

**Johnson County Temporary Planning Commission  
Review of Public Comments – County Outreach 12/8 & 12/11  
12/16/08 Meeting**

**Please Note:**

*Consideration of Comments*

Consensus of Action taken by the Commissioners at their 12/16/08 meeting

Authority/Jurisdiction – *The zoning & subdivision regulations only apply to the unincorporated area of the County, not in incorporated cities. State Statutes do state that the Comprehensive Plan shall be prepared for any incorporated city without an adopted comprehensive plan; this matter is being reviewed by legal counsel. If that will be necessary, the Comprehensive Plan can be simply modified to identify those respective incorporated cities in the “Community Compatibility Buffer”.*

**Action:** Commission duly noted.

P&Z Commission and BZA Composition – *The Planning and Zoning Commission would be elected by township. The BZA would be appointed by the County Commission. Legal counsel is reviewing the proposed language requiring all BZA members to reside in the unincorporated area of the County. Language could be added clarifying that BZA members are uncompensated volunteers. It is questionable whether an occupation requirement (such as “farmer”) could be added to the regulations.*

**Action:** Commission duly noted.

Land Subdivision Exemptions – *If the Commission feels the 40-acre exemption is too large, this size can be modified. If the Commission feels the one-split exemption is too few, this number can be modified.*

**Action:** After considerable discussion, the Commission agreed to reduce the 40-acre exemption to 35 acres and keep the additional one-split exemption. In addition, the Commissioners tried to again clarify the definition of subdivision by adding the word “division” as follows: “(E) Sales, transfer or division of land provided all new tracts shall contain a minimum.....”

Road Standards and Maintenance – *The proposed regulations cite by reference the proposed County road policies and standards. These standards establish the road improvement requirements for new developments. These standards also outline the process by which the County would consider accepting existing private roadways into the public system. County road maintenance is not addressed in the proposed regulations.*

**Action:** Duly noted. Commission discussed again that private county roads have a brown sign and are not the jurisdiction of the County or its tax payers as a whole. The green signed County roads are public rights of way and, therefore, the responsibility of the County and its taxpayers as a whole. It is hoped that with planning and zoning in the future, the number of private roads serving large subdivisions will be reduced.

Adult Entertainment Facilities – *Adult Entertainment Facilities are defined in the proposed regulations and would require a conditional use permit in the commercial zoning district. The definition could be expanded to include businesses that sale adult oriented items – usually defined as a percentage of sales or floor space. Additional, specific minimum standards could be added*

*for these facilities in the proposed regulations. It is questionable whether local regulations could address the content of signs. Existing facilities would be considered pre-existing non-conforming (grandfathered) uses.*

**Action:** After discussion, the Commission agreed to add businesses that sale adult oriented items.

Land Use: Residential – *The proposed regulations could be modified to permit outright single-family residences in the commercial and industrial zoning district – or permit such residential uses as accessory to a primary commercial or industrial use.*

**Action:** After discussion, the Commission agreed to add multiple accessory single family uses to the commercial and industrial zoning districts limited by a percentage of the primary use.

*Several specific land zoning questions were raised and reflected on the proposed Official Zoning Map. The proposed Official Zoning Map can be modified to reflect a more or less extensive commercial development corridor along US Hwy 50.*

**[Additional Commercial Area] Action:** The Commission did agree to reflect and increase in the amount of potential commercial development along US Hwy 50 and 13.

**[Allow for Corrective Grace Period] Action:** The Commission did agree to allow for a grace period to waive fees for a maximum of one year for corrections to the zoning map

Deed Restrictions/Covenants – *The proposed regulations do not affect private deed restrictions or covenants. Such restrictions are private in nature and not enforced by the County.*

**Action:** Commission duly noted.

Non-Conforming (Grandfather) Uses – *These standards in the proposed regulations can be modified to permit a more liberal continued use, change and/or expansion.*

**Action:** Commission duly noted.

Agricultural Operations – *The exemption of agricultural operations from the zoning regulations can be stated in additional sections of the proposed regulations. The definition of agricultural operations can be modified; the list of livestock can include sheep.*

**Action:** Duly noted. The Commission did agree that the definition of agriculture intuitively included sheep as “livestock” and that bee farming/apiculture was the practice of raising bees possibly for the production of honey for “human consumption.”

Nuisance Regulations – *The proposed regulations do not address “nuisances” or a “Derelict and/or Gross Neglect Clause” that would regulate property maintenance or disturbing activities – as along as the land use itself complies with the zoning regulations. Some of these types of regulatory elements could possibly be incorporated in the proposed regulations, and the proposed plan could be modified to add a goal explicitly calling for a County nuisance ordinance, that would have to be addressed by the County Commission.*

**Action:** Commission duly noted.

Manufactured Homes – *The proposed regulations permit manufactured homes in any zoning district where single-family residences are permitted. The proposed regulations did not create a specific “mobile home district”; existing mobile home parks would be considered pre-existing, non-conforming (grandfather) situations due either to their minimal lot sizes or prevalence of mobile homes and utility connections on one tract. In general, the pertinent definitions and sections could be modified to establish a specific “mobile home district” and place all existing mobile home parks in that appropriate district. The current definition of manufactured homes calls for a “permanent foundation”. This standard can be modified separately or in conjunction with a more general accommodation for mobile homes.*

**Action:** After considerable discussion, the Commission did agree that incorporating a mobile home park zoning district where permanent foundations would not be required on smaller lots etc... would be beneficial as necessary throughout the plan and zoning regulations. However, the Commission did not change the permanent foundation requirement for manufactured homes in the other residential districts.

Administration – *The proposed regulations call for the establishment of a “Zoning Administrator” to be appointed by the County Commission with input from the P&Z Commission. The profile of this position is not currently known. The support team will be preparing an “administrative impact report” to identify the costs and administrative support necessary to administer the proposed regulations.*

**Action:** Commission duly noted.

Green Energy Alternatives – *The proposed regulations could be modified to explicitly permit household wind turbines.*

**Action:** Commission duly noted.

Group Homes and Residential Care Facilities – *These land uses should be defined in the proposed regulations. These definitions can follow the standard state definition for these types of facilities. Nursing homes are a certain class of a residential care facility by state regulations. “Half-way houses” and similar facilities would be included under a definition of group homes.*

**Action:** The Commission did agree that this proposed regulations should be defined in the proposed regulations.

Building Codes – *While the proposed plan has a goal to provide “safe” housing, the Commission decided earlier not to suggest establishment of building codes. The “safe” housing goal is being met through establishment of proposed subdivision design standards for safe access and provision of public and emergency services. For building codes to be considered, the County Commission would appoint a “building commission” to prepare proposed codes for the County Commission’s consideration. Authority to adopt building codes rests with the County Commission following this process.*

**Action:** Commission duly noted.

CAFOs – *The proposed regulations do not address concentrated animal feeding operations (CAFOs). Current state statutes and MoDNR regulations address CAFO facilities, licensing and location standards. Certain additional local standards could be added to the proposed regulations.*

**Action:** Commission duly noted.

Election Timing – *The Temporary Commission’s current schedule calls for submission of an adopted plan and regulations to the County Commission in time for the Commission to certify a ballot for an election in April. This schedule could be modified by the Temporary Commission.*

**Action:** After some discussion, the Commission reaffirmed the current timeline that targeted the April 2009 ballot.

Floodplain District – *The proposed regulations incorporate the County’s current floodplain management ordinance by reference. Approval or disapproval of the proposed regulations will not alter the current floodplain ordinance. The current ordinance discourages development activity in the floodplain district however building can occur under certain requirements. The floodplain district is defined based on the adopted FEMA flood hazard maps.*

**Action:** Commission duly noted.

Site Development Standards – *Certain site development standards are addressed in the proposed regulations for commercial and industrial development. These standards can be modified. Parking standard for multi-family residential can be modified.*

**Action:** Commission duly noted.

Dog Breeds – *The proposed regulations do not address particular dog breeds or dangerous animals. This might best be addressed through other County ordinance.*

**Action:** Commission duly noted.