

ORDINANCE NO. 08-24-23-01

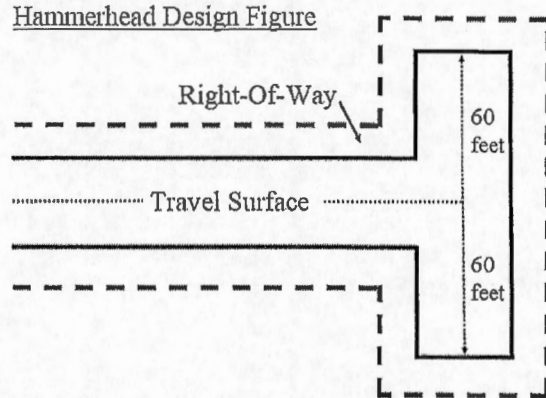
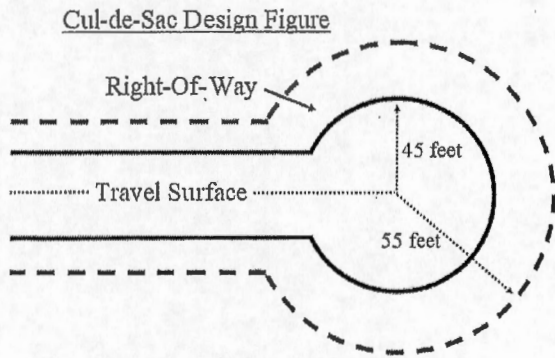
AN ORDINANCE AMENDING THE JOHNSON COUNTY UNIFIED DEVELOPMENT ORDINANCE TO UPDATE AND MODIFY CERTAIN DEFINITIONS AND REQUIREMENTS FOR SUBDIVISION REGULATIONS AND PERFORMANCE AGREEMENT CONTINGENCY REQUIREMENTS.

SECTION I. PURPOSE. The Purpose of this ordinance is to further the stated purpose to the Unified Development Ordinance for Johnson County by updating and modifying certain definitions and requirements for Subdivision Regulations and Performance Agreement contingency requirements.

SECTION II. AMENDMENTS.

- A. Article 8:1.27.B.12.b is hereby amended by replacing the number "10%" with the words "twenty-five percent (25%)".
- B. Article 8:1.27.F.2.a.iii is hereby amended by adding the words, "Future Development Outlots and Preservation Outlots shall not count towards the total number of lots." following the word "lots."
- C. Article 8:1.27.F.8 is hereby amended by adding a new subsection 8:1.27.F.8.e which reads as follows:
 - e. Final plats should substantially conform to the approved preliminary plat.
 - i. At the Zoning Administrator's discretion, a final plat may be submitted which differs from an approved preliminary plat. Said final plat may be reviewed by the Board of Supervisors without requiring a new public hearing and review by the Planning & Zoning Commission.
- D. Article 8:2.5.A.1 is hereby amended by adding the words "or combination" between the words "division" and "of".
- E. Article 8:2.5.E.2 is hereby amended by deleting subsections 8:2.5.E.2.b and 8:2.5.E.2.c in their entirety and replacing them with the following (said deletion does not include subsection 8:2.5.E.2.a):
 - b. The legal description or zoning classification of the parcel cannot be altered. Alteration of the legal description or zoning classification will end the exemption and require platting of the parcel.
 - c. Any cessation of the residential use for a period of more than one (1) year shall end the exemption. Once the exemption ends, unless the property was platted after December 31, 1976, in accordance with adopted subdivision regulations, no building permit may be issued for a primary structure until the property has been platted in accordance with this Chapter.
- F. Article 8:2.5.E is hereby amended by adding a new subsection 8:2.5.E.5 to read as follows:
 - 5. Approved Conditional Use Permit. The Zoning Administrator may issue building permits for primary structures where the Board of Adjustment has approved a Conditional Use Permit on a property which has not been platted after December 31, 1976 in accordance with adopted subdivision regulations.
- G. Article 8:2.5.F.3 is hereby amended by adding the words, "Future Development Outlots and Preservation Outlots shall not count towards the total number of lots." following the word "lots."
- H. Article 8:2.6.A.10 is hereby amended by adding the words "including proposed septic system locations," between the words "improvements," and "and".

- I. Article 8:2.6.A.11 is hereby amended by adding a new subsection 8:2.6.A.11.a which reads as follows:
- a. At the Zoning Administrator's discretion, easements for future private infrastructure serving no more than one (1) buildable lot may be excluded from the plat at the time of approval. The legal description of such easements shall be established and recorded by the lot owner(s) prior to issuance of a permanent Certificate of Occupancy for any structure(s) on the proposed lot(s).
- J. Article 8:2.6 is hereby amended by deleting section 8:2.6.B (said deletion does not include deletion of any of the subsections 8:2.6.B.1 through 8:2.6.B.15) and replacing it with the following:
- B. Final Plat Specifications.** Final plats should substantially conform to the approved preliminary plat, be drawn to the following standards, and shall contain the information outlined in this section. At the Zoning Administrator's discretion, a final plat may be submitted which differs from an approved preliminary plat. Said final plat application may be reviewed by the Board of Supervisors without requiring a new public hearing and review by the Planning & Zoning Commission.
- K. Article 8:2.6.B.10 is hereby amended by adding a new subsection 8:2.6.B.10.a which shall read as follows:
- a. At the Zoning Administrator's discretion easements for future private infrastructure serving no more than one (1) buildable lot may be excluded from the plat at the time of approval. The legal description of such easements shall be established and recorded by the lot owner(s) prior to issuance of a permanent Certificate of Occupancy for any structure(s) on the proposed lot(s).
- L. Article 8:2.7.J is hereby amended by adding a new subsection 8:2.7.J.1A which reads as follows:
- 1A. The Board shall not approve any subdivision that is accessed off of a Service Level B or Service Level C road.
- M. Article 8:2.7.J.2 is hereby amended by deleting subsection 8:2.7.J.2.a in its entirety.
- N. Article 8:2.7.J.4.a is hereby amended by replacing the numeral "8" with the numeral "10" in both places it appears within the formula provided.
- O. Article 8:2.7.J.4.c is hereby amended by replacing the words "eight (8)" with the words "ten (10)" between the words "create" and "vehicle".
- P. Article 8:2.7.J.4.d is hereby amended by replacing the words "eight (8)" with the words "ten (10)" between the words "create" and "vehicle".
- Q. Article 8:2.7.J.4.d.i is hereby amended by replacing the numeral "8" with the numeral "10" where it appears within the formula provided.
- R. Article 8:2.7.J.6 is hereby amended by adding the words "in this section with the exception of the standards listed in subsection 8:2.7.J.1A" following the word "Standards".
- S. Article 8:2.8.B.2.f is hereby amended by replacing the word "ten" with the word "fifteen".
- T. Article 8:2.8.D.2.a.ii is hereby amended by deleting the words, "or enter into a performance agreement, with financial assurance, with the County, agreeing to install the connection when the adjacent property is developed" following the word "line".
- U. Article 8:2.8.D.3 is hereby amended by adding the words "at the time of platting" between the words "road" and "is".
- V. Article 8:2.8.D.3 is hereby amended by deleting the graphical figure titled "Cul-de-Sac Design Figure" following subsection 8:2.8.D.3.c.i and replacing it with two figures as follows:



- W. Article 8:2.8.D.5.b is hereby amended by replacing the words “dwelling units” with the words “buildable lots”.
- X. Article 8:2.8.E.2 is hereby amended by adding the word "residential" between the words “in” and "subdivisions"; and by adding the words “as shown on either the preliminary or combined plat” between the words “lots” and “are”.
- Y. Article 8:2.8.E.2.b is hereby amended by adding “for Community Systems (CWS) as defined in Iowa Administrative Code 567 – Chapter 41” between the words “protocol” and “and”.
- Z. Article 8:2.8.E.2 is hereby amended by adding a new subsection 8:2.8.E.2.c, which reads as follows:
- c. All buildable lots created after the adoption of this ordinance in residential chain subdivisions shall be included to determine well testing requirements.

SECTION III. Repealer. All other ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV. Savings Clause. If any section, provision, or part of this ordinance shall be adjudged invalid, illegal, or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged, invalid, illegal or unconstitutional.

SECTION V. Effective Date. This ordinance shall be in effect after its final passage and publication as part of the proceeding of the Board of Supervisors.

Date of Publication: September 7th, 2023

Lisa Green-Douglass
 Lisa Green-Douglass, Chairperson
 Board of Supervisors

8/24/23
 Date

ATTEST:
Travis Weipert by
Erin Stone, Deputy Auditor
 Travis Weipert, Auditor
 Johnson County, Iowa