

**ARTICLE 16.  
SUPPLEMENTARY USE REGULATIONS**

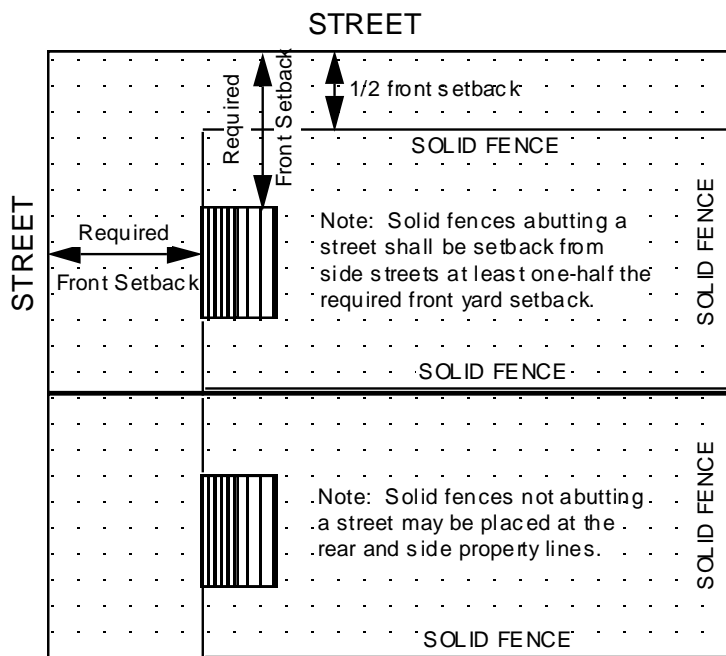
**Section 1. ACCESS TO RETAIL BUSINESS AND EMPLOYMENT CENTER DISTRICTS:**

Land which is located in any Residential District shall not be used for a driveway, or for vehicular access to any land which is located in any planned retail business or planned employment center district.

**Section 2. FENCES:**

Fences are allowed in all districts, and may be placed along property lines as provided for herein. Except as expressly allowed by other County codes and regulations, if any, the following restrictions shall apply to the construction of solid and see-through fences.

- A. Solid Fences: Shall mean fences obscuring more than fifty (50) percent of the view through the fence as observed on lines of sight perpendicular to the line of the fence.
  - 1. A solid fence shall not exceed six (6) feet in height measured from the adjacent ground elevation when constructed on lot lines, but may exceed six (6) feet, but not more than twelve (12) feet in height, if the fence is constructed within all building setback lines.
  - 2. A solid fence may be located in a required rear or side yard of any lot, except that a solid fence must not be in the front yard and must be setback from any street abutting any side or rear lot line a distance at least equal to one-half the required front yard setback, unless (i) such screening is required by these regulations or (ii) where approved as part of a development plan approval in any zoning district.



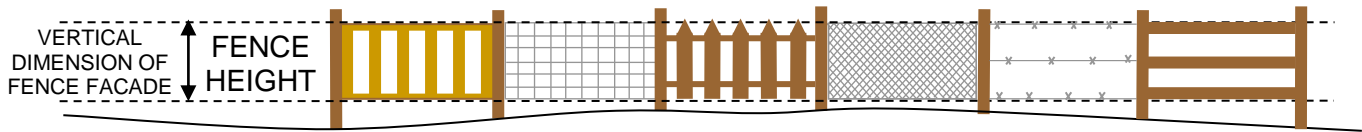
- B. See-through Fences: The term “see-through fences” shall mean fences obscuring fifty (50) percent or less of the view through the fence as observed on lines of sight perpendicular to the line of the fence.
1. In the Rural, Planned Rural, Residential, or Planned Residential Districts, except as set forth below in subparagraph 2(B)(2), see-through fences:
    - a. Constructed in or around the required front yard shall not exceed four (4) feet in height unless having first received preliminary and final development plan approval as provided in these regulations; and
    - b. Shall not be within the visual sight triangle of a street intersection as set forth in Article 17, Section (1).
  2. See-through ornamental-fences more than four (4) feet in height but not more than eight (8) feet in height may be constructed in or around required yards, including the front yard in any zoning district. See-through ornamental- fences shall:
    - a. Be at least 10 feet from any street right-of-way if the fence is more than six (6) feet in height;
    - b. Be outside the Official Street Line if located along an Arterial Street or, in the alternative, be designed and constructed to be easily moved or relocated;
    - c. Not be within the visual sight triangle of any intersection;
    - d. Be constructed of wrought iron, steel bar stock, wood, aluminum, or vinyl and not be constructed with chain link, expanded metal panels, prefabricated lattice panels, wire mesh, wire fabric, or other wire type fencing materials;
    - e. Have post tops that are not more than twenty-four (24) inches above the tops of the fence;
    - f. Have gate panels that are not more than ten (10) feet in height; and
    - g. Not be located in a utility easement.

See-through ornamental-fences not meeting the above criteria may be approved for construction in any zoning district, after having first received preliminary and final development plan approval as provided in these regulations.
  3. In any zoning district other than the Rural, Planned Rural, Residential, or Planned Residential Districts:
    - a. See-through fences shall not exceed six (6) feet in height when constructed in or around required front, side, or rear yards or portions thereof;
    - b. See-through fences may exceed six (6) feet, but not more than twelve (12) feet in height, when the fence complies with the building setback lines; and
    - c. See-through fences that would exceed twelve (12) feet in height may be approved for construction in any zoning district after having first received preliminary and final development plan approval as provided in these regulations.

C. General Provisions:

1. No fence constructed after March 1, 2007, shall be constructed or maintained in a manner which will constitute a traffic hazard.
2. No fence constructed after March 1, 2007, shall be constructed or maintained in such a manner, or be of such design that it is hazardous or dangerous to persons or animals whether due to structural instability, sharp edges, picket spacings, sizes of openings in the fence, or such other condition, as determined by the Director, to be hazardous or dangerous to persons or animals. Furthermore:
  - a. No fence shall be constructed of barbed wire or any other such damage inflicting material except when:
    - 1). Fencing land, in the Rural District, which is being used for agricultural purposes, even if the adjoining property is not also being used for agricultural purposes; or,
    - 2). Located along the top of a fence, at least six (6) feet above the ground, in any planned retail business or planned employment center districts.
  - b. Above ground electrical fences shall only be allowed in the Rural District.
3. No fence, except those:
  - a. Erected upon public or parochial school grounds;
  - b. In public parks;
  - c. In public playgrounds; or
  - d. On other public lands;shall be constructed to exceed twelve (12) feet in height, except, however, fences not meeting the above criteria may be approved for construction in any zoning district, after having first received preliminary and final development plan approval as provided in these regulations.
4. No visually opaque fence shall, under any circumstances, be constructed within the visual sight triangle of intersections. See Article 17, Section 1.
5. For purposes of emergency entrance, a gate or other access shall be provided to all yards that are totally enclosed by a fence exceeding four (4) feet in height.
6. Fences shall not restrict natural surface drainage nor be constructed to divert or channel storm water flow.
7. Fences not meeting the above criteria may be approved for construction in any zoning district, after having first received preliminary and final development plan approval as provided in these regulations.

8. Fence Height: The term “fence height” shall mean the maximum vertical dimension from the top of the fence facade to the bottom of the fence facade.



The bottom edge of the fence facade shall not be more than two (2) feet above the ground elevation.

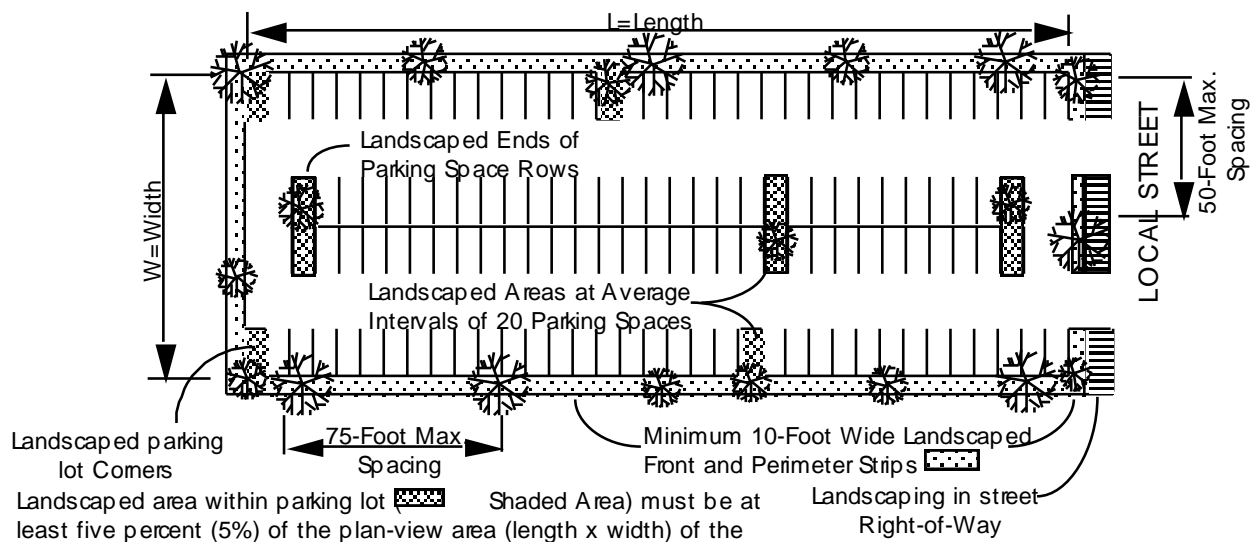
**D. Enclosures:**

1. In all Residential Districts and Planned Residential Districts, fenced enclosures shall be provided for swimming pools, outdoor whirlpool tubs and hot tubs with a depth of 18 inches or more, and the enclosures shall be subject to the following requirements:
  - a. All outdoor whirlpool tubs, hot tubs and swimming pools shall be completely enclosed as required by the applicable Johnson County Building Code. Such fence may enclose the entire yard or may enclose an area immediately around the use being fenced. This provision shall not apply to water tanks used for agricultural purposes.
  - b. All gates and doors opening through an enclosure shall be equipped with latches as required by the applicable Johnson County Building Code. The Building Codes Official may permit other protective devices or structures to be used so long as the degree of protection offered by the substitute device or structure is not less than the protection afforded herein.
2. In all Residential Districts and Planned Residential Districts, fenced enclosures shall be provided for dog pens or runs, and the enclosures shall be subject to the following requirements:
  - a. Dog pens or runs, when constructed, shall be enclosed by a fence of sufficient height and construction to contain the dog(s) at all times.

**Section 3. GENERAL SCREENING AND ENCLOSURE REQUIREMENTS:**

- A. Required Trash Enclosures: All trash, garbage collection or temporary storage areas for retail business, employment center and multi-family residential uses, shall be enclosed on at least three sides by a solid wall or fence at least four (4) feet high or at least as high as the container enclosed or inside a building or structure. Adequate vehicular access to and from such area(s) for collection or trash and garbage shall be provided. For purposes of this section, adequate vehicular access shall be provided if the access way is paved in a similar manner to the parking area and driveways and if the access is adequately dimensioned and unobstructed for safe and ready access.
- B. Required General Screening:
  1. Parking lots in required front yard or side yards abutting a street shall be visually buffered with decorative fences or walls, berms or other land forms with rounded slope intercepts, or landscape plantings shall be provided at least as follows:
    - a. Perimeter Landscaping: A 10-foot wide strip of landscaping shall be provided with at least one tree for every 50 feet of street frontage of the parking lot and at least one tree for every 75 feet of land not fronting on a street.

- b. Interior Landscaping for parking lots with 20 or more parking spaces:
- 1). At least 5% of the total plan-view area of the parking lot shall be landscaped.
  - 2). At least one tree shall be provided for each 300 square feet of that 5% of the total plan-view area (length times width) of the parking lot.
  - 3). The ends of parking space rows and the parking lot corner areas shall be landscaped. For example purposes, see drawing below.
  - 4). Landscaped areas at least equivalent to the area of one parking space shall be provided within parking space rows at average intervals of 20 parking spaces. For example purposes, see drawing below.



2. Screening of Mechanical Equipment:

- a. Ground Mounted: Mechanical equipment shall be screened from public view with a decorative or ornamental fence or wall constructed of materials similar to those used on the exterior front of the building or shall be screened from public view with dense landscape plantings. Berms or other land forms with rounded slope intercepts may be used to effect all or part of the screening.
  - b. Rooftop Mounted: Rooftop mounted mechanical, air conditioning, electrical, and satellite dish equipment shall be screened from ground and street level view by the arrangement or placement of the mechanical equipment, fencing, parapets, paint, or other design methods or materials commonly used on exterior walls.
3. Loading, storage and service areas for Planned Retail Business and Planned Employment Center uses shall be visually screened from view from residential properties with a decorative fence or wall, dense landscape plantings, or berms or other landforms with rounded slope intercepts. Such screening shall provide at least seventy-five percent (75%) visual screening of the loading and service area(s) as viewed from vantage points on lines perpendicular to the surfaces of the object(s) being screened.

4. All landscape plantings as shown on approved development plans shall be continuously maintained in sound, healthy condition. Failure to maintain the landscape plantings shall conflict with the approved development plan and shall be considered to be a violation of these regulations.

**Section 4. OPEN STORAGE:**

The outside storage of salvage or scrap materials, household goods or furniture, or business equipment or materials for more than forty-eight (48) consecutive hours shall not be allowed in any district, unless a conditional use permit for a salvage yard or demolition landfill has been approved for the property. This Section shall not apply to the storage of scrap materials on land which is legitimately being used for agricultural purposes, if:

- A. The materials are stored for purposes of maintaining, repairing, or fabricating agricultural equipment or agricultural facilities owned or operated by the property owner and utilized by the owner of the subject property; and
- B. The storage areas comply with the adopted health and sanitation regulations; and
- C. They are not visible from or are fully screened from view from any residential lot zoned or used for smaller than 3-acre residential lots. Such screening may be provided by a visually solid fence or wall, berms or other landforms with rounded slope intercepts, or similarly dense landscape plantings.

**Section 5. INOPERABLE MOTOR VEHICLES OR VEHICLE TRAILERS:**

- A. Intent: To prevent the repair, restoration, assembly, disassembly, storage or standing of any inoperable vehicle where it is visible from surrounding property or roads.
- B. A motor vehicle shall be determined to be inoperable either when it is disassembled or wrecked in part or in whole or is unable to move or it has not been moved under its own power within a continuous period of ten (10) days or more or for which the motor vehicle registration has been expired for six (6) months or more.
- C. Inoperable motor vehicles or vehicle trailers shall not be stored, nor shall they be allowed to stand, in any zoning district in any manner except as follows:
  1. In a legally established and conforming wrecking or salvage yard; or
  2. In a fully enclosed storage structure such as a garage or barn.

**Section 6. TEMPORARY USES:**

- A. Intent: It is the intent of the following regulations to provide for and govern the operation of certain transitory or seasonal uses.
- B. Permits for Temporary Uses: Applications for a temporary use permit shall be made to the Zoning Administrator at least ten (10) days prior to the starting date of the temporary use requested, and shall contain the following:
  1. The commonly known street address of the property to be used, rented or leased for the temporary use, including all information necessary to accurately describe the property and the proposed use; and

2. a description of the proposed use including dates and time schedules for the use; and
  3. the name, address, and phone number of the applicant and the property owner and the person(s) responsible for the use if different than the applicant; and
  4. a statement describing provisions which will be made for sanitation facilities, utility services, parking, traffic control, security, fire safety, medical emergency and first aid, noise control and clean up and restoration.
- C. General Requirements: Temporary use permits shall be issued by the Zoning Administrator, unless otherwise specified by these regulations. Said permit shall be issued only if the Zoning Administrator is satisfied that all the following criteria shall be met:
1. Adequate off-street parking shall be provided for customer vehicles outside the roadway area.
  2. Signs shall not be larger than ten (10) square feet and must comply with the sign regulation provisions of these regulations.
  3. Structures or product displays shall not be placed inside the visual sight triangle at intersections.
  4. Adequate sight distances and adequately dimensioned driveway aprons shall be available for vehicles entering and leaving the temporary use site.
  5. Noise, odor or light emissions from the site shall not present an interference with the enjoyment or use of the property or a hazard to adjoining properties or public ways. Artificial lighting shall not illuminate any nearby dwellings and sound from public address systems shall not exceed 60 dBA at the property line of residences.
  6. Adequate provision for sanitary waste and trash disposal shall be provided by the applicant. Trash, rubbish and debris shall be collected and temporarily stored in closed containers or shall be removed from the premises daily.
  7. Utility services provided shall comply with applicable building, electrical, plumbing, fire, safety, sanitation, public health and other codes, laws or regulations applicable to the use and shall be installed only under permits obtained as required by such codes.
  8. Upon expiration of the temporary use permit, the site shall be cleaned up and restored to its condition before the temporary use began.
  9. Any and all applicable provisions of the County's Code of Regulations for Special Events and Activities have been complied with.
- D. Specific Temporary Uses and Regulations:

The following are considered temporary uses and are subject to the ensuing specific regulations and time limits, in addition to the regulations of any zoning district in which they are located, unless otherwise expressly provided by Section 6 of this Article:

1. Christmas Tree Sales: A temporary use permit may be issued for the display and open-lot sale of Christmas trees for a period not to exceed forty-five (45) days. Display of Christmas trees need not comply with the yard and setback requirements of these regulations, provided that no structures or trees shall be placed within the visual sight triangle as provided in Article

17, Section 1 of these regulations. The site shall be cleaned and returned to its previous condition within two (2) weeks after Christmas.

2. Contractor's Office: A temporary use permit may be issued for a contractor's temporary office, watchperson's quarters, and equipment sheds incidental to a construction project. The office or shed shall not contain sleeping or cooking accommodations. The permit shall be valid while construction work is in progress for no more than one (1) year, but may be renewed. The office or shed shall be removed upon completion of the construction project or expiration and non-renewal of the permit, whichever occurs first. In the case of a road or other infrastructure project, such contractor's office may be located on an adjacent or nearby tract or parcel along the route.
3. Real Estate Project Sales Office: A temporary use permit may be issued for a temporary real estate sales office in any new subdivision which has been approved by the Board. The permit shall be valid for not more than one (1) year, but is renewable. The office shall be closed upon completion the development in the subdivision. The office shall contain no sleeping or cooking accommodations unless located in a model home.
4. Temporary Storage:
  - a. Cargo container, hauling trailer, similar enclosed box or temporary structure, whether on-wheels or off-wheels, may be placed on a tract or lot during construction on site. Construction is when a building permit has been issued.
  - b. One cargo container, hauling trailer or similar enclosed box, whether on-wheels or off-wheels, may be placed on a tract or lot not to exceed 60 days during a calendar year.
5. Temporary Manufactured Home: In accordance with Board of County Commissioner's Resolution 051-94, and any amendment thereto, if any, a temporary use permit may be issued for the temporary placement and occupancy of a manufactured home upon property used for residential purposes. The application for a temporary use permit for a manufactured home shall be in writing and shall at least state the name of the property owner, the address of the property, the emergency circumstances which necessitate a temporary use permit, and the manner in which the property owner will satisfy all applicable code requirements for habitation of the manufactured home, including but not limited to water hook-up, sanitary sewage disposal, and electrical power. The application shall be accompanied by payment of the temporary use permit fee as required by the BOCC. A certified statement that each and all owners of adjacent and abutting property have been notified of the intention to temporarily place and occupy a manufactured home on the property shall also accompany the application for the temporary use permit. Each application for a temporary use permit for a manufactured home shall be reviewed to determine whether the permit is warranted with respect to the following criteria:
  - a. The subject property is zoned for or has been occupied for residential uses;
  - b. The property contains at least three (3) acres or more;
  - c. The permanent residence on the property has been (i) damaged by fire, wind, flood or other natural disaster; (ii) resulting in the partial or total destruction of the permanent residence; and (iii) thereby making it uninhabitable;
  - d. The owner of the subject real property has applied for and obtained a building permit to allow for the repair or rebuilding of the permanent residence; and
  - e. The owners of adjacent and abutting properties have consented to the temporary use, or the manufactured home can be placed such that the impact upon other properties is minimal.

All temporary use permits which allow the placement of a manufactured home upon property shall be limited to a term not to exceed (i) the length of time necessary to allow for the repair



or rebuilding of the permanent residence; or (ii) the length of time necessary to allow for the property owner to apply for and seek, if granted, a conditional use permit for a manufactured home; whichever is less, but in no event shall the permit be issued for a term exceeding 180 days.

Each temporary use permit issued for a manufactured home shall contain printed terms and conditions requiring compliance with all applicable building, fire, and safety codes; and specifying the requirements deemed reasonably necessary to mitigate potential detrimental impacts to adjacent and abutting properties; and stating the expiration date for the term of the permit.

Any property owner who has applied for a temporary use permit as provided in this subsection, which has been denied by the Zoning Administrator, or such person's designee, may request, in writing, that the BOCC reconsider the decision of the Zoning Administrator, or such person's designee, and grant the permit. The BOCC may, with or without hearing, review the decision and either grant or deny the permit, under the requirements as provided in this subsection. The decision of the BOCC shall be final and not reviewable.

Any person who knowingly falsifies an application or any statement related to an application or who fails to fully comply with any permit issued as provided in this subsection or who fails to completely remove any manufactured home prior to the expiration of the permit shall be deemed to have committed a Class H Infraction as provided in Article 6 of these regulations.

E. Appeals:

Any applicant who is denied a temporary use permit may appeal the Zoning Administrator's decision to the Board of Zoning Appeals in accordance with Article 3, Section 5 of these regulations.

**Section 7. COMMUNICATION ANTENNAS AND COMMUNICATION TOWERS:**

Communication antennas and communication towers may be allowed in all districts, in accordance with the terms and requirements of these regulations, except in the Planned Adult Entertainment District (PAE).