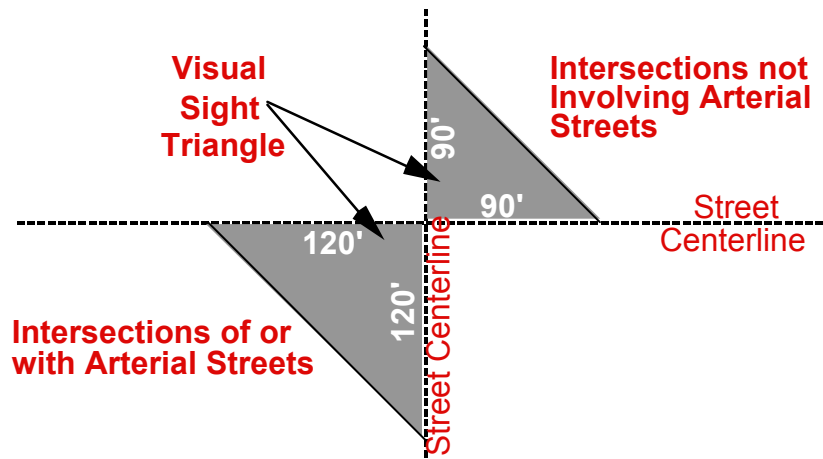


ARTICLE 17.
SUPPLEMENTARY HEIGHT, AREA, AND BULK REGULATIONS

Section 1. VISUAL SIGHT TRIANGLE:

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow to significantly impede vision at an intersection. For purposes of this Section, visual obstructions more than fourteen (14) inches in horizontal dimension below ten (10) feet in height and above two (2) feet in height measured above the elevation of the edge of the street driving surface at a point nearest the obstruction shall be deemed to significantly impede vision at an intersection. A visual sight triangle free of visual obstructions shall be provided and maintained on all corner lots. The visual sight triangle shall be bounded by the centerlines of the intersecting streets and points on the centerlines of each street and ninety (90) feet from the point of intersection of the street centerlines. At intersections of or with arterial streets, the 90-foot distance shall be increased to one hundred twenty (120) feet. For example purposes, see the visual sight triangle diagram provided below:



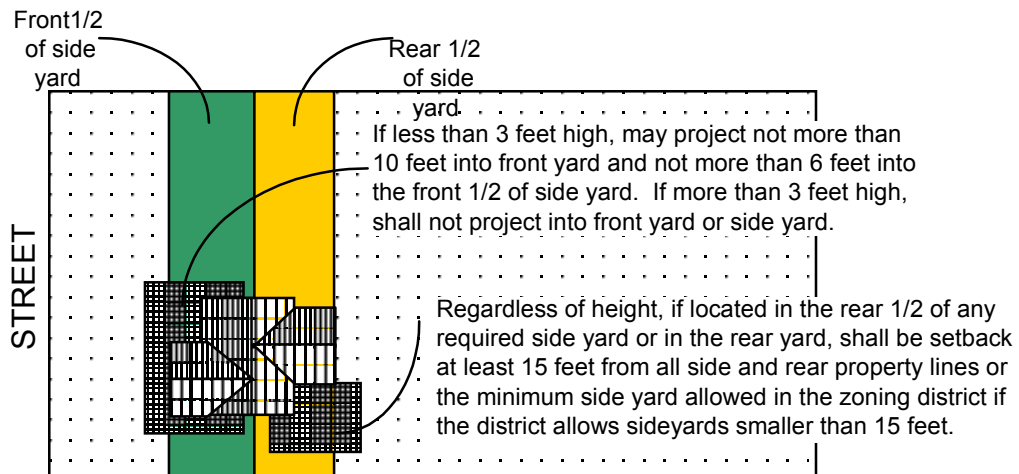
Section 2. DETERMINATION OF BUILDING SETBACK LINES:

The building setback line shall be determined by measuring the least horizontal distance between the property line and the nearest exterior wall of the existing or proposed building or structure. If the lot abuts a road, the setback line shall be measured from the lot line, road easement along the property, the right-of-way line, or the Official Street Line as adopted by the County, if applicable, whichever is nearest to the existing or proposed building or structure. If the lot abuts a private road in which there is not a road easement line, the setback line shall be measured from the lot line or a line twenty-five feet from the road centerline, whichever is nearest to the existing or proposed building or structure.

Section 3. ARCHITECTURAL PROJECTIONS:

- A. Open-walled, roofed structures such as porches, canopies, balconies, platforms, carports, covered patios, decks, and similar architectural projections attached or adjacent to a main structure or building shall be considered part of the building to which these features are appurtenances and shall not project into the required minimum front, side or rear yards.
- B. Open-walled, unroofed structures such as porches, balconies, platforms, decks and similar architectural projections attached or adjacent to a main structure or building:

1. If not more than three (3) feet in height above the average adjacent grade, shall not be considered part of the main structure or building to which they are appurtenances and may project not more than ten (10) feet into the required minimum front yard and may extend not more than six (6) feet into the front one-half (1/2) any required minimum side yard.
2. If more than three (3) feet above the average adjacent grade, shall be considered part of the main structure or building to which they are appurtenances and shall not project into the required minimum front yard or the front one-half (1/2) of any required minimum side yard.
3. Regardless of the height above the average adjacent grade, if located in the rear one-half (1/2) of any required side yard or in the rear yard, shall not be considered part of the main structure or building to which they are appurtenances and shall be setback at least fifteen (15) feet from all side and rear property lines or the minimum side yard allowed in the zoning district if the district allows sideyards smaller than 15 feet.
4. Regardless of the height above the average adjacent grade, if the structure is an integral part of a ramp for access to the main structure or building by the physically impaired, shall not be considered part of the main structure or building to which they are appurtenances and may extend into the inner one-half of required front, side and rear yards.



Section 4. EXCEPTIONS TO HEIGHT REGULATIONS:

- A. The height limitations contained in these regulations shall not apply to grain bins or similar agricultural facilities in the Rural District nor in any district to electrical power transmission lines, building-mounted appurtenances such as belfries, chimneys, cupolas, elevator head-houses, fire towers, ventilators, water tanks, antennas less than 60 feet in height used for domestic purposes (i.e., television or radio antennas for single family dwellings), or other appurtenances usually required to be placed above roof level and not used for human occupancy, except where the height of such appurtenant structures could constitute a hazard to the safe landing and take-off of aircraft at an established airport as provided in Article 21 of these regulations. Structures other than as indicated in this section, shall not exceed 60 feet in height unless approved by a Conditional Use Permit as provided in Article 23 of these regulations.
- B. Towers for wind-powered generators or pumps may be allowed and may extend above the height requirements in the district regulations if approved by a Conditional Use Permit as provided in Article 23 of these regulations.

C. Communication Antennas and Communication Towers:

1. Communication antennas and communication towers may be installed and maintained in all locations upon the subject real property other than in required front yards.
2. Communication towers shall be approved as a Conditional Use Permit as provided in Article 23 of these regulations, unless they satisfy the criteria allowing them to be approved by the following alternate procedure:
 - a. Administrative Approval of Communication Towers:
 - 1). Newly Constructed Communication Towers: Administrative approval of Newly Constructed Communication Towers which are proposed to be less than or equal to sixty (60) feet in height and which extend less than or equal to twenty (20) feet above the ridge elevation of a roof or structure if building or structure-mounted, shall be subject to and may receive the approval of the Zoning Administrator in accordance with Article 5, Section 5 of these regulations, unless otherwise specifically prohibited from such approval by the terms of an existing Conditional Use Permit, in which case approval may only be received by an amendment to the Conditional Use Permit. A lightning rod less than or equal to 10 feet in height shall be excluded from the height limitation.
 - 2). Modification or Replacement of Existing Communication Towers: Any legally existing communication tower may be relocated, replaced, and increased in height, subject to and with the approval of the Zoning Administrator in accordance with Article 5, Section 5 of these regulations, unless otherwise specifically prohibited from such approval by the terms of an existing conditional use permit, (in which case an amendment to the Conditional Use Permit shall be required) and provided that:
 - a). A replacement communication tower must be located within 100 feet of the base of the original tower, provided setback and easement requirements are satisfied (see paragraph “d” below). The original tower must be removed within 90 days of completion of construction of the replacement tower, at no cost to the County. The height of the replacement tower may be increased a maximum of 20 feet above the height of the original tower if setbacks and easement requirements are fully satisfied (see paragraph “d” below). A lightning rod less than or equal to 10 feet in height shall be excluded from the height limitation.
 - b). The height of an existing communication tower may be increased a maximum of 20 feet above the original height if setback and easement requirements are fully satisfied (see paragraph “d” below). A lightning rod less than or equal to 10 feet in height shall be excluded from the height limitation.
 - c). If waivers are granted from the requirements of Article 23, Section 6 (B)(4) of these regulations, in conjunction with an existing conditional use permit, then said waivers shall apply to the modification or replacement of an existing communication tower. However, if additional waivers are necessary, then an approved Conditional Use Permit in accordance with Article 23 of these regulations shall be required to modify or replace an existing communication tower.

- d). The setback and easement requirements of Article 23, Section 6 (B)(4)(a)(2) of these regulations shall apply to any modification or replacement of a communication tower as allowed within this subsection. If there is a change to the height or location of the tower, the setback area and easement requirements of the communication tower shall be determined by the revised location and height.
 - e). The Zoning Administrator shall grant only one administrative approval in accordance with Article 5, Section 5 of these regulations, to allow for the modification or replacement of an existing communication tower as provided in this subsection. Additional modifications or replacements of an existing communication tower will require an approved Conditional Use Permit in accordance with Article 23 of these regulations.
- 3). Associated equipment structures may also be permitted by administrative approval so long as they are screened from view and conform to the setback requirements of the zoning district.
3. Communication antennas, including associated antenna support structures, shall be approved as a Conditional Use Permit as provided in Article 23 of these regulations, unless they satisfy the criteria allowing them to be approved by the following alternate procedure:
- a. Administrative approval of communication antennas to be mounted on existing communication towers, water towers, or other structures:
 - 1). Communication antennas, and associated antenna support structures, may be attached to or incorporated within any legally existing communication tower, water tower, or other structure (such as a building, streetlight, or church steeple), and associated equipment structures may also be constructed on the site, unless specifically prohibited by the terms of an existing conditional use permit.
 - 2). The communication antenna and antenna support structures shall not be higher than twenty (20) feet above the ridge elevation of the structure. A lightning rod less than or equal to 10 feet in height shall be excluded from the height limitation.
 - 3). Administrative approval of the communication antennas, associated support structures, and associated equipment structures referred to in this subsection, shall be subject to and may receive the approval of the Zoning Administrator in accordance with Article 5, Section 5 of these regulations, unless otherwise specifically prohibited from such approval by the terms of an existing conditional use permit, in which case approval may only be received by an amendment to the Conditional Use Permit.
 - 4). Associated equipment structures may also be permitted by administrative approval for the roof or other areas of the property, and shall be screened from view and conform to the setback requirements of the zoning district.

Section 5. OFFICIAL STREET LINE:

Official Street Line: On all lots or tracts along all Major Arterial Streets and along all Minor Arterial Streets there shall be an Official Street Line for the future widening or opening of a street or road at sixty (60) feet from the section line, or half-section line, or centerline along all Major Arterial Streets and along all Minor Arterial Streets in unincorporated Johnson County as indicated in the Comprehensive Arterial Road Network Plan (CARNP). Required Yards abutting a CARNP-

designated Major Arterial Street or a Minor Arterial Street shall be measured from the Official Street Line, if applicable. (See the definition of “Yard, Required” in Article 2, Section 3 of these regulations for more information regarding the measurement of “Yards”.)

Section 6. MULTIPLE BUILDINGS ON SINGLE LOTS:

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

1. Conditions:

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

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

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

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

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

2. Any deviation from the conditions set forth in Subsection 6. B. (1), above, shall not be allowed unless the property owner first receives the approval of a Conditional Use Permit as provided in Article 23 of these Regulations.

Section 7. REAR YARDS:

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

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

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

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

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

A Nominal Lot Area.

B Single-wide units.

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

C Double-wide units.

D Maximum heights apply to residential structures only. No restriction for agricultural structures which comply with the airport Overlay Zone height restrictions.

E Two hundred (200) feet recommended in RUR and RLD, two hundred (200) feet required in PRUR for houses if the adjoining road does not have a dust free surface.

F The sum of both side yards shall be at least twenty-five (25) feet.

G Manufactured homes on adjoining lots shall be at least thirty (30) feet apart.

H In general, buildings and structures not larger than 200 square feet and detached garages must be at least 10 feet from property lines, or, if the building is taller than sixteen (16) feet, a distance at least equal to the building height or the minimum setback required for the zoning district in which the property is located must be provided.

I Fifty (50) feet required along public road rights-of-way.

J Recommended.

K See also Article 19, Off-Street Parking Requirements.

L Greater of 2 spaces per seat or 2 spaces per 100 square feet.

M 300 feet for lots larger than 4 acres.

N 150 feet for lots 4 acres.

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

