached sign mounted on an enclosed, solid base or structural base which is not narrower than three-fourths the width of the widest part of the sign face.

"Motel"

See "Hotel, Motel, or Motor Hotel".

"Motor Vehicle"

A motorized vehicle with more than three rubber tires including passenger cars, pick-up trucks, light-duty trucks, trucks, and self-propelled farm equipment such as tractors, combines and the like.

"Nameplate Sign"

Any identification sign no larger than ten (10) square feet and including just the name or symbol or address and where applicable, a professional title, of the person(s) occupying the building, portion of a building.

"Natural Drainage Flow"

The pattern and characteristics of surface and storm water drainage from a particular site before the construction or installation of improvements or before any grading.

"Neighborhood Sign"

Any identification sign giving the name, logo, symbol, and the like of a single-family or multi-family residential neighborhood, subdivision or development.

"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.

"New"

After the effective date of these regulations.

OMITTED BY
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"New Construction"

For the purposes of determining flood insurance rates, "new construction" means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For purposes of that portion of the Flood Plain Management Regulations contained within the Zoning and Subdivision Regulations, "new construction" means structures for which the "start of construction" commenced on or after the effective date of the Flood Plain Management Regulations adopted by the County on August 14, 1980, pursuant to County Resolution No. 065-80 and includes any subsequent improvements to such structures.

"New Manufactured Home Park or Subdivision"

A manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of July 31, 2003, for the Flood Plain Management Regulations contained within the Zoning and Subdivision Regulations.

"No access Easement"

A land area at least one (1) foot wide located along a lot line abutting a street, upon which no vehicular driveway shall be permitted.

"Noise-sensitive land use"

(A) an activity or use of property which is sensitive to aircraft noise generation (examples include, but are not limited to: residential uses; educational classroom or assembly facilities; religious classroom or worship facilities; hospitals and similar health service facilities; transient lodging quarters; outdoor places of public assembly such as amphitheaters, stadiums, arenas, and the like; indoor places of public assembly such as auditoriums, convention centers, concert halls, meeting halls, theaters, offices; and the like) or (B) such unconstructed uses as listed above, having an approved subdivision plat, development plan or building permit.

"Nominal Lot Area"

See "Lot Area, Nominal".

"Noncommercial Speech Sign"

Any sign stating opinion(s), or general information of an ideological nature and not otherwise provided for in these regulations.

"Nonconforming Sign"

Any sign that does not comply with the standards established at the time these regulations came into effect.

"Nonconforming Sign Support"

The supporting members of the sign such as frame, poles, brackets or structure by which a sign is mounted on or fixed to a building or the ground which do not comply with the standards established at the time these regulations came into effect.

"Nonconforming Use, Building, Lot, or Yard"

A use, building, lot, or yard which does not, by reason of design, use or established dimensions, conform to these regulations for the district in which the use, building, lot or yard is situated; which complied with the applicable regulations at the time it was established; and which existed as such on the date of adoption of these regulations.

"Nonprecision Instrument Runway"

A runway having a nonprecision instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or is planned and for which no precision approach facilities are planned or indicated on an approved airport layout plan or any other officially adopted airport planning document.

"Nursery, Landscape"

Any land used to raise trees, shrubs, flowers or other plants for retail sale on-site.

"Off-Premise Sign"

Any sign not located at the site of that which is advertised or identified.

"Offset Intersection"

A street intersection where one or more of the intersecting streets does not have a straight common centerline with another of the intersecting streets.

"Offset Street"

A continuous street whose centerline is not a straight line or is not tangent through an intersection.

"Office Park"

A development complex which contains a planned, coordinated development of a tract with two or more separate office buildings. Such developments are designed, planned, constructed, managed and equipped as an integrated and coordinated facility to accommodate a community of office businesses, providing them with all necessary facilities and services, with special attention to on-site vehicular circulation, parking, utility needs, open space, and building design and orientation compatible with surrounding buildings.

"One Hundred Year Frequency Flood"

A flood that has a chance of occurrence of one percent (1%) in any given year.

"On-Premise Sign"

Any sign located at the site which is advertised or identified.

"Open Space"

Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners or occupants of land adjoining or neighboring such area.

"Other Areas in X Zone "

Areas determined to be outside the flood plain that have a two-tenths of a percent (0.2%) chance of being flooded in any given year.

"Other Flood Areas in X Zone "

Areas that have a two-tenths of a percent (0.2%) chance of being flooded in any given year; areas that have a one percent (1%) chance of being flooded in any given year with average depths of less than 1 foot or with a contributing drainage area less than one (1) square mile; or areas protected by levees from a flood that has a one percent (1%) chance of occurrence in any given year.

"Outdoor Advertising Signs"

See "Bulletin Signs," " Junior Poster Panel Signs" and "Poster Panel Signs".

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"Outdoor Storage"

The storage of goods, materials, junk, merchandise, or vehicles outside of any building or structure for more than twenty-four (24) continuous hours, but not including storage of an emergency nature.

AMENDED: SEE
SECTION 5 OF
ORDINANCE NO
ZRR-2691

"Overlay District Zoning Map"

The official map(s) for the Airport Area Overlay District prepared by the Johnson County Planning Office and the official map(s) for the Flood Plain Overlay District on file with the Johnson County Planning Office and duly adopted by the Board and any amendments thereto.

"Owner"

Any person who has record title to or an equitable interest in a tract of land. In the event two (2) or more persons own a tract, "owner" shall be defined as follows:

1. If joint tenants, "owner" means all of the joint tenants;
2. If tenants in common "owner" means both a majority of the number of tenants in common and the holders of a majority of the undivided interests in the tract;
3. If the tract is held by a life tenant and a remainderman, "owner" means the life tenant;
4. If the tract is held by a tenant under a recorded lease providing for a lease term of ten (10) years or longer and a remainderman, "owner" means both such tenant and remainderman;
5. If one holds title to the surface and another holds title to the minerals, "owner" means the surface title holder.

"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.

"Parking Lot"

Any portion of a parcel of land used for parking or storage of operable motor vehicles on a temporary basis.

"Parking Space"

A surfaced area exclusive of driveways, available for the temporary storage of one motor vehicle and connected with a street or alley by a surfaced driveway which affords satisfactory ingress or egress for motor vehicles.

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"Parkways"

The roads designated as Type III corridor routes by the Comprehensive Arterial Road Network Plan (CARNP).

"Particulate Matter"

Dust, smoke, fumes, mist, spray, fog or any other airborne material in the form of minute, separate particles.

"Paved"

Constructed with an asphaltic concrete or portland cement concrete surface and in accordance with adopted standards and regulations.

"Performance Standard"

A criterion or limit related to nuisance elements and established to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosion hazards, and glare or heat generated or inherent in uses of land or buildings.

"Permitted Use"

Any use allowed in a zoning district and subject to the restrictions and standards applicable to that zoning district.

"Person"

Any individual, firm, copartnership, corporation, company, association, joint stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.

"Plan-view"

The image of an object or area as would be seen from directly above all points on the object or area being viewed.

"Planned Cluster Development"

Development which clusters or concentrates buildings in a pattern which provides additional or common open space, retains land areas for limited garden uses, protects environmentally sensitive or valuable areas, or focuses development outside sensitive areas such as the Critical Corridors in Airport Interest Areas.

"Planned District Zoning"

The zoning of lot(s) or tract(s) to planned zoning districts as provided in these regulations and the permitted development specifically depicted on plans approved in the process of zoning the lot(s) or tract(s).

"Planned Rural Development Subdivision"

A subdivision of land in the Planned Rural District in accordance with the requirements of Article 9 of these regulations.

"Planning Commission"

The planning commission established by the Board of County Commissioners in accordance with K.S.A. 19-2956 *et seq.*, and any amendments thereto, if any.

"Plat"

A map or drawing to scale showing a division or divisions of a tract of real property or showing the boundaries of a lot or lots resulting from the subdivision of a tract of real property as provided in these regulations.

"Plat, Final"

The final map or plan or record of the plat of a subdivision or the boundaries of a lot or lots resulting from the subdivision of a tract of real property and any accompanying materials and endorsements, as set forth in these regulations.

"Plat, Preliminary"

The preliminary drawing or drawings of a as set forth in the Subdivision Regulations herein, which indicates the proposed manner or layout of the subdivision and includes any accompanying material(s) and endorsements, if any.

"Plot"

See "Lot".

"Pole Sign"

Any detached sign mounted on a structural base that has at least 80% of its height narrower than three-fourths the width of the widest part of the sign face.

AMENDED: SEE
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OMITTED BY SECTION
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"Poster Panel Sign"

Any advertising sign from 100 through 300 square feet in sign area.

"Potentially hazardous food"

Any food that consists in whole, or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacean, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms; or the growth and toxin production of *Clostridium botulinum*. "Potentially hazardous food" includes an animal food (a food of animal origin) that is raw or heat-treated; a food of plant origin that is heat-treated or consists of raw seed sprouts; cut melons; and garlic and oil mixtures. The term does not include:

1. An air-cooled hard-boiled egg with shell intact;
2. A food with a water activity (aW) value of point eighty-five (.85) or less;
3. A food with a hydrogen ion concentration (pH) level of four point six (4.6) or below when measured at 24° C (75° F);
4. A food, in an unopened hermetically sealed container, that is commercially processed to achieve and maintain commercial sterility under conditions of non refrigerated storage and distribution; and
5. A food for which laboratory evidence that is the basis of a variance granted by the regulatory authority demonstrates that rapid and progressive growth of infectious and toxigenic microorganisms or the slower growth of *C. botulinum* cannot occur.

"Poultry"

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

"Precision Instrument Runway"

A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also includes a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any planning document officially adopted by the Board.

OMITTED BY SECTION
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~~"Preliminary Plat"~~

~~See "Plat, Preliminary".~~

OMITTED BY SECTION
4 OF ORDINANCE
NO. ZRR-2691

~~"Preplatting Conference"~~

~~A meeting between the Zoning Administrator or such person's designee and the applicant(s) or prospective applicant(s) regarding the Preliminary Plat of a Subdivision, before submission of the application requesting approval of said Preliminary Plat.~~

"Preschool"

A facility which provides learning experiences for children who have not attained the age of eligibility to enter kindergarten prescribed in K.S.A. 72-1107 and any amendments thereto and who are 30 months of age or older and which conducts sessions not exceeding three hours per session, does not enroll any child in more than one session per day, and does not serve a meal.

"Primary Surface"

A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section 9, Table 1 of

Article 21 of these regulations. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. (See also "Helipad Primary Surface").

"Principally Above Ground"

For purposes of that portion of the Flood Plain Management Regulations contained within the Zoning and Subdivision Regulations, at least 51 percent of the market value of the structure, less land value, is above ground.

"Professional Office"

An office for the conduct of a profession by a person engaged in a recognized professional occupation, vocation or calling, especially one of the three vocations of theology, law and medicine and not solely commercial, mechanical or agricultural in nature, and in which knowledge or skill in some science or learning is used by its practical application to the affairs of others, either advising or guiding them in serving their interest or welfare through the practice of a profession.

"Projecting Sign"

Any sign that is wholly or partially attached to and dependent upon a building for support and which projects more than one (1) foot beyond the plane of the wall of the building.

"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.

"Public Improvement"

Any improvement, facility or service together with its associated public site or right-of-way necessary to provide transportation, drainage, public or private utility, energy or essential public services.

"Quarry"

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

"Real Estate Project Sign"

Any temporary sign identifying or directing attention to the sale or lease of lots or tracts or any structure(s) or portion(s) of structure(s) in a development complex or a subdivision.

"Real Estate Lot Sign"

Any temporary sign identifying or directing attention to the sale or lease of a lot or a tract or any structure(s) or portion(s) of structure(s) on which the sign is located.

"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. For purposes of that portion of the Flood Plain Management Regulations contained within the Zoning and Subdivision Regulations, a vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently able to be towed by a light-duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Recycling Center"

Any salvage yard where more than 1,200 cubic feet of materials being recycled or to be recycled are handled, stored or gathered during any four (4) week period.

"Registered Land Surveyor"

A land surveyor lawfully licensed and registered in the State of Kansas.

"Regulations"

These zoning and subdivision regulations for Johnson County, Kansas.

"Regulatory Flood Elevation"

See "Flood Elevation, Regulatory".

"Regulatory Flood Protection Elevation"

See, "Flood Protection Elevation, Regulatory".

"Research Laboratory"

An establishment or other facility for carrying on investigation in the natural, physical or social sciences, or engineering and development as an extension of investigation with the objective of creating end products or with the objective of investigations or experimentations for academic purposes which could be expected to lead to or contribute to knowledge.

"Residential Care Institution"

Any residential institution where social and personal care are provided for children, the aged, or for special categories of individuals with some limits on ability for self-care, including medical hospices, extended care facilities, convalescence hospitals, nursing homes and residential institutions for 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 group-home placement. For purposes of this definition, a group home shall not be a licensed provider for the purposes of evaluating or approving for placement a mentally ill individual in a group home.

"Residential Institution"

A residence occupied by more than ten (10) individuals including more than eight (8) individuals who need not be related by blood or marriage.

INTENDED: SEE SECTION
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OMITTED BY SECTION
4 OF ORDINANCE
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OMITTED BY
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2RR-2691

"Residential Grouping"

In Planned Rural Development Subdivisions, lots intended for permanent, single-family dwellings that are arranged with at least seventy-five percent (75%) of the lots in groupings of three (3) or more lots contiguous to one another or across a local street from one another.

"Residential Lot"

A lot in a Residential Subdivision.

"Residential Subdivision"

A subdivision of real property that has residential district zoning or planned residential district zoning.

"Residential-Design Manufactured Home"

A prefabricated or panelized structure designed to be used as a permanent dwelling, built on a chassis, built to meet the National Manufactured Home Construction and Safety Standards (HUD, June 15, 1976), and any amendments thereto, and which meets the following design and construction criteria:

1. The structure shall be permanently attached to a basement, crawlspace, slab or similar foundation, and the foundation or perimeter wall shall form a complete enclosure under all exterior walls;
2. The longest exterior dimension of the structure shall be less than three (3) times the narrowest exterior dimension of the structure;
3. The structure shall have at least 880 square feet of first floor living area;
4. The structure shall be at least twenty-two (22) feet wide;
5. The land on which the unit is located and the structure itself shall constitute real property;
6. The structure shall be comparable to site built housing with regard to overall design and exterior finish materials, and it shall have the following:
 - a. At least seventy five percent (75%) of the roof surface shall have an actual pitch of at least two and one-half (2-1/2) inches vertical in every twelve (12) inches horizontal;
 - b. A residential rather than a recreational appearance;
 - c. A roof overhang of at least one (1) foot on at least the two longer sides of the structure and the roof guttering may be included in that one (1) foot overhang;
 - d. A roof surface of composition, wood, tile or similar materials but not of corrugated fiber glass, corrugated aluminum or other corrugated metal roofing surface;
 - e. Siding materials that are customarily used on site-built homes, but excluding smooth, ribbed or corrugated metal or plastic panels that do not replicate wood lap siding. The exterior covering material must extend to the ground, except that, when a solid concrete or masonry foundation is used, the exterior covering material need not extend below the top of the foundation;
 - f. The first floor of the structure shall not be more than twenty-eight (28) inches above the existing grade of the lot adjacent to the main, front entrance to the structure; and
 - g. The structure shall have a front porch with a minimum of twenty five (25) square feet.
7. The unit shall have been constructed after June 15, 1976;
8. The unit shall not have wheels, axles, hitch or towing apparatus;
9. The tie down construction shall be pre-engineered or certified by a professional engineer, licensed in the State of Kansas; and
10. All site preparation and utility connections shall comply with locally adopted building code requirements.

"Restaurant"

A food service establishment wherein food is prepared in a kitchen and is served in ready-to-eat form to the public for human consumption.

"Retail"

The sale of goods or services to ultimate consumers for household, personal consumption, or to the end user of the goods or services.

"Right-of-Way"

A strip of land separate and distinct from the adjoining lots or parcels and not included within the dimensions or areas of such lots or parcels, and occupied or intended to be occupied by a street; crosswalk; railroad; road; highway; electric transmission line; oil or gas pipeline; water main; telephonic, video, or data communication line; sanitary or storm sewer line or for another similar, specific use.

"Road Classification"

The classification of each street, highway, road and right-of-way based upon its present and estimated future traffic volume and its relative importance and function as specified in the Major Street Plan component of the comprehensive plan of the County for the purpose of providing appropriate plans and concepts for the development of the streets, highways, roads and rights-of-way in the county and for their future improvement, reconstruction, realignment and necessary widening, including provision for curbs and sidewalks along each existing street, highway, road and right-of-way, and those located on approved and filed plats.

"Road Right-of-Way Width"

The distance between property lines measured at right angles to the centerline of the street or road.

"Roof Sign"

Any sign mounted and supported wholly upon or over the roof of any structure. For purposes of these regulations, surfaces with slopes less than 75% from horizontal shall be considered to be roof surfaces.

"Rooming House"

A boarding house in which meals are not served and in which there are no provisions for cooking in any of the rooms occupied by paying guests.

"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.

"Runway"

A defined area on an airport prepared for landing and take-off of aircraft along its length.

"Rural Lot"

A lot in a Rural Subdivision.

"Rural Policy Area" "(RPA)"

The area(s) designated for certain land use and development policies established by the "Rural Comprehensive Plan: A Plan for the Unincorporated Area of Johnson County," for areas designated as "Rural Policy Areas" by that Plan.

"Rural Subdivision"

A subdivision of real property that has rural district zoning or planned rural district zoning.

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"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).

"School of General Instruction"

Any public, private or parochial learning facility including any school commonly referred to as a grammar or elementary school; a junior high or middle school; or a high school and which offers courses in general instructions at least five days per week and seven months per year which is lawfully licensed by the State of Kansas, accredited by the State Board of Education or, where required, certified as a preschool by the Kansas Department of Health and Environment.

"School of Special Instruction"

A school for the teaching of technical skills, trades, and or the arts which is lawfully licensed by the State of Kansas.

"Screening, Visual"

Either, (1) a strip of land with natural growth or densely planted shrubs or trees at least four feet high when planted and of species which have formed or will form a year-around dense screen at least six feet high, or, (2) an opaque wall, fence or barrier at least six feet high installed along or within the lines of a tract to buffer and protect adjoining or nearby properties.

"Secretary of the Board of Zoning Appeals"

The person appointed and charged with the duty of preparing a proper record to be kept of the proceedings of the Board of Zoning Appeals.

"SEL (Sound Exposure Level)"

The unit of measurement of single-event sound levels which combines both the maximum intensity and the duration of the sound event.

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"Service Provider"

A person or company providing telecommunication services.

"Setback"

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

"SIC"

Standard Industrial Classification codes as established in the *Standard Industrial Classification Manual*, 1987 edition, published by the Office of Management and Budget, Executive Office of the President of the United States.

"Sidewalk"

A paved walkway located along the side of and usually separated from a street.

"Sign"

Any description, device, identification, message, or symbol, which is used for decoration or to convey information or advertise or promote or direct attention to a product, service, place, activity, person, institution, business or solicitation, including any permanent or temporary display of merchandise, non-governmental flags, pennants, banners or placards, designed to advertise, identify, or conveying information, including all supporting structure, and including, but not limited to the following: "Attention Attracting Device", "Directly Illuminated Sign", "Handbills, Placards or Posters", "Indirectly Illuminated Sign", "Internally Illuminated Sign", "Off-Premise Sign", "On Premise Sign", "Outdoor Advertising Sign", "Signs, Functional Types", and "Signs, Structural Types".

"Sign Alteration"

The replacement, enlargement, reduction, reshaping or adding to a sign, frame, pole, brackets or any supporting member.

"Sign Area"

The entire area per sign face within which copy could be placed including the outer extremities of all letters, figures, characters and delineations and including the outer extremities of the sign framework or background and including any sign background which is different from or in contrast with any building wall surface upon which it is mounted. The support for the sign background, whether it be columns, a pylon, or a building or part thereof, shall not be included in the sign area.

"Sign Face"

A message surface of a sign.

"Sign Maintenance"

The normal care and minor repair that is necessary to retain a safe, attractive and finished structure, frame, sign pole, brackets or surface.

"Sign Refacing"

Changing or replacing the words, numerals, or other message surface of the sign to serve a different establishment or business or create a substantially different visual effect and without altering, moving or replacing the structure, frame, pole, bracket or supporting members by which a sign is mounted on or affixed to a building or the ground.

"Sign Structure"

Any element or assemblage of elements which supports or is capable of supporting a sign. A sign structure may be free-standing, attached to a building, an integral part of the building, or a combination thereof.

"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.

"Signs, Functional Types"

See "Advertising Signs", "Identification Signs", and "Noncommercial Speech Signs",

"Signs, Structural Types"

See "Awning Sign"; "Detached Sign"; "Marquee, Canopy or Overhead Canopy Sign"; "Monument Sign"; "Pole Sign"; "Projecting Sign"; "Roof Sign"; "Under-Canopy Sign"; "Wall Sign".

"Site Plan"

See "Development Plan".

"Site Equipment"

All telecommunication equipment located at a particular Communication Tower Site, including but not limited to the Communication Tower, if any, Communication Antenna, feedline system and electronic equipment, regardless if owned or operated by the conditional use permit applicant.

"Sketch Plat"

A rough sketch map submitted for the preplatting conference for a major subdivision or prior to the submission of a preliminary plat application for minor subdivisions and intended to assist the subdivider in submitting a plat consistent with the requirements of these regulations.

"Small Equipment"

Equipment which can be carried by one person with or without the use of a dolly.

"Special Event Sign"

Any handbill, placard or poster no larger than twenty-five (25) square feet and mounted inside a window of a business. Any handbill, placard or poster no larger than four (4) square feet used in conjunction with political elections, garage sales, estate or household auctions or sales, home tours, etc.

"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.

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"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.

"Start of Construction "

For purposes of the Flood Plain Management Regulations contained within the Zoning and Subdivision Regulations, the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was commenced within 180 days of the permit date. The actual start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets or walkways; nor does it include the excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation of buildings, such as garages or sheds not occupied as accessory uses for dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the exterior dimensions of the building.

"Steep Slope"

Land surface slopes exceeding fifteen percent (15%).

"Storage Tank Farms"

An open air facility containing two or more above-ground, large containers for the bulk storage of material in liquid, powder or pellet form.

"Story"

That part of the building included between the surface of one floor and the surface of the floor above, or if there is not floor above, that part of the building which is between the surface of a floor and the ceiling next above. A top story attic is a half story when the main line of the eaves is not above the middle of the interior height of such story. The first story is a half story when between 50 and 75 percent of the area of its exterior walls are exposed to outside light and air entirely above grade and which exterior walls contain windows or doors permitting the entrance of daylight and outside air. When less than 50 percent of the area of the walls of the first story is exposed to outside light and air entirely above grade, that story shall be classified as a basement and in the case of multi-family dwellings may not be occupied as a residence by other than a caretaker or manager.

"Street"

A right-of-way, other than an alley, which provides principal access for adjacent properties, nearby neighborhoods, or major areas of the community. A street may be classified further as a major arterial, minor arterial, collector, local, minor local, cul-de-sac, or dead-end street.

"Street Line"

See "Right-of-Way".

"Structural Alterations"

Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

"Structure"

Anything more than three (3) feet in height constructed or erected by man which requires location on the ground, or attached to something having location on the ground. For purposes of that portion of the Flood Plain Management Regulations contained within the Zoning and Subdivision Regulations, "structure" shall include a walled and roofed building; or a gas or liquid storage tank, that is principally above ground; as well as a manufactured home. For flood insurance coverage purposes, a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

"Subdivider"

Any person who has an interest in land, and causes it, directly or indirectly to be divided into a subdivision.

"Subdivision"

Except for "lot-split," the division or resubdivision of a lot, tract or parcel of land into two or more resulting lots, tracts, or other parcels of land and also the establishment of new streets, alleys or other public ways.

"Subdivider's Agent"

Any person who represents or acts for or on behalf of a subdivider.

"Subdivision, Major"

All subdivisions not classified as minor subdivisions, including, but not limited to, subdivision of four (4) or more lots, or any size subdivision requiring any new street longer than seven hundred (700) feet or extension of public facilities, or public improvements of any sort.

"Subdivision, Minor"

Any subdivision:

1. Containing not more than three (3) residential lots, and
2. Not involving the construction of more than one (1) new street or road which would be longer than seven hundred (700) feet or which new street or road would be located such that its final gradient would be changed more than five (5) feet vertically from the existing gradients, and
3. Not involving topography for which a detailed drainage study or drainage improvements would be needed, and
4. Not involving the extension of public facilities, and
5. Which would not adversely affect the development of the remainder of the parcel or adjoining property.

"Subdivision Regulations"

The official subdivision regulations of the County, together with all amendments thereto, adopted pursuant to K.S.A. 19-2956 *et seq.* and any amendments thereto, if any.

AMENDED: SEE
SECTION 5 OF
ORDINANCE NO
ZRR-2691

OMITTED BY
SECTION 4 OF
ORDINANCE NO.
ZRR-2691

OMITTED BY SECTION
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"Substantial Damage"

Damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

"Substantial Improvement"

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Surety"

A deposit of cash, performance bond, maintenance bond, letter of credit, cashier's check, or such other security acceptable to the County's Attorney, provided in lieu of the completion of work or improvements required for final plat approval.

"Swimming Pool, Club"

A swimming pool operated for members and their guests, whether or not operated for gain.

"Swimming Pool, Private"

A swimming pool which is an accessory use to a residence for the exclusive use of the occupants of the residential building and their guests.

"Symbol"

Any crest, design, emblem, figure, illustration, logo, or trademark included on a sign.

"Telecommunications Consultant"

A person or company which provides telecommunications services, including but not limited to interference analysis, to Johnson County Government and such appendage bodies as police or fire.

"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.

"Tourist Home"

An establishment in a private dwelling which supplies temporary sleeping accommodations to overnight guests for a fee.

"Township"

A duly established political unit of local government as established under state law.

"Township Zoning Board"

See "Zoning Board".

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"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 redividing 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.

"Trailer"

A vehicle other than a manufactured home, equipped with wheels and normally towed over the road behind a motor vehicle and used for short-term human habitation, carrying materials, goods or objects, or as a temporary office at a construction site.

"Trailer, Advertising"

A trailer carrying, or having attached thereto, a sign, billboard, or other media for advertising purposes, such as advertising being the prime purpose and use of the trailer.

"Trailer, Camping/Travel Trailer"

A vehicle other than a mobile home equipped with wheels and which is either affixed to another vehicle which is self-propelled or is normally towed over the road behind a motor vehicle and which is normally used as sleeping quarters and shelter while traveling and not for permanent habitation.

"Trailer, Hauling"

A trailer designed and normally used for over-the-road transportation of belongings, equipment, merchandise, livestock and other objects, but not equipped for human habitation.

"Trailer, Utility"

A trailer designed and normally used for hauling household-type belongings, equipment, livestock and other objects; towable behind a passenger car or light-duty truck; and not equipped for human habitation.

"Transitional Surfaces"

Those surfaces which extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of one foot (1') upward for each seven feet (7') outward horizontally from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces which project through and beyond the limits of the conical surface, extend a distance of five thousand feet (5,000') measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

"Tree"

For purposes of the Airport Vicinity Overlay Districts and Zones as provided in Article 21 of these regulations, any object of natural growth.

"Under-Canopy Sign"

Any sign attached to the underside of a canopy. (See drawing at "Marquee, Canopy, or Overhead Canopy Sign".)

"Underlying zoning district"

The existing zoning district beneath a particular portion of an Overlay District.

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~~"Urban Fringe Policy Area"~~

~~The area(s) designated for certain land use and development policies established by the "Rural Comprehensive Plan: A Plan for the Unincorporated Area of Johnson County," for areas designated as "Urban Fringe Policy Areas" by that Plan.~~

"Use, Nonconforming"

See "Nonconforming Use".

"Utility Runway"

A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

"Variance"

Permission to depart from specific requirement(s) of the Zoning Regulations that do not regard application procedures or permitted uses in any zoning district that is not an overlay zoning district. For flood plain regulation purposes it means a grant of relief to a person from the requirements of the flood plain regulations which permits construction in a manner otherwise prohibited by the flood plain regulations, where specific enforcement of the flood plain regulations would result in unnecessary hardship. Flood insurance requirements shall remain in place and cannot be varied by the BZA or Board, even if a structure is otherwise granted a variance.

"Veterinary Clinic"

See "Animal Hospital or Clinic".

"Vibration"

The periodic displacement, measured in inches of displacement.

"Violation"

The breach of these regulations as set forth in Article 6 herein. For purposes of that portion of the Flood Plain Management Regulations contained within the Zoning and Subdivision Regulations, it shall also mean the failure of a structure or other development to be fully compliant with the County's Flood Plain Management Regulations in Article 22 of these regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in § 60.3 (b)(5), (c)(4), (c)(10), or (d)(3), of Title 44 CFR, Volume 1, Chapter 1, Part 60 (10-1-00 Edition) is presumed to be in violation until such time as that documentation is provided.

"Visual Runway"

A runway intended solely for the operation of aircraft using visual approach procedures.

"Wall Sign"

Any sign attached to or painted on a wall in such a manner that the exposed face of the sign is in a plane approximately parallel to and not more than one (1) foot from the plane of the wall.

"Water Surface Elevation"

The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the flood plain.

"Wholesale"

The sale of commodities in quantity usually for resale or to other than the end user of the commodity.

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"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"

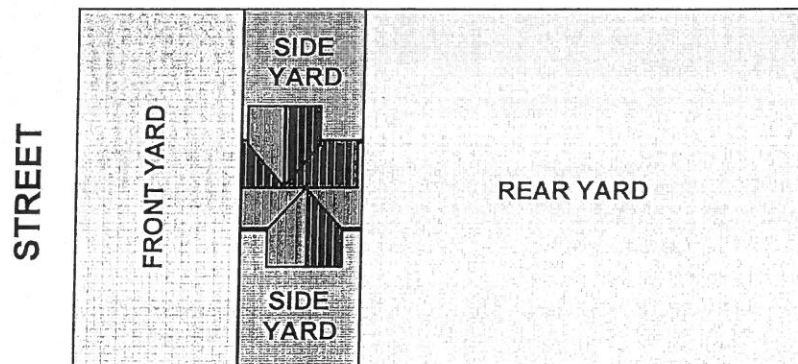
A yard between the rear lot line and the rear line of the main building.

"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"

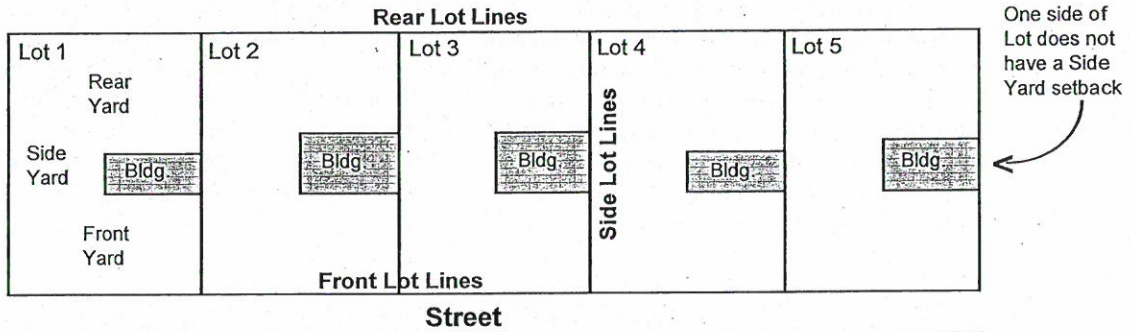
A yard between the main building and the adjacent side lot line and extending entirely from the front yard to the rear yard.



"Zero Lot Line Development"

Development which does not require any setback from not more than one side lot line.

EXAMPLE: ZERO LOT LINE DEVELOPMENT



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"Zone D"

Areas in which flood hazards are undetermined.

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"Zone X"

Areas determined to be outside the 500-year flood plain.

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"Zoning Administrator"

The Director of the Johnson County Planning Office, or such persons designate, assigned the responsibility to administer the Zoning and Subdivision Regulations of unincorporated Johnson County.

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"Zoning Board"

The board of residents of unincorporated Johnson County appointed by the Board as provided in Article 3 of these regulations, including the "Airport Zoning Commission" and any consolidated zoning board appointed by the Board.

AMENDED: SEE
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"Zoning Map"

The zoning map(s) showing zoning districts for land subject to the zoning authority of Johnson County as prepared by the Johnson County Planning Office and duly adopted by the Board and any amendments thereto.

AMENDED: SEE
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"Zoning Permit"

A document signed by the Zoning Administrator to acknowledge that a tract has been satisfactorily developed in accordance with an approved development plan or Conditional Use Permit as provided in these regulations.

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"Zoning Regulations"

The official zoning regulations of Johnson County, together with all amendments thereto, adopted pursuant to K.S.A. 19-2956 *et seq.* and any amendments thereto, if any.

ARTICLE 5. PERMITS

Section 1. BUILDING PERMITS:

Review of Building Permits: The Zoning Administrator, or such persons designee, shall examine and take appropriate action on all applications for building permits when submitted to such person by the building code official. The Zoning Administrator shall determine whether the proposed construction on and use of the property would comply with the provisions of these regulations. Within ten (10) days after the Zoning Administrator receives an application for review, such person or their designee shall either approve the application and return the same to the building codes official, or such person shall disapprove the application and return it with a written statement listing the reasons for the disapproval.

Section 2. ZONING PERMIT:

- A. When Required: Zoning Permits shall be required before commencement of uses in the following designated instances: 1) on tracts for which formal Development Plan approval is required before a building permit will be issued; 2) on tracts for which a conditional use permit is required before a building permit will be issued or before commencement of a conditional use; 3) for any proposed use permitted on any tract of land zoned Planned Retail Business District or Planned Employment Center District; and 4) on tracts for which a Development Plan has been approved by the Zoning Administrator in accordance with Section 5 of this Article.

Buildings or structures erected, constructed, repaired, converted or altered in conjunction with Development Plans or Conditional Use Permits designated in Section 2, (A)(1-3) above, shall not be used for any purpose until a Zoning Permit has been issued as provided for and required herein.

- B. Procedures and Requirements: At such time as the Zoning Administrator reviews building permits in accordance with Section 2, (A)(1), (2), and (4) of this Article (regarding those properties which have received Development Plans approval), the Zoning Administrator, or such persons designee, shall insure that:
1. A copy of the approved Development Plan is affixed to the Building Permit application;
 2. A copy of the Zoning Permit application form is mailed to the owner; and
 3. A Zoning Permit application form is also affixed to the Building Permit application upon its return to the building code official.
- C. Zoning Permit Review: The Zoning Administrator, or such person's designee, shall examine all applications for Zoning Permits when they are submitted to such person as required by these regulations. The Zoning Administrator or designee shall review the application and the subject real property to determine whether the actual site development conforms with the requirements of the approved Development Plan for the particular property. Within ten (10) days after the Zoning Administrator receives the completed Zoning Permit application form, the Zoning Administrator, or such person's designee, shall inspect the subject real property and either approve the application if the site development actually conforms to the requirements of the approved Development Plan, and thereafter issue the applicant a Zoning Permit, or the Zoning Administrator or designee shall

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disapprove the application request and provide the applicant with a written statement listing the reasons and rationale for the disapproval.

- D. Temporary Zoning Permits: In the event that actual site development does not fully conform to the requirements of the approved Development Plan, and the deficiencies consist of site improvements which cannot in the opinion of the Zoning Administrator, reasonably be completed within a 30-day time period for required site development construction features, or a 90-day time period for required site landscaping features, then the Zoning Administrator may issue a Temporary Zoning Permit. Temporary permits shall not be issued for periods of time in excess of 60 days each, and, in any event, such permits may not be renewed for a total time period in excess of ten (10) months. The timely completion of the site development deficiencies and the protection of the health, safety and welfare of the public and those individuals on site during this temporary permit period are of paramount importance to the county. Therefore, temporary permits shall not be issued by the Zoning Administrator unless:
1. The applicant provides evidence, satisfactory to the Zoning Administrator, that the required improvements shall be fully completed by a specified date, and that the required improvements have been arranged for completion, as evidenced by a fully executed work contract or agreement which references the completion date. -
 2. The temporary permit contains such terms, restrictions and provisions as deemed necessary by the Zoning Administrator to protect the safety of the occupants and other persons likely to be on the site.
- E. Notice: Notice of the action taken on the Zoning Permit application shall be forwarded by the Zoning Administrator to the building code official for such person's review and consideration with respect to any related requests for issuance of the certificate of occupancy on the subject real property.
- F. Compliance with Development Plan: Zoning Permit approval is subject to continuous compliance with the requirements set forth in and contained within the approved Development Plan.

Section 3. AUTHORIZATION:

Zoning Administrator: The Zoning Administrator and such others appointed by the Board shall enforce the provisions of these regulations and shall not approve any Building Permit, Zoning Permit, or Temporary Zoning Permit for the construction, use or occupancy of any premises which would result in the violation of any provision of these regulations. In the event any building or structure is constructed, or any building, structure or land is used in violation of the provisions of these regulations, then the Zoning Administrator shall cause appropriate action to be taken to correct or abate such violation.

Section 4. APPEAL OF DECISION:

Board of Zoning Appeals: Any person aggrieved, or any officer, department, board or bureau of the county, or any governmental agency or body affected, may appeal alleged error(s) in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of these regulations to the Board of Zoning Appeals, in accordance with Article 3, Section 5 of these regulations. Appeals of Codes Court matters cannot be taken to the BZA, so the BZA shall not have any authority over nor review any matter related to a citation, a prosecution or enforcement action as more fully set forth in Article 3, Section 5, (E) herein.

**Section 5. ADMINISTRATIVE APPROVAL OF ZONING PERMITS AND DEVELOPMENT PLANS
FOR COMMUNICATION ANTENNAS AND COMMUNICATION TOWERS:**

- A. Before a building permit is issued to allow the construction of communication antennas and communication towers in accordance with the requirements of Article 17, Section 4 (C) of these regulations, the applicant shall submit a Development Plan in accordance with the requirements of Article 15, Sections 3 and 6 of these regulations.
1. Terms of Approval: The Zoning Administrator shall use the Development Plan review considerations contained in Article 15, Section 11, and the conditional use permit performance standards contained in Article 23, Section 6 (B)(4) of these regulations, as a guide to review the Development Plan. The Zoning Administrator shall approve or deny the Development Plan. Therefore, BOCC approval shall not be required for Development Plan approval under this provision. Approval may be subject to a term of years and other conditions. However, such term and conditions are subordinate to the term and conditions of any Conditional Use Permit for the existing communication tower or structure hosting the antenna. (Therefore, if the conditions placed upon approval of the Conditional Use Permit are in conflict with the conditions placed upon approval of the Development Plan or Zoning Permit, then the conditions of the Conditional Use Permit shall govern, control and take precedence.) Approval is also subject to compliance with the requirements of Article 23, Section 6 (B)(4) of these regulations. The provisions of this section shall be administered and enforced under the supervision and direction of the Zoning Administrator in accordance with the provisions of Article 6 of these regulations.
 2. If the Zoning Administrator approves the Development Plan, the Zoning Administrator shall issue a Zoning Permit if the actual site development conforms with the requirements of the approved Development Plan for the particular property.
 3. If the Zoning Administrator denies the Development Plan, then the applicant may appeal the decision of the Zoning Administrator in accordance with the provisions of Article 3, Section 5 of these regulations.
 4. If the applicant a) does not wish to submit a Development Plan to the Zoning Administrator pursuant to the procedures in Article 15 of these regulations, or b) does not appeal the decision of the Zoning Administrator to deny the Development Plan, then the applicant may submit an application for a conditional use permit which shall be reviewed by the Zoning Board and the Board of County Commissioners in accordance with the requirements of Article 23 of these regulations.

ARTICLE 6.
ENFORCEMENT, VIOLATIONS AND PENALTIES

Section 1. PROHIBITED ACTS AND CONDUCT:

From and after the effective date of these regulations, no person shall violate any of the provisions of these regulations, or fail to comply with any of its requirements, including, but not limited to, any conditions or terms established in connection with grants of variances or conditional use permits, nor use their property, building or structure in any way except as permitted and in the manner provided by these regulations, and any act, conduct or use which fails to comply with the provisions of these regulations and any codes, rules or standards adopted as a part of these regulations, shall be and hereby is declared to be unlawful as a violation of the Zoning and Subdivision Regulations of Johnson County, Kansas.

Section 2. VIOLATIONS AND CLASSIFICATIONS OF OFFENSES:

- A. The failure of any person to comply with, or who violates, any provision, requirement, standard or condition contained within or as a part of these regulations, shall be a public offense designated as a Class H Infraction under the County Codes and Regulations.
- B. The failure of any person to comply with, or who violates, any order, directive or notice of the Code Enforcement Officer, related to the provisions of these regulations, shall be a public offense designated as a Class H Infraction under the County Codes and Regulations.

Section 3. ENFORCEMENT PROCEDURES:

- A. Responsibility: The provisions of these regulations shall be administered and enforced under the supervision and direction of the Zoning Administrator, or such persons designee.
- B. Code Enforcement Officers: The Zoning Administrator, and such other persons employed by or with the Johnson County Planning Office and who are selected by the Zoning Administrator and appointed by the Board, shall be and hereby are designated as Code Enforcement Officers for Johnson County, Kansas, and are authorized and empowered to enforce the provisions of these regulations, and to issue orders and citations for any and all violations.
- C. Access and Inspection: Any Code Enforcement Officer authorized to enforce these regulations shall have authority and be permitted to enter upon any property for the purpose of performing inspections and other duties required under these regulations and shall have authority to:
 1. Seek a lawful order to compel access whenever access is denied; and
 2. Issue necessary orders and directives to expose or uncover any part of any construction or use when reasonable access or inspection is hindered or prevented.
- D. Orders and Citations: Code Enforcement Officers designated to enforce the provisions of these regulations shall have the authority to issue orders and directives to any person subject to any provision of these regulations to:
 1. Cease any act, conduct or use which is deemed to be a violation of these regulations; or

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2. Correct within a specified period of days any violation of these regulations and to issue, with or without an order or directive, a citation and notice to appear in the Johnson County District Court, County Codes Division, for any violation of these regulations.

Section 4. PENALTIES AND FINES:

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- A. Any person who violates any provision of these regulation shall be punishable, upon conviction, by a fine in an amount determined according to the following schedule of offenses:
1. Upon conviction of a Class H Infraction, an amount not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00).
 2. Multiple or repeated violations of any class of violation shall be deemed a violation of the next most serious violation class and subject to a higher fine amount, as provided under the County Codes and Resolutions.
- B. Each separate day that a violation exists or occurs shall be considered a separate violation, subject upon conviction to an additional and separate fine amount.

Section 5. PROSECUTION OF ACTIONS:

AMENDED: SEE
SECTION 9 OF
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- A. The County's Attorney or such person's designee, shall have the duty of prosecuting all actions for the enforcement of these regulations that may be prosecuted in accordance with the provisions of K.S.A. 19-101d.
- B. The County's Attorney or such person's designee, shall be vested with all of the discretion with respect to the prosecution of these regulations as may be vested in any other prosecuting attorney with statutory authority to prosecute actions for the enforcement of county codes and resolutions.

Section 6. ENFORCEMENT PROCEDURES CUMULATIVE:

- A. The provisions for enforcement of these regulations shall be cumulative and in addition to all other procedures provided by law for the enforcement of county resolutions, codes or regulations.
- B. All actions that are not authorized by the provisions of these regulations for the enforcement of said regulations, shall be prosecuted as otherwise provided by law.

ARTICLE 7.
ESTABLISHMENT OF ZONING DISTRICTS

Section 1. INTENT:

For the purpose of ensuring compatibility of various land uses, and for regulating and restricting the use of land and the erection, construction, reconstruction, alteration, moving, or use of buildings, or structures thereon, the unincorporated area of Johnson County, subject to these regulations, is divided into four (4) standard zoning districts and twenty (20) planned districts as listed below. For these same purposes, ten (10) Airport Overlay Zones and two (2) Flood Plain Overlay Zones are also established as listed below. These zoning districts are established as a matter of policy to guide and implement planned land use changes, particularly the conversion of rural lands to more intensive urban-type land uses.

Section 2. APPLICATION OF ZONING REGULATIONS:

Except as provided in these regulations, the use of land or buildings is prohibited.

- A. No person may use, occupy or divide any land or buildings or authorize or permit the use, occupancy, or division of land or buildings under his control except in conformity with these regulations.
- B. No building or structure shall hereafter be erected or altered:
 - 1. That exceeds the height and bulk regulations herein.
 - 2. That occupies a greater percentage of lot area than permitted.
 - 3. That has a narrower or smaller front, rear, or side yard or open space area than required in these zoning regulations.
 - 4. That conflicts with any requirement of these regulations.
- C. For the purposes of this section, the "use" or "occupancy" of a building or land relates to anything and everything that is done to, on or in that land or building.

Section 3. STANDARD ZONING DISTRICTS:

Standard zoning districts are hereby established for the unincorporated area of the County as provided herein in Articles 9 and 10 and elsewhere in these regulations:

A. Rural District:

Rural District	(RUR)	Most Restrictive
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B. Residential Districts:

Residential Low Density District	(RLD)	Most Restrictive
Residential Neighborhood Two District	(RN-2)	
Residential Neighborhood One District	(RN-1)	Least Restrictive

Section 4. PLANNED ZONING DISTRICTS:

The Planned districts provide for flexibility in the review and approval of land uses and site development plans where existing or planned development patterns or land use policies of the County warrant the development flexibility or specific development review considerations afforded by planned zoning district procedures and requirements as provided herein in Article 9, Articles 11 through 14, Article 32 and elsewhere in these regulations:

- A. Planned Rural District (PRUR) Most Restrictive
- B. Planned Residential Districts:
 - Planned Residential Low Density District (PRLD) Most Restrictive
 - Planned Residential Neighborhood Two District (PRN-2)
 - Planned Residential Neighborhood One District (PRN-1)
 - Planned Residential Urban Single-Family-1A District (PRU-1A)
 - Planned Residential Urban Single-Family-1B District (PRU-1B)
 - Planned Residential Urban Two-Family District (PRU-2)
 - Planned Residential Urban Townhouse District (PRU-3)
 - Planned Residential Urban Apartment District (PRU-4)
 - Planned Residential Manufactured Home Park District (PRMHP)
 - Planned Residential Manufactured Home Subdivision District (PRMHS) Least Restrictive
- C. Planned Retail Business Districts:
 - Planned Limited Retail Business District (PRB-1A) Most Restrictive
 - Planned Rural Retail Business District (PRB-1)
 - Planned Residential Neighborhood Retail Business District (PRB-2)
 - Planned Urban Neighborhood Retail Business District (PRB-3) Least Restrictive
- D. Planned Employment Center Districts:
 - Planned Research and Development Park District (PEC-1) Most Restrictive
 - Planned Research, Development and Office Park District (PEC-2)
 - Planned Research, Development and Light Industrial Park District (PEC-3)
 - Planned Industrial Park District (PEC-4) Least Restrictive
- E. Planned Adult Entertainment District (PAE)

Section 5. SPECIAL OVERLAY DISTRICTS AND OVERLAY ZONES:

The Special Overlay Districts and Overlay Zones provide special land use and development requirements pertaining to the minimum acceptable site elevations and special land use regulations with respect to areas subject to flooding and maximum acceptable building or structure heights and special land use regulations with respect to areas subject to aircraft overflights at certain prescribed heights above the ground elevation. Article 21 of these regulations contains the Airport Overlay District and Overlay Zone regulations. Article 22 of these regulations contains the Flood Plain Overlay Zone regulations.

Rezoning to or within any of the Special Overlay Districts or Overlay Zones shall generally be accomplished by Board resolution adopting amendments to the Zoning Map.

Rezoning to or within any of the Special Overlay Districts or Overlay Zones shall be based on the following:

The Airport Overlay Districts or Overlay Zones shall be based on plotting of the various Airport Overlay Zones as prescribed in Article 21, Section 3.

The Flood Plain Overlay Zones shall be based on the Flood Insurance Rate Maps (FIRM) and Floodway Maps and any supplemental flood plain maps as provided in Article 22 of these regulations.

The Flood Plain Overlay Zones shall be either depicted on the Zoning Map, depicted on an overlay to the Zoning Map, or shall be depicted on supplementary maps adopted by reference in a Board resolution. The map depicting the Flood Plain Overlay Zones shall be a public record which shall be duly maintained, recorded and filed in the Planning Office.

The Airport Overlay Districts and Overlay Zones shall be either depicted on the Zoning Map, depicted on an overlay to the Zoning Map, or shall be depicted on supplementary maps adopted by reference in a Board resolution. The map depicting the Airport Overlay Districts and Overlay Zones shall be a public record which shall be duly maintained, recorded and filed in the Planning Office.

A. Airport Height Hazard Overlay Zones:

Airport Approach Overlay Zone	(AA-1 through AA-6)
Airport Transitional Overlay Zone	(AT)
Airport Horizontal Overlay Zone	(AH)
Airport Conical Overlay Zone	(AC)

B. Airport Vicinity Land Use Overlay Zone: (suffix -AIA added to underlying zoning district name).

C. Flood Plain Overlay Zones:

Floodway Overlay Zone	(FW)
Floodway Fringe Overlay Zone	(FF)

Section 6. LESSER CHANGE THAN SET FORTH IN THE NOTICE:

The Zoning Board may recommend and the Board may adopt a lesser change in zoning which affects only a portion of the land described in the notice or which gives all or part of the land described a zoning classification of lesser change than that set forth in the notice, without the need for republication, re-mailing of notice or a new public hearing.

For purposes of these regulations, a lesser change than set forth in the notice shall occur if the recommended and approved zoning district is more restrictive than the zoning district set forth in the notice. The lists of zoning districts in Sections 3 and 4 of this Article indicate which zoning districts are most restrictive and which zoning districts are least restrictive within each of the general categories of Rural District, Residential Districts, Planned Rural District, Planned Residential Districts, Planned Retail Business Districts, and Planned Employment Center Districts in that list. Interpretations of which zoning district categories in that list are most restrictive and which are least restrictive shall comply with the following Chart:

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(PRUR)	Planned Rural District	MOST RESTRICTIVE
(RUR)	Rural District	
(PRLD)	Planned Residential Low Density District	
(RLD)	Residential Low Density District	
(PRN-2)	Planned Residential Neighborhood Two District	
(PRN-1)	Planned Residential Neighborhood One District	
(RN-2)	Residential Neighborhood Two District	
(RN-1)	Residential Neighborhood One District	
(PRU-1A)	Planned Residential Urban Single-Family 1-A District	
(PRU-1B)	Planned Residential Urban Single-Family 1-B District	
(PRU-2)	Planned Residential Urban Two-Family District	
(PRU-3)	Planned Residential Urban Townhouse District	
(PRU-4)	Planned Residential Urban Apartment District	
(PRMHS)	Planned Residential Manufactured Home Subdivision District	
(PRMHP)	Planned Residential Manufactured Home Park District	
(PAE)	Planned Adult Entertainment District	
(PEC-1)	Planned Research and Development Park District	
(PRB-1A)	Planned Limited Retail Business District	
(PRB-1)	Planned Rural Retail Business District	
(PRB-2)	Planned Residential Neighborhood Retail Business District	
(PRB-3)	Planned Urban Neighborhood Retail Business District	
(PEC-2)	Planned Research, Development and Office Park District	
(PEC-3)	Planned Research, Development and Light Industrial Park District	
(PEC-4)	Planned Industrial Park District	LEAST RESTRICTIVE

**ARTICLE 8.
PROVISIONS FOR ZONING MAP**

Section 1. ZONING MAP:

AMENDED: SEE
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The location and boundaries of the zoning districts are hereby established and shown on the zoning maps, that taken together, make up the "Zoning Map of Johnson County, Kansas". The Zoning Map dated March 17, 1994, together with all explanatory matter thereon, is hereby incorporated into these regulations by reference and declared to be a part thereof.

Section 2. INTERPRETATION OF DISTRICT BOUNDARIES:

It is the intent of these regulations that every part of the County under the zoning authority of the Board of County Commissioners shall be included in one of the zoning districts established herein. Any land not shown as included in a zone on the Zoning Map shall be deemed to be in the Rural Zoning District. The boundaries of the specific Zoning districts are to scale on the zoning map and are to be interpreted by the corresponding measurements on the map. The boundaries of specific zoning actions are further defined in the rezoning Resolutions adopted by the Board of County Commissioners.

Where uncertainty exists as to the boundaries of any zoning district shown on the Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways, alleys, or other public rights-of-way shall be construed to follow the right-of-way line nearest to the property.
- B. Boundaries indicated as approximately following platted lot lines or other property lines shall be construed as following such lines.
- C. Boundaries indicated as approximately following section lines, half-section lines, or quarter-section lines, shall be construed as following such lines.
- D. Boundaries indicated as approximately following city limits shall be construed as following city limits.
- E. Boundaries indicated as approximately following railroad lines shall be construed to be to along the nearest railroad right-of-way line.
- F. Boundaries indicated as approximately following the center lines of streams, rivers or other bodies of water shall be construed to follow these center lines.
- G. Where a district boundary line divides a lot held in single and separate ownership at the effective date of these regulations, the zoning district(s) shall apply as shown on the Zoning Map and the dimensions of the zoning district(s) on the lot shall be determined by scaled measurements of the zoning district boundaries on the Zoning Map.
- H. Questions concerning the exact location of zoning district boundary lines shall be interpreted by the Zoning Administrator.

Section 3. ADOPTION OF THE ZONING MAP:

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A Zoning Map setting out the boundaries of zoning classifications desired by the Board shall be adopted by resolution which provides for incorporation by reference of the Zoning Map, upon which applicable zoning district boundaries shall be fixed. Such map shall be marked "Official" copy incorporated by resolution of the Board of County Commissioner the 17th day of March 1994.", and such resolution shall designate that the Zoning Map shall be filed in with the County Planning Office as a public record.

Section 4. AMENDMENT OF THE ZONING MAP:

OMITTED BY
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If an Amendment, Rezoning or Conditional Use Permit, affects the boundaries of any zoning classification, then the Board shall order that the Zoning Map to be amended to reflect such change and that the Zoning Map be reincorporated as amended by resolution.

Other amendments to the Zoning Map shall be accomplished by utilizing the same procedures that apply to the amendments of these regulations, as set forth in Article 4.

Section 5. DIFFERENCES BETWEEN PREVIOUS ZONING MAPS AND ZONING MAPS ADOPTED WITH THESE REGULATIONS.

If there is a difference, either real or apparent, between the zoning map(s) adopted with these regulations and previous zoning map(s), regardless of whether the real or apparent differences appear or are found to be the result of errors or omissions, the zoning maps adopted with these regulations shall prevail and establish the zoning for all real property.

ARTICLE 9. RURAL DISTRICTS

Section 1. INTENT AND GENERAL PROVISIONS:

- A. The zoning of property as RUR, Rural District, is intended to:
 - 1. maintain and enhance agricultural operations including crop production and the raising of livestock,
 - 2. preserve and protect agricultural areas in unincorporated Johnson County utilized for crop production or the raising of livestock, and
 - 3. 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.
- B. The zoning of property as PRUR, Planned Rural District, is intended to:
 - 1. enable subdivisions that front lots on Local Streets or Collector Streets at an overall density of one dwelling unit per ten (10) acres subdivided and enable bonus lots in some subdivision situations, and
 - 2. 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.
- C. These districts are intended for the preservation and protection of rural areas, as well as agricultural areas in the Rural District, and are 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 that arise from premature development of rural areas. These districts are further intended to preserve and protect open space and natural resource areas. The regulations for these districts are designed to provide protection for existing development while allowing new construction in accordance with current development and performance standards and density objectives.

The uses permitted and development regulations are set forth in Sections 2 and 3 below.

Section 2. RURAL DISTRICT (RUR):

- A. Purpose: The purpose of zoning of property to the RUR, Rural District, is to provide for agricultural areas with single-family residential uses that:
 - 1. maintain or enhance the rural character of the area;
 - 2. are sensitive to the physical characteristics of the sites;
 - 3. facilitate compatible agricultural or other rural land uses;
 - 4. protect agricultural areas;
 - 5. protect natural resource areas; and
 - 6. minimize negative impacts on existing roads and the infrastructure in the area.

B. 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.

C. Conditional Uses: Certain uses may be allowed by Conditional Use Permit. See Article 23.

D. 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: forty (40) feet.
 - c. Maximum height of accessory structures and uses other than agricultural buildings and structures: thirty (30) feet.
2. Yard Regulations:
 - a. Front Yard: The depth of the front yard shall be at least fifty (50) feet. The required front yard setback shall be provided and maintained from all street frontages. A front setback of at least two hundred (200) feet is recommended for residential structures if the adjoining road does not have a dust-free surface.
 - b. Side Yard: There shall be a side yard of at least twenty-five (25) feet on each side of a lot.
 - c. Rear Yard: There shall be a rear yard of at least twenty-five (25) feet.

3. Minimum Lot Dimensions:
 - a. The minimum depth of a lot shall comply with the provisions in the subdivision regulations.
 - b. The minimum width of a lot shall be three hundred (300) feet.
4. Minimum Lot Area: Every dwelling hereafter erected, constructed, reconstructed, moved or altered, shall provide a Nominal Lot Area of not less than ten (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.
- E. Parking Regulations: Two (2) off-street parking spaces shall be provided on the premises for each dwelling unit. See Article 19, Off-Street Parking Requirements.
- F. Sign Regulations: See Article 20, Sign Regulations.
- G. Minimum Infrastructure: After the effective date of these regulations, within this zoning district, all Minimum Infrastructure Requirements set forth in Article 31 shall be met prior to rezoning or development of any site in the Rural District. Compliance with the highly recommended infrastructure factors established by Article 31 shall also be required unless the applicant can show good cause why the highly recommended infrastructure factors should not be provided and that a waiver should be allowed in accordance with Section 2 (E) of Article 31. See Minimum Infrastructure Requirements in Article 31 of these regulations.

Section 3. PLANNED RURAL DISTRICT, (PRUR):

- A. Purpose: The purpose of zoning of property to the PRUR, Planned Rural District, is to provide for Planned Rural Development Subdivisions that contain single-family residential areas and rural use areas that:
 1. maintain or enhance the rural character of the area;
 2. are sensitive to the physical characteristics of the sites;
 3. protect natural resource areas;
 4. place new, permanent, single-family dwellings on smaller lots that are in Residential Groupings to realize greater economies in the provision of infrastructure to the new lots, especially with regard to the layout of roads, the provision of water lines for both domestic needs and fire protection purposes, and the provision of wastewater disposal systems; and
 5. minimize negative impacts on existing roads and the infrastructure in the area, for example, by minimizing the number of access points onto existing roads and by grouping new, permanent, single-family dwellings so they can be served by fewer and shorter roads and fewer and shorter connections to utility lines that have the capacity to serve the needs of the Planned Rural Development Subdivisions.
- B. Plats or Plans: Applications for the Planned Rural District shall require the submittal of a preliminary plat or development plan subject to the requirements of Articles 11, 15, and 25 through 31, of these regulations.

C. Permitted Uses: In the Planned 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. Permanent single-family dwelling.
2. 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.
3. Accessory buildings and uses customarily incidental to the uses listed above, as set out in Article 18.
4. Home occupations as set out in Article 18.
5. Supplementary Uses as set out in Article 16.
6. Passive open space, nature preserve, arboretum, and park areas.

D. Conditional Uses: Certain uses may be allowed by Conditional Use Permit. See Article 23.

E. 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: forty (40) feet.
- c. Maximum height of accessory structures and uses other than agricultural buildings and structures: thirty (30) feet.

2. Yard Regulations:

- a. Front Yard: The depth of the front yard shall be at least fifty (50) feet. The required front yard setback shall be provided and maintained from all street frontages. A front setback of at least two hundred (200) feet is required for residential structures if the adjoining road does not have a dust-free surface.
- b. Side Yard: There shall be a side yard of at least twenty-five (25) feet on each side of a lot. However, if compliance with the County-adopted Fire Code building separation requirements would require a side yard setback larger than twenty-five (25) feet when any new building is constructed on a lot, then the building shall be provided a minimum side yard that complies with the building separation distance required by the County-adopted Fire Code even if that side yard setback is larger than twenty-five (25) feet.
- c. Rear Yard: There shall be a rear yard of at least twenty-five (25) feet. However, if compliance with the County-adopted Fire Code building separation requirements would require a rear yard setback larger than twenty-five (25) feet when any new building is constructed on a lot, then the building shall be provided with a minimum rear yard that

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complies with the building separation distance required by the County-adopted Fire Code even if that rear yard setback is larger than twenty-five (25) feet.

3. Minimum Lot Dimensions:

- a. The minimum depth of a lot shall comply with the provisions in the subdivision regulations.
- b. Each lot shall be wide enough to meet the lot-depth to lot-width requirements of Article 30, Section 3 (B) of these regulations.
- c. The minimum width of a lot shall be one hundred fifty (150) feet.

4. Lot Area and Density: Except as provided in Article 24, Nonconforming Lots and Uses, every dwelling unit hereafter erected, constructed, reconstructed, moved, or altered, shall be provided a lot area in accordance with the following subdivision requirements:

Planned Rural Development Subdivisions approved after April 3, 2002, shall have all lots take access from a collector or local street and shall have an overall density not exceeding (more dense than) one (1) dwelling unit per ten (10) acres of real property platted into a Planned Rural Development Subdivision, plus one bonus lot for each thirty (30) acres of real property platted into a Planned Rural Development Subdivision. Planned Rural Development Subdivisions, including bonus lots, shall provide a minimum Nominal Lot Area of four (4) acres per dwelling.

5. Supplementary Height, Area and Bulk Regulations: As set out in Article 17.

F. Parking Regulations: Two (2) off-street parking spaces shall be provided on the premises for each dwelling unit. See Article 19, Off-Street Parking Requirements.

G. Sign Regulations: See Article 20, Sign Regulations.

H. Minimum Infrastructure: After the effective date of these regulations, within this zoning district, all Minimum Infrastructure Requirements set forth in Article 31 shall be met prior to rezoning or development of any site in the Planned Rural District. Compliance with the highly recommended infrastructure factors established by Article 31 shall also be required unless the applicant can show good cause why the highly recommended infrastructure factors should not be provided and that a waiver should be allowed in accordance with Section 2 (E) of Article 31. See Minimum Infrastructure Requirements in Article 31 of these regulations.

I. Supplementary Performance Standards: Development and use in this district shall also comply with the Supplementary Performance Standards set forth in Article 11, Section 7 of these regulations.

ARTICLE 10. RESIDENTIAL DISTRICTS

Section 1. INTENT AND GENERAL PROVISIONS:

The zoning of property to the Residential Districts is intended to provide for residential dwellings and accessory uses in neighborhoods which are compatible with the exurban-density and large-lot residential character of these Residential Districts. Property zoned to these Residential Districts should include only those tracts which abut or are in close proximity to existing large-lot, exurban-density single-family residential development and which have an established neighborhood character of single-family dwellings on lots containing at least the minimum acreage required for these districts. Land considered for these Residential Districts should also include only that land where public sanitary sewers are not planned to be provided within a reasonable period of time such as five (5) to seven (7) years due to its location or the conditions resulting from adjacent large-lot, exurban-density or low-density residential development. These districts are further established to govern the intensity and patterns of development for rural and residential uses in unincorporated Johnson County and to provide for efficiency in the provision of public facilities and services needed for developing areas in the County. The regulations for these districts are intended to provide protection for existing development while allowing for new construction in accordance with current development and performance standards and density objectives.

The uses permitted and development regulations for these districts are set forth in Sections 2 through 4 below.

Section 2. RESIDENTIAL LOW DENSITY DISTRICT (RLD):

- A. Purpose: The zoning of property to the Residential Low Density District is intended to a). provide for the development of large-lot single-family residential neighborhoods that retain the character of a rural area with limited residential development. b). maintain and enable accessory limited garden uses, and c). to serve as a holding zone for lands where urban expansion may be proposed but is not yet appropriate due to inadequately available facilities or services. This district is suitable in locations where paved public roads, schools, central water supply with adequate capacity for domestic and reasonable fire fighting purpose as required by the County Fire Code, all usual residential utility services, and public safety services are readily available as required in the minimum infrastructure requirements in Article 31 of these regulations. This district is not suitable in all rural locations; it is inappropriate in areas predominantly agricultural in character where public facilities and services are adequate only to meet the needs of farm residences and farm operations. In general, this district is intended to have lots which are served by local streets without fronting onto arterial or collector streets unless such frontage would clearly be of an interim nature. This district is also intended to serve as a holding zone for lands where future urban expansion is possible but not yet appropriate due to inadequately available urban level facilities and services.
- B. Permitted Uses: In the Residential Low Density District, no building, structure, land, or premises shall be used and no building or structure hereafter shall be erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:
1. Permanent Single-family dwelling.
 2. Accessory buildings and uses customarily incidental to single-family uses and as set out in Article 18.

3. Home occupations as set out in Article 18.
 4. Neighborhood parks, playgrounds, and community buildings open to residents of the neighborhood.
 5. Supplementary Uses as set out in Article 16.
- C. Conditional Uses: Certain uses may be allowed in the Residential Low Density District by Conditional Use Permit. See Article 23.
- D. Height Area and Bulk Regulations:
1. Height Regulations:
 - a. Maximum height of residences: forty (40) feet.
 - b. Maximum height of accessory structures: thirty (30) feet.
 2. Yard Regulations:
 - a. Front Yard: The depth of the front yard shall be at least fifty (50) feet. The required front yard setback shall be provided and maintained from all street frontages. A front setback of at least one hundred (100) feet is recommended for residential structures if the adjoining roads do not have a dust-free surface.
 - b. Side Yard: There shall be a side yard of at least twenty-five (25) feet on each side of a lot.
 - c. Rear Yard: There shall be a rear yard of at least twenty-five (25) feet.
 3. Minimum Lot Dimensions: The minimum depth of a lot and the lot depth to width ratio shall comply with the provisions in the subdivision regulations. The minimum width of a lot shall be one hundred fifty (150) feet.
 4. Minimum Lot Area: Every dwelling hereafter erected, constructed, reconstructed, moved or altered shall have a lot area of not less than three (3) acres.
 5. Supplementary Height, Area and Bulk Regulations: As set out in Article 17.
- E. Parking Regulations: Two (2) off-street parking spaces shall be provided on the premises for each dwelling unit. See Article 19, Off-Street Parking Requirements.
- F. Sign Regulations: See Article 20, Sign Regulations.
- G. Minimum Infrastructure: After the effective date of these regulations, within this zoning district, all Minimum Infrastructure Requirements set forth in Article 31 shall be met prior to rezoning or development of any site in the Residential Low Density District. Compliance with the highly recommended infrastructure factors established by Article 31 shall also be required unless the applicant can show good cause why the highly recommended infrastructure factors should not be provided and that a waiver should be allowed in accordance with Section 2 (E) of Article 31. See Minimum Infrastructure Requirements in Article 31 of these regulations.

Section 3. RESIDENTIAL NEIGHBORHOOD TWO DISTRICT (RN-2):

- A. Purpose: The zoning of property to the Residential Neighborhood Two District is intended to provide for the development of exurban-density single-family residential neighborhoods that retain the character of a rural area yet allow an influx of residential development at densities greater than those in low-density residential districts but lesser than the densities in the residential neighborhood one districts. This district is suitable in locations where paved public roads, schools, central water supply with adequate capacity for both domestic and fire fighting purposes, all usual residential utility services, and public safety services are readily available as required by the minimum infrastructure requirements in Article 31 of these regulations. This district is not suitable in all locations; it is inappropriate in areas predominantly agricultural in character where public services and facilities are adequate only to meet the needs of farm residences and farm operations. Lots in this district shall be served by local streets and shall not front onto arterial or collector streets unless such frontage would clearly be of an interim or temporary nature or is found to be unavoidable with respect to sound subdivision layout considerations. This district is also intended to serve as an interim zone for lands where future urban expansion is possible but not yet appropriate due to inadequately available urban level facilities and services.
- B. Permitted Uses: In the Residential Neighborhood Two 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. Permanent Single-family dwelling.
 2. Accessory buildings and uses customarily incidental to single-family uses and as set out in Article 18.
 3. Home occupations as set out in Article 18.
 4. Parks, playgrounds and neighborhood buildings open to residents of the neighborhood.
 5. Supplementary uses as set out in Article 16.
- C. Conditional Uses: Certain uses may be allowed by Conditional Use Permit. See Article 23.
- D. Height Area and Bulk Regulations:
1. Height Regulations:
 - a. Maximum height of residences: forty (40) feet.
 - b. Maximum height of accessory structures: thirty (30) feet.
 2. Yard Regulations:
 - a. Front Yard: The depth of the front yard shall be at least fifty (50) feet. The required front yard setback shall be provided and maintained from all street frontages.
 - b. Side Yard: There shall be a side yard of at least twenty-five (25) feet on each side of a lot.
 - c. Rear Yard: There shall be a rear yard of at least twenty-five (25) feet.

3. Minimum Lot Dimensions: The minimum depth of a lot and the lot depth to lot width ratio shall comply with the provisions in the subdivision regulations. The minimum width of a lot shall be one hundred (100) feet.
 4. Minimum Lot Area: Every dwelling hereafter erected, constructed, reconstructed, moved or altered shall have a lot area of not less than two (2) acres.
 5. Supplementary Height, Area and Bulk Regulations: As set out in Article 17.
- E. Parking Regulations: Two (2) off-street parking spaces shall be provided on the premises for each dwelling unit. See Article 19, Off-Street Parking Requirements.
- F. Sign Regulations: See Article 20, Sign Regulations.
- G. Minimum Infrastructure: After the effective date of these regulations, within this zoning district, all Minimum Infrastructure Requirements set forth in Article 31 shall be met prior to rezoning or development of any site in the Residential Neighborhood Two District. Compliance with the highly recommended infrastructure factors established by Article 31 shall also be required unless the applicant can show good cause why the highly recommended infrastructure factors should not be provided and that a waiver should be allowed in accordance with Section 2 (E) of Article 31. See Minimum Infrastructure Requirements in Article 31 of these regulations.

Section 4. RESIDENTIAL NEIGHBORHOOD ONE DISTRICT (RN-1):

- A. Purpose: The zoning of property to the Residential Neighborhood One District is intended to provide for the development of exurban -density single-family residential neighborhoods that retain the character of a rural area yet allow an influx of residential development. This district is suitable in locations where paved public roads, schools, central water supply with adequate capacity for both domestic and fire fighting purposes, all usual residential utility services, and public safety services are readily available as required by the adequate infrastructure requirements in Article 31 of these regulations. This district is not suitable in all locations; it is inappropriate in areas predominantly agricultural in character where public services and facilities are adequate only to meet the needs of farm residences and farm operations. Lots in this district shall be served by local streets and shall not front onto arterial or collector streets unless such frontage would clearly be of an interim or temporary nature or is found to be unavoidable with respect to sound subdivision layout considerations. This district is also intended to serve as an interim zone for lands where future urban expansion is possible but not yet appropriate due to inadequately available urban level facilities and services.
- B. Permitted Uses: In the Residential Neighborhood One 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. Permanent Single-family dwelling.
 2. Accessory buildings and uses customarily incidental to single-family uses and as set out in Article 18.
 3. Home occupations as set out in Article 18.
 4. Parks, playgrounds and neighborhood buildings open to residents of the neighborhood.
 5. Supplementary uses as set out in Article 16.

- C. Conditional Uses: Certain uses may be allowed by Conditional Use Permit. See Article 23.
- D. Height Area and Bulk Regulations:
1. Height Regulations:
 - a. Maximum height of residences: thirty-five (35) feet.
 - b. Maximum height of accessory structures: twenty-five (25) feet.
 2. Yard Regulations:
 - a. Front Yard: The depth of the front yard shall be at least fifty (50) feet. The required front yard setback shall be provided and maintained from all street frontages.
 - b. Side Yard: There shall be a side yard of at least twenty-five (25) feet on each side of a lot.
 - c. Rear Yard: There shall be a rear yard of at least twenty-five (25) feet.
 3. Minimum Lot Dimensions: The minimum depth of a lot and the lot depth to lot width ratio shall comply with the provisions in the subdivision regulations. The minimum width of a lot shall be one hundred (100) feet.
 4. Minimum Lot Area: Every dwelling hereafter erected, constructed, reconstructed, moved or altered shall have a lot area of not less than one (1) acre.
 5. Supplementary Height, Area and Bulk Regulations: As set out in Article 17.
- E. Parking Regulations: Two (2) off-street parking spaces shall be provided on the premises for each dwelling unit. See Article 19, Off-Street Parking Requirements.
- F. Sign Regulations: See Article 20, Sign Regulations.
- G. Minimum Infrastructure: After the effective date of these regulations, within this zoning district, all Minimum Infrastructure Requirements set forth in Article 31 shall be met prior to rezoning or development of any site in the Residential Neighborhood One. Compliance with the highly recommended infrastructure factors established by Article 31 shall also be required unless the applicant can show good cause why the highly recommended infrastructure factors should not be provided and that a waiver should be allowed in accordance with Section 2 (E) of Article 31. See Minimum Infrastructure Requirements in Article 31 of these regulations.

ARTICLE 11.
PLANNED ZONING DISTRICTS
GENERAL REQUIREMENTS

Section 1. PURPOSE:

In order that the public health, safety, morals and general welfare be furthered in an era of growing demand for housing of all types and designs; and, to provide for necessary commercial facilities conveniently located to such housing; to provide for well located, clean, safe, pleasant, employment centers involving a minimum strain on transportation and other community facilities; to encourage innovation in residential, commercial and industrial development and renewal so that growing demands of the population may be met by greater variety in type, design, and layout of buildings; to encourage conservation and more efficient use of open space ancillary to said buildings, so that greater opportunities for better housing and recreation, retail business and employment center uses conveniently located to each other may be extended to all citizens and residents; and in order to encourage a more efficient use of land and public services or private services in lieu thereof, and to reflect changes in the technology of land development so that resulting economies may inure to the benefit of those who need shelter; to lessen the burden of traffic on streets and highways; to encourage the building of areas incorporating the best features of modern design; to conserve the value of land; to provide a procedure which can relate the type, design and layout of residential, retail business and employment center development to the particular site and the particular demand for housing and other facilities including the foregoing at the time of development in a manner consistent with the preservation of property values; and to insure that the increased flexibility of substantive regulations over land development is subject to administrative standards and procedures which encourage disposition of proposals without undue delay; to assure that proposals put forth at public hearing are indeed constructed as planned; and in aid of these purposes the Planned Zoning Districts are hereby created and established. Planned zoning is not intended to assure privileges for all or parts of a project and planned zoning is not to be granted as a refuge from standard requirements.

Section 2. STATEMENT OF OBJECTIVES:

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

- A. Promote and encourage innovation in residential and limited retail business and employment center development which is carefully planned so that growing demands of the population may be met by greater variety in type, design and layout of buildings and development while maintaining overall density and intensity of uses and development patterns consistent with the adopted comprehensive plan.
- B. Conserve open space by requiring equivalent open space or improvement of same or other requirements as provided in these regulations and more efficiently use open space and recreation areas.
- C. Provide greater opportunities for better housing, recreation and convenient retail business and employment center facilities.
- D. Allow developers to incorporate and reflect changes in technology of land development so that resulting economies may inure to the benefit of those who need shelter.

- E. Produce a pattern of development which preserves trees, outstanding natural topographic and geological features, and prevents soil erosion.
- F. Promote an efficient use of land resulting in smaller networks of utilities and streets and, thereby, lower development costs.
- G. Provide an environment of stable character in harmony with surrounding development and in a manner consistent with property values within established developed areas.
- H. Encourage a more desirable environment than would be possible through the strict application of other sections of these regulations.
- I. Ensure that the increased flexibility afforded by this Article is subject to the administrative standards and procedures outlined.
- J. Encourage and promote the disposition of proposals for land development under this Article without undue delay.

This Article is designed to provide for small and large scale development incorporating a single type or a variety of related uses which are planned and developed as a unit. Such development may consist of individual lots or it may have common building sites and mixture of the two may be allowed.

The Article is not intended to permit a greater overall density than that allowed for like development as set forth elsewhere in these regulations, but is to provide a greater flexibility in the design of buildings, yards, courts, recreation areas, circulation and other like features than would otherwise be possible through the strict application of these regulations.

Section 3. PLANNED ZONING DISTRICTS ESTABLISHED:

Planned zoning districts are hereby established as set forth in Articles 7, 9, 12, 13, 14, and 32 of these regulations under the purposes, provisions and procedures of this Article in the same manner as though fully set forth herein. The titles of the planned zoning districts shall be as enumerated in Article 7 of these regulations. The requirements and provisions for each planned district are hereby established and shall be as provided in:

Article 9,	Planned Rural District	(PRUR);
Article 12,	Planned Residential Low Density District	(PRLD);
	Planned Residential Neighborhood Two District	(PRN-2);
	Planned Residential Neighborhood One District	(PRN-1);
	Planned Residential Urban Single-Family District	(PRU-1A);
	Planned Residential Urban Single-Family District	(PRU-1B);
	Planned Residential Urban Two-Family District	(PRU-2);
	Planned Residential Urban Townhouse District	(PRU-3);
	Planned Residential Urban Apartment District	(PRU-4);
	Planned Residential Manufactured Home Park District	(PRMHP); and
	Planned Residential Manufactured Home Subdivision District	(PRMHS).
Article 13,	Planned Limited Retail Business District	(PRB-1A);
	Planned Rural Retail Business District	(PRB-1);
	Planned Residential Neighborhood Retail Business District	(PRB-2); and
	Planned Urban Neighborhood Retail Business District	(PRB-3).

Article 14, Planned Research and Development Park District	(PEC-1);
Planned Research, Development and Office Park District	(PEC-2);
Planned Research, Development and Light Industrial Park District	(PEC-3); and
Planned Industrial Park District	(PEC-4).
Article 32, Planned Adult Entertainment District	(PAE).

Section 4. PLANNED ZONING DISTRICT PROCEDURES:

- A. Applications for rezoning to a planned zoning district shall be submitted and processed in accordance with the requirements of these regulations in Article 4.
- B. A Preliminary Development Plan application shall be submitted and approved concurrently with the rezoning application as provided in Section 5 below.
- C. Prior to the issuance of building permits for construction on land with planned district zoning, a Final Development Plan shall be submitted and approved as provided in Article 15 herein and Section 5 below.

Section 5. GENERAL DEVELOPMENT PLAN APPROVAL REQUIREMENTS:

- A. Preliminary Development Plans shall describe the applicant's intentions and concepts for the use and development of the property. Final Development Plans shall describe in detail the applicant's specific plans for the use and development of the property. Preliminary Development Plan and Final Development Plan application requirements and approval procedures shall comply with the following:
- B. Applications for Preliminary Development Plan approval for land zoned or proposed to be zoned Planned Retail Business Districts (PRB-1A, PRB-1, PRB-2, or PRB-3), Planned Employment Center Districts (PEC-1, PEC-2, PEC-3 or PEC-4) or Planned Adult Entertainment District (PAE) and applications for Final Development Plan approval for land so zoned shall be submitted and processed as provided in Article 15, Development Plan Procedures, of these regulations.
- C. Applications for Preliminary Development Plan approval for land zoned or proposed to be zoned to any of the following planned districts;

Planned Rural District	(PRUR)
Planned Residential Low Density District	(PRLD);
Planned Residential Neighborhood Two District	(PRN-2);
Planned Residential Neighborhood One District	(PRN-1);
Planned Residential Urban Single-Family District	(PRU-1A);
Planned Residential Urban Single-Family District	(PRU-1B);
Planned Residential Urban Two-family District	(PRU-2);
Planned Residential Urban Townhouse District	(PRU-3);
Planned Residential Urban Apartment District	(PRU-4);
Planned Residential Manufactured Home Park District	(PRMHP); and
Planned Residential Manufactured Home Subdivision District	(PRMHS).

and applications for Final Development Plan approval for land so zoned shall be as follows:

1. The submitted and approved Preliminary Development Plan shall be a Preliminary Plat for the property and the submitted and approved Final Development Plan shall be a Final Plat for the property as provided in subdivision regulation Articles 25 through 31, inclusive, of these regulations, and
 2. A Preliminary Development Plan and a Final Development Plan shall be also submitted for approval as provided in Article 15, Development Plan Procedures, of these regulations, for all common areas, open space, or facilities for public or quasi-public use, including clubhouses, meeting rooms, identification signs, landmarks, gates, fountains, lakes, and similar such development features.
- D. Any architectural controls proposed to be made applicable to the development of lots in such planned districts shall be indicated on the development plan(s) submitted for approval and copies of the proposed architectural controls shall be submitted before Final Development Plan approval.

Section 6. MINIMUM INFRASTRUCTURE REQUIREMENTS:

Each planned district has Minimum Infrastructure Requirements which apply to the rezoning of land to those districts as well as development of land so zoned. The Minimum Infrastructure Requirements are specified in Article 31 of these regulations.

Section 7. SUPPLEMENTARY PERFORMANCE STANDARDS:

Each planned district has development standards and performance standards which apply to the development and use of land so zoned. The development standards for each planned zoning district are specified in the regulations for each planned zoning district. The performance standards are specified as follows:

- A. Exterior Storage: Except during permitted construction on any tract, all exterior storage of equipment, raw materials or finished products shall be fully screened from the view of adjacent parcels and streets by a solid screen fence at least 6 feet in height or equivalent.
- B. Refuse: Except during permitted construction on any tract, all waste material, debris, refuse, or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes which shall be screened from view from adjacent parcels and any streets by dense landscaping, landforms, by housing the container in a refuse enclosure at least as tall as the container or by keeping the container within a building. Refuse enclosures are to be constructed and provided in such a way that they would be at least seventy-five (75) percent visually solid as viewed on any line perpendicular to the line of the exterior surfaces of the enclosure, and the enclosures provided and used for trash dumpster containers shall have a paved floor. The owner of any land parcel shall be responsible for keeping that land free of refuse. All exterior storage not included as a permitted accessory use, a permitted use, or included as part of a Conditional Use Permit, or otherwise permitted by provisions of these regulations shall be considered as refuse.
- C. Screening: Where any Planned Retail Business or Planned Employment Center use (structure, parking or storage) is adjacent to property zoned or developed for residential use, the business or employment center uses shall provide screening along the boundary adjacent to the residential property to screen residences within 300 feet of the property. Screening also shall be provided where a parking lot or business or employment center service, storage or loading area is across the street from a residential zone, but not on that side of any business or employment center use

which has the main entrance to the establishment or is considered to be the front of the establishment.

The screening required in this section shall be at least seventy-five (75) percent visually solid as viewed on any line perpendicular to the line of the screening, shall consist of dense landscaping, landforms which provide the required screening effect, or fence(s) or wall(s) with a height of at least six feet and which shall not extend within 15 feet of any street right-of-way line. The required screening shall be provided along property lines, or, in case of screening along a street, on private property at least 15 feet from the street right-of-way, with landscaping of all unpaved land surfaces between the screening and the street pavement. Plantings, extensive setbacks and/or landforms such as berms or terraces of a type approved by the County may also be required in addition to or in lieu of screening and fencing required by this section. See also Article 16, Section 3.

- D. Glare: Any lighting used to illuminate an off-street parking area, outside storage area, outside activity area, sign or other structure shall be arranged as to deflect light away from any adjoining residential zone and from the public streets. Direct or reflected glare from floodlights or from high-temperature processes such as combustion or welding, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare floodlight or spotlight illumination sources shall not be permitted in view of adjacent property or public right-of-way. Any illumination fixtures or combination of illumination fixtures that illuminate a public street shall not cast illumination exceeding one (1) footcandle (meter reading) as measured from the centerline of said street. Any illumination fixtures or combination of illumination fixtures that illuminate residential property shall not cast illumination exceeding 0.4 footcandles (meter reading) as measured from said property.
- E. Explosives: No activities involving the storage, utilization or manufacture of materials or products (such as TNT or dynamite) that could decompose by detonation shall be permitted except such as are specifically approved by the Board.
- F. Radiation and Electrical Emissions: No activities shall be permitted that emit dangerous radioactivity or electro-magnetic emissions beyond enclosed areas. There shall be no electrical disturbance (except those from domestic household appliances) adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
- G. Environmental Protection: The emission of noise, odors, vibration, smoke, air pollution, liquid or solid wastes, heat, and dust, must meet applicable local, state and federal regulations.

All wastes shall be disposed of in conformity with local, state and federal regulations.

Minimum standards for noise, odor, and vibration shall be as follows:

- 1. Noise: In no case shall the noise level exceed 60 dB(A) in the Residential or Planned Residential Districts nor 70 dB(A) in Planned Retail Business or Planned Employment Center Districts more than five times per minute or for more than a 15 second period measured at any point along the property line.
- 2. Odors:
 - a. No person may cause, permit or allow the emission of objectionable or offensive odorous matter in such concentrations and frequencies or for such durations that such odor can be perceived at the point of complaint in a residential area when one (1) volume of odorous

air is diluted with two (2) volumes of odor-free air for two (2) separate trials not less than fifteen (15) minutes apart within the period of one (1) hour.

- b. Method of Measurement: These measurements may be made with a Scentometer as manufactured by the Barnebey-Cheney Company or by a similar device, as recognized by the Zoning Administrator, that will give equivalent results.
3. Vibration: No person shall cause any vibration discernible beyond property line to the human sense of feeling for three minutes or more duration in any one hour or any vibration producing an acceleration of more than 0.1 g's or resulting in any combination of amplitudes and frequencies beyond the "safe" range of Table 7, United States Bureau of Mines Bulletin No. 442, "Seismic effects of Quarry Blasting," on any structure.

ARTICLE 12.
PLANNED RESIDENTIAL DISTRICTS

Section 1. INTENT AND GENERAL PROVISIONS:

The zoning of property to the Planned Residential Districts is intended to provide for the planned development of single-family residential neighborhoods and multi-family residential areas that are compatible with the residential character of these Planned Residential Districts. The zoning of property to these Planned Residential Districts is intended to provide for residential development in areas where adequate public facilities and services exist for such development and such development is appropriate given the surrounding land uses and neighborhood. Property zoned to a Planned Residential Urban District or to a Planned Residential Manufactured Home District shall be provided with public sanitary sewers, or suitable alternatives, prior to development. These districts are established to govern the intensity and patterns of development for residential uses in the County and to provide for efficiency in the provision of public facilities and services needed for development in the County. The regulations for these districts are intended to provide protection for existing development while allowing new construction in accordance with current development and performance standards and density objectives.

The uses permitted and certain development regulations are set forth in Sections 2 through 6 below.

Applications for these planned districts shall require the submittal of a preliminary plat or development plan subject to the requirements of Articles 11, 15, and 25 through 31, of these regulations.

Section 2. PLANNED RESIDENTIAL LOW DENSITY DISTRICT, (PRLD):

A. Purpose: The zoning of property to the Planned Residential Low Density District is intended to

- a). provide for the planned development of low density residential neighborhoods that retain the character of a rural area with limited residential development.
- b). maintain and provide for accessory limited garden uses, and
- c). to serve as a holding zone for lands where urban expansion may be proposed but is not yet appropriate due to inadequately available facilities or services.

This district is suitable in locations where paved public roads, schools, central water supply with adequate capacity for domestic and reasonable fire fighting purposes as required by the County Fire Code, all usual residential utility services, and public safety services are readily available as required by the minimum infrastructure requirements in Articles 11 and 31 of these regulations. This district is not suitable in all rural locations; it is inappropriate in areas predominantly agricultural in character where public facilities and services are adequate only to meet the needs of farm residences and farm operations. In general, this district is intended to have lots which are served by local streets without fronting onto arterial or collector streets unless such frontage would be clearly of an interim or temporary nature. The allowed development intensity is intended to prevent urban sprawl, control the public cost of providing facilities and services and reduce residential-rural conflicts which arise as a result of development. This district is further intended to preserve open space, to protect watersheds and water supplies, to protect woodlands and naturally scenic areas and to conserve areas for fish and wildlife. This district may provide for accessory limited garden uses on at least part of the tract so zoned as an alternative to the conversion of entire agricultural tracts to non-farm use and development. To these ends, this district provides for flexibility in the establishment of allowed development densities as part of the zoning of land to this district.

B. Permitted Uses; Conditional Uses; Height, Area and Bulk Regulations; Parking Requirements; and Sign Regulations shall be the same as required for the Residential Low Density District.

C. Planning Considerations:

1. Alternate height, bulk, parking and sign requirements may be established through the development plan process, and
2. The layout of the lots on a Preliminary Plat may be altered from standard requirements such as minimum lot depth, minimum lot width, length of cul-de-sac streets, length of blocks, and other such design guidelines in the subdivision regulations in Articles 25 through 30 of these regulations, and
3. The minimum lot size shall be two and one-half (2-1/2) acres and every lot shall provide a Nominal Lot Area of not less than three (3) acres.

D. Minimum Infrastructure: After the effective date of these regulations, within this zoning district, all Minimum Infrastructure Requirements set forth in Article 31 shall be met prior to rezoning or development of any site in the Planned Residential Low Density District. Compliance with the highly recommended infrastructure factors established by Article 31 shall also be required unless the applicant can show good cause why the highly recommended infrastructure factors should not be provided and that a waiver should be allowed in accordance with Section 2 (E) of Article 31. See Minimum Infrastructure Requirements in Article 31 of these regulations.

Section 3. PLANNED RESIDENTIAL NEIGHBORHOOD TWO DISTRICT, (PRN-2):

A. Purpose: The zoning of property to the Planned Residential Neighborhood Two District is intended to provide for the development of exurban low-density single-family residential neighborhoods that retain the character of a rural area yet allow an influx of residential development at densities greater than those in low-density residential districts but lesser than the densities in the residential neighborhood one districts. This district is suitable in locations where paved public roads, schools, central water supply with adequate capacity for both domestic and fire fighting purposes, all usual residential utility services, and public safety services are readily available as required by the minimum infrastructure requirements in Articles 11 and 31 of these regulations. This district is not suitable in all locations; it is inappropriate in areas predominantly agricultural in character where public services and facilities are adequate only to meet the needs of farm residences and farm operations. Lots in this district shall be served by local streets and shall not front onto arterial or collector streets. This district is also intended to serve as a holding zone for lands where future urban expansion is possible but not yet appropriate due to inadequately available urban level facilities and services.

B. Permitted Uses; Conditional Uses; Height, Area and Bulk Regulations; Parking Requirements; and Sign Regulations shall be the same as required for the Residential Neighborhood Two District.

C. Planning Considerations:

1. Alternate height, bulk, parking and sign requirements may be established through the development plan process, and
2. The layout of the lots created may be altered from the standard requirements as part of the Preliminary Plat submitted as the development plan as provided in these regulations with respect to such usual requirements as the minimum lot depth, minimum lot width, length of cul-de-sac streets, the length of blocks, and other such design guidelines in the subdivision regulations in Articles 25 through 30 of these regulations, and

3. The minimum lot size shall be the same as required for the Residential Neighborhood Two District. *2 acres*
- D. Minimum Infrastructure: After the effective date of these regulations, within this zoning district, all Minimum Infrastructure Requirements set forth in Article 31 shall be met prior to rezoning or development of any site in the Planned Residential Neighborhood Two District. Compliance with the highly recommended infrastructure factors established by Article 31 shall also be required unless the applicant can show good cause why the highly recommended infrastructure factors should not be provided and that a waiver should be allowed in accordance with Section 2 (E) of Article 31. See Minimum Infrastructure Requirements in Article 31 of these regulations.

Section 4. PLANNED RESIDENTIAL NEIGHBORHOOD ONE DISTRICT, (PRN-1):

- A. Purpose: The zoning of property to the Planned Residential Neighborhood One District is intended to provide for the development of low-density single-family residential neighborhoods that retain the character of a rural area yet allow an influx of residential development. This district is suitable in locations where paved public roads, schools, central water supply with adequate capacity for both domestic and fire fighting purposes, all usual residential utility services, and public safety services are readily available as required by the minimum infrastructure requirements in Articles 11 and 31 of these regulations. This district is not suitable in all locations; it is inappropriate in areas predominantly agricultural in character where public services and facilities are adequate only to meet the needs of farm residences and farm operations. Lots in this district shall be served by local streets and shall not front onto arterial or collector streets. This district is also intended to serve as a holding zone for lands where future urban expansion is possible but not yet appropriate due to inadequately available urban level facilities and services.
- B. Permitted Uses; Conditional Uses; Height, Area and Bulk Regulations; Parking Requirements; and Sign Regulations shall be the same as required for the Residential Neighborhood One District.
- C. Planning Considerations:
1. Alternate height, bulk, parking and sign requirements may be established through the development plan process, and
 2. The layout of the lots created may be altered from the standard requirements as part of the Preliminary Plat submitted as the development plan as provided in these regulations with respect to such usual requirements as the minimum lot depth, minimum lot width, length of cul-de-sac streets, the length of blocks, and other such design guidelines in the subdivision regulations in Articles 25 through 30 of these regulations, and
 3. The minimum lot size shall be the same as required for the Residential Neighborhood One District.
- D. Minimum Infrastructure: After the effective date of these regulations, within this zoning district, all Minimum Infrastructure Requirements set forth in Article 31 shall be met prior to rezoning or development of any site in the Planned Residential Neighborhood One District. Compliance with the highly recommended infrastructure factors established by Article 31 shall also be required unless the applicant can show good cause why the highly recommended infrastructure factors should not be provided and that a waiver should be allowed in accordance with Section 2 (E) of Article 31. See Minimum Infrastructure Requirements in Article 31 of these regulations.

Section 5. PLANNED RESIDENTIAL URBAN SINGLE-FAMILY 1A DISTRICT (PRU-1A), PLANNED RESIDENTIAL URBAN SINGLE-FAMILY 1B DISTRICT (PRU-1B), PLANNED RESIDENTIAL URBAN TWO-FAMILY DISTRICT (PRU-2), PLANNED RESIDENTIAL URBAN TOWNHOUSE DISTRICT (PRU-3), PLANNED RESIDENTIAL URBAN APARTMENT DISTRICT (PRU-4):

- A. Purpose: The zoning of property to the Planned Residential Urban Single-Family 1A District (PRU-1A), Planned Residential Urban Single-Family 1B District (PRU-1B), Planned Residential Urban Two-Family District (PRU-2), Planned Residential Urban Townhouse District (PRU-3), and Planned Residential Urban Apartment District (PRU-4) is intended to provide for higher density residential development in areas where adequate public services and facilities exist for such development and where such development is appropriate with the surrounding land uses and neighborhood. Generally, locations appropriate for the Planned Residential Urban District classification shall be adjacent to cities and shall be served by public sanitary sewers and an adequate arterial and collector street network. These districts may be appropriate in the Urban Fringe Policy Area when the district is consistent with the provisions of adopted land use plan(s) for the general area.
- B. Permitted Uses: In the Planned Residential Urban Districts, no building, structure, 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. Uses by District:
 - a. In the Planned Residential Urban Single-Family 1A District (PRU-1A) and in the Planned Residential Urban Single-Family 1B District (PRU-1B) permanent single-family dwellings.
 - b. In the Planned Residential Urban Two-Family District (PRU-2) permanent two-family duplex dwellings.
 - c. In the Planned Residential Urban Townhouse District (PRU-3) permanent townhouse dwellings and attached single-family residential structures including zero lot line development of residential dwellings.
 - d. In the Planned Residential Urban Apartment District (PRU-4) permanent garden apartments, apartment complexes, and other such multi-family development.
 2. Accessory buildings and uses customary and incidental to the uses listed above, as set out in Article 18 of these regulations.
 3. Home Occupations as set out in Article 18 of these regulations.
 4. Parks, playgrounds and neighborhood buildings open to residents of the neighborhood.
 5. Supplementary uses as set out in Article 16.
- C. Conditional Uses: Certain uses may be allowed by Conditional Use Permit. See Article 23.
- D. Planning Considerations:
1. Alternate height, bulk, parking and sign requirements may be established through the development plan process, and

2. The layout of the lots on a Preliminary Plat may be altered from standard requirements such as minimum lot depth, minimum lot width, length of cul-de-sac streets, length of blocks, and other such design guidelines in the subdivision regulations in Articles 25 through 30 of these regulations,
 3. Notwithstanding the minimum lot sizes required by Subsection E(4) below, the minimum lot size and the maximum number of lots allowed may be established for developments such as planned cluster developments as follows:
 - a. The minimum lot size may be as small as ninety (90) percent of the minimum lot size otherwise allowed in this district by these regulations.
 - b. The maximum number of allowed lots shall not exceed the number of lots which would be allowed if the entire area of the tract exclusive of rights-of-way, easements or open space were divided into lots of the minimum lot size otherwise allowed in this district by these regulations.
 - c. The maximum number of allowed lots, including any lot or tract retained as open space, may be increased and the minimum lot size may be decreased by density bonuses which may be approved.
- E. Height, Area, and Bulk Regulations: Unless otherwise approved with the development plan approval, as provided herein, the maximum height, minimum yard areas, and the bulk regulations in these districts shall be as follows:
1. Height Regulations:
 - a. Maximum height of residential structures shall be thirty-five (35) feet.
 - b. Maximum number of stories of residential structures shall be two and one-half (2-1/2) stories.
 - c. Maximum height of accessory structures and uses shall be as provided in Article 18 of these regulations.
 2. Yard Regulations:
 - a. Front Yard: Depth of the front yard shall be at least thirty-five (35) feet.
 - b. Side Yard: There shall be a side yard on each side of a building; the sum total of the side yards shall be at least twenty-five (25) feet, with one side yard allowed to be a minimum of ten (10) feet.
 - c. Rear Yard: The depth of the rear yard shall be at least twenty-five (25) feet.
 3. Minimum Lot Dimensions: The minimum width of a lot shall be seventy-five (75) feet for single-family lots, one-hundred (100) feet for two-family lots, and shall have sufficient width for the proposed buildings and the required yard areas for all other uses. The minimum depth of a lot shall comply with the provisions in the subdivision regulations.

4. Minimum Lot Area: Except as provided in Article 12, Section 4, (D)(3), every detached single-family dwelling and every two-family dwelling shall be on a separate lot with a minimum lot area as follows:
 - a. In the Planned Residential Urban Single-Family 1A District (PRU-1A), twenty thousand (20,000) square feet per dwelling.
 - b. In the Planned Residential Urban Single-Family 1B District (PRU-1B), ten thousand (10,000) square feet per dwelling.
 - c. In the Planned Residential Urban Two-Family District (PRU-2), ten thousand (10,000) square feet per dwelling.
 - d. In the Planned Residential Urban Townhouse District (PRU-3), four thousand five hundred (4,500) square feet per dwelling. -
 - e. In the Planned Residential Urban Apartment District (PRU-4) three thousand five hundred and seventy-five (3,575) square feet per dwelling.
5. Supplementary Height, Area and Bulk Regulations are set out in Article 17.
- F. Parking Regulations: Two (2) off-street parking spaces shall be provided on the premises for each dwelling unit. See Article 19, Off-Street Parking Requirements.
- G. Sign Regulations: See Article 20, Sign Regulations.
- H. Minimum Infrastructure: After the effective date of these regulations, within these zoning districts, all Minimum Infrastructure Requirements set forth in Article 31 shall be met prior to rezoning or development of any site in the Planned Residential Urban Single-Family 1A District, the Planned Residential Urban Single-Family 1B District, the Planned Residential Urban Two-Family District, the Planned Residential Urban Townhouse District, and the Planned Residential Urban Neighborhood Apartment District. Compliance with the highly recommended infrastructure factors established by Article 31 shall also be required unless the applicant can show good cause why the highly recommended infrastructure factors should not be provided and that a waiver should be allowed in accordance with Section 2 (E) of Article 31. See Minimum Infrastructure Requirements in Article 31 of these regulations.

**Section 6. PLANNED RESIDENTIAL MANUFACTURED HOME PARK DISTRICT, (PRMHP):
PLANNED RESIDENTIAL MANUFACTURED HOME SUBDIVISION DISTRICT, (PRMHS):**

- A. Purpose: The zoning of property to the Planned Residential Manufactured Home Park District, (PRMHP) district is intended to accommodate the grouping of manufactured home sites for use on lots rented or leased to the occupant of the manufactured home. The zoning of property to the Planned Residential Manufactured Home Subdivision District (PRHMS) is intended to accommodate manufactured homes on subdivided lots deeded to individual property owners. These districts are intended to provide a safe and healthy living environment and to assure the mutual compatibility of Manufactured Home Parks and Manufactured Home Subdivisions with adjoining land uses.
- B. Permitted Uses: 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 more of the following uses:

1. Manufactured homes and mobile homes used for single-family occupancy.
 2. Accessory buildings and uses customarily incidental to the Manufactured Home Park or Manufactured Home Subdivision such as service buildings which provide laundry facilities, recreational facilities, park management buildings, maintenance buildings and community buildings as set out in Article 18.
 3. Home occupations as set out in Article 18.
 4. Parks, playgrounds and neighborhood buildings open to residents of the neighborhood.
 5. Supplementary uses as set out in Article 16.
- C. Conditional Uses: Certain uses may be allowed in the Planned Residential Manufactured Home Park District and the Planned Residential Manufactured Home Subdivision District by Conditional Use Permit. See Article 23.
- D. Height, Area and Bulk Regulations:
1. Height Regulations: The maximum height of all buildings and structures shall not exceed thirty (30) feet.
 2. Yard Regulations:
 - a. Front Yard: The depth of the front yard shall be at least twenty-five (25) feet.
 - b. Side Yard: There shall be a side yard on each side of any structure such that manufactured homes on adjoining lots shall be at least thirty (30) feet apart. Manufactured homes shall be at least ten (10) feet from all side lot lines. Accessory buildings and structures shall be at least five (5) feet from the side lot line and shall be at least twenty (20) feet from manufactured homes on adjoining lots.
 - c. Rear Yard: A rear yard shall be provided such that manufactured homes on adjoining lots shall be at least thirty (30) feet apart. Manufactured homes shall be at least ten (10) feet from the rear lot line.
 - d. Perimeter Yard Requirement: No part of any manufactured home or other building or structure shall be located within fifty (50) feet of any public road right-of-way, nor within twenty-five (25) feet of any exterior property line of the Manufactured Home Park or Manufactured Home Subdivision.
 3. Minimum Lot Area, Dimension, and Layout Requirements:
 - a. Planned Residential Manufactured Home Park District:
 - 1). Individual Lot: Each manufactured home lot to be occupied by single-wide unit (units not wider than fourteen (14) feet) shall consist of at least four thousand five hundred (4,500) square feet for the exclusive use of the occupant. The minimum width of each lot shall not be less than forty-five (45) feet and the minimum depth shall not be less than one hundred (100) feet. Each manufactured home lot to be occupied by a double-wide unit (units exceeding fourteen (14) feet in width) shall consist of at least five thousand (5,000) square feet, and the minimum width of each

lot shall not be less than fifty-five (55) feet and the minimum depth shall not be less than ninety (90) feet.

- 2). Manufactured Home Park: A Manufactured Home Park shall contain at least ten (10) acres.

b. Planned Residential Manufactured Home Subdivision District:

- 1). Individual Lot: Each manufactured home lot to be occupied by a single-wide unit (units not wider than fourteen (14) feet) shall consist of at least seven thousand five hundred (7,500) square feet. The minimum width of each lot shall not be less than seventy-five (75) feet and the minimum depth shall not be less than one hundred (100) feet. Each manufactured home lot to be occupied by a double-wide unit (units exceeding fourteen (14) feet in width) shall consist of at least ten thousand (10,000) square feet, and the minimum width of each lot shall not be less than eighty-five (85) feet and the minimum depth shall not be less than one hundred (100) feet.

- 2). Manufactured Home Subdivision: A Manufactured Home Subdivision shall contain at least twenty-five (25) acres.

- c. Density: A Manufactured Home Park or Manufactured Home Subdivision shall not be developed at a gross density greater than five (5) manufactured home lots per acre.

- d. Lot Layout Requirements: The location of manufactured homes, common facilities and service buildings shall be arranged within the Manufactured Home Park or Manufactured Home Subdivision in a manner which provides optimum open space, accessibility and compatibility of uses. Likewise, the size and orientation of individual lots within a Manufactured Home Park or Manufactured Home Subdivision shall be designed to provide maximum outdoor living area and compatible relationships between the manufactured home, parking, storage building area, utility corridor and outdoor living spaces.

4. Supplementary Height, Area and Bulk Regulations: As set out in Article 17.

- E. Parking Regulations: Two (2) off-street parking spaces shall be provided on the premises for each manufactured home unit. See Article 19, Off-Street Parking Requirements.

- F. Sign Regulations: See Article 20, Sign Regulations.

- G. Development Plan Requirements: The zoning of land or the construction, alteration or extension of any Manufactured Home Park or Manufactured Home Subdivision shall not be permitted unless a Development Plan has been approved as provided in Article 15 of these regulations and the proposed construction, alteration or extension is in compliance with the provisions of this Article and the provisions and procedures for rezonings to planned districts as provided in Article 11 of these regulations.

Required Development Plan Submittal Contents: The Development Plan shall contain the following minimum information:

1. The number, location and dimensions of all manufactured home lots, including proposed setbacks of manufactured homes from the Park's exterior property lines and setbacks on individual lots; location of riser pipes and other utility hookups.

2. The location and width of roadways and walkways.
 3. The number, location and size of all parking stalls and parking areas.
 4. A Preliminary Plat Analysis Report as provided in Article 26 of these regulations and addressing such development features as water supply, refuse and sewage disposal facilities, electrical service and gas service.
 5. The location of recreation areas, storage areas, laundry areas, and other facilities or service buildings common to the Manufactured Home Park.
 6. The location and description of the concept for any proposed lighting system.
- H. Development Standards: Minimum requirements pertaining to structural, design, utility service, and maintenance features within the Manufactured Home Park or Manufactured Home Subdivision shall be as follows:

1. Utilities: Sanitary sewer and water facilities shall be provided for each lot within the Manufactured Home Park or Manufactured Home Subdivision. All manufactured homes within the Manufactured Home Park or Manufactured Home Subdivision shall be served by a central water supply adequate to supply fire protection by hydrants, and a central wastewater sewer system.

All utility lines shall be placed underground and there shall be no overhead wires or support poles except those required for street or other lighting purposes.

2. Streets: All internal streets shall comply with the Street Construction Standards adopted by the County. Streets shall be laid out in a pattern which conforms to the subdivision design requirements in Article 30 of these regulations, provided that the maximum block lengths and maximum cul-de-sac street lengths shall not exceed 660 feet and 350 feet respectively. Streets shall be arranged with due consideration and care to assure ready access for emergency vehicles and convenient circulation patterns for residents of the development. In manufactured home parks such streets shall be private streets in accordance with the County adopted standards and policies therefor. Streets in manufactured home subdivisions may be private or public streets in accordance with county adopted standards and policies therefor.
3. Manufactured Home Pad: A pad shall be provided on every manufactured home lot to accommodate the manufactured home and its attached accessory structures. The pad shall be graded to insure adequate surface drainage. Anchoring and tie-down facilities to secure and tie-down the manufactured home against uplift, sliding, rotation and overturning shall be installed before any manufactured home is occupied.
4. Recreation: At least one private recreation area shall be provided within every Manufactured Home Park or Manufactured Home Subdivision. The size of such recreation area(s) shall not be less than ten (10) percent of the gross area of the Manufactured Home Park or Manufactured Home Subdivision depending on the development plan, provided, that no developer shall be required to provide more than ten (10) percent of the gross area of the development as recreation space. Such recreation area(s) shall be located so as to be easily accessible to all residents of the development. Recreation areas shall be maintained by the park management in Manufactured Home Parks and by a duly organized homeowners association in Manufactured Home Subdivisions and may include space for community building and community use facilities such as indoor recreation, meeting rooms and similar uses.

5. **Parking:** Adequate parking shall be provided for the use by residents and guests. Each manufactured home lot shall have off-street parking space for at least two (2) automobiles. If parking spaces are provided in driveways, such driveways shall have sufficient depth to allow vehicles to be parked without blocking sidewalks or extending into the street. Each parking space shall be a minimum of nine (9) feet by eighteen (18) feet and all parking areas shall be constructed with asphalt or concrete and provide adequate drainage. In addition, each Manufactured Home Park shall maintain off-street parking area(s) or on-street parking lanes for guests in the amount of at least one (1) parking space for every three (3) manufactured home lots and such parking areas shall be located within three hundred (300) feet of the manufactured home units to be served.
6. **Skirting:** Skirting of a durable type of material and construction shall be installed on each manufactured home within thirty (30) days of the placement of the manufactured home to enclose the open space between the bottom of the manufactured home floor and the grade level of the manufactured home pad. Such skirting shall be constructed of non-combustible material consistent with the exterior surface of the manufactured home and maintained in a manner to enhance the appearance of the Manufactured Home Park or Manufactured Home Subdivision.
7. **Screening:** Effective screening shall be provided along the boundary lines of any Manufactured Home Park or Manufactured Home Subdivision adjoining industrial, commercial or lower density residential uses or zoning districts to serve as a buffer through the use of plantings, fencing, berms or other landscaping features. At a minimum, the perimeter of the Manufactured Home Park or Manufactured Home Subdivision shall be planted with shade and ornamental trees to accent and help visually screen the development.
8. **Lighting:** All streets, walkways, service buildings and other facilities subject to night-time use shall be lighted to the illumination levels recommended by the *IES Lighting Handbook, 1987 Application Volume* as published by the Illuminating Engineering Society of North America.
9. **Common Storm Safety Facility:** A common storm safety facility or facilities capable of providing shelter from severe weather for all Manufactured Home Park or Manufactured Home Subdivision residents shall be provided at a rate of at least one such facility per four and one-half (4.5) acres of development and such facility or facilities shall be provided within two-hundred fifty (250) feet of each lot.
10. **Walkways:** The provision and maintenance of an all-weather surfaced walk system shall be provided for pedestrian traffic along at least one side of all streets in the development and along streets adjacent to the development.
11. **Storage Lot:** All Planned Manufactured Home Parks shall have an area or areas set aside for the storage of boats, boat trailers, hauling trailers, automobiles, snowmobiles, and other equipment for seasonal or periodic use. Such storage areas shall not be commercially operated and shall be for the exclusive use of residents of the Planned Manufactured Home Park. Such equipment shall not be stored upon a manufactured home lot nor upon the streets within the Manufactured Home Park. Such storage areas are encouraged in Manufactured Home Subdivisions.

Storage lots shall be screened in accordance with Article 16 of these regulations.

12. Lot Identification: Each manufactured home lot within the Manufactured Home Park or Manufactured Home Subdivisions shall be numbered in an orderly fashion and in a consistent manner throughout the development. The lot number shall be displayed on the lot and be visible at all times.
 13. Landscaping: The perimeter of the manufactured home development shall be planted with shade and ornamental trees to screen and accent the development as required in "Item H(7)" above. Shade and ornamental trees shall also be provided within Manufactured Home Parks at a ratio of one tree for each three lots and shall be located wherever practicable within the development. Entrances to Manufactured Home Parks shall be accented with plantings of shrubs, ornamental trees, or shade trees. Such landscaping within the development and at the entrance(s) is encouraged for Manufactured Home Subdivisions.
 14. Storm drainage facilities shall be provided in accordance with the County adopted Design Criteria for Storm Drainage Systems.
- I. Minimum Infrastructure: After the effective date of these regulations, within these zoning districts, all Minimum Infrastructure Requirements set forth in Article 31 shall be met prior to rezoning or development of any site in the Planned Residential Manufactured Home Park District and the Planned Residential Manufactured Home Subdivision District. Compliance with the highly recommended infrastructure factors established by Article 31 shall also be required unless the applicant can show good cause why the highly recommended infrastructure factors should not be provided and that a waiver should be allowed in accordance with Section 2 (E) of Article 31. See Minimum Infrastructure Requirements in Article 31 of these regulations.
- J. Prerequisites for Construction of Manufactured Home Developments:
1. Planned Manufactured Home Parks, Development Permit Requirement: Construction shall not be commenced until a Development Permit has been issued to authorize the construction, alteration or extension of any Manufactured Home Park. Applications for such Development Permit shall be made to the Zoning Administrator. The permit application shall not be submitted until after zoning and the development plan have been fully approved as provided in these regulations and the application shall include the following information:
 - a. Engineering plans and specifications of the water supply and distribution system approved by the water supplier.
 - b. Engineering plans and specifications of sewage disposal facilities and sewer lines approved by the Unified Wastewater Districts.
 - c. Plans and specifications for the lighting and electrical systems.
 - d. Plans and specifications for gas lines.
 - e. Plans and specifications for streets, parking areas and storm drainage systems.

The Zoning Administrator shall forward all submitted Development Permit applications to the appropriate agencies for review, including the Johnson County Environmental Department, Kansas State Department of Health and Environment, Johnson County Engineer, Johnson County Wastewater District, and any other agency or personnel considered appropriate by the Zoning Administrator. Comments from such reviews shall be directed to the Zoning Administrator.

The Zoning Administrator will issue a Development Permit after receipt of assurances that the construction, alteration or extension will be in compliance with the site plans as approved by the Board, the provisions of these regulations, the comments received from the above referenced agencies or personnel concerning the Development Permit application, the then applicable street standards and policies adopted by the Board, and the then applicable design criteria for storm drainage system standards adopted by the Board.

In the event a Development Permit is issued by the Zoning Administrator, it shall be effective for a period of time not to exceed twelve (12) months from the date of its issue, and if substantial construction under the permit is not commenced within the twelve (12) month period, the permit shall expire. However, a one (1) time 12-month extension may be administratively granted by the Zoning Administrator if such extension is applied for thirty (30) days prior to the expiration of the original permit and good cause is shown why the extension should be granted. All development shall be constructed in accordance with the then applicable County standards in effect at the time of issuance of the original permit, however, if an extension is applied for and granted as provided for above, all development shall be constructed in accordance with the then applicable County standards in effect at the time the extension is granted.

2. Planned Manufactured Home Subdivisions, Platting Requirement: Construction shall not be commenced until a Final Plat has been approved as required in these regulations, and the construction, alteration or extension of any Planned Manufactured Home Subdivision shall be subject to the provisions and requirements of the subdivision regulations. No manufactured home shall be permitted within a Planned Manufactured Home Subdivision until a final plat has been approved and all required improvements have been completed in accordance with the subdivision regulations and applicable construction standards adopted by the County. For the purpose of compliance with the subdivision regulations, the development plan may be submitted as the preliminary plat and approval of the development plan may constitute approval of the preliminary plat. No additional fees will be required when the development plan is submitted as the preliminary plat of a Planned Manufactured Home Subdivision, however, all final plat requirements of the subdivision regulations must be complied with.

K. Structural Quality of Manufactured Homes: All manufactured homes placed in unincorporated Johnson County, Kansas, shall either:

1. have been manufactured after September 1, 1973; or
2. be certified as being in compliance with the "Uniform Standards Code for Mobile Homes" and Recreational Vehicles K.S.A. 75-1211 *et seq.* and any amendments thereto, if any.
3. Should the manufactured home have been built prior to September 1, 1973, the owner of the home shall show sufficient evidence and verification to the Zoning Administrator that the home is in compliance with the above-referenced code. If a manufactured home is in compliance with the above-referenced code, the Board shall not require the home to comply with any building, plumbing, heating or electrical code other than the code established in K.S.A. 75-1211 *et seq.*, and any amendments thereto, if any. However, manufactured homes shall be subject to the zoning regulations of the Board. If the home is not in compliance with the above-referenced code, the Board shall require the home to comply with the Board's building and other similar applicable codes.

L. Phasing Plan: Sites in this district may be developed in phases. The proposed phases shall be depicted on the development plan and the proposed development schedule shall be submitted for consideration with the rezoning and development plan applications. See also Article 15, Section

3, (N) and Section 5 regarding development plan requirements for phased developments. See also Article 19, Section 3, (A)(9) regarding off-street parking requirements for phased developments. See also Article 31, Section 2 regarding minimum infrastructure requirements for phased developments.

ARTICLE 13.

PLANNED RETAIL BUSINESS DISTRICTS

Section 1. INTENT:

It is the intent of the Planned Retail Business Districts to provide for the appropriate development of a variety of limited neighborhood and convenience commercial uses at locations where: 1) such commercial uses are compatible with the character of the surrounding neighborhood; and 2) they are supported by adequate facilities and infrastructure, including but not limited to wastewater facilities and roads.

The four (4) Planned Retail Business Districts are: Planned Limited Retail Business District (PRB-1A); Planned Rural Retail Business District (PRB-1); Planned Residential Neighborhood Retail Business District (PRB-2); and Planned Urban Neighborhood Retail Business District (PRB-3). The uses and scale of development permitted in each of these four (4) districts are set forth in Sections 2 through 5 below.

Prior to the development of an existing Planned Retail Business District, or in conjunction with the rezoning of a property to a Planned Retail Business District, a Development Plan must be approved as specified in Articles 4, 11 and 15 of these regulations.

These districts are intended for the establishment and development of orderly, planned retail business centers in locations found to be appropriate with respect to the development standards for each district. In general, the orderly, planned retail business centers intended by these districts should not be expected to result from retail business center development on more than one corner per intersection because the intended development orderliness and unity would be disrupted by the effects of the intersecting streets.

Section 2. PLANNED LIMITED RETAIL BUSINESS DISTRICT (PRB-1A):

- A. Purpose: It is the purpose of this District to provide for limited, lower intensity retail sales/service and related service business uses that serve a community or neighborhood need in orderly, planned retail business center developments on tracts generally up to four acres in size, and in a manner appropriate for rural and residential areas. Such limited, lower intensity commercial uses should be served by adequate infrastructure and facilities (e.g., wastewater and roads) and should not adversely impact surrounding property owners or residents. It is furthermore the purpose of this District to increase opportunities for adaptive reuse of existing buildings or structures, for neighborhood reinvestment and revitalization, and for incubation of small or start-up businesses or innovative business models.

Because the permitted uses may be an integral part of the neighborhood, more restrictive requirements (e.g., building design or appearance or finish, landscaping, outdoor lighting controls with respect to compatibility with the character of the neighborhood) may be required.

- B. Permitted Uses: In the Planned Limited Retail Business District, no existing building, existing structure, land, or premises shall be used, and no new building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for retail sale, service, display, handling and storage associated with any of the uses listed below:
1. Antique Shop no larger than nine hundred (900) square feet;
 2. Arts and Crafts Shop no larger than nine hundred (900) square feet;

3. Assembly Hall, Receptions or Meeting Space no larger than two thousand five hundred (2,500) square feet;
 4. Office buildings of all types no larger than two-thousand five hundred (2,500) gross square feet;
 5. Pet Grooming;
 6. Teaching or Instruction provided not more than ten (10) students are taught at any one time and not more than thirty (30) students per day;
 7. Delicatessens, Tea Room, Catering, and Food Service Establishments selling food ready for consumption primarily for delivery and carryout. Food services operating in this district are envisioned to be small, providing a neighborhood convenience that generates low to moderate traffic from outside the neighborhood and meeting the following criteria:
 - a. The gross floor area of the food service business including, for example, kitchen area, food storage, dining, public/staff restrooms, and so on, shall not exceed six hundred (600) square feet.
 - b. All tableware and eating utensils for food consumed on site shall be single-use, disposal items. However, reusable cooking and bulk serving ware and serving utensils may be used and may be washed on site.
 - c. There shall be no more than four (4) tables for on-site dining, and there shall not be more than twenty four (24) total seating spaces for on-site dining.
 - d. No drive-through or drive-in operations shall be permitted.
 8. Florist no larger than nine hundred (900) square feet;
 9. News Stand or Book Store no larger than nine hundred (900) square feet;
 10. Artist's Studio and Gallery no larger than nine hundred (900) square feet;
 11. Health Spa/Fitness Center no larger than 1,000 sq. ft.;
 12. Personal Services such as Barbers, Tailors, Beauty Parlor, and similar uses no larger than nine hundred (900) square feet;
 13. Single-Family residential structure for the owner, operator, or manager of a business located on the same lot or parcel; and
 14. Notwithstanding the above, Churches, Temples and Lodge Halls are also permitted.
- C. Conditional Uses: Certain uses may be allowed by Conditional Use Permit. See Article 23. The following Conditional Uses may be allowed within this specific district:
1. From Group A: No. 4. Bed and breakfast establishments; No. 5. Business retreats, executive conference centers or similar such uses; and No. 8. Day-Care Home, Group Day-Care Home, Child-Care Center, Adult-Care Center, Preschool, or Mother's Day Out Program provided the development and performance standards in Section 6(B)(8) of Article 23 are satisfied; and
 2. From Group B: No. 5. Farmer's Market; No. 6. Fruit and Vegetable Stands; and No. 7. Small Equipment Repair.

as provided in Article 23, Section 4 of these regulations.

D. Height, Area and Bulk Regulations:

For the purpose of allowing opportunities for adaptive reuse of existing older buildings in the PRB-1A Zoning District, pre-existing Height, Area, and Bulk dimensions may be authorized as part of an approved Final Development Plan that specifies the approved building height.

All new construction in the PRB-1A shall meet the following requirements:

1. Height: The height of buildings or structures shall not exceed 25 feet except for existing buildings or structures with an approved development plan.
 2. Front Yard: A front yard at least 25 feet deep shall be provided along all streets.
 3. Side Yard: There shall be a side yard on each side of a building, and no side yard shall be less than 10 feet.
 4. Rear Yard: A rear yard at least 20 feet deep shall be provided. .
 5. Maximum Lot Area: Four (4) acres.
- E. Supplementary Height, Area and Bulk Regulations: Supplementary Height, Area and Bulk Regulations for this District are contained in Article 17 of these regulations.
- F. Supplementary Use Regulations: Supplementary Use Regulations for this District, including permitted Accessory Uses, are contained in Articles 16 and 18 of these regulations.
- G. Off-Street Parking Regulations: The Off-Street Parking Requirements for specific uses are contained in Article 19 of these regulations. Construction of a portion of this parking requirement may be deferred based upon a phasing plan and tenant/user characteristics, but land area for the overall parking ratio indicated must be reserved either on the site or at an approved location and shown or stated on the Development Plan and any proposed schedule for phasing the development.
- H. Sign Regulations: Notwithstanding the design standards in Article 20 Section 6 (A) (B) and (C) of these regulations or any other county rule or regulation to the contrary, the owner or operator of any Planned Limited Retail Business District use, or any other person, shall not erect, construct, or maintain any sign for the Planned Limited Retail Business District use except for one "primary sign" and one "secondary sign", as hereinafter provided.
1. Primary signs shall have no more than two (2) display surfaces. Each such display surface shall:
 - a. Not contain any flashing lights;
 - b. Be a flat plane, rectangular in shape;
 - c. Not exceed sixteen (16) square feet in sign area; and
 - d. Not exceed seven (7) feet in height or seven (7) feet in length.
 2. Secondary signs shall have only one (1) display surface. Such display surface shall:
 - a. Be a flat plane, rectangular in shape;
 - b. Not exceed nine (9) square feet in sign area;
 - c. Not exceed five (5) feet in height or five (5) feet in length; and

- d. Be affixed or attached to any wall or door of the establishment.
- 3. All primary and secondary signs in the Planned Limited Retail Business District shall consist of one of the Structural types of signs allowed in Group 3 zones per Table 1, Article 20, Section 8 of these regulations, and shall be setback at least ten (10) feet from all property lines except for existing or new signs shown on an approved Final Development Plan.
- 4. Both primary and secondary signs in the Planned Limited Retail Business District may be indirectly illuminated in accordance with Article 20, Section 4(D)(3)(e)(2) and (3) of these regulations.
- 5. One (1) Noncommercial Speech Sign also shall be allowed if it meets the secondary sign criteria in Subsection (H) 2 above.
- 6. Signs in the Planned Limited Retail Business District also shall comply with Sections 1, 2, 3, 4, 5, and 7 of Article 20, of these regulations.

I. Planning Considerations:

- 1. Preliminary and Final Development Plans shall be submitted for consideration and approval as required by Articles 11 and 15 of these regulations.
- 2. Phasing Plan: Sites in this district may be developed in phases. The proposed phases shall be depicted on the development plan and the proposed development schedule shall be submitted for consideration with the rezoning and development plan applications. See also Article 15, Section 3, (N) and Section 5 regarding development plan requirements for phased developments. See also Article 19, Section 3, (A)(9) regarding off-street parking requirements for phased developments. See also Article 31, Section 2 regarding minimum infrastructure requirements for phased developments.

J. Development Standards:

- 1. Floor Area Ratio: A maximum floor area ratio (FAR) of 0.25 is allowed within this district.
- 2. Location: Planned Limited Retail Business District may be found to be appropriate along or near a Parkway or Arterial Street designated by the County's Comprehensive Arterial Road Network Plan (CARNP):
 - a. at an existing or planned intersection with a Parkway or Arterial Street designated by the County's Comprehensive Arterial Road Network Plan (CARNP);
 - b. at existing or planned intersections with a Collector Street, or
 - c. on a local street where the traffic impacts would be consistent with the character of the neighborhood and not adversely impact surrounding residents.
- 3. Access: Driveways onto Parkways or Arterial Streets shall be at least 600 feet from the centerline of any intersecting Parkway or Arterial Street. Driveways onto Parkways or Arterial Streets shall comply with the Street Frontage Required per Business Driveway criteria of Article 30, Section 2 (B)(1) of these regulations. Corner lots with less than 600 feet of frontage are restricted to access along the lesser-designated route if there is a lesser-

designated route (For example, along a Local Street instead of along a Collector Street, along a Collector Street instead of along an Arterial Street, or along an Arterial Street instead of along a Parkway).

4. Perimeter Screening: If a Planned Limited Retail Business District is adjacent to a Residential District or Planned Residential District, a solid screen fence of at least 6 feet in height, or equivalent landscaped buffer, may be required as part of the development plan approval. Such required screening shall be provided and maintained in all locations depicted on the approved development plan. Such screening also shall comply with the provisions of Article 11, Section 8 (C).

Additional screening, including landscaping and fencing, may be required to ensure adequate buffering of adjacent residential uses.

Additional outdoor lighting restrictions may also be required to ensure adequate buffering of adjacent residential uses.

K. Performance Standards:

1. Minimum Infrastructure: After the effective date of these regulations, within this zoning district, all of the Minimum Infrastructure Requirements set forth in Article 31 for the PRB-1, Planned Rural Retail Business District shall be met for each PRB-1A, Planned Limited Retail Business District, site, prior to rezoning of the site. See Minimum Infrastructure Requirements in Article 31 of these regulations.
2. Outside Storage: No merchandise shall be displayed or stored for more than three (3) consecutive days, except inside permanent buildings; and no equipment or vehicle other than motor passenger cars and or light duty trucks shall be stored outside of a building within this district. Exceptions may be granted for certain temporary uses or for conditional uses such as listed in Section 2, (C) of this Article.
3. The development and use in this district shall also comply with the performance standards in Article 11, Section 7 of these regulations and in Section 5 of this Article and the supplemental use regulations of Article 16 herein.
4. If public sanitary sewer service is not available, the use of on-site wastewater sanitation facilities shall be approved by the Johnson County Environmental Department prior to the business commencing operation.
5. Confirmation of adequate potable water service availability for the business shall be provided to the County Planning Department prior to the business commencing operation.

Section 3. PLANNED RURAL RETAIL BUSINESS DISTRICT (PRB-1):

- A. Purpose: It is the purpose of this District to provide for convenience retail sales/service and related farm service business uses in orderly, planned retail business center developments on generally 4 to 8-acre sites, and in a manner appropriate for rural and residential areas.
- B. Permitted Uses: In the Planned Rural Retail Business 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 retail sale, service, display, handling and storage associated with any of the uses listed below:

1. Convenience Store;
2. Delicatessen;
3. Gasoline and Other Motor Vehicle Fuel Sales;
4. Antique Shop;
5. Arts and Crafts Shop;
6. Veterinary Clinic for Small Animals;
7. Bait and Tackle Shop;
8. Lawn and Garden Store;
9. Food service establishments selling food ready for consumption primarily for delivery and carry-out and meeting the following criteria:
 - a. The gross floor area of the food service business including, for example, kitchen area, food storage, dining, public/staff restrooms, and so on, shall not exceed six hundred (600) square feet.
 - b. All tableware and eating utensils for food consumed on site shall be single-use, disposal items. However, reusable cooking and bulk serving ware and serving utensils may be used and may be washed on site.
 - c. There shall be no more than four (4) tables for on-site dining, and there shall not be more than twenty four (24) total seating spaces for on-site dining;
10. Any Permitted Use in PRB-1A, Planned Limited Retail Business District except Single-Family residential structure for the owner, operator, or manager of a business located on the same lot or parcel, and
11. Antique Shop; Arts and Crafts Shop; Florist; News Stand or Book Store; Artist Studio or Gallery; Health Spa/Fitness Center; Personal Services such as Barbers, Tailors, Beauty Parlor; and Assembly Hall.

If served by sanitary sewers, the following shall also be allowed:

1. Restaurants with kitchen facilities and other food service establishments;
2. Car Washes; and
3. Laundries.

Notwithstanding the above, the following are also permitted:

1. Churches, Temples and Lodge Halls;
 2. Post Offices, Schools and Government Offices.
- C. Conditional Uses: Certain uses may be allowed by Conditional Use Permit. See Article 23. Conditional Uses such as the following may be allowed within this specific district:

Groups A, B, G, H, I, J, M, O, and P Conditional Uses as provided in Article 23, Section 4 of these regulations.

D. Height, Area and Bulk Regulations:

1. Height: The height of buildings or structures shall not exceed 25 feet.
2. Front Yard: A front yard at least 50 feet deep shall be provided along all streets.

3. Side Yard: There shall be a side yard on each side of a building, and no side yard shall be less than 25 feet.
 4. Rear Yard: A rear yard at least 25 feet deep shall be provided.
- E. Supplementary Height, Area and Bulk Regulations: Supplementary Height, Area and Bulk Regulations for this District are contained in Article 17 of these regulations.
 - F. Supplementary Use Regulations: Supplementary Use Regulations for this District, including permitted Accessory Uses, are contained in Articles 16 and 18 of these regulations.
 - G. Off-Street Parking Regulations: The Off-Street Parking Requirements for specific uses are contained in Article 19 of these regulations. However, for the overall development of a development complex within the Planned Rural Retail Business District, an overall parking ratio of 1.0 space per 250 square feet of Gross Floor Area (GFA) shall be achieved. Construction of a portion of this parking requirement may be deferred based upon a phasing plan and tenant/user characteristics, but land area for the overall parking ratio indicated must be reserved on the site and shown on the Development Plan and any proposed schedule for phasing the development.
 - H. Sign Regulations: See Article 20, Sign Regulations.
 - I. Planning Considerations:
 1. Preliminary and Final Development Plans shall be submitted for consideration and approval as required by Articles 11 and 15 of these regulations.
 2. Phasing Plan: Sites in this district may be developed in phases. The proposed phases shall be depicted on the development plan and the proposed development schedule shall be submitted for consideration with the rezoning and development plan applications. See also Article 15, Section 3, (N) and Section 5 regarding development plan requirements for phased developments. See also Article 19, Section 3, (A)(9) regarding off-street parking requirements for phased developments. See also Article 31, Section 2 regarding minimum infrastructure requirements for phased developments.
 - J. Development Standards:
 1. Floor Area Ratio: A maximum floor area ratio (FAR) of 0.25 is allowed within this district.
 2. Location: Planned Rural Retail Business District may be found to be appropriate along a Parkway or Arterial Street designated by the County's Comprehensive Arterial Road Network Plan (CARNP):
 - a. at an existing or planned intersection with a Parkway or Arterial Street designated by the County's Comprehensive Arterial Road Network Plan (CARNP); or
 - b. at existing or planned intersections with a Collector Street.
 3. Access: Driveways onto Parkways or Arterial Streets shall be at least 600 feet from the centerline of any intersecting Parkway or Arterial Street. Driveways onto Parkways or Arterial Streets shall comply with the Street Frontage Required per Business Driveway criteria of Article 30, Section 2 (B)(1) of these regulations. Corner lots with less than 600 feet of frontage are restricted to access along the lesser-designated route if there is a lesser-

designated route (For example, along a Collector Street instead of along an Arterial Street or along an Arterial Street instead of along a Parkway).

4. Perimeter Screening: If a Planned Rural Retail Business District is adjacent to a Residential District or Planned Residential District, a solid screen fence of at least 6 feet in height, or equivalent landscaped buffer, may be required as part of the development plan approval. Such required screening shall be provided and maintained in all locations depicted on the approved development plan. Such screening also shall comply with the provisions of Article 11, Section 8 (C).

K. Performance Standards:

1. Minimum Infrastructure: After the effective date of these regulations, within this zoning district, all of the Minimum Infrastructure Requirements set forth in Article 31 shall be met, prior to rezoning of any site in the Planned Rural Retail Business District. See Minimum Infrastructure Requirements in Article 31 of these regulations.
2. Outside Storage: No merchandise shall be displayed or stored for more than three (3) consecutive days, except inside permanent buildings; and no equipment or vehicle other than motor passenger cars and or light duty trucks shall be stored outside of a building within this district. Exceptions may be granted for certain temporary uses or for conditional uses such as listed in Section 3, (C) of this Article.
3. The development and use in this district shall also comply with the performance standards in Article 11, Section 7 of these regulations and in Section 5 of this Article and the supplemental use regulations of Article 16 herein.

Section 4. PLANNED RESIDENTIAL NEIGHBORHOOD RETAIL BUSINESS DISTRICT (PRB-2):

- A. Purpose: It is the purpose of this District to provide for limited neighborhood retail sales/service uses as well as associated personal service business uses in orderly, planned retail business center developments on generally 6 to 12-acre sites, and in a manner appropriate for residential neighborhoods.
- B. Permitted Uses: In the Planned Residential Neighborhood Retail Business 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 retail sales, display, handling and storage associated with any of the uses listed below:
 1. Showroom/Catalog Store;
 2. Supermarket (over 6,000 square feet but not larger than 30,000 square feet);
 3. Apparel and Shoes Store;
 4. Furniture Store;
 5. Recorded Music or Video Store;
 6. Paint and Wallpaper Store;
 7. Hardware Store;
 8. Home Improvements Store;
 9. Tires, Batteries, and Accessories, and Auto Parts Stores;
 10. Automotive Service Station (without car wash or automotive repair);
 11. Sporting Goods Store;
 12. Hobby Shop;
 13. Camera, Consumer Electronics, Computer (Hardware or Software) Store;

14. Toy Store;
15. Bicycle Shop;
16. Cards, Gifts, Curios, or Novelty Shop;
17. Books and Stationery Store;
18. Packaged Liquor and Wine or Packaged Specialty Food Store;
19. Drug Store (not larger than 10,000 square feet);
20. Fabric Shop;
21. Flowers, Florist Shop without greenhouse;
22. Cosmetics Shop;
23. Shoe Repair Shop;
24. Cleaners and Dryers (pick-up and delivery only);
25. Health Spa/Figure Salon or Martial Arts Studio;
26. Interior Decorator Shop;
27. Key Shop;
28. Photocopy/Fast Print Store;
29. Bank, Credit Union or Savings and Loan Office, including Automatic Bank Teller Machine, Drive-up Bank;
30. Optometrist, Optical Dispensary;
31. Medical/Dental Offices and Clinics;
32. Publicly or privately owned utility offices not larger than 10,000 square feet per floor; and,
33. Any Permitted Use in PRB-1, Planned Rural Retail Business District.

If served by sanitary sewers, the following shall also be allowed:

1. Restaurant and other food service uses in PRB-1 with or without alcoholic or cereal malt beverage sales for on-premise consumption;
2. Car Washes;
3. Laundry and Dry Cleaning Establishments; and
4. Film Processing.
5. Office Buildings of all types for uses which primarily involve the provision of services directly to the client, if not larger than 10,000 square feet per floor.

C. Conditional Uses: Certain uses may be allowed by Conditional Use Permit, See Article 23. Conditional Uses such as the following may be allowed within this specific district:

1. Any Conditional Use such as listed for PRB-1;
2. Any Permitted Use in PRB-3 not specifically referenced as a Permitted Use within PRB-2; and
3. Groups A, B, C, G, H, I, J, M, O, and P Conditional Uses as provided in Article 23, Section 4 of these regulations.

D. Height, Area and Bulk Regulations:

1. Height: The height of buildings or structures shall not exceed 25 feet.
2. Front Yard: A front yard of at least 35 feet deep shall be provided along all streets.
3. Side Yard: There shall be a side yard on each side of a building, and no side yard shall be less than 25 feet.
4. Rear Yard: A rear yard at least 25 feet deep shall be provided.

- E. Supplementary Height, Area and Bulk Regulations: Supplementary Height, Area and Bulk Regulations for this District are contained in Article 17 of these regulations.
- F. Supplementary Use Regulations: Supplementary Use Regulations for this District, including permitted Accessory Uses, are contained in Articles 16 and 18 of these regulations.
- G. Off-Street Parking Regulations: The Off-Street Parking Requirements for specific uses are contained in Article 19 of these regulations. However, for the overall development of a development complex within the Planned Residential Neighborhood Retail Business District, an overall parking ratio of 1.0 space per 250 square feet of Gross Floor Area (GFA) shall be achieved. Construction of a portion of this parking requirement may be deferred based upon a phasing plan and tenant/user characteristics, but land area for the overall parking ratio indicated must be reserved on the site and shown on the Development Plan and any proposed schedule for phasing the development.
- H. Sign Regulations: See Article 20, Sign Regulations.
- I. Planning Considerations:
1. Preliminary and Final Development Plans shall be submitted for consideration and approval as required by Articles 11 and 15 of these regulations.
 2. Phasing Plan: Sites in this district may be developed in phases. The proposed phases shall be depicted on the development plan and the proposed development schedule shall be submitted for consideration with the rezoning and development plan applications. See also Article 15, Section 3, (N) and Section 5 regarding development plan requirements for phased developments. See also Article 19, Section 3, (A)(9) regarding off-street parking requirements for phased developments. See also Article 31, Section 2 regarding minimum infrastructure requirements for phased developments.
- J. Development Standards:
1. Floor Area Ratio: A maximum floor area ratio (FAR) of 0.25 is allowed within this district.
 2. Location: Planned Residential Neighborhood Retail Business Districts may be found to be appropriate along a Parkway or Arterial Street designated by the County's Comprehensive Arterial Road Network Plan (CARNP):
 - a. at an existing or planned intersection with a Parkway or Arterial Street designated by the County's Comprehensive Arterial Road Network Plan (CARNP); or
 - b. at an existing intersection with a Collector Street.
 3. Access: Driveways onto Parkways or Arterial Streets shall be at least 600 feet from the centerline of any intersecting Parkway or Arterial Street. Driveways onto Parkways or Arterial Streets shall comply with the Street Frontage Required per Business Driveway criteria of Article 30, Section 2 (B)(1) of these regulations. Corner lots with less than 600 feet of frontage are restricted to access along the lesser designated route if there is a lesser designated route (For example, along a Collector Street instead of along an Arterial Street or along an Arterial Street instead of along a Parkway).

4. Perimeter Screening: If a Planned Residential Neighborhood Retail Business District is adjacent to a Residential District or Planned Residential District, a solid screen fence of at least 6 feet in height, or equivalent landscaped buffer, may be required as part of the development plan approval. Such required screening shall be provided and maintained in all locations depicted on the approved development plan. Such screening also shall comply with the provisions of Article 11, Section 8 (C).

K. Performance Standards:

1. Minimum Infrastructure: After the effective date of these regulations, within this zoning district, all of the Minimum Infrastructure Requirements set forth in Article 31 shall be met prior to rezoning of any site in the Planned Residential Neighborhood Retail Business District. See Minimum Infrastructure Requirements in Article 31 of these regulations.
2. Outside Storage: No merchandise shall be displayed or stored for more than three (3) consecutive days, except inside permanent buildings; and no equipment or vehicle other than motor passenger cars or light-duty trucks shall be stored outside of a building within this district. Exceptions may be granted for temporary uses or for Conditional Uses such as those listed in Section 4, (C) of this Article.
3. The development and use in this district shall also comply with the Performance Standards in Article 11, Section 7, of these regulations and in Section 5 of this Article and the supplemental use regulations of Article 16 herein.

Section 5. PLANNED URBAN NEIGHBORHOOD RETAIL BUSINESS DISTRICT (PRB-3):

- A. Purpose: It is the purpose of this District to provide for the mixed use development of convenience and neighborhood retail sales/service uses as well as associated personal service business uses in orderly, planned retail business center developments on generally 8 to 16-acre sites, and in a manner appropriate for urban fringe neighborhoods.
- B. Permitted Uses: In the Planned Urban Neighborhood Retail Business 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 retail sales, service, display, handling, and storage associated with any of the uses listed below:
 1. Any Permitted Use in PRB-1, Planned Rural Retail Business District; or in PRB-2, Planned Residential Neighborhood Retail Business District;
 2. Variety Store;
 3. Supermarket/Superstore (over 30,000 square feet);
 4. Floor Coverings Store;
 5. Curtains and Drapes Shop;
 6. Bath Shop;
 7. Appliance Store;
 8. Radio, Video, Stereo Store;
 9. Sewing Machines Store;
 10. Musical Instruments Store;
 11. Art Gallery;
 12. Decorative Accessories Shop;
 13. Jewelry Store;
 14. Super Drug Store (over 10,000 square feet);
 15. Pet Shop;

16. Telephone Store;
 17. Photographer Studio;
 18. Music Studio and Dance Studio;
 19. Cinemas/Movie Theaters; and
 20. Office Buildings of all types not larger than 15,000 square feet per floor.
- C. Conditional Uses: Certain uses may be allowed by Conditional Use Permit. See Article 23. Conditional Uses such as the following may be allowed within this specific district: -
1. Any Conditional Use listed for PRB-1 or PRB-2;
 2. Any retail use not specifically designated as a Permitted Use in Districts PRB-1A, PRB-1, PRB-2 or PRB-3; and
 3. Groups A, B, C, D, G, I, J, M, and O Conditional Uses as provided in Article 23, Section 4 of these regulations;
- D. Height, Area and Bulk Regulations:
1. Height: The height of buildings or structures shall not exceed 30 feet.
 2. Front Yard: A front yard at least 35 feet deep shall be provided along all streets.
 3. Side Yard: There shall be a side yard on each side of a building, and no side yard shall be less than 25 feet.
 4. Rear Yard: A rear yard at least 25 feet deep shall be provided.
- E. Supplementary Height, Area and Bulk Regulations: Supplementary Height, Area and Bulk Regulations for this District are contained in Article 17 of these regulations.
- F. Supplementary Use Regulations: Supplementary Use Regulations for this District, including permitted Accessory Uses, are contained in Articles 16 and 18 of these regulations.
- G. Off-Street Parking Regulations: The Off-Street Parking Requirements for specific uses are contained in Article 19 of these regulations. However, for the overall development of a development complex within the Planned Urban Neighborhood Retail Business District, an overall parking ratio of 1.0 space per 250 square feet of Gross Floor Area (GFA) shall be achieved. Construction of a portion of this parking requirement may be deferred based upon a phasing plan and tenant/user characteristics, but land area for the overall parking ratio indicated must be reserved on the site and shown on the Development Plan and any proposed schedule for phasing development.
- H. Sign Regulations: See Article 20, Sign Regulations.
- I. Planning Considerations:
1. Preliminary and Final Development Plans shall be submitted for consideration and approval as required by Articles 11 and 15 of these regulations.
 2. Phasing Plan: Sites in this district may be developed in phases. The proposed development phases shall be depicted on the development plan and the proposed development schedule shall be submitted for consideration with the rezoning and development plan applications. See also Article 15, Section 3, (N) and Section 5 regarding development plan requirements

for phased developments. See also Article 19, Section 3, (A)(9) regarding off-street parking requirements for phased developments. See also Article 31, Section 2 regarding minimum infrastructure requirements for phased developments.

J. Development Standards:

1. Floor Area Ratio: A maximum floor area ratio (FAR) of 0.25 is allowed within this district.
2. Location: Planned Urban Neighborhood Retail Business Districts may be found to be appropriate along a Parkway or Arterial Street designated by the County's Comprehensive Arterial Road Network Plan (CARNP):
 - a. at an existing or planned intersection with a Parkway or Arterial Street designated by the County's Comprehensive Arterial Road Network Plan (CARNP); or
 - b. at an existing intersection with a Collector Street .
3. Access: Driveways onto Parkways or Arterial Streets shall be at least 600 feet from the centerline of any intersecting Parkway or Arterial Street. Driveways onto Parkways or Arterial Streets shall comply with the Street Frontage Required per Business Driveway criteria of Article 30, Section 2 (B)(1) of these regulations. Corner lots with less than 600 feet of frontage are restricted to access along the lesser-designated route if there is a lesser-designated route (For example, along a Collector Street instead of along an Arterial Street or along an Arterial Street instead of along a Parkway).
4. Perimeter Screening: If a Planned Urban Neighborhood Retail Business District is adjacent to a Residential District or Planned Residential District, a solid screen fence of at least 6 feet in height, or equivalent landscaped buffer may be required as part of the development plan approval. Such required screening, shall be provided and maintained in all locations depicted on the approved development plan. Such screening also shall comply with the provisions of Article 11, Section 8 (C).

K. Performance Standards:

1. Minimum Infrastructure: After the effective date of these regulations, within this zoning district, all of the Minimum Infrastructure Requirements set forth in Article 31 shall be met prior to rezoning of any site in the Planned Urban Neighborhood Retail Business District. See Minimum Infrastructure Requirements in Article 31 of these regulations.
2. Outside Storage: No merchandise shall be displayed or stored for more than three (3) consecutive days, except inside permanent buildings; and no equipment or vehicle other than motor passenger cars or light-duty trucks shall be stored outside of a building within this district. Exceptions may be granted for temporary uses or for conditional uses such as those listed in Section 5, (C) of this Article.
3. The development and use in this district shall also comply with the Performance Standards in Article 11, Section 7, of these regulations and in Section 5 of this Article and the supplemental use regulations of Article 16 herein.

Section 6. GENERAL PERFORMANCE STANDARDS FOR ALL PLANNED RETAIL BUSINESS DISTRICTS:

In addition to the performance standards required for each of the Planned Retail Business Districts, uses in these districts shall also comply with the following General Performance Standards:

- A. Sales shall be of an over-the-counter, daily nature to the general public but may also be through manufacturer representatives, by phone or through the mails.
- B. Storage of items shall not constitute warehousing or distribution in the normal sense but shall be limited to that quantity of stock necessary to the normal administrative, service and sales functions unless in the PRB-3 District if a Conditional Use Permit has been approved as provided in Article 23 of these regulations.
- C. Any loading dock or loading area shall be fully screened from any rural or residential properties within 300 feet.
- D. Premises selling alcoholic or cereal malt beverages for on-premise consumption shall be located at least two hundred (200) feet from any existing property zoned residential or planned residential or occupied as a church or school of general instruction. However, if any residential, church or school of general instruction use shall be established after such premises have been licensed for selling alcoholic or cereal malt beverages for on-premise consumption, then such premises shall be deemed to comply with this subsection for re-licensing zoning certifications. See Article 24 of these regulations. The measurements shall be made between the nearest property line of the premises selling alcoholic or cereal malt beverages for on-premise consumption and the nearest property line of the existing property occupied as a church or school of general instruction or zoned to any Residential District or Planned Residential District.

ARTICLE 14.
PLANNED EMPLOYMENT CENTER DISTRICTS

Section 1. INTENT:

It is the intent of the Planned Employment Center Districts to provide for the development of aesthetically attractive working environments, exclusively for research and development institutions, certain specialized manufacturing establishments and supportive offices and related facilities in locations where such uses are appropriate for the surrounding neighborhood and are supported by adequate infrastructure and facilities. Further, it is the intent of these Districts to achieve economic development that would be practical, and be compatible with the immediate neighbors.

The Planned Employment Center Districts are intended to accommodate the fully planned, coordinated and orderly development of large tracts of land in a business park, office park, or industrial park, campus style atmosphere or setting. The Planned Employment Center District may provide for a mixture of individual uses in a single, coordinated development.

The four (4) Planned Employment Center Districts are: Planned Research and Development Park District (PEC-1); Planned Research, Development and Office Park District (PEC-2); Planned Light Industrial Park District (PEC-3) and Planned Industrial Park District (PEC-4). The uses and scale of development permitted in each of these three districts are set forth in Sections 2, 3 and 4 below. For purposes of interpretation of general categories of permitted and conditional uses, the land use categories shall be interpreted with consideration to Appendix 2 to these regulations which groups permitted and conditional uses for each of the four (4) Planned Employment Center Districts under the classifications contained in the Standard Industrial Classification Manual, 1987 edition, published by the Office of Management and Budget, Executive Office of the President.

Prior to the development of an existing Planned Employment Center District, or in conjunction with the rezoning of a property to a Planned Employment Center District, a Development Plan must be approved as specified in Articles 4, 11 and 15 of these regulations.

Section 2. PLANNED RESEARCH AND DEVELOPMENT PARK DISTRICT (PEC-1):

- A. Purpose: The purpose of this District is to provide for a mixture of individual but related uses in a single coordinated campus style design. This District is not intended to provide for standard office, commercial or industrial uses, but rather is directed towards research and development oriented activities involving all branches of science that may require large parcels and special conditions for operational and security reasons. This District shall have lower demands for new on-site public services than standard office, commercial or industrial land uses. This District is intended to permit controlled scientific research and development oriented land use on large land areas that comply with the following standards.
- B. Permitted Uses: In this District, PEC-1, 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. Research and development oriented activities, including but not limited to scientific, technical and research oriented laboratories engaged in research, development, analysis and testing by a professional staff employed by either a corporation, institute, foundation or educational organization involved in the study or advancement of science or technology.

The research or development may be conducted in, but not limited to, the fields of medicine, bio-medicine, chemistry, animal science, computer science, transportation, energy, pharmacy, biology, environmental science, economics, atmospheric or oceanographic science, physics, and agriculture.

2. Accessory uses customarily and clearly incidental and subordinate to the above-listed permitted principal uses, including administrative and maintenance facilities and outdoor testing areas. All accessory uses shall be located on the same lot or tract as the permitted principal use.

3. Engineering, accounting, research, management, and related services.

C. Conditional Uses: Other uses may be allowed in this District by conditional use permit, when reviewed and approved by the Board of County Commissioners as provided in Article 23 of these regulations. The following Group E conditional uses may be allowed in this specific district:

1. Day-Care Center;
2. Accessory buildings or structures larger than or in greater quantities than permitted by Article 18 of these regulations; and
3. Communication antennas, communication towers, or any other structures greater than 60 feet 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.

D. Off-Street Parking Regulations: The Off-Street Parking Requirements for specific permitted uses are contained in Article 19 of these regulations. However, for the overall development of a Planned Employment Center within this District, an overall parking ratio of not less than 3.0 spaces per 1,000 square feet of Gross Floor Area (GFA) shall be achieved. Construction of a portion of the required parking may be deferred based on a phasing plan and tenant/user characteristics, but land area for the overall parking ratio indicated must be reserved within the Development Plan and phasing program for the parcel.

E. Sign Regulations: See Article 20, Sign Regulations.

F. Planning Considerations:

1. Preliminary and Final Development Plans shall be submitted for consideration and approval as required by Articles 11 and 15 of these regulations.
2. This District shall not permit extensive involvement or contact with the general public, and, due to its park or campus style design, extensive setbacks and detailed performance standards, this District may be located adjacent to residential uses.
3. Sites in this District may be developed in multiple phases. A development plan must be submitted and approved for the first and each successive phase of construction. See also Article 15, Section 3, (N) and Section 5 regarding development plan requirements for phased developments. See also Article 19, Section 3, (A)(10) regarding off-street parking requirements for phased developments. See also Article 31, Section 2 regarding minimum infrastructure requirements for phased developments.

G. Development Standards:

1. Parcel Area: Within this District, a minimum zoning parcel area of 40 acres under one ownership or unified control is required.
2. Floor Area Ratio: A maximum floor area ratio (FAR) of 0.35 is allowed within this district.
3. Location: This District requires frontage along at least one Parkway or Arterial Street as designated by the County's Comprehensive Arterial Road Network Plan (CARNP).
4. Access: Driveways onto Parkways or Arterial Streets shall be at least 600 feet from the centerline of any intersecting Parkway or Arterial Street. Driveways onto Parkways or Arterial Streets shall comply with the Street Frontage Required per Business Driveway criteria of Article 30, Section 2 (B)(1) of these regulations. Corner lots with less than 600 feet of frontage are restricted to access along the lesser-designated route if there is a lesser-designated route (For example, along a Collector Street instead of along an Arterial Street or along an Arterial Street instead of along a Parkway).
5. Height, Area and Bulk Regulations:
 - a. Height: Buildings or structures shall not be higher than forty-five (45) feet or three (3) stories in height, excluding enclosed mechanical penthouses.
 - b. Front Yard: The depth of the front yard shall be at least fifty (50) feet-which shall be measured from public right-of-way in the case of a public street, or, in the case of private street, from the edge of pavement or edge of strips of land under common ownership within which private streets are to be located, whichever distance is greater.
 - c. Side Yard: There shall be a side yard on each side of a building or structure, no side yard shall be less than thirty (30) feet.
 - d. Rear Yard: The depth of the rear yard shall be at least thirty (30) feet.
 - e. Peripheral Setbacks: All buildings, structures, parking lots and drives shall be set back a minimum of fifty (50) feet from each exterior boundary line of the Planned Employment Center zoning district.
6. Supplementary Height, Area and Bulk Regulations: Supplementary Height, Area and Bulk Regulations for this District are contained in Article 17 of these regulations.
7. Supplementary Use Regulations: Supplementary Use Regulations for this District, including permitted Accessory Uses, are contained in Articles 16 and 18 of these regulations.

H. Performance Standards:

1. Minimum Infrastructure: After the effective date of these regulations, within this zoning District, in the absence of private infrastructure approved by the County, it is required that all of the Minimum Infrastructure Requirements set forth in Article 31 shall be met at least for the phase being developed on any site under the provisions of the Planned Research and Development Park District as provided in Article 31 of these regulations.
2. Supplementary Performance Standards: The development and use shall comply with the Supplementary Performance Standards in Article 11, Section 7 of these regulations.

3. Each use shall be of a type that has limited contact with the general public and which does not produce traffic volumes which would burden or exceed the rated traffic capacity of available roadways.
4. No use shall involve manufacturing, production, sales or other distribution of product to the public, or product warehousing on the premises.
5. All research and development operations shall occur inside a building except where the testing and analysis requires such testing to be done in a controlled outdoor area.
6. Each use shall be of a type that no equipment or vehicle other than passenger cars shall be stored outside a building in this District unless they are screened from view. See Article 16, Section 3 of these regulations.

Section 3. PLANNED RESEARCH, DEVELOPMENT AND OFFICE PARK DISTRICT (PEC-2):

- A. Purpose: It is the purpose of this District to provide for research and development activities, which may include associated light fabrication and assembly operations and to provide for office campuses that may require large parcels and special conditions for operational or security reasons within a planned employment center environment and generally arranged in a business park, office park, campus style setting. This District shall have lower demands for new on-site public services than standard office, commercial or industrial land uses.
- B. Permitted Uses: In this 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 1) research, development, analysis, or testing as the principal use in laboratories, product development centers, testing facilities, or research centers which may include associated light fabrication and assembly operations as an accessory use, or 2) general office uses or business, professional, medical or governmental offices related to one or more of the following products or services:
 1. Any Permitted Use in the Planned Research and Development Park District, PEC-1;
 2. Agriculture, animal science, biology, biochemistry, bio-medicine, chemistry, dentistry, energy, geology, medicine, metallurgy, petroleum, pharmacy, physics, or veterinary sciences;
 3. Industrial and commercial machines for robotic or automated assembly, fabrication, handling, manufacture, packaging, processing, or treating of products and also including engines and turbines; farm and garden machinery; construction, mining, and oil field machinery; elevators; metalworking machinery; special and general industrial machinery; computer and peripheral equipment and office machinery; and refrigeration and service industry machinery;
 4. Electronic and other electrical equipment including machinery, apparatus, and supplies for the generation, storage, transmission, transformation, and utilization of electrical energy, and including electrical distribution equipment, household appliances, electrical wiring and lighting equipment, radio and television receiving equipment, communications equipment, and electronic components and accessories;
 5. Transportation equipment including equipment for transportation of passengers and cargo by land, air, and water; including motor vehicles, aircraft, guided missiles and space vehicles, ships, boats, railroad equipment, and miscellaneous transportation equipment such as motorcycles, bicycles, and snowmobiles;

6. Instruments for measuring, testing, analyzing, and controlling, and their associated sensors and accessories; optical instruments and lenses; surveying and drafting instruments; hydrological, hydrographic, meteorological, and geophysical equipment; search, detection, navigation, and guidance systems and equipment; surgical, medical, and dental instruments, equipment, and supplies; ophthalmic goods; photographic equipment and supplies; and watches and clocks;
 7. Communications equipment or systems;
 8. Computer equipment, office machines and computer services;
 9. Heating, ventilating, air conditioning, air purification equipment or components;
 10. Energy conservation, energy systems or equipment;
 11. Fluid movement or controlling systems or equipment;
 12. Building components, materials, or structural systems;
 13. Photography, printing, or cartography systems, methods, or equipment or services;
 14. As accessory uses to the above uses: packaging, servicing, storage, warehousing, wholesale sales or distribution, or light fabrication or processing or assembly operations related to the principal research, development, analysis, testing or office use;
 15. Churches and schools; and
 16. Sales and display areas for the following uses if they do not exceed twenty five percent (25%) of the gross floor area of the main use or seven thousand five hundred (7,500) square feet, whichever is less:
 - a. Appliances; sales and repair;
 - b. Business machines or office supplies; sales and repair;
 - c. Electronics; sales and repair; and
 - d. Sales of commodities, warehoused or stored on the premises..
- C. Conditional Uses: Certain uses may be allowed in this District by conditional use permit. See Article 23. Conditional uses such as the following may be allowed within this specific district:
- Groups A, G, M, and O Conditional Uses as provided in Article 23, Section 4 of these regulations.
- D. Off-Street Parking Regulations: The Off-Street Parking Requirements for specific Permitted Uses are contained in Article 19 of these regulations. However, for the overall development of a Planned Employment Center within this District, an overall parking ratio of not less than 3.0 spaces per 1,000 square feet of Gross Floor Area (GFA) shall be achieved. Construction of a portion of the required parking may be deferred based upon a phasing plan and tenant/user characteristics, but land area for the overall parking ratio indicated must be reserved within the Development Plan and phasing program for the parcel.
- E. Sign Regulations: See Article 20, Sign Regulations.

F. Planning Considerations:

1. Preliminary and Final Development Plans shall be submitted for consideration and approval as required by Article 11 and 15 of these regulations.
2. Phasing Plan: Sites in this District may be developed in phases. A development plan must be submitted and approved for the first and each successive phase of construction. Each Preliminary Development Plan application shall include a phasing plan which describes the development phases and schedules expected to occur within five (5) years. Such phasing plan shall be updated at each Final Development Plan submittal. Variation from such phasing plan or schedule shall not be reason to find any Final Development Plan in noncompliance with any previously approved Preliminary Development Plan. See also Article 15, Section 3, (N) and Section 5 regarding development plan requirements for phased developments. See also Article 19, Section 3, (A)(10) regarding off-street parking requirements for phased developments. See also Article 31, Section 2 regarding minimum infrastructure requirements for phased developments.

G. Development Standards:

1. Parcel Area: Within this zoning District, a minimum zoning parcel area of 40.0 acres is required unless the zoning District is adjacent to an existing Planned Employment Center District.
2. Floor Area Ratio: A maximum floor area ratio (FAR) of 0.30 is allowed for permitted uses within this district.
3. Location: This District requires frontage along at least one Parkway or Arterial Street as designated by the County's Comprehensive Arterial Road Network Plan (CARNP).
4. Access: Driveways onto Parkways or Arterial Streets shall be at least 600 feet from the centerline of any intersecting Parkway or Arterial Street. Driveways onto Parkways or Arterial Streets shall comply with the Street Frontage Required per Business Driveway criteria of Article 30, Section 2 (B)(1) of these regulations. Corner lots with less than 600 feet of frontage are restricted to access along the lesser-designated route if there is a lesser-designated route (For example, along a Collector Street instead of along an Arterial Street or along an Arterial Street instead of along a Parkway).
5. Height, Area and Bulk Regulations:
 - a. Height: Buildings or structures shall not be higher than 45 feet or three (3) stories in height excluding enclosed mechanical penthouses.
 - b. Front Yard: The depth of the front yard shall be at least fifty (50) feet-which shall be measured from public right-of-way-in the case of a public street.
 - c. Side Yard: There shall be a side yard on each side of a building or structure; no side yard shall be less than thirty (30) feet.
 - d. Yards Between Buildings: Main buildings shall be separated by a yard at least sixty (60) feet wide between buildings.
 - e. Rear Yard: The depth of the rear yard shall be at least 30 feet.

f. Peripheral Setbacks: All buildings, structures, parking lots and drives shall be set back a minimum of fifty (50) feet from each exterior boundary line of the Planned Employment Center zoning district.

6. Supplementary Height, Area and Bulk Regulations: Supplementary Height, Area and Bulk Regulations for this District are contained in Article 17 of these regulations.

7. Supplementary Use Regulations: Supplementary Use Regulations for this District, including permitted Accessory Uses, are contained in Articles 16 and 18 of these regulations.

H. Performance Standards:

1. Minimum Infrastructure: After the effective date of these regulations, within this zoning district, all of the Minimum Infrastructure Requirements set forth in Article 31 of these regulations shall be met at least for the phase being developed on any site in the Planned Research, Development and Office Park District .

2. The development and use also shall comply with the Supplementary Performance Standards in Article 11, Section 7 of these regulations.

Section 4. PLANNED RESEARCH, DEVELOPMENT AND LIGHT INDUSTRIAL PARK DISTRICT (PEC-3):

A. Purpose: It is the purpose of this District to provide for research and development activities with or without light fabrication and assembly operations, limited industrial/manufacturing activities, and wholesale trade or warehousing which may include associated administrative office uses within a planned employment center environment and generally arranged in a business park, office park, industrial park, campus style setting.

B. Permitted Uses: In this 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 research and development activities with or without light fabrication and assembly operations, limited industrial/manufacturing activities, wholesale trade, and warehousing with or without associated administrative offices related to one or more of the following products or services:

1. Any Permitted Use in the Planned Research, Development and Office Park District, PEC-2 except churches and schools;

2. Agricultural services including establishments performing soil preparation services, crop services, veterinary services, or other animal services, farm labor and management services, and landscape and horticultural services, for others on a contract or fee basis, but not including feed lots or poultry hatcheries operated on a contract or fee basis;

3. Building construction including general contractors and operative builders primarily engaged in the construction of residential, farm, industrial, commercial, or other buildings without outside storage unless a conditional use permit has been approved;

4. Special trade contractors including those involved in painting, carpentry work, communications, plumbing, heating, air-conditioning, roofing, and sheet metal work but not including contractors primarily engaged in activities that are clearly of a type specialized to heavy construction, such as grading for highways and airport runways; guard rail

construction; installation of highway signs; underwater rock removal; and asphalt and concrete construction of roads, highways, streets, and sidewalks;

5. Food for human consumption, prepared feeds for animals or fowls, and certain food-related products, such as manufactured ice, vegetable and animal fats and oils, and chewing gum;
6. Apparel and other finished fabric products including the production of clothing and the fabrication of products by cutting and sewing purchased woven or knit textile fabrics and related materials, such as leather, rubberized fabrics, plastics, and furs;
7. Lumber and wood products including the wholesaling and warehousing of dimensioned lumber cut, milled and planed elsewhere; or including the cutting, milling, planing and assembly of cabinets for permanent installations, shutters, windows, doors and door jamb frames, and ornamental woodwork for architectural trim, wainscots, trellises, and railings;
8. Furniture and fixtures for households, offices, public buildings, stores or restaurants; including only the wholesaling or warehousing of such items if fabricated with stone or concrete;
9. Paper and related products including paperboard, corrugated and solid fiber boxes; fiber cans, tubes, drums, and similar products; sanitary food containers; and die-cut paper, paperboard and cardboard;
10. Printing, publishing including printing by one or more common processes, such as letterpress; lithography (including offset), gravure, or screen; and including services for the printing trade, such as bookbinding and platemaking;
11. Pharmaceutical preparations for human or veterinary use in forms typically intended for final consumption, such as ampoules, tablets, capsules, vials, ointments, medicinal powders, solutions and suspensions; and including vitro and in vivo diagnostic substances which are chemical, biological, or radioactive substances used in diagnosing or monitoring the state of human or veterinary health by measuring the state of human or veterinary health whether or not packaged for retail sales;
12. Biological products including bacterial and virus vaccines, toxoids, and analogous products (such as allergenic extracts), serums, plasmas, and other blood derivatives for human or veterinary use; and including the production of microbiological products for other uses;
13. Fabricated metal products including cutlery; hand and edge tools; miscellaneous hardware such as hinges, latches, locks, or handles; plumbing fixture fittings and trim; heating equipment other than electric and warm air furnaces; metal doors, sash, frames, moldings, and trim; sheet metal work; architectural and ornamental metal work; prefabricated metal buildings and components; miscellaneous structural metal work such as metal plaster bases, fabricated bar joists, and concrete reinforcing bars; bolts, nuts, screws, rivets and washers; metal stampings not larger than nine (9) square feet; wire springs; and miscellaneous wire products;
14. Household, industrial and commercial machines including home lawn and garden tractors and equipment; power-driven handtools; computer and office equipment; and automatic vending machines;
15. Electronic and other electrical equipment including household appliances; electric lighting and wiring equipment; household audio and video equipment; communications equipment;

electronic components and accessories; electrical equipment for internal combustion engines; and magnetic and optical recording media;

16. Instruments for measuring, testing, analyzing, and controlling, and their associated sensors and accessories; optical instruments and lenses; surveying and drafting instruments; hydrological, hydrographic, meteorological, and geophysical equipment; search, detection, navigation, and guidance systems and equipment; surgical, medical, and dental instruments, equipment, and supplies; ophthalmic goods; photographic equipment and supplies; and watches and clocks;
17. Miscellaneous manufactured goods including jewelry, silverware, and plated ware; musical instruments; dolls, toys, games and sporting and athletic goods; pens, pencils, and artist's materials; costume jewelry, buttons, and miscellaneous notions; and signs and advertising specialties;
18. Bus, taxi, or limousine dispatching centers;
19. Warehouse/Distribution including trucking and courier services; public warehousing and storage; and motor freight transportation terminals and maintenance facilities;
20. Communications services for point-to-point aural, visual or electronic communications; television or film production studios; and radio or television broadcasting or receiving stations but not including towers or other structures higher than sixty (60) feet;
21. Wholesale trade;
22. Business services including mailing, reproduction, stenographic, word-processing, data entry, computer programming, photocopying, duplicating, data processing, business machine servicing, and temporary labor services;
23. Perfumes, perfume bases, cosmetics and other toilet preparations and shampoos and shaving products from soap or synthetic detergents;
24. Printing ink including gravure ink, screen process ink and lithograph ink;
25. Pesticides and agricultural chemicals including ready-to-use agricultural and household pest control chemicals, such as insecticides, fungicides and herbicides, and trace element products and soil conditioners as well as concentrates requiring further processing;
26. Plastic products including unsupported plastics film, sheet and profile shapes; laminated plastic plate, sheet and profile shapes; plastics pipe; plastics bottles; plastic foam products; custom compounding of plastic resins and plastic plumbing fixtures; and
27. Sales and display areas for the following uses if they do not exceed twenty five percent (25%) of the gross floor area of the main use or seven thousand five hundred (7,500) square feet, whichever is less:
 - a. Appliances; sales and repair;
 - b. Business machines or office supplies; sales and repair;
 - c. Electronics; sales and repair; and
 - d. Sales of commodities manufactured, processed, fabricated, assembled, warehoused or stored on the premises.

- C. Conditional Uses: Certain uses may be allowed in this District by conditional use permit. See Article 23. Conditional uses such as the following may be allowed within this specific district:

Groups A, F, G, H, I, J, L, M, and O Conditional Uses as provided in Article 23, Section 4 of these regulations.

- D. Off-Street Parking Regulations: The Off-Street Parking Requirements for specific Permitted Uses are contained in Article 19 of these regulations. However, for the overall development of a Planned Employment Center within this District, an overall parking ratio of not less than 3.0 spaces per 1,000 square feet of Gross Floor Area (GFA) shall be achieved. Construction of a portion of the required parking may be deferred based upon a phasing plan and tenant/user characteristics, but land area for the overall parking ratio indicated must be reserved within the Development Plan and phasing program for the parcel.

- E. Sign Regulations: See Article 20, Sign Regulations.

- F. Planning Considerations:

1. Preliminary and Final Development Plans shall be submitted for consideration and approval as required by Article 11 and 15 of these regulations.
2. Phasing Plan: Sites in this District may be developed in phases. A development plan must be submitted and approved for the first and each successive phase of construction. Each Preliminary Development Plan application shall include a phasing plan which describes the development phases and schedules expected to occur within five (5) years. Such phasing plans shall be updated at each Final Development Plan submittal. Variation from such phasing plan or schedule shall not be reason to find any Final Development Plan in noncompliance with any previously approved Preliminary Development Plan. See also Article 15, Section 3, (N) and Section 5 regarding development plan requirements for phased developments. See also Article 19, Section 3, (A)(10) regarding off-street parking requirements for phased developments. See also Article 31, Section 2 regarding minimum infrastructure requirements for phased developments.

- G. Development Standards:

1. Parcel Area: Within this zoning District, a minimum zoning parcel area of 40.0 acres is required unless the zoning District is adjacent to an existing Planned Employment Center District.
2. Floor Area Ratio: A maximum floor area ratio (FAR) of 0.30 is allowed for permitted uses within this district.
3. Location: This District requires frontage along at least one Parkway or Arterial Street as designated by the County's Comprehensive Arterial Road Network Plan (CARNP).
4. Access: Driveways onto Parkways or Arterial Streets shall be at least 600 feet from the centerline of any intersecting Parkway or Arterial Street. Driveways onto Parkways or Arterial Streets shall comply with the Street Frontage Required per Business Driveway criteria of Article 30, Section 2 (B)(1) of these regulations. Corner lots with less than 600 feet of frontage are restricted to access along the lesser-designated route if there is a lesser-designated route (For example, along a Collector Street instead of along an Arterial Street or along an Arterial Street instead of along a Parkway).

5. Height, Area and Bulk Regulations:

- a. Height: Buildings or structures shall not be higher than 45 feet or three (3) stories in height excluding enclosed mechanical penthouses.
 - b. Front Yard: The depth of the front yard shall be at least fifty (50) feet which shall be measured from public right-of-way in the case of a public street.
 - c. Side Yard: There shall be a side yard on each side of a building or structure; no side yard shall be less than thirty (30) feet.
 - d. Yards Between Buildings: Main buildings shall be separated by a yard at least sixty (60) feet wide between buildings.
 - e. Rear Yard: The depth of the rear yard shall be at least 30 feet.
 - f. Peripheral Setbacks: All buildings, structures, parking lots and drives shall be set back a minimum of fifty (50) feet from each exterior boundary line of the Planned Employment Center zoning district.
6. Supplementary Height, Area and Bulk Regulations: Supplementary Height, Area and Bulk Regulations for this District are contained in Article 17 of these regulations.
7. Supplementary Use Regulations: Supplementary Use Regulations for this District, including permitted Accessory Uses, are contained in Articles 16 and 18 of these regulations.

H. Performance Standards:

1. Minimum Infrastructure: After the effective date of these regulations, within this zoning district, all of the Minimum Infrastructure Requirements set forth in Article 31 of these regulations shall be met at least for the phase being developed on any site in the Planned Research, Development and Light Industrial Park District.
2. The development and use also shall comply with the Supplementary Performance Standards in Article 11, Section 7 of these regulations.

Section 5. PLANNED INDUSTRIAL PARK DISTRICT (PEC-4):

- A. Purpose: It is the purpose of this District to provide for limited industrial/manufacturing activities within a planned employment center environment and generally arranged in an industrial park, campus style setting.
- B. Permitted Uses: In the Planned Industrial Park 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 industrial/manufacturing activities including the processing, assembly, production, warehousing, distribution, servicing, disassembly, repair, packaging, storage of one or more of the following products or services:
1. Any Permitted Use in the Planned Research, Development, and Light Industrial Park District, (PEC-3);

2. Heavy construction including general contractors primarily engaged in heavy construction of highways, streets, bridges, sewers, railroads, irrigation projects, or flood control projects; and including specialty contractors primarily engaged in trenching, grading, rock removal, and pavement with asphaltic or portland cement concrete materials;
 3. Lumber and wood products including planing mills, plywood mills, and veneer mills; and articles made entirely or mainly of wood or related materials;
 4. Chemicals and allied products including the production of basic chemicals and the manufacturing of products predominantly by chemical processes;
 5. Rubber and miscellaneous products including articles made from plastic resins and from natural, synthetic, or reclaimed rubber, gutta percha, balata, or gutta siak;
 6. Leather and leather products including the tanning, currying, and finishing of hides and skins, leather converts, and finished leather and artificial leather products;
 7. Stone, glass, clay and concrete including the manufacturing of flat glass and other glass products, cement, structural clay products, pottery, concrete and gypsum products, cut stone, abrasive and asbestos products;
 8. Fabricated metal products including the fabrication of ferrous and nonferrous metal products, such as metal cans, tinware, handtools, cutlery, general hardware, nonelectric heating apparatus, fabricated structural metal products, metal stampings, and a variety of metal and wire products;
 9. Industrial and commercial machines including engines and turbines; farm and garden machinery; construction, mining, and oil field machinery; elevators and conveying equipment; hoists, cranes, monorails, and industrial trucks and tractors; metalworking machinery; special or general industrial machinery; computer and peripheral equipment and office machinery; and refrigeration and service industry machinery;
 10. Electronic and other electrical equipment including machinery, apparatus, and supplies for the generation, storage, transmission, transformation, and utilization of electrical energy; and including electrical distribution equipment, household appliances, electrical wiring and lighting equipment, radio and television receiving equipment, communications equipment, and electronic components and accessories;
 11. Transportation Equipment including equipment for transportation of passengers and cargo by land, air, and water; including motor vehicles, aircraft, guided missiles and space vehicles, ships, boats, railroad equipment, and miscellaneous transportation equipment such as motorcycles, bicycles, and snowmobiles; and
 12. As accessory uses to the above uses: offices, packaging, servicing, storage, warehousing, wholesale sales or distribution, or light fabrication or processing or assembly operations related to the principal use.
- C. Conditional Uses: Certain uses may be allowed in the Planned Industrial Park District by conditional use permit. See Article 23. Conditional Uses such as the following may be allowed within this specific district:

Groups A, F, G, H, I, J, L, and M Conditional Uses as provided in Article 23, Section 4 of these regulations.

D. Off-Street Parking Regulations: The Off-Street Parking Requirements for specific Permitted Uses are contained in Article 19 of these regulations. However, for the overall development of a Planned Employment Center within this District, an overall parking ratio of not less than 3.0 spaces per 1,000 square feet of Gross Floor Area (GFA) shall be achieved. Construction of a portion of the required parking may be deferred based upon a phasing plan and tenant/user characteristics, but land area for the overall parking ratio indicated must be reserved within the Development Plan and phasing program for the parcel.

E. Sign Regulations: See Article 20, Sign regulations.

F. Planning Considerations:

1. Preliminary and Final Development Plans shall be submitted for consideration and approval as required by Articles 11 and 15 of these regulations.
2. Phasing Plan: Sites in this District may be developed in phases. A development plan must be submitted and approved for the first and each successive phase of construction. Each Preliminary Development Plan application shall include a phasing plan which describes the development phases and schedules expected to occur within five (5) years. Such phasing plans shall be updated at each Final Development Plan submittal. Variation from such phasing plan or schedule shall not be reason to find any Final Development Plan in noncompliance with any previously approved Preliminary Development Plan. See also Article 15, Section 3, (N) and Section 5 regarding development plan requirements for phased developments. See also Article 19, Section 3, (A)(10) regarding off-street parking requirements for phased developments. See also Article 31, Section 2 regarding minimum infrastructure requirements for phased developments.

G. Development Standards:

1. Parcel Area: Within this zoning District, a minimum zoning parcel area of 40.0 acres is required unless the zoning District is adjacent to an existing Planned Employment Center District.
2. Floor Area Ratio: A maximum floor area ratio (FAR) of 0.30 is permitted within this district.
3. Location: This District requires direct frontage along at least one Parkway or Arterial Street as designated by the County's Comprehensive Arterial Road Network Plan (CARNP).
4. Access: Driveways onto Parkways or Arterial Streets shall be at least 600 feet from the centerline of any intersecting Parkway or Arterial Street. Driveways onto Parkways or Arterial Streets shall comply with the Street Frontage Required per Business Driveway criteria of Article 30, Section 2 (B)(1) of these regulations. Corner lots with less than 600 feet of frontage are restricted to access along the lesser-designated route if there is a lesser-designated route (For example, along a Collector Street instead of along an Arterial Street or along an Arterial Street instead of along a Parkway).
5. Height, Area and Bulk Regulations:
 - a. Height: Buildings or structures shall not be higher than forty-five (45) feet or three (3) stories in height, excluding enclosed mechanical penthouses.

- b. Front Yard: The depth of the front yard shall be at least fifty (50) feet which shall be measured from public right-of-way in the case of a public street.
 - c. Side Yard: There shall be a side yard on each side of a building or structure; no side yard shall be less than thirty (30) feet.
 - d. Yards Between Buildings: Main buildings shall be separated by a yard at least sixty (60) feet wide between buildings.
 - e. Rear Yard: The depth of the rear yard shall be at least 30 feet.
 - f. Peripheral Setbacks: All buildings, structures, parking lots and drives shall be set back a minimum of fifty (50) feet from each exterior boundary line of the Planned Employment Center zoning district.
- 6. Supplementary Height, Area and Bulk Regulations: Supplementary Height, Area and Bulk Regulations for this District are contained in Article 17 of these regulations.
 - 7. Supplementary Use Regulations: Supplementary Use Regulations for this District, including permitted Accessory Uses, are contained in Articles 16 and 18 of these regulations.

H. Performance Standards:

- 1. Minimum Infrastructure: After the effective date of these regulations, within this zoning district, all of the Minimum Infrastructure Requirements set forth in Article 31 of these regulations shall be met at least for each phase being developed on any site in the Planned Industrial Park District.
- 2. The development and use also shall comply with the Supplementary Performance Standards in Article 11, Section 7 of these regulations.

ARTICLE 15. DEVELOPMENT PLAN PROCEDURES

Section 1. SITUATIONS WHERE A DEVELOPMENT PLAN IS REQUIRED:

Development plan approval shall be required as provided herein in the following situations: 1) for approval of rezoning to any planned district; 2) for approval of a Conditional Use Permit (See Article 23, Section 3); 3) when these regulations require approval of proposed revisions to an existing development plan; 4) when these regulations require approval of a new development plan and; 5) before issuance of a building permit for the development of any parcel in a planned district if a development plan has not been approved or if a previously approved development plan has expired. Building permits shall not be issued and construction of site improvements shall not be started until the required Final Development Plan has been approved as required in these regulations.

Section 2. DEVELOPMENT PLAN REVIEW PROCESS:

The development plan process generally shall consist of two distinct stages including both Preliminary Development Plan and Final Development Plan approvals. Applications fully satisfying all Preliminary Development Plan and Final Development Plan requirements and procedures of these regulations may be submitted with a request for simultaneous processing and consideration. However, such a single-stage development plan review process shall not necessarily result in shortened processing and review times if revisions or refinements are found to be needed to make the development plans satisfactory for approval. Both the Preliminary Development Plan and the Final Development Plan shall be reviewed by the applicable zoning board and approved by the Board and shall serve to establish the general requirements for development of the site. The Preliminary Development Plan may show development options or parameters which shall be further defined at the time of Final Development Plan approval. The Final Development Plan shall serve as a detailed site plan for the development of the site.

Section 3. PRELIMINARY DEVELOPMENT PLAN APPLICATION REQUIREMENTS:

Ten (10) copies of a Preliminary Development Plan shall be submitted to the Johnson County Planning Office at least thirty (30) days before the meeting date of the Zoning Board which will consider the plan. The Preliminary Development Plan shall be drawn at a minimum scale of 1" = 100' and shall contain at least the following information:

- A. Location by common street address and legal description.
- B. Names, addresses and telephone numbers of the applicant, owner, and designer of the plan.
- C. Date and North Arrow.
- D. Existing and proposed contours at no greater than five foot (5') intervals.
- E. The boundary lines of the area included in the development plan, including approximate angles, dimensions and reference to a section corner, quarter-section corner, or point on a recorded plat.
- F. For both the area included in the development plan and the area within two hundred (200) feet of the boundaries thereof:
 - 1. The location, widths and names of all existing or platted streets, railroad and utility rights-of-way, parks and other public open spaces and permanent easements.

2. The location and dimensions of permanent buildings, structures, or houses and natural features, such as woodlots, streams and lakes or ponds, and any land area subject to the 100-year flood.
 3. Locations of existing sewers, water mains, culverts and other underground facilities, indicating pipe sizes, grades, manholes and locations of record.
- G. General location arrangement and dimensions of proposed buildings and structures.
- H. Lists, text or tables indicating:
1. The total floor area of buildings, the area of the site, and the percent of building coverage of the site.
 2. The number of building sites or lots and the number of parking spaces to be provided.
 3. Any other quantities needed to describe or quantify the proposed development or to determine compliance with the zoning regulations.
- I. Preliminary Development Plan Analysis Report which is consistent with the requirements for Preliminary Plat Analysis Reports as provided in Article 26, Section 3 of these regulations and which discusses and describes the general concepts and plans for signage and for controlling outside lighting, stormwater drainage, sanitary waste disposal, traffic impacts and capacities of nearby roads, and the expected minimum stopping sight distances at proposed road access points in accordance with the then applicable County standards when the application is submitted.
- J. Preliminary sketches of building elevations depicting the general style, size and exterior construction materials of the buildings proposed in sufficient detail to exhibit the relative compatibility of the proposed development with the character of the neighborhood.
- K. General location, arrangement and dimensions of parking spaces, width of aisles, width of bays, angle of parking and other similar information (see Article 19, Off-Street Parking Requirements).
- L. General location and dimensions of vehicular drives, entrances, exits, acceleration and deceleration lanes, location and dimensions of pedestrian entrances, exits, walks and walkways.
- M. Location, height and general materials to be used for walls, fences and landscaping.
- N. Indication of proposed schedule, sequencing and location of each development phase if the project is to be developed in phases.

Section 4. REVIEW OF PRELIMINARY DEVELOPMENT PLANS:

The Zoning Board shall review Preliminary Development Plans at public hearing(s) scheduled and conducted in accordance with the provisions of Article 4 of these regulations with due notice to neighboring owners and published notice as required therein. The Zoning Board shall review the Preliminary Development Plan at such hearing(s) to determine if the Preliminary Development Plan complies with the County regulations, comprehensive land use plan, and development policies and standards. Based on this evaluation, the Zoning Board may take one of the following actions:

- A. Make a recommendation to the Board that the Preliminary Development Plan be approved as submitted.

- B. Make a recommendation to the Board that the Preliminary Development Plan be approved subject to reasonable conditions deemed necessary to:
1. Assure compliance with the County's regulations, development policies, or standards;
 2. Assure a proper transition to and protection of adjacent properties;
 3. Assure the development would be compatible with the character of the area and the zoning and use of nearby properties; and
 4. Assure that the development would be consistent with the purposes and intent for the zoning district.
- C. Continue consideration of the Preliminary Development Plan to give the applicant the opportunity to provide additional information necessary to evaluate the application.
- D. Make a recommendation to the Board that the application be denied because of failure to comply with the County's regulations, development policies, or standards; the intent and purpose of the comprehensive land use plan; or development plan review considerations as provided in Section 11 of this Article.
- E. Fail to make a recommendation due to a vote either for or against the Preliminary Development Plan by less than a majority of the members of the Zoning Board present.

Upon receipt of a recommendation from the Zoning Board, the Board may either approve or deny the application in whole or in part as recommended, or may refer the application back to the Zoning Board for further consideration with a statement of the reasons thereof and with specific instructions or questions about modifications or conditions which may need to be considered during such additional review by the Zoning Board.

In the event the Zoning Board fails to make a recommendation on a Development Plan, the Board may either approve or deny the application in whole or in part, or may either after initial review or on remand, take such further action as it deems necessary.

Approval of the rezoning application by the Board shall amend the zoning map and establish the approved planned zoning district for the property designated in the rezoning resolution, subject to compliance with the Preliminary Development Plan approved by the Board.

Approval of a Preliminary Development Plan by the Board shall establish requirements for the development of the subject property, and shall authorize the applicant to submit a Final Development Plan in accordance with Article 11, Section 5 of these regulations.

Section 5. RELATIONSHIP OF PRELIMINARY DEVELOPMENT PLAN APPROVAL TO FINAL DEVELOPMENT PLAN SUBMITTAL REQUIREMENT:

The applicant shall file a Final Development Plan application along with the required documents for at least the first phase of the development within one (1) year after approval of the Preliminary Development Plan by the Board. Failure to do so shall cause the approval of the Preliminary Development Plan to become null and void, unless a time extension limited to twelve (12) months, is applied for by the applicant and granted by the Board. When a zoning change was approved based on the Preliminary Development Plan and the plan has expired, the case shall be reviewed by the Zoning Board and an action to have the planned zoning changed to the previous zoning classification or some

other zoning classification may be initiated by following the procedures provided in Article 4 of these regulations. Final Development Plans substantially complying with the approved Preliminary Development Plan, as provided in Section 8 of this Article, must be submitted to the Planning Office at least fourteen (14) days prior to the Zoning Board meeting at which the Final Development Plan application is requested to be considered. Development Plans submitted as Final Development Plans but which do not substantially comply with the approved Preliminary Development Plan pursuant to the requirements set forth in Section 8 of this Article shall be deemed to be and shall be treated as a new or a revised Preliminary Development Plan which must be submitted at least thirty (30) days prior to the Zoning Board meeting at which the application is requested to be considered.

Section 6. FINAL DEVELOPMENT PLAN APPLICATION REQUIREMENTS:

The Final Development Plan shall consist of a site plan and supporting documents which conform to all requirements and conditions placed on approval of the Preliminary Development Plan by the Board. At the request of the Zoning Administrator, the applicant may be required to submit details of portions of the Final Development Plan at a scale greater than 1" = 100'. The Final Development Plan shall contain the items listed below and all items required in Section 3, Items A through N of this Article, in final form.

- A. Location, number, and direction of illumination and intensity of all exterior lighting fixtures.
- B. Location, quantity and specifications of landscape materials.
- C. Drawings indicating the location, dimensions, materials and design of all signs.
- D. Construction plans for storm water retention and detention facilities, streets, vicinity streets (public or private), storm drainage, and any other facilities to be dedicated to the public in accordance with the approved Preliminary Development Plan and the then applicable County standards.

Section 7. REVIEW OF FINAL DEVELOPMENT PLANS:

The applicable Zoning Board shall review the Final Development Plan for compliance with the approved Preliminary Development Plan. If the Final Development Plan is found to be in substantial compliance with the approved Preliminary Development Plan, the Zoning Board shall recommend that the Board approve the Final Development Plan. Upon approval of the Final Development Plan by the Board, the applicant shall be authorized to apply for a building permit and zoning permit in conformance with the approved Final Development Plan.

If the Zoning Board or the Board finds that the Final Development Plan is not substantially in compliance with the approved Preliminary Development Plan, the Zoning Board and the Board shall take one of the following actions:

- A. Specify what changes are needed to bring the Final Development Plan into compliance with the approved Preliminary Development Plan and grant conditional approval, subject to the Zoning Administrator verifying that all required changes of the Final Development Plan have been satisfied prior to the issuance of a building permit, or
- B. Disapprove the Final Development Plan application and either:
 - 1. Suggest the changes that may be needed to bring the Final Development Plan into compliance with the approved Preliminary Development Plan and advise the applicant that a Final

Development Plan would need to be resubmitted to the Zoning Board and Board for review, or

2. Advise the applicant that the Final Development Plan could not be approved until and unless an amended Preliminary Development Plan were submitted and approved.

Section 8. REQUIREMENTS FOR COMPLIANCE BETWEEN PRELIMINARY AND FINAL DEVELOPMENT PLANS:

Final Development Plans shall substantially comply with the Preliminary Development Plan previously approved. The Zoning Administrator shall review the Final Development Plan and determine whether it complies with the approved Preliminary Development Plan. Questions about whether the Final Development Plan substantially complies with the approved Preliminary Development Plan shall be taken to the Zoning Board. These Final Development Plan reviews and determinations of compliance or noncompliance with the approved Preliminary Development Plan shall be conducted in accordance with the following general rules:

- A. A Final Development Plan shall be deemed to substantially comply with the approved Preliminary Development Plan if it does not contradict the spirit and intent of the proposed development as evidenced in the approved Preliminary Development Plan and if it is found to be generally consistent with all of the following guidelines for such determinations:
 1. The proposed gross development density or intensity of use shall not be varied by more than five (5) percent, nor
 2. The area of open space shall not be reduced by more than ten percent (10%), nor
 3. The open spaces, screening or buffering shall not be varied such that the separation of on-site structures or the separation provided for neighboring properties would be reduced, to less than 80% of the width of the open space from uses that would be provided by full compliance with the approved Preliminary Development Plan or to less than 80% of the width or 80% of the linear length of screening or buffering that would be provided by full compliance with the approved Preliminary Development Plan, nor
 4. The location of any building or structure shall not be significantly varied in any direction to such an extent that the new outline of any building or structure would not touch the old outline of the building or structure, nor
 5. The floor area proposed for nonresidential use shall not be increased by more than ten (10) percent, nor
 6. The total ground area covered by buildings shall not be increased by more than five (5) percent, nor
 7. The height of structures shall not be varied by more than five (5) feet, nor
 8. The location of any main entrance driveway shall not be varied by greater than one hundred (100) feet from its previously proposed location along any street frontage, no additional main entrance driveways shall be proposed, and no driveway access shall be proposed to streets onto which driveway access was not previously proposed by the approved Preliminary Development Plan.

- B. A public hearing shall be held on Final Development Plans not in substantial compliance with the approved Preliminary Development Plan. Such hearing shall also consider amending the Preliminary Development Plan and shall follow the same procedures and be conducted in the same manner required for consideration of Preliminary Development Plans.
- C. A public hearing need not be held to consider insignificant modifications in the location and design of streets, facilities for water or disposal of storm water or sanitary sewers or other public facilities required by the approved Preliminary Development Plan. The burden shall, nevertheless, be upon the applicant to show the County good cause why any variation between the Preliminary Development Plan as approved and the Final Development Plan as submitted for final approval should be approved.
- D. In the event a public hearing is not required for Final Development Plan approval and the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, the County generally shall consider such final plan for approval after prior consideration of the Final Development Plan at a public meeting of the Zoning Board.

Approved Final Development Plans shall become null and void eighteen (18) months from the date of approval, if a building permit has not been issued and the start of construction of at least the first phase of development of the approved Final Development Plan has not begun, unless such period is extended by the Board upon written request by the applicant. Upon expiration of the Final Development Plan, the matter shall be reviewed and an action may be initiated to have the planned zoning changed to the previous classification or some other zoning classification by following the procedures outlined in Article 4 of these regulations.

Section 9. MINOR AMENDMENTS TO FINAL DEVELOPMENT PLANS:

Minor amendments such as changes in the location, siting, or character of buildings and structures may be authorized by the Zoning Administrator, if required by engineering or other circumstances not foreseen when the Final Development Plan was approved. Such minor amendments shall be consistent with the provisions of Section 8 above and no amendment authorized by the Zoning Administrator under this Section may increase the size of any building or structure by more than five (5) percent, nor change the location of any building or structure by more than ten (10) feet in any direction, and the amended development shall still comply with the minimum or maximum requirements set forth in these regulations.

All other changes in the Final Development Plan, including changes in the site plan and in the development schedule, must be made under the procedures applicable to the initial approval of a Final Development Plan or as provided in Section 10 of this Article.

Section 10. AMENDMENT OF APPROVED PRELIMINARY OR FINAL DEVELOPMENT PLAN:

Applications for amendment of any approved Preliminary or Final Development Plan shall be submitted and processed in accordance with this Article in the same manner as though a Preliminary Development Plan had not been previously approved for the site. However, only those site development plan elements proposed to be modified or changed need be presented, except where such modifications or changes would have material or substantial impact on the balance of the Preliminary Development Plan or the functioning of the site. For purposes of this Section, material or substantial impact shall be deemed to result from modifications or changes which:

- A. Would be inconsistent with any two (2) or more of the guidelines in Section 8, (A) of this Article,
or

- B. Would face the most intense development or uses proposed for the site toward different property line(s) than proposed by the approved Preliminary Development Plan, or
- C. Would relocate any development features or uses proposed within the site by greater than twenty five (25) feet in any direction, or
- D. Would reduce the number of off-street parking spaces within one hundred (100) feet of any proposed building or structure by fifteen percent (15%) or more.

Determinations of material or substantial impact shall be made initially by the Zoning Administrator but such determinations in any event shall also be submitted for review to the Zoning Board.

The applicant shall submit a letter, a drawing when necessary to accurately describe the proposed change(s), and any other supporting documentation which help define the proposed change(s), indicating the scope of the proposed change(s) at least thirty (30) days before the Zoning Board meeting at which the proposed Preliminary Development Plan amendment is requested to be considered, or no later than fourteen (14) days in advance of said Zoning Board meeting in the case of amendments involving only a Final Development Plan.

Section 11. DEVELOPMENT PLAN REVIEW CONSIDERATIONS:

Reviews of Preliminary and Final Development Plans shall consider the following matters:

A. Considerations relating to traffic safety and traffic congestion:

1. The effect of the site development plan on traffic conditions on nearby streets.
2. The layout of the site with respect to the locations and dimensions of vehicular and pedestrian entrances, exits, drives, walkways, and streets and street rights-of-way as contained within the criteria set forth in Article 30, Section 2 (A) and (B) of these regulations.
3. The arrangement and adequacy of off-street parking facilities to prevent parking or traffic congestion.
4. The location, arrangement and dimensions of truck loading and unloading facilities.
5. The circulation patterns within boundaries of the development and in relationship to approved development plans for other properties in the neighborhood.
6. The surfacing and lighting of off-street parking facilities.
7. The adequacy of existing rights-of-way and those to be dedicated adjacent to the site with respect to the plans and standards for new streets in the County.

B. Considerations relating to outdoor signs:

The number, location, color, size, height, lighting and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and the appearance and harmony with adjacent developments.

C. Considerations relating to landscaping:

The location, height and materials of walls, fences, hedges and screening plantings to insure harmony with adjacent developments or to conceal storage areas, utility installations or other development features deemed to be unsightly.

D. Considerations relating to buildings and site layout:

1. The exterior design in relation to adjoining structure heights, bulk, open areas, breaks in the facades, line and pitch of roofs, the arrangement of structure on the parcel, fencing, and relationship to streets.
2. The design and arrangement of buildings with respect to vistas onto the site, from the site, and through the site especially with regard to scenic features or landmarks, whether natural or man-made structures, in the area.

E. Considerations relating to drainage:

1. The effect of the proposed site development in relation to the adequacy of the storm and surface water drainage proposals.
2. Compliance with the then applicable Storm Drainage Standards adopted by the County.

ARTICLE 16. SUPPLEMENTARY USE REGULATIONS

Section 1. ACCESS TO RETAIL BUSINESS AND EMPLOYMENT CENTER DISTRICTS:

Land which is located in any Residential District shall not be used for a driveway, or for vehicular access to any land which is located in any planned retail business or planned employment center district.

Section 2. FENCES:

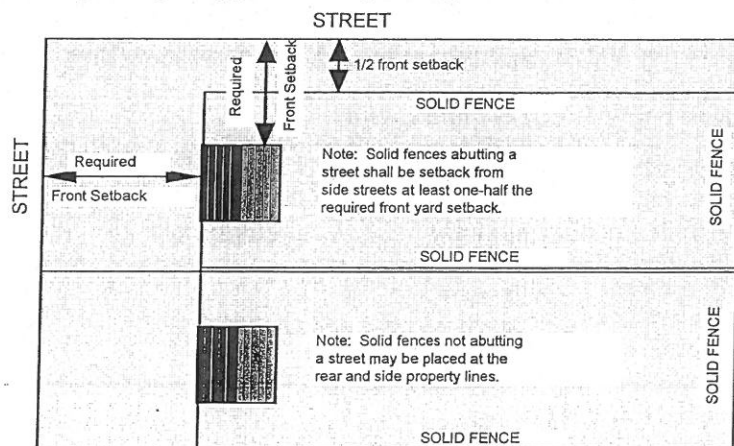
Fences are allowed in all districts, and may be placed along property lines or in yards as provided for herein. Fences greater than six (6) feet in height shall require a building permit prior to construction and installation. Except as expressly allowed by other County codes and regulations, if any, the following restrictions shall apply to the construction of solid and see-through fences:

A. Solid Fences: The term "solid fence" shall mean fences obscuring more than fifty (50) percent of the view through the fence as observed on lines of sight perpendicular to the line of the fence.

1. Solid fence heights:

- a. Solid fences shall not exceed six (6) feet in height when constructed in or around required side or rear yards or portions thereof;
- b. Solid fences may exceed six (6) feet in height, but not more than twelve (12) feet in height, when the fence complies with the building setback lines; and
- c. Solid fences that would exceed twelve (12) feet in height may be approved for construction in any zoning district after having first received preliminary and final development plan approval as provided in these regulations.

2. Solid fence locations: A solid fence shall not be located in the front yard. A solid fence shall be setback from any street abutting any side or rear lot line a distance at least equal to one-half the front yard setback required in the applicable zoning district, unless (i) solid screening is required by these regulations or (ii) the fence has been approved as part of a preliminary and final development plan approval in any zoning district.



B. See-through Fences: The term "see-through fences" shall mean fences obscuring fifty (50) percent or less of the view through the fence as observed on lines of sight perpendicular to the line of the fence.

1. In the Rural, Planned Rural, Residential, or Planned Residential Districts, except as set forth below in subparagraph 2(B)(2), see-through fences:
 - a. Constructed in or around the required front yard shall not exceed four (4) feet in height unless having first received preliminary and final development plan approval as provided in these regulations; and
 - b. Shall not be within the visual sight triangle of a street intersection as set forth in Article 17, Section (1).
2. See-through ornamental-fences more than four (4) feet in height but not more than eight (8) feet in height may be constructed in or around required yards, including the front yard in any zoning district. See-through ornamental-fences shall:
 - a. Be at least 10 feet from any street right-of-way if the fence is more than six (6) feet in height;
 - b. Be outside the Official Street Line if located along an Arterial Street or, in the alternative, be designed and constructed to be easily moved or relocated;
 - c. Not be within the visual sight triangle of any intersection;
 - d. Be constructed of wrought iron, steel bar stock, wood, aluminum, or vinyl and not be constructed with chain link, expanded metal panels, prefabricated lattice panels, wire mesh, wire fabric, or other wire type fencing materials;
 - e. Have post tops that are not more than twenty-four (24) inches above the tops of the fence;
 - f. Have gate panels that are not more than ten (10) feet in height; and
 - g. Not be located in a utility easement.

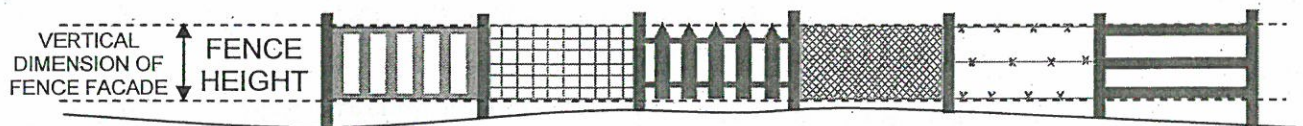
See-through ornamental-fences not meeting the above criteria may be approved for construction in any zoning district, after having first received preliminary and final development plan approval as provided in these regulations.

3. In any zoning district other than the Rural, Planned Rural, Residential, or Planned Residential Districts:
 - a. See-through fences shall not exceed six (6) feet in height when constructed in or around required front, side, or rear yards or portions thereof;
 - b. See-through fences may exceed six (6) feet, but not more than twelve (12) feet in height, when the fence complies with the building setback lines; and
 - c. See-through fences that would exceed twelve (12) feet in height may be approved for construction in any zoning district after having first received preliminary and final development plan approval as provided in these regulations.

C. General Provisions:

1. No fence constructed after March 1, 2007, shall be constructed or maintained in a manner which will constitute a traffic hazard.
2. No fence constructed after March 1, 2007, shall be constructed or maintained in such a manner, or be of such design that it is hazardous or dangerous to persons or animals whether due to structural instability, sharp edges, picket spacings, sizes of openings in the fence, or such other condition, as determined by the Director, to be 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, which is being used for agricultural purposes. even if the adjoining property is not also being used for agricultural purposes; or,
 - 2). Located along the top of a fence, at least six (6) feet above the ground, in any planned retail business or planned employment center districts.
 - b. Above ground electrical fences shall only be allowed in the Rural District.
3. No fence, except those:
 - a. Erected upon public or parochial school grounds;
 - b. In public parks;
 - c. In public playgrounds; or
 - d. On other public lands;shall be constructed to exceed twelve (12) feet in height, except, however, fences not meeting the above criteria may be approved for construction in any zoning district, after having first received preliminary and final development plan approval 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 purposes of emergency entrance, a gate or other access shall be provided to all yards that are totally enclosed by a fence exceeding four (4) feet in height.
6. Fences shall not restrict natural surface drainage nor be constructed to divert or channel storm water flow.
7. Fences not meeting the above criteria may be approved for construction in any zoning district, after having first received preliminary and final development plan approval as provided in these regulations.
8. Fence Height: The term "fence height" shall mean the maximum vertical dimension from the top of the fence facade to the bottom of the fence facade.

The bottom edge of the fence facade shall not be more than two (2) feet above the ground elevation.



D. Enclosures:

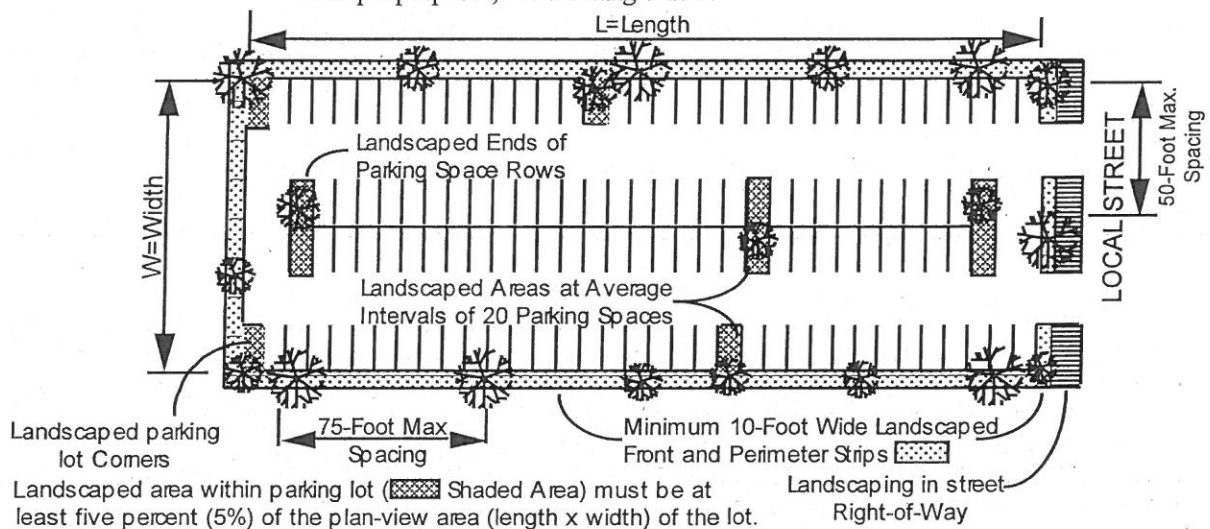
1. In all Residential Districts and Planned Residential Districts, fenced enclosures shall be provided for swimming pools, outdoor whirlpool tubs and hot tubs with a depth of 18 inches or more, and such fenced enclosures shall be subject to the following requirements:
 - a. The above designated swimming pools, outdoor whirlpool tubs, and hot tubs shall be completely enclosed as required by the applicable Johnson County Building Code. The 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 enclosures utilizing gate and door openings 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 and Planned 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 constructed after March 1, 2007, shall (i) be enclosed by a fence of sufficient height and construction to contain the dog(s) at all times, and (ii) shall be in compliance with the fence height and fence location criteria set forth within Article 16, Section 2 of these regulations.

Section 3. GENERAL SCREENING AND ENCLOSURE REQUIREMENTS:

- A. **Required Trash Enclosures:** All trash, garbage collection or temporary storage areas for retail business, employment center and multi-family residential uses, shall be enclosed on at least three sides by a solid wall or fence at least four (4) feet high or at least as high as the container enclosed or inside a building or structure. Adequate vehicular access to and from such area(s) for collection or trash and garbage shall be provided. For purposes of this section, adequate vehicular access shall be provided if the access way is paved in a similar manner to the parking area and driveways and if the access is adequately dimensioned and unobstructed for safe and ready access.
- B. **Required General Screening:**
 1. Parking lots in required front yard or side yards abutting a street shall be visually buffered with decorative fences or walls, berms or other land forms with rounded slope intercepts, or landscape plantings shall be provided at least as follows:
 - a. **Perimeter Landscaping:** A 10-foot wide strip of landscaping shall be provided with at least one tree for every 50 feet of street frontage of the parking lot and at least one tree for every 75 feet of land not fronting on a street.

b. Interior Landscaping for parking lots with 20 or more parking spaces:

- 1). At least 5% of the total plan-view area of the parking lot shall be landscaped.
- 2). At least one tree shall be provided for each 300 square feet of that 5% of the total plan-view area (length times width) of the parking lot.
- 3). The ends of parking space rows and the parking lot corner areas shall be landscaped. For example purposes, see drawing below.
- 4). Landscaped areas at least equivalent to the area of one parking space shall be provided within parking space rows at average intervals of 20 parking spaces. For example purposes, see drawing below.



2. Mechanical equipment, whether roof-top or ground mounted, shall be screened with a decorative fence or wall constructed of materials similar to those used on the exterior front of the building or shall be screened with dense landscape plantings. Berms or other land forms with rounded slope intercepts may be used to effect all or part of the screening of ground-mounted equipment.
3. Loading, storage and service areas for Planned Retail Business and Planned Employment Center uses shall be visually screened from view from residential properties with a decorative fence or wall, dense landscape plantings, or berms or other landforms with rounded slope intercepts. Such screening shall provide at least seventy-five percent (75%) visual screening of the loading and service area(s) as viewed from vantage points on lines perpendicular to the surfaces of the object(s) being screened.
4. All landscape plantings as shown on approved development plans shall be continuously maintained in sound, healthy condition. Failure to maintain the landscape plantings shall conflict with the approved development plan and shall be considered to be a violation of these regulations.

Section 4. OPEN STORAGE:

The outside storage of salvage or scrap materials, household goods or furniture, or business equipment or materials for more than forty-eight (48) 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 or operated by the property owner and utilized by the owner of the 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 (10) days or more or for which the motor vehicle registration has been expired for six (6) 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 (10) 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 for 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. the name, address, and phone number of the applicant and the property owner and the person(s) responsible for the use if different than the applicant; and

4. a 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 be larger than ten (10) 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 the site shall not present an interference with the enjoyment or use of the 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 and 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 and are subject to the following specific regulations and time limits, in addition to the regulations of any zone in which 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 (45) 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 two (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 a construction project. The

office or shed shall not contain sleeping or cooking accommodations. The permit shall be valid while construction work is in progress for no more than one (1) 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 not more than one (1) year, but is renewable. The office shall be closed upon completion 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 Board of County Commissioner's Resolution 051-94, and any amendment thereto, if any, a temporary use permit may be issued for the 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 the property owner, the address of the property, the emergency circumstances which necessitate a temporary use permit, and the manner in which the property owner will satisfy all applicable code requirements for habitation of the manufactured home, including but not limited to water hook-up, sanitary sewage disposal, and 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 the 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 is zoned for or has been occupied for residential uses;
 - b. The property contains at least three (3) acres or more;
 - c. The permanent residence on the property has been (i) damaged by fire, wind, flood or other natural disaster; (ii) resulting in the 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 for the repair or rebuilding of the permanent residence; and
 - e. The owners of adjacent and abutting properties have consented to the temporary use, or the manufactured home can be placed such that the 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 issued for a 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 an 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.

E. Appeals:

Any applicant who is denied a temporary use permit may appeal the Zoning Administrator's decision to the Board of Zoning Appeals in accordance with Article 3, Section 5 of these regulations.

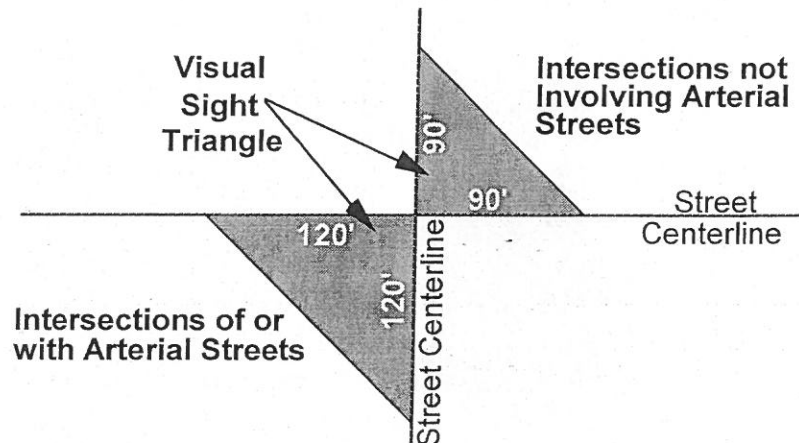
Section 7. COMMUNICATION ANTENNAS AND COMMUNICATION TOWERS:

Communication antennas and communication towers may be allowed in all districts, in accordance with the terms and requirements of these regulations, except in the Planned Adult Entertainment District (PAE).

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 (14) inches in horizontal dimension below ten (10) feet in height and above two (2) feet in height measured above the elevation of the edge of the 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 the centerlines of the intersecting streets and points on the centerlines of each street and ninety (90) feet from the point of intersection of the street centerlines. At intersections of or with arterial streets, the 90-foot distance shall be increased to one hundred twenty (120) feet. For example purposes, see the visual sight triangle diagram provided below:



Section 2. DETERMINATION OF BUILDING SETBACK LINES:

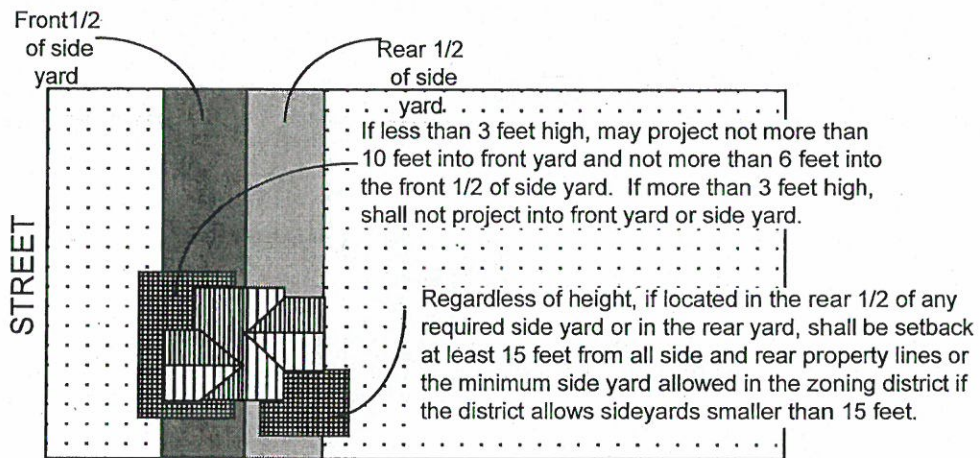
The building setback line shall be determined by measuring the least horizontal distance between the property line and the nearest exterior wall of the existing or proposed structure. The setback line shall be measured from the right-of-way or road easement line if the lot abuts a public street, or from the front lot line or road easement line if the lot abuts a private street.

Section 3. ARCHITECTURAL PROJECTIONS:

- 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 the 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) 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 sideyards smaller than 15 feet.
4. Regardless of the height above the average adjacent grade, if the structure is an integral part of a ramp for access to the 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 one-half 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 landing 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 communication 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 the 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 feet 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 otherwise 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 a communication tower as allowed within this subsection. If there is a change to the height or location of the tower, the setback area and easement requirements

of the 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 in accordance with Article 23 of these regulations.
- 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 twenty (20) feet above the 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 Conditional Use Permit.
 - 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 or 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 sixty (60) feet from the section line, or half-section line, or centerline along all Major Arterial Streets and along all Minor Arterial Streets in unincorporated Johnson County as indicated in the Long-Range Road Network Plan map of the County. 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 the street easement or the other strip of land within which the street is located.

Section 6. MULTIPLE BUILDINGS ON SINGLE LOTS:

- A. Except as provided below in subsection B, more than one (1) main structure or building (e.g., dwelling unit in the multifamily zoning district) may be located on a lot or tract only in those situations where a lot or tract is zoned for a multiple family, planned retail business, or planned employment center use, but such structures and buildings shall be on a lot or tract which has front, side and rear yards as required for the zoning district in which the lot or tract is located. Where such multiple structures or buildings would be under separate ownership, permanent rights of access shall be provided to all ownerships which do not abut or have the right of access to an approved street and such access ways and the improvements therein shall be clearly shown on the approved development plans
- B. In the Rural, Residential, Planed Rural, or Planned Residential Districts, a property owner or such person's authorized designee may construct a replacement dwelling unit on the same subject property to replace the existing occupiable main dwelling unit for the purpose of the replacement dwelling unit becoming the main structure, if such request is first administratively approved in writing by the Zoning Administrator, subject to compliance with all of the following conditions:

1. Conditions:

- a. The existing occupiable main dwelling unit (hereinafter referred to as "Existing Unit") is made uninhabitable, or is removed and/or demolished and taken to a site that legally can accept the same, within ninety (90) days of receipt of a temporary occupancy permit for the replacement dwelling unit.

A final occupancy permit shall not be issued for the replacement dwelling unit until the Existing Unit has been made uninhabitable, or removed and/or demolished, as set forth above.

If the Existing Unit is to remain as an uninhabitable structure, then it may be considered to be an accessory structure as determined by an administrative decision by the Zoning Administrator, but it must comply with all other County Regulations.

The Zoning Administrator's written approval to allow the construction of a replacement dwelling unit to replace an Existing Unit shall terminate upon the final approval of a permanent occupancy permit for the replacement dwelling unit, or after a term not to exceed three (3) years, whichever is sooner.

- b. The property owner shall execute a development agreement and surety providing, among other things, that the failure to make the Existing Unit uninhabitable or failure to remove and/or demolish the Existing Unit as set forth above, shall constitute a violation of these Regulations and shall be subject to the enforcement and penalty provisions set forth in Article 6 of these Regulations, and forfeiture of the surety.
- c. The replacement of the Existing Unit shall otherwise comply with all other applicable County zoning regulations (e.g., lot area, setbacks, height), building code requirements, and any other applicable County requirements, including but not limited to road standards, access and driveway location and spacing, wastewater and other utilities.
2. Any deviation from the conditions set forth in Subsection 6. B. (1), above, shall not be allowed unless the property owner first receives the approval of a Conditional Use Permit as provided in Article 23 of these Regulations.

Section 7. REAR YARDS:

In computing the depth of a rear yard for any lot abutting an alley, one-half (1/2) of such alley width may be included as part of the required rear yard.

Section 8. ADDITIONAL SETBACK REQUIRED FOR BUILDINGS OR STRUCTURES TALLER THAN MAXIMUM HEIGHT REGULATIONS:

Dormitories, hospitals, high-rise apartments or office buildings, hotels, manufacturing facilities, churches and schools, and the like, which are by their general nature often taller than the maximum allowed building or structure height in the zoning district, may be allowed if a Conditional Use Permit is approved as provided in Article 23 of these regulations and if, in the case of structures other than buildings, yard setbacks equal to the height of the structure are provided and if, in the case of buildings, additional yard setbacks of twenty-five (25) feet are provided for each ten (10) feet of building height above the maximum standard allowable building height or each story above a maximum of 3 stories.

Section 9. HEIGHT, AREA, BULK BY ZONING DISTRICT CHART

RURAL		RESIDENTIAL						RESIDENTIAL URBAN				MFG. HOMES		RETAIL BUSINESS				EMPLOYMENT CENTER				ADULT USE	
	PRUR	RLD	RN-2	RN-1	PRLD	PRN-2	PRN-1	PRU-1A	PRU-1B	PRU-2	PRU-3	PRU-4	PRMHP	PRMHS	PRB-1A	PRB-1	PRB-2	PRB-3	PEC-1	PEC-2	PEC-3	PEC-4	PAC
Minimum Lot Size:	10	4	3	2	1	3	1	.46	.23	.23	.10	.08	B .10 C .11	B .17 C .23	-	-	-	-	-	-	-	-	-
Maximum Height of Main Buildings (Ft.):	40	40	40	40	35	40	40	35	35	35	35	35	30 +	30 +	35 + existing 25+ new	25 +	25 +	25 +	30 +	45 +	45 +	45 +	30
Maximum Height of Accessory Buildings (Ft.):	30	30	30	30	25	30	30	As allowed by Article 18				25 +	25 +	35 +	25 +	25 +	25 +	25 +	25 +	25 +	25 +	25 +	30
Minimum Front Yard (Ft.):	E 50	E 50	E 50	50	50	50	50	35	35	35	35	35	25 +	25 +	25 +	25 +	25 +	35 +	50 +	50 +	50 +	50 +	50
Minimum Side Yd. for Main Buildings (Ft.):	25	25*	25	25	25	25	25	F 10	F 10	F 10	F 10	F 10	G 10	G 10	F 10	25 +	25 +	25 +	30 +	30 +	30 +	30 +	25
Minimum Side Yard Accessory Buildings (Ft.):	25	25*	25	25	25	25	25	As allowed by Article 18				5	5	As allowed by Article 18									
Minimum Rear Yard (Ft.):	25	25*	25	25	25	25	25	25	25	25	25	25	G 10	G 10	20 +	25 +	25 +	25 +	30 +	30 +	30 +	30 +	25
Minimum Number of Parking Spaces:	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	1/250 sq. ft.		K	3/1,000 sq. ft.			K	L
Minimum Lot Width (Ft.):	300	M 300 N 150	150	100	100	100	100	75	75	100	-	-	45- 55	75- 85	-	-	-	-	-	-	-	-	-
Perimeter Yard Around Overall Site (Ft.):	-	-	-	-	-	-	-	-	-	-	-	-	I 25	I 25	-	-	-	-	50	50	50	50	-
Max. No. Accessory Bldgs. Without C.U.P. on Lots<10 ac.:	-	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
Minimum Overall Zoning Tract (Ac.):	-	-	-	-	-	-	-	-	-	-	-	-	10	25	J 2	4- J 8	6- J 12	8- J 16	40	40	40	40	-
Floor Area Ratio (F.A.R.):	-	-	-	-	-	-	-	-	-	-	-	-	-	-	25	25	25	25	35	30	30	30	-

* Or compliance with the Fire Code adopted by the County.

A Nominal Lot Area.
B Single-wide units.
C Double-wide units.
D Maximum heights apply to residential structures only. No restriction for agricultural structures which comply with the airport Overlay Zone height restrictions.
E Two hundred (200) feet recommended in RUR and RLD, two hundred (200) feet required in PRUR for houses if the adjoining road does not have a dust free surface.
F The sum of both side yards shall be at least twenty-five (25) feet.
G Manufactured homes on adjoining lots shall be at least thirty (30) feet apart.

H In general, buildings and structures not larger than 200 square feet and detached garages must be at least 10 feet from property lines, or, if the building is taller than sixteen (16) feet, a distance at least equal to the building height or the minimum setback required for the zoning district in which the property is located must be provided.
I Fifty (50) feet required along public road rights-of-way.
J Recommended.
K See also Article 18, Off-Street Parking Requirements.
L Greater of 2 spaces per seat or 2 spaces per 100 square feet.
M 300 feet for lots larger than 4 acres.
N 150 feet for lots 4 acres.

NOTES: 1.) The (+) and (-) symbols in this table acknowledge that the height, area and bulk dimensions for any specific site development may be varied reasonably for planned zoning district sites by approval of site development plans which endorse greater or lesser dimensions than indicated in this table and than indicated in the respective zoning district articles in these regulations. 2.) The minimum overall zoning tract acreage applies to the zoning parcel size and not to the size of the lots on which development could occur except in the PRB-1A, Planned Limited Retail Business District, which has a maximum tract size of 4 acres.

Zoning & Subdivision Regulations
Article 17
BOCC Resolutions 19-94, 14-96, 78-96, 48-97, 60-97, 82-97, 021-02, 036-05 and 052-05.

Johnson County, Kansas
June 2005
Supplementary Height, Area and Bulk

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ARTICLE 18.
ACCESSORY STRUCTURES, BUILDINGS AND USES

Section 1. PURPOSE:

The purpose and intent of the accessory use and accessory structure, building and use regulations is to:

- A. Maintain neighborhood integrity and preserve the existing character of the neighborhood by encouraging compatible land uses.
- B. Provide the residents of the County the opportunity to use their property to enhance or fulfill personal objectives as long as the use of the property is not incompatible with the land uses or character of the neighborhood.
- C. Establish criteria for operating home occupations in dwelling units within Rural, Planned Rural, Residential and Planned Residential Districts.
- D. Assure that public and private services such as streets, sewers, water and electrical systems are not burdened by accessory uses to the extent that the accessory usage exceeds that which is normally associated with the primary use of the property.

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. In all other zoning districts, if there is not a primary structure on the property, new accessory

structures or buildings shall not be built or used unless a Conditional Use Permit has been approved for the accessory structures or building(s) as provided in Article 23, Section 4 of these regulations.

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, Planned Rural, Residential, and Planned Residential Districts and shall be subject to the following:

A. 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 a 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 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 1 acre or greater, employees or other assistants shall be limited to immediate members of the family residing on the 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.
- B. 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 Department 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.

C. 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 and other motor vehicle repair services.
4. Tourist homes including bed and breakfast facilities.

Section 6. ACCESSORY BUILDINGS AND STRUCTURES IN GENERAL:

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 1 acre or smaller, the total main floor area of all accessory buildings and structures shall not exceed nine hundred (900) square feet, provided that such buildings or structures shall not cover more than 30% of the required rear yard.
 - b. For any lots larger than 1 acre, the maximum allowed total main floor area for all accessory buildings and structures shall increase from nine hundred (900) square feet by three hundred 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 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, and c, of Section 6 (B)(1) above, tool sheds and pool houses shall be permitted as follows: Tool sheds smaller than 200 square feet and pool houses smaller than 200 square feet are permitted in the Rural, Planned Rural, Residential and Planned Residential Districts. Tool sheds and 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 two (2) stories or thirty (30) feet in the RUR, PRUR, RLD, RN-2, PRLD, PRN-2, and PAE districts or two (2) stories or twenty-five (25) feet in the RN-1, PRN-1, PRU-1A, PRU-1B, PRU-2, PRU-3, PRU-4, PRMHP, PRMHS, PRB-1, PRB-2, PRB-3, PEC-1, PEC-2, PEC-3, and PEC-4 districts 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 the PRU, PRB, PEC and PAE districts:
1. Accessory buildings or structures with a main floor area not larger than 200 square feet and detached private garages with a main floor area not larger than 750 square feet shall be set back at least:
 - a. 10 feet from rear and side property lines,
 - b. however, if the building or structure is taller than sixteen (16) feet, then the yard setbacks shall be at least equal to the building height, but the yard setbacks need not exceed the minimum yard setback requirements for the zoning district in which the accessory buildings or structures they are located unless otherwise required by these regulations. (See especially Sections 6 (E)(F) and (G) of this Article).
 2. Accessory buildings or structures with a main floor area larger than 200 square feet, and detached private garages with a main floor area larger than 750 square feet shall comply with the yard setback requirements for the zoning district in which they are located.
 3. The setbacks required for carports, open-walled lean-to roofed structures shall be the minimum setbacks of the zoning district or the height of the open-walled structure whichever is greater.
- 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, in the RUR, Rural District, or in the PRUR, Planned Rural District, on any lot smaller than 10 acres, or, if the antennae dish is larger than eighty-four (84) inches in any dimension in any planned retail business district, planned employment center district, or planned adult entertainment district, 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 inches 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 feet 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 yards or in required side yards. Swimming pools, hot tubs, whirlpools, etc. shall be setback from rear and side property lines at least 10 feet and shall be fenced as required by the applicable Johnson County Building Code, (See also Article 16, Sections 2 and 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 domestic 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 domestic 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) and (2) above and may be otherwise permitted by Conditional Use Permit as provided in Article 23 of these regulations 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, Planned 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 two (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 Rural District, RUR and, in the Planned Rural District, PRUR, on any lot larger than three (3) acres; in the Planned Research and Development Park District, PEC-1; in the Planned Research Development and Light Industrial District, PEC-3; and in the Planned Industrial District, PEC-4; 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:
 - 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 and 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 tow able 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 thirty-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.

Section 10. PLANNED RETAIL BUSINESS DISTRICTS AND PLANNED EMPLOYMENT CENTER DISTRICTS:

Subject to development plan approval as required by Articles 11 and 15 of these regulations, accessory uses, buildings, or structures such as the following shall be allowed:

A. Permitted Accessory Uses: Cooling towers, employee recreation facilities and functions, food service and vending machines inside the building, flagpoles, gatehouse, loading areas, low-level exterior lighting, private garage for motor vehicles, security and screening fencing, signs as permitted by these regulations, storage facilities, radio or television or microwave antennae not exceeding 60 feet in height and setback from the property line a distance at least equal to the height of the structure, private fire stations or private facilities for utility services required by the development, temporary or efficiency living quarters for persons providing security or management services to other facilities on the same site, and other similar uses. Except in PEC-1, Day-Care Centers and Preschools.

B. In PEC-4 district, retail sales areas if they do not exceed ten percent (10%) of the gross floor area of the main use or five thousand (5,000) square feet, whichever is less.

C. Accessory Buildings and Structures: as provided in Section 6 of this Article.

D. Accessory Uses in General: as provided in Section 7 (C) 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 Articles 7 through 14, the requirements in Table A shall control.

TABLE A. NUMBER OF OFF-STREET PARKING SPACES REQUIRED

General Use or Category	Parking Space Required per Measuring Unit	Additional Requirements
Dwelling Unit	2 per dwelling unit	
Restaurant or other establishment for the consumption of food or beverage on premises	1 per 3 seats or seating spaces	
Auditorium, arena theater, stadium, gymnasium, hall for conventions	1 per 4 seats or seating spaces	
Church, Temple, similar place of assembly, College or High School, funeral home	1 per 3 seats in main assembly room, main auditorium or main 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
Public library, museum, art gallery or community center	5 per building	Plus 1 additional space per 300 sq. ft. of floor area over 1,000 sq. ft.

General Use or Category	Parking Space Required per Basic Measuring Unit	Additional Requirements
Fraternities, Sororities and Lodges with sleeping rooms	2 per 3 sleeping rooms or suites	Or 1 per 5 members residing on premises, whichever is greater.
Convalescent home, Home for the aged or similar facility	1 per 5 patient beds	
Hotel, motel, temporary residence inn, motor lodge, rooming, boarding or lodging house, and the like	1 per guest room or suite	Plus 1 space per 2 seats for restaurants
Hospital	1 per 3 patient beds or staff members per shift	Plus 1 per 2 employees
Amusement place, dance hall, skating rink, swimming pool, auction hall, meeting hall or auditorium without fixed seats	1 per 100 sq. ft. of floor area	Does not apply to accessory uses
Office, office building, studio or clinic, retail store, personal service establishment, banks, or bowling alley. General service or repair business, printing, publishing, plumbing, heating, broadcasting auditorium or similar facility.	1 per 250 sq. ft. of floor area	Minimum of 3 spaces for offices, Plus 1 per 150 sq. ft. over 4,000 sq. ft. floor area for retail food stores. An auditorium for a broadcasting station requires spaces set forth directly above
Furniture or appliance store, machinery, equipment, automobile or boat sales or service	1 per 250 sq. ft. of floor area	2 spaces minimum per facility, 10 spaces minimum for sales or service.
Manufacturing or industrial business, research or testing laboratory, bottling plant, wholesale warehouse or similar facility	1 per 1,000 sq. ft. of floor area or 1 per each three employees on the largest shift during any 24-hour period whichever is greater	Plus space for storage of trucks or vehicles used in connection with the business or industry
Other uses not specified in this list	1 per 3 persons at maximum utilization	

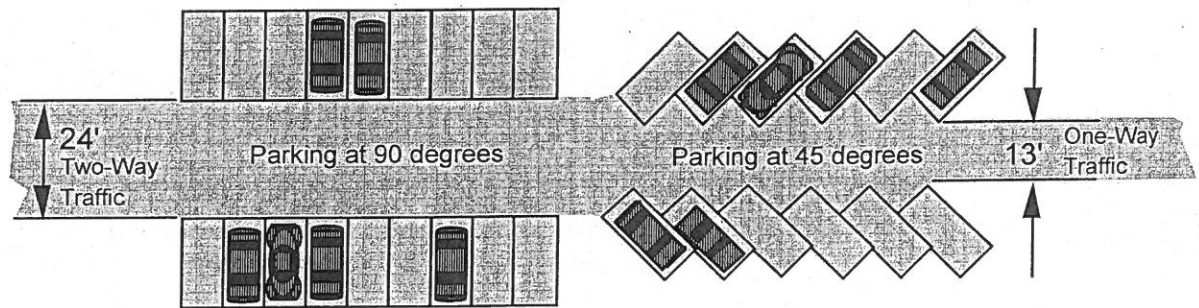
Section 3. IMPROVEMENT AND DESIGN REQUIREMENTS:

A. In all districts except the Rural District (RUR), the Planned Rural District (PRUR), the Residential Low-Density District (RLD), the Residential Neighborhood Two District (RN-2), the Residential Neighborhood One District (RN-1), the Planned Residential Low Density District (PRLD), the Planned Residential Neighborhood Two District (PRN-2), the Planned Residential Neighborhood One District (PRN-1), the Planned Residential Urban Single-Family-1A District (PRU-1A), and the Planned Residential Urban Single-Family-1B District (PRU-1B), all off-street parking and loading spaces shall be improved in accordance with the following requirements for paving, size, curbing and lighting.

1. All parking spaces other than those for handicapped access shall be a minimum of 9' x 17'. All parking spaces for handicapped access shall be a minimum of 12' x 18'. Additional space shall be provided, as necessary, for maneuvering into and out of the spaces. The minimum widths driving lanes with a row of parking spaces on both sides of the driving lane shall be as follows:

- a. Parking spaces at 90 degrees to driveway = 24' wide
- b. Parking spaces at 60 degrees to driveway = 18' wide *
- c. Parking spaces at 45 degrees to driveway = 13' wide *

* One-way traffic flow only. If two-way traffic flow, must be at least 20 feet wide.



- 2. All required parking lots and all driveways to and within any required parking lot, shall be surfaced with a permanent bituminous or concrete pavement prior to the issuance of a Zoning Permit by the Zoning Administrator.
- 3. Except for Planned Employment Center district zoning parcels developed under unified control and which provide storm water detention facilities that comply with the then applicable Storm Drainage Standards adopted by the County:
 - a. The perimeter of all required parking lots and all driveways to and within any required parking lot shall be provided with concrete curbs or concrete curb and gutters, and
 - b. Concrete curbs, curb and gutter or wheel-stop blocks shall be provided at the front of any parking space which abuts a building, walk, other structure or landscaped area.
- 4. Access from streets to parking lots shall be by means of paved driveways not more than 35 feet wide.
- 5. Parking spaces shall not have direct access from any public street or highway but shall be served by on-site driveways.

6. Any lights used to illuminate a parking area shall be arranged, located, or screened to direct light away from any adjoining or abutting properties zoned or used for residential purposes and shall be directed downward or aimed away from roadways and driveways to prevent potentially hazardous or offensive glare.
7. All parking areas and off-street loading areas shall be screened from adjacent properties or public rights-of-way with decorative fencing, or walls, berms or similar landforms or landscaping as provided in Article 16, Section 3 of these regulations.
8. Off-street loading spaces to be used by trucks shall have minimum dimensions of twelve (12) feet by thirty-five (35) feet and a minimum vertical clearance of fourteen (14) feet. Off-street loading spaces for cars and light-duty trucks shall have minimum dimensions of ten (10) feet by twenty-five (25) feet and minimum vertical clearance of eight (8) feet.
9. All parking spaces in paved parking lots shall be delineated by striping at least 4 inches wide.
10. Construction of a portion of the required parking may be deferred based upon a phasing plan and tenant/use characteristics, but land area for the overall parking ratio indicated must be reserved within the Development Plan and phasing program for the parcel.

Waiver from Requirement for Reservation of Land Area for the Overall Parking Ratio: If the tenant/user characteristics of any development proposal are such that reservation of land area for the overall parking ratio would not be needed, e.g. unique user characteristics such as there would be few persons per unit of building area, the use is primarily a use that is reliant on mass- or group-transportation instead of on automobile transportation, or the use is primarily a use that would utilize the available off-peak parking capacity of others, and so on, then the requirement for reservation of land area may be waived upon express findings by the Zoning Board and the Board of County Commissioners, that, due to the nature of the proposed development, the occupants of a particular facility or service, and the neighbors thereof, will not be endangered and that the parking situation will not pose a threat to the health, safety or general welfare of nearby properties or the community at large.

- B. In the Rural, Planned Rural, Residential, and all Planned Residential Districts requiring lots 1-acre or larger, new 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 for New Subdivisions, as adopted by the County.
- C. Driveways in all Planned Residential Districts allowing lots smaller than one (1) acre per dwelling unit and in the Planned Retail Business and Planned Employment Center Districts, the driveways shall not be wider within the street right-of-way than allowed by the applicable Street Construction and Storm Drainage Standards for New Subdivisions, as 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 1. PURPOSE:

The purpose of these sign regulations is to implement the following necessary and proper objectives:

- A. To protect the general public from damage and injury which may be caused by the faulty and unregulated construction of signs.
- B. To prevent the obstruction of traffic visibility and confusion with traffic control devices resulting from improperly placed and designed signs.
- C. To insure the visual quality of signs and preserve and promote the aesthetic quality of Johnson County by reducing visual clutter.
- D. To control the magnitude, placement and number of signs in the County, recognizing that signs in the County generally tend to be highly visible because of low-density development patterns and few, if any, development features or other signs which compete visually for attention, thereby necessitating controls to protect the visual integrity of the unincorporated portion of the County.

Section 2. ~~APPLICABILITY:~~

AMENDED: SEE
SECTION 11 OF
ORDINANCE
NO 2122-2691

The provisions of this Article govern the size, placement, use and structural quality of outdoor signs and other advertising and identification devices together with their appurtenant and auxiliary apparatus. No sign shall be erected, enlarged, constructed, reconstructed, relocated, refaced, structurally or otherwise altered without first obtaining a separate sign permit as set forth in this Article.

Section 3. PERMIT REQUIREMENTS:

- A. Permit Required: Except as provided in paragraph F of this section, a separate sign permit shall be obtained from the Zoning Administrator or such persons designate for each sign as provided in this Article.
- B. Application for Permit: Applications for a permit shall be made in writing upon forms provided by the Zoning Administrator which may request the following information, among others:
 - 1. The name, street address, and telephone number of both the applicant and the person erecting, constructing, reconstructing, relocating, refacing, structurally or otherwise altering the sign.
 - 2. The legal description of the lot or tract and the street address of the building or structure where the sign is to be located.
 - 3. Two sets of sign plans drawn to scale which shall include specifications of the proposed sign and sign structure along with the method of construction and attachment to the building or ground. A site plan showing the position of the sign(s) in relation to property lines and nearby buildings and structures shall be included with the sign plans.
 - 4. If the applicant is not the owner, written consent of the owner(s) of the lot or tract, building or structure on which the sign is to be erected.

- C. Issuance of Permit: Upon the filing of an application for a sign permit and payment of the applicable permit fee as provided herein, the Zoning Administrator or such persons designate shall examine such plans and specifications, along with the premises upon which the sign proposed to be erected, and any other pertinent data, to determine whether the proposed sign would comply with these regulations. If all applicable requirements are met, the permit shall be issued and shall be valid for construction and erection, alteration or relocation of the sign within one hundred twenty (120) days from the date the permit is issued.

The issuance of the Sign Permit, as required by these regulations, shall not act in lieu of any other permits or fees required by the electrical code or building code or any other governmental rules or regulations adopted by the County or any other governmental entity and made applicable to the sign and its placement.

- D. Permit Fees: Before being granted a permit for a sign, every applicant shall pay to the County a permit fee as established by resolution of the Board.
- E. Permit Revocation: If the Zoning Administrator or such persons designate shall find that any sign subject to these regulations is unsafe or insecure; is a possible danger to the public health, safety, or welfare due to structural defects; has been allowed to deteriorate to such condition that it is unsightly; has been constructed or erected or is being maintained in violation of the provisions of these regulations, then written notice shall be given to the owner of the premises or, if different than the owner, the occupant(s) of the premises on which the sign is located, specifying the problem. If such person fails to remove or alter the sign to comply with the provisions of these regulations within fifteen (15) days of such notice, the Zoning Administrator may take such action as may be necessary to cause such sign to be removed or altered to comply with these regulations, which shall be at the expense of the applicant or owner(s) of the property on which the sign is located. If a sign is an immediate hazard to the public health, safety, or welfare, in the opinion of the Zoning Administrator, the Zoning Administrator may cause it to be removed immediately and without notice.
- F. Exemptions From Fees and Permits: The following signs or sign modifications shall be exempt from paying fees and obtaining a permit; however such signs shall be subject to all other requirements of these regulations since this exemption shall not be construed as relieving the owner of the property on which the sign is located from the responsibility for its meeting the other requirements of these regulations:
1. Non-electrical signs not exceeding one (1) square foot in area.
 2. Non-electrical signs on construction sites where construction is underway, and if the sign area does not exceed thirty-two (32) square feet in area.
 3. Traffic control signs pursuant to the applicable Street Construction and Storm Drainage Standards adopted by the County.
 4. Incidental Advertising Signs or Incidental Identification Signs.
 5. Modification to or replacement of the message displayed on a Bulletin Sign, Poster Panel Sign, or Junior Poster Panel Sign or the electrically changeable message or readily changeable mechanically affixed lettering, logo or insignia or message on a sign.

6. Routine maintenance, repair, repainting that does not include structural or electrical alterations or which does not result in changes to the size or height of any sign.
- G. Appeals Regarding Sign Permits: In the event of the approval or the denial of any permit, or the revocation thereof, or of any objection to the limitations or conditions or the lack of limitations or conditions placed thereon, appeal may be made in writing to the Board of Zoning Appeals in accordance with the provisions of Article 3, Section 5 of these 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 Panel Signs, and Junior Poster Panel Signs, whether on-premise or off-premise, are prohibited except in the Planned Retail Business Districts (PRB-1, PRB-2 and PRB-3) and two Planned Employment Center Districts (Planned Research, Development and Light Industrial Park District, PEC-3, and Planned Industrial District, PEC-4) and then only if approved by a Conditional Use Permit as provided in Article 23 of these regulations.
- 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. Business Signs, Development Complex Signs, General Advertising Signs, Institutional Signs, Neighborhood Signs, Nameplate Signs, are permitted in all districts in accordance with the requirements in this Article.
- e. 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 5. SIGN CONSTRUCTION STANDARDS:

- A. Attached Components to be Secured: All letters, figures, characters, or representations maintained in conjunction with, attached to or superimposed upon any sign shall be safely and securely built or attached to the sign structure.
- B. Removable Parts to be Secured: Any openable or removable parts of a sign such as a service opening cover or readily changeable mechanically affixed lettering, logo or insignia or message shall be securely fastened or be provided with safety chains or hinges.
- C. Sign Construction In General: Signs shall be constructed to prevent potential hazards to the public.
- D. All permanent signs and sign structures shall be designed and constructed to comply with the building code as adopted by the County. All electrically illuminated signs shall be designed and constructed to conform with the electrical code as adopted by the County. All signs and sign structures shall be also designed and constructed to comply with the design standards set forth in this Article.

Section 6. DESIGN STANDARDS:

- A. Special Requirements for Signs in Development Complexes: The owner, or applicant as agent for the owner, shall prepare a set of sign standards for all exterior signs in any development complex. Such standards shall be included as part of any development plan approved for the overall development complex and notice of such approved development plan sign standards shall be fully provided in any lease or sales contract for the property involved in the development. The size, colors, materials, styles of lettering, appearance of any logo, type of illumination and location shall be set out in such standards. The standards shall be such that signs constructed or maintained under the standards would comply with the sign regulations set out by the County for the zoning district in which the development complex is located and shall be for the purpose of assuring harmony and visual quality throughout a project. Final development plans shall not be approved until the sign standards have been approved by the Board. The sale, subdivision or other partition of the site after zoning approval does not exempt the project or portions thereof from complying with these regulations and the approved sign standards relative to number of detached signs, harmony and visual quality of signs to be installed. All signs in development complexes shall be designed and constructed of materials which harmonize with the architecture of the site on which the sign is located. Generally, the use of sign materials the same as or similar

to the main building materials used on-site shall be found to provide the required level of design harmony.

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 shall be 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-premise or Off-premise signs and shall be allowed as provided below only in the Planned Business Districts (PRB-1, PRB-2, and PRB-3) and in Planned Employment Center Districts (PEC-3 and PEC-4) and in the Rural District (RUR).

b. On-premises Advertising Signs:

- 1). General Advertising Signs shall be allowed as provided in Table 1 of this Article.
- 2). Incidental Advertising Signs shall be 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 thirty-two (32) square feet for tracts larger than 10 acres or tracts zoned for business or employment center uses, shall be located on-premise and shall not have more than two (2) sign faces.
 - b). Real Estate Project Signs shall not be larger than thirty-two (32) square feet, shall not have more than two (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) and (3) of this Article.

c. Outdoor Advertising Signs (Bulletin Signs, Poster Panel Signs, or Junior Poster Panel Signs) Location, Height, Area, Lighting, and Spacing Requirements:

1). Location:

- a). Outdoor advertising signs shall not be located within five hundred (500) feet of a Residential or Planned 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 any right-of-way.

- c). Outdoor advertising signs shall not be attached to the roof or wall or placed above the roof level of any building.
- 2). Maximum 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 six hundred fifty (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 signs 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 any adjacent highway so as to pose a potential hazard to vehicular traffic.
- 5). Minimum Spacing Requirements:
 - a). No outdoor advertising sign or structure hereafter erected, shall be less than one thousand two hundred (1,200) feet from any other existing outdoor advertising sign structure on the same side of the 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 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

TABLE ONE - ARTICLE 20, DISTRICT SIGN REGULATIONS

ZONE	TOTAL SIGN AREA ALLOWED PER LOT, SITE OR ESTABLISHMENT	STRUCTURAL TYPES OF SIGNS ALLOWED	FUNCTIONAL TYPES OF SIGNS ALLOWED ²⁰	MAXIMUM NUMBER OF SIGNS PER LOCATION	MAXIMUM NUMBER OF FACES PER SIGN	MAXIMUM AREA PER SIGN FACE (in Sq. Ft.)	MAXIMUM SIGN HEIGHT (in Feet)	MINIMUM SETBACK (in Feet)
G R O U P O N E	15 sq. ft. per lot or site unless otherwise allowed by this table, (exclusive of incidental signs.)	ATTACHED Wall	GENERAL IDENTIFICATION ¹	1/330' of Frontage ²	1	10-25' 3' d, 25a	8	10d
			INCIDENTAL ADVERTISING ²¹					
		DETACHED Monument Pole	Real Estate Lot 1 ⁶	1/Frontage	2	4 or 32' 4	8	0
			Real Estate Project 1 ⁶	1/Frontage	2	32	8	0
			Special Event 1 ¹	1/Frontage	1 or 2 ⁵	4	8	0
			INCIDENTAL IDENTIFICATION ²¹					
			Construction Site Instruction	1/Frontage	1	32	8	0
			INSTITUTIONAL	1/Road Entrance	2	4	4	0
			NAMEPLATE	2/Frontage 2	2	25, if w 13	5-8m ⁹ , 20p, if a 10	10d
			NEIGHBORHOOD	1/Frontage	2	1a, 2d	8a, 7, 6d	10d
			NONCOMMERCIAL SPEECH	1 or 2 2	2	25d	8a, 5-8m ⁹ , 8p, 17	0
			DEVELOPMENT COMPLEX ID ¹⁵	1/Frontage	2	47	8	0
G R O U P T W O	200 sq. ft. per lot or site (exclusive of incidental signs)	ATTACHED Awning Canopy Marquee Wall	GENERAL IDENTIFICATION ¹	1/330' of Frontage ²	2	25d	5-8m ⁹ , if a 10	10d
			INCIDENTAL ADVERTISING ²¹					
		DETACHED Monument Pole	Real Estate Lot 1 ⁶	1/Frontage	2	4 or 32' 4	8	0
			Real Estate Project 1 ⁶	1/Frontage	2	32	10	0
			Special Event 1 ¹	1/Frontage	1 or 2 ⁵	4 or 25' 6	8	0
			INCIDENTAL IDENTIFICATION ²¹					
			Construction Site Instruction	1/Frontage	1	32	10	0
			INSTITUTIONAL	2/Road Entrance	2	4	8	0
			NAMEPLATE	2/Frontage 2	2	25, if w 13	5-8m ⁹ , 20p, if a 10	10d
			NEIGHBORHOOD	1/Establishment	2	2d, 1w, aw 13	10-aw, c, ma; 8w, d	10d
			NONCOMMERCIAL SPEECH	1 or 2 2	2	25, if w 13	8a, 5-8m ⁹ , 10p, 17	10d
			BUSINESS IDENTIFICATION, GENERAL IDENTIFICATION, or DEVELOPMENT COMPLEX ID ¹⁵	1/Frontage	2	47	8	0
G R O U P T H R E E	200 sq. ft. per lot or establishment ⁸ (exclusive of incidental signs, development complex signs, or outdoor advertising signs with CUP)	ATTACHED Awning Canopy Marquee Projecting ¹¹ Overhead Canopy Under Canopy Wall	GENERAL IDENTIFICATION ¹	1/330' Ft. Frontage	2	25, if w 13	5-8m ⁹ , 20p, if a 10	10d
			INCIDENTAL ADVERTISING ²¹					
		DETACHED Monument Pole	Real Estate Lot 1 ⁶	1/Road Entrance 2	4	25	5-8m ⁹	10d
			Real Estate Project 1 ⁶	1/Frontage	2	32	10	0
			Special Event 1 ¹	1/Frontage	1 or 2 ⁵	4 or 25' 6	8	0
			INCIDENTAL IDENTIFICATION ²¹					
			Construction Site Instruction	1/Frontage	1	32	10	0
			INSTITUTIONAL	2/Road Entrance 2	2	4	10	0
			NAMEPLATE	2/Frontage 2	2	25, if w 13	5-8m ⁹ , 20p, if a 10	10d
			NEIGHBORHOOD	1/Establishment	2	10d, 2w, 3uc, aw 13	8a, 10d, 17	10d
			NONCOMMERCIAL SPEECH	1 or 2 2	2	25, if w 13	10a ¹⁷ , 5-8m ⁹	10d
			OUTDOOR ADV. with CUP ¹⁹	2/Frontage	2	167	8	0
PAE	PAE, Planned Adult Entertainment District			1/1,200 Ft. of Road	2	650	30	50 ¹²

As allowed specifically by Article 32 of these regulations.

As allowed specifically in Article 13 of these regulations.

FOOTNOTES FOR TABLE ONE:

1. Must be removed within 2 weeks of event promoted.
2. Signs not at the same entrance must be at least 330 feet apart. Neighborhood signs are allowed as follows: 2 per entrance or neighborhood frontage single-sided or 1 per entrance or neighborhood frontage double-sided.
3. If placed above an entrance gate at least seventeen (17) feet above the average adjacent grade.
4. If tract is at least 10 acres in size.
5. Special events signs may have two (2) sign faces only if not larger than four (4) square feet per sign face or if located inside a window.
6. Special event signs not located inside a window shall not be larger than four (4) square feet per sign face.
7. Noncommercial speech signs shall not be larger than allowed by this table unless a variance is approved by the BZA.
8. Exclusive of outdoor advertising and incidental signs.
9. Maximum height of five (5) feet unless sign complies with Section 6 (B)(2)(c) of this Article.
10. Top of sign shall not extend above top of wall behind sign or to which sign is attached.
11. In lieu of all wall or marquee signs otherwise allowed.
12. Outdoor advertising signs must be at least thirty-five (35) feet from any highway right-of-way.
13. Ten percent (10%) of the signable area of the awning surface or wall.
14. To any other outdoor advertising sign on the same side of the road.
15. Allowed only in compliance with Section 6 (A) of this Article.
16. On-premises signs only, unless approved by Conditional Use Permit.
17. If minimum height requirements apply, then twelve (12) feet above any walkway and twenty (20) feet above any driveway.
18. In lieu of development complex sign.
19. Outdoor Advertising Signs must be at least five hundred (500) feet from any Rural, Planned Rural, Residential or Planned Residential District or any structure occupied by a residential or institutional use. Outdoor Advertising Signs are allowed in the Rural District if a Conditional Use Permit is approved as provided in Article 23 of these regulations.
20. Minor Advertising Signs and Minor Identification Signs are allowed in Groups 1, 2 and 3, in compliance with this Article.
21. Permits not required for the categories "Incidental Advertising" signs and "Incidental Identification" signs.

GENERAL NOTES:

- A. Signs in Group 1 zoning districts shall not be illuminated except that General Identification Signs in the Rural District (RUR), or in the Planned Rural District (PRUR) and Institutional Signs or Neighborhood Signs in any Group 1 zoning district may be illuminated as allowed in this Article.
- B. Except for allowed Nameplate Signs for allowed home occupations in Group 2 zoning districts, signs in Groups 2 and 3 may be illuminated as allowed in this Article.
- C. Except for Incidental Advertising Signs or Nameplate Signs for allowed home occupations, no commercial message shall be allowed on signs in the Group 1 zoning districts.
- D. Any signs located over a walkway or driveway must be at least nine (9) feet above the walkway and at least fourteen (14) feet above the driveway.
- E. When this table allows multiple signs at intervals along the street frontages or at site entrances, the total sign area allowed for those multiple signs shall not be accumulated to result in larger signs at fewer locations or greater numbers of signs at closer intervals than allowed specifically by this table.

ABBREVIATIONS

a = attached sign
 c = canopy sign
 d = detached sign
 m = monument sign
 p = pole sign
 w = wall sign
 aw = awning sign
 ma = marquee sign
 oc = overhead canopy sign
 pr = projecting sign
 uc = under canopy sign
 n/a = not applicable

ARTICLE 21 AIRPORT VICINITY OVERLAY DISTRICTS AND ZONES

Section 1. PREFACE, PURPOSE AND INTENT :

- A. Preface: The regulations contained within this Article are based upon and in accordance with the goals, policies and strategies contained in the Johnson County Executive Airport Comprehensive Compatibility Plan and the New Century AirCenter Comprehensive Compatibility Plan. The protection of the public's health, safety, and welfare is one of the paramount interests in those plans, and toward that end, the regulations in this Article strive to avoid the establishment of airport hazards, lessen or prevent noise impacts affecting the public and the surrounding landowners, and promote a pattern of future land uses which encourages compatibility between airports and their environs. Furthermore, the regulations in this Article recognize and adopt the statutory findings of fact of K.S.A. 3-702, which state that:

Airport hazards are contrary to the public interest, endanger the lives and property of users of the airport and of occupants of land nearby, and, if of the obstruction type, in effect reduce the size of the area available for the landing, taking-off and maneuvering of aircraft, and thus tend to destroy or impair the utility of airports as defined in these regulations and the public investment or interest therein. Accordingly, it is hereby declared:

1. That the creation or establishment of an airport hazard is a public nuisance and an injury to the community served by the airport; and
2. That it is therefore necessary in the interest of the public health, safety, and general welfare that the creation or establishment of airport hazards be prevented.
3. It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which the County may raise and expend public funds and acquire land or property interests therein.

In addition, the minimization of aircraft noise impacts on the surrounding area is critical for striving to achieve airport-environs compatibility and for assuring that persons who live, work, or own property near airports may enjoy a maximum amount of freedom from noise or other adverse impacts of the airports.

- B. Purpose and Intent: The Airport Area Overlay Districts and especially the Executive Airport Area Overlay District and the New Century AirCenter Airport Area Overlay District are intended to regulate and restrict the height of structures and objects of natural growth and otherwise regulate the use of property in the vicinity of airports in Johnson County as defined in these regulations and especially the Johnson County Executive Airport and the New Century AirCenter to:

1. Protect persons and property near airports.
2. Protect for aircraft safety in the use of airports.

3. Regulate land uses and development to ensure compatibility with airports.
4. Provide a comprehensive zoning plan to provide for orderly development of land near any airport as defined by these regulations.

The regulations in this Article for Airport Area Overlay Districts and especially the Executive Airport Area Overlay District and the New Century AirCenter Airport Area Overlay District shall be supplementary to the regulations of the underlying zoning districts contained within these regulations. In the event of conflict between the regulations in this Article and any other regulations applicable to this same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and control to the extent of such conflict, but no further.

Section 2. DEFINITIONS:

The definitions of certain special terms used in this Article are provided in Article 2 of these regulations.

Section 3. ESTABLISHMENT OF OVERLAY DISTRICTS:

Airport Area Overlay Districts, in addition to those expressly established by this Article are hereby enabled for establishment in a like manner as other zoning districts permitted pursuant to Kansas Statutes Annotated 3-301 *et seq.* and 3-701 *et seq.* The Executive Airport Area Overlay District and the New Century AirCenter Airport Area Overlay District (hereinafter referred to as the "Airport Overlay Districts") are hereby established in a like manner as other zoning districts permitted pursuant to Kansas Statutes. Annotated 3-301 *et seq.* and 3-701 *et seq.* For these Airport Overlay Districts and any Airport Overlay Districts established in the future pursuant to this Article, there shall be at least two categories of overlay zones within each Airport Overlay District: Airport Height Hazard Overlay Zones and Airport Interest Area Land Use Overlay Zones. There are overlay zones within each Airport Overlay District established by this Article as provided herein: the Executive Airport Height Hazard Overlay Zones and the New Century AirCenter Airport Height Hazard Overlay Zones (hereinafter referred to as "Height Hazard Zones") and the Executive Airport Interest Area Land Use Overlay Zones and the New Century AirCenter Airport Interest Area Land Use Overlay Zones (hereinafter referred to as the "Land Use Zones"). Boundaries for the overlay district for each airport and the said overlay zones for each airport are described in the following Section 4 and regulations pertaining to these overlay zones are contained within Sections 9 and 10 respectively of this Article.

Section 4. BOUNDARIES OF AIRPORT OVERLAY DISTRICTS AND OF OVERLAY ZONES:

The outer boundaries of the Airport Overlay Districts coincide with the outer boundaries of the Height Hazard Zones and the Land Use Zones as shall be established for each airport by adoption of the Airport Overlay District Zoning Maps (hereinafter referred to as the "Airport Zoning Maps"). The Airport Zoning Maps reflect the Airport Overlay District boundaries as follows:

- A. The boundaries of the Height Hazard Zones are identical to the boundaries of the approach, transitional, horizontal, and conical surfaces of the airports as established in Section 9 of this Article and as shown in Exhibits A and B herein. Said surfaces shall be

based upon the obstruction surfaces described in Subpart C of Federal Aviation Regulation Part 77, Objects Affecting Navigable Airspace.

- B. Consistent with Exhibit A of the Johnson County Executive Airport Comprehensive Compatibility Plan which outlines the boundaries of the Airport Interest Area around the Johnson County Executive Airport, and consistent with Exhibit A of the Johnson County New Century AirCenter Comprehensive Compatibility Plan which outlines the boundaries of the Airport Interest Area around the New Century AirCenter, the outer boundaries of the Land Use Zones for each airport matches the outer boundaries of the Airport Interest Areas as shown in Exhibits C and D herein. The boundaries of zones in the Land Use Zones area are established as shown on the Airport Zoning Maps.

The boundaries of the Height Hazard Zones and the Land Use Zones are shown on the Zoning Maps which are incorporated by reference as though fully set forth herein. Reduced-size copies of the Airport Zoning Maps are included herein for reference purposes as Exhibits A and B. Official copies of the Airport Zoning Maps shall be on-file at the Johnson County Planning Office. Land areas subject to each of these Airport Zoning Maps are identified on the Official Zoning Map(s) for Johnson County by the suffix "AIA" added to the underlying zoning district name abbreviations used on the Official Zoning Map(s).

Exhibit A, Executive Airport Height Restrictions Part 77

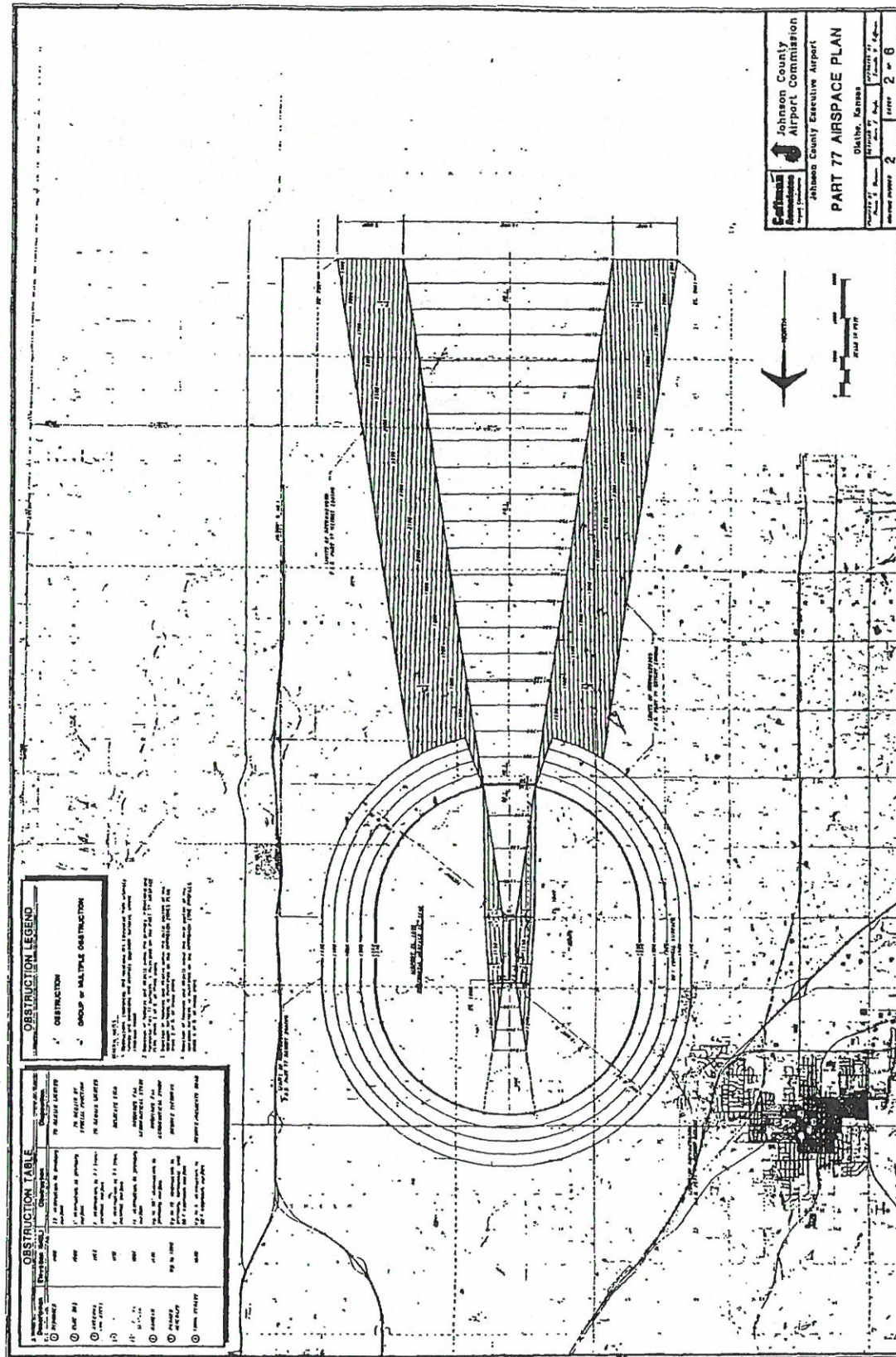
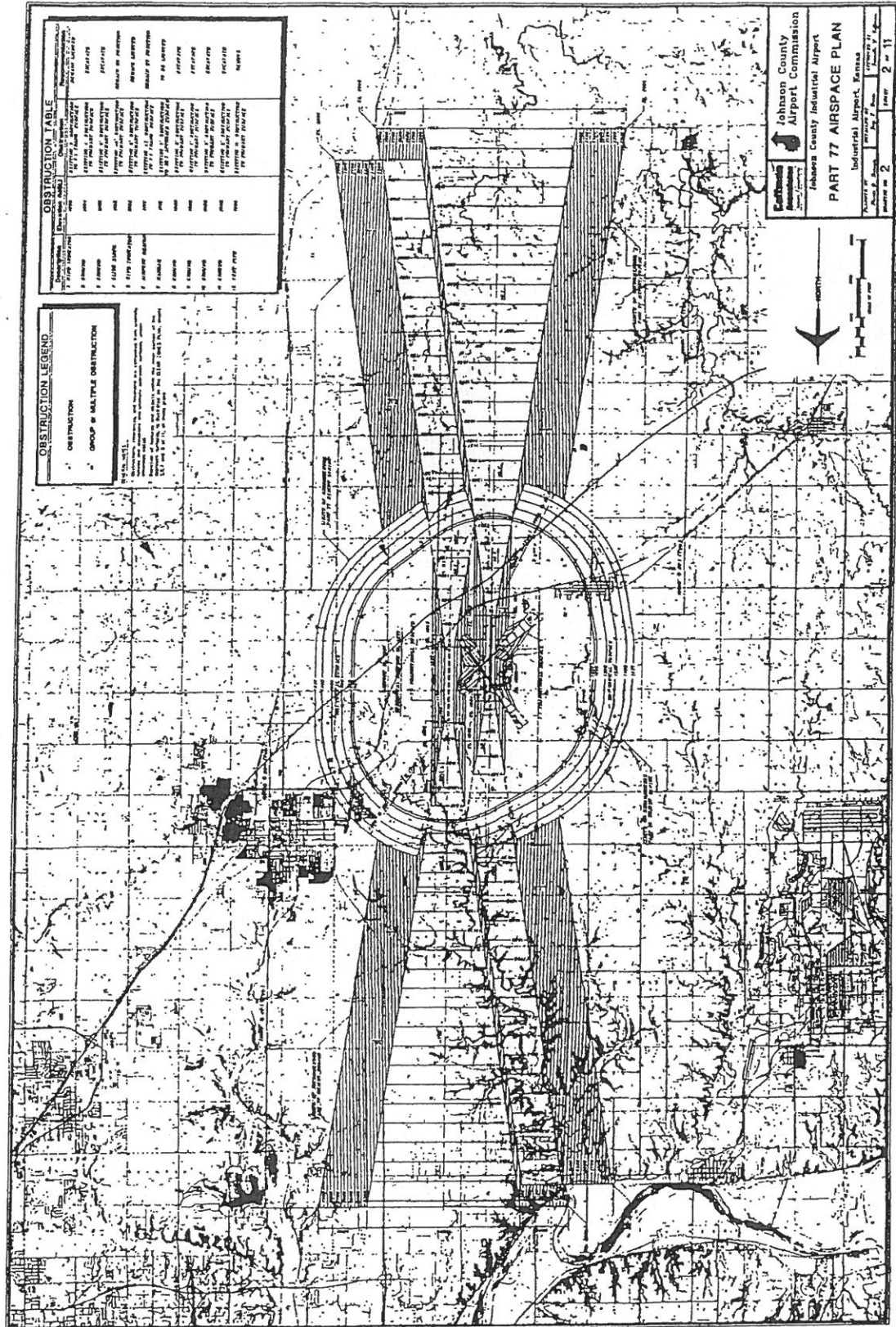
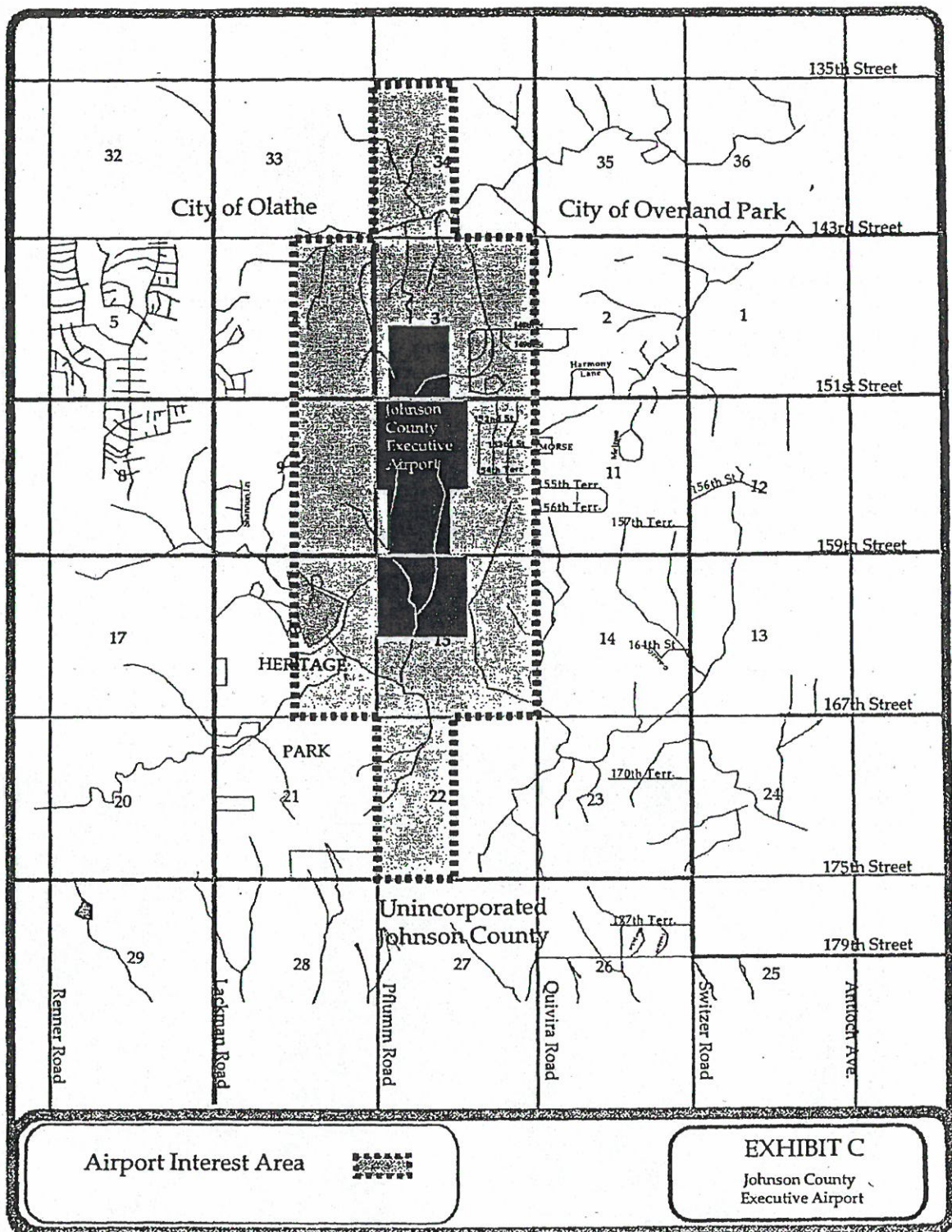
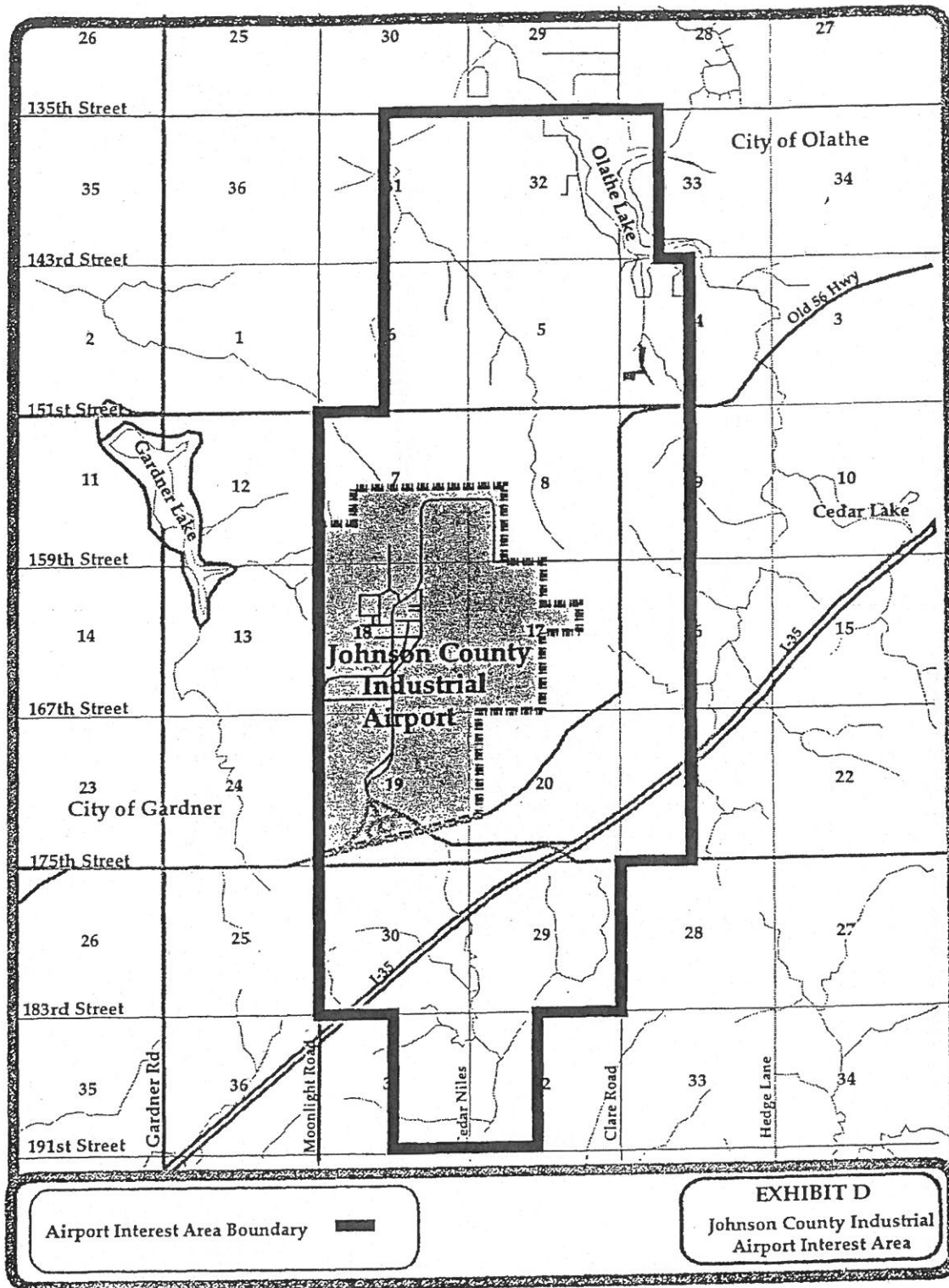
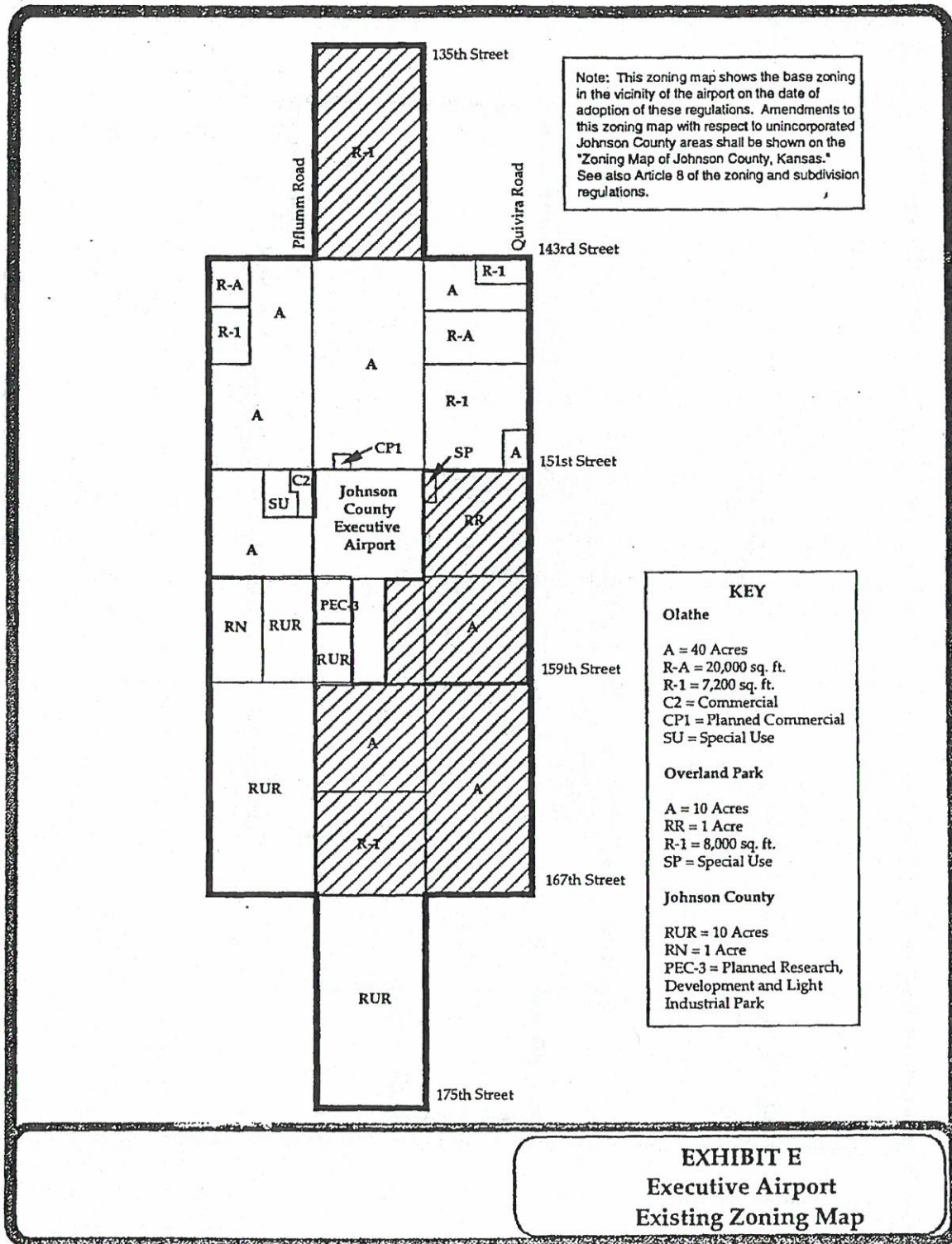


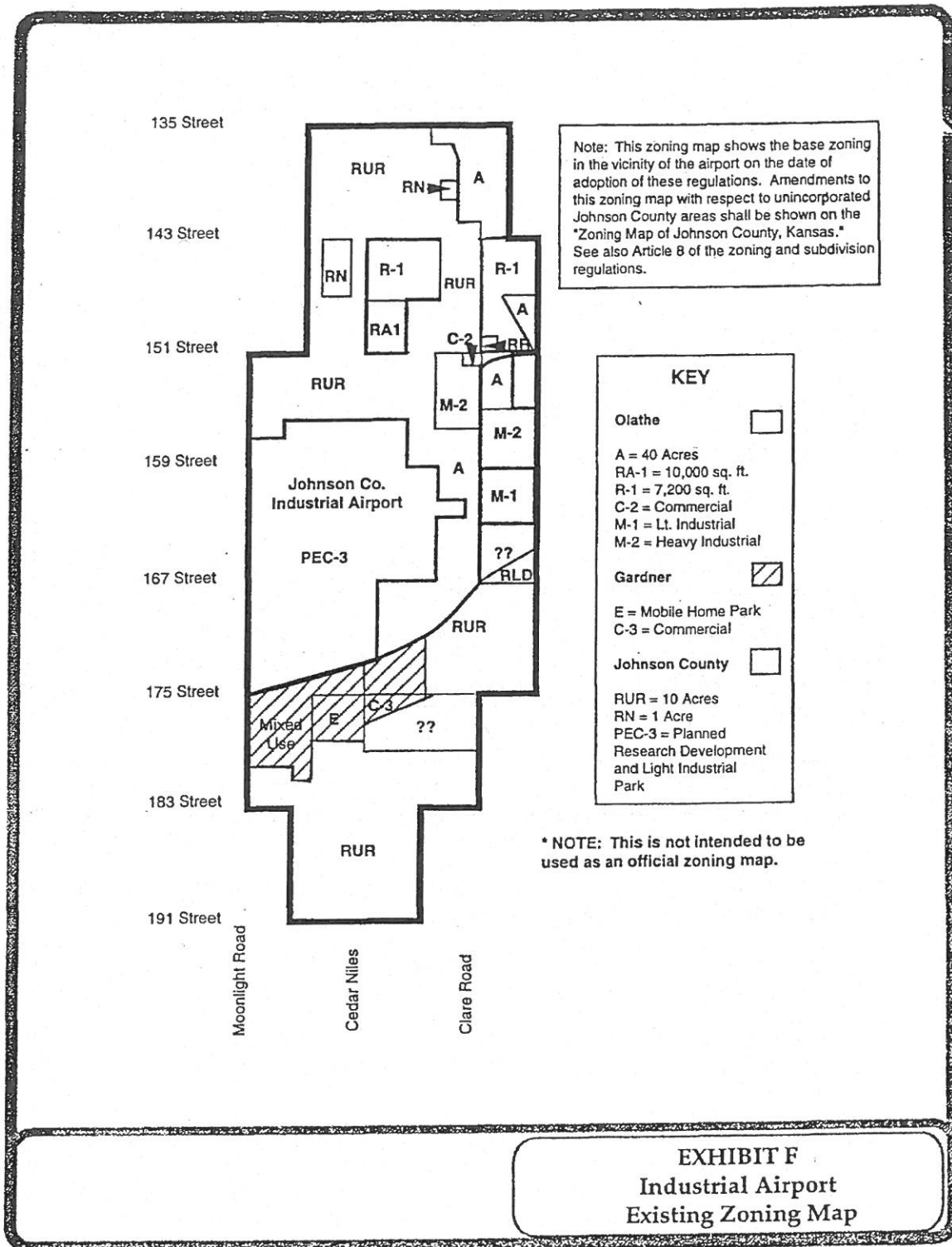
Exhibit B, New Century AirCenter Airport Height Restrictions Part 77











Section 5. PERMITTED USES:

Permitted uses within the Airport Overlay Districts shall be those uses which are permitted by regulation in the underlying zoning district, with the exception of those uses which are prohibited by this Article. (See especially Section 10 of this Article). Furthermore, all uses which are permitted by regulation in the underlying zoning district and not prohibited by this Article are subject to all qualifications and limitations as established by this Article. It should be noted that the use of land within the identified primary flight corridors is restricted as set forth in Section 10 of this Article.

Section 6. CONDITIONAL USES:

Conditional uses within the Airport Overlay Districts shall be those uses which are: 1) listed as conditional uses in the specific underlying zoning district, with the exception of those uses which are prohibited by this Article, or 2) listed in the general regulations pertaining to conditional use permits within these regulations, with the exception of those uses which are prohibited by this Article. Furthermore, the approval of conditional uses shall be subject to all qualifications and limitations as established by this Article. (See especially Section 12, which identifies review procedures for conditional uses).

Section 7. PROPERTY DEVELOPMENT STANDARDS:

Property shall be developed in accordance with the property development standards of the underlying zoning district, unless such standards are in conflict with this Article, in which event the regulations in this Article shall control. The applicable development standards shall include, but not be limited to, the regulations governing the following development characteristics: minimum lot size, maximum lot coverage, bulk regulations, open space requirements, landscaping and screening requirements, parking and loading regulations, and sign regulations.

Section 8. USE LIMITATIONS:

In addition to the use limitations imposed by the underlying zoning district, the following use limitations shall also apply to all properties located within the Airport Overlay Districts:

- A. Uses within these Districts shall be permitted only in accordance with the maximum height restrictions in Section 9 of this Article.
- B. Uses located within the Airport Overlay Districts shall be permitted only in accordance with all applicable restrictions and standards as set forth in Section 10 of this Article.
- C. Uses located within the Airport Overlay Districts shall be permitted only in accordance with any applicable noise attenuation construction standards as required under Section 11 of this Article.
- D. At the time of issuance of any building permit for any structure within these Airport Overlay Districts, the Johnson County Airport Commission reserves the right to request the voluntary dedication of an aviation easement when it is determined by the Commission that said easement is needed over the subject property to further the purpose and intent of the regulations in this Article.

Section 9. HEIGHT HAZARD ZONES AND HEIGHT LIMITATIONS:

A. Generally: In order to carry out the provisions of the regulations in this Article, and in furtherance of Federal Aviation Regulations Part 77 which recommends height limitation standards, there are hereby established Height Hazard Zones. The Height Hazard Zones shall encompass all the lands within Johnson County lying beneath the approach, transitional, horizontal, and conical zones which are based on and reflect the approach, transitional, horizontal, and conical surfaces (See Exhibits A and B herein), as they apply to the Johnson County Executive Airport and the New Century AirCenter and as further defined in this Section. The Height Hazard Zones are shown on the Zoning Maps (See Exhibits A and B herein). The height limitations established for these zones shall be based upon the established elevation of each of the airports which for the Johnson County Executive Airport is 1,096 feet (mean sea level), and which for the New Century AirCenter is 1,087 feet (mean sea level). Except for uses which are nonconforming on the effective date of these regulations as provided in Subsection D, (2) of this Section, and except as otherwise provided in this Article, from and after the effective date of the regulations in this Article, no structure or tree shall be erected, altered, allowed to grow or allowed to exist in any zone created by the regulations in this Article to a height in excess of the applicable height limitations established herein for the Height Hazard Zones. An area located in more than one of the identified zones is considered to be only in the zone with the more restrictive height limitation.

B. Height Hazard Zones Defined: The various Height Hazard Zones and height limitations for the Overlay Districts are created and defined as follows:

1. Airport Approach Height Hazard Zones AA-1 through AA-5 and Height Limitations(as further defined in Table 1 herein):

a. General Provisions:

- 1). The centerline of all Runway Approach Zones coincides with the continuation of the centerline of the runway. The centerline of the Helipad Approach Zone at the Johnson County Executive Airport is perpendicular to and extends south from the midpoint of the south edge of the Helipad Primary Surface.
- 2). The inner edge of all runway approach zones coincides with the outer edge of the primary surface of the runway and has the same width as the primary surface for the runway. The inner edge of the Helipad Approach Zone at the Johnson County Executive Airport coincides with the south edge of the Helipad Primary Surface, and the inner edge of that Helipad Approach Zone has the same width as the Helipad Primary Surface.
- 3). All approach zones expand outward uniformly from the inner edge to the outer edge at the horizontal distance and outer edge width specified in Table 1 herein.
- 4). The height limitation at the inner edge of all approach zones is the same elevation as the primary surface.
- 5). The height limitation in all approach zones increases continually and evenly from the inner edge to the outer edge of the approach zone at the rate or grade specified in Table 1 herein, and the rate of increase in elevation is expressed

and specified in the format of: "horizontal distance in feet outward for each foot of increased elevation," and is commonly abbreviated as, "horizontal distance: vertical distance."

- 6). The height limitations in the approach zones are established by the imaginary surface sloping upward at the grade specified for the particular approach zone as specified in Table 1 herein.
- b. Airport Approach Zones and the imaginary surfaces establishing applicable height limitations are established as provided in the following Table 1.

TABLE 1.

**AIRPORT APPROACH ZONES AND THE IMAGINARY SURFACES ESTABLISHING
APPLICABLE HEIGHT LIMITATIONS**

ZONE	ZONE NAME	HORIZONTAL DISTANCE		IMAGINARY ALONG EXTENDED RUNWAY CENTERLINE (FEET) From Inner Edge* and Outer Edges	SURFACE UPWARD SLOPE (Horiz. Feet: Vertical Feet.)
		Inner Edge*	Outer Edge		
AA-1 (Runway 17 Executive)	Utility Runway Non- Precision Instrument Approach Zone	1,000	2,500	5,000	34:1
AA-2 (Runway 35 Executive) (Runway 17R-35L Runway 17L-35R New Century AirCenter)	Precision Instrument Runway Approach Zone	1,000	16,000	50,000	50:1 (First 10,000 ft.) 40:1 (to 50,000 ft.)
AA-3 (Helipad Executive)	Helipad Approach Zone	100	500	4,000	8:1
AA-4 (Runway 4-22 & Runway 13-31 New Century AirCenter)	Utility Runway Visual Approach Zone	500	2,000	5,000	20:1
AA-5	Utility Runway Visual Approach Zone	250	1,250	5,000	20:1
AA-6	Utility Runway Non- Precision Instrument Approach Zone	500	2,000	5,000	20:1
AA-7	Runway Larger than Utility Visual Approach Zone	500	1,500	5,000	20:1
AA-8	Runway Larger than Utility with a Visibility Minimum Greater than 3/4-mile Nonprecision Instrument Approach Zone	500	3,500	10,000	34:1
AA-9	Runway Larger than Utility with a Visibility Minimum as Low as 3/4-mile Nonprecision Instrument Approach Zone	1,000	4,000	10,000	34:1

* The inner edge of the approach zones coincides with the outer edge of the primary surface of the runway.

2. Airport Transitional Zones, AT, and Height Limitations:

- a. The Airport Transitional Zones are the areas beneath the transitional surfaces of the airport runways as further defined herein.
- b. The height limitations for the Airport Transitional Zone height limitation is established by an imaginary surface that slopes one foot upward for each seven (7) feet outward, beginning at the sides of, and, at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation. In addition to the foregoing, there are established height limits sloping one foot upward for each seven (7) feet outward beginning at the sides of, and the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway Airport Approach Zone for runways 17R-35L and 17L-35R at the New Century AirCenter and for runway 17-35 at the Executive Airport projects beyond the Airport Conical Zone, there are established height limits sloping one foot upward for each seven (7) feet outward beginning at the sides of, and the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at a 90 degree angle to the extended runway centerline.
- c. The imaginary surface for the Airport Transitional Zone for the Executive Airport helipad slopes one foot upward for each two (2) feet outward, beginning at the side of, and at the same elevation as the primary surface and the Helipad Approach Zone, and the Airport Transitional Zone for the Executive Airport helipad extends a distance of 250 feet measured horizontally from and at 90 degree angles to the primary surface centerline and Helipad Approach Zone centerline.

3. Airport Horizontal Zone, AH, and Height Limitations:

- a. The Airport Horizontal Zone is established by swinging arcs of five thousand feet (5,000') radii for all runways designated utility or visual and ten thousand feet (10,000') for all others from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The Airport Horizontal Zone does not include the Airport Approach Zones or the Airport Transitional Zone.
- b. The Airport Horizontal Zone height limitation is established at 150 feet above the established airport elevation.

4. Airport Conical Zone, AC and Height Limitations:

- a. The Airport Conical Zone is established as the area that commences at the periphery of the Airport Horizontal Zone and extends outward therefrom a horizontal distance of 4,000 feet.
- b. The Airport Conical Zone height limitation is established by an imaginary surface that slopes one foot upward for each twenty (20) feet outward beginning at the periphery of the Airport Horizontal Zone and at one hundred fifty feet (150') above the established airport elevation and extending to a height of three hundred fifty feet (350') above the airport elevation.

C. Exceptions to Height Limitations: Nothing in this Article shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 75 feet above the surface of the land.

D. Permits in Airport Height Hazard Zone:

1. Future Uses: Except as specifically provided in Section 9(D)(1)(a), (b), and (c) which follow this paragraph, no new structure or use may be constructed or otherwise established in any zone designated by Section 9 of this Article unless a permit therefor shall have been applied for and granted by the County. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particulars for the County to determine whether the resulting use or structure would conform to the regulations in this Article. If such a determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of the regulations in this Article shall be granted unless a variance has been approved as provided for in Section 13 of this Article.
 - a. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any structure less than seventy-five (75) feet of vertical height above the ground, except when such structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such approach zones.
 - b. In the areas lying within the limits of the transitional zones beyond the perimeter of the horizontal zone, no permit shall be required for any structure less than seventy-five (75) feet of vertical height above the ground, except when such structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transitional zones.
 - c. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

Nothing contained in any of the foregoing exceptions [Section 9(D)(1)(a), (b), and (c)] shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Article except as set forth in Section 9(C) above. Furthermore, any permit or variance granted pursuant to the regulations in this Article, may, if such action is deemed advisable to effectuate the purpose of this Article and to be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the Johnson County Airport Commission, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

2. Existing Uses: No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming, structure or tree or nonconforming use to be made or become higher or become a greater hazard to air navigation than it was on the effective date of the regulations in this Article, or any amendments thereto, or than it was when the application for a permit was made. Except as provided herein, all applications for permits for uses which conform to the regulations in this Article shall be granted. (See also Section 12, Nonconforming Uses).

Section 10. LAND USE ZONES:

A. Prohibited Development and Land Use Characteristics: Notwithstanding any other provision to the contrary contained within this Article, no use may be made of land or water within the Land Use Zones which would in any manner:

1. Create electrical or electronic interference with navigational signals or radio or radar communication between the airport(s) and aircraft;
2. Make it difficult for pilots or aviation operations personnel of the control tower to distinguish between airport lights and other lights;
3. Result in glare in the eyes of pilots using the airport(s) or the eyes of aviation operations personnel of the control tower;
4. Impair visibility with respect to aviation operations in the vicinity of the airport(s);
5. Endanger or interfere, in any other way, with the landing, takeoff, or maneuvering of aircraft;
6. Create bird strike hazards or promote large population concentrations of birds; or
7. Emit or discharge smoke, steam or fog that would impair visibility with respect to aviation operations at the airport(s) or in the vicinity thereof in any manner which would interfere with the health and safety of pilots and the public in the use of the airport.

B. Minimum Performance Standards: The following minimum standards and specifications shall apply for all land uses within the Airport Land Use Zone:

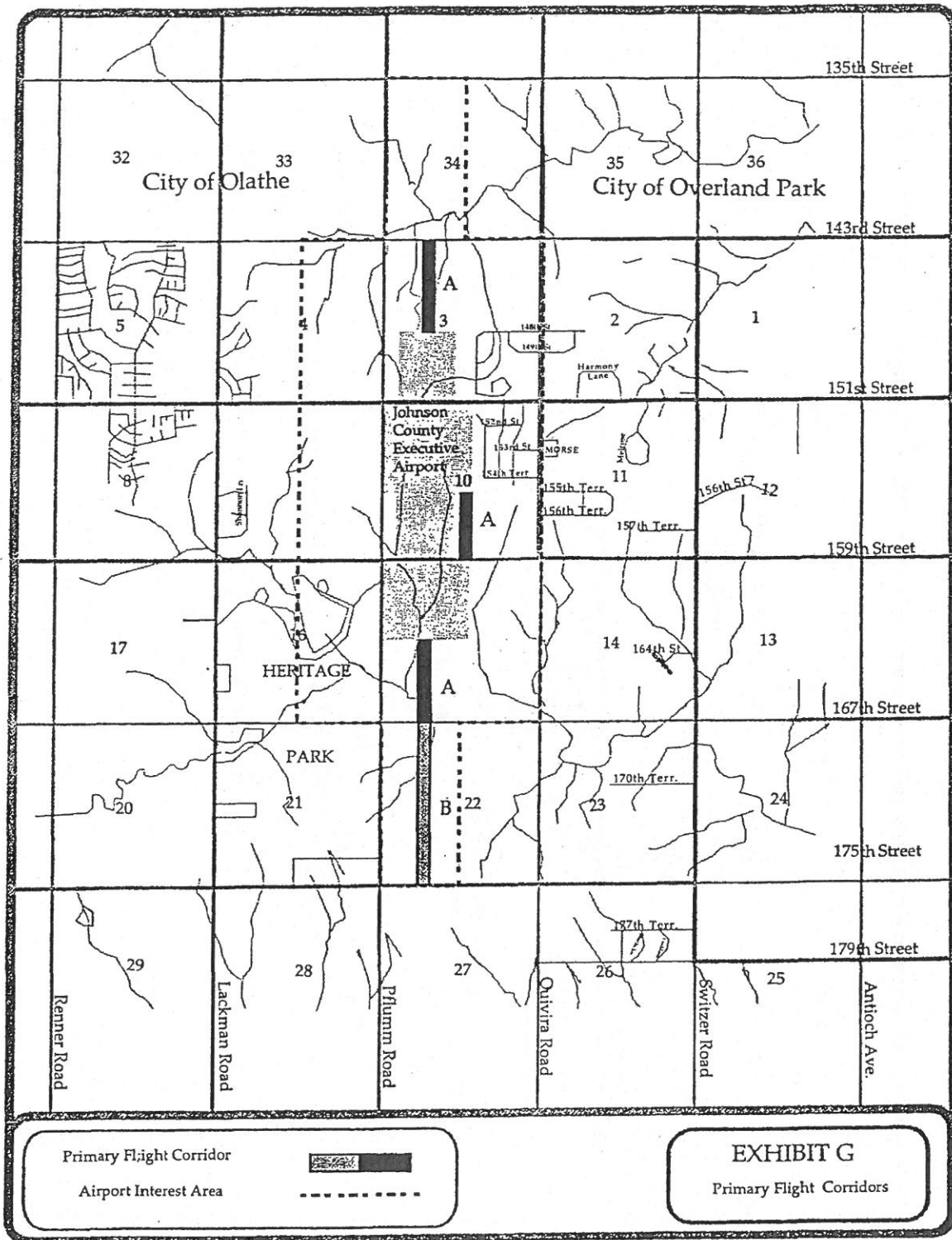
1. Lighting and Glare: All lights, illumination, or glare resulting from any lighting of streets, parking areas, signs or use of land and structures shall be arranged and operated in such a manner that is not misleading or dangerous to aviation operations at the airport(s) or within the vicinity thereof. Except when lighting must be otherwise installed or operated for proper aviation operations at the airport(s) or within the vicinity thereof, all lights shall be so installed and operated to prevent glare and deflect illumination from residential developments, streets and the aircraft flight paths normally used by aircraft arriving at or departing from the airports.
2. Fire and Explosion Hazards: All activities involving the storage of inflammable and explosive materials, where permitted, shall be provided with adequate safety devices to guard against the hazard of fire and explosion, and with adequate fire-fighting and fire suppression equipment and devices standard in the industry. All such activities shall meet or exceed the minimum requirements imposed by the Uniform Fire Code as adopted by Johnson County.
3. Burning: Burning of waste materials in open fires shall be prohibited within the Airport Land Use Zone unless otherwise authorized by law, and shall be subject to such reasonable conditions as may be prescribed in each case. Compliance with the relevant provisions of Kansas Administrative Regulations 28-19-45, 28-19-46, and 28-19-47 and local laws and regulations shall also be required.

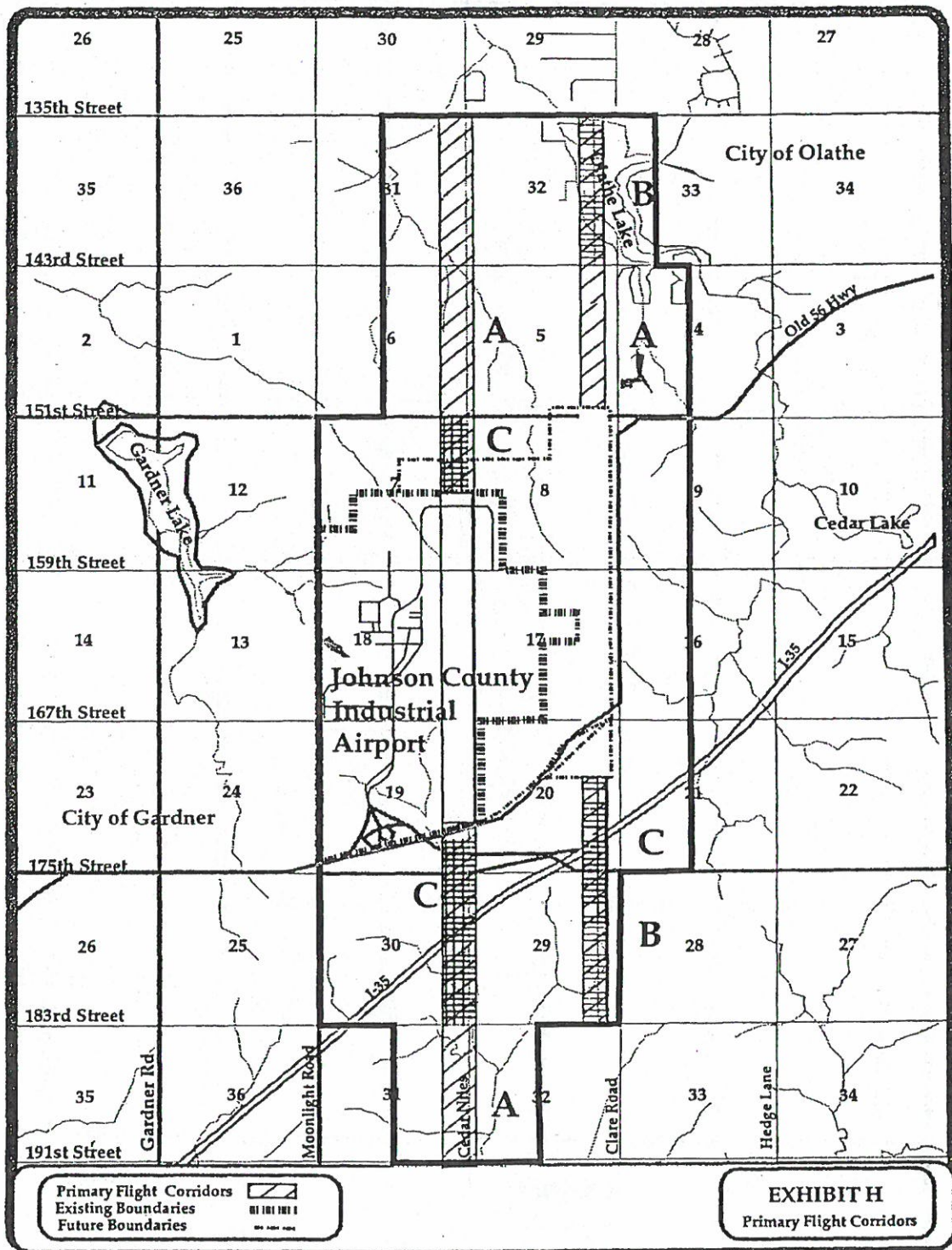
4. **Electrical Disturbance:** No electrical disturbance or activities shall be permitted which would interfere with or disrupt the reliable and effective use of communications or navigation equipment normally used for aircraft operations at the airport(s) or in the vicinity thereof. No electrical or other disturbance resulting from radio or television transmission or the operation of electrical, electronic, electro-magnetic equipment or devices shall be tolerated which affects adversely the operation at any point in the Airport Land Use Zones of any equipment other than that of the creator of such disturbance.
5. **Optical or Electro-magnetic Reflections:** Buildings and structures shall be designed, constructed and operated to prevent hazardous reflection of Lighting and Glare or Electrical Disturbance effects at or near the airports.
6. **Smoke, Fly Ash, Fumes, Vapors, Gases, and other forms of Air Pollution:** No emission shall be permitted at any point in the Airport Land Use Zones which exceeds those standards established in any applicable local, state, and federal air pollution regulations.

C. **Primary Flight Corridor Areas.**

1. **Establishment of Primary Flight Corridor Areas:** There are hereby established two primary flight corridor areas for each runway within the Airport Land Use Zones as shown on the Zoning Map.
 - a. The Primary Flight Corridor Areas for the Executive Airport extend outward from both ends of Runway 17-35 and from the south side of the airport helipad as follows:
 - 1). The Primary Flight Corridor Area for Runway 17-35 is an open strip of land 500 feet wide located along and centered on the extended centerline of the runway. This Primary Flight Corridor Area extends both north and south of the airport to the distances shown on the Zoning Map, and the area serves as the normal approach/departure flight path for aircraft using Runway 17-35. Within the Primary Flight Corridor Area for Runway 17-35 there are two Primary Flight Corridor Subareas as follows:
 - a). **Primary Flight Corridor Subarea A: Limited Development and Uses Area** is:
 - 1)) that portion of the Primary Flight Corridor Area for Runway 17-35 which lies north of the runway but south of 143rd Street as shown on the Zoning Map, and
 - 2)) that portion of the Primary Flight Corridor Area for Runway 17-35 which lies south of the runway but north of Coffee Creek as shown on the Zoning Map.
 - b). **Primary Flight Corridor Subarea B: Limited Development Area** is that portion of the Primary Flight Corridor Area for Runway 17-35 which lies south of the runway and south of Coffee Creek but north of 175th Street as shown on the Zoning Map. :

- 2). The other Primary Flight Corridor Area for the Executive Airport Helipad is an open strip of land 500 feet wide centered on and south of the helipad. This Primary Flight Corridor Area for the Executive Airport Helipad is east of and parallel to Runway 17-35, it extends south from the helipad to the distance shown on the Zoning Map, and it serves as the normal approach/departure flight path for aircraft using the helipad. This Primary Flight Corridor Area for the Executive Airport Helipad is a Primary Flight Corridor Subarea A: Limited Development and Uses Area.





b. The Primary Flight Corridor Areas for the New Century AirCenter extend outward from both ends of Runway 17R-35L and Runway 17L-35R. Each Primary Flight Corridor Area is located along and centered on the extended centerline of the respective runway. These Primary Flight Corridor Areas extend both north and south of the airport to the distances shown on the Zoning Map, and the Primary Flight Corridor Areas serve as the normal approach/departure flight path for aircraft using any of the runways. Within these Primary Flight Corridor Areas, three Subareas are defined and established: Primary Flight Corridor Subarea A: Limited Development and Uses Area, Primary Flight Corridor Subarea B: Limited Development Area, and Primary Flight Corridor Subarea C: Development of Compatible Uses Area.

1). The Primary Flight Corridor Area for Runway 17R-35L is an open strip of land one thousand (1,000) feet wide. Within the Primary Flight Corridor Area for Runway 17R-35L there are defined and established two Primary Flight Corridor Subareas as follows:

a). Primary Flight Corridor Subarea A: Limited Development and Uses Area is:

- 1)) that portion of the Primary Flight Corridor Area for Runway 17R-35L which lies north of the runway and north of 151st Street as shown on the Zoning Map, and
- 2)) that portion of the Primary Flight Corridor Area for Runway 17R-35R which lies south of the runway and south of 183rd Street as shown on the Zoning Map.

b). Primary Flight Corridor Subarea C: Development of Compatible Uses Area is:

- 1)) that portion of the Primary Flight Corridor of Runway 17R-35L which lies north of the runway and south of 151st Street as shown on the Zoning Map, and
- 2)) that portion of the Primary Flight Corridor of Runway 17R-35L which lies south of the runway and north of 183rd Street as shown on the Zoning Map.

2). The Primary Flight Corridor Area for Runway 17L-35R is an open strip of land five hundred (500) feet wide. Within the Primary Flight Corridor Area for Runway 17L-35R there are defined and established three Primary Flight Corridor Subareas as follows:

a). Primary Flight Corridor Subarea A: Limited Development and Uses Area is that portion of the Primary Flight Corridor Area for Runway 17L-35R which lies north of the runway and south of 143rd Street as shown on the Zoning Map,

b). Primary Flight Corridor Subarea B: Limited Development Area is:

- 1)) that portion of the Primary Flight Corridor of Runway 17L-35R which lies north of the runway and north of 143rd Street as shown on the Zoning Map, and

- 2)) that portion of the Primary Flight Corridor of Runway 17L-35R which lies south of the runway and at least one thousand (1,000) feet south of 175th Street as shown on the Zoning Map.
 - c). Primary Flight Corridor Subarea C: Development of Compatible Uses Area is that portion of the Primary Flight Corridor Area which lies south of the runway and which is not more than one thousand (1,000) feet south of 175th Street.
2. Primary Flight Corridor Area Use Restrictions: Due to the increased noise impacts and the increased potential for aircraft accidents within the Primary Flight Corridor Areas, the use of land in the Primary Flight Corridor Areas is restricted to the following uses, but only if the following uses also are permitted by the underlying zoning district:
- a. Primary Flight Corridor Subarea A: Limited Development and Uses Area. The Johnson County Executive Airport Comprehensive Compatibility Plan identifies land areas adjacent to Primary Flight Corridor Subarea A as areas for park/open space uses and for airport rural residential densities. The New Century AirCenter Comprehensive Compatibility Plan identifies land areas adjacent to Primary Flight Corridor Subarea A: Limited Development and Uses Area as an area for airport rural residential densities, airport estate residential densities, and for medium-density residential uses. Due to the noise sensitivity of residential uses and the potential for land use compatibility conflicts if there are high concentrations of persons within this area, the use of land within the Primary Flight Corridor Subarea A: Limited Development Area is restricted to the following uses, but only if the following uses also are permitted by the underlying zoning district:
 - 1). Development and uses allowed by the underlying base zoning whether on existing or new lots and including residential uses;
 - 2). General agricultural uses except feed lots or other agricultural uses which have the potential to attract substantial quantities of birds;
 - 3). Conservation areas or open space or any combination thereof;
 - 4). Public or private parks, golf courses, or similar or natural recreation areas;
 - 5). Cemeteries;
 - 6). Landscape nurseries for the raising or storage of plant materials but not including greenhouses or retail uses within the corridor;
 - 7). Public utility local distribution or transmission facilities necessary for public service;
 - 8). Open storage area for personal property such as boats and travel trailers;
 - 9). Off-street parking lots; and
 - 10). Drainageways without new permanent impoundments.

- b. **Primary Flight Corridor Subarea B: Limited Development Area.** The Johnson County Executive Airport Comprehensive Compatibility Plan identifies land areas adjacent to Primary Flight Corridor Subarea B as areas for park/open space uses and for low-density residential and airport rural residential densities. The J New Century AirCenter Comprehensive Compatibility Plan identifies land areas adjacent to Primary Flight Corridor Subarea B as areas for park/open space uses and for low-density residential, medium-density residential and airport estate residential densities. Due to the noise sensitivity of residential uses and the potential for land use conflicts if there are high concentrations of persons within this area, the use of lands within Primary Flight Corridor Subarea B: Limited Development Area is restricted to the following uses, but only if the following uses also are permitted by the underlying zoning district:
- 1). Planned Cluster Developments for uses and densities consistent with the Johnson County Executive Airport Comprehensive Compatibility Plan and the New Century AirCenter Comprehensive Compatibility Plan. Such Planned Cluster Developments shall:
 - a). place any new dwellings outside the Primary Flight Corridor Area wherever possible,
 - b). not result in uses which concentrate more than one hundred (100) persons in the Primary Flight Corridor Subarea B at any one time,
 - c). result in the Noise Attenuation Construction Standards in Section 11 of this Article being satisfied for any new dwellings, and
 - d). result in the provisions of Subsection E of Section 14 of this Article which contains the special subdivision regulations for the Executive Airport Interest Area and the New Century AirCenter Airport Interest Area being satisfied for any new subdivisions.
 - 2). Uses permitted in Primary Flight Corridor Subarea A also are permitted in Primary Flight Corridor Subarea B.
- c. **Primary Flight Corridor Subarea C: Development of Compatible Uses Area.** The New Century AirCenter Comprehensive Compatibility Plan identifies the Primary Flight Corridor Subarea C: Development of Compatible Uses Area as an area for general commercial and airport industrial park uses. Nonresidential uses are generally less sensitive to aircraft noise impacts and are therefore determined to be more compatible with airport operations. However, concentrations of persons within this area remains a primary concern when evaluating proposed urban development within Primary Flight Corridor Subarea C. Nonresidential development and uses are permitted within Primary Flight Corridor Subarea C if nonresidential development and uses also are permitted by the underlying zoning district and if the development and uses fully comply with the following restrictions:
- 1). Compliance with the Noise Attenuation Construction Standards contained in Section 11 of this Article shall be required for all structures as therein defined that develop in the Primary Flight Corridor Subarea C: Development of Compatible Uses Area.

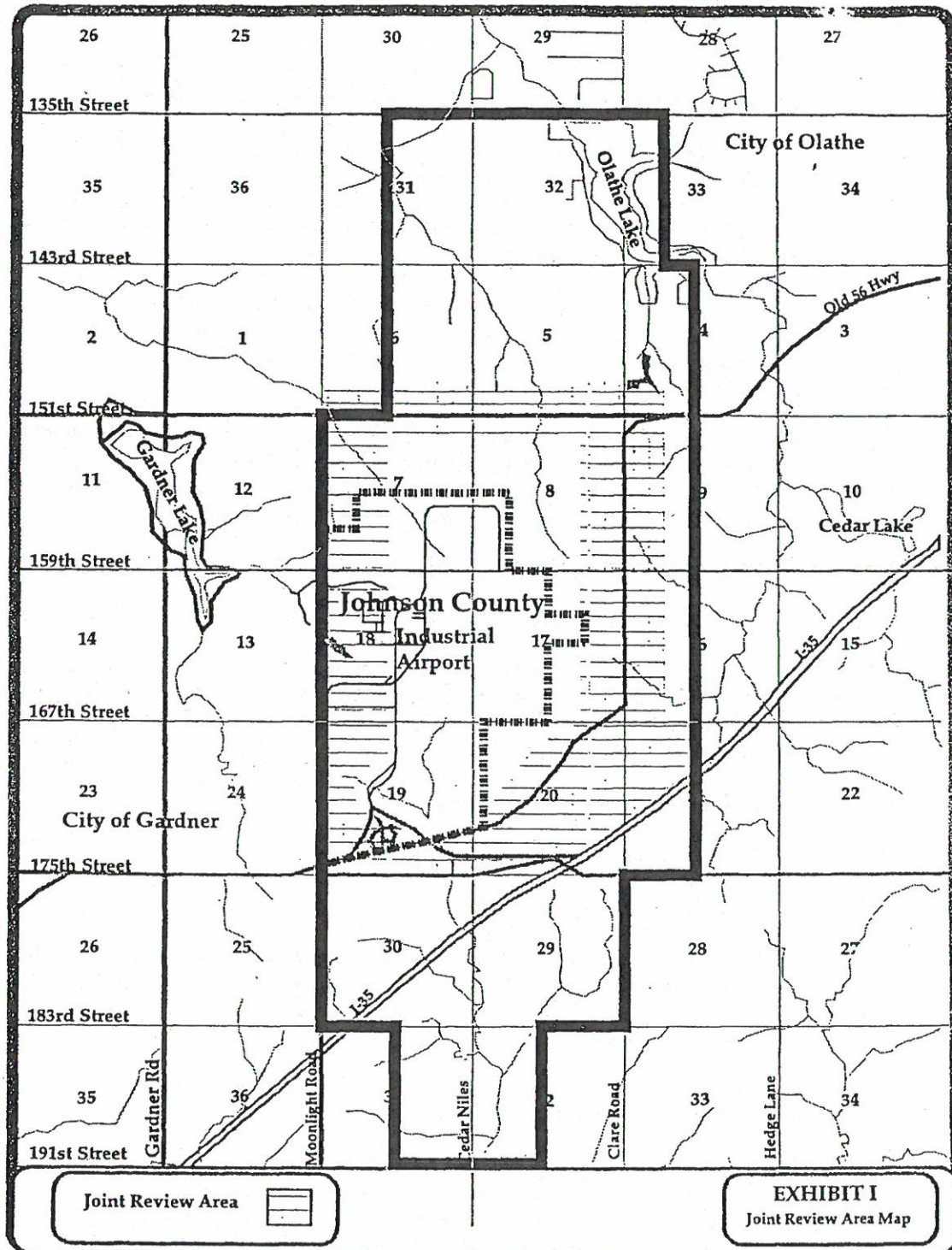
- 2). Nonresidential uses are permitted in Primary Flight Corridor Subarea C: Development of Compatible Uses Area as permitted by the underlying zoning district. However, special design standards shall be applied to site development plans reviewed with respect to the regulations in this Article. The purpose of the special design standards is to achieve, to the greatest extent possible, site layouts which place open space or only very low-density uses in the most critical locations which are generally those areas of highest aviation activity. Compliance with the special design standards therefore is intended to minimize concentrations of persons in areas of highest aviation activity. For example, compliance with these special design standards could result in the use of Primary Flight Corridor Subarea C for accessory site uses such as off-street parking lots, drainage and open space areas, outdoor storage areas, and the like.
- 3). The following uses are encouraged within Primary Flight Corridor Subarea C, as permitted by the underlying zoning district:
- a). General agricultural uses except feed lots or other agricultural uses which have the potential to attract substantial quantities of birds;
 - b). Conservation areas or open space or any combination thereof;
 - c). Public or private parks, golf courses, or similar or natural recreation areas;
 - d). Cemeteries;
 - e). Landscape nurseries for the raising or storage of plant materials but not including greenhouses or retail uses within the corridor;
 - f). Public utility local distribution or transmission facilities necessary for public service;
 - g). Warehousing including building(s) for commercial storage of personal property;
 - h). Outdoor storage of equipment, automobiles, machinery, building materials, contractor's equipment storage yards;
 - i). Open storage areas for commercial or private storage of personal property such as boats and travel trailers;
 - j). Rail or trucking freight terminal;
 - k). Off-street parking lots; and
 - l). Drainageways without new permanent impoundments.
3. Planned Cluster Development: Planned Cluster Development which clusters or concentrates buildings outside the Primary Flight Corridor Areas is encouraged and permitted for parcels of land which are in or partially in a Primary Flight Corridor Area. Planned Cluster Development of such parcels of land:

- a. shall allow buildings, structures and uses permitted by the underlying zoning district(s) to be clustered or concentrated outside the Primary Flight Corridor Areas;
- b. shall also allow buildings, structures and uses consistent with Section 10(C)(2) on the portion(s) of the parcel of land in a Primary Flight Corridor Area;
- c. shall retain the required open space and limited development character in the Primary Flight Corridor Areas by clustering or concentrating buildings on a smaller land area outside the Primary Flight Corridor Areas, by reducing the area of individual lots, and by alternate bulk requirements than those of a conventional development or subdivision; and
- d. shall not result a greater net density (number of lots or total building square footage) with respect to the entire parcel of land than would be allowed by development of the entire parcel without clustering or concentrating the buildings outside the Primary Flight Corridor Areas.

Planned development and Planned Cluster Development proposals shall be reviewed and processed pursuant to the following review procedures (Subsection D) of this Section, and in accordance with the Johnson County Zoning and Subdivision Regulations applicable for planned development and for cluster development.

D. Review Procedures and Issuance of Permits:

1. Application: The review procedures contained within this Subsection and diagrammed in Exhibit J herein shall apply and be utilized by the County as a supplementary part of its prescribed zoning and land use regulation procedures for the following types of zoning and land use development activities which occur or are proposed within the Overlay District, including all airport-owned property located within the joint-review area as shown on Exhibit I herein:
 - a. Zoning and rezoning applications;
 - b. Conditional use permit applications;
 - c. Subdivision plat proposals; and
 - d. Development and/or site plans for any multi-family residential development of four or more dwelling units per building or any non-residential development.
2. Administrative Review:
 - a. Generally: Written notices of all zoning and land use development activities listed in Section 10(D)(1) above shall be provided as follows:
 - 1). For all unincorporated areas, including airport-owned properties located within the unincorporated county: the Johnson County Planning Office shall provide written notice to the Johnson County Airport Commission, and to the Planning Department of the applicable nearby city or cities (the City of Gardner, the City of Olathe and/or the City of Overland Park); and



- 2). For all incorporated areas, including airport-owned properties located within any incorporated area: the City of Gardner, the City of Olathe Planning Department or the City of Overland Park Planning and Research Department, as applicable, shall provide written notice to the Johnson County Airport Commission and to the Johnson County Planning Office.

The review procedures contained within this Subsection may be further implemented through mutually-agreed upon departmental procedures established by the affected jurisdictions hereto. Said procedures may be supplementary to the review procedures established herein, but shall not, in any instance, supersede or nullify the review procedures established within this Subsection. In the event of a conflict, either real or apparent, between such supplementary departmental procedures and the regulations contained within this Subsection, the regulations contained within this Subsection shall control.

b. Jurisdictional Notice:

- 1). The Johnson County Planning Office, upon receipt of any zoning or land use development proposal or application as defined under Subsection D (1) above, shall provide written notice and copies of all relevant documentation within seven (7) days of their receipt, to the Johnson County Airport Commission (hereinafter referred to as the "airport commission") and to the Planning Department of the nearby city or cities, the City of Gardner, the City of Olathe and/or the City of Overland Park (hereinafter referred to as the "city"). The written notice shall be sent by Certified Mail, Return Receipt Requested, and the notice shall invite and seek to obtain city review and comment regarding said proposals or applications;
- 2). The airport commission and the city shall submit their comments to the Johnson County Planning Office within five (5) working days after receipt of the notice and documentation. Failure on the part of the reviewing jurisdiction(s) to provide comments within this time frame shall indicate their concurrence with said proposal or application;
- 3). The Johnson County Planning Office shall incorporate any such comments and recommendations received on the proposal or application within its review and shall include them in the official record related thereto;
- 4). The Johnson County Planning Office shall provide to the airport commission and the city a full and complete copy of its comments or recommendations upon the proposal or application at least seven (7) days prior to the applicable zoning board meeting at which official consideration or action would be expected to be initiated;
- 5). The airport commission and the city shall notify the Johnson County Planning Office in writing, within three (3) days of receipt of the Planning Office's comments or recommendations, of any conflict or dispute related to the recommendations on the proposal or application;
- 6). If no conflict or dispute is identified throughout this review procedure, Johnson County may proceed to take final action on the proposal or application through

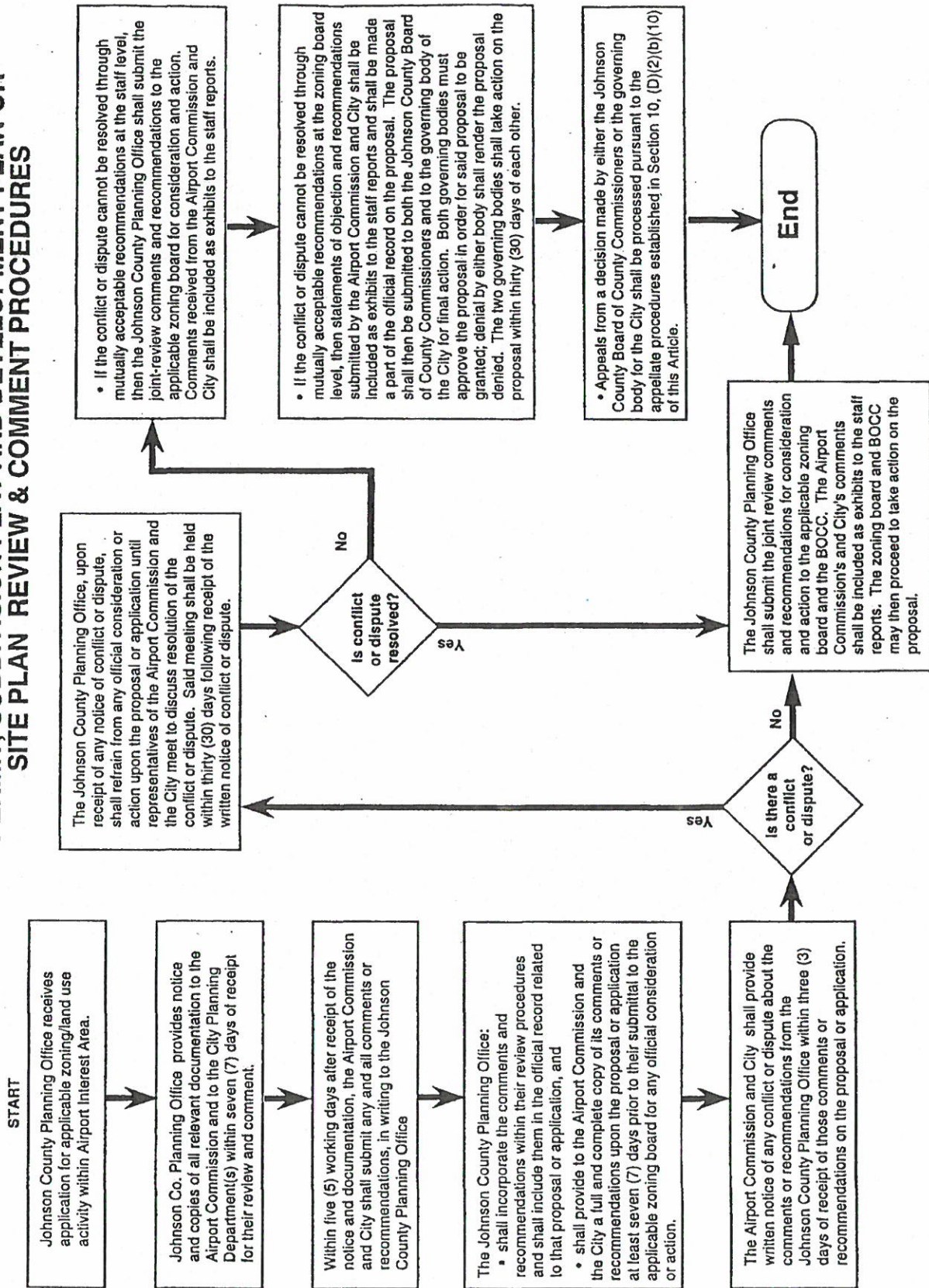
its regular review procedures, including as exhibits to the staff reports all comments submitted by the airport commission or the city;

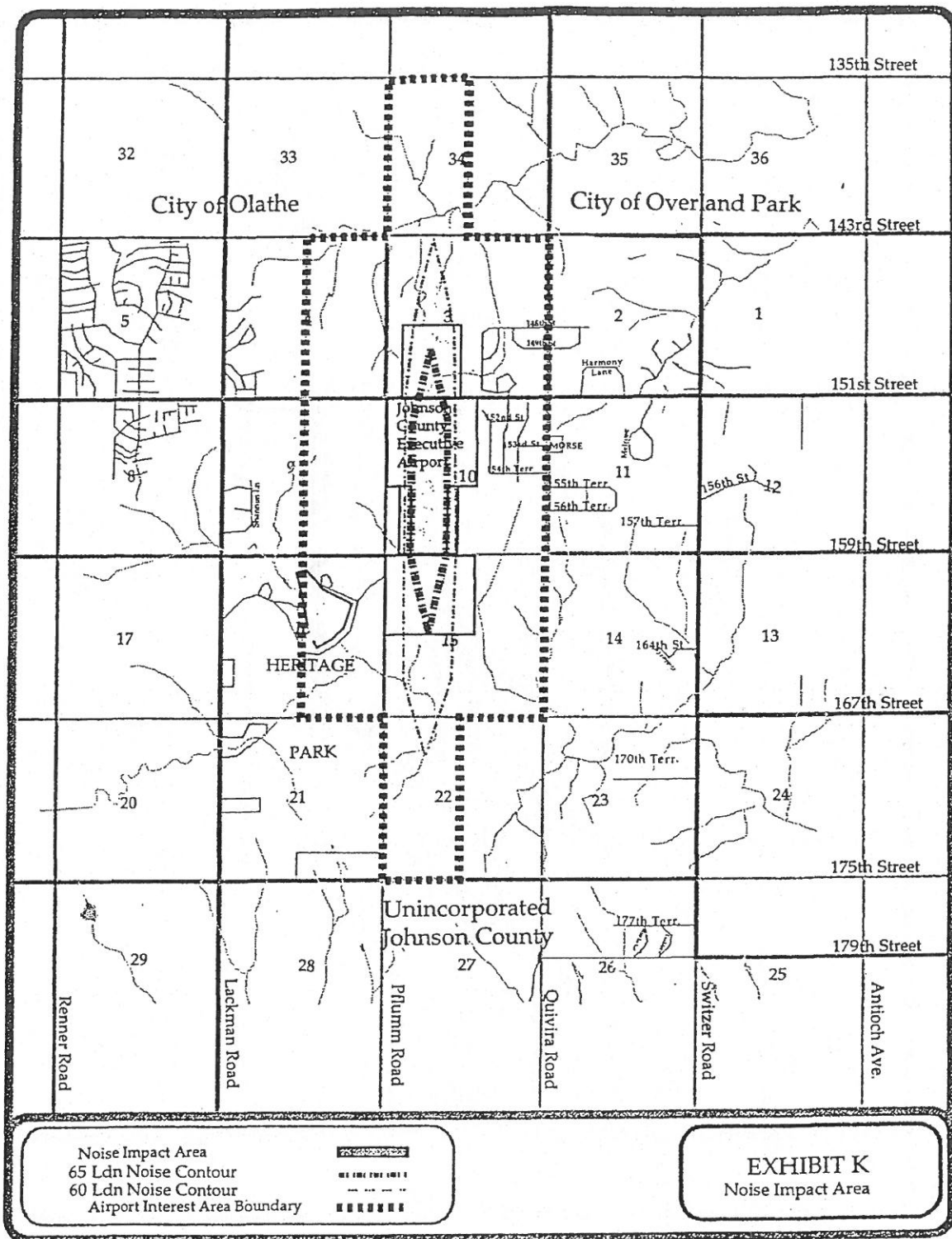
- 7). Upon receipt of any notice of conflict or dispute from the airport commission or the city, Johnson County shall refrain from any official consideration or official action upon the proposal or application until representatives of the Johnson County Planning Office, the airport commission, and the city have met to discuss resolution of the conflict or dispute. Said meeting shall be held within thirty (30) days following the receipt of notice of conflict or dispute;
- 8). In the event the conflict or dispute cannot be resolved through mutually acceptable recommendations at the staff level, then the Johnson County Planning Office shall submit the joint review comments and recommendations to the applicable zoning board for consideration and action. All comments received from the airport commission or the city shall be included as exhibits to the staff reports; and
- 9). In the event the conflict or dispute cannot be resolved through mutually acceptable recommendations at the zoning board level, then all statements of objection and recommendations submitted by the airport commission or the city shall be included as exhibits to the staff reports and shall be made a part of the official record on the proposal or application. The proposal or application shall then be submitted to both the Johnson County Board of County Commissioners and to the governing body for the city for final approval or denial. Both governing bodies must approve the proposal or application in order for said proposal or application to be granted; denial of a proposal or application by either of the governing bodies shall render said proposal or application denied. The two governing bodies shall take action on the proposal or application within thirty (30) days of each other.
- 10). In the event the governing bodies of the County and the reviewing jurisdiction(s) are unable to agree upon the proposal or application, then the following alternate dispute resolution procedure may be followed:
 - a). The Board of County Commissioners shall select one person, who shall possess land use knowledge and experience, as their nominee.
 - b). The governing body (bodies) of the reviewing jurisdiction(s) shall select one person, who shall possess land use knowledge and experience, as their nominee.
 - c). The Administrative Judge of the Johnson County District Court shall select one person, who shall possess land use knowledge and experience, as his or her nominee.
 - d). The three member dispute resolution panel shall convene within thirty (30) days from the decision of either the County or the reviewing jurisdiction's decision, whichever is later in time, to hear and decide the matter.
 - e). The final decision of the panel shall be binding upon the parties to the Interlocal Cooperation Agreement for Airport Area Planning, Zoning and Subdivision Control.

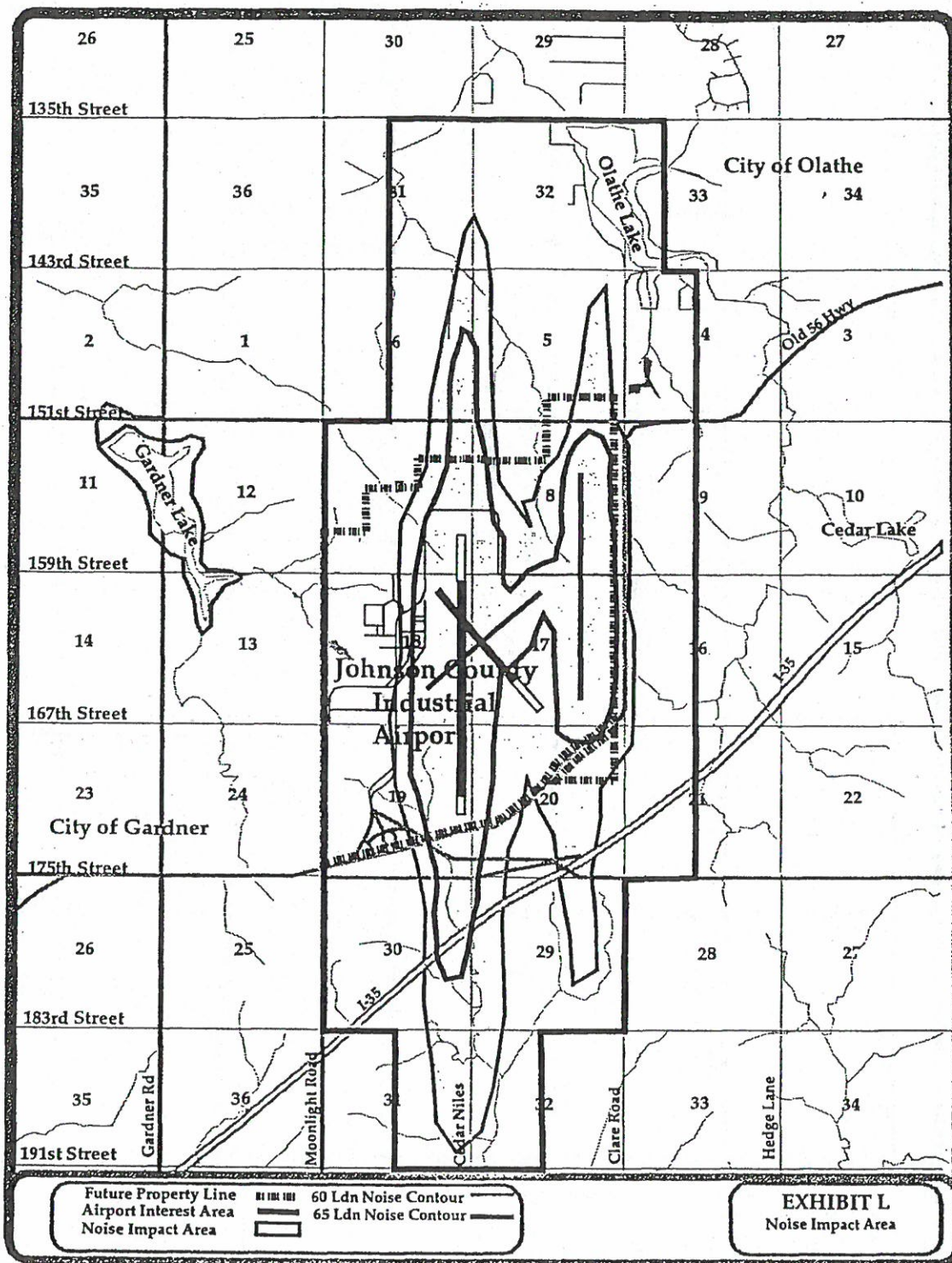
11). The attached Exhibit J shall serve, by way of example, as a procedural diagram of the review and comment process.

3. Issuance of Permits: Permits for land uses or developments which have been approved pursuant to this Article shall be issued by the Director of the Johnson County Planning Office. No permit for a land use which is inconsistent with any provision of this Article shall be granted unless a variance has been approved as provided for in Article 3 of these Regulations.

EXHIBIT J **DIAGRAM OF AIRPORT AREA ZONING, CONDITIONAL USE** **PERMIT, SUBDIVISION PLAT AND DEVELOPMENT PLAN OR** **SITE PLAN REVIEW & COMMENT PROCEDURES**







Section 11. NOISE ATTENUATION CONSTRUCTION STANDARDS:

Attenuation of noise, or outdoor to indoor Noise Level Reductions (NLR) by blocking noise paths or by use of other soundproofing measures, can reduce the impacts of aircraft noise on Noise Sensitive Land Uses. It should be noted, however, that while compliance with the NLR criteria required in this Section will reduce noise impacts, compliance will not eliminate, nor is it intended to eliminate, all indoor or outdoor noise problems resulting from outdoor noise sources.

In the Noise Impact Area of the Overlay District identified and shown in Exhibits K and L herein, if any building(s) or any portion(s) of any building(s) as follows are regularly occupied by humans more than four (4) hours per day with respect to Noise Sensitive Land Uses, compliance with the Noise Attenuation Construction Standards designated herein shall be required for:

1. all new building(s) or portions thereof;
2. all addition(s) to any building(s) which existed before the adoption of the regulations in this Article; and
3. all building(s) which existed before the adoption of the regulations in this Article if alteration(s), repair(s) or renovation(s) costing more than fifty percent (50%) of the market value of the building immediately prior to the alteration(s), repair(s) or renovation(s) are undertaken.

The Director shall determine whether the proposed alteration(s), repair(s) or renovation(s) would cost more than fifty percent (50%) of the market value of such building(s). The determinations shall be made with respect to evidence from the tax appraisal records, the estimated cost(s) of the proposed alteration(s), repair(s) or renovation(s), and, if necessary for an accurate determination, with respect to evidence from qualified, independent, third-party real estate appraisals and evidence from qualified, independent, third-party estimates of the construction cost(s).

Furthermore, the Noise Attenuation Construction Standards contained herein are strongly recommended, although not required, throughout all other areas of the Overlay District.

The above identified types of buildings, structures, or portions thereof shall be provided with acoustical treatment at the time of construction which is capable of providing a Noise Level Reduction (NLR) of a total of thirty (30) decibels. For comparative purposes, normal construction standards can be expected to provide a NLR of 20-25 decibels.

This standard shall be met by the applicant submitting at the time of building permit application a verification statement by an acoustical engineer or other qualified professional engineer or architect that the design of the structure and the construction practices and materials of the structure will achieve the specified interior noise level reduction. The acoustical professional shall submit relevant information to permit the Director to verify that the proposed measures will achieve the interior noise level reduction standard.

Section 12. NONCONFORMING USES IN THE AIRPORT INTEREST AREAS:

- A. Regulations Not Retroactive: The regulations prescribed in this Article shall not be construed to require the removal, lowering, or other change or alteration of any structure or

tree not conforming to this Article when adopted or amended, or otherwise interfere with the continuance of a such nonconforming use except as provided in Subsection C below.

- B. **Removal or Relocation of Poles and Lines:** The County may require, upon thirty days notice in writing to any person, firm, association, or corporation owning and maintaining any nonconforming pole or pole line, upon the roads and highways immediately adjoining the airport(s) to remove, lower, change, or alter said nonconforming pole or pole line upon prior payment by the County, to said person, firm, association, or corporation of the reasonable and necessary expense of removing, lowering, changing, or altering said pole or pole lines; or in lieu thereof to execute good and sufficient bond with corporate surety thereon as security for the payment of the reasonable and necessary expense of removing, lowering, changing, or altering such pole or pole lines. Reasonable and necessary expense of removing, lowering, changing, or altering said pole or pole lines shall include, among other items of expense, the actual cost of: 1) constructing underground conduits and the construction of such wires and equipment in such conduits, and 2) rerouting wires together with the poles, cross arms and other equipment connected thereto, together with the cost, if any, of new right-of-way made necessary by such rerouting. Johnson County shall not be held to be responsible for payment for the removal or relocation of poles and lines, if said costs have been previously addressed through franchise agreement.

C. **Termination of Nonconforming Uses in the Airport Interest Areas:**

1. **Abandonment:** Where there has been a discontinuance of a nonconforming use for a period of one (1) year, or where there has been an express acknowledgment by the property owner that the use has in fact been abandoned, regardless of the time period involved, then said nonconforming use shall be considered abandoned, and such nonconforming use shall not thereafter be used.
2. **Partial Destruction:** Any nonconforming use which as a result of fire, explosion, or other casualty, has been damaged to the extent of more than fifty percent (50%) of its value immediately prior to damage, shall thereafter be terminated, and any new construction, repair, alteration, and/or renovation shall be in accordance with the regulations in this Article.
3. **Change of Nonconforming Use:** Whenever a nonconforming use has been changed to a more restrictive or conforming use, such previously existing nonconforming use shall not thereafter be allowed.
4. **Nonconforming Use Not to be Expanded:** Any existing nonconforming use, structure or tree shall not be expanded so as to permit it to be made or become higher or become a greater hazard to air navigation than it was when the regulations contained herein were adopted or than it was when the application for a permit was made.

Section 13. HAZARD MARKING AND LIGHTING:

In granting any permit or variance under this section, Johnson County may, if it deems such action advisable to effectuate the purposes of the regulations in this Article and reasonable in the circumstances, so condition such permit or variance as to require the owner of the structure or tree in question to permit the County, at its own expense, to install, operate, and maintain such markers and lights as may be necessary to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards.

Section 14. SPECIAL SUBDIVISION REGULATIONS FOR AIRPORT INTEREST AREAS:

- A. Purpose and Intent: The subdivision regulations contained herein are intended to supplement the subdivision regulations of the County and to provide for the orderly growth and compatible development of land within the Airport Interest Area of the Executive Airport Area Overlay District and within the Airport Interest Area of the New Century AirCenter Airport Area Overlay District, (hereinafter referred to as the, "Overlay District") in accordance with the policies established in the Johnson County Executive Airport Comprehensive Compatibility Plan and the New Century AirCenter Comprehensive Compatibility Plan.
- B. Applicability and Exemptions: Any plat or subdivision of land, or any part thereof which is located within the Airport Interest Area shall be prepared, presented for approval and recorded as herein prescribed. The regulations contained herein shall apply to the subdivision of a lot, tract, or parcel of land into two (2) or more lots, tracts, or other divisions of land, including the resubdivision or replatting of land, except that the regulations in this Article shall not apply to any subdivisions or splits of land explicitly excepted from the subdivision regulations of the County.
- C. Procedures for Plat Approval:
1. General Procedures: Any landowner or their agent desiring to subdivide property shall follow the general procedures for subdivision approval as prescribed by the subdivision regulations of the County, except that the following special review procedures shall also apply due to the multiple jurisdictional interests of the Airport Interest Area.
 2. Application: The review procedures specified in Section 10 (D) of this Article shall apply and be utilized by Johnson County as a supplementary part of its prescribed subdivision procedures for all subdivision plats subject to the provisions contained in Section 14 (B) of this Article and which occur or are proposed within the Airport Interest Area, including all airport-owned property.
- D. Design Standards/Improvements: All subdivisions of land located within the Airport Interest Area subject to the regulations contained herein shall conform to the minimum design standards and improvements prescribed by the subdivision regulations of the County, unless governed by any regulations contained herein which shall control. Further, all subdivision of land located within the Airport Interest Area subject to the regulations contained herein shall be subject to all special requirements as established in Section 14 (E) of this Article.
- E. Special Requirements: In addition to the requirements, standards, improvements, and limitations imposed by the subdivision regulations in other Articles of these regulations, the following special requirements shall also apply to all subdivisions of land within the Airport Interest Area:
1. Avigation Easements: A permanent avigation easement shall be provided for all land within the Airport Interest Area which is subdivided pursuant to the regulations in this Article. A statement shall be placed on the final plat dedicating said avigation easement to the County, and granting the right of avigation over the property.

2. Filing of Affidavit of Interest and Plat Notation: In conjunction with the recording with the Johnson County Register of Deeds any subdivision plat approved pursuant to the regulations in this Article, the owner of the property shall also prepare and record with the Johnson County Register of Deeds a written notice stating:
- that the property within the subdivision is located within the Airport Interest Area of the Airport Overlay District and aircraft operating from the Johnson County Executive Airport or the New Century AirCenter, should be expected to overfly, be visible from, and be heard from the property, and
 - that certain restrictions have been placed on the development and use of property within the Airport Interest Area of the Airport Overlay District area which are in addition to the restrictions contained in the other requirements of these regulations.

Further, a statement providing the same notice shall be placed on the final plat.

3. Compliance with the Overlay District Zoning Regulations: All subdivision plats subject to the provisions of the subdivision regulations in Section 14 of this Article shall conform to all applicable provisions of the Overlay District Zoning Regulations in this Article. No final approval of any plat shall be granted by any governing body unless it complies with the aforementioned zoning regulations.
4. Special Restrictions: No building permit shall be issued for any building or improvement on any lot, tract, or parcel of land located within the Airport Interest Area until all requirements of the subdivision regulations in Section 14 of this Article, and of the Overlay District Zoning Regulations in this Article, have been met.

Section 15. ADMINISTRATION:

- A. Enforcement: It shall be the duty of the Director to administer and enforce the regulations in this Article. Violations of these regulations are subject to Article 6 of these regulations.
- B. Interpretations: In the event an administrative interpretation of the regulations in this Article is necessary, said interpretation shall be made by the Director or such person's designee such that the result will not be contrary to the spirit, intent, and purpose of the regulations in this Article. The interpretation with regard to the zoning regulations in this Article may include the classification of uses which are not specifically listed as a permitted or conditional use in the underlying zoning district, and those not included as a prohibited use by Section 10 of this Article, or of the appropriate zoning procedures for said proposed use. If it is determined by said Director that the interpretation could constitute a significant departure from the normal interpretational decisions typically made by the Director, then the Director shall notify the Directors of all affected jurisdictions which are a party to the regulations in this Article, including the Executive Director of the Airport Commission, informing them of said interpretation. The Director of any affected jurisdiction, including the Executive Director of the Airport Commission, may appeal said interpretation through the appeals procedures established in Section 10, (D)(2)(b)(10) of this Article.
- C. Amendments: Amendments to the regulations in this Article may be proposed by any affected jurisdiction which is a party to the Airport Vicinity Overlay Districts and Zones regulations. If an amendment is initiated by Johnson County, the amendment shall be processed in the manner prescribed in Article 4 of these regulations and in accordance with all regulations contained therein. The Johnson County Planning Commission shall make a recommendation to the Johnson County Board of County Commissioners, who will then, after review and recommendation from the Johnson County Airport Commission and all

affected jurisdictions hereto, take final action to approve or disapprove the proposed amendment.

D. Variances and Rule Exceptions:

1. Variances from the zoning regulations in this Article. Any landowner desiring to erect or increase the height of any structure or permit the growth of any tree or otherwise use his property in violation of the airport zoning regulations in this Article, may apply for a variance from the regulations in question. Such variances shall be allowed where a literal application or enforcement of the regulations in this Article would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of the regulations. Any variance may be allowed subject to any reasonable conditions that Johnson County may deem necessary to effectuate the purposes of the regulations in this Article. Such variances shall be processed in the manner prescribed in Article 3 of these regulations and in accordance with all regulations contained therein, with review and comment from the Johnson County Airport Commission and all other affected jurisdictions in the manner required by the regulations in this Article.
2. Rule Exceptions from the subdivision regulations in this Article. Any landowner may apply for a Rule Exception from the subdivision regulations in this Article in a case where a hardship caused by size, location or configuration of land, topography or other such factors affect a specific tract or subdivision or portion thereof. Said Rule Exceptions shall be processed in the manner prescribed in Article 27 of these regulations and in accordance with all regulations contained therein with review and comment from the Johnson County Airport Commission and all other affected jurisdictions.

E. Effective Date: The regulations in this Article and all exhibits hereto shall be in full force and effect from and after its adoption by all affected jurisdictions: the City of Gardner, Kansas, the City of Olathe, Kansas, the City of Overland Park, Kansas, and the County of Johnson, Kansas.

F. Recording of Notice of Overlay District zoning: Following the adoption of the regulations in this Article by the Johnson County Board of County Commissioners, the Johnson County Planning Office shall prepare and record notices for all unincorporated properties located within the Overlay District stating that the property is located within this special overlay district and is therefore, subject to certain restrictions which have been placed on the development and use of land within this Overlay District. The notice shall also state that the zoning of the property has been changed to include the Airport Interest Area suffix "AIA" designating the property's location within this Overlay District. The form attached hereto as Exhibit M shall serve as a model for said notice. A copy of said notice shall be sent to the property owner of record as of the effective date of these regulations by certified mail, return receipt requested.

EXHIBIT M

AFFIDAVIT OF INTEREST

Notice is hereby given by the filing of this affidavit of interest that the property addressed as _____ and legally described as:

is located within the Airport Interest Area of the Executive Airport Overlay District or the Airport Interest Area of the New Century AirCenter Airport Overlay District (hereinafter referred to as "Overlay District") as adopted by the County of Johnson, Kansas. Pursuant to the property's location within the Airport Interest Area of one of the Airport Overlay Districts, the property is subject to certain restrictions which have been placed on the development and use of land within the Airport Interest Areas of the Airport Overlay Districts which are in addition to the restrictions contained within the Johnson County Zoning and Subdivision Regulations.

Due to its location within this Airport Interest Area of one of the Airport Overlay Districts, the designation "-AIA" has been added as a suffix to the abbreviation of the underlying zoning district in which the property is currently zoned. This suffix designation indicates the property's location within the Airport Interest Area of either the Executive Airport Overlay District or the New Century AirCenter Airport Overlay District.

Further information regarding the above referenced land use restrictions of the Executive Airport Overlay District can be obtained by contacting the Johnson County Planning Office.

ARTICLE 24.
NONCONFORMING LOTS AND USES

Section 1. INTENT:

Within the districts established by these regulations, and any amendments thereto, if any, there may exist lots; structures; uses of land, water or structures; and characteristics of use which were lawful prior to the adoption of these regulations, but which would be prohibited, regulated, or restricted under the terms of these zoning regulations or their later amendment. It is the intent of these regulations to permit these nonconformities to continue until they are voluntarily removed or removed as required by these zoning and subdivision regulations, but not to encourage their continuation. With respect to nonconforming uses, it is the further intent of these zoning and subdivision regulations that nonconformities shall not be impermissibly enlarged upon, expanded, intensified, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

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 and 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 then 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.
- 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.

APPENDIX 1.
KANSAS STATUTES ANNOTATED 19-2956 et seq.
PLANNING AND ZONING IN COUNTIES
DESIGNATED AS URBAN AREAS

19-2956. Planning and zoning in urban areas; purpose. The purpose of this act is to authorize any county designated as an urban area under the provisions of K.S.A. 19-2654, and amendments thereto, to prepare and adopt plans and land use regulations with multiple advisory bodies so as to bring unity, consistency and efficiency to the county's planning efforts. Such plans and regulations shall be designed, in accordance with the present and future needs of the county and shall promote the public health, safety, morals, comfort, convenience, prosperity and general welfare and protect the land, air, water, natural resources and environment and encourage their use in a desirable manner and insure efficient expenditure of public funds and conserve and protect the values of property under the jurisdiction of the county.

History: L. 1984, ch. 96, § 1; May 3.

19-2957. Same; zoning boards for townships and county planning commission; consolidated zoning boards; establishment; membership; meetings; powers. (a) The board of county commissioners, by resolution, may establish a zoning board for each township within the county. The board shall consist of (1) four members who shall be appointed by the board of county commissioners and who shall be residents of the unincorporated area of the county and (2) the township trustee of each township in the county if the trustee gives written consent to serve on the zoning board. If the trustee fails to give consent to serve on the zoning board, the board of county commissioners shall appoint a resident of such township to serve in the trustee's place. Any person appointed to serve in a trustee's place shall hold the position on the zoning board as long as such trustee serves on the township board.

The board of county commissioners, by resolution, may establish a planning commission for the county and shall fix the number of members on the commission. The commission shall consist of not less than nine nor more than 12 members who shall be appointed by the board of county commissioners. Nine of such members shall be residents of the unincorporated area of the county. The planning commission shall consist of one member of each zoning board in the county, as appointed by the board of county commissioners.

The members first appointed by the board of county commissioners to either a zoning board or the planning commission shall be appointed for terms of one, two and three years. The terms shall be divided equally or as nearly equally as possible among the members. Thereafter members shall be appointed for terms of three years each. All members shall serve until their successors are appointed and qualified. Vacancies shall be filled by appointment by the board of county commissioners for the unexpired term. Members shall serve without compensation for their services but may receive such traveling expenses as the board of county commissioners authorizes which shall be paid from any funds available for such purpose.

(b) Each zoning board and the planning commission shall meet at such time and place as they may fix by resolution, with the approval of the board of county commissioners. They shall select one of their number as chairperson and one as vice-chairperson who shall serve one year terms and until their successor has been selected. The board of county commissioners shall employ a secretary for the planning commission and each zoning board. The secretary shall keep a proper record of the proceedings of any such board or commission. Special meetings may be called at any time by the chairperson or in the chairperson's absence by the vice-chairperson. A majority of any such board or commission shall constitute a quorum for the transaction of business. Each zoning board and the planning commission shall cause a proper record to be kept of its proceedings.

Each zoning board and the planning commission shall make and adopt, with the approval of the board of county commissioners, rules for the transaction of its business.

The board of county commissioners may employ any employees it deems necessary for the work of any zoning board or the planning commission and may contract with planners and other consultants for such services as it requires and may incur other necessary expenses. The expenditures of county funds for the

payment of costs and expenses of the zoning boards and the planning commission shall at no time be in excess of the amounts budgeted and appropriated for that purpose by the board of county commissioners.

Each zoning board and the planning commission shall perform any additional duties that the board of county commissioners prescribes and, in all cases, shall be subject to the jurisdiction and under the control and approval of the board of county commissioners.

(c) The board of county commissioners, by resolution, may appoint one or more consolidated zoning boards for two or more townships, or portions thereof, within the county. Such resolution shall give notice of the date and time of a public hearing to be held on the proposed consolidation and shall be published once each week for two consecutive weeks in the official county newspaper. The second publication shall be no sooner than 10 days prior to the public hearing. Any consolidated boards shall consist of not less than five nor more than nine members who shall be residents of the townships, or portions thereof, included in the territory which is subject to the consolidated boards' jurisdiction. Membership in the board shall be determined by the board of county commissioners. The members first appointed by the board of county commissioners shall be appointed for terms of one, two and three years. The terms shall be divided equally or as nearly equally as possible among the members. Thereafter members shall be appointed for terms of three years each. All members shall serve until their successors are appointed and qualified. Vacancies shall be filled by appointment by the board of county commissioners for the unexpired term. Members shall serve without compensation for their services, but may receive such traveling expenses as the board of county commissioners authorizes which shall be paid from any funds available for such purpose.

Upon the appointment of any consolidated zoning boards, any separate board which was established for the purpose of recommending rezonings or conditional use permits for any territory included within the territory subject to the jurisdiction of such consolidated boards, shall be dissolved by order of the board of county commissioners. Zoning boards for townships not affected by a resolution creating a consolidated zoning board, or affected only in part by such a resolution, may continue operating as originally established, as determined by the board of county commissioners.

The consolidated zoning boards shall meet, select officers and keep records in the same manner as provided for township zoning boards created under subsection (a) of this section. Such boards shall have the same powers and duties as prescribed for township zoning boards insofar as the same may be made applicable and shall perform any additional duties which the board of county commissioners prescribes and, in all cases, shall be subject to the jurisdiction and under the control and approval of the board of county commissioners.

History: L. 1984, ch. 96, § 2, May 3.

19-2958. Same; comprehensive plan; procedure to approve; notice; hearing; consideration by county commissioners; revision, amendment and annual review of plan, procedure. (a) The planning commission, with the approval of the board of county commissioners, may make or cause to be made a comprehensive plan for coordinated development of the county in the manner, and for the purposes, provided by this act. In the preparation of such plan, the planning commission shall make or cause to be made comprehensive surveys and studies of past and present conditions and trends relating to land use, population and building intensity, public facilities, transportation and transportation facilities, economic conditions, natural resources, and may include any other element deemed necessary to the comprehensive plan. Such proposed plan, which in addition to a written presentation, may include maps, plats, charts and other descriptive matter, shall show the commission's recommendations for the development or redevelopment of the county and may include: (1) The general location, extent and relationship of the use of land for agriculture, residence, business, industry, recreation, education, public buildings and other community facilities, major utility facilities both public and private and any other use deemed necessary; (2) population and building intensity standards and restrictions and the application of the same; (3) public facilities including transportation facilities of all types, whether publicly or privately owned, which relate to the transportation of persons or goods; (4) public improvement programming based upon a determination of relative urgency; (5) the major sources and expenditure of public revenue including long range financial plans for the financing of public facilities and capital improvements, based upon a projection of the economic and fiscal activity of the county, both public and private; (6) utilization and conservation of natural resources; and (7) any other element deemed necessary for the proper development or redevelopment of the area.

(b) The planning commission, by an affirmative vote of a majority of all its members, may approve for recommendation the comprehensive plan as a whole by a single resolution, or may by successive resolutions approve parts of the plan, such parts corresponding with the major geographical sections of the county or with functional subdivisions of the plan. Such resolution shall specifically identify any maps, plats, charts or other materials made a part of such plan. Before the approval for recommendation of any such plan or part thereof, the planning commission shall hold a public hearing thereon, notice of which shall be published once in the official county newspaper at least 20 days prior to the date fixed for hearing. Such hearing may be adjourned from time to time. Upon the approval for recommendation of any such plan or part thereof, a certified copy of the same shall be submitted to the board of county commissioners for its consideration and final approval. Upon request, copies of the proposed plan or part thereof, together with notice of the time and place when the board of county commissioners will consider adoption of the plan or part thereof, shall be provided to other interested legislative or administrative agencies for review and comment. Failure to receive such copies or other notice shall not invalidate any subsequent action taken on the plan or part thereof.

(c) The board of county commissioners shall consider such proposed comprehensive plan or part thereof as recommended by the planning commission. If the board of county commissioners approves such recommendation, it may adopt, by resolution, such proposed plan or part thereof. If the board of county commissioners disapproves, in whole or in part, the planning commission's recommendation, the board of county commissioners shall return such recommendation or part thereof to the planning commission for further consideration along with a written statement of reasons for disapproving the same or with suggested modifications. If the board of county commissioners returns the plan or part thereof as originally recommended to the planning commission for further consideration as disapproved or with suggested modifications, the planning commission shall reconsider such plan or part thereof as returned and, within 30 days of receipt thereof or such lesser or greater time period as determined by the board of county commissioners, either submit a new recommendation to the board of county commissioners or resubmit its original recommendation to the board of county commissioners. No additional public hearing shall be required unless the board of county commissioners directs that one be held. If the planning commission fails to deliver its recommendation to the board of county commissioners within such time period, the board of county commissioners shall consider such course of inaction on the part of the planning commission as a resubmission of its original recommendation. The board of county commissioners, after receipt of the new or original recommendation of the planning commission on the returned plan or part thereof, shall reconsider such matter and thereafter, by resolution, may adopt, in whole or in part, or may revise or amend and adopt such proposed plan or part thereof as the official plan of the county, or may take no further action thereon, as it deems appropriate.

(d) All reports and documents forming the comprehensive plan or parts thereof as adopted shall bear the signature, or facsimile thereof, of the chairperson of the board of county commissioners and an attested copy of the same shall be filed in such public office as may be designated by the board of county commissioners and shall be a public record. In addition, copies shall be provided to legislative and administrative agencies affected by the plan. Failure to receive such copy shall not invalidate any subsequent action taken. Such plan or part thereof shall constitute the basis or guide for public action to insure a coordinated and harmonious development or redevelopment which will best promote the health, safety, morals, order, convenience, prosperity and general welfare, as well as a wise and efficient expenditure of public funds.

(e) After adoption of a comprehensive plan or part thereof by the board of county commissioners, the planning commission annually shall review the plan for the purpose of determining if any portion of the plan has become obsolete and shall make a report to the board of county commissioners regarding the same on or before June 1 of each year. In addition, the planning commission or the board of county commissioners, at any time after the adoption of the plan or part thereof, may review or reconsider such plan or part thereof so adopted and may propose, by resolution, any amendments, extensions or additions to the same.

(f) When an amendment, extension or addition to the plan or part thereof has been proposed, whether as a result of the annual review or by resolution of the board of county commissioners or the planning commission, such proposed amendment, extension or addition shall first be submitted to the planning commission for recommendation. A public hearing shall be held thereon and an accurate written summary made of the proceedings. Notice of such public hearing shall be published in like manner as that required for

the original recommendation on the plan, shall fix the time and place for such hearing and shall contain a statement describing, in general terms, the proposed amendment, extension or addition to the plan.

(g) A quorum of the planning commission is more than 1/2 of all its members. For action on amendments, a vote either for or against an amendment by a majority of the members of the commission present constitutes a recommendation of approval or disapproval of the commission, whereas a vote either for or against an amendment by less than a majority of the members of the commission present constitutes a "failure to recommend."

(h) The board of county commissioners shall consider such amendment, extension or addition as recommended by the planning commission and, regardless of whether the recommendation is for approval or disapproval, if the board of county commissioners approves such recommendation, it may adopt such recommendation, in whole or in part, by resolution, or may take no further action thereon, as it deems appropriate. In the event the planning commission submits a "failure to recommend" to the board of county commissioners, the board of county commissioners may take such action it deems appropriate. Upon a recommendation of the planning commission which the board of county commissioners, in whole or in part, disapproves, the board of county commissioners shall return such recommendation or part thereof to the planning commission for further consideration along with a written statement of reasons for disapproving the same or with suggested modifications. If the board of county commissioners returns the proposed amendment, extension or addition or part thereof to the planning commission for further consideration as disapproved or with suggested modifications, the planning commission shall reconsider such amendment, extension or addition or part thereof as returned and, within 30 days of receipt thereof or such lesser or greater time period as determined by the board of county commissioners, either submit a new recommendation to the board of county commissioners or resubmit its original recommendation to the board of county commissioners. No additional public hearing shall be required unless the board of county commissioners directs that one be held. If the planning commission fails to deliver its recommendation to the board of county commissioners within such time period the board of county commissioners shall consider such course of inaction on the part of the planning commission as a resubmission of its original recommendation. The board of county commissioners, after receipt of the new or original recommendation of the planning commission on the returned amendment, extension or addition or part thereof, shall reconsider such matter and thereafter, by resolution, may adopt, in whole or in part, or may revise or amend and adopt such amendment, extension or addition, or may take no further action thereon, as it deems appropriate. If the board of county commissioners initiated such proposed amendment, extension or addition, the board of county commissioners need not return the same to the planning commission if it disapproves of the planning commission's recommendation but may take such action as it deems appropriate after receiving the planning commission's recommendation on the amendment, extension or addition.

History: L. 1984, ch. 96, § 3; May 3.

19-2959. Same; intergovernmental planning agreements; approval of county commissioners. In order to promote efficiency and coordination in the overall planning by the various governmental entities having an interest within the geographical territory embraced within the planning authorization granted to the county within this act, and to encourage the elimination of duplication of effort in planning for such areas, the board of county commissioners may initiate joint efforts with other governmental entities including, but not limited to, cities, townships, fire districts, water districts and wastewater districts and the planning commission, with approval of the board of county commissioners, is authorized to initiate and jointly prepare, in whole or in part, any plans or programs developed as a part of such joint or cooperative effort. Such plans or programs shall be considered for recommendation by the planning commission and adoption by the board of county commissioners in the same manner and with the same requirements as specified elsewhere in this act for adoption of the comprehensive plan.

The board of county commissioners shall approve any intergovernmental agreement or other formal document that shall outline the extent of common interest, the duration of the agreement, the role of the various parties involved, the desired results of such joint or cooperative effort and any other matter deemed pertinent by the parties involved. Such agreements may be made by the county and one or more other governmental entities as may choose to participate.

History: L. 1984, ch. 96, § 4; May 3.

19-2960. Same; zoning regulations; zoning districts or classifications; notice; hearing; fees; amendments to regulations, rezoning or conditional uses, procedure; protest of rezoning or conditional use; existing uses; agricultural exemption; plans for streets and highways. (a) The board of county commissioners, by resolution, may provide for the adoption or amendment of zoning regulations for the unincorporated portion of the county in the manner, and for the purposes, provided by this act. Such regulations may (1) restrict and regulate the height number of stories and size of buildings; (2) the percentage of lots that may be occupied; (3) the size of yards, courts and other open spaces; (4) the density of population, including minimum width, depth and area of lots; (5) the location and use of buildings, structures and land for industry, business, trade or residence; and (6) the use of land located in areas designated as floodplains. Such resolution shall define the boundaries of zoning classifications by description contained therein or by setting out such boundaries upon a map incorporated and published as a part of such resolution, or by providing for the incorporation by reference in such resolution of an official map upon which such boundaries shall be fixed. Such map shall be marked "official copy incorporated by resolution of the board of county commissioners the ____ day of _____, 19____," and filed in a public office designated by the board of county commissioners and shall be a public record.

(b) Before the board of county commissioners creates any zone, district or zoning classification or regulates or restricts the use of buildings or land in the unincorporated portion of the county, the board shall require the planning commission to recommend to the board of county commissioners the nature and number of zoning classifications which the planning commission deems necessary, the boundaries of the same and appropriate regulations or restrictions to be enforced therein. All such regulations shall be uniform for each class or kind of buildings or land uses throughout each zoning classification, but the regulations in one zoning classification may differ from those in other zoning classifications and the regulations may prescribe conditions under which conditional use permits may be issued providing exceptions to such uniform regulations. The issuance of any conditional use permit shall be considered a change or revision to the zoning map and shall be subject to the same notice, hearing and voting requirements prescribed herein for rezonings. The regulations shall be made in accordance with a land use plan and, in addition to the purposes provided in K.S.A. 1984 Supp. 19-2956, shall be designed to (1) lessen congestion in each district; (2) provide adequate light and air; (3) prevent the overcrowding of land; (4) avoid undue concentrations of population; and (5) to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements. Such regulations shall be made with reasonable consideration, among other things, to existing conditions, to the character of the district, its peculiar suitability for particular uses and with a view to conserving the values of buildings and encouraging the most appropriate use of land within the county.

The notice, hearing and voting procedures for adoption of the zoning regulations shall be the same as that required for adoption of the comprehensive plan as provided by K.S.A. 1984 Supp. 19-2958.

After adoption of the zoning resolution, the zoning regulations, the zoning classifications or the boundaries contained therein may from time to time be supplemented, changed or generally revised by amendment. The boundaries on the zoning map may from time to time be changed or revised by a rezoning or conditional use permit. A proposal for an amendment, rezoning or conditional use permit may be initiated by the board of county commissioners, the planning commission, any zoning board or upon application of the owner of property affected.

The board of county commissioners may establish reasonable fees to be paid in advance by the owner of any property at the time of making application for any amendment, rezoning or conditional use permit.

All such proposed amendments, rezonings or conditional use permits first shall be submitted to either the planning commission for recommendation regarding amendments or the appropriate zoning board for recommendation regarding rezonings or conditional use permits. All notice, hearing and voting procedures for consideration of proposed amendments, rezonings and conditional use permits shall be the same as that required for amendments, extensions or additions to the comprehensive plan as provided by K.S.A. 1984 Supp. 19-2958. Rezonings and conditional use permits shall be designated by legal description and general street location and, in addition to publication notice, written notice of such proposed rezoning or conditional use permit shall be mailed to all owners of record of lands located within 1,000 feet of the property affected by such rezoning or conditional use permit and an opportunity granted to interested parties to be heard, all as

provided in the zoning regulations. Failure to receive such notice shall not invalidate any subsequent action taken.

On hearings concerning rezonings and conditional use permits, such notice is sufficient to permit the zoning board to make a recommendation which affects only a portion of the land described in the notice or which gives all or any part of the land described a zoning classification of lesser change than that set forth in the notice. Recommending a zoning classification of lesser change than that set forth in the notice shall not be valid without republication, remailing and a new public hearing unless the planning commission shall have previously established, with the approval of the board of county commissioners, a table or publication available to the public which designates what zoning classifications are lesser changes authorized within the adopted zoning resolution.

If such amendment, rezoning or conditional use permit affects the boundaries of any zoning classification, the resolution of the board of county commissioners shall describe the boundaries, as amended, or if the county has made provision for the fixing of the same upon an official map which has been incorporated by reference, the amending resolution shall define the change or the boundary, as amended, shall order the official map to be changed to reflect such amendment and shall reincorporate such map as amended.

Regardless whether a zoning board recommends to approve or disapprove a proposed rezoning or conditional use permit or "fails to recommend" if a protest against such rezoning or conditional use permit is filed in the office of the county clerk within 14 days after the date of the conclusion of the public hearing held pursuant to such publication notice, duly signed and acknowledged by the owners of 20% or more of any real property subject to the rezoning or conditional use permit or by the owners of 20% of the total area, except public streets and ways, located within 1,000 feet of the boundaries of the property subject to the rezoning or conditional use permit, the resolution adopting such rezoning or conditional use permit shall not be passed except by a favorable vote of at least 4/5 of all of the members of the board of county commissioners.

(c) Regulations adopted under authority of this act shall not apply to the existing use of any buildings or land and shall not prevent the restoration of a building damaged not more than 50% of its assessed valuation by fire, explosion, act of God, or the public enemy, or prevent the continuance of the use of such building or part thereof as such use existed at the time of such damage, but shall apply to any alteration, expansion or enlargement of a building or alteration of any land after the effective date of any such zoning resolution. No determination nor rule nor regulation shall be held to apply to the use of land for agricultural purposes, nor for the erection or maintenance of buildings thereon for such purposes so long as such land and buildings erected thereon are used for agricultural purposes and not otherwise.

No zoning regulations shall apply to the use of land for agricultural purposes nor for the erection or maintenance of agricultural buildings as long as such agricultural buildings are used for agricultural purposes and no other. Dwellings, garages and other similar accessory buildings shall not be considered as agricultural buildings. All buildings, including agricultural buildings, may be regulated as to setback requirements from public roads so as to protect the future use and improvement of such roads.

(d) Whenever the board of county commissioners has adopted, as a part of the comprehensive plan, a plan for its present or future street or highway system and such plan outlines the intentions of the county for improvements to existing streets or highways, for constructing new streets or highways or for establishing right-of-way needs for streets or highways, the board of county commissioners is hereby authorized, by resolution, to establish, further regulate and limit, and to change and amend, additional building or setback lines on such present or future streets or highways. The board of county commissioners is also authorized to prohibit any new building being located within such building or setback line outside the corporate limits of any city. The resolution may be adopted, and amended or changed, as a part of the zoning regulations.

History: L. 1984, ch. 96, § 5; May 3.

19-2961. Same; regulations concerning subdivision of land in unincorporated area of county, procedure; reservation of land for open space or recreation; notice; hearing; amendment of regulations; fees; platting of subdivision, approval; building permits; naming and numbering streets. (a) The board of county commissioners, after the adoption of a comprehensive plan, may provide for the adoption, or amendment, of regulations governing the subdivision of land located within the unincorporated portion of the county in the manner, and for the purposes, provided by this act. Such regulations may provide for the harmonious development of the county, including the proper location and width of streets, and for building

lines, open spaces, safety and recreational facilities, flood protection and floodplain regulations and for the avoidance of congestion of population, including minimum width, depth and area of lots and compatibility of design. Such regulations also may provide for the reservation or dedication of land for open space for either public recreational use or for the future use of the owners or occupants of subdivisions in order to insure a reasonable balance of use or design and to avoid the overcrowding of land. Such reservation or dedication shall be determined by the geometric design of the streets, lots, blocks or other natural features of the subdivision but such reservation or dedication shall not exceed 10% of the tract being subdivided, exclusive of streets, alleys, easements or other public ways. No owner of a tract being subdivided shall be prevented from offering more than 10% of such tract for such reservation or dedication nor shall the board of county commissioners be prevented from accepting such offering.

The subdivision regulations, as a condition to the approval of any plat, also may require and fix the extent to which and the manner in which streets shall be improved and water, sewer, drainage and other utility mains and piping or connections or other physical improvements shall be installed. Such regulations may provide that in lieu of the completion of such work or improvements prior to the final approval of the plat, the board of county commissioners may accept a completion bond, cashier's check, escrow account or other like security in an amount to be fixed by the board of county commissioners and conditioned upon the actual completion of such work or improvements within a specified period, in accordance with such regulations, and the board of county commissioners may enforce such bond, check or other like security by all equitable and legal remedies. In addition, the board of county commissioners may require a maintenance bond, cashier's check, escrow account or other like security in a reasonable amount to be in force for a period of one year following final county approval of such work or improvements.

(b) Before the board of county commissioners creates any regulations governing the subdivision of land located in the unincorporated portion of the county, the board shall require the planning commission to recommend to the board of county commissioners the regulations or restrictions.

The notice, hearing and voting procedures for adoption of the subdivision regulations shall be the same as that required for adoption of the comprehensive plan as provided by K.S.A. 1984 Supp. 19-2958.

After adoption of the subdivision resolution, the regulations, restrictions or requirements contained therein may from time to time be supplemented, changed or generally revised by amendment. A proposal for such amendment may be initiated by the board of county commissioners, the planning commission, any zoning board or upon application of the owner of property affected.

The board of county commissioners may establish reasonable fees to be paid in advance by the owner of any property at the time of making application for any amendment.

All such proposed amendments to the subdivision resolution shall first be submitted to the planning commission for recommendation. All notice, hearing and voting procedures for consideration of proposed amendments to the subdivision resolution shall be the same as that required for amendments, extensions or additions to the comprehensive plan as provided by K.S.A. 1984 Supp. 19-2958.

(c) Whenever any such regulations governing the subdivision of land under the provisions of this act are adopted, the owner or owners of any land located within the area governed by such regulations who: (1) subdivides the same into lots and blocks or tracts or parcels, for the purpose of laying out any subdivisions, suburban lots, building lots, tracts or parcels or (2) establishes any street, alley, park or public way intended to be dedicated for public use or for the use of purchasers or owners of lots, tracts or parcels of land fronting thereon or adjacent thereto, shall cause a plat to be made which shall accurately describe the subdivision, lots, tracts or parcels of land giving the location and dimensions thereof, or the location and dimensions of all streets, alleys, parks or other properties intended to be dedicated to public use or for the use of purchasers or owners of lots, tracts or parcels of land fronting thereon or adjacent thereto, and every such plat shall be duly acknowledged by the owner or owners thereof.

All such plats shall be submitted to the zoning board for that township in which such land is located for its consideration and, within 60 days thereafter, unless the regulations provide otherwise, its recommendation shall be submitted to the board of county commissioners for its official consideration and action. No such plat or replat or dedication of street, alley, park or public way shall be effective until filed with the register of deeds of such county as provided by law and no such plat, replat or dedication shall be filed with the register of deeds until such plat or replat or dedication shall have endorsed thereon the fact that it has been submitted to the

zoning board and approved by the board of county commissioners, and that any land dedicated for public purposes has been accepted by the board of county commissioners.

The board of county commissioners may establish a scale of reasonable fees to be paid in advance to the secretary of the zoning board by the applicant for each plat filed with the zoning board.

No building authorization shall be granted for the construction of any structure upon any lot, tract or parcel of land located within the area governed by the subdivision regulations that has been subdivided, resubdivided or replatted after the date of the adoption of such regulations by the board of county commissioners but which has not been approved in the manner provided by this act. Any regulations adopted by the board of county commissioners with reference to subdividing lots shall provide for the issuance of building permits on lots divided into not more than two tracts without having to replat such lot, provided that the resulting tracts shall not again be divided without replatting except as may otherwise be provided. Such regulations shall contain procedures for issuance of building permits on such divided lots which take into account zoning regulations, the need for adequate street rights-of-way, easements and improvement of public facilities, shall provide for a procedure which shall specify a time limit within which action shall be taken and also may provide for the final decision on the issuance of such building permit to be made by the board of county commissioners, except as may be provided by law.

Any regulations adopted by the board of county commissioners may provide additional or alternative review methods if a proposed plat is located in two or more townships.

(d) The board of county commissioners is hereby authorized to name or rename streets and to number and renumber business and residence addresses in the unincorporated portion of the county.

History: L. 1984, ch. 96, § 6; May 3.

19-2962. Same; board of zoning appeals; establishment; membership; meetings; powers. (a) Any zoning regulations adopted under this act shall provide for the establishment of a board of zoning appeals. The board of zoning appeals shall consist of not less than five nor more than nine members who shall be appointed by the board of county commissioners. All of the board's members shall be residents of the unincorporated area of the county.

The members first appointed by the board of county commissioners shall be appointed for terms of one, two and three years. The terms shall be divided equally or as nearly equally as possible between members. Thereafter members shall be appointed for terms of three years each. All members shall serve until their successors are appointed and qualified. Vacancies shall be filled by appointment by the board of county commissioners for the unexpired term. Members shall serve without compensation for their services but may receive such traveling expenses as the board of county commissioners authorizes which shall be paid from any funds available for such purpose. None of the members shall hold any other elected or appointed office or position in the county government except that one member shall be a member of the planning commission.

The board of zoning appeals shall annually elect one of its members as chair person and one of its members as vice-chairperson. The board of county commissioners shall employ a secretary for the board of zoning appeals. The secretary shall keep a proper record of the board's proceedings. The board shall adopt rules in accordance with the provisions of any resolution adopted pursuant to this act. Meetings of the board shall be held at the call of the chairperson, and at such other times as the zoning regulations adopted by the board of county commissioners may determine. A majority of the board shall constitute a quorum for the transaction of business.

The board of zoning appeals shall cause a proper record to be kept of its proceedings, showing the description of evidence presented, the findings of fact by the board, the decision of the board, and the vote of each member upon each questions, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in a public office designated by the board of county commissioners and shall be a public record.

(b) The board of zoning appeals shall hold a public hearing on any appeal or other matter referred to the board. Notice of such hearing shall be published at least one time in the official county newspaper at least 15 days prior to the hearing. Such notice shall include the time, place, date and subject of the hearing as well as notice to the parties in interest. Failure to receive individual notice shall not invalidate any subsequent action taken. Upon the hearing any party may appear in person or by agent or by attorney. The board shall have the power to:

(1) Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of any regulations adopted pursuant to the zoning powers herein granted. Appeals to the board may be taken by any person aggrieved, or by any officer, department, board or bureau of the county, or any governmental agency or body affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the zoning regulations, by filing with the board of zoning appeals a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken, when notified by the board of zoning appeals or its agent, shall transmit to the board all the papers constituting the record upon which the action appealed from was taken, within the time period established by the rules of the board.

(2) Authorize in specific cases a variance from the specific terms of the zoning regulations which will not be contrary to the public interest where, due to special conditions, a literal enforcement of provisions of the regulations will, in an individual case, result in unnecessary hardship, and provided that the spirit of the regulations shall be observed, public safety and welfare secured, and substantial justice done. The board of zoning appeals shall not have the power to grant variances regarding uses permitted within zoning districts, but shall be limited to granting variances on matters including, but not limited to, building height, setbacks, lot size and lot dimensions, as provided by the zoning regulations. A request for a variance may be granted in such individual case, upon a finding by the board of zoning appeals that all of the following conditions have been met: (A) The variance requested arises from such condition which is unique and which is not ordinarily found in the same zoning classification, and is created by the zoning regulations and not by an action or actions of the property owner or the applicant; (B) the granting of the variance will not adversely affect the rights of adjacent property owners or residents; (C) the strict application of the provisions of the zoning regulations of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application; (D) the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and (E) granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations.

In exercising such powers, the board of zoning appeals, in conformity with the provisions of this act, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination, and to that end shall have all the powers of the administrative official from whom the appeal is taken. The board of zoning appeals shall render its decision within 10 days of the conclusion of the hearing.

Any decision of the board of zoning appeals which is contrary to existing zoning regulations shall not be effective until approved by the board of county commissioners. Such decision and the record thereon shall be submitted to the board of county commissioners within two weeks of such decision and the board of county commissioners, within two weeks after receipt thereof, shall approve the decision of the board of zoning appeals or shall call for a public hearing before the board of county commissioners for the purpose of reviewing and reconsidering such decision. The failure of the board of county commissioners to act within the two-week period shall constitute approval of the decision of the board of zoning appeals. The public hearing shall be called by following the same notice requirements specified for public hearings on matters before the board of zoning appeals. The failure by parties in interest to receive individual notice shall not invalidate any subsequent action taken. At such hearing any party may appear in person or by agent or by attorney.

The board of county commissioners, in reconsidering a decision of the board of zoning appeals, shall cause a proper record to be kept of its proceedings, showing the description of evidence presented, the findings of fact by the board, the decision of the board, and the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in a public office designated by the board of county commissioners and shall be a public record.

In reconsidering a decision of the board of zoning appeals, the board of county commissioners, after conducting the public hearing specified herein and within a reasonable time, shall approve, modify and approve, or overturn the decision of the board of zoning appeals.

Any person, official or governmental agency dissatisfied with any order or determination of the board of zoning appeals or the board of county commissioners may bring an action in the district court of the county to determine the reasonableness of any such order or determination.

(c) The board of county commissioners may establish a scale of reasonable fees to be paid in advance by the owner of any property at the time of making application for an appeal or variance.

History: L. 1984, ch. 96, § 7; May 3.

19-2963. Same; penalties for violations; actions for enforcement. Any county which adopts a resolution under the provisions of this act shall have power to declare the violation thereof a misdemeanor and punishable by a fine not to exceed \$500 for each offense and to provide that each day's violation shall constitute a separate offense. Such counties also shall have the authority to maintain suits or actions in any court of competent jurisdiction for the purpose of enforcing the provisions of such resolution and to abate nuisances maintained in violation thereof. In case any building or structure is or is proposed to be erected, constructed, altered, converted or maintained, or any building, structure or land is or is proposed to be used in violation of any resolution enacted under this act, the county counselor or other appropriate authority of the county, and in the event the violation relates to a provision concerning floodplain zoning, the attorney general and the chief engineer of the division of water resources of the Kansas state board of agriculture, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, use or to correct or abate such violation or to prevent the occupancy of such building, structure or land. Any person, company, corporation, institution, municipality or agency of the state or federal government who violates any provision of a resolution relating to floodplain zoning, shall be subject to the penalties and remedies provided for herein.

History: L. 1984, ch. 96, § 8; May 3.

19-2964. Same; reasonableness of regulations; appeal. Any person having an interest in property affected may have the reasonableness of any such act, regulation or amendment thereto determined by bringing an action against the board of county commissioners in the manner set out in K.S.A. 19-223, and amendments thereto, within 30 days after the making of a decision on such act, regulation or amendment. Such action shall be brought in the district court of the county.

History: L. 1984, ch. 96, § 9; May 3.

19-2965. Same; existing zoning and planning continued in force until adoption of comprehensive plan. Any comprehensive plan or part thereof, subdivision regulations or zoning regulations adopted by the board of county commissioners under the provisions of K. S. A. 19-2901 to 19-2913, inclusive, and amendments thereto, shall continue in force and effect until a comprehensive plan or part thereof, subdivision regulations or zoning regulations are adopted as provided in this act.

History: L. 1984, ch. 96, § 10; May 3.

19-2966 Severability of act. If any provision of this act is held to be invalid, such invalidity shall not affect the validity of other provisions of the act which can be given effect without the invalid provision.

History: L. 1984, ch. 96, § 11; May 3.

APPENDIX 2.
GUIDELINES FOR INTERPRETATION OF PERMITTED AND CONDITIONAL USES
IN THE PLANNED EMPLOYMENT CENTER DISTRICTS

If interpretations of permitted uses and conditional uses are needed for the Planned Research, Development and Office Park District, PEC-2; the Planned Research, Development, and Light Industrial District, PEC-3; or the Planned Industrial Park District, PEC-4; the following groupings of Standard Industrial Classification (SIC) Codes shall guide the interpretations:

I. PLANNED RESEARCH, DEVELOPMENT, AND OFFICE PARK DISTRICT, (PEC-2)

Interpretations of Permitted Uses in the Planned Research, Development and Light Industrial Park District, PEC-2, shall consider the following grouping of Standard Industrial Classification (SIC) Codes:

1. Agricultural Services (SIC 07);
2. Industrial and Commercial Machines for robotic or automated assembly, fabrication, handling, manufacture, packaging, processing, or treating of products (SIC 35);
3. Electronic and Other Electrical Equipment (SIC 36);
4. Transportation Equipment (SIC 37);
5. Measuring, Analyzing Instruments (SIC 38);
6. Miscellaneous Light Manufactured Products (SIC Industry Groups Nos. 391 and 393-396);
7. Computer Equipment, Office Machines and Computer Services (SIC Industry Group Nos. 357 and 737);

II. PLANNED RESEARCH, DEVELOPMENT AND LIGHT INDUSTRIAL PARK DISTRICT, (PEC-3)

Interpretations of Permitted Uses which may be approved in the Planned Light Industrial Park District, PEC-3, shall consider the following groupings of Standard Industrial Classification (SIC) Codes:

1. Agricultural Services (SIC 07);
2. Building Construction (SIC 15);
3. Special Trade Contractors (SIC 17);
4. Food and Kindred Products (SIC 20);
5. Apparel and Other Finished Products (SIC 23);
6. Lumber and Wood Products (SIC Group Nos. 242, 243, and 244);
7. Furniture and Fixtures (SIC 25);
8. Paper and Allied Products (SIC Industry Group Nos. 265 and 267);
9. Printing, Publishing (SIC 27);
10. Pharmaceutical Preparations (SIC 2834);
11. Biological Products (SIC 2836);
12. Perfumes, Cosmetics and Other Toilet Preparations (SIC 2844);
13. Printing ink (SIC 2893);
14. Pesticides and Agricultural Chemicals (SIC 2879);
15. Miscellaneous Plastic Products (SIC 308);
16. Fabricated Metal Products (SIC Industry Nos. 3421, 3423, 3429, 3432, 3433, 3442, 3444, 3446, 3448, 3449 3469, 3495, 3496, and 3499);
17. Household, Industrial and Commercial Machines (SIC Industry No. 3581);
18. Electronic and Other Electrical Equipment (SIC Industry Group Nos. 363, 364, 365, 366, 367, and 369);

19. Measuring, Analyzing Instruments (SIC 38);
20. Miscellaneous manufactured goods and Miscellaneous Light Manufacturing Industrial (SIC 39);
21. Warehouse/Distribution (SIC 42);
22. Communications (SIC 48); and
23. Business Services (SIC 73).

III. PLANNED INDUSTRIAL PARK DISTRICT, (PEC-4)

Interpretations of permitted uses in the Planned Industrial Park District, PEC-4, shall consider the following groupings of Standard Industrial Classification (SIC) Codes:

1. Heavy Construction (SIC 16);
2. Lumber and Wood Products (SIC 24);
3. Chemicals and Allied Products (SIC 28);
4. Rubber and Miscellaneous Products (SIC 30);
5. Leather and Leather Products (SIC 31);
6. Stone, Glass, Clay and Concrete (SIC 32);
7. Fabricated metal products (SIC 34);
8. Industrial and commercial machines (SIC 35);
9. Electronic and other electrical equipment (SIC 36); and
10. Transportation Equipment (SIC 37).

APPENDIX 3.

CONDITIONAL USES LISTED BY ZONING DISTRICTS

The following list summarizes, by zoning districts, the uses which may be allowed by Conditional Use Permit. See Section 4 of Article 23.

Section A. In the Rural District, (RUR):

1. Group A Conditional Uses:

- a. 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;
- b. Airports, aviation fields, heliports, and landing fields which would conform with the obstruction surfaces described in Subpart C of Federal Aviation Regulations 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 of these regulations and provided that the requirements of Section 6, (B)(1) of Article 23 are satisfied;
- c. Athletic field complexes for baseball, soccer, football, track, and the like; arena, fieldhouse, stadium or other spectator sport facility whether for use by schools or universities, or for amateur, professional or recreational league sports;
- d. Bed and breakfast establishments;
- e. Business retreats, executive conference centers or similar such uses;
- f. Cemeteries, mausoleums, crematories, or mortuaries provided the final development plan for a cemetery or mausoleum is at least a cemetery plat as required by state law;
- g. Archery ranges, camps, camp grounds, exposition centers, fair grounds, 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;
- h. Day-Care Center, or Preschool provided the development and performance standards in Section 6, (B)(8) of Article 23 are satisfied for any such uses in the Rural, Planned Rural, Residential, or Planned Residential districts;
- i. Drive-in theaters or outdoor theaters for motion pictures, stage performances, plays, concerts and studios;
- j. Fire stations except accessory private fire stations in the Planned Retail Business or Planned Employment Center Districts;
- k. Commercial greenhouses, nursery sales area or hydroponic farms operated as a retail business;
- l. Hospitals, penal or correctional care institutions, Group Homes Type Two, residential institutions, residential care institutions, or group homes for the mentally ill;
- m. 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 five (5) acres or in any manner other than allowed by Article 18, Section 7, (A) of these regulations;
- n. 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;
- o. Communication antennas, communication towers, or any other structures greater than 60 feet 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;

- p. Riding stables or show arena uses at any stable or any boarding stable on any tract smaller than ten (10) acres;
- q. 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;
- r. Thematic uses, provided that the provisions of Section 6, (B)(10) of this Article are satisfied;
- s. Buildings or structures per Article 17, Section 8 of these regulations; and
- t. Off-premise Real Estate Project Signs per Article 20, Section 6 (C)(2)(b) of these regulations.
- u. Construction of a replacement dwelling unit to replace an existing occupiable main dwelling unit on the same subject property.

2. Group F Conditional Uses:

On ownership tracts less than ten (10) acres, oil and gas well drilling and production provided that the provisions of Section 6, (B)(7) of Article 23 are satisfied.

3. Group G Conditional Uses:

- a. Quarrying, mining, or earthen materials excavation or filling operations, including but not limited to:
 - 1). 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
 - 2). The screening, crushing, washing or storage of clay, gravel, ore, sand, stone, top soil, fill dirt or similar materials, or
 - 3). An asphalt or concrete plant, and
 - 4) subject to the standards and conditions in Section 6, (B)(3) of Article 23;
- b. 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
- c. Salvage yards.

4. The following Group I Conditional Use:

In the RUR, Rural District, outdoor advertising signs subject to the provisions of Article 20 of these regulations.

5. Group J Conditional Uses as follows:

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, in the Planned Retail Business Districts (PRB-1, PRB-2 and PRB-3), and 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, supplies or construction equipment, including construction contractor's shops and construction contractor's yards.

6. Group L Conditional Uses:

Churches and schools of general instruction and schools of special instruction 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.

7. Group M Conditional Uses:

Manufactured homes provided that the provisions in Section 6, (B)(9) of Article 23 are satisfied.

8. Group N Conditional Uses:

Off-street parking lots or structures 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.

9. Group P Conditional Uses:

Landscape contractor's shops or yards are allowed uses in the Planned Research, Development and Light Industrial Park District (PEC-3) and the Planned Industrial Park District (PEC-4) and may be allowed as conditional uses in the Planned Rural Retail Business District (PRB-1), and the Planned Residential Neighborhood Retail Business District (PRB-2), or when associated with a wholesale nursery in the RUR, Rural District, if a permit is approved by the Board as provided herein.

10. Group Q Conditional Uses:

Preschools and Day-Care Centers are permitted uses at certain sizes and subject to development and performance standards and conditions. Preschools and Day-Care Centers otherwise may be approved as conditional uses.

Section B. In the Planned Rural District, (PRUR):

1. Group A Conditional Uses:

- a. 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;
- b. Airports, aviation fields, heliports, and landing fields which would conform with the obstruction surfaces described in Subpart C of Federal Aviation Regulations 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 of these

regulations and provided that the requirements of Section 6, (B)(1) of Article 23 are satisfied;

- c. Athletic field complexes for baseball, soccer, football, track, and the like; arena, fieldhouse, stadium or other spectator sport facility whether for use by schools or universities, or for amateur, professional or recreational league sports;
- d. Bed and breakfast establishments;
- e. Business retreats, executive conference centers or similar such uses;
- f. Cemeteries, mausoleums, crematories, or mortuaries provided the final development plan for a cemetery or mausoleum is at least a cemetery plat as required by state law;
- g. Archery ranges, camps, camp grounds, exposition centers, fair grounds, 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;
- h. Day-Care Center, or Preschool provided the development and performance standards in Section 6, (B)(8) of Article 23 are satisfied for any such uses in the Rural, Planned Rural, Residential, or Planned Residential districts;
- i. Drive-in theaters or outdoor theaters for motion pictures, stage performances, plays, concerts and studios;
- j. Fire stations except accessory private fire stations in the Planned Retail Business or Planned Employment Center Districts;
- k. Commercial greenhouses, nursery sales area or hydroponic farms operated as a retail business;
- l. Hospitals, penal or correctional care institutions, Group Homes Type Two, residential institutions, residential care institutions, or group homes for the mentally ill;
- m. 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 five (5) acres or in any manner other than allowed by Article 18, Section 7, (A) of these regulations;
- n. 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;
- o. Communication antennas, communication towers, or any other structures greater than 60 feet 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 Article 23 are satisfied;
- p. Riding stables or show arena uses at any stable or any boarding stable on any tract smaller than ten (10) acres;
- q. 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;
- r. Thematic uses, provided that the provisions of Section 6, (B)(10) of this Article are satisfied;
- s. Buildings or structures per Article 17, Section 8 of these regulations; and
- t. Off-premise Real Estate Project Signs per Article 20, Section 6 (C)(2)(b) of these regulations.
- u. Construction of a replacement dwelling unit to replace an existing occupiable main dwelling unit on the same subject property.

2. Group F Conditional Uses:

On ownership tracts less than ten (10) acres, oil and gas well drilling and production provided that the provisions of Section 6, (B)(7) of Article 23 are satisfied.

3. Group L Conditional Uses:

Churches and schools of general instruction and schools of special instruction 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.

4. Group M Conditional Uses:

Manufactured homes provided that the provisions in Section 6, (B)(9) of Article 23 are satisfied.

5. Group N Conditional Uses:

Off-street parking lots or structures 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.

6. Group Q Conditional Uses:

Preschools and Day-Care Centers are permitted uses at certain sizes and subject to development and performance standards and conditions. Preschools and Day-Care Centers otherwise may be approved as conditional uses.

Section C. In the Residential Districts and in the Planned Residential Districts:

Residential Low Density District	(RLD)
Residential Neighborhood Two District	(RN-2)
Residential Neighborhood One District	(RN-1)
Planned Residential Low Density District	(PRLD)
Planned Residential Neighborhood Two District	(PRN-2)
Planned Residential Neighborhood One District	(PRN-1)
Planned Residential Urban Single-Family-1A District	(PRU-1A)
Planned Residential Urban Single-Family-1B District	(PRU-1B)
Planned Residential Urban Two-Family District	(PRU-2)
Planned Residential Urban Townhouse District	(PRU-3)
Planned Residential Urban Apartment District	(PRU-4)
Planned Residential Manufactured Home Park District	(PRMHP)
Planned Residential Manufactured Home Subdivision District	(PRMHS)

1. Group A Conditional Uses:

- a. 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;
- b. Airports, aviation fields, heliports, and landing fields which would conform with the obstruction surfaces described in Subpart C of Federal Aviation Regulations 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 of these

regulations and provided that the requirements of Section 6, (B)(1) of Article 23 are satisfied;

- c. Athletic field complexes for baseball, soccer, football, track, and the like; arena, fieldhouse, stadium or other spectator sport facility whether for use by schools or universities, or for amateur, professional or recreational league sports;
- d. Bed and breakfast establishments;
- e. Business retreats, executive conference centers or similar such uses;
- f. Cemeteries, mausoleums, crematories, or mortuaries provided the final development plan for a cemetery or mausoleum is at least a cemetery plat as required by state law;
- g. Archery ranges, camps, camp grounds, exposition centers, fair grounds, 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;
- h. Day-Care Center, or Preschool provided the development and performance standards in Section 6, (B)(8) of Article 23 are satisfied for any such uses in the Rural, Planned Rural, Residential, or Planned Residential districts;
- i. Drive-in theaters or outdoor theaters for motion pictures, stage performances, plays, concerts and studios;
- j. Fire stations except accessory private fire stations in the Planned Retail Business or Planned Employment Center Districts;
- k. Commercial greenhouses, nursery sales area or hydroponic farms operated as a retail business;
- l. Hospitals, penal or correctional care institution, Group Homes Type Two, residential institutions, residential care institutions, or group homes for the mentally ill;
- m. 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 five (5) acres or in any manner other than allowed by Article 18, Section 7, (A) of these regulations;
- n. 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;
- o. Communication antennas, communication towers, or any other structures greater than 60 feet 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;
- p. Riding stables or show arena uses at any stable or any boarding stable on any tract smaller than ten (10) acres;
- q. 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;
- r. Thematic uses, provided that the provisions of Section 6, (B)(10) of this Article are satisfied;
- s. Buildings or structures per Article 17, Section 8 of these regulations; and
- t. Off-premise Real Estate Project Signs per Article 20, Section 6 (C)(2)(b) of these regulations.
- u. Construction of a replacement dwelling unit to replace an existing occupiable main dwelling unit on the same subject property.

2. Group F Conditional Uses:

Gas well drilling and production provided that the provisions of Section 6, (B)(7) of Article 23 are satisfied.

3. Group L Conditional Uses:

Churches and schools of general instruction and schools of special instruction 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.

4. Group M Conditional Uses:

Manufactured homes are allowed uses in the PRMHP District and the PRMHS District and may be allowed if a conditional use permit is approved by the Board and if the provisions in Section 6, (B)(9) of Article 23 are satisfied.

5. Group N Conditional Uses:

Off-street parking lots or structures 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.

6. Group O Conditional Uses:

Group Homes Type One are allowed uses in the Rural District (RUR), the Planned Rural District (PRUR), the Low-Density Residential District (RLD), the Residential Neighborhood Two District (RN-2), the Residential Neighborhood One District (RN-1), the Planned Low-Density Residential District (PRLD), the Planned Residential Neighborhood Two District (PRN-2), the Planned Residential Neighborhood One District (PRN-1), the Planned Residential Urban Single-Family 1A District (PRU-1A), and the Planned Residential Urban Single-Family 1B District (PRU-1B) and may be allowed in all other districts except the Planned Adult Entertainment District (PAE) and the following Planned Employment Center Districts (PEC-1 and PEC-4) as a conditional use, if a permit is approved as provided herein, and if the requirements of Section 6, (B)(2) of this Article are satisfied.

7. Group Q Conditional Uses:

Preschools and Day-Care Centers are permitted uses at certain sizes and subject to development and performance standards and conditions. Preschools and Day-Care Centers otherwise may be approved as conditional uses. The table in Article 23 establishes these categories:

Section D. In the Planned Limited Retail Business District, (PRB-1A):

1. From Group A: No. 4. Bed and breakfast establishments; No. 5. Business retreats, executive conference centers or similar such uses; and No. 8. Day-Care Home, Group Day-Care Home, Child-Care Center, Adult-Care Center, Preschool, or Mother's Day Out Program provided the development and performance standards in Section 6(B)(8) of Article 23 are satisfied.
2. From Group B: No. 5. Farmer's Market; No. 6. Fruit and Vegetable Stands; and No. 7. Small Equipment Repair.

Section E. In the Planned Rural Retail Business District, (PRB-1):

1. Group A Conditional Uses:

- a. 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;
- b. Airports, aviation fields, heliports, and landing fields which would conform with the obstruction surfaces described in Subpart C of Federal Aviation Regulations 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 of these regulations and provided that the requirements of Section 6, (B)(1) of Article 23 are satisfied;
- c. Athletic field complexes for baseball, soccer, football, track, and the like; arena, fieldhouse, stadium or other spectator sport facility whether for use by schools or universities, or for amateur, professional or recreational league sports;
- d. Bed and breakfast establishments;
- e. Business retreats, executive conference centers or similar such uses;
- f. Cemeteries, mausoleums, crematories, or mortuaries provided the final development plan for a cemetery or mausoleum is at least a cemetery plat as required by state law;
- g. Archery ranges, camps, camp grounds, exposition centers, fair grounds, 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;
- h. Day-Care Center, or Preschool provided the development and performance standards in Section 6, (B)(8) of Article 23 are satisfied for any such uses in the Rural, Planned Rural, Residential, or Planned Residential districts;
- i. Drive-in theaters or outdoor theaters for motion pictures, stage performances, plays, concerts and studios;
- j. Fire stations except accessory private fire stations in the Planned Retail Business or Planned Employment Center Districts;
- k. Commercial greenhouses, nursery sales area or hydroponic farms operated as a retail business;
- l. Hospitals, penal or correctional care institutions, Group Homes Type Two, residential institutions, residential care institutions, or group homes for the mentally ill;
- m. 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 five (5) acres or in any manner other than allowed by Article 18, Section 7, (A) of these regulations;
- n. 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;
- o. Communication antennas, communication towers, or any other structures greater than 60 feet 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;
- p. Riding stables or show arena uses at any stable or any boarding stable on any tract smaller than ten (10) acres;
- q. 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;

- r. Thematic uses, provided that the provisions of Section 6, (B)(10) of this Article are satisfied;
- s. Buildings or structures per Article 17, Section 8 of these regulations; and
- t. Off-premise Real Estate Project Signs per Article 20, Section 6 (C)(2)(b) of these regulations.
- u. Construction of a replacement dwelling unit to replace an existing occupiable main dwelling unit on the same subject property.

2. Group B Conditional Uses:

- a. Auction Facilities;
- b. Automotive Repair Shop or Repair Garage;
- c. Farm Machinery and Equipment Sales;
- d. Farm Supplies Store;
- e. Farmer's Market;
- f. Fruit and Vegetable Stands;
- g. Small Equipment Repair; and
- h. Veterinary Clinic for Large Animals.

3. Group G Conditional Uses:

- a. Quarrying, mining, or earthen materials excavation or filling operations, including but not limited to:
 - 1). 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
 - 2). The screening, crushing, washing or storage of clay, gravel, ore, sand, stone, top soil, fill dirt or similar materials, or
 - 3). An asphalt or concrete plant, and
 - 4) subject to the standards and conditions in Section 6, (B)(3) of Article 23;
- b. 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
- c. Salvage yards.

4. Group I Conditional Uses:

- a. Storage Yards for vehicles, materials, or supplies, and
- b. In the above districts and also in the RUR, Rural District, Outdoor advertising signs subject to the provisions of Article 20 of these regulations.

5. Group J Conditional Uses:

Storage Yards for vehicles, materials, supplies or construction equipment, including construction contractor's shops and construction contractor's yards.

6. Group M Conditional Uses:

Manufactured homes if the provisions in Section 6, (B)(9) of Article 23 are satisfied.

7. Group O Conditional Uses Conditional Uses:

Group Homes Type One are allowed uses in the Rural District (RUR), the Planned Rural District (PRUR), the Low-Density Residential District (RLD), the Residential Neighborhood Two District (RN-2), the Residential Neighborhood One District (RN-1), the Planned Low-Density Residential District (PRLD), the Planned Residential Neighborhood Two District (PRN-2), the Planned Residential Neighborhood One District (PRN-1), the Planned Residential Urban Single-Family 1A District (PRU-1A), and the Planned Residential Urban Single-Family 1B District (PRU-1B) and may be allowed in all other districts except the Planned Adult Entertainment District (PAE) and the following Planned Employment Center Districts (PEC-1 and PEC-4) as a conditional use, if a permit is approved as provided herein, and if the requirements of Section 6, (B)(2) of this Article are satisfied.

8. Group P Conditional Uses:

Landscape contractor's shops or yards are allowed uses in the Planned Research, Development and Light Industrial Park District (PEC-3) and the Planned Industrial Park District (PEC-4) and may be allowed as conditional uses in the Planned Rural Retail Business District (PRB-1), and the Planned Residential Neighborhood Retail Business District (PRB-2), or when associated with a wholesale nursery in the RUR, Rural District, if a permit is approved by the Board as provided herein.

9. Group Q Conditional Uses:

Preschools and Day-Care Centers are permitted uses at certain sizes and subject to development and performance standards and conditions. Preschools and Day-Care Centers otherwise may be approved as conditional uses. The table in Article 23 establishes these categories:

Section F. In the Planned Residential Neighborhood Retail Business District, (PRB-2):

1. Any Conditional Use such as listed for PRB-1.

2. Any Permitted Use in PRB-3 not specifically referenced as a Permitted Use within PRB-2.

3. Group A Conditional Uses:

- a. 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;
- b. Airports, aviation fields, heliports, and landing fields which would conform with the obstruction surfaces described in Subpart C of Federal Aviation Regulations 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 of these regulations and provided that the requirements of Section 6, (B)(1) of Article 23 are satisfied;

- c. Athletic field complexes for baseball, soccer, football, track, and the like; arena, fieldhouse, stadium or other spectator sport facility whether for use by schools or universities, or for amateur, professional or recreational league sports;
- d. Bed and breakfast establishments;
- e. Business retreats, executive conference centers or similar such uses;
- f. Cemeteries, mausoleums, crematories, or mortuaries provided the final development plan for a cemetery or mausoleum is at least a cemetery plat as required by state law;
- g. Archery ranges, camps, camp grounds, exposition centers, fair grounds, 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;
- h. Day-Care Center, or Preschool provided the development and performance standards in Section 6, (B)(8) of Article 23 are satisfied for any such uses in the Rural, Planned Rural, Residential, or Planned Residential districts;
- i. Drive-in theaters or outdoor theaters for motion pictures, stage performances, plays, concerts and studios;
- j. Fire stations except accessory private fire stations in the Planned Retail Business or Planned Employment Center Districts;
- k. Commercial greenhouses, nursery sales area or hydroponic farms operated as a retail business;
- l. Hospitals, penal or correctional care institutions, Group Homes Type Two, residential institutions, residential care institutions, or group homes for the mentally ill;
- m. 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 five (5) acres or in any manner other than allowed by Article 18, Section 7, (A) of these regulations;
- n. 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;
- o. Communication antennas, communication towers, or any other structures greater than 60 feet 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;
- p. Riding stables or show arena uses at any stable or any boarding stable on any tract smaller than ten (10) acres;
- q. 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;
- r. Thematic uses, provided that the provisions of Section 6, (B)(10) of this Article are satisfied;
- s. Buildings or structures per Article 17, Section 8 of these regulations; and
- t. Off-premise Real Estate Project Signs per Article 20, Section 6 (C)(2)(b) of these regulations.
- u. Construction of a replacement dwelling unit to replace an existing occupiable main dwelling unit on the same subject property.

4. Group B Conditional Uses:

- a. Auction Facilities;
- b. Automotive Repair Shop or Repair Garage;;
- c. Farm Machinery and Equipment Sales;
- d. Farm Supplies Store;

- e. Farmer's Market;
- f. Fruit and Vegetable Stands;
- g. Small Equipment Repair; and
- h. Veterinary Clinic for Large Animals.

5. Group C Conditional Uses:

- a. Any Permitted Use in PRB-3 not specifically referenced as a Permitted Use in PRB-2;
- b. Arcade, Amusement Center, or Game Room where amusement devices are available for use; Dance Halls; Cocktail Lounges, Beer Halls, Clubs, Taverns, or other similar establishments where alcoholic or cereal malt beverages are consumed on the premises, subject to the standards of Section 6, (B)(6) of Article 23;
- c. Bowling Alley/Pool Hall;
- d. Community Centers or Assembly Halls for less than 100 people at any given time; and
- e. Truck or Equipment Rental.

6. Group G Conditional Uses:

- a. Quarrying, mining, or earthen materials excavation or filling operations, including but not limited to:
 - 1). 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
 - 2). The screening, crushing, washing or storage of clay, gravel, ore, sand, stone, top soil, fill dirt or similar materials, or
 - 3). An asphalt or concrete plant, and
 - 4) subject to the standards and conditions in Section 6, (B)(3) of Article 23;
- b. 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
- c. Salvage yards.

7. Group I Conditional Uses:

- a. Storage Yards for vehicles, materials, or supplies, and
- b. In the above districts and also in the RUR, Rural District, Outdoor advertising signs subject to the provisions of Article 20 of these regulations.

8. Group J Conditional Uses:

Storage Yards for vehicles, materials, supplies or construction equipment, including construction contractor's shops and construction contractor's yards.

9. Group M Conditional Uses:

Manufactured homes if the provisions in Section 6, (B)(9) of Article 23 are satisfied.

10. Group O Conditional Uses:

Group Homes Type One are allowed uses in the Rural District (RUR), the Planned Rural District (PRUR), the Low-Density Residential District (RLD), the Residential Neighborhood Two District (RN-2), the Residential Neighborhood One District (RN-1), the Planned Low-Density Residential District (PRLD), the Planned Residential Neighborhood Two District (PRN-2), the Planned Residential Neighborhood One District (PRN-1), the Planned Residential Urban Single-Family 1A District (PRU-1A), and the Planned Residential Urban Single-Family 1B District (PRU-1B) and may be allowed in all other districts except the Planned Adult Entertainment District (PAE) and the following Planned Employment Center Districts (PEC-1 and PEC-4) as a conditional use, if a permit is approved as provided herein, and if the requirements of Section 6, (B)(2) of this Article are satisfied.

11. Group P Conditional Uses:

Landscape contractor's shops or yards are allowed uses in the Planned Research, Development and Light Industrial Park District (PEC-3) and the Planned Industrial Park District (PEC-4) and may be allowed as conditional uses in the Planned Rural Retail Business District (PRB-1), and the Planned Residential Neighborhood Retail Business District (PRB-2), or when associated with a wholesale nursery in the RUR, Rural District, if a permit is approved by the Board as provided herein.

12. Group Q Conditional Uses:

Preschools and Day-Care Centers are permitted uses at certain sizes and subject to development and performance standards and conditions. Preschools and Day-Care Centers otherwise may be approved as conditional uses. The table in Article 23 establishes these categories:

Section G. In the Planned Urban Neighborhood Retail Business District, (PRB-3):

1. Any Conditional Use listed for PRB-1 or PRB-2.

2. Any retail use not specifically designated as a Permitted Use in Districts PRB-1, PRB-2 or PRB-3.

3. Group A Conditional Uses:

- a. 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;
- b. Airports, aviation fields, heliports, and landing fields which would conform with the obstruction surfaces described in Subpart C of Federal Aviation Regulations 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 of these regulations and provided that the requirements of Section 6, (B)(1) of Article 23 are satisfied;
- c. Athletic field complexes for baseball, soccer, football, track, and the like; arena, fieldhouse, stadium or other spectator sport facility whether for use by schools or universities, or for amateur, professional or recreational league sports;
- d. Bed and breakfast establishments;

- e. Business retreats, executive conference centers or similar such uses;
- f. Cemeteries, mausoleums, crematories, or mortuaries provided the final development plan for a cemetery or mausoleum is at least a cemetery plat as required by state law;
- g. Archery ranges, camps, camp grounds, exposition centers, fair grounds, 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;
- h. Day-Care Center, or Preschool provided the development and performance standards in Section 6, (B)(8) of Article 23 are satisfied for any such uses in the Rural, Planned Rural, Residential, or Planned Residential districts;
- i. Drive-in theaters or outdoor theaters for motion pictures, stage performances, plays, concerts and studios;
- j. Fire stations except accessory private fire stations in the Planned Retail Business or Planned Employment Center Districts;
- k. Commercial greenhouses, nursery sales area or hydroponic farms operated as a retail business;
- l. Hospitals, penal or correctional care institutions, Group Homes Type Two, residential institutions, residential care institutions, or group homes for the mentally ill;
- m. 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 five (5) acres or in any manner other than allowed by Article 18, Section 7, (A) of these regulations;
- n. 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;
- o. Communication antennas, communication towers, or any other structures greater than 60 feet 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;
- p. Riding stables or show arena uses at any stable or any boarding stable on any tract smaller than ten (10) acres;
- q. 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;
- r. Thematic uses, provided that the provisions of Section 6, (B)(10) of this Article are satisfied;
- s. Buildings or structures per Article 17, Section 8 of these regulations; and
- t. Off-premise Real Estate Project Signs per Article 20, Section 6 (C)(2)(b) of these regulations.
- u. Construction of a replacement dwelling unit to replace an existing occupiable main dwelling unit on the same subject property.

4. Group B Conditional Uses:

- a. Auction Facilities;
- b. Automotive Repair Shop or Repair Garage;
- c. Farm Machinery and Equipment Sales;
- d. Farm Supplies Store;
- e. Farmer's Market;
- f. Fruit and Vegetable Stands;
- g. Small Equipment Repair; and
- h. Veterinary Clinic for Large Animals.

5. Group C Conditional Uses:

- a. Any Permitted Use in PRB-3 not specifically referenced as a Permitted Use in PRB-2;
- b. Arcade, Amusement Center, or Game Room where amusement devices are available for use; Dance Halls; Cocktail Lounges, Beer Halls, Clubs, Taverns, or other similar establishments where alcoholic or cereal malt beverages are consumed on the premises, subject to the standards of Section 6, (B)(6) of Article 23;
- c. Bowling Alley/Pool Hall;
- d. Community Centers or Assembly Halls for less than 100 people at any given time; and
- e. Truck or Equipment Rental.

6. Group D Conditional Uses:

- a. Any retail use not specifically designated as a Permitted Use in districts PRB-1, PRB-2, or PRB-3;
- b. New or Used Car and Truck Sales;
- c. Wholesale establishment or warehouse in a completely enclosed building provided the floor area for such uses shall not exceed twenty thousand (20,000) square feet; and
- d. Zoos, commercial aquariums, aviaries or similar facilities open to the public.

7. Group G Conditional Uses:

- a. Quarrying, mining, or earthen materials excavation or filling operations, including but not limited to:
 - 1). 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
 - 2). The screening, crushing, washing or storage of clay, gravel, ore, sand, stone, top soil, fill dirt or similar materials, or
 - 3). An asphalt or concrete plant, and
 - 4) subject to the standards and conditions in Section 6, (B)(3) of Article 23;
- b. 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
- c. Salvage yards.

8. Group I Conditional Uses:

- a. Storage Yards for vehicles, materials, or supplies; and
- b. In the above districts and also in the RUR, Rural District, Outdoor advertising signs subject to the provisions of Article 20 of these regulations.

9. Group J Conditional Uses:

Storage Yards for vehicles, materials, supplies or construction equipment, including construction contractor's shops and construction contractor's yards.

10. Group M Conditional Uses:

Manufactured homes if the provisions in Section 6, (B)(9) of Article 23 are satisfied.

11. Group N Conditional Uses:

Off-street parking lots or structures are allowed accessory uses in the Planned Retail Business Districts (PRB-1, PRB-2 and PRB-3), and the Planned Employment Center Districts (PEC-1, PEC-2, PEC-3 and PEC-4). Accessory 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 Planned Urban Neighborhood Retail Business District (PRB-3), and in the Planned Research, Development and Light Industrial Park District, 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.

12. Group O Conditional Uses:

Group Homes Type One are allowed uses in the Rural District (RUR), the Planned Rural District (PRUR), the Low-Density Residential District (RLD), the Residential Neighborhood Two District (RN-2), the Residential Neighborhood One District (RN-1), the Planned Low-Density Residential District (PRLD), the Planned Residential Neighborhood Two District (PRN-2), the Planned Residential Neighborhood One District (PRN-1), the Planned Residential Urban Single-Family 1A District (PRU-1A), and the Planned Residential Urban Single-Family 1B District (PRU-1B) and may be allowed in all other districts except the Planned Adult Entertainment District (PAE) and the following Planned Employment Center Districts (PEC-1 and PEC-4) as a conditional use, if a permit is approved as provided herein, and if the requirements of Section 6, (B)(2) of this Article are satisfied.

13. Group Q Conditional Uses:

Preschools and Day-Care Centers are permitted uses at certain sizes and subject to development and performance standards and conditions. Preschools and Day-Care Centers otherwise may be approved as conditional uses. The table in Article 23 establishes these categories:

Section H. In the Planned Research and Development Park District, PEC-1:

1. Group E Conditional Uses:

- a. Day-Care Center or Preschool per the Group Q Table in Article 23;
- b. Accessory buildings or structures larger than or in greater quantities than permitted by Article 18 of these regulations; and
- c. Communication antennas, communication towers, or any other structures greater than 60 feet 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.

2. Group L Conditional Uses:

Schools of special instruction may be allowed in Planned Employment Center Districts PEC-1, PEC-3 and PEC-4 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.

3. Group N Conditional Uses:

Off-street parking lots or structures are allowed accessory uses in the Planned Retail Business Districts (PRB-1, PRB-2 and PRB-3), and the Planned Employment Center Districts (PEC-1, PEC-2, PEC-3 and PEC-4). Accessory 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 Planned Urban Neighborhood Retail Business District (PRB-3), and in the Planned Research, Development and Light Industrial Park District, 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.

Section I. In the Planned Research, Development, and Office Park District, (PEC-2):

1. Group A Conditional Uses:

- a. 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;
- b. Airports, aviation fields, heliports, and landing fields which would conform with the obstruction surfaces described in Subpart C of Federal Aviation Regulations 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 of these regulations and provided that the requirements of Section 6, (B)(1) of Article 23 are satisfied;
- c. Athletic field complexes for baseball, soccer, football, track, and the like; arena, fieldhouse, stadium or other spectator sport facility whether for use by schools or universities, or for amateur, professional or recreational league sports;
- d. Bed and breakfast establishments;
- e. Business retreats, executive conference centers or similar such uses;
- f. Cemeteries, mausoleums, crematories, or mortuaries provided the final development plan for a cemetery or mausoleum is at least a cemetery plat as required by state law;
- g. Archery ranges, camps, camp grounds, exposition centers, fair grounds, 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;
- h. Day-Care Center, or Preschool provided the development and performance standards in Section 6, (B)(8) of Article 23 are satisfied for any such uses in the Rural, Planned Rural, Residential, or Planned Residential districts;
- i. Drive-in theaters or outdoor theaters for motion pictures, stage performances, plays, concerts and studios;

- j. Fire stations except accessory private fire stations in the Planned Retail Business or Planned Employment Center Districts;
- k. Commercial greenhouses, nursery sales area or hydroponic farms operated as a retail business;
- l. Hospitals, penal or correctional care institutions, Group Homes Type Two, residential institutions, residential care institutions, or group homes for the mentally ill;
- m. 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 five (5) acres or in any manner other than allowed by Article 18, Section 7, (A) of these regulations;
- n. 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;
- o. Communication antennas, communication towers, or any other structures greater than 60 feet 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;
- p. Riding stables or show arena uses at any stable or any boarding stable on any tract smaller than ten (10) acres;
- q. 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;
- r. Thematic uses, provided that the provisions of Section 6, (B)(10) of this Article are satisfied;
- s. Buildings or structures per Article 17, Section 8 of these regulations; and
- t. Off-premise Real Estate Project Signs per Article 20, Section 6 (C)(2)(b) of these regulations.
- u. Construction of a replacement dwelling unit to replace an existing occupiable main dwelling unit on the same subject property.

2. Group G Conditional Uses:

- a. Quarrying, mining, or earthen materials excavation or filling operations, including but not limited to:
 - 1). 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
 - 2). The screening, crushing, washing or storage of clay, gravel, ore, sand, stone, top soil, fill dirt or similar materials, or
 - 3). An asphalt or concrete plant, and
 - 4) subject to the standards and conditions in Section 6, (B)(3) of Article 23;
- b. 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
- c. Salvage yards.

3. Group M Conditional Uses:

Manufactured homes if the provisions in Section 6, (B)(9) of Article 23 are satisfied.

4. Group O Conditional Uses:

Group Homes Type One are allowed uses in the Rural District (RUR), the Planned Rural District (PRUR), the Low-Density Residential District (RLD), the Residential Neighborhood Two District (RN-2), the Residential Neighborhood One District (RN-1), the Planned Low-Density Residential District (PRLD), the Planned Residential Neighborhood Two District (PRN-2), the Planned Residential Neighborhood One District (PRN-1), the Planned Residential Urban Single-Family 1A District (PRU-1A), and the Planned Residential Urban Single-Family 1B District (PRU-1B) and may be allowed in all other districts except the Planned Adult Entertainment District (PAE) and the following Planned Employment Center Districts (PEC-1 and PEC-4) as a conditional use, if a permit is approved as provided herein, and if the requirements of Section 6, (B)(2) of this Article are satisfied.

5. Group Q Conditional Uses:

Preschools and Day-Care Centers are permitted uses at certain sizes and subject to development and performance standards and conditions. Preschools and Day-Care Centers otherwise may be approved as conditional uses. The table in Article 23 establishes these categories:

Section J. In the Planned Research, Development, and Light Industrial Park District, (PEC-3):

1. Group A Conditional Uses:

- a. 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;
- b. Airports, aviation fields, heliports, and landing fields which would conform with the obstruction surfaces described in Subpart C of Federal Aviation Regulations 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 of these regulations and provided that the requirements of Section 6, (B)(1) of Article 23 are satisfied;
- c. Athletic field complexes for baseball, soccer, football, track, and the like; arena, fieldhouse, stadium or other spectator sport facility whether for use by schools or universities, or for amateur, professional or recreational league sports;
- d. Bed and breakfast establishments;
- e. Business retreats, executive conference centers or similar such uses;
- f. Cemeteries, mausoleums, crematories, or mortuaries provided the final development plan for a cemetery or mausoleum is at least a cemetery plat as required by state law;
- g. Archery ranges, camps, camp grounds, exposition centers, fair grounds, 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;
- h. Day-Care Center, or Preschool provided the development and performance standards in Section 6, (B)(8) of Article 23 are satisfied for any such uses in the Rural, Planned Rural, Residential, or Planned Residential districts;
- i. Drive-in theaters or outdoor theaters for motion pictures, stage performances, plays, concerts and studios;

- j. Fire stations except accessory private fire stations in the Planned Retail Business or Planned Employment Center Districts;
- k. Commercial greenhouses, nursery sales area or hydroponic farms operated as a retail business;
- l. Hospitals, penal or correctional care institutions, Group Homes Type Two, residential institutions, residential care institutions, or group homes for the mentally ill;
- m. 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 five (5) acres or in any manner other than allowed by Article 18, Section 7, (A) of these regulations;
- n. 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;
- o. Communication antennas, communication towers, or any other structures greater than 60 feet 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;
- p. Riding stables or show arena uses at any stable or any boarding stable on any tract smaller than ten (10) acres;
- q. 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;
- r. Thematic uses, provided that the provisions of Section 6, (B)(10) of this Article are satisfied;
- s. Buildings or structures per Article 17, Section 8 of these regulations; and
- t. Off-premise Real Estate Project Signs per Article 20, Section 6 (C)(2)(b) of these regulations.
- u. Construction of a replacement dwelling unit to replace an existing occupiable main dwelling unit on the same subject property.

2. Group F Conditional Uses:

Oil and gas well drilling and production provided that the provisions of Section 6, (B)(7) of Article 23 are satisfied.

3. Group G Conditional Uses:

- a. Quarrying, mining, or earthen materials excavation or filling operations, including but not limited to:
 - 1). 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
 - 2). The screening, crushing, washing or storage of clay, gravel, ore, sand, stone, top soil, fill dirt or similar materials, or
 - 3). An asphalt or concrete plant, and
 - 4) subject to the standards and conditions in Section 6, (B)(3) of Article 23;
- b. 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

c. Salvage yards.

4. Group H Conditional Uses

Automotive Repair Shop, Repair Garage or Machinery Repair Shops for maintenance or repair of vehicles or equipment owned or not owned by the property/business owner.

5. Group I Conditional Uses:

- a. Storage Yards for vehicles, materials, or supplies; and
- b. In the above districts and also in the RUR, Rural District, outdoor advertising signs subject to the provisions of Article 20 of these regulations.

6. Group J Conditional Uses:

Storage Yards for vehicles, materials, supplies or construction equipment, including construction contractor's shops and construction contractor's yards;

7. Group L Conditional Uses:

Schools of special instruction may be allowed in Planned Employment Center Districts PEC-1, PEC-3 and PEC-4 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.

8. Group M Conditional Uses:

Manufactured homes if the provisions in Section 6, (B)(9) of Article 23 are satisfied.

9. Group N Conditional Uses:

Off-street parking lots or structures are allowed accessory uses in the Planned Retail Business Districts (PRB-1, PRB-2 and PRB-3), and the Planned Employment Center Districts (PEC-1, PEC-2, PEC-3 and PEC-4). Accessory 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 Planned Urban Neighborhood Retail Business District (PRB-3), and in the Planned Research, Development and Light Industrial Park District, 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.

10. Group O Conditional Uses:

Group Homes Type One are allowed uses in the Rural District (RUR), the Planned Rural District (PRUR), the Low-Density Residential District (RLD), the Residential Neighborhood Two District (RN-2), the Residential Neighborhood One District (RN-1), the Planned Low-Density Residential District (PRLD), the Planned Residential Neighborhood Two District (PRN-2), the Planned Residential Neighborhood One District (PRN-1), the Planned Residential Urban Single-Family 1A District (PRU-1A), and the Planned Residential Urban Single-Family 1B District (PRU-1B) and may be allowed in all other districts except the

Planned Adult Entertainment District (PAE) and the following Planned Employment Center Districts (PEC-1 and PEC-4) as a conditional use, if a permit is approved as provided herein, and if the requirements of Section 6, (B)(2) of this Article are satisfied.

11. Group P Conditional Uses:

Landscape contractor's shops or yards are allowed uses in the Planned Research, Development and Light Industrial Park District (PEC-3) and the Planned Industrial Park District (PEC-4) and may be allowed as conditional uses in the Planned Rural Retail Business District (PRB-1), and the Planned Residential Neighborhood Retail Business District (PRB-2), or when associated with a wholesale nursery in the RUR, Rural District, if a permit is approved by the Board as provided herein.

12. Group Q Conditional Uses:

Preschools and Day-Care Centers are permitted uses at certain sizes and subject to development and performance standards and conditions. Preschools and Day-Care Centers otherwise may be approved as conditional uses. The table in Article 23 establishes these categories:

Section K. In the Planned Industrial Park District, (PEC-4):

1. Group A Conditional Uses:

- a. 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;
- b. Airports, aviation fields, heliports, and landing fields which would conform with the obstruction surfaces described in Subpart C of Federal Aviation Regulations 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 of these regulations and provided that the requirements of Section 6, (B)(1) of Article 23 are satisfied;
- c. Athletic field complexes for baseball, soccer, football, track, and the like; arena, fieldhouse, stadium or other spectator sport facility whether for use by schools or universities, or for amateur, professional or recreational league sports;
- d. Bed and breakfast establishments;
- e. Business retreats, executive conference centers or similar such uses;
- f. Cemeteries, mausoleums, crematories, or mortuaries provided the final development plan for a cemetery or mausoleum is at least a cemetery plat as required by state law;
- g. Archery ranges, camps, camp grounds, exposition centers, fair grounds, 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;
- h. Day-Care Center, or Preschool provided the development and performance standards in Section 6, (B)(8) of Article 23 are satisfied for any such uses in the Rural, Planned Rural, Residential, or Planned Residential districts;
- i. Drive-in theaters or outdoor theaters for motion pictures, stage performances, plays, concerts and studios;

- j. Fire stations except accessory private fire stations in the Planned Retail Business or Planned Employment Center Districts;
- k. Commercial greenhouses, nursery sales area or hydroponic farms operated as a retail business;
- l. Hospitals, penal or correctional care institutions, Group Homes Type Two, residential institutions, residential care institutions, or group homes for the mentally ill;
- m. 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 five (5) acres or in any manner other than allowed by Article 18, Section 7, (A) of these regulations;
- n. 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;
- o. Communication antennas, communication towers, or any other structures greater than 60 feet 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;
- p. Riding stables or show arena uses at any stable or any boarding stable on any tract smaller than ten (10) acres;
- q. 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;
- r. Thematic uses, provided that the provisions of Section 6, (B)(10) of this Article are satisfied;
- s. Buildings or structures per Article 17, Section 8 of these regulations; and
- t. Off-premise Real Estate Project Signs per Article 20, Section 6 (C)(2)(b) of these regulations.
- u. Construction of a replacement dwelling unit to replace an existing occupiable main dwelling unit on the same subject property.

2. Group F Conditional Uses:

Oil and gas well drilling and production provided that the provisions of Section 6, (B)(7) of Article 23 are satisfied.

3. Group G Conditional Uses:

- a. Quarrying, mining, or earthen materials excavation or filling operations, including but not limited to:
 - 1). 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
 - 2). The screening, crushing, washing or storage of clay, gravel, ore, sand, stone, top soil, fill dirt or similar materials, or
 - 3). An asphalt or concrete plant, and
 - 4) subject to the standards and conditions in Section 6, (B)(3) of Article 23;
- b. 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

c. Salvage yards.

4. Group H Conditional Uses:

Automotive Repair Shop, Repair Garage or Machinery Repair Shops for maintenance or repair of vehicles or equipment owned or not owned by the property/business owner.

5. Group I Conditional Uses:

- a. Storage Yards for vehicles, materials, or supplies; and
- b. In the above districts and also in the RUR, Rural District, Outdoor advertising signs subject to the provisions of Article 20 of these regulations.

6. Group J Conditional Uses:

Storage Yards for vehicles, materials, supplies or construction equipment, including construction contractor's shops and construction contractor's yards;

7. Group L Conditional Uses:

Schools of special instruction may be allowed in Planned Employment Center Districts PEC-1, PEC-3 and PEC-4 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.

8. Group M Conditional Uses:

Manufactured homes if the provisions in Section 6, (B)(9) of Article 23 are satisfied.

9. Group Q Conditional Uses:

Preschools and Day-Care Centers are permitted uses at certain sizes and subject to development and performance standards and conditions. Preschools and Day-Care Centers otherwise may be approved as conditional uses. The table in Article 23 establishes these categories:

Section L. In the Planned Adult Entertainment District, (PAE):

1. Group K Conditional Uses:

- a. Adult Cabaret,
- b. Adult Theaters, and
- c. Juice Bars.

APPENDIX FOUR – USES PERMITTED BY ZONING DISTRICTS

APPENDIX 4. USES PERMITTED BY ZONING DISTRICTS

DISTRICT CODES PERMITTED USES & USE CATEGORIES	RURAL		RESIDENTIAL				RESIDENTIAL URBAN				MANUFACTURED HOMES			RETAIL BUSINESS				EMPLOYMENT CENTER				ADULT USE
	RUR	PRUR	RLD	RN*	PRLD*	PRN*	PRU-1A	PRU-1B	PRU-2	PRU-3	PRU-4	PRMHP	PRMHS	PRB-1A	PRB-1	PRB-2	PRB-3	PEC-1	PEC-2	PEC-3	PEC-4	PAE
Accessory Buildings & Uses as provided																						
Accessory Offices, Servicing, Storage at Businesses																						
Adult Arcade, Adult Bookstore or Adult Video Store																						
Adult Cabaret, Adult Entertainment Business																						
Adult Motion Picture Theater, Adult Theater																						
Agricultural buildings & structures																						
Agricultural Service Businesses																						
Agricultural Uses																						
Antique Shop																						
Any PEC-2 use but																						
Agricultural Research																						
Apparel and Finished Fabric Products																						
Apparel and Shoe Store																						
Appliances Store																						
Art Gallery																						
Artist's Studio and Gallery																						
Arts and Crafts Shop																						
As accessory to permitted uses, offices, storage, etc.																						
Assembly Hall, Reception or Meeting Space < 2,500 SF																						
Attached single-family dwellings																						
Bait and Tackle Shop																						
Bank, Savings, Loan w/ or w/o auto-teller or drive-up																						
Barber Shop																						
Bath Shop																						
Beauty Parlor, Beauty Shop																						
Bicycle Shop																						
Biological Products																						
Books and Stationery Store																						

* RN-2 and RN-1

**PRN-2 and PRN-1

APPENDIX FOUR – USES PERMITTED BY ZONING DISTRICTS

DISTRICT CODES PERMITTED USES & USE CATEGORIES	RURAL		RESIDENTIAL				RESIDENTIAL URBAN				MANUFACTURED HOMES			RETAIL BUSINESS				EMPLOYMENT CENTER				ADULT USE
	RUR	PRUR	RLD	RN*	PRLD*	PRN*	PRU-1A	PRU-1B	PRU-2	PRU-3	PRU-4	PRMHP	PRMHS	PRB-1A	PRB-1	PRB-2	PRB-3	PEC-1	PEC-2	PEC-3	PEC-4	PAE
Building Construction Trades																						
Bus, Taxi or Limousine Dispatching																						
Business Services																						
Camera, Consumer Electronics, Computer Store																						
Cards, Gifts, Curios or Novelty Shop																						
Chemical and Allied Product Manufacturing																						
Churches, Temples and Lodge Halls																						
Cinemas/Movie Theaters																						
Cleaners and Dryers (pick-up/delivery only)																						
Communications Services																						
Computer/Calculator Store																						
Convenience Store																						
Cosmetics Shop																						
Curtains and Drapes Shop																						
Decorative Accessories Shop																						
Delicatessen																						
Drug Store (< 10,000 sq. ft.)																						
Electronic & Electrical Equipment Manufacturing																						
Electronic & Other Electrical Equipment																						
Engineering, Acctg., Research, Management																						
Escort Service																						
Fabric Shop																						
Fabricated Metal Product Manufacturing																						
Fabricated Metal Products																						
Floor Covering Store																						

* RN-2 and RN-1 **PRN-2 and PRN-1

APPENDIX FOUR – USES PERMITTED BY ZONING DISTRICTS

DISTRICT CODES PERMITTED USES & USE CATEGORIES	RURAL		RESIDENTIAL				RESIDENTIAL URBAN				MANUFACTURED HOMES		RETAIL BUSINESS				EMPLOYMENT CENTER				ADULT USE		
	RUR	PRUR	RLD	RN*	PRLD*	PRN*	PRU-1A	PRU-1B	PRU-2	PRU-3	PRU-4	PRMHP	PRMHS	PRB-1A	PRB-1	PRB-2	PRB-3	PEC-1	PEC-2	PEC-3		PEC-4	PAE
Flowers, Florist Shop w/o greenhouse																							
Food Products and Food Related Products														900 sf max.									
Food Service Establishments																							
Furniture and Fixtures																							
Furniture Store																							
Gasoline and Other Motor Fuel Sales																							
Hardware Store																							
Health Spa/Fitness Center																							
Health Spa/Figure																							
Salon/Martial Arts Studio														1,000 sf									
Heavy Construction Contractors																							
Hobby Shop																							
Home Improvements Store																							
Home Occupations																							
Household, Industrial and Commercial Machines																							
Industrial and Commercial Machine Manufacturing																							
Interior Decorator Shop																							
Jewelry Store																							
Juice Bar																							
Key Shop																							
Lawn and Garden Store																							
Leather & Leather Products																							
Limited Agricultural Uses																							
Lumber & Wood Products																							
Wholesaling & Warehousing																							
Lumber and Wood Products Mills																							
Manufactured Homes for single-families																							
Massage Parlor (Adult Entertainment)																							

* RN-2 and RN-1

**PRN-2 and PRN-1

APPENDIX FOUR – USES PERMITTED BY ZONING DISTRICTS

DISTRICT CODES PERMITTED USES & USE CATEGORIES	RURAL		RESIDENTIAL				RESIDENTIAL URBAN				MANUFACTURED HOMES		RETAIL BUSINESS				EMPLOYMENT CENTER				ADULT USE		
	RUR	PRUR	RLD	RN*	PRLD*	PRN*	PRU-1A	PRU-1B	PRU-2	PRU-3	PRU-4	PRMHP	PRMHS	PRB-1A	PRB-1	PRB-2	PRB-3	PEC-1	PEC-2	PEC-3	PEC-4	PAE	
Measuring, Testing, Analysis or Control Instruments																							
Medical/Dental Offices & Clinics																							
Miscellaneous Manufactured Goods																							
Music Studio and Dance Studio																							
Musical Instrument Store																							
Neighborhood Parks, playgrounds																							
News Stand/Book Store														900 sf									
Nude Model Studio																							
Office Buildings not larger than 10,000 sq. ft.																							
Office Buildings not larger than 15,000 sq. ft.																							
Office Buildings smaller than 2,500 sq. ft.																							
Optometrist, Optical Dispensary																							
Package Liquor Store, Wine or Specialty Food Store																							
Paint and Wallpaper Store																							
Paper and Related Products																							
Passive Open Space, Nature Preserve, Arboretum																							
Perfumes, Perfume Bases and Cosmetics																							
Permanent duplex dwellings																							
Permanent Garden apartments & complexes																							
Permanent single-family dwellings																							
Permanent townhouses																							
Pesticides and Agricultural Chemicals																							
Pet Grooming																							
Pet Shop																							
Pharmaceutical Preparations																							

* RN-2 and RN-1

**PRN-2 and PRN-1

APPENDIX FOUR – USES PERMITTED BY ZONING DISTRICTS

DISTRICT CODES PERMITTED USES & USE CATEGORIES	RURAL			RESIDENTIAL			RESIDENTIAL URBAN				MANUFACTURED HOMES			RETAIL BUSINESS				EMPLOYMENT CENTER				ADULT USE
	RUR	PRUR	RLD	RN*	PRLD*	PRN*	PRU-1A	PRU-1B	PRU-2	PRU-3	PRU-4	PRMHP	PRMHS	PRB-1A	PRB-1	PRB-2	PRB-3	PEC-1	PEC-2	PEC-3	PEC-4	PAE
Photocopy/Fast Print Store																						
Photographer Studio																						
Plastic Products																						
Post office, govt. offices, public govt. meetings places																						
Printing and Publishing																						
Printing Ink, Gravure Ink, and so on																						
Publicly or Privately Owned Utility Offices < 10,000 sq. ft.																						
R&D in Ag., Animal Science, Biology, Biochem., etc.																						
R&D in Communications Equipment or Systems																						
R&D in H.V.A.C. equipment or components																						
R&D in Measuring or Analyzing Instruments																						
R&D in Robotics or automated assembly, etc.																						
R&D in Transportation Equipment																						
R&D, Bldg, components, materials, structural systems																						
R&D Computer, Office Equipment																						
R&D, Computers and Office Machines																						
R&D, Energy Conservation, Energy Systems, Equip.																						
R&D, Fluid Movement or controlling systems/equip.																						
R&D, Industrial & Commercial Machines																						
R&D, Photography, printing, cartography																						
R&D, Transportation Equipment																						

* RN-2 and RN-1

**PRN-2 and PRN-1

APPENDIX FOUR – USES PERMITTED BY ZONING DISTRICTS

DISTRICT CODES PERMITTED USES & USE CATEGORIES	RURAL		RESIDENTIAL				RESIDENTIAL URBAN				MANUFACTURED HOMES		RETAIL BUSINESS				EMPLOYMENT CENTER				ADULT USE		
	RUR	PRUR	RLD	RN*	PRLD*	PRN*	PRU-1A	PRU-1B	PRU-2	PRU-3	PRU-4	PRMHP	PRMHS	PRB-1A	PRB-1	PRB-2	PRB-3	PEC-1	PEC-2	PEC-3	PEC-4	PAE	
R&D in Electronic or Electrical Equipment																							
Radio, Video, Stereo Store																							
Railroad right-of-ways																							
Rap Parlor																							
Recorded Music or Video Store																							
Research and development laboratories																							
Restaurant etc. as in PRB-1 w/ or w/o alcoholic drinks																							
Retail sales areas < = 10% of Gross Floor Area																							
Rubber and Resin Product Manufacturing and Processing																							
Sale/display: appliances, electronics, business equip.																							
Schools, community buildings																							
Sell commodities warehouses or stored on- site																							
Sell commodities manufactured, processed on-site																							
Sewing Machines Store																							
Sexual Encounter Center																							
Shoe Repair Shop																							
Showroom/Catalog Store																							
Special Trade Contractors																							
Sporting Goods Store																							
Stone, Glass, Clay & Concrete Product Manufacturing																							
Super Drug Store (> 10,000 sq. ft.)																							
Supermarket (> 6,000 sq. ft.)																							

* RN-2 and RN-1 **PRN-2 and PRN-1

[illegible]

