

ORDINANCE No. _____

**AN ORDINANCE AMENDING THE JOHNSON COUNTY UNIFIED DEVELOPMENT
ORDINANCE TO MODIFY DEFINITIONS AND REFERENCES, ALLOWED USES,
SUPPLEMENTAL, ADDITIONAL, SUBDIVISION, ENVIRONMENTAL, AND FLOODPLAIN
REGULATIONS, AND CLARIFY APPROVAL REQUIREMENTS AND PROCEDURES.**

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 adding certain definitions; modifying allowed uses in certain zoning districts; updating, adding, and clarifying certain supplemental conditions related to public utilities, utility scale solar, battery energy storage, data centers, mining reclamation, auxiliary dwelling units, and keeping of animals; updating and clarifying certain additional regulations related to downcast lighting, fences, retaining walls, and window wells; updating certain regulations related to approval standards for variances; updating and clarifying certain subdivision regulations and procedures related to plat expiration, lots in the SFHA, and road standards; updating and clarifying certain environmental regulations related to Renewable Energy rezoning, prairies, woodland and wetland mitigation, and applicability of stormwater regulations; updating certain floodplain regulations related to repetitive loss, effective maps, elevation datum, and permit expiration.

Section II. Amendments.

1. Article 8:1.3.C is hereby amended by adding the following as a new final sentence:
“Determinations granting exemption shall be valid for one (1) year from the date of the determination issuance. The applicant shall commence significant work on the dwelling or show significant investment in the construction project for the exempt home to be considered established prior to expiration.”
2. Article 8:1.4.B.15 is hereby amended by replacing the words “right-of-ways” with the words with the words “rights-of-way” between the words “or” and “including”.
3. Article 8:1.4.B is hereby amended by deleting subsection 8:1.4.B.25 in its entirety
4. Article 8:1.4.B is hereby amended by deleting subsection 8:1.4.B.26 in its entirety and replacing it with the following:

26. **Auxiliary Dwelling Unit.** An independent residential dwelling unit located on the same lot as a single family dwelling. Can be a standalone structure, be integrated within a detached accessory structure, or be interconnected with the primary single family dwelling. Auxiliary dwelling units have a separate kitchen, bathroom, and living space from the primary dwelling unit.
5. Article 8:1.4.B is hereby amended by adding a new subsection 8:1.4.B.66A which reads as follows:

66A. **Data Center.** A facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, systems, servers, appliances, and other associated components related to digital data storage and operations. Data Centers includes High Density Computing Facilities, including but not limited to commercial cryptocurrency mining operations and processing.
6. Article 8:1.4.B.170 is hereby amended by deleting the word “outdoor” in both places it occurs in this subsection.
7. Article 8:1.5.D is hereby amended by adding the words, “With the exception of requests to rezone to RE-Renewable Energy,” before the word “All”.
8. Article 8:1.6.B.6 is hereby amended by deleting the word, “attached”.

9. Article 8:1.6.C is hereby amended by deleting new subsection 8:1.6.C.2 in its entirety.
10. Article 8:1.6.C is hereby amended by adding a new subsection 8:1.6.C.10A which reads as follows:
 - 10A. Data Centers.
 - a. Limited to systems with a total use area of one (1) acre or less. Use area is defined in 8:1.24.H1.1.
11. Article 8:1.6.C is hereby amended by adding a new subsection 8:1.6.C.21A which reads as follows:
 - 21A. Pallet assembly, reconstruction, reconditioning, and recycling.
12. Article 8:1.6.M.2.b is hereby amended by replacing the words “20%” with the words “one (1) acre”.
13. Article 8:1.7.B.4 is hereby amended by deleting the word, “attached”.
14. Article 8:1.7.C is hereby amended by deleting new subsection 8:1.7.C.1 in its entirety.
15. Article 8:1.7.D is hereby amended by adding the words, “Legally established ADUs do not count towards the development density of the lot” to the third foot note under the table related to the development density column.
16. Article 8:1.8.B.7 is hereby amended by deleting the word, “attached”.
17. Article 8:1.8.C is hereby amended by deleting new subsection 8:1.8.C.1 in its entirety.
18. Article 8:1.9.B.1 is hereby amended by deleting the word, “attached”.
19. Article 8:1.9.C is hereby amended by deleting new subsection 8:1.9.C.1 in its entirety.
20. Article 8:1.9.D is hereby amended by adding the words, “Legally established ADUs do not count towards the development density of the lot” to the third foot note under the table related to the development density column.
21. Article 8:1.10.B.1 is hereby amended by deleting the word, “attached”.
22. Article 8:1.10.C is hereby amended by deleting new subsection 8:1.10.C.1 in its entirety.
23. Article 8:1.11.B.1 is hereby amended by deleting the word, “attached”.
24. Article 8:1.11.C is hereby amended by deleting new subsection 8:1.11.C.1 in its entirety.
25. Article 8:1.13 is hereby amended by deleting the word “outdoor” from the general introduction paragraph preceding subsection 8:1.13.A
26. Article 8:1.14.B.5 is hereby amended by adding the following words as a new final sentence: “Limited to one per parcel except where the property owner has obtained separate approval for additional dwelling units as allowed by this ordinance.”; and by adding a new subsection 8:1.14.B.5.a which read as follows:
 - a. Auxiliary Dwelling Units are allowed in the same manner as single family dwellings and are subject to Zoning Administrator Approval.
27. Article 8:1.15.B.6 is hereby amended by adding the following words as a new final sentence: “Limited to one per parcel except where the property owner has obtained separate approval for

additional dwelling units as allowed by this ordinance.”; and by adding a new subsection 8:1.15.B.6.a which read as follows:

- a. Auxiliary Dwelling Units are allowed in the same manner as single family dwellings and are subject to Zoning Administrator Approval.

28. Article 8:1.16.B.6 is hereby amended by deleting the word, “attached”.

29. Article 8:1.16.C is hereby amended by deleting new subsection 8:1.16.C.1 in its entirety.

30. Article 8:1.17.A is hereby amended by adding a new subsection 8:1.17.A.18A which reads as follows:

18A. Pallet assembly, reconstruction, reconditioning, and recycling.

31. Article 8:1.17.B.8 is hereby amended by adding the following words as a new final sentence: “Limited to one per parcel except where the property owner has obtained separate approval for additional dwelling units as allowed by this ordinance.”; and by adding a new subsection 8:1.17.B.8.a which read as follows:

- a. Auxiliary Dwelling Units are allowed in the same manner as single family dwellings and are subject to Zoning Administrator Approval.

32. Article 8:1.18.A is hereby amended by adding a new subsection 8:1.18.A.5A which reads as follows:

5A. Data Centers.

33. Article 8:1.18.D is hereby amended by deleting the contents of the 7th column in the 2nd row (under Maximum Height) and replacing it with, “50 feet”.

34. Article 8:1.19.A is hereby amended by deleting subsection 8:1.19.A.3 in its entirety and replacing it with the following:

3. Data Centers.

35. Article 8:1.19.D is hereby amended by deleting the contents of the 7th column in the 2nd row (under Maximum Height) and replacing it with, “50 feet”.

36. Article 8:1.24.A.2 is hereby amended by adding a new line to the RS section of the table. Said new line will be between the existing lines which read “Parcels of less than 2 acres” and “Additional per acre of each acre over 2” and will read as follows:

Minimum 2 acre parcel	2 AU	1 AU	0.4 AU
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37. Article 8:1.24 is hereby amended by deleting subsection 8:1.24.E in its entirety and replacing it with the following:

E. Auxiliary Dwelling Unit. Auxiliary dwelling units are accessory uses subject to Zoning Administrator Approval in the A, AR, SF, RS, RM, RC, C, CH, AG-T, and C-Ag districts and are subject to the following conditions:

1. A maximum of one (1) auxiliary dwelling unit may be permitted per property.
2. The auxiliary dwelling unit shall be located on the same lot or parcel as the primary dwelling unit.
3. The auxiliary dwelling unit shall meet the setback requirements of the primary dwelling unit and shall not cause the lot coverage requirement of the zone to be exceeded.

4. The net square footage of the auxiliary dwelling unit shall not exceed one thousand three hundred (1,300) square feet of net floor area, or fifty (50) percent of the gross floor area of the primary dwelling unit, whichever is greater.
 - a. Net floor area calculations do not include garages, uncovered decks, uninhabitable attics, and uninhabitable below-grade storage areas with ceiling height less than six (6) feet eight (8) inches.
 5. Auxiliary dwelling units may be utilized as Short Term Rentals as allowed by this ordinance.
 6. Auxiliary dwelling units shall comply with Building Code in Chapter 8:6
 - a. Where an auxiliary dwelling unit is attached to the primary structure, the units shall be interconnected with a lockable door, shall be supplied by a single (shared) electrical utility service, and shall contain interconnected smoke alarms where the actuation of one alarm will activate all of the alarms in both dwelling units.
 7. If a manufactured or mobile home is used as an auxiliary dwelling unit, it shall be converted to real property by being placed on a permanent foundation and assessed for real estate taxes pursuant to Iowa Code.
 8. Mobile Dwelling Units shall not be permitted as auxiliary dwelling units.
 9. Off-street parking shall be provided in accordance with subsection 8:1.25.
 10. Auxiliary dwelling units shall comply with all applicable federal, state, and local regulations.
38. Article 8:1.24.F.4 is hereby amended by replacing the words “ten (10)” with the words “twenty five (25)”.
39. Article 8:1.24 is hereby amended by adding a new subsection 8:1.24.H1 which read as follows:
- H1. Data Centers** Data Centers with a total use area of one (1) acre or less are conditionally permitted in the A - Agricultural district. Data Centers with a total use area of greater than one (1) acre are allowed as primary uses in the ML - Light Industrial and MH – Heavy Industrial districts. All Data Centers are subject to the following conditions regardless of use area size:
1. Use Area: For the purpose of administering this section, the “use area” shall include all areas associated with the Data Center, including, but not limited to, the furthest extent of fences, structures, stormwater infrastructure, parking, landscaping screening, or other areas used in association with the use as determined by the approving authority.
 - a. At the discretion of the Zoning Administrator, non-adjacent use areas located within one-half (0.5) miles may be considered cumulative when determining whether approval requires a Conditional Use Permit or rezoning approval.
 2. Structures. All Data Center production equipment (computers, servers, etc) shall be enclosed with a structure or structures that shall comply with Building Code requirements in Chapter 8:6. Said structure(s) shall be converted to real property by being placed on a permanent foundation and assessed for real estate taxes pursuant to section 435.26 of Iowa Code.

3. **Setbacks.** All structures used for Data Centers operations shall be setback a minimum of two hundred (200) feet from all property lines and five hundred (500) feet from occupied structures.
4. **Site Plan.** Operations in the A-Agricultural district shall require a Site Plan Review approved by the Zoning Administrator in accordance with the provisions of subsection 8:1.26 prior to obtaining a building permit.
5. **Power Provision.** Prior to the issuance of a building permit, the applicant shall provide written verification from their proposed power provider that the applicant has calculated the maximum potential electrical consumption of the proposed use and has verified the utility supply equipment and related electrical infrastructure is sufficiently sized to safely accommodate the proposed use during the power provider's peak consumption hours.
 - a. **On-Site Power Supply:** Any power generated on-site shall be generated by renewable power generation sources.
6. **Power and Communication Lines.** On-site power and communication lines between on-site system(s) shall be placed underground to the extent feasible and as permitted by the servicing utility. The main service connection at the utility company right-of-way, and any new interconnection equipment, may be located above ground.
 - a. Power and communication lines running from the on-site system(s) to interconnections with structures off-site shall be buried underground to the extent feasible and as permitted by the serving utility.
7. **Noise.** The one- (1) hour average noise generated from Data Center operations, including, but not limited to, computing, cooling, and energy storage equipment, shall not exceed the following noise levels as measured at the property line:

Zoning District of Receiving Property	7:00 am – 9:59 pm	10:00 pm – 6:59 am
A, AR, SF, R, RM, RC, RMH	60 dBA	50 dBA
C, CH, Ag-T, C-Ag	65 dBA	65 dBA
ML, MH, RR, SWDRR, RE, ERP, P	70 dBA	70 dBA

- a. The applicant shall provide Operating Sound Pressure Level measurements from a reasonable number of sampled locations at the perimeter of comparable data center operations to demonstrate compliance with this standard at the time of permitting.
 - b. To document decibel level if there is a complaint on an operational system, at the discretion of the Zoning Administrator, the owner shall commission a report providing Operating Sound Pressure Level measurements from a reasonable number of sampled locations at the property line to demonstrate compliance with this standard.
8. **Fire Safety.** The applicant shall show a determination from the local fire department that the site can be reasonably serviced.
 - a. Areas within twenty five (25) feet of structures uses for data centers shall be cleared of combustible vegetation and other combustible growth.
 - b. A plan for Emergency Operations procedures including fire safety and response measures shall be approved by the Zoning Administrator prior to commencement of the approved used.

- i. A copy of the Emergency Operations Procedures shall be given to the local fire department, and Johnson County Emergency Management and be present onsite in a location to be accessible to facility personnel, fire code officials, and emergency responders.
 - c. The site operator will coordinate with the local fire department and Emergency Management Agency (EMA) to offer or provide for training on an annual basis for five (5) years following completion of construction. Thereafter, the site operator shall offer or provide for training if requested by the local Emergency Management Agency (EMA) on a basis not to exceed once annually
- 9. Water Use. Facilities must use a closed-loop cooling system for data center equipment.
- 10. Battery Energy Storage System (BESS). If a BESS is proposed that meets the qualifications of a Battery Energy Storage System, Tier 2 as defined in the Johnson County Unified Development Ordinance, the proposed BESS shall be permitted in accordance with Chapter 8:1.24.F.
- 11. Lighting. All lighting shall comply with the downcast lighting regulations contained in Chapter 8:1.25.
- 12. The applicant shall comply with all Environmental Standards in Chapter 8:3.
- 13. The application shall comply with all other applicable federal, state, and local regulations.
- 40. Article 8:1.24.V is hereby amended by deleting subsection 8:1.24.V.9 in its entirety (said deletion includes existing subsection 8:1.24.V.9.a) and replacing with the following:
 - 9. The applicant shall submit a reclamation plan for the site, and an accompanying financial surety instrument to cover the estimated cost for project completion and any required contingency.
 - a. In addition to any other information requested by the Zoning Administrator, the reclamation plan should include and address the following:
 - i. Plans for proper disposal of all mine-related debris, junk, waste materials, or equipment.
 - ii. Details for backfilling and grading, including bank stabilization for projects that will retain a wet-bottom pond, must show final contours.
 - 1. Final slopes shall be less than 4:1 (horizontal to vertical). Where the original topography of the affected land was steeper than 4:1, the affected land may be graded to blend with the surrounding terrain.
 - iii. Details for revegetation, including: topsoil preservation and redistribution, planting and seeding specifications including tree types if applicable, seed mixes, application rates, seeding windows, and anticipated timeframe.
 - iv. Description of erosion and sediment control that will be used to prevent rill and gully formation, as well as off-site sedimentation.
 - v. Proposed schedule for completing reclamation activities.
 - vi. A cost estimate for said activities prepared by a licensed engineer.
 - b. A performance agreement acceptable to the County, with financial assurance sufficient to cover the estimated cost for project completion plus a 25% contingency, shall be required prior to beginning and site disturbance or extraction.

- c. Where the reclamation plan includes reconstruction of sensitive woodlands (as determined by Chapter 8:3) impacted for mining or mineral extraction purposes, the five (5) acre limit for woodland impact can be modified by the Board of Adjustment. Any such modification shall be inherently necessary to feasibly establish the operation, and must be clearly stated in the terms and/or conditions of the Conditional Use Permit.
41. Article 8:1.24.AA is hereby amended by adding two new subsections 8:1.24.AA.5 and 8:1.24.AA.6 which read as follows:
- 5. The application shall comply with all Johnson County Public Health requirements and all other applicable federal, state, and local regulations.
 - 6. All structures shall comply with Building Code in Chapter 8:6.
42. Article 8:1.24.DD.11 is hereby amended by adding a new subsection 8:1.24.DD.11.d which reads as follows:
- d. The applicant, owner, or site operator shall provide as-built plans for all required on-site infrastructure – including but not limited to fencing, signage, parking and drive areas, structures, panel clearance height, ground cover planting areas, landscape screening, etc. As-built shall be provided within sixty (60) days of completion of on-site infrastructure or the start of energy generation from the site, whichever occurs first. As-built plans shall be certified by a Professional Engineer licensed in the State of Iowa.
43. Article 8:1.24.FF is hereby amended by deleting subsection 8:1.24.FF.5 in its entirety and replacing it with the following:
- 5. Any uses co-located with a substation or other public utility use shall obtain the required permitting and/or approvals and comply with any supplemental conditions from this chapter as well as all federal, state, and local regulations as applicable.
44. Article 8:1.24.FF is hereby amended by adding a new subsection 8:1.24.FF.5A which reads as follows:
- 5A. Utilities Public may include storage of materials independently or in addition to a traditional substation installation.
 - a. Materials must be related to the public utility use, and intended for use in construction or maintenance of utility infrastructure.
 - b. Where a permit is sought to allow permanent storage of materials, the Board may authorize a storage area not to exceed ten (10) acres.
 - c. Where a permit is sought to allow temporary storage of materials, the Board may authorize said storage for a period of time not to exceed three (3) years from the date of approval. Permit extension shall only be allowed if approved by the Board of Adjustment via permit modification, as outlined in 8:1.29(F)(5).
45. Article 8:1.25.B.1.e is hereby amended by adding a new subsection 8:1.25.B.1.e.i which reads as follows:
- i. Window wells may project into the side yard setback to the extent reasonably needed to provide egress from the lower level, provided the window well maintains a minimum setback of three (3) feet from all property lines.
46. 8:1.25.E.1 is hereby amended by deleting subsections 8:1.25.E.1.a and 8:1.25.E.1.b and replacing them with the following:
- a. Agricultural and Residential districts.

- i. Boundary Fences. Cannot exceed six (6) feet in height on average in any yard.
 - ii. Interior Fences. Cannot exceed eight (8) feet in height on average in any yard.
 - b. Commercial and Industrial districts.
 - i. Boundary Fences. Cannot exceed eight (8) feet in height on average in any yard.
 - ii. Interior Fences. Cannot exceed ten (10) feet in height on average in any yard.
47. 8:1.25.E is hereby amended by adding a new subsection 8:1.25.E.4A which reads as follows:
- 4A. Security Features. With the exception of agricultural fences, no boundary fence may be electrified in any district, and no fence may feature barbed wire or razor wire unless required as part of a security fence as outlined in subsection 8:1.24.
48. Article 8:1.25 is hereby amended deleting subsection 8:1.25.F in its entirety and replacing it with the following:
- F. Retaining Walls.** The following standards shall apply to retaining walls. For permitting requirements, refer to section 8:1.27 and Chapter 8:6 Building Code.
- 1. Height Regulations. The following regulations apply to all retaining walls.
 - a. Retaining walls constructed within the required setback for the zoning district cannot exceed six (6) feet in height on average in any yard and shall also comply with the additional setback requirements in the section.
 - b. Retaining walls which comply with the required setback for the zoning district cannot exceed eight (8) feet in height on average in any yard and shall also comply with the additional setback requirements in the section.
 - i. Walls which comply with subsection 8:1.25.F.2.a below may exceed eight (8) feet.
 - c. Retaining wall height is determined by measuring from the finished grade to the tallest portion of the wall.
 - 2. Setback Regulations. Retaining walls greater than four (4) feet in height must be setback a minimum of one and a half (1.5) times the height of the wall unless they comply with one of the following:
 - a. Where the applicant has provided a report certified by a Professional Engineer licensed in the State of Iowa showing that the retaining wall has been designed in accordance with accepted engineering practice to ensure stability against overturning, sliding, excessive foundation pressure and water uplift. Retaining walls shall be designed for a safety factor of 1.5 against lateral sliding and overturning.
 - b. Where the exposed face of the retaining wall is situated such that the wall will collapse towards the interior of the property in the event of lateral sliding or overturning.
 - 3. Retaining walls located in the right-of-way which are owned and maintained, or authorized, by a public entity and which are necessary to facilitate installation of common infrastructure are exempt from retaining wall setback requirements and height restrictions.
 - 4. Guardrail Requirements. Retaining walls greater than 30 inches in height must have a guardrail in the following circumstances:
 - a. The retaining wall is considered a part of another structure.
 - b. The retaining wall is adjacent to or in close proximity to a walking area or livable area (e.g. walking path, patio, or bike path).

- c. The retaining wall is a part of a multifamily, commercial, or industrial development.
49. Article 8:1.25.G.4 is hereby amended by adding a new subsection 8:1.24.G.4.f which reads as follows:
- f. Typical residential and agricultural yard and security lights.
50. Article 8:1.29.A is hereby amended by replacing the words “and unnecessary hardship” with the words “practical difficulty”.
51. Article 8:1.29.D is hereby amended by replacing the words “unnecessary hardship” with the words “a practical difficulty”.
52. Article 8:1.29.D.2 is hereby amended by replacing the word “hardship” with the words “practical difficulty”.
53. Article 8:1.29.D.2.b is hereby amended by replacing the words “an unnecessary hardship” with the words “a practical difficulty”.
54. Article 8:1.29.D.2.c.i is hereby amended by replacing the word “hardship” with the words “practical difficulty”.
55. Article 8:2.5.G.4 is hereby amended by deleting subsection 8:2.5.G.4.b in its entirety, and by adding a new subsection 8:2.5.G.4.c.i which reads as follows:
- i. At the discretion of the Board of Supervisors, the maximum phasing period for any preliminary period may be extended for a period not to exceed three (3) years.
56. Article 8:2.6.B.12 is hereby amended by adding the word “shall” between the words “feet” and “be”.
57. Article 8:2.7.G.1 is hereby amended by adding the words, “With the exception of lots proposing to separate an existing house that predates December 1, 2000 from the surrounding land,” as a new first sentence after the words, “Special Flood Hazard Area.” and before the words, “The Board shall”.
58. Article 8:2.7.J.5.b is hereby amended by adding the words, “unless a different count is recommended for use by the Johnson County Engineer.” following the words, “Metropolitan Planning Organization of Johnson County”.
59. Article 8:3.5.A is hereby amended by adding a new subsection 8:3.5.A.5A which reads as follows:
- 5A. All applications for rezoning to the RE-Renewable Energy zoning district shall comply with the regulations contained within this subsection. The Board shall not approve any application requesting to rezone property to RE-Renewable Energy which does not conform to the standards of this subsection.
60. Article 8:3.5.F is hereby amended by adding the word “remnant” following the words “considered to be prairie”.
61. Article 8:3.5.J.2.c.i is hereby amended by replacing the words “n/a” with the words, “2:1” in the 4th column, of the 3rd row and by replacing the words “n/a” with the words, “1:1” in the 4th column, of the 4th row.
62. Article 8:3.5.K.2.b.i is hereby amended by adding the following as a new final sentence following the word “acres”: “The five (5) acre limit may be exceeded in certain instances for mining and mineral extraction projects with a reclamation plan (see chapter 8:1.24) as well as linear utility

projects, including telecommunications, which are authorized by a grading permit under subsection 8:1.27.A.”

63. Article 8:3.5.K.2.c is hereby amended by adding a new subsection 8:3.5.K.2.c.iii. which reads as follows:

iii. Mitigation for linear projects authorized by a grading permit under subsection 8:1.27.A shall be subject to the following:

- a) Woodland mitigation will be required for linear projects subject to this section, when woodland impacts exceeds one (1) acre.
- b) Impacts in excess of one (1) acre will require mitigation at a ratio of 1:1.
- c) All other woodland mitigation provisions of 8.3 shall apply.

64. Article 8:3.6.A.6.c is hereby amended by replacing the word, “both” with the word “one”; replacing the word “apply” with “applies”; and by deleting subsection 8:3.6.A.6.c.ii in its entirety and replacing it with the following:

ii. The newly added impervious surface area does not exceed 5000 square feet.

65. Article 8:4.4.B.25 is hereby amended by deleting the word “Uses” following the word “Potential”.

66. Article 8:4.4.B is hereby amended by adding a new subsection 8:4.4.B.29A which reads as follows:

29A. **Repetitive Loss.** A structure covered by an NFIP flood insurance policy that has incurred flood-related damages on two occasions during a ten (10)-year period on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on average, equaled or exceed twenty five percent (25%) of the market value of the structure at the time of each such flood event.

67. Article 8:4.5 is hereby amended by deleting subsection 8:4.5.B in its entirety and replacing it with the following:

B. Establishment of Official Floodplain Zoning Map. The Flood Insurance Rate Map (FIRM) for Johnson County and Incorporated Areas, Panels 19103C0015F, 19103C0020F, 19103C0025F, 19103C0026F, 19103C0027F, 19103C0028F, 19103C0029F, 19103C0031F, 19103C0032F, 19103C0033F, 19103C0034F, 19103C0040F, 19103C0045F, 19103C0055F, 19103C0058F, 19103C0059F, 19103C0060F, 19103C0065F, 19103C0066F, 19103C0067F, 19103C0068F, 19103C0069F, 19103C0078F, 19103C0080F, 19103C0085F, 19103C0086F, 19103C0088F, 19103C0090F, 19103C0095F, 19103C0125F, 19103C0127F, 19103C0129F, 19103C0131F, 19103C0133F, 19103C0135F, 19103C0140F, 19103C0145F, 19103C0153F, 19103C0154F, 19103C0155F, 19103C0158F, 19103C0159F, 19103C0160F, 19103C0161F, 19103C0162F, 19103C0165F, 19103C0166F, 19103C0167F, 19103C0170F, 19103C0178F, 19103C0180F, 19103C0185F, 19103C0187F, 19103C0189F, 19103C0190F, 19103C0191F, 19103C0192F, 19103C0193F, 19103C0194F, 19103C0205F, 19103C0210F, 19103C0211F, 19103C0213F, 19103C0215F, 19103C0220F, 19103C0230F, 19103C0240F, 19103C0275F, 19103C0300F, 19103C0305F, 19103C0310F, 19103C0315F, 19103C0320F, 19103C0330F, 19103C0335F, 19103C0340F, 19103C0345F, 19103C0355F, 19103C0365F, 19103C0385F, 19103C0405F, 19103C0415F, 19103C0425F, and 19103C0450F, dated December 26, 2025, which was prepared as part of the Flood Insurance Study for Johnson County, is (are) hereby adopted by reference and declared to be the Official Floodplain Zoning Map. The Johnson County Flood Insurance Study is hereby adopted by reference and is made a part of this ordinance for the purpose of administering floodplain management regulations.

68. Article 8:4.6.A.2.c is hereby amended replacing the words “1929” with the words “1988” in all subsections under 8:4.6.A.2.c.
69. Article 8:4.6.A.2 is hereby amended by moving subsection 8:4.6.A.2.1 from being a standalone lettered section to being a new standalone/unnumbered clause immediately following subsection 8:4.6.A.2.i.
70. Article 8:4.6.B.2.f is hereby amended replacing the words “1929” with the words “1988”.
71. Article 8:4.6.B is hereby amended by adding a new subsection 8:4.6.B.6 which reads as follows:
6. Permit Expiration. Floodplain Development Permits issued under this chapter shall expire one hundred and eighty (180) days from the date of issuance unless the applicant can demonstrate Start of Construction, as defined by this chapter. In the case of a permit authorizing only grading, excavation, fill, or other non-structure-related work, the applicant must demonstrate that they have started significant earth moving activities on the site.
72. Article 8:4.8.B.3.b is hereby amended replacing the words “1929” with the words “1988”.
73. Article 8:4.8.B.14 is hereby amended by replacing the word “Uses” with the word “Development” between the words “Potential” and “All”.
74. Article 8:4.8.B.14.b is hereby amended replacing the words “1929” with the words “1988”.

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: _____

ATTEST:

Jon Green, Chairperson
Board of Supervisors

Julie Persons, Auditor
Johnson County, Iowa

Date

Published in *The Gazette* on _____, 2025, *The News* on _____, 2025, and the *Solon Economist* on _____, 2025.

The following pages show the changes proposed by the ordinance amendment document above in-line with some surrounding text from the ordinance as it currently exists.

These in-line changes are meant to provide context for reading the proposed changes and are for illustrative purposes only.

CHAPTER 8:1 – ZONING REGULATIONS

8:1.3 Exemption of Agricultural Operations.

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- C. Approval or Denial.** Upon submission of an application for exemption, the Zoning Administrator shall conduct a review of the information in a timely manner. The Zoning Administrator may request additional information from the applicant within fourteen (14) days of receipt of the application necessary to make the determination. The Zoning Administrator shall make a determination granting or denying exemption status within thirty (30) days of receipt of the application and inform the applicant of the decision in writing.

Determinations granting exemption shall be valid for one (1) year from the date of the determination issuance. The applicant shall commence significant work on the dwelling or show significant investment in the construction project for the exempt home to be considered established prior to expiration.

8:1.4 Definitions.

For the purpose of interpreting and enforcing Chapter 8:1 of the Unified Development Ordinance, certain terms are hereby defined.

B. Terms.

- 15. Airport.** Any area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or ~~right-of-ways~~ rights-of-way, including all necessary taxi ways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces.

~~25. **Auxiliary Dwelling Unit, Attached.** An independent residential dwelling unit located on the same lot as, and interconnected with, a stand-alone single family dwelling unit. Attached auxiliary dwelling units have a separate kitchen, bathroom, and living space from the primary dwelling unit, and are interconnected by a shared lockable door.¹~~

~~26. **Auxiliary Dwelling Unit, Detached.** An independent residential dwelling unit located on the same lot as a stand-alone single family dwelling unit. Can be a standalone structure, or be integrated within a detached accessory structure. Auxiliary dwelling units have a separate kitchen, bathroom, and living space from the primary dwelling unit.²~~

26. **Auxiliary Dwelling Unit.** An independent residential dwelling unit located on the same lot as a single family dwelling. Can be a standalone structure, be integrated within a detached accessory structure, or be interconnected with the primary single family dwelling. Auxiliary dwelling units have a separate kitchen, bathroom, and living space from the primary dwelling unit.

66A. **Data Center.** A facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, systems, servers, appliances, and other associated components related to digital data storage and operations. Data Centers includes High Density Computing Facilities, including but not limited to commercial cryptocurrency mining operations and processing.

¹~~Ordinance 09-26-24-01~~

²~~Ordinance 09-26-24-01~~

170. Recreation Facility. ~~Outdoor~~ Recreation areas, fields, and facilities, including, but not limited to, baseball and softball diamonds, football, soccer, rugby, and lacrosse fields, tennis courts, standalone driving ranges, and ~~outdoor~~ swimming pools.

8:1.5 Districts and Boundaries Thereof.

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D. Single Zoning Classification per Parcel. With the exception of requests to rezone to RE-Renewable Energy. All new zoning applications shall include a single zoning classification per parcel (exclusive of road right-of-way), unless the rezoning application is approved conditioned upon proceeding with a related platting application that contains only one zoning classification per parcel, with the intent being to eliminate instances of multiple zoning classifications within a single parcel.

8:1.6 A – Agricultural Zoning District.

A. Primary Uses.

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B. Accessory Structures and Uses.

1. Auxiliary Dwelling Unit, ~~Attached~~. Subject to Zoning Administrator approval.

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C. Conditional Uses.

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2. ~~Auxiliary Dwelling Units.~~

10A. Data Centers.

a. Limited to systems with a total use area of one (1) acre or less. Use area is defined in 8:1.24.H1.1.

21A. Pallet assembly, reconstruction, reconditioning, and recycling.

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M. Siting of Dwellings and Certain Accessory Uses. Where an applicant proposes to construct a single family dwelling, or any accessory use outlined in 8:1.6.B.23, in accordance with this section, the following conditions shall be met:

2. The final plat shall indicate a development area that complies with the following:

a. The development area shall not exceed five (5) acres in size.

b. Of the parts of the development area which are suitable for row crop production, no more than ~~20%~~ one (1) acre can contain soils with a Corn Suitability Rating Index (CSR2) value over sixty (60).

i. At the Zoning Administrator's discretion, where existing site features within the development area make an area unreasonable for row-crop production, the CSR value shall be considered zero (0). Existing features may include, but are not limited to, structures, foundations or concrete pads, trees and windbreaks, or drives and parking areas with significant ground cover or disturbance.

8:1.7 AR – Agricultural Residential Zoning District.

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B. Accessory Structures and Uses. The following structures and uses are permitted in the AR district, provided that they are incidental to a primary or conditionally permitted use. Structures and uses may be subject to supplemental conditions found in subsection 8:1.24.

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4. Auxiliary Dwelling Unit, ~~Attached~~. Subject to Zoning Administrator approval.

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C. Conditional Uses.

1. ~~Auxiliary Dwelling Units.~~

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D. Bulk Regulations. The following bulk regulations apply to all properties located in the AR district. Unless stated otherwise, all regulations are minimum standards.

Use/Structure*	Minimum Lot Area**	Development Density†	Average Lot Width (feet)	Front Yard Setback (feet)	Rear Yard Setback (feet)	Side Yard Setback (feet)	Maximum Height
Single-Family Dwelling and Manufactured Homes	10,890 square feet (1/4 acre)	1 unit per acre	100	20	30	10	35 feet and 2 ½ stories
Agricultural Uses	1 acre	n/a	100	20	30	10	35 feet and 2 ½ stories
Kennels	5 acres	n/a	n/a	200	200	200	35 feet and 2 ½ stories
Animal Slaughter Facility, Limited	3 acres	n/a	n/a	150	150	150	35 feet and 2 ½ stories

* See subsection 8:1.7(E) for accessory structure regulations.

** Must also comply with Johnson County Public Health Department regulations.

† Properties in the AR district are eligible for density bonuses in accordance with Chapter 8.2. legally established ADUs do not count towards the development density of the lot

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8:1.8 SF – Small Farmstead Zoning District.

The Small Farmstead District is intended for small farm development, including a single-family dwelling or manufactured home. The intent of this district is to provide a location for the production non-commodity agricultural products, including specialty crops.

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B. Accessory Structures and Uses.

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7. Auxiliary Dwelling Unit, ~~Attached~~. Subject to Zoning Administrator approval.

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C. Conditional Uses.

1. ~~Auxiliary Dwelling Units.~~

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8:1.9 RS – Residential Single-Family Zoning Districts.

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B. Accessory Structures and Uses.

1. Auxiliary Dwelling Unit, ~~Attached~~. Subject to Zoning Administrator approval.

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C. Conditional Uses.

1. ~~Auxiliary Dwelling Units.~~

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D. Bulk Regulations. The following bulk regulations apply to all properties located in the RS District. Unless stated otherwise, all regulations are minimum standards.

District*	Minimum Lot Area**	Maximum Lot Area	Development Density†	Average Lot Width	Front Yard Setback	Rear Yard Setback	Side Yard Setback	Maximum Height
R	10,890 square feet (1/4 acre)	1.99 acres‡	1 unit per acre	60	30	30	8	35 feet and 2 ½ stories
R2	2 acres	2.99 acres	1 unit per 2 acres	100	30	30	10	35 feet and 2 ½ stories
R3	3 acres	4.99 acres	1 unit per 3 acres	100	30	30	10	35 feet and 2 ½ stories
R5	5 acres	9.99 acres	1 unit per 5 acres	100	30	30	10	35 feet and 2 ½ stories
R10	10 acres	19.99 acres	1 unit per 10 acres	100	30	30	10	35 feet and 2 ½ stories
R20	20 acres	n/a	1 unit per 20 acres	100	30	30	10	35 feet and 2 ½ stories
RUA	10,000 square feet	1.99 acres‡	4 units per acre	60	25	30	5	35 feet and 2 ½ stories
RUB	6,000 square feet	1.99 acres‡	7 units per acre	40	20	30	5	35 feet and 2 ½ stories

* Regulations apply to primary and accessory structures. See subsection 8:1.9(E) for additional accessory structure regulations.

** Must also comply with Johnson County Public Health Department regulations.

† Properties in the RS District are eligible for density bonuses in accordance with Chapter 8.2. Legally established ADUs do not count towards the development density of the lot

‡ Properties in the R, RUA, and RUB districts are eligible for lot size bonuses in accordance with Chapter 8.2.

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8:1.10 RM – Residential Multiple-Family Zoning Districts.

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B. Accessory Structures and Uses.

1. Auxiliary Dwelling Unit, ~~Attached~~. Subject to Zoning Administrator approval.

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C. Conditional Uses.

1. ~~Auxiliary Dwelling Units.~~

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8:1.11 RC – Rural Conservation Zoning District.

B. Accessory Structures and Uses.

1. Auxiliary Dwelling Unit, ~~Attached~~. Subject to Zoning Administrator approval.

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C. Conditional Uses.

1. ~~Auxiliary Dwelling Units.~~

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8:1.13 RR – Rural Recreation Zoning District.

The RR district is intended for ~~outdoor~~ recreational based uses that are appropriate in the rural portions of the county.

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8:1.14 C – Commercial Zoning District.

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B. Accessory Structures and Uses.

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2. Residential Uses. Shall be attached to a primary structure. Limited to one per parcel except where the property owner has obtained separate approval for additional dwelling units as allowed by this ordinance.
 - a. Auxiliary Dwelling Units are allowed in the same manner as single family dwellings and are subject to Zoning Administrator Approval.

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8:1.15 CH – Highway Commercial Zoning District.

B. Accessory Structures and Uses.

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3. Residential Uses. Shall be attached to a primary structure. Limited to one per parcel except where the property owner has obtained separate approval for additional dwelling units as allowed by this ordinance.
 - a. Auxiliary Dwelling Units are allowed in the same manner as single family dwellings and are subject to Zoning Administrator Approval.

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8:1.16 AG-T – Agritourism Zoning District.

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B. Accessory Structures and Uses.

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6. Auxiliary Dwelling Unit, ~~Attached~~. Subject to Zoning Administrator approval.

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C. Conditional Uses.

1. ~~Auxiliary Dwelling Units.~~

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8:1.17 C-AG – Agri-Business Zoning District.

A. Primary Uses.

18A. Pallet assembly, reconstruction, reconditioning, and recycling.

- B. Accessory Structures and Uses.** The following structures and uses are permitted in the C-AG zoning district, provided that they are incidental to a primary or conditionally permitted use. Structures and uses may be subject to supplemental conditions found in subsection 8:1.24.

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8. Residential Uses. Shall be attached to a primary structure. Limited to one per parcel except where the property owner has obtained separate approval for additional dwelling units as allowed by this ordinance.

- a. Auxiliary Dwelling Units are allowed in the same manner as single family dwellings and are subject to Zoning Administrator Approval.

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8:1.18 ML – Light Industrial Zoning District.

The Light Industrial Zoning District is intended for high intensity business and production-based uses.

A. Primary Uses.

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- 5A. Data Centers

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- D. Bulk Regulations.** The following bulk regulations apply to all properties located in the ML zoning district. Unless stated otherwise, all regulations are minimum standards.

Use/Structure	Lot Area	Average Lot Width	Front Yard Setback	Rear Yard Setback	Side Yard Setback	Maximum Height
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Primary and Accessory* Structures	None	None	50	50†	20†	35 feet and 2 ½ stories <u>50 feet</u>
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* See subsection 8:1.18(E) for accessory structure regulations.

† In accordance with subsection 8:1.26(F)(6), all structures must also comply with buffering standards.

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8:1.19 MH – Heavy Industrial Zoning District.

A. Primary Uses.

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- ~~Data Centers Cryptocurrency mining or production installation.~~

D. Bulk Regulations. The following bulk regulations apply to all properties located in the MH zoning district. Unless stated otherwise, all regulations are minimum standards.

Use/Structure	Lot Area	Average Lot Width	Front Yard Setback (feet)	Rear Yard Setback (feet)	Side Yard Setback (feet)	Maximum Height
Primary and Accessory* Structures	None	None	50	50†	50†	35 feet and 2 ½ stories <u>50 feet</u>

* See subsection 8:1.19(E) for accessory structure regulations.

† In accordance with subsection 8:1.26(F)(6), all structures must also comply with buffering standards.

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8:1.24 Supplemental Conditions.

A. Animal Husbandry and Keeping of Animals.

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- Number of animals allowed on parcels is determined based on their assigned animal unit and the size of the parcel. The following table outlines the number of animal units allowed per acre in the various zoning district. All animals shall be considered in combination with other animal types and limits shall be based on cumulative animal units.

District	Parcel Size	Animal Classification based on AU		
		Greater than 0.99	0.1 to 0.99	Less than 0.1
A SF AG-T	Parcels of less than 2 acres*	3 head	5 head	1 AU
	Minimum 2 acre parcel	30 AU	15 AU	5 AU
	Additional per acre for each acre over 2	5 AU	2.5 AU	0.5 AU
AR	Parcels of less than 2 acres	None	None	0.2 AU per acre
	Minimum 2 acre parcel	25 AU	12.5 AU	2.5 AU
	Additional per acre for each acre over 2	2.5 AU	1.25 AU	0.25 AU
RS	Parcels of less than 2 acres	None	None	0.2 AU per acre
	<u>Minimum 2 acre parcel</u>	<u>2 AU</u>	<u>1 AU</u>	<u>0.4 AU</u>
	Additional per acre for each acre over 2	1 AU	0.5 AU	0.2 AU

*Animal limits for parcels of less than two (2) acres in the A, SF, and AG-T districts are limited to either head count or animal unit count based on the size of the animal.

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E. Auxiliary Dwelling Unit. Auxiliary dwelling units are accessory uses subject to Zoning Administrator Approval in the A, AR, SF, RS, RM, RC, C, CH, AG-T, and C-Ag districts and are subject to the following conditions:

1. A maximum of one (1) auxiliary dwelling unit may be permitted per property.
2. The auxiliary dwelling unit shall be located on the same lot or parcel as the primary dwelling unit.
3. The auxiliary dwelling unit shall meet the setback requirements of the primary dwelling unit and shall not cause the lot coverage requirement of the zone to be exceeded.
4. The net square footage of the auxiliary dwelling unit shall not exceed one thousand three hundred (1,300) square feet of net floor area, or fifty (50) percent of the gross floor area of the primary dwelling unit, whichever is greater.
 - a. Net floor area calculations do not include garages, uncovered decks, uninhabitable attics, and uninhabitable below-grade storage areas with ceiling height less than six (6) feet eight (8) inches.
5. Auxiliary dwelling units may be utilized as Short Term Rentals as allowed by this ordinance.
6. Auxiliary dwelling units shall comply with Building Code in Chapter 8:6
 - a. Where an auxiliary dwelling unit is attached to the primary structure, the units shall be interconnected with a lockable door, shall be supplied by a single (shared) electrical utility service, and shall contain interconnected smoke alarms where the actuation of one alarm will activate all of the alarms in both dwelling units.
7. If a manufactured or mobile home is used as an auxiliary dwelling unit, it shall be converted to real property by being placed on a permanent foundation and assessed for real estate taxes pursuant to Iowa Code.
8. Mobile Dwelling Units shall not be permitted as auxiliary dwelling units.

9. Off-street parking shall be provided in accordance with subsection 8:1.25.

10. Auxiliary dwelling units shall comply with all applicable federal, state, and local regulations.

~~E. Auxiliary Dwelling Unit.~~ ~~Attached auxiliary dwelling units are accessory uses and detached Auxiliary dwelling units are conditionally permitted in the A, AR, SF, RS, RM, RC, and AG-T districts and are subject to the following conditions:³~~

~~1. A maximum of one (1) auxiliary dwelling unit may be permitted per property.~~

~~2. The net square footage of the auxiliary dwelling unit shall not exceed one thousand three hundred (1,300) square feet of net floor area, or fifty (50) percent of the gross floor area of the primary dwelling unit, whichever is less.⁴~~

~~a. Net floor area calculations do not include garages, uncovered decks, uninhabitable attics, and uninhabitable below grade storage areas with ceiling height less than six (6) feet eight (8) inches.~~

~~3. The auxiliary dwelling unit shall meet the setback requirements of the primary dwelling unit and shall not cause the lot coverage requirement of the zone to be exceeded.~~

~~4. Parcel Size~~

~~a. Auxiliary dwelling units on parcels less than one (1) acre shall be attached to the primary dwelling unit, or be attached to or integrated within an existing accessory structure.^{5, 6}~~

~~a. Auxiliary dwelling units on parcels one (1) acre or larger may be built as a standalone secondary dwelling.^{7, 8}~~

~~5. Auxiliary dwelling units may be utilized as Short Term Rentals as allowed by this ordinance. Where an auxiliary dwelling unit is utilized as a Short Term Rental, the legal owner of the property shall reside on the property.~~

~~6. Where an auxiliary dwelling unit is attached to the primary structure, the units shall be interconnected with a lockable door, shall be supplied by a single (shared) electrical utility service, and shall contain intereconnected smoke alarms where the actuation of one alarm will activate all of the alarms in both dwelling units.⁹~~

~~7. Mobile Dwelling Units shall not be permitted as Auxiliary Dwelling Units.~~

~~8. Off-street parking shall be provided in accordance with subsection 8:1.25.~~

F. Battery Energy Storage Systems, Tier 2.

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4. Areas within ~~ten (10)~~ twenty five (25) feet on each side of battery energy storage systems shall be cleared of combustible vegetation and other combustible growth.

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H1. Data Centers Data Centers with a total use area of one (1) acre or less are conditionally permitted in the A - Agricultural district. Data Centers with a total use area of greater than one (1) acre are allowed as primary uses in the ML - Light Industrial and MH – Heavy Industrial districts. All Data Centers are subject to the following conditions regardless of use area size:

1. Use Area: For the purpose of administering this section, the “use area” shall include all areas associated with the Data Center, including, but not limited to, the furthest extent of fences, structures, stormwater infrastructure, parking, landscaping screening, or other areas used in association with the use as determined by the approving authority.
 - a. At the discretion of the Zoning Administrator, non-adjacent use areas located within one-half (0.5) miles may be considered cumulative when determining whether approval requires a Conditional Use Permit or rezoning approval.
2. Structures. All Data Center production equipment (computers, servers, etc) shall be enclosed with a structure or structures that shall comply with Building Code requirements in Chapter 8:6. Said structure(s) shall be converted to real property by being placed on a permanent foundation and assessed for real estate taxes pursuant to section 435.26 of Iowa Code.
3. Setbacks. All structures used for Data Centers operations shall be setback a minimum of two hundred (200) feet from all property lines and five hundred (500) feet from occupied structures.
4. Site Plan. Operations in the A-Agricultural district shall require a Site Plan Review approved by the Zoning Administrator in accordance with the provisions of subsection 8:1.26 prior to obtaining a building permit.
5. Power Provision. Prior to the issuance of a building permit, the applicant shall provide written verification from their proposed power provider that the applicant has calculated the maximum potential electrical consumption of the proposed use and has verified the utility supply equipment and related electrical infrastructure is sufficiently sized to safely accommodate the proposed use during the power provider’s peak consumption hours.
 - a. On-Site Power Supply: Any power generated on-site shall be generated by renewable power generation sources.
6. Power and Communication Lines. On-site power and communication lines between on-site system(s) shall be placed underground to the extent feasible and as permitted by the servicing utility. The main service connection at the utility company right-of-way, and any new interconnection equipment, may be located above ground.
 - a. Power and communication lines running from the on-site system(s) to interconnections with structures off-site shall be buried underground to the extent feasible and as permitted by the serving utility.
7. Noise. The one- (1) hour average noise generated from Data Center operations, including, but not limited to, computing, cooling, and energy storage equipment, shall not exceed the following noise levels as measured at the property line:

<u>Zoning District of Receiving Property</u>	<u>7:00 am – 9:59 pm</u>	<u>10:00 pm – 6:59 am</u>
<u>A, AR, SF, R, RM, RC, RMH</u>	<u>60 dBA</u>	<u>50 dBA</u>
<u>C, CH, Ag-T, C-Ag</u>	<u>65 dBA</u>	<u>65 dBA</u>
<u>ML, MH, RR, SWDRR, RE, ERP, P</u>	<u>70 dBA</u>	<u>70 dBA</u>

- a. The applicant shall provide Operating Sound Pressure Level measurements from a reasonable number of sampled locations at the perimeter of comparable data center operations to demonstrate compliance with this standard at the time of permitting.
 - b. To document decibel level if there is a complaint on an operational system, at the discretion of the Zoning Administrator, the owner shall commission a report providing Operating Sound Pressure Level measurements from a reasonable number of sampled locations at the property line to demonstrate compliance with this standard.
8. Fire Safety. The applicant shall show a determination from the local fire department that the site can be reasonably serviced.
 - a. Areas within twenty five (25) feet of structures uses for data centers shall be cleared of combustible vegetation and other combustible growth.
 - b. A plan for Emergency Operations procedures including fire safety and response measures shall be approved by the Zoning Administrator prior to commencement of the approved used.
 - i. A copy of the Emergency Operations Procedures shall be given to the local fire department, and Johnson County Emergency Management and be present onsite in a location to be accessible to facility personnel, fire code officials, and emergency responders.
 - c. The site operator will coordinate with the local fire department and Emergency Management Agency (EMA) to offer or provide for training on an annual basis for five (5) years following completion of construction. Thereafter, the site operator shall offer or provide for training if requested by the local Emergency Management Agency (EMA) on a basis not to exceed once annually
9. Water Use. Facilities must use a closed-loop cooling system for data center equipment.
10. Battery Energy Storage System (BESS). If a BESS is proposed that meets the qualifications of a Battery Energy Storage System, Tier 2 as defined in the Johnson County Unified Development Ordinance, the proposed BESS shall be permitted in accordance with Chapter 8:1.24.F.
11. Lighting. All lighting shall comply with the downcast lighting regulations contained in Chapter 8:1.25.
12. The applicant shall comply with all Environmental Standards in Chapter 8:3.
- ~~5.13.~~ The application shall comply with all other applicable federal, state, and local regulations.

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V. Mining and Mineral Extraction.

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- ~~9. The applicant shall submit a reclamation plan for the site including estimated cost for project completion. A performance agreement with financial assurance shall be required prior to beginning extraction.~~
 - ~~a. Where the reclamation plan includes reconstruction of sensitive woodlands (as determined by Chapter 8:3) impacted for mining or mineral extraction purposes, the five (5) acre limit for woodland impact can be modified by the Board of Adjustment. Any such modification shall be inherently necessary to feasibly establish the operation, and must be clearly stated in the terms and/or conditions of the Conditional Use Permit.~~

9. The applicant shall submit a reclamation plan for the site, and an accompanying financial surety instrument to cover the estimated cost for project completion and any required contingency.
- a. In addition to any other information requested by the Zoning Administrator, the reclamation plan should include and address the following:
- i. Plans for proper disposal of all mine-related debris, junk, waste materials, or equipment.
 - ii. Details for backfilling and grading, including bank stabilization for projects that will retain a wet-bottom pond, must show final contours.
 1. Final slopes shall be less than 4:1 (horizontal to vertical). Where the original topography of the affected land was steeper than 4:1, the affected land may be graded to blend with the surrounding terrain.
 - iii. Details for revegetation, including: topsoil preservation and redistribution, planting and seeding specifications including tree types if applicable, seed mixes, application rates, seeding windows, and anticipated timeframe.
 - iv. Description of erosion and sediment control that will be used to prevent rill and gully formation, as well as off-site sedimentation.
 - v. Proposed schedule for completing reclamation activities.
 - vi. A cost estimate for said activities prepared by a licensed engineer.
- ~~a.b.~~ A performance agreement acceptable to the County, with financial assurance sufficient to cover the estimated cost for project completion plus a 25% contingency, shall be required prior to beginning and site disturbance or extraction.
- ~~b.c.~~ Where the reclamation plan includes reconstruction of sensitive woodlands (as determined by Chapter 8:3) impacted for mining or mineral extraction purposes, the five (5) acre limit for woodland impact can be modified by the Board of Adjustment. Any such modification shall be inherently necessary to feasibly establish the operation, and must be clearly stated in the terms and/or conditions of the Conditional Use Permit.

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AA. Seasonal Homes and Cabins. Seasonal homes and cabins are conditionally permitted in the AR district and are subject to the following conditions:

1. The parcel that seasonal homes and cabins are located on does not need to front upon an official street, highway, or place.
2. A maximum of four (4) seasonal homes and cabins can be located on any one parcel.
3. Seasonal homes and cabins may be occupied a maximum of one hundred and eighty (180) days per year.
4. Seasonal homes and cabins cannot be rented out to the general public unless they are separately permitted as a short-term rental.
5. The application shall comply with all Johnson County Public Health requirements and all other applicable federal, state, and local regulations.

~~5-6.~~ All structures shall comply with Building Code in Chapter 8:6.

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DD. Solar Energy Systems, Utility Scale.

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11. Site Plan. A site plan shall be submitted showing preliminary array details and location, fencing details and location, landscaping plan (if applicable), signage, location of underground and above ground transmission facilities, project development timeline, and any other pertinent information as required by the Zoning Administrator. Site plans shall be prepared by a Land Surveyor licensed in the State of Iowa, or be certified by a Professional Engineer licensed in the State of Iowa. After approval is issued, and prior to ground disturbance or issuance of building permit(s), the Zoning Administrator may approve minor modifications to the preliminary site plan to account for reasonable engineering optimization and final selection of equipment. The site plan application shall additionally include and conform to the following:

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- d. The applicant, owner, or site operator shall provide as-built plans for all required on-site infrastructure – including but not limited to fencing, signage, parking and drive areas, structures, panel clearance height, ground cover planting areas, landscape screening, etc. As-built shall be provided within sixty (60) days of completion of on-site infrastructure or the start of energy generation from the site, whichever occurs first. As-built plans shall be certified by a Professional Engineer licensed in the State of Iowa.

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FF. Utility Facilities, Public.

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5. Any uses co-located with a substation or other public utility use shall obtain the required permitting and/or approvals and comply with any supplemental conditions from this chapter as well as all federal, state, and local regulations as applicable. When a public utility facility includes onsite Tier 2 battery storage, the applicant shall additionally comply with the applicable standards in subsection 8:1.24.F.
- 5A. Utilities Public may include storage of materials independently or in addition to a traditional substation installation.
 - a. Materials must be related to the public utility use, and intended for use in construction or maintenance of utility infrastructure.
 - b. Where a permit is sought to allow permanent storage of materials, the Board may authorize a storage area not to exceed ten (10) acres.
 - c. Where a permit is sought to allow temporary storage of materials, the Board may authorize said storage for a period of time not to exceed three (3) years from the date of approval. Permit extension shall only be allowed if approved by the Board of Adjustment via permit modification, as outlined in 8:1.29(F)(5).

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8:1.25 Additional Regulations.

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B. Yard and Area Regulations. The following yard and area regulations shall be observed:

1. Residential and Agricultural Yard Regulations. The following regulations for yards shall be observed for all properties located in the A, AR, SF, RS, RM, or RC zoning districts:

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- e. Structure projections from permitted structures or accessory buildings (bay window, roof overlap, etc.) shall be limited to a maximum encroachment of two (2) feet into the setback area.

i. Window wells may project into the side yard setback to the extent reasonably needed to provide egress from the lower level, provided the window well maintains a minimum setback of three (3) feet from all property lines.

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E. Fence Regulations. The following regulations apply to the installation of fencing in all zoning districts. For permitting requirements, refer to Chapter 8:6 Building Code.

1. Height Regulations. The following regulations apply to all fences. In all cases, due to grade changes and slopes, no portion of a fence may extend more than one-half ($\frac{1}{2}$) foot above the maximum average height.

a. Agricultural and Residential districts.

i. Boundary Fences. Cannot exceed six (6) feet in height on average in any yard.

ii. Interior Fences. Cannot exceed eight (8) feet in height on average in any yard.

b. Commercial and Industrial districts.

i. Boundary Fences. Cannot exceed eight (8) feet in height on average in any yard.

ii. Interior Fences. Cannot exceed ten (10) feet in height on average in any yard.

~~a. Boundary Fences. Cannot exceed six (6) feet in height on average in any yard.~~

~~a. Interior Fences. Cannot exceed eight (8) feet in height on average in any yard.~~

2. Structural support for fencing shall be facing the interior of the parcel.
3. Privacy Fences. Only allowed as boundary fences in the side and rear yard. Privacy fences are allowed as interior fences in the front and must meet the required front yard setback for primary structures.
 - a. At the discretion of the Zoning Administrator, a fence that otherwise meets the definition of a privacy fence may be allowed in the front yard if it is modified so that only fifty percent (50%) of the area above three and a half (3.5) feet above grade is designed to block views across the property line.
 - b. At the discretion of the Zoning Administrator, where a property has more than one (1) front yard, a privacy fence may be installed as a boundary fence in the front yard(s) which function as side or rear yards.
4. Swimming Pool Fences. Fencing for swimming pools shall be installed in accordance with the standards set forth in Chapter 8:6 Building Code and this subsection.

4A. Security Features. With the exception of agricultural fences, no boundary fence may be electrified in any district, and no fence may feature barbed wire or razor wire unless required as part of a security fence as outlined in subsection 8:1.24.

5. Certain Fences Exempt. Any security fencing required by section 8:1.24 shall be exempt from the height regulations of this section and shall adhere to the applicable requirements in section 8:1.24. Where security fencing is required as a condition of approval by the Zoning Board of Adjustment, the height requirement specified in said condition shall supersede the height regulations of this subsection.

F. Retaining Walls. The following standards shall apply to retaining walls. For permitting requirements, refer to section 8:1.27 and Chapter 8:6 Building Code.

1. Height Regulations. The following regulations apply to all retaining walls.

- a. Retaining walls constructed within the required setback for the zoning district cannot exceed six (6) feet in height on average in any yard and shall also comply with the additional setback requirements in the section.
- b. Retaining walls which comply with the required setback for the zoning district cannot exceed eight (8) feet in height on average in any yard and shall also comply with the additional setback requirements in the section.
 - i. Walls which comply with subsection 8:1.25.F.2.a below may exceed eight (8) feet.
- c. Retaining wall height is determined by measuring from the finished grade to the tallest portion of the wall.

2. Setback Regulations. Retaining walls greater than four (4) feet in height must be setback a minimum of one and a half (1.5) times the height of the wall unless they comply with one of the following:

- a. Where the applicant has provided a report certified by a Professional Engineer licensed in the State of Iowa showing that the retaining wall has been designed in accordance with accepted engineering practice to ensure stability against overturning, sliding, excessive foundation pressure and water uplift. Retaining walls shall be designed for a safety factor of 1.5 against lateral sliding and overturning.
- b. Where the exposed face of the retaining wall is situated such that the wall will collapse towards the interior of the property in the event of lateral sliding or overturning.

3. Retaining walls located in the right-of-way which are owned and maintained, or authorized, by a public entity and which are necessary to facilitate installation of common infrastructure are exempt from retaining wall setback requirements and height restrictions.

4. Guardrail Requirements. Retaining walls greater than 30 inches in height must have a guardrail in the following circumstances:

- a. The retaining wall is considered a part of another structure.
- b. The retaining wall is adjacent to or in close proximity to a walking area or livable area (e.g. walking path, patio, or bike path).
- c. The retaining wall is a part of a multifamily, commercial, or industrial development.

~~F. Retaining Walls.~~ The following standards shall apply to retaining walls. For permitting requirements, refer to Chapter 8:6 Building Code.

- ~~1. Setback Regulations. Retaining walls greater than four (4) feet in height must be setback a minimum of 1.5 times the height of the wall. Retaining wall height is determined by measuring from the top of the foundation to the tallest portion of the wall.~~

- ~~2. Guardrail Requirements. Retaining walls greater than 30 inches in height must have a guardrail in the following circumstances:~~
 - ~~a. The retaining wall is considered a part of another structure.~~
 - ~~b. The retaining wall is adjacent to or in close proximity to a walking area or livable area (e.g. walking path, patio, or bike path).~~
 - ~~c. The retaining wall is a part of a multifamily, commercial, or industrial development.~~
- ~~3. Retaining walls located in the right-of-way that are necessary to facilitate installation of common infrastructure are exempt from retaining wall setback requirements.~~

G. Downcast Lighting Regulations. The following standards shall apply to outdoor lighting on all properties:

1. No light fixture shall be mounted any higher than thirty (30) feet above the highest established grade of any road abutting the property.
2. No flickering or flashing lights shall be permitted.
3. Lighting Standards.
 - a. Lighting shall be designed in a manner that prevents it from extending beyond the boundaries of the property.
 - b. All light fixtures shall be aimed downward at no more than a forty-five (45) degree angle from vertical.
 - c. All lighting shall be hooded to reduce sky-glow.
 - d. Bulbs shall be shielded from the view of other properties and the right-of-way.
 - e. Lighting designed to illuminate flags, statues, signs, or other objects shall use a narrow cone of light that does not extend beyond the illuminated object and shall comply with all other applicable downcast lighting standards.
 - f. Elevated lighting used to illuminate outdoor privately owned recreational facilities, such as swimming pools, tennis courts, and basketball courts, shall be turned off by 11:00 p.m.
 - g. Illuminated signs shall be installed in accordance with sign regulations and this subsection.
4. Exemptions. The following lighting is exempt from these requirements:
 - a. Airport lighting for navigational purposes.
 - b. Federal Aviation Administration (FAA) required lighting on towers and buildings.
 - c. Public street lighting in accordance with Secondary Roads regulations and the Iowa Department of Transportation.
 - d. Temporary lighting for special events unless the Board of Adjustment requires compliance with these requirements.
 - e. Seasonal decorations.
 - e.f. Typical residential and agricultural yard and security lights.

8:1.29 Establishment of the Board of Adjustment.

A. Purpose and Authority. The Board of Adjustment is empowered through Chapter 335 of the Code of Iowa to grant special exceptions as provided in the Zoning Ordinance and to hear appeals to decisions made in the enforcement of the Zoning Ordinance. The Board has the authority to allow variances to the Zoning Ordinance for individual properties where provisions of the Chapter impose a unique ~~and unnecessary hardship~~ practical difficulty on the property owner and where the granting of a variance is not contrary to the intent of the Zoning Ordinance or to the public interest. This ordinance also grants the Board of Adjustment the authority to grant variances to the Floodplain Management Regulations, as well as authorize modifications to the Subdivision Regulations. The Board is a quasi-judicial body whose decisions may be appealed directly to District Court.

...

D. Variances. To authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Regulations as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Zoning Regulations will result in ~~unnecessary hardship~~ a practical difficulty, and so that the spirit of the Zoning Regulations shall be observed and substantial justice done.

...

2. Request for variance from the zoning regulations shall only be approved if the Board of Adjustment finds that an application substantially conforms with the following ~~hardship~~ practical difficulty criteria:

...

- b. The provisions of this chapter, as applied to this property, result in a practical difficulty ~~an unnecessary hardship~~ and amount to a practical confiscation. The applicant must demonstrate that a hardship is a compelling force and will not merely serve as a convenience to the applicant. Factors that shall be considered include:

...

- c. The plight of the owner is due to unique circumstances of the property and not to the general conditions in the neighborhood.

- i. The ~~practical difficulty~~ hardship must have been created by the ordinance and not by the applicant and/or a predecessor in title.

...

...

CHAPTER 8:2 - SUBDIVISION REGULATIONS

8:2.5 General Provisions.

...

G. Final Plat Approval.

...

4. Final Plat Phasing. Applications for final plats may be phased beyond two (2) years without requiring the preliminary plat to be reapproved in accordance with the following standards:

- a. A completed application for approval of the first (1st) phase is submitted within two (2) years of preliminary plat approval.
- b. ~~Each subsequent phase shall be submitted for approval no longer than one (1) year after approval of the phase prior.~~
- c. A preliminary plat can be phased a maximum of five (5) years after approval of the preliminary plat.
 - i. At the discretion of the Board of Supervisors, the maximum phasing period for any preliminary period may be extended for a period not to exceed three (3) years.
- d. All infrastructure serving the lots included in each final plat phase shall be installed to the specifications shown on the preliminary plat or have an approved performance guarantee in accordance with this Chapter and Chapter 8:1.28(B)(12).

...

...

8:2.6 Plat Specifications.

...

B. Final Plat Specifications.

...

12. Structures. The location, type and setback distance of all structures over one hundred (100) square feet shall be shown on the plat.

...

8:2.7 Subdivision Principles.

...

G. Land Suitability. No land shall be subdivided which is found to be unsuitable due to flooding, ponding poor or inadequate drainage, adverse soil conditions, geological formations or topography, or any other features likely to be harmful to the health, safety, or general welfare of the future residents of the subdivision or the residents of Johnson County.

1. Special Flood Hazard Area. With the exception of lots proposing to separate an existing house that predates December 1, 2000 from the surrounding land, the Board shall not approve any subdivision which has any buildable portion of any buildable lot within the Special Flood Hazard Area. If a tract of land to be subdivided contains mapped Special Flood Hazard Area, the portion of the property within the Special Flood Hazard Area shall be put into agricultural, open space, or preservation outlot(s).
 - a. Filling in the Special Flood Hazard Area. The Board shall not approve any subdivision in which a proposed buildable lot has been removed from the Special Flood Hazard Area via a Letter of Map Revision Based on Fill (LOMR-F) which was issued after the effective date of this ordinance.
 - b. The buildable portions of buildable subdivided lots located in areas that would become isolated due to flooding of surrounding ground shall be provided with a means of access that will be passable by wheeled vehicles during the base flood. However, this criterion shall not apply where the Administrator determines there is sufficient flood warning time for the protection of life and

property. When estimating flood warning time, consideration shall be given to the criteria listed in 567-75.2(3), Iowa Administrative Code.¹⁰

...

...

J. Road Performance Standards.

...

5. Calculating Projected Vehicles per Day. Prior to approval of a subdivision, each secondary road included in the study area shall be evaluated to calculate projected vehicles per day. Projected vehicles per day is calculated using the following process:

...

- b. Traffic Count. The most recent traffic count completed by the Johnson County Secondary Roads Department, Iowa Department of Transportation, East Central Iowa Council of Governments, or Metropolitan Planning Organization of Johnson County unless a different count is recommended for use by the Johnson County Engineer.

...

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CHAPTER 8:3 - ENVIRONMENTAL REGULATIONS

8:3.5 Sensitive Areas Regulations.

A. Application of Regulations.

...

5A. All applications for rezoning to the RE-Renewable Energy zoning district shall comply with the regulations contained within this subsection. The Board shall not approve any application requesting to rezone property to RE-Renewable Energy which does not conform to the standards of this subsection.

...

...

- F. Prairie and Prairie Remnant.** Areas containing an association of native grasses, sedges, and broadleaf plants. These native species are remnants of associations typical of pre-settlement ecosystems. Conservation Reserve Program (CRP) plantings are not considered to be prairie remnant.

...

J. Wetlands.

...

2. Implementation. If wetland is found on site, the proposed use and development shall comply with the following:

...

¹⁰ Ordinance 07-22-21-01

c. Mitigation Requirements. Compensatory mitigation is required for any wetland impact that equals or exceeds one tenth (0.1) of an acre. All mitigation shall be in accordance with the following standards and mitigation ratios:

i. Mitigation Ratios. The mitigation ratios for the Class 2 and Class 3 wetlands shall be the following unless additional mitigation is required by U.S. Army Corp of Engineers regulations.

Impacted Wetland Classification	Mitigation Ratio, purchase of wetland mitigation bank credits	Mitigation Ratio, on- or off-site wetland reconstruction	Mitigation Ratio, off-site wetland preservation		
			Wetland Preserved		
			Class 1	Class 2	Class 3
Class 1	n/a	n/a	n/a	n/a	n/a
Class 2	2:1	3:1	n/a 2:1	3:1	n/a
Class 3	1:1	2:1	n/a 1:1	1.5:1	2:1

...

...

K. Woodlands.

...

2. Implementation. If woodland is found on site, the proposed use and development shall comply with the following:

...

b. Impact. Developments shall be designed to avoid and minimize impact to woodland to the greatest extent possible. Unless the applicant can demonstrate that leaving the area undisturbed is unreasonable, the area shall be left undisturbed except for management activities necessary for restoration and maintenance.

i. The maximum allowed impact to sensitive woodland for any single development, or multiple developments on a single site, is limited to five (5) acres. The five (5) acre limit may be exceeded in certain instances for mining and mineral extraction projects with a reclamation plan (see chapter 8:1.24) as well as linear utility projects, including telecommunications, which are authorized by a grading permit under subsection 8:1.27.A.

c. Mitigation Requirements. If the sensitive area must be disturbed, a mitigation plan shall be submitted and implemented in accordance with the following standards:

i. Mitigation Ratios...

ii. Mitigation Plan...

iii. Mitigation for linear projects authorized by a grading permit under subsection 8:1.27.A shall be subject to the following:

a) Woodland mitigation will be required for linear projects subject to this section, when woodland impacts exceeds one (1) acre.

b) Impacts in excess of one (1) acre will require mitigation at a ratio of 1:1.

c) All other woodland mitigation provisions of 8.3 shall apply.

8:3.6 Stormwater Management Regulations

A. Application of Regulations.

...

6. Waiver of Requirements. The Zoning Administrator, or a duly authorized representative, may waive some or all of the requirements of this subsection if one of the following conditions is met:

...

- c. The property is subject to the Site Planning requirements in chapter 8:1.26, or stormwater management is required in association with an approved Conditional Use Permit, and ~~both~~ one of the following ~~apply~~ applies:
- i. A stormwater runoff analysis, in accordance with the Iowa Stormwater Management Manual, clearly demonstrates that post-developed runoff rates will be decreased or remain unchanged relative to pre-developed runoff rates.
 - ii. The newly added impervious surface area does not exceed 5000 square feet. All existing and proposed stormwater discharges are and will be authorized under an active National Pollutant Discharge Elimination System (NPDES) permit.

...

8:4 Floodplain Management Regulations

...

8:4.4 Definitions.

...

B. Terms.

25. **Maximum Damage Potential Uses.** Hospitals and like institutions; buildings or building complexes containing documents, data, or instruments of great public value; buildings or building complexes containing materials dangerous to the public or fuel storage facilities; power installations needed in emergency or other buildings or building complexes similar in nature or use.

29A. Repetitive Loss. A structure covered by an NFIP flood insurance policy that has incurred flood-related damages on two occasions during a ten (10)-year period on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on average, equaled or exceed twenty five percent (25%) of the market value of the structure at the time of each such flood event.

...

8:4.5 General Provisions.

...

- B. ~~Establishment of Official Floodplain Zoning Map.~~ The Flood Insurance Rate Map (FIRM) for Johnson County and Incorporated Areas, dated February 16, 2007, which were prepared as part of the Flood Insurance Study for Johnson County, is hereby adopted by reference and declared to be the Official Floodplain Zoning Map. ~~The flood profiles and all explanatory material contained with the Flood Insurance Study are also declared to be a part of this Chapter.~~

Establishment of Official Floodplain Zoning Map. The Flood Insurance Rate Map (FIRM) for Johnson County and Incorporated Areas, Panels 19103C0015F, 19103C0020F, 19103C0025F, 19103C0026F, 19103C0027F, 19103C0028F, 19103C0029F, 19103C0031F, 19103C0032F, 19103C0033F, 19103C0034F, 19103C0040F, 19103C0045F, 19103C0055F, 19103C0058F, 19103C0059F, 19103C0060F, 19103C0065F, 19103C0066F, 19103C0067F, 19103C0068F, 19103C0069F, 19103C0078F, 19103C0080F, 19103C0085F, 19103C0086F, 19103C0088F, 19103C0090F, 19103C0095F, 19103C0125F, 19103C0127F, 19103C0129F, 19103C0131F, 19103C0133F, 19103C0135F, 19103C0140F, 19103C0145F, 19103C0153F, 19103C0154F, 19103C0155F, 19103C0158F, 19103C0159F, 19103C0160F, 19103C0161F, 19103C0162F, 19103C0165F, 19103C0166F, 19103C0167F, 19103C0170F, 19103C0178F, 19103C0180F, 19103C0185F, 19103C0187F, 19103C0189F, 19103C0190F, 19103C0191F, 19103C0192F, 19103C0193F, 19103C0194F, 19103C0205F, 19103C0210F, 19103C0211F, 19103C0213F, 19103C0215F, 19103C0220F, 19103C0230F, 19103C0240F, 19103C0275F, 19103C0300F, 19103C0305F, 19103C0310F, 19103C0315F, 19103C0320F, 19103C0330F, 19103C0335F, 19103C0340F, 19103C0345F, 19103C0355F, 19103C0365F, 19103C0385F, 19103C0405F, 19103C0415F, 19103C0425F, and 19103C0450F, dated December 26, 2025, which was prepared as part of the Flood Insurance Study for Johnson County, is (are) hereby adopted by reference and declared to be the **Official Floodplain Zoning Map.** The Johnson County Flood Insurance Study is hereby adopted by reference and is made a part of this ordinance for the purpose of administering floodplain management regulations.

...

8:4.6 Administration.

A. Appointment, Duties, and Responsibilities of Local Official.

...

2. Duties and responsibilities of the Administrator shall include, but not necessarily be limited to the following:

...

- c. Record and maintain a record of:

- i. The elevation, in relation to North American Vertical Datum~~1929~~ 1988, of the lowest floor (including basement) of all new or substantially improved structures, or
 - ii. The elevation, in relation to North American Vertical Datum~~1929~~ 1988, to which new or substantially improved structures have been floodproofed.

...

- i. Maintain the accuracy of the community's Flood Insurance Rate Maps when:

- i. Development placed within the Floodway Overlay District results in any of the following:
 - a) An increase in the Base Flood Elevations, or
 - b) Alteration to the floodway boundary
 - ii. Development place in Zones A, AE, AH, and A1-30 that does not include a designated floodway that will cause a rise of more than one foot in the base flood elevation; or
 - iii. Development relocates or alters the channel.

Within six (6) months of the completion of the development, the applicant shall submit to FEMA all scientific and technical data necessary for a Letter of Map Revision

- j. Perform site inspections to ensure compliance with the standards of this Chapter.
- k. Forward all requests for Variances to the Board of Adjustment for consideration. Ensure all requests include the information ordinarily submitted with applications as well as any additional information deemed necessary to the Board of Adjustment.
- l. ~~Within six (6) months of the completion of the development, the applicant shall submit to FEMA all scientific and technical data necessary for a Letter of Map Revision.~~

B. Floodplain Development Permit.

...

- 2. Application for Permit. Application shall be made on forms furnished by the Administrator and shall include the following:

...

- f. Elevation, in relation to North American Vertical Datum~~1929~~ 1988, of the lowest floor, including basement, of structures; or of the level to which a structure is to be floodproofed.

...

...

- 6. Permit Expiration. Floodplain Development Permits issued under this chapter shall expire one hundred and eighty (180) days from the date of issuance unless the applicant can demonstrate Start of Construction, as defined by this chapter. In the case of a permit authorizing only grading, excavation, fill, or other non-structure-related work, the applicant must demonstrate that they have started significant earth moving activities on the site.

...

8:4.8 FFO – Floodway Fringe Overlay District.

...

B. Performance Standards.

...

- 3. Non-residential structures. All new or substantially improved non-residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the base flood elevation, or together with attendant utility and sanitary systems, be floodproofed to such a level.

...

- b. A record of the certification indicating the specific elevation, in relation to North American Vertical Datum~~1929~~ 1988, to which any structures are floodproofed shall be maintained by the Administrator.

...

- 14. Maximum Damage Potential~~Uses Development~~. All new or substantially improved maximum damage potential uses shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the elevation of the five hundred (500)-year flood, or together with attendant utility and sanitary systems, be floodproofed to such a level.

...

- b. A record of the certification indicating the specific elevation, in relation to North American Vertical Datum~~-1929~~ 1988, to which any structures are floodproofed shall be maintained by the Administrator.

...

The following pages show an alternate text change that PDS staff is recommending the Commission and Board accept. This change would replace changes 51-54 on the current draft with a single new change.

Alternate Variance Language

Article 8:1.29 is hereby amended by deleting subsection 8:1.29.D in its entirety and replacing it with the following (said deletion includes all subsections under 8:1.29.D):

D. Variances. To authorize on appeal, in specific cases, such variance from the terms of the Zoning Regulations with respect to the area, dimensional, or other numerical limitations as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the Zoning Regulations will result in practical difficulties to the property owner in making beneficial use of the property allowed by the Zoning Ordinance, and so that the spirit of the Zoning Regulations shall be observed and substantial justice done.

1. The Board shall have the power to vary the following standards in the zoning ordinance:
 - a. Area, dimensional, or other numerical limitations subject to variances include but are not limited to requirements for minimum lot size, setbacks, yard widths, height, bulk, sidewalks, fencing, signage, and off-street parking. where there is an exceptional or unusual physical condition of a lot, which condition is not generally prevalent in the vicinity and which condition when related to the regulations of this section would prevent a reasonable arrangement of buildings on the lot.
2. Request for variance from the zoning regulations shall only be approved if the Board of Adjustment finds that an application substantially conforms with the following practical difficulty criteria:
 - a. The requested relief exceeds the standards for qualifying as a special exception;
 - b. The provisions of this chapter, as applied to this property, result in a practical difficulty and amount to a practical confiscation. The applicant must demonstrate that a practical difficulty is a compelling force and will not merely serve as a convenience to the applicant. Factors that shall be considered include:
 - i. Topographical conditions;
 - ii. Surroundings;
 - iii. Size and shape of the property;
 - iv. Location of public utilities or improvements on or adjacent to the subject property;
 - v. Other extraordinary or exceptional situation(s).
 - c. The plight of the owner is due to unique circumstances of the property and not to the general conditions in the neighborhood.
 - i. The practical difficulty must have been created by the ordinance and not by the applicant and/or a predecessor in title.
 - ii. A strict application of the Zoning Ordinance precludes the use of land for any purpose to which it is reasonably adapted.

- iii. The problem cannot be alleviated by zoning the property to another classification.
- d. The use to be authorized by the variance will not alter the essential character of the locality. Granting the variance cannot:
 - i. Impede the normal and orderly development and improvement of the surrounding property.
 - ii. Have substantially adverse effect on the value of adjacent properties.
 - iii. Impair the provision of adequate utilities, access roads, drainage, and/or other necessary facilities, either to the property in question or to nearby properties.
 - iv. Increase the danger of the hazard from fire, flood, or similar dangers nor produce nuisance conditions to occupants, or nearby premises, by reason of dust, noise, fumes, odor, vibrations, smoke, or lights.
 - v. Effect the supply of light and air to adjacent properties.
- e. The land in question cannot yield a reasonable return if used as allowed in the zone in which it is located.
 - i. Variances will not be granted on the basis of value of the property nor to increase the profitability of the property.

The following pages show the alternate text change that PDS staff is recommending in-line with some surrounding text from the ordinance as it currently exists.

These in-line changes are meant to provide context for reading the proposed changes and are for illustrative purposes only.

Alternate Variance Language – Redline for illustrative purposes only.

Article 8:1.29 is hereby amended by deleting subsection 8:1.29.D in its entirety and replacing it with the following (said deletion includes all subsections under 8:1.29.D):

D. Variances. To authorize, ~~up~~ on appeal, in specific cases, such variance from the terms of the Zoning Regulations with respect to the area, dimensional, or other numerical limitations as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Zoning Regulations will result in ~~unnecessary hardship~~ practical difficulties to the property owner in making beneficial use of the property allowed by the Zoning Ordinance, and so that the spirit of the Zoning Regulations shall be observed and substantial justice done.

1. The Board shall have the power to vary the following standards in the zoning ordinance:
 - a. Area, dimensional, or other numerical limitations subject to variances include but are not limited to requirements for minimum lot size, setbacks, yard widths, height, bulk, sidewalks, fencing, signage, and off-street parking. The setback, frontage, height, or other lot area regulations where there is an exceptional or unusual physical condition of a lot, which condition is not generally prevalent in the vicinity and which condition when related to the ~~setback, frontage, height, or other lot area~~ regulations of this section would prevent a reasonable arrangement of buildings on the lot.
2. Request for variance from the zoning regulations shall only be approved if the Board of Adjustment finds that an application substantially conforms with the following ~~hardship~~ practical difficulty criteria:
 - a. The requested relief exceeds the standards for qualifying as a special exception;
 - b. The provisions of this chapter, as applied to this property, result in ~~an unnecessary hardship~~ a practical difficulty and amount to a practical confiscation. The applicant must demonstrate that a ~~hardship practical difficulty~~ is a compelling force and will not merely serve as a convenience to the applicant. Factors that shall be considered include:
 - i. Topographical conditions;
 - ii. Surroundings;
 - iii. Size and shape of the property;
 - iv. Location of public utilities or improvements on or adjacent to the subject property;
 - v. Other extraordinary or exceptional situation(s).
 - c. The plight of the owner is due to unique circumstances of the property and not to the general conditions in the neighborhood.
 - i. The ~~hardship practical difficulty~~ must have been created by the ordinance and not by the applicant and/or a predecessor in title.

- ii. A strict application of the Zoning Ordinance precludes the use of land for any purpose to which it is reasonably adapted.
 - iii. The problem cannot be alleviated by zoning the property to another classification.
- d. The use to be authorized by the variance will not alter the essential character of the locality. Granting the variance cannot:
 - i. Impede the normal and orderly development and improvement of the surrounding property.
 - ii. Have substantially adverse effect on the value of adjacent properties.
 - iii. Impair the provision of adequate utilities, access roads, drainage, and/or other necessary facilities, either to the property in question or to nearby properties.
 - iv. Increase the danger of the hazard from fire, flood, or similar dangers nor produce nuisance conditions to occupants, or nearby premises, by reason of dust, noise, fumes, odor, vibrations, smoke, or lights.
 - v. Effect the supply of light and air to adjacent properties.
- e. The land in question cannot yield a reasonable return if used as allowed in the zone in which it is located.
 - i. Variances will not be granted on the basis of value of the property nor to increase the profitability of the property.

The following pages show comments on the changes proposed by P&Z Commissioner Erin Hazen. These comments were submitted to staff ahead of the meeting and distributed to Commissioners prior to the meeting for consideration.

It is anticipated that these comments will be discussed by Commissioners during the public hearing for this item.

Oct 11, 2025

To: Josh Busard, Director of Planning, Development and Sustainability

From: Erin Hazen, Commissioner, Planning and Zoning Commission

Comments Regarding Proposed Amendment to the Johnson County UDO on Data Centers

I appreciate the opportunity to comment on the proposed amendment regarding data centers. I support the development of data center infrastructure in Johnson County, provided that it responsibly addresses the negative impacts such facilities can have on our community and resources.

Based on my professional experience in the electric utility sector, including working directly with large data center operators on power supply planning, I believe the ordinance should take a more protective stance in several key areas, described below.

Issue #1: Cost Burden on Ratepayers

Data centers are driving the need for new power plants and transmission lines—costs that are often passed on to ordinary ratepayers. In return, local communities receive relatively little benefit. We should be cautious about offering incentives to businesses that do not pay their full share of the infrastructure they require.

For example, in Louisiana, the utility Entergy is building three new power plants at a cost of approximately \$3.7 billion to serve a new Meta data center. That facility is the sole reason these plants are needed. Yet Meta is reportedly paying only about half of the construction cost and none of the ongoing fuel, operations, or maintenance costs. The \$550 million transmission line required for the project is also being funded by ratepayers, not the company.

A similar situation is emerging in Iowa, where a \$380 million, 345-kV transmission project is being built solely to serve data center load—again, at ratepayer expense.

Suggestion:

Require each data center zoning application to disclose *all* related utility and transmission upgrades, along with the estimated costs and who will pay them. This ensures that any vote to approve a project is made with full transparency about its financial and infrastructure impacts.

Issue #2: Clarity on Power Supply Requirements

The draft ordinance requires renewable energy for backup power. However, without sufficient battery storage, on-site wind or solar cannot realistically provide the continuous, high-quality power data centers require. We should be clear-eyed that this requirement for RE power is a *de facto* requirement for battery storage. As a proponent of battery energy storage I support this, but I also recognize that this topic deserves community discussion, so it's worth flagging.

The County should clarify whether Renewable Energy Credits (RECs) will be accepted as offsets for on-site gas or diesel backup systems. If so, the ordinance must require **additionality**—meaning the RECs must come from newly built renewable projects that would not exist without the data center's purchase. Otherwise, the RECs are a token gesture with no real environmental benefit.

Additionally, several large data center operators are exploring nuclear power options, including small modular reactors (SMRs). The County should proactively define how it would evaluate or regulate such a proposal.

Suggestion:

Clarify the ordinance language to specify whether RECs or SMRs are permissible sources of backup or primary power, and what standards apply to each.

Issue #3: Impacts on Power Quality and Grid Stability

The problem is not just how *much* power data centers use—it's also *how* they use it. Data centers can cause large, rapid fluctuations in voltage and frequency that destabilize the grid. These swings can lead to reliability problems, including blackouts.

Even at smaller scales, data centers can degrade local "power quality." This can cause excessive reactive power and harmonic distortions, which shorten the lifespan of motors, pumps, and other electrical equipment that are the lifeblood of our county's many manufacturing facilities, hospitals, water treatment plants, etc. In short, data centers can impose hidden costs on other electricity users.

Technical mitigations exist—such as installing harmonic filters or battery energy storage systems—but they must be included in the design from the outset.

Suggestion:

Require each data center applicant to submit a detailed engineering report, reviewed and

signed by the serving utility, describing how the project will prevent or mitigate adverse effects on voltage, frequency, and power quality. The applicant should also fund ongoing monitoring of its grid impacts and provide an annual public report as a condition of its Special Use Permit.

(References: NERC 2025 State of Reliability Report; NERC Incident Review on Large Load Loss; TerraFlow Energy, 2024; DataPhoenix, 2024.)

Issue #4: Energy–Water Tradeoff

Closed-loop chillers can significantly reduce a data center’s water use, which is valuable in water-scarce regions. However, they can also *double* the facility’s energy consumption. While water conservation may still be the higher priority, we should acknowledge this tradeoff and include it in our evaluation of proposed projects.

Summary

Data centers can contribute to economic development—but only if we ensure that they do not externalize their costs onto the public. By requiring transparency, technical safeguards, and accountability, Johnson County can welcome this industry on terms that protect local residents, ratepayers, and the integrity of the electric grid.