

# OFFICIAL ZONING & SUBDIVISION REGULATIONS

## JOHNSON COUNTY, MISSOURI

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***11/18/08***

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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

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### 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. Landfills
- c. Quarries
- d. Asphalt/Concrete Plants
- e. Camp sites
- f. Veterinarian facilities
- g. Temporary “echo” housing

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**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

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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.

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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

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

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.

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**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

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**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.

**SECTION 9.02 REGULATION**

Regulations governing use, development and building activity within the FP-Flood Plain Zoning District are established by County Resolution No. \_\_\_\_ (title).

**ARTICLE X**  
**[General Provisions]**

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**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 two (2) outside paid employees.
  - iii. The building retains the characteristics of a residence.

- iv. There are not more than two (2) outside visitors or clients per hour.
- 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.

SECTION 10.04 MISCELLANEOUS USES

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**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 -	\$_____
Variance/Appeal -	\$_____
Subdivision: preliminary plat -	\$_____ + \$___ per lot
Subdivision: final plat -	\$_____ + \$___ per lot

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]**

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**11/18/08**

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* ~~but not more than two shall be residents of the incorporated areas 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 which is subject to the variance is commenced.

**ARTICLE XIV**  
**[Conditional Use Permit]**

<p><b><i>DRAFT</i></b>  <b><i>11/18/08</i></b></p>
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**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]

**DRAFT**  
**11/18/08**

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”. The minutes of the Commission shall state the reasons for the decision relative to the general criteria in Section\_\_\_\_\_.

#### 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 spread upon it 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]**

***DRAFT***  
***11/18/08***

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:

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

**ARTICLE XVII**  
**[Subdivision Procedure]**

**DRAFT**  
**11/18/08**

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.

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

<p><b><i>DRAFT</i></b>  <b><i>11/18/08</i></b></p>
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**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

***DEFINITIONS***