

ARTICLE 1.
GENERAL PROVISIONS
ZONING AND SUBDIVISIONS REGULATIONS

Section 1. TITLE:

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

Section 2. AUTHORITY:

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

Section 3. JURISDICTION:

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

Section 4. PURPOSES:

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

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

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

Section 5. RELATIONSHIP TO COMPREHENSIVE PLAN:

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

Section 6. RELATIONSHIP TO ADOPTED DEVELOPMENT STANDARDS:

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

Section 7. SEVERABILITY:

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

Section 8. RELATIONSHIP TO PREVIOUS REGULATIONS; EFFECTIVE DATE:

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

Section 9. ADMINISTRATIVE STANDARDS:

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

Section 10. VESTED RIGHTS:

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

Section 11. MEANING OF TITLES AND SUBTITLES:

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