

OFFICIAL ZONING & SUBDIVISION REGULATIONS

JOHNSON COUNTY, MISSOURI

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ARTICLE I

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF JOHNSON COUNTY, MISSOURI:

That the unincorporated territory within Johnson County, Missouri shall be divided into districts pursuant to this resolution and zoning plan, and within such districts the erection, construction, reconstruction, alteration, repair, relocation or maintenance of buildings or structures and use of land and lots may be regulated and restricted.

This resolution and maps shall be known as, and may be cited and referred to as the “Zoning Regulations of Johnson County, Missouri” in accordance with and exercising the authority of applicable Missouri state statutes.

SECTION 1.01 AUTHORITY

This resolution is adopted pursuant to the authority granted by the Missouri state statutes and following an election where the majority of votes cast in the county were in favor of adopting the Johnson County Comprehensive Plan, Zoning Regulations of Johnson County, Missouri and the Subdivision Regulations of Johnson County, Missouri.

SECTION 1.02 MINIMUM STANDARDS

In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements. Where the regulations impose a greater restriction upon land use or structures than is imposed or required by existing provisions of law, resolution, contract or deed, the provisions of these regulations shall apply.

SECTION 1.03 SEPARABILITY CLAUSE

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole or any part other than the part so declared to be unconstitutional or invalid.

SECTION 1.04 PURPOSE

The Zoning Regulations of Johnson County, Missouri are deemed necessary in order:

- a. To promote the health, safety, morals, comfort and the general welfare of the unincorporated portion of the county.
- b. To conserve and protect property and building values.
- c. To secure the most economical use of the land.
- d. To facilitate the adequate provision of public improvements all in accordance with a comprehensive plan.

SECTION 1.05 GENERAL PROVISIONS

- A. Agricultural Operations – The provisions of these regulations shall not apply to agricultural operations including the raising of crops, livestock, orchards or forestry, or to seasonal or temporary impoundments used for rice farming or flood irrigation. The provisions of these regulations shall not apply to the erection, maintenance,

- repair, alteration or extension of farm buildings or farm structures used for such purposes in an area not within the area shown on the flood hazard map and identified in the flood plain zoning district.
- B. Underground Mining – The provisions of these regulations shall not apply to underground mining where entrance is through an existing shaft or shafts or through a shaft or shafts not within the area shown on the flood hazard map and identified in the flood plain zoning district.
 - C. Health Department Standards – The provisions of these regulations are not intended to preempt or otherwise diminish the standards and regulations of the Missouri Department of Health or of the Johnson County Community Health Services as currently existing or hereafter promulgated.

ARTICLE II

SECTION 2.01 ESTABLISHMENT OF DISTRICTS

For the purpose of promoting health, safety, morals, comfort and the general welfare of the unincorporated portion of the county to conserve and protect property and building values, to secure the most economical use of the land, and to facilitate the adequate provision of public improvements all in accordance with a comprehensive plan, the following classes of zoning districts are established:

- AG – Agricultural Zoning District
- RA – Rural Residential Zoning District
- RS – Single Family Residential Zoning District
- RM – Multi Family Zoning District
- CO – Commercial Zoning District
- IN – Industrial Zoning District
- FP – Flood Plain Zoning District

SECTION 2.02 OFFICIAL ZONING MAP

The boundaries of the zoning districts are shown on the official zoning map or sections thereof attached hereto and made a part hereof of the regulations, which map is designated as the “OFFICIAL ZONING MAP OF JOHNSON COUNTY, MISSOURI”. The official zoning map and all notations, references and other information shown thereon are a part of these regulations and have the same force and effect as if said map and all notations, references and other information shown thereon are all fully set forth herein. The official zoning map shall be on file in the office of the County Clerk of Johnson County, Missouri.

SECTION 2.03 CHANGES IN BOUNDARIES

Changes in boundaries of the zoning districts shall be made by resolution amending the provisions of particular zoning district article and amending the official zoning map. The amended maps when so adopted shall become a part of these regulations.

SECTION 2.04 NON-CONFORMING “GRANDFATHER” USE

- A. Non-conforming uses are declared by this resolution to be incompatible with permitted uses in the district in which such uses are located. It is the intent of this resolution to

permit non-conforming uses to continue until they are removed. It is further the intent of these regulations that non-conforming uses shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

- B. Vested Use: To avoid undue hardship, nothing in these regulations shall be deemed to require a change in the plan, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption of this resolution and upon which actual building construction activity has been carried on diligently.
- C. Single non-conforming lots of record: In any district in which single-family dwellings are permitted, a single-family dwelling and accessory buildings may be constructed on a single lot of record created on or before the date of adoption of these regulations or amendments. This provision shall apply even if such lot fails to meet the requirements for area or other lot dimension requirements of the particular district.
- D. Non-conforming uses of structures and land use: If a lawful land use exists at the effective date of adoption or amendment of these regulations that would not be allowed in the district under the terms of this resolution the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - 1. No existing structure devoted to a use not permitted by this resolution in the district in which it is located may be enlarged, extended, constructed or moved except in changing the use of the structure to a use permitted in the district in which it is located.
 - 2. If no structural alterations are made, a non-conforming use of a structure or land may, upon the issuance of a Conditional Use Permit be changed to another non-conforming use provided a finding is made by the Commission that the proposed use is equally appropriate or more appropriate to the district and surrounding properties than the existing non-conforming use.
 - 3. When a non-conforming use is discontinued or abandoned for more than one (1) year, the structure(s) and land thereon shall not thereafter be used except in conformity with the regulations of the district in which it is located. The time period in this provision may be extended through issuance of a Conditional Use Permit.
- E. Repair and maintenance: On any non-conforming structure, or portion of a structure containing a non-conforming use, work may be done on ordinary repair, reconstruction or replacement provided that the cubic content existing when it became non-conforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety.

ARTICLE III

[AG – Agricultural Zoning District]

SECTION 3.01 DESCRIPTION AND PURPOSE

It is the purpose of this zoning district to maintain the integrity of agricultural land and preserve family farm operations.

SECTION 3.02 PERMITTED USES

- a. Agricultural operations, as defined, including the raising of crops, livestock, orchards and forestry.
- b. Accessory buildings for agricultural operations and non-commercial uses.
- c. Single-family dwellings

SECTION 3.03 CONDITIONAL USES

All conditional uses are subject to the provisions of this article and article XIII. Conditional uses include but are not limited to:

- a. Churches
- b. Sanitary & Demolition Landfills
- c. Quarries
- d. Asphalt/Concrete Plants
- e. Camp sites
- f. Veterinarian facilities
- g. Temporary “echo” housing
- h. Public and Riding stables
- i. Private detention facilities
- j. Communication towers – greater than 150 feet in height

SECTION 3.04 BUILDING REQUIREMENTS

None specified.

SECTION 3.05 LOT AND YARD REQUIREMENTS

The following minimum requirements shall apply for all structures, except for those buildings used for agricultural operations, primary single-family dwellings and accessory buildings for non-commercial uses.

- a. Lot Area – Three (3) acres, exclusive of public right-of-way.
- b. Lot Width – Two hundred (200) feet at right-of-way.
- c. Lot Depth – Two hundred (200) feet.
- d. Front Yard – Twenty-five (25) feet from right-of-way.
- e. Rear Yard – Twenty-five (25) feet.
- f. Side Yard – Twenty-five (25) feet.

ARTICLE IV
[RA – Rural Residential Zoning District]

SECTION 4.01 DESCRIPTION AND PURPOSE

It is the purpose of this zoning district to permit the subdivision and development of large lot residential neighborhoods in a rural environment where individual lot on-site sanitary sewage treatment is proposed.

SECTION 4.02 PERMITTED USES

- a. Agricultural operations, as defined, including the raising of crops, livestock, orchards and forestry.
- b. Accessory buildings for agricultural operations and non-commercial uses.
- c. Single-family dwellings
- d. Churches
- e. Day care homes

SECTION 4.03 CONDITIONAL USES

All conditional uses are subject to the provisions of this article and article XIII. Conditional uses include but are not limited to:

- a. Group homes
- b. Residential care facilities
- c. Temporary “echo” housing
- d. Communication towers – greater than 150 feet in height.

SECTION 4.04 BUILDING REQUIREMENTS

None specified.

SECTION 4.05 LOT AND YARD REQUIREMENTS

The following minimum requirements shall apply for all structures, except for those buildings used for agricultural operations, primary single-family dwellings and accessory buildings for non-commercial uses.

- f. Lot Area – Three (3) acres, exclusive of public right-of-way.
- g. Lot Width – Two hundred (200) feet at right-of-way.
- h. Lot Depth – Two hundred (200) feet.
- i. Front Yard – Twenty-five (25) feet from right-of-way.
- j. Rear Yard – Twenty-five (25) feet.
- k. Side Yard – Twenty-five (25) feet.

ARTICLE V
[RS – Single Family Residential Zoning District]

SECTION 5.01 DESCRIPTION AND PURPOSE

It is the purpose of this zoning district to permit the subdivision and development of residential neighborhoods in a higher density environment where a shared sanitary sewage treatment is proposed.

SECTION 5.02 PERMITTED USES

- a. Agricultural operations, as defined, including the raising of crops, livestock, orchards and forestry.
- b. Accessory buildings for agricultural operations and non-commercial uses.
- c. Single-family dwellings
- d. Churches
- e. Day care homes

SECTION 5.03 CONDITIONAL USES

All conditional uses are subject to the provisions of this article and article XIII. Conditional uses include but are not limited to:

- a. Group homes
- b. Residential care facilities
- c. Temporary “echo” housing

SECTION 5.04 BUILDING REQUIREMENTS

No building shall exceed thirty-five (35) feet in height, except for those buildings used for agricultural operations and churches.

SECTION 5.05 LOT AND YARD REQUIREMENTS

The following minimum requirements shall apply for all structures, except for those buildings used for agricultural operations, primary single-family dwellings and accessory buildings for non-commercial uses.

- a. Lot Area – Twenty-one thousand, five-hundred (21,500) square feet, exclusive of public right-of-way.
- b. Lot Width – One hundred (100) feet at right-of-way.
- c. Lot Depth – One hundred (100) feet.
- d. Front Yard – Twenty-five (25) feet from right-of-way.
- e. Rear Yard – Twenty-five (25) feet.
- f. Side Yard – Twenty (20) feet.

SECTION 5.06 MAXIMUM LOT COVERAGE

None specified.

ARTICLE VI
[RM – Multi Family Residential Zoning District]

SECTION 6.01 DESCRIPTION AND PURPOSE

It is the purpose of this zoning district to permit the subdivision and development of medium density multiple family housing.

SECTION 6.02 PERMITTED USES

- a. Agricultural operations, as defined, including the raising of crops, livestock, orchards and forestry.
- b. Accessory buildings for agricultural operations and non-commercial uses.
- c. Single-family dwellings
- d. Multiple family dwellings
- e. Churches
- f. Day care homes

SECTION 6.03 CONDITIONAL USES

All conditional uses are subject to the provisions of this article and article XIII. Conditional uses include but are not limited to:

- a. Group homes
- b. Residential care facilities

SECTION 6.04 BUILDING REQUIREMENTS

None specified.

SECTION 6.05 LOT AND YARD REQUIREMENTS

The following minimum requirements shall apply for all structures, except for those buildings used for agricultural operations, primary single-family dwellings and accessory buildings for non-commercial uses.

- a. Lot Area – one (1) acre
- b. Area per dwelling unit – three thousand (3,000) square feet
- c. Lot Width – One hundred (100) feet at right-of-way.
- d. Lot Depth – none specified
- e. Front Yard – Twenty-five (25) feet from right-of-way.
- f. Rear Yard – Twenty percent (20%) of lot depth. Need not be greater than twenty (20) feet.
- g. Side Yard – Ten (10) feet.

SECTION 6.06 MAXIMUM LOT COVERAGE

None specified.

ARTICLE VII
[CO – Commercial Zoning District]

SECTION 7.01 DESCRIPTION AND PURPOSE

It is the purpose of this zoning district to permit development of commercial business operations serving highway traffic and frequently recurring retail and service needs of residents.

SECTION 7.02 PERMITTED USES

- a. Agricultural operations, as defined, including the raising of crops, livestock, orchards and forestry.
- b. Accessory buildings for agricultural operations.
- c. Churches
- d. Retail and service business
- e. Restaurants and taverns
- f. Offices
- g. Hotels and motels
- h. General commercial operations

SECTION 7.03 CONDITIONAL USES

All conditional uses are subject to the provisions of this article and article XIII. Conditional uses include but are not limited to:

- a. Adult entertainment facilities

SECTION 7.04 BUILDING REQUIREMENTS

None specified.

SECTION 7.05 SITE DEVELOPMENT STANDARDS

The following minimum standards shall apply for all development:

- a. Where the property is across the street from any residential zone or any agricultural zone designated for residential use on the Future Land Use Map, the parking and loading facilities shall be at a distance of at least twenty (20) feet from the public right-of-way, except where such public right-of-way is one hundred (100) feet or more.
- b. Where the property has a common boundary line with a residential zone or any agricultural zone designated for residential use on the Future Land Use Map, the property shall have erected and maintained a view-obscuring wall, fence or coniferous hedge not less than five (5) feet in height.
- c. All operations conducted on the property shall not constitute a nuisance by reason of smoke, fumes, odor, steam, gases, vibrations, noise, hazards or other causes, beyond the property lines.
- d. The drive approaches to the property shall be constructed and maintained to County standards, and the locations of each drive approach shall be approved by the County and the operating authority of the adjacent public right-of-way.

ARTICLE VIII
[IN – Industrial Zoning District]

SECTION 8.01 DESCRIPTION AND PURPOSE

It is the purpose of this zoning district to permit development of industrial operations and industrial parks.

SECTION 8.02 PERMITTED USES

- a. Agricultural operations, as defined, including the raising of crops, livestock, orchards and forestry.
- b. Accessory buildings for agricultural operations and non-commercial uses.
- c. Manufacturing and fabrication
- d. Printing and publishing
- e. Offices
- f. Warehousing
- g. Restaurants and taverns
- h. General industrial operations

SECTION 8.03 CONDITIONAL USES

All conditional uses are subject to the provisions of this article and article XIII.

SECTION 8.04 BUILDING REQUIREMENTS

None specified.

SECTION 8.05 SITE DEVELOPMENT STANDARDS

The following minimum standards shall apply for all development:

- e. Where the property is across the street from any residential zone or any agricultural zone designated for residential use on the Future Land Use Map, the parking and loading facilities shall be at a distance of at least twenty (20) feet from the public right-of-way, except where such public right-of-way is one hundred (100) feet or more.
- f. Where the property has a common boundary line with a residential zone or any agricultural zone designated for residential use on the Future Land Use Map, the property shall have erected and maintained a view-obscuring wall, fence or coniferous hedge not less than five (5) feet in height.
- g. All operations conducted on the property shall not constitute a nuisance by reason of smoke, fumes, odor, steam, gases, vibrations, noise, hazards or other causes, beyond the property lines.
- h. The drive approaches to the property shall be constructed and maintained to County standards, and the locations of each drive approach shall be approved by the County and the operating authority of the adjacent public right-of-way.

ARTICLE IX
[FP – Flood Plain Zoning District]

SECTION 9.01 DESCRIPTION AND PURPOSE

The purpose of the FP-Flood Plain Zoning District is to guide development away from the floodway and floodway fringe areas of identified water course that flood flow, and to minimize the hazards, inconvenience and expense to the individual property owners and the general public through flooding occurrences. The FP Zoning District overlays the underlying land use zoning district as established on the Official Zoning Map.

SECTION 9.02 REGULATION

Regulations governing use, development and building activity within the FP-Flood Plain Zoning District are established by the Johnson County Floodplain Management Ordinance.

ARTICLE X
[General Provisions]

SECTION 10.01 DESCRIPTION AND PURPOSE

The provisions of this article are of general application for the various buildings and uses to one or more of the designated zoning districts.

SECTION 10.02 OFF-STREET PARKING & LOADING STANDARDS

- a. No building or structure shall be constructed or its use changed unless permanently maintained off-street parking and loading facilities have been provided in accordance with the provisions of these regulations.
- b. All buildings and uses shall provide sufficient off-street parking and loading facilities to support their operation.
- c. Minimum Parking Space Requirements –
 - i. Residential: Single- or Two-Family – two (2) per unit
Multi Family – one and one-half (1 ½) per unit
 - ii. Commercial: one (1) per 500 square feet
 - iii. Industrial: one (1) per 1,000 square feet
- d. All required parking shall be under the same ownership as the building or use that it serves, except through special covenant or parking use agreement approved by the Planning and Zoning Commission.
- e. Off-street parking and loading facilities shall be set back a minimum of five (5) feet from all property lines.
- f. All parking and loading facilities shall be improved with a minimum of eight (8) inches of compacted gravel.
- g. All parking and loading facilities shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways. The Planning and Zoning Commission may require a drainage report to confirm appropriate stormwater drainage plans.
- h. Any lights used to illuminate parking and loading facilities shall be so arranged as to reflect light away from the adjoining property and public right-of-way.

- i. All parking and loading facilities shall be designed in such a manner that any vehicle leaving or entering the site shall be traveling in a forward motion.
- j. Two (2) or more non-residential uses may jointly provide and use parking facilities when their hours of operation do not normally overlap, subject to approval of the Planning and Zoning Commission.
- k. Parking and loading facility standards may be modified by the Planning and Zoning Commission through a Conditional Use Permit.

SECTION 10.03 HOME OCCUPATIONS

The home occupation section permits the operation of small-scale business operations from the home.

- a. Standards –
 - i. The occupation or professions is conducted in the home by a member of the family residing on the premises.
 - ii. There are no more than four (4) outside paid employees.
 - iii. The building retains the characteristics of a residence.
 - iv. There are not more than four (4) outside visitors or clients per hour, on average.
 - v. The occupation or profession maintains the residential character of the neighborhood.
 - vi. The occupation or profession holds a valid operating license or permit from any applicable local, state or federal agencies.
 - vii. Signage – One unlighted sign is permitted on the premise of the occupation said sign not more than twenty (20) square feet in area.

SECTION 10.04 BED & BREAKFAST HOMES

Bed and Breakfast (B&B) Homes may be operated in any single-family home under the following standards:

- a. Standards –
 - i. The B&B shall be owned and operated by the occupant of the home.
 - ii. There shall be no more than four (4) rooms available for rent. Additional rooms may be authorized through a conditional use permit.
 - iii. The B&B maintains the residential character of the neighborhood.
 - iv. The B&B holds a valid operating license or permit from any applicable local, state or federal agencies
 - v. Signage – One unlighted sign is permitted on the premise of the B&B said sign not more than twenty (20) square feet in area.
 - vi. Operation of a B&B in an accessory building may be authorized through a conditional use permit.

ARTICLE XI
[Administration]

SECTION 11.01 OFFICE OF ZONING ADMINISTRATOR

There is hereby established in Johnson County, Missouri, the office of Zoning Administrator that shall be under the jurisdiction of the County Commission. The Zoning

Administrator shall be the officer charged with the administration and enforcement of the Zoning Regulations of Johnson County, Missouri. The Zoning Administrator shall be appointed by the County Commission with advice from the Planning and Zoning Commission.

SECTION 11.02 FEES

Zoning Regulations/Map Amendment/CUP -	\$150.00
Variance/Appeal -	\$150.00
Subdivision: preliminary plat -	\$150.00
Subdivision: final plat -	\$200.00 + \$50 per page

SECTION 11.03 PENALTIES

Following investigation and administrative due process, any violation of any provision of these regulations shall be deemed a misdemeanor and that each day's violation shall constitute a separate offense. The County Commission shall have the authority to maintain suits or actions in any court of competent jurisdiction to enforce these regulations and to abate nuisances maintained in violation thereof.

ARTICLE XII
[Planning and Zoning Commission]

SECTION 12.01 PLANNING AND ZONING COMMISSION

There is hereby created a "Planning and Zoning Commission" to perform in administration of these regulations with the powers and duties set out herein. The Commission shall consist of one resident from each township of the county who resides in the unincorporated area of the township. Voters in each township of the unincorporated area of the county shall elect one member from each township to be a member of the Commission. The terms of the elected members of the Commission shall be four (4) years; except that the terms shall be overlapping and one-half of the members first elected shall be elected for two-year terms and the remaining members shall be elected for four-year terms. The county highway engineer shall be an *ex officio* member of the Commission and shall serve only for the duration of the engineer's tenure of official position. Vacancies may be filled by appointment by the County Commission for the unexpired term only.

The Commission shall elect a chair at the first meeting of the calendar year to serve for such year until a new chair is elected. The Commission may create and adopt rules for the transaction of its business and shall keep a public record of its resolutions, transactions, findings and recommendations.

SECTION 12.02 AUTHORITY AND JURISDICTION

The Commission shall have all powers granted a county planning commission appointed pursuant to Sections 64.510 to 64.695 RsMO.

ARTICLE XIII
[Board of Zoning Adjustment]

SECTION 13.01 BOARD OF ZONING ADJUSTMENT

There is hereby created a “Board of Zoning Adjustment” to perform in administration of this resolution with the powers and duties set out herein. Members of the Board shall be appointed by the County Commission. The Board shall consist of five residents of the county, who reside in the unincorporated area of the county and not more than one may be a member of the county Planning and Zoning Commission. The membership of the first board appointed shall serve respectively: One for one year, one for two years, one for three years, two for four year. Thereafter members shall be appointed for terms of four years each. Members of the Board shall be removable for cause by the County Commission upon written charges and after public hearings. Vacancies shall be filled by the County Commission for the unexpired term of any member whose term becomes vacant.

The Board shall elect a chair at the first meeting of the calendar year to serve for such year until a new chair is elected. The Commission may create and adopt rules for the transaction of its business, consistent with the zoning regulations and Sections 64.510 to 64.695 RsMO, and shall keep a public record of its resolutions, transactions, findings and recommendations.

SECTION 13.02 AUTHORITY AND JURISDICTION

The chairman of the Board or in his or her absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public and minutes shall be kept of all proceedings and official actions, which minutes shall be filed in the office of the Board and shall be a public record.

The Board shall have the following powers and it shall be its duty:

- a. To hear and decide all matters referred to it under the authority of these regulations.
- b. Where, by reason of exceptional narrowness, shallowness, shape of topography or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of the zoning regulations would result in peculiar and exceptional difficulties to or exceptional and demonstrable undue hardship upon the owner of the property as an unreasonable deprivation of use as distinguished from the mere grant of privilege, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the demonstrable difficulties or hardships, provided the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zoning regulations.

In exercising the above powers, the Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the officer from whom the appeal is taken.

SECTION 13.03 VARIANCES

The Board may grant, in specific cases, variances from the terms of these regulations that will not be contrary to the public interest where, owing to special conditions, a literal enforcement

of the provisions of these regulations would result in unnecessary hardship. No non-conforming use of lands, structures or buildings in the same or other district shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where the strict application of the provisions of these regulations would result in unnecessary hardship.

SECTION 13.04 APPEALS

Appeals to the Board may be taken by any owner, lessee or tenant of land, or by a public officer, department, board or bureau, affected by a decision of the Zoning Administrator in administering these regulations. Such appeals shall be taken within thirty (30) days after a decision has been made by filing an application for appeal with the Zoning Administrator.

An appeal shall stay on legal proceedings in furtherance of the action appealed from unless, after the application for appeal has been filed with the Zoning Administrator, that by reason of facts stated in the certificate of stay would cause imminent peril to life or property.

SECTION 13.05 APPLICATION AND HEARING

- A. Application for an appeal or variance shall be made by the owner or lessee or authorized agent of the affected property on a form prescribed by the Zoning Administrator.
- B. An appeal or variance shall not be granted by the Board unless the Board makes specific findings of fact based directly on the particular evidence presented to it which support conclusions that the case meets the standards of conditions of Section 13.02.
- C. Upon receipt of an application, the Board shall select a reasonable time and place for the hearing. Public notice of the time, place, date and subject of the hearing shall be published once in the official newspaper at least fifteen (15) days prior to the date of the hearing. A copy of the public notice shall be mailed via certified mail to the applicant and the owners of record of land located within 1,000 feet of the property that is the subject of the hearing. Failure to receive such notice shall not invalidate any subsequent action taken.
- D. Any interested party may appear and be heard at the hearing in person, by agent or by legal counsel.
- E. The Board shall have the authority to affirm, reverse, all or part, or modify any order, requirement or decisions appealed to it. The Board shall also have the authority to provide variances from the provisions of these regulations in the following instances:
 - 1. To vary the applicable lot area, lot width and lot depth requirements.
 - 2. To vary the applicable bulk regulations, including maximum height, lot coverage and minimum yard requirements.
 - 3. To vary the applicable off-street parking and off-street loading requirements.
- F. The Board shall not grant a variance unless it shall, in each case, make specific findings of fact directly based upon the particular evidence presented that support conclusions that:
 - 1. The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zoning district, and is not created by an action or actions of the property owner or applicant.

2. The granting of the variance will not adversely affect the rights of adjacent property owners or residents.
 3. The strict application of the provisions of these regulations from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
 4. The variance requested will not adversely affect the public health, safety, morals or general welfare and general intent of these regulations.
- G. The Board shall not grant a variance that will permit any use not permitted by these regulations in the subject district.
- H. In granting a variance, the Board may impose such conditions and requirements upon the property benefiting from the variance as may be necessary to comply with the standards of these regulations to reduce or minimize any potentially injurious effect of such variance upon other property in the surrounding area, and to carry out the general purpose and intent of these regulations.
- I. No variance granted by the Board shall be valid for a period longer than 180 days from the date of approval unless within such time period the activity or project that is subject to the variance is commenced.

ARTICLE XIV
[Conditional Use Permit]

SECTION 14.01 DESCRIPTION AND PURPOSE

It is recognized that certain types of uses require special consideration prior to their being permitted in a particular district. The reasons for requiring such special consideration involve the nature, size and character of the use, potential impact on surrounding properties and uses and impact on the development of the county as a whole.

All uses permitted conditionally are declared to be possessing such unique and special characteristics as to make impractical their being included as permitted uses in any of the various districts herein defined. The authority for the location and operation thereof shall be subject to review and the issuance of a Conditional Use Permit by the Planning and Zoning Commission. The purpose of review shall be to determine that the characteristics of any such use shall not be reasonably incompatible with the type of uses permitted in surrounding areas and for the further purpose of stipulating such conditions as may be reasonable so that the basic purposes of these regulations shall be served. Nothing in this section shall be construed to require the granting of a Conditional Use Permit.

SECTION 14.02 APPLICATION

Application for a conditional use permit shall be made by the owner or lessee or authorized agent of the affected property on a form prescribed by the Zoning Administrator.

SECTION 14.03 CRITERIA

A conditional use permit may be granted only if the proposal conforms to all the following general criteria:

- A. That the location, size, design and operating characteristics of the proposed use will be compatible with and will not adversely affect the livability or appropriate

development of abutting properties and the surrounding neighborhood, with consideration to be given to the harmony in scale, bulk, coverage and density, and to the availability of public facilities, utilities; to the potential detrimental effect, if any, upon desirable neighborhood character, the generation of traffic and the capacity of surrounding streets, and to any other relevant impact of the development.

- B. That the location, size, design and operating characteristics of the proposed use will provide a convenient and functional living, working, shopping or civic environment, and will be as attractive as the nature of the use and its location and setting warrants.
- C. That the proposed use will enhance the successful operation of the surrounding area in its basic community functions or will provide an essential service to the community or region.

SECTION 14.04 PROCEDURE

Upon receipt of an application, the Commission shall select a reasonable time and place for the hearing. Public notice of the time, place, date and subject of the hearing shall be published once in the official newspaper at least fifteen (15) days prior to the date of the hearing. A copy of the public notice shall be mailed via certified mail to the applicant and the owners of record of land located within 1,000 feet of the property that is the subject of the hearing. Failure to receive such notice shall not invalidate any subsequent action taken.

The Commission shall hold a public hearing and shall determine whether the proposal conforms to the general criteria set forth in Section 14.03 and may grant or deny the application for the conditional use permit or require such changes or impose such reasonable conditions of approval as are in its judgment necessary to ensure conformity with said criteria. The action by the Commission shall be by the simple majority of the members present. The minutes of the Commission shall state the reasons for the decision relative to the general criteria in Section 14.03. The decision of the Commission shall become final fifteen (15) days following the decision unless it is appealed to the Board of Zoning Adjustment in accordance with Section 13.02 and related sections.

SECTION 14.05 REVOCATION

In the event of a violation of any of the provisions of these regulations or in the event of a failure to comply with any prescribed conditions of approval, the Commission may, after notice and hearing in the same manner as prescribed for a conditional use permit application, revoke any conditional use permit.

SECTION 14.06 APPEAL

Any decision of the Commission in regards to a conditional use permit may be appealed to the Board of Zoning Adjustment in accordance with Section 13.02 and related sections.

ARTICLE XV **[Amendment]**

SECTION 15.01 GENERAL PROVISIONS

Whenever the public necessity, convenience or general welfare require, the County Commission may, by resolution and following receipt of recommendation thereon from the

Planning and Zoning Commission and subject to the procedures provided by these regulations and state statutes, amend, supplement, change or repeal these regulations.

SECTION 15.02 INITIATION OF ZONING AMENDMENT

Amendments to these regulations may be initiated in one of the following ways:

1. By adoption of a motion by the Planning and Zoning Commission
2. By adoption of a motion by the County Commission
3. By the filing of an application by the owner of record of subject property to be affected, or in the case of text amendments not specifically affecting a single property by any resident of voting age of the County.

SECTION 15.03 APPLICATION

Application for an amendment shall be made on a form prescribed by the Zoning Administrator.

SECTION 15.04 PLANNING AND ZONING COMMISSION PROCEDURE

All application for amendment shall first be considered by the Planning and Zoning Commission in a public hearing.

Upon receipt of an application, the Commission shall select a reasonable time and place for the hearing. Public notice of the time, place, date and subject of the hearing shall be published once in the official newspaper at least fifteen (15) days prior to the date of the hearing. If the proposed amendment would modify zoning district boundaries, a copy of the public notice shall be mailed via certified mail to the applicant and the owners of record of land located within 1,000 feet of the property that is the subject of the hearing. Failure to receive such notice shall not invalidate any subsequent action taken.

The Commission shall hold a public hearing and provide opportunity for public comment both in favor and against the application. The action by the Commission shall be by the simple majority of the members present. A vote either in favor or in opposition to the proposed amendment by a majority of the Commission members present shall constitute a recommendation of the Commission to the County Commission. If a majority of the Commission members present do not vote either in favor or in opposition to the proposed amendment, this constitutes a "failure to recommend".

SECTION 15.05 RECOMMENDATION

Within fifteen (15) days after the close of the public hearing on a proposed amendment, the Planning and Zoning Commission shall submit a report summarizing the Commission's actions to the County Commission. The report submitted to the County Commission shall be accompanied by a copy of the minutes of the Commission related to the proposed amendment.

SECTION 15.06 CRITERIA

When a proposed amendment would result in a change in the text of these regulations, the Planning and Zoning Commission and County Commission shall make a determination as to:

1. Whether the proposed amendment is consistent with the intent and purpose of these regulations.
2. Whether the proposed amendment is made necessary because of changed or changing conditions in the zoning districts affected and, if so, the nature of such changes or changing conditions.

When a proposed amendment would result in a change of the zoning classification of any specific property (a change to the Official Zoning Map), the Planning and Zoning Commission and County Commission shall make a determination as to:

1. Whether the proposed amendment is consistent with the intent and purpose of these regulations and consistent with the Comprehensive Plan.
2. Whether every use that would be permitted on the specific property reclassified would be compatible with the existing surrounding land uses.
3. Whether adequate public facilities and services, and public safety services exist or can be provided to serve the uses that would be permitted on the specific property reclassified.
4. Whether the proposed amendment would correct an error in the application of these regulations as applied to the subject property.
5. Whether the proposed amendment is made necessary because of the change or changing conditions in the area affected, and if so, the nature of such change or changing conditions.

SECTION 15.07 COUNTY COMMISSION PROCEDURE

Following submission of a report and recommendation from the Planning and Zoning Commission, the County Commission may either accept the recommendation or refer the application back to the Planning and Zoning Commission for further consideration and report. In such case, the Planning and Zoning Commission shall conduct a second public hearing and reconsider the application in the same manner as prescribed in Section 15.04. Upon receipt of a second report and recommendation from the Planning and Zoning Commission, the County Commission may either approve or disapprove the application by resolution.

SECTION 15.08 PROTEST

In case of a written protest against the proposed zoning of any land lying within one and one-half (1½) miles of the corporate limits of any municipality having in effect an ordinance zoning property within the corporate limits of such municipality is made by resolution of the city council or board of trustees thereof and filed with the County Commission, the County Commission shall not adopt the proposed zoning of such land except by record vote of all members and after a statement of the reasons for such action shall be stated in its minutes or records.

In case of written protest against any proposed change or amendment, signed and acknowledged by the owners of thirty percent of the frontage within one thousand (1,000) feet to the right or left of the frontage proposed to be changed, or by the owners of thirty percent of the frontage directly opposite, or directly in the rear of the frontage proposed to be altered, such amendment may not be passed except by the favorable vote of two-thirds of all the members of the County Commission.

SECTION 15.09 CHANGE OF OFFICIAL ZONING MAP

The amending resolution shall describe the change of boundary to be amended and shall order the Official Zoning Map changed to reflect the amendment and shall amend the section of these regulations originally incorporating the same and shall reincorporate the Official Zoning Map as amended.

SUBDIVISION REGULATIONS

ARTICLE XVI
[General Provisions]

SECTION 16.01 AUTHORITY

This resolution is adopted pursuant to the authority granted by the Missouri state statutes and following an election where the majority of votes cast in the county were in favor of adopting the Johnson County Comprehensive Plan, Zoning Regulations of Johnson County, Missouri and the Subdivision Regulations of Johnson County, Missouri.

SECTION 16.02 SEPARABILITY CLAUSE

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole or any part other than the part so declared to be unconstitutional or invalid.

SECTION 16.03 JURISDICTION

These regulations shall apply to the subdividing of land within the unincorporated territory of Johnson County, Missouri.

SECTION 16.04 PURPOSE

The purpose of these regulations is to promote the public health, safety and general welfare of the County, and to provide for:

1. The proper location and width of streets, building lines, open spaces, safety and recreation.
2. The avoidance of congestion of population, including minimum width and area of lots.
3. The extent to which and the manner in which streets shall be graded and improved.
4. The extent to which water, sewer and other utility services shall be provided to protect the public health and general welfare.
5. The manner in and form of making and filing of any subdivision plat.

ARTICLE XVII
[Subdivision Procedure]

SECTION 17.01 SUBDIVISION APPROVAL REQUIRED

Any person desiring to create a subdivision as herein defined shall submit all necessary applications to the County. No final plat shall be filed in the office of the County Recorder of Deeds until the plat has been approved by the Planning and Zoning Commission and County

Commission. No lots shall be sold until the plat has been recorded in the office of the County Recorder of Deeds.

The subdivision standards shall not apply in cases of:

- A. An adjustment of lot lines as shown on a recorded plat which does not reduce the area, frontage, width, depth or building setback lines of each building site below the minimum zoning requirements, and does not change the original number of lots in any block of the recorded plat.
- B. An allocation of land in the settlement of an estate of a decedent or a court decree for the redistribution of property.
- C. The acquisition of right-of-way for public purposes.
- D. The exchange or sale of land for the purpose of straightening property boundaries that does not result in the change of the current land use.
- E. Sales or transfer of land provided all new tracts shall contain a minimum of forty (40) acres. From the adoption date of these Regulations, any tract of land may be divided once into no more than two (2) tracts, which may be less than forty (40) acres in size, provided each new tract shall comply with the minimum lot size for the zoning district in which it is located.

SECTION 17.02 PRELIMINARY PLAT

- 1. Application – The subdivider shall file with the Administrator a complete subdivision application form and preliminary plat data as required in these regulations.
- 2. Combined Preliminary and Final Plat – The applicant may request that the subdivision application be processed as both preliminary and final plat if all the following conditions are satisfied:
 - a. The proposed subdivision contains four (4) or less lots or all lots are twenty (20) or more acres.
 - b. No new street dedication or street improvement is involved.
 - c. No major special development considerations are involved, such as development in a flood hazard area.

Requests to combine both preliminary and final plat into a single application shall be acted upon by the Planning Commission.

- 3. Content of Preliminary Plat Application – The following items shall be submitted with a preliminary plat application:
 - a. Ten (10) copies of the preliminary plat of the proposed subdivision, sized twenty-four (24) inches by thirty-six (36) inches, drawn to a scale of not less than one (1) inch to one hundred (100) feet, with the date of drafting and a northerly arrow.
 - b. A written application on a form prescribed by the Administrator.

4. Requirements of Preliminary Plats – The following shall be shown on the preliminary plat or shall be submitted as exhibits:
 - a. The name of the proposed subdivision
 - b. The names, addresses and telephone numbers of the applicant(s) and the licensed engineer, surveyor or landscape architect who prepared the plat.
 - c. The legal description of the proposed subdivision.
 - d. A statement of intended use of the proposed subdivision and specific reference to secondary uses including but not limited to parks, open spaces, churches, schools and other public uses.
 - e. A sketch map of the entire development area, if the proposed subdivision is a portion of a larger land holding intended for subsequent development.
 - f. A vicinity map showing the relationship of the proposed subdivision to the surrounding area.
 - g. The existing land use and zoning of the proposed subdivision.
 - h. Interior and adjacent streets, street names, and rights-of-way.
 - i. Lot lines and blocks and associated dimensions.
 - j. Five (5) foot contour lines.
 - k. A site report from the health department where on-site sanitary sewage disposal systems are proposed.
 - l. All existing and proposed water, sanitary sewer, and stormwater drainage improvements.
 - m. All existing and proposed public and private easements.
 - n. A statement as to whether a variance will be requested with respect to any provision of these regulations.
 - o. Potable water source

5. Administrative Review – Upon receipt of the application and all other required data as provided in these regulations, the Administrator shall certify formal acceptance of the application by affixing the date of application acceptance thereon. The Administrator shall refer the preliminary plat and application to affected agencies and jurisdictions for the opportunity for their review and comment.

6. Planning and Zoning Commission Review – Within thirty (30) days of formal acceptance of the application, the preliminary plat shall be considered by the Commission. In consideration of the application, the Commission shall consider the following:
 - a. The conformance of the subdivision with the Comprehensive Plan.
 - b. The availability of public services to accommodate the proposed subdivision.
 - c. The public financial capability of supporting services for the proposed development.
 - d. The effect on the public health, safety and general environment.

The Commission may approve, approve conditionally or disapprove the application. The action and reasons shall be stated in writing and provided to the applicant.

7. County Commission Review – When a preliminary plat has been approved or approved conditionally by the Planning and Zoning Commission, the preliminary plat shall be forwarded to the County Commission for their information and record along with the written record of the Planning and Zoning Commission consideration.

8. Approval Period – Failure to file a final plat application within one (1) year following Planning and Zoning Commission approval shall cause all approval of said preliminary plat to be void, unless an extension of time is applied for by the applicant and granted by the Planning and Zoning Commission. In the event of subsequent phases of a preliminary plat, such final plat applications of various phases within successive intervals of one (1) year may be considered for final plat approval without re-application for preliminary plat consideration.

SECTION 17.03 FINAL PLAT

After approval or conditional approval of a preliminary plat, the applicant may proceed with final plat application.

1. Application – The subdivider shall file with the Administrator a complete subdivision application form and final plat data as required in these regulations.
2. Content of Final Plat Application – The following items shall be submitted with a preliminary plat application:
 - a. Ten (10) copies of the final plat of the proposed subdivision, sized twenty-four (24) inches by thirty-six (36) inches, drawn to a scale of not less than one (1) inch to one hundred (100) feet, with the date of drafting and a northerly arrow.
 - b. One (1) copy of the final plat of the proposed subdivision on mylar film.
 - c. One (1) digital copy of the final plat and all public works plans of the proposed subdivision on in a digital format as prescribed by the Administrator.
 - d. A written application on a form prescribed by the Administrator.
 - e. Three (3) copies of all public works plans for all proposed public infrastructure improvements, including plans for any common or shared sanitary sewage disposal system.
3. Requirements of Final Plats – The following shall be shown on the final plat or shall be submitted as exhibits:
 - a. The name of the proposed subdivision
 - b. The names, addresses and telephone numbers of the applicant(s) and the licensed engineer, surveyor or landscape architect who prepared the plat.
 - c. The legal description of the proposed subdivision.
 - d. Point of beginning of the subdivision description tied to at least two (2) government survey corners or recorded monuments.
 - e. Location and description of monuments.
 - f. Tract boundary lines, property lines, lot lines, street right-of-way and center lines, other rights-of-way and easements; all with accurate dimensions, bearings in degrees and minutes and radii, central angles, tangents and chord lengths of all curves.
 - g. Names and locations of adjoining subdivisions.
 - h. The location, dimension and purpose of all easements.
 - i. The blocks and lots numbered consecutively.
 - j. The outline of any property, other than rights-of-way or easements, offered for dedication for public use and the intended use.
 - k. A title block that shall include the name of the subdivision, name of Johnson County, Missouri, and description of the subdivision referenced to section, township and range.
 - l. Scale, north arrow and date.

- m. Certification by licensed engineer or surveyor who prepared the plat.
 - n. Certification of owner including dedication of all public rights-of-way and public parcels, and all easements.
 - o. Certification of Planning and Zoning Commission.
 - p. Certification of County Engineer or Highway Supervisor.
 - q. Certification of County Commission and County Clerk.
 - r. Filing information as required by the County Recorder of Deeds.
4. Administrative Review – Upon receipt of the application and all other required data as provided in these regulations, the Administrator shall certify formal acceptance of the application by affixing the date of application acceptance thereon. The Administrator shall refer the final plat and application to affected agencies and jurisdictions for the opportunity for their review and comment.
5. Planning and Zoning Commission Review – Within thirty (30) days of formal acceptance of the application, the final plat shall be considered by the Commission. In consideration of the application, the Commission shall consider the following:
- a. The conformance of the final plat with the approved preliminary plat
 - b. The conformance of the final plat with these regulations and all other County technical specifications and design criteria.
 - c. The conformance of the final plat with the standards and criteria of other public agencies requiring approval for any public or health elements of the subdivision.
- The Commission may approve, approve conditionally or disapprove the application. The action and reasons shall be stated in writing and provided to the applicant.
6. County Commission Review – When a final plat has been approved or approved conditionally by the Planning and Zoning Commission, the final plat shall be forwarded to the County Commission for their consideration along with the written record of the Planning and Zoning Commission consideration. The County Commission may approve, approve conditionally or disapprove the application.
7. Final Plat Recording – Following County Commission approval of the final plat application, the final plat shall be filed with the County Recorder of Deeds within one (1) year, otherwise such approval by the County Commission and Planning and Zoning Commission shall become void, unless an extension of time is applied for by the applicant and granted by the Planning and Zoning Commission

ARTICLE XVIII
[Design Standards and Technical Specifications]

SECTION 18.01 MINIMUM DESIGN STANDARDS

All plats submitted pursuant to the provisions of these regulations, and all subdivision improvements and facilities constructed, shall comply with the minimum design standards set forth in these regulations or referenced herein.

SECTION 18.02 TECHNICAL SPECIFICATIONS

Improvements in all new subdivisions shall comply with the Policies and Specifications for Roads & Bridges in the County Road System, Johnson County, Missouri.

SECTION 18.03 EASEMENTS

Unobstructed utility easements shall be provided along front lot lines, rear lot lines and side lot lines where deemed necessary by the County. Total easement width shall not be less than twenty (20) feet. Other easements as necessary to support development and provision of public services to the subdivision may be required by the County.

ARTICLE XIX
[Improvement Standards]

SECTION 19.01 PUBLIC IMPROVEMENTS

Improvements in all new subdivisions shall comply with the Policies and Specifications for Roads & Bridges in the County Road System, Johnson County, Missouri.

SECTION 19.02 GUARANTEE OF COMPLETION OF IMPROVEMENTS

Guarantee of completion of improvements shall be dictated in the Policies and Specifications for Road & Bridges of the County Road System, Johnson County, Missouri.

SECTION 19.03 PUBLIC SERVICES

- a. Public Water Supply – Water for human consumption shall comply with County Health Department and Missouri Department of Natural Resource standards. Subdivisions may be served by public or private supply sources provided they comply with county and state requirements.
- b. Sanitary Sewage Treatment – All subdivisions shall be served either by properly managed and operated sanitary sewage systems or approved on-site treatment systems and shall comply with County Health Department and Missouri Department of Natural Resources standards. Proposed methods of sanitary sewage treatment should be approved by the appropriate regulatory agencies prior to final plat approval.
- c. Fire Protection – All subdivisions shall provide adequate design width of development entrances to facilitate emergency vehicle access, and adequate fire suppression infrastructure related to the type of development proposed.

DEFINITIONS

ACCESSORY BUILDING: A detached subordinate building located on the lot occupied by the main building, the use of that is customarily associated to the main use of the property. A building housing an accessory use is considered an integral part of the main building, when it has any part of a wall in common with the main building, or is under an extension of the main roof and designed as an integral part of the main building.

ACCESSORY USE: Any use that is associated to and subordinate to the main use of the premises.

ADULT ENTERTAINMENT: A nightclub, bar, restaurant, or similar establishment in which persons appear in a state of nudity in the performance of their duties.

AGRICULTURE OPERATIONS: The raising of crops, livestock, orchards and forestry, including farm buildings or structures or the primary single-family house of the operator. Livestock shall include cattle, swine, ratite birds including but not limited to ostrich and emu, aquatic products as defined in Section 277.024 RSMo, llamas, alpaca, buffalo, elk documented as obtained from a legal source and not from the wild and raised in confinement for human consumption or animal husbandry, goats and poultry, and equine.

AGRICULTURE AND FARM BUILDINGS AND STRUCTURES: Any building or structure which is necessary or incidental to the normal conduct of an agricultural operation. Including but not limited to, the residence of the operator, barns, buildings and sheds for housing livestock, poultry and farm machinery, buildings for the storage or shelter of grain, hay and other crops, silos, mills and water storage tanks.

ALTERATION: Any addition, removal, extension or change in the location of any exterior wall of a main building or accessory building.

APARTMENT: A room or a suite of rooms within an apartment house arranged, intended or designed as a place of residence of a single family or group of individuals living together as a single housekeeping unit.

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

APPEAL: A request made to the Board of Zoning Adjustment to review an unfavorable decision of the Zoning Administrator or the Planning and Zoning Commission concerning the application of the Zoning Regulations.

BLOCK: A piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the Zoning Administrator shall determine the outline of the block.

BUILDABLE AREA: That area of a parcel or lot within which a structure can be constructed without conflicting with any requirements established by these regulations.

BUILDING: An enclosed structure, anchored to a permanent foundation, and having exterior walls and a roof, designed for the shelter of persons, animals or property. When divided by other common or continuous walls, each portion or section of such building shall be regarded as a separate building, except that two (2) buildings connected by a breezeway shall be deemed as one (1) building.

CAMPGROUND (CAMPSITE): An area of land, whereupon, camping trailers, campers and similar vacation vehicles are housed on a temporary basis and used exclusively by such camping vehicles.

DAY CARE HOMES: An establishment used for the purpose of a day nursery, nursery school, day school, kindergarten (not connected with a school as defined herein) or similar use which constitutes the normal care of physically and mentally sound children. Any day care facility caring for four (4) or less children shall be termed a Day Care Center. All Child Care Homes shall meet all requirements and specifications of the Missouri Division of Health or other State or local agencies having jurisdiction over Day Care Homes.

DISTRICT: A section or sections of the county specifically declared within which the regulations governing the use of buildings and premises are uniform.

DWELLING: A building or portion thereof, designed exclusively for permanent residential occupancy, including residential buildings, boarding and lodging houses, apartment houses, apartment hotels or mobile homes, but not motels or hotels, except that special provisions are required for mobile homes.

DWELLING, SINGLE-FAMILY: A building arranged, intended or designed for occupancy by one family.

DWELLING, TWO-FAMILY: A building arranged, intended or designed for occupancy by two families.

DWELLING, MULTIPLE FAMILY: A building arranged, intended or designed for occupancy by three or more families, including apartment houses, row houses, tenements and apartment hotels.

ECHO HOUSING (TEMPORARY): A secondary single-family dwelling temporarily located on a single tract of land already occupied by a primary single-family dwelling.

FAMILY: One (1) or more persons who are related by blood or marriage living together and occupying a single housekeeping unit with single kitchen facilities. Also a group of not more than five (5) (excluding servants) living together by joint agreement and occupying a single housekeeping unit with kitchen facilities, on a non-profit cost sharing basis.

GROSS FLOOR AREA: The sum of the gross horizontal areas of the several floors of a building, including interior balconies, mezzanines and accessory buildings. All horizontal dimensions are to be measured between the exterior faces of the building.

HEIGHT OF BUILDINGS: The vertical distance measured from the highest of the following three levels:

- a. The street curb level.
- b. The established or mean street grade in case the curb has not been constructed.
- c. The average finished ground level adjoining the building if it sets back from the street line.
- d. Then to the level of the highest point of the roof beams of flat roofs or roofs inclining not more than one (1) inch to the foot or to the mean height level of the top of the main plates and highest ridge of other roofs.

HOME OCCUPATION: Any use customarily conducted entirely upon the premises which is clearly incidental and secondary to the use of the premises for dwelling purposes and this use

neither changes the character thereof nor adversely affects the uses permitted in the district of which it is part. No signs can be displayed, except as permitted in the Zoning Regulations, No loud, unnecessary or unusual noise may be created that annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others.

HOTEL (MOTEL): A building or group of buildings occupied or used as a more or less temporary abiding place of individuals or groups of individuals who are lodged, with or without meals, and in which there are five (5) or more sleeping rooms.

JUNK YARD: A lot, land, or structure, or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal, or discarded material. Or for the collecting, dismantling, storage and salvaging of two (2) or more machines or vehicles, not in running order, and for the sale of parts thereof.

KENNEL (Commercial): Any place where eight (8) or more dogs or cats over four (4) months of age are confined, boarded, bred, held for sale, sheltered as strays. Such confinements shall not be closer than two hundred (200) feet to any lot line or four hundred (400) feet from any dwelling not located on premises.

LOT: A parcel of land occupied or to be occupied by one (1) main building or group of buildings, and the accessory buildings or uses customarily incidental thereto, including such open spaces as are required under these regulations and having its principal frontage upon a public or private street.

LOT, CORNER: A lot abutting upon two (2) or more streets at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension.

LOT, THROUGH: An interior lot having frontage on two (2) streets.

LOT IN SEPARATE OWNERSHIP AT THE TIME OF THE PASSAGE OF THESE REGULATIONS: A lot whose boundary lines, along their entire length, abuts land under other ownership as shown by plat or deed. Recorded in the office of the Recorder of Johnson County on or before the date of the adoption of these regulations.

LOT LINES: The lines bounding a lot as defined herein.

LOT LINES, FRONT: The boundary between a lot and the street on which it fronts.

LOT LINE, REAR: The boundary line that is opposite and most distant from the front street line.

LOT LINE, SIDE: Any lot boundary line not a front or rear line thereof. A side line may border on a road, street, alley or adjacent lot line.

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

LOT WIDTH: The horizontal distance between side lines, measured at the front of the building line.

MANUFACTURED HOME: A manufactured, replaceable living unit, (excluding vacation vehicles and dwellings assembled from two (2) or more major components at the point of placement), permitted in all districts where single-family dwellings are permitted, provided they are placed on permanent foundations.

MOTOR VEHICLES REPAIR SHOP: A building or a portion of a building arranged, intended or designed to be used for making repairs to motor vehicles.

NONCONFORMING USE: The use of any building or premises which was lawfully used at the time of the effective date of this regulation but which does not conform with the regulations and requirements of the Zoning Regulations.

NURSING HOME: A licensed dwelling where persons are housed or lodged and furnished with professional nursing and convalescent care for a fee.

PARCEL: All contiguous land (including lots and parts of lots) held in one- ownership.

PARKING AREA, PUBLIC OR CUSTOMER: An area other than a private parking area, street or alley used for parking of automobiles and available for public or semi-public use.

PARKING SPACE: A surfaced area of private or public property, either within or outside a building, suitable in size or location to store one (1) standard automobile.

PERSON: One or more individuals, partnership, associations, corporations, legal representatives, trustees or receivers. It also includes, but is not limited to, any owner, employee, or lending institutions, and includes all political subdivisions and agencies of the County and any commission, authority, board or other instrumentality of government.

PLAT: A map, plan or layout of a city, township, section or subdivision indicating the location and boundaries of individual properties.

PREMISES: A parcel together with all buildings and structures thereon.

SANITARY LANDFILL: A type of operation in which garbage and/or refuse is deposited by a plan on a specified portion of land, is compacted by force applied by mechanical equipment and covered by suitable covering material and meets the regulations set forth by the Missouri State Division of Health.

SETBACK - LINE, BUILDING: The distance extending across the full width of a lot, the depth of which shall be measured between the front line of the building and the property line of the street right of way.

SIGN: Words, numerals, figures, devices, designs or trademarks used to identify or call attention to an individual, profession, firm, business or commodity, which are visible from any public street or from the air.

STABLE, PRIVATE: An accessory building for the keeping of horses, ponies, mules or cows owned by occupant of the premises, and not kept for remuneration, hire or sale.

STABLE, PUBLIC: A stable other than a private or riding stable as defined herein.

STABLE, RIDING: A structure in which horses or ponies, used exclusively for pleasure riding or driving, are housed, boarded or kept for remuneration, hire or sale.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

STORY, HALF: A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

STREET: That area of land platted and dedicated for public use, or lawfully used as a public thoroughfare for vehicular travel, excluding from this definition access ways commonly designated as alleys.

STREET LINES: A dividing line between a lot, tract or parcel of land and a continuous street.

STRUCTURE: Anything fabricated, assembled, constructed or erected by the skills of man, the use of which requires more or less permanent location on the ground or attached to something having permanent location on the ground, including but not limited to, buildings, signs, poles and fences.

STRUCTURE ALTERATIONS: Any change in the supporting members of a building such as bearing walls or partitions, columns, beams or girders, or substantial change in the roof or in the exterior walls.

SUBDIVISION: The division of a parcel of land into two or more parts or the division of an original lot into two or more parts. THIS DEFINITION SHALL NOT APPLY TO:

- F. An adjustment of lot lines as shown on a recorded plat which does not reduce the area, frontage, width, depth or building setback lines of each building site below the minimum zoning requirements, and does not change the original number of lots in any block of the recorded plat.
- G. An allocation of land in the settlement of an estate of a decedent or a court decree for the redistribution of property.
- H. The acquisition of right-of-way for public purposes.
- I. The exchange or sale of land for the purpose of straightening property boundaries that does not result in the change of the current land use.
- J. Sales or transfer of land provided all new tracts shall contain a minimum of forty (40) acres. From the adoption date of these Regulations, any tract of land may be divided once into no more than two (2) tracts, which may be less than forty (40) acres in size, provided each new tract shall comply with the minimum lot size for the zoning district in which it is located.

USE: The specific purpose for which land or a building is designed, arranged or intended, or for that it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

VARIANCE: Relief from or variation of the provisions of these regulations, other than Use Regulations, as applied to a specific piece of property, as distinct from rezoning as further set out hereinafter in Powers and Duties of the Board of Zoning Adjustment.

VETERINARIAN FACILITY: An establishment where a Doctor of Veterinary Medicine admits animals principally for examination and treatment. Boarding of animals shall be limited to that necessary for the treatment of sick animals. This does not include open kennels or runs.

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. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the main building shall be used. Where lots abut a street that is designated a thoroughfare on the Major Street Plan, all yards abutting said thoroughfare shall be measured from a line one-half the proposed right of way width from the centerline, or from the lot line, whichever provides the least setback.

YARD, FRONT: A yard across the full width of the lot extending from the front line of the main building to the front line of the lot.

YARD, REAR: A yard between the rear lot line and the rear line of the main building and the side lot lines.

YARD SIDE: A yard between the main building and the adjacent side line of the lot, extending entirely from a front yard to the rear yard.

ZONING AMENDMENT: A change or revision of the Zoning Regulations or map.

ZONING ADMINISTRATOR: The individual appointed to administer the Zoning Regulations.

ZONING REGULATIONS: The text of the zoning process which describes the terms and conditions of the zoning within the unincorporated portion of Johnson County.