

ORDINANCE NO. 07-22-21-01

**AN ORDINANCE AMENDING THE JOHNSON COUNTY UNIFIED DEVELOPMENT
ORDINANCE TO UPDATE CERTAIN DEFINITIONS AND REFERENCES, MODIFY
ALLOWED USES, AND CLARIFY DEVELOPMENT APPLICATION 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 certain definitions, correcting subsection references, modifying allowed uses in certain zoning districts, and clarifying development application requirements and procedures.

Section II. Amendments.

- A. Article 8:1.4.B.98 is hereby amended by deleting the sentences “Outdoor storage of materials related to the home business may be allowed if fully screened from view of the right-of-way and all neighboring property. Overnight lodging for guests and all uses that are specifically confined to the MH district cannot be permitted as part of a home business.”
- B. Article 8:1.4.B.99 is hereby amended by deleting the sentences “Outdoor storage of materials related to the home industry may be allowed if fully screened from view of the right-of-way and all neighboring property. Overnight lodging for guests and all uses that are specifically confined to the MH district cannot be permitted as part of a home business.”
- C. Article 8:1.4.B is hereby amended by addition subsection 8:1.24.B.205A, to read as follows:
 - 205A. **Temporary Storage, Public Utilities.** An area of land used for the orderly containment of materials and equipment associated with local public utility projects during a term of a specified project.

- D. Article 8:1.6 is hereby amended by adding subsection 8:1.6.A.9, to read as follows:

9. Temporary Storage, Public Utilities.

- a. Subject to Zoning Administrator approval.
- b. Limited to one (1) calendar year.

- E. Article 8:1.7 is hereby amended by adding subsection 8:1.7.A.4, to read as follows:

4. Temporary Storage, Public Utilities.

- a. Subject to Zoning Administrator approval.
- b. Limited to one (1) calendar year.

- F. Article 8:1.14 is hereby amended by adding subsection 8:1.14.A.13A, to read as follows:

13A. Temporary Storage, Public Utilities.

- a. Subject to Zoning Administrator approval
- b. Limited to one (1) calendar year.

G. Article 8:1.15 is hereby amended by adding subsection 8:1.15.A.22A, to read as follows:

22A. Temporary Storage, Public Utilities.

- a. Subject to Zoning Administrator approval.
- b. Limited to one (1) calendar year.

H. Article 8:1.17 is hereby amended by adding subsection 8:1.17.A.19, to read as follows:

19. Temporary Storage, Public Utilities.

- a. Subject to Zoning Administrator approval.
- b. Limited to one (1) calendar year.

I. Article 8:1.18 is hereby amended by adding subsection 8:1.18.A.16, to read as follows:

16. Temporary Storage, Public Utilities.

- a. Subject to Zoning Administrator approval.
- b. Limited to one (1) calendar year.

J. Article 8:1.19 is hereby amended by adding subsection 8:1.19.A.9, to read as follows:

9. Temporary Storage, Public Utilities.

- a. Subject to Zoning Administrator approval.
- b. Limited to one (1) calendar year.

K. Article 8:1.23.D is hereby amended by deleting subsection 8:1.23.D.4 in its entirety and replacing it with the following:

4. Parcel size

- a. Auxiliary dwelling units on parcels less than two (2) acres shall be attached to the primary dwelling unit, or be attached to or integrated within an existing accessory structure.
- b. Auxiliary dwelling units on parcels two (2) acres or larger may be built as a standalone secondary dwelling.

L. Article 8:1.23.P is hereby amended by adding subsection 8:1.23.P.5A, to read as follows:

- 5A. Outdoor storage of materials related to the home occupation, home business, or home industry may be allowed if fully screened from view of the right-of-way and all neighboring property.

M. Article 8:1.23.P is hereby amended by adding subsections 8:1.23.P.9.f and 8:1.23.P.g to read as follows:

- f. Overnight lodging for guests.
- g. Any uses specifically confined to the MH or SWDRR districts.

N. Article 8:1.24.B.1 is hereby amended by adding subsection 8:1.24.B.1.i, to read as follows:

- i. All structures, whether temporary or permanent, shall comply with setback regulations for the district in which they are located; including structures which are not required to obtain a building permit under these regulations.

O. Article 8:1.24.B.3 is hereby amended by adding subsection 8:1.24.B.3.k, to read as follows:

- k. All structures, whether temporary or permanent, shall comply with setback regulations for the district in which they are located; including structures which are not required to obtain a building permit under these regulations.

P. Article 8:1.25.A.4.a.v is hereby amended by replacing the words “8:1.25(A)(3)(a)(iii)” with the words “8:1.25(A)(4)(a)(iii)”.

Q. Article 8:1.25.A.4 is hereby amended by adding subsection 8:1.25.A.4.c, to read as follows:

- c. Temporary Structures and uses. Any application for building permit or permits for temporary uses on a property located in the RR, C, CH, AG-T, C-AG, ML, MH, or SWDRR districts, can be approved by the Zoning Administrator in accordance with the following:

- i. The property in question was previously developed in accordance with an approved site plan.
- ii. The temporary use is located on a portion of the property which is accounted for in an approved storm water management plan.
- iii. The use shall be removed and the site shall be restored to its original state within 18 months.
 - a) A site restoration plan and performance guarantee with financial assurance shall be submitted and approved prior to the beginning of operations.
 - b) The performance guarantee shall be in accordance with the standards set in Section 8:1.27(B)(12).
- iv. Any additional parking, as required by subsection 8:1.24, can be accommodated without requiring an increase to the impervious surface allowed under the approved storm water management plan.
- v. A revised site plan is submitted and approved by the Zoning Administrator showing the location of all proposed structures or structure additions.

R. Article 8:1.25.B is hereby amended by deleting it in its entirety and replacing it with the following:

- B. Installation of Improvements. All improvements shall be installed in accordance with this subsection and the approved site plan.

- 1. Building Permit Issuance. Building permits may be issued for structures that are shown on an approved site plan.
- 2. Certificate of Occupancy. The Zoning Administrator shall not issue a permanent certificate of occupancy for any building permit on property subject to these

regulations until such time that as-built plans for all required infrastructure are provided.

- a. As-built plans for all required infrastructure shall be certified by a Professional Engineer licensed in the State of Iowa.
- b. As-built plans will be required to verify that the following infrastructure has been installed in conformance with the approved site plan:
 - i. Surface type and dimensions of all parking and drive areas.
 - a) Plans do not need to verify the depth of surface materials or subbase for parking and drive areas, only surface type and dimensions.
 - ii. Location and species of all landscaping.
 - iii. Location of all utilities serving the site including well and water lines, wastewater, electric, and gas (where applicable).
 - iv. Stormwater infrastructure including but not limited to final location, dimensions, and elevations in accordance with the approved stormwater plan.
- c. At the discretion of the Zoning Administrator, and only when the applicant has demonstrated that it is extraordinarily expensive and/or difficult to install all improvements prior to issuance of the permanent Certificate of Occupancy due to unforeseeable circumstances beyond the applicant's control, a temporary certificate of occupancy may be issued prior to the provision of as-built plans where the applicant enters into a performance guarantee with the County in accordance with the following:
 - i. Performance guarantees may be allowed for any infrastructure.
 - ii. The performance guarantee shall be in accordance with the standards set in Section 8:1.27(B)(12).

S. Article 8:1.26.A.2 is hereby amended by replacing the words "Soil and Erosion Control Permit" with the words "Soil Erosion and Sediment Control Permit".

T. Article 8:1.27.A.3 is hereby amended by deleting this section in its entirety and replacing it with the following:

- 3. Zoning Administrator Approval Applications shall refer to all applications on which the Zoning Administrator has final authority. These applications include certain home occupations, special events, and special exceptions; and all short term rentals, boundary line adjustments, limited slaughter facilities, and temporary storage for public utilities.

U. Article 8:1.27.F.8 is hereby amended by deleting subsection 8:1.27.F.8.b in its entirety and replacing it with the following.

- b. The developer shall verify the installation of required improvements by providing as-built plans showing that infrastructure was installed in conformance with the standards of this ordinance and the approved preliminary plat. As-built plans shall be certified by a Professional Engineer

licensed in the State of Iowa and shall verify the following infrastructure has been installed in conformance with the approved preliminary plat:

- i. Location of all shared improvements serving the site including private roads and stormwater infrastructure; and shared well(s), water lines, wastewater facilities, electric, and gas (where applicable).
 - a) For all private roads, plans do not need to verify the depth of surface materials or subbase, only surface type and dimensions.
 - b) Plans for stormwater infrastructure shall include, but not limited to, final location, dimensions, and elevations in accordance with the approved stormwater plan.
- ii. Survey of the final impact boundary in accordance with subsection 8:3.5.B.3 of this ordinance.

V. Article 8:1.27.F.8.c is hereby amended by deleting it in its entirety and replacing it with the following:

- c. If, at the time of final plat submission, it is not practicable or advisable to have all improvements other than septic systems installed prior to final plat review and approval, the subdivider shall enter into a performance agreement, with financial assurance, with the County for installation of the remainder of the improvements prior to approval of the final plat. The subdivider shall demonstrate that installation of the remaining improvements is extraordinarily expensive and/or difficult, or otherwise inadvisable, at the time of final plat submission due to unforeseeable circumstances beyond the subdivider's control. The performance guarantee shall be in accordance with standards set in Chapter 8:1.27(B)(12).

W. Article 8:1.27.H.2.b is hereby amended by adding subsection 8:1.27.H.2.b.i, to read as follows:

- i. Unless the applicant has agreed to an extension, if a city has not provided official comment within 60 days of receipt of notice of the application from the County, the Board may take final action on the item.

X. Article 8:1.28.B.7.d is hereby amended by adding subsection 8:1.28.B.7.d.i, to read as follows:

- i. Unless the applicant has agreed to an extension, if a city has not provided official comment within 60 days of receipt of notice of the application from the County, the Board may take final action on the item.

Y. Article 8:1.28.E is hereby amended by deleting subsection 8:1.28.E.1 (said deletion includes subsection 8:1.28.E.1.a) and replacing it with the following:

1. The Board shall have the power to grant special exceptions to the following standards based upon the practical difficulty standards in this section.
 - a. 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.

- b. A reduction shall not be more than fifty (50) percent of the usual requirement or reduce a required setback to less than five (5) feet, or allow an increase in height such that the total height is more than one hundred and fifty (150) percent of the listed standard.

Z. Article 8:2.5.E.3 is hereby amended by adding subsection 8:2.5.E.3.j to read as follows:

- j. A boundary line adjustment may be denied if there are apparent sensitive features that could be impacted on the property that have not been accounted for in accordance with subsection 8:3.5.

AA. Article 8:2.5.G.2.a is hereby amended by deleting the words “The performance guarantee shall be in accordance with standards set in Chapter 8:1.27(B)(12).” following the words “Public Health Department approval.”

BB. Article 8:2.5.G.2.b is hereby amended by deleting it in its entirety and replacing it with the following:

- b. If, at the time of final plat submission, it is not practicable or advisable to have all improvements other than septic systems installed prior to final plat review and approval, the subdivider shall enter into a performance agreement, with financial assurance, with the County for installation of the remainder of the improvements prior to approval of the final plat. The subdivider shall demonstrate that installation of the remaining improvements is extraordinarily expensive and/or difficult, or otherwise inadvisable, at the time of final plat submission due to unforeseeable circumstances beyond the subdivider’s control. The performance guarantee shall be in accordance with standards set in Chapter 8:1.27(B)(12).

CC. Article 8:2.6.B is hereby amended by adding subsection 8:2.6.B.11A to read as follows:

- 11A. Structures. The location, type and setback distance of all structures over one hundred (100) square feet be shown on the plat.

DD. Article 8:2.7.G.1 is hereby amended by adding the words “buildable” between the words “any” and “portion”.

EE. Article 8:2.7.G.1 is hereby amended by adding subsection 8:2.7.G.1.b to read as follows:

- 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.

FF. Article 8:2.7.G.3 is hereby amended by adding subsection 8:2.7.G.3.e to read as follows:

- e. Horizontal or vertical geometry of the secondary road network serving the subject property present significant sight distance constraints, or if other conditions or factors exist that make the roads unsuitable to support the subdivision as judged by the County Engineer.

GG. Article 8:2.7.J.2 is hereby amended by deleting subsection 8:2.7.J.2.c in its entirety.

HH. Article 8:2.8.C.1.b is hereby amended by deleting subsection 8:2.8.C.1.b.ii in its entirety.

II. Article 8:2.8.D.3.c.i is hereby amended by adding the words “or a hammerhead turnaround that matches the width of the private road and has a minimum length of 120 feet” after the words “(110) feet”.

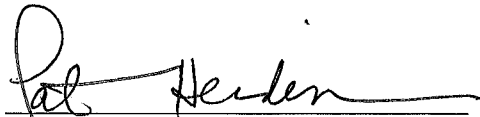
JJ. Article 8:2.8.D.5.b is hereby amended by deleting subsection 8:2.8.D.5.b.i in its entirety.

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: August 5, 2021

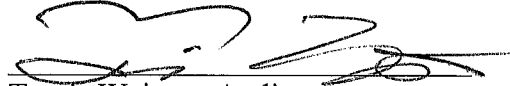


Pat Heiden, Chairperson
Board of Supervisors

8/22/21

Date

ATTEST:



Travis Weipert, Auditor
Johnson County, Iowa