JOHNSON COUNTY CODE OF ORDINANCES

VOLUME TWO

JOHNSON COUNTY

UNIFIED DEVELOPMENT ORDINANCE

For the Unincorporated Areas of Johnson County

8:1 Zoning Regulations
8:2 Subdivision Regulations
8:3 Environmental Regulations
8:4 Floodplain Management Regulations
8:5 Commercial Wind Energy Facility Regulations
8:6 Building Code
8:7 Johnson County Rental Housing Code
8:8 Enforcement
8:9 Airport Zoning (Eastern Iowa Airport)
8:10 Airport Zoning (Iowa City Airport)

Adoption Date: December 19, 2019

Effective Date: January 15, 2020

Recodification Date: January 30, 2025

Prepared by the Johnson County Planning, Development, and Sustainability Department with assistance from the Johnson County Attorney's Office and Johnson County Auditor's Office

Introduction

The Johnson County Code of Ordinances is published pursuant to Section 331.302(10), *Iowa Code* (2024). Volume One contains the County's General Ordinances. Volume Two contains the Unified Development Ordinance (UDO), as included in this document and which can be examined in the County Auditor's Office in the Johnson County Administration Building, 913 South Dubuque Street, Iowa City, Iowa, and here.

Ordinance No. 01-30-25-01 amended Volume Two by making all the changes set forth in the ordinance amendments listed below and adopted between March 26, 2020, and October 10, 2024.

List of Amendments since UDO adoption on December 19, 2019:

Ordinance No. – Brief Description

03-26-20-01 – Add a definition & allowed impacts to slopes *

07-23-20-01 – Changing various regulations and definitions related to Ag & Ag exemption *

10-22-20-01 – Ag Experiences, Ag Unit definition, Event Centers in Ag-T – Agritourism

10-22-20-02 – Changing various regulations and definitions related to Animal Slaughter *

12-22-20-01 – Omnibus: Updates responsive to changes in Iowa Code (ag exemption, cell towers, short-term rental)

12-22-20-02 – Updating various uses related to Commercial uses, parking, signage, & Site Planning

05-27-21-02 – Repeal and replace of Iowa City Airport Zoning Ordinance

07-22-21-01 – Omnibus: Update definitions, references, uses, development application requirements/procedures

07-22-21-02 – Update and modify certain definitions and requirements for Sensitive Areas

08-24-21-01 – Revise the landscaping planting location requirements for Public Utility Facilities *

08-24-21-02 – Update Public Utility Facilities and Utility Scale Solar; add Battery Energy Storage Systems

08-24-21-03 – Revise stream corridor definition, modify certain Stormwater Management requirements

12-16-21-02 – Adopt the 2021 Building Codes (IBC, IRC, State Elec/Mech/Plumb); with local amendments

05-19-22-01 – Create the RE – Renewable Energy District, modify requirements for Utility Scale Solar, Battery Energy Storage Systems, & Public Utilities

08-03-23-02 – Omnibus: Update requirements for environmental regulations, grading permits, and site stabilization

08-24-23-01 – Omnibus: Update certain requirements for subdivisions and performance agreements

09-26-21-04 – Omnibus: Update definitions and references; allowed uses; supplemental, additional, and Site Plan regulations; development application requirements/procedures; Floodplain and Building Code requirements

10-10-24-01 – Revise regulations related to Auxiliary Dwelling Unit density, treating a parcel group as single parcel for building purposes, Lot of Record, and adding Cryptocurrency production as allowed use

* Denotes an amendment submitted via application rather than initiated by staff.

The effective date cited after the title of each individual chapter is the earliest date of publication of the original ordinance in the official publications of Johnson County.

Footnotes within the UDO specify the ordinance number which amended the original ordinance. However, the following types of changes to the Johnson County Code of Ordinances by Ordinance 01-30-25-01 have not been footnoted: correcting scrivener's errors, spelling, punctuation, formatting, style, numbering, titles of departments, agencies or officials to current usage, and changes to wording to make gender neutral language, and to references in the original ordinance to be consistent with current practice.

The editorial staff of the Code welcomes your comments and suggestions for improvements.

Julie Persons	Rachel Zimmerman Smith	Josh Busard
County Auditor	County Attorney	PDS Director

TABLE OF CONTENTS

8:1 Zoning Regulations 8
8:1.1 Purpose. 8
8:1.2 Name. 8
8:1.3 Exemption of Agricultural Operations. 9
8:1.4 Definitions 11
8:1.5 Districts and Boundaries Thereof. 30
8:1.6 A – Agricultural Zoning District. 31
8:1.7 AR – Agricultural Residential Zoning District. 38
8:1.8 SF – Small Farmstead Zoning District. 42
8:1.9 RS – Residential Single-Family Zoning Districts. 46
8:1.10 RM – Residential Multiple-Family Zoning Districts. 50
8:1.11 RC – Rural Conservation Zoning District. 53
8:1.12 RMH – Manufactured Housing Residential Zoning District. 57
8:1.13 RR – Rural Recreation Zoning District 60
8:1.14 C – Commercial Zoning District. 62
8:1.15 CH – Highway Commercial Zoning District. 66
8:1.16 AG-T – Agritourism Zoning District. 70
8:1.17 C-AG – Agri-Business Zoning District. 75
8:1.18 ML – Light Industrial Zoning District. 79
8:1.19 MH – Heavy Industrial Zoning District. 83
8:1.20 SWDRR – Solid Waste Disposal and Resource Reclamation District. 87
8:1.21 RE – Renewable Energy Zoning District. 90
8:1.22 ERP – Environmental Resource Preservation Zoning District. 92
8:1.23 P – Public Zoning District. 94
8:1.24 Supplemental Conditions. 96
8:1.25 Additional Regulations. 135
8:1.26 Site Plan Review. 153
8:1.27 Permit Application Administration and Procedures. 164
8:1.28 Development Application Administration and Procedures. 169
8:1.29 Establishment of the Board of Adjustment. 185
8:1.30 Legal Nonconforming Regulations 197
8:1.31 Enforcement and Penalties for Violation. 203
8:2 Subdivision Regulations 204
8:2.1 Purpose. 204
8:2.2 Name. 204
8:2.3 Applicability to Agricultural Operations. 204
8:2.4 Definitions 204
8:2.5 General Provisions. 209
8:2.6 Plat Specifications 214
8:2.7 Subdivision Principles. 218
8:2.8 Subdivision Design Standards. 225
8:2.9 Other Requirements and Legal Documentation. 233
8:2.10 Enforcement and Penalties for Violation. 235
8:3 Environmental Regulations 236
8:3.1 Purpose. 236
8:3.2 Name. 236
8:3.3 Exemption of Agricultural Operations. 236
8:3.4 Definitions 236

8:3.5 Sensitive Areas Regulations. 241
8:3.6 Stormwater Management Regulations 260
8:3.7 Soil Erosion and Sediment Control. 267
8:3.8 Enforcement and Penalties for Violation. 268
8:4 Floodplain Management Regulations 269
8:4.1 Purpose. 269
8:4.2 Name. 269
8:4.3 Statutory Authority, Application to Agricultural Operations, Findings of Fact. 269
8:4.4 Definitions 271
8:4.5 General Provisions. 276
8:4.6 Administration. 278
8:4.7 FWO – Floodway Overlay District 282
8:4.8 FFO – Floodway Fringe Overlay District 283
8:4.9 GFO – General Floodplain Overlay District 288
8:4.10 SFO – Shallow Flooding Overlay District. 289
8:4.11 Appointment and Duties of Board of Adjustment. 289
8:4.12 Nonconforming Uses. 292
8:4.13 Enforcement and Penalties for Violation. 292
8:4.14 Amendments. 292
8:5 Commercial Wind Energy Facility Regulations 293
8:5.1 Purpose. 293
8:5.2 Name. 293
8:5.3 Definitions 293
8:5.4 Applicability. 295
8:5.5 Supplemental Conditions 295
8:5.6 Permit Application and Process. 295
8:5.7 Design and Installation. 296
8:5.8 Setback Regulations. 297
8:5.9 Waiver of Setback Regulations. 298
8:5.10 Use or Public Roads. 298
8:5.11 Local Emergency Service Providers. 299
8:5.12 Noise and Shadow Flicker. 299
8:5.13 Waiver of Noise and Shadow Flicker Provisions 299
8:5.14 Signal Interference. 300
8:5.15 Liability Insurance. 300
8:5.16 Decommissioning of Wind Energy Facility. 300
8:5.17 Public Inquires and Complaints. 301
8:5.18 Enforcement and Penalties for Violation. 301
8:6 Building Code 302
8:6.1 Purpose. 302
8:6.2 Name. 302
8:6.3 Applicability of Codes. 302
8:6.4 Exemption of Farm Structures. 302
8:6.5 Adoption of Uniform Codes. 302
8:6.6 Amendments to Codes. 303
8:7 Johnson County Rental Housing Code 312
8:7.1 Purpose. 312
8:7.2 Name. 312
8:7.3 Exemption of Agricultural Operations. 312

8:7.4 Definitions....313
8:7.5 General Provisions. 318
8:7.6 Procedures.....319
8:7.7 Variances and Appeals. 321
8:7.8 Minimum Structure Standards for All Rental Dwellings. 323
8:7.9 Responsibilities of Owners Relating to the Maintenance and Occupancy of Rental Premises. 329
8:7.10 Responsibilities of Occupants Relating to the Maintenance and Occupancy of Rental Premises.333
8:7:11 Notice....335
8:7.12 Enforcement and Penalties for Violation. 335
8:7.13 APPENDIX A - Attic Fire Escape for Rental Dwellings....336
8:7.14 APPENDIX B - Guidelines for Eliminating Lead Based Paint Hazards 338
8:8 Enforcement.... 340
8:8.1 Purpose. 340
8:8.2 General Provisions. 340
8:8.3 County Infraction. 341
8:8.4 Criminal Penalties. 342
8:8.5 Restraining Order; Abatement....342
8:8.6 Additional Administrative Remedies....342
8:9 Airport Zoning (Eastern Iowa Airport) 344
8:9.1 Short Title....344
8:9.2 Purpose. 344
8:9.3 Definitions....344
8:9.4 Zones. 346
8:9.5 Airport Zoning Map....347
8:9.6 Height Limitations....347
8:9.7 Nonconforming Uses. 348
8:9.8 Airport Zoning Commissions....349
8:9.9 Board of Adjustment....349
8:9.10 Variances. 349
8:9.11 Finding Concerning Public Interest. 350
8:9.12 Administration and Enforcement. 350
8:9.13 Equitable Remedies. 350
8:9.14 Conflicting Regulations. 350
8:9.15 Prohibited Acts. 351
8:9.16 Annexation. 351
8:9.17 Penalties. 351
8:10 Airport Zoning (Iowa City Airport) 352
8:10.1 Purpose. 352
8:10.2 Name. 353
8:10.3 Applicability to Agricultural Operations. 353
8:10.4 Definitions....353
8:10.5 Airport Zones. 355
8:10.6 General Zoning Restrictions. 358
8:10.7 Lighting and Marking....359
8:10.8 Administrative Procedure. 359
8:10.9 Exceptions....359
8:10.10 Nonconformities....360
8:10.11 Airport Zoning Commission. 361
8:10.12 Airport Zoning Board Of Adjustment. 361

8:10.13 Special Exceptions. **361**
8:10.14 Variances. **362**
8:10.15 Enforcement. **362**
8:10.16 Equitable Remedies. **362**
8:10.17 Prohibited Acts **362**
8:10.18 Penalties. **362**
8:10.19 Conflicting Regulations. **363**
8:10.20 Appendices. **364**

8:1 Zoning Regulations

First adopted and effective October 24, 1960 | Current version effective January 15, 2020

8:1 Zoning Regulations **8**
8:1.1 Purpose. **8**
8:1.2 Name. **8**
8:1.3 Exemption of Agricultural Operations. **9**
8:1.4 Definitions. **11**
8:1.5 Districts and Boundaries Thereof. **30**
8:1.6 A – Agricultural Zoning District. **31**
8:1.7 AR – Agricultural Residential Zoning District. **38**
8:1.8 SF – Small Farmstead Zoning District. **42**
8:1.9 RS – Residential Single-Family Zoning Districts. **46**
8:1.10 RM – Residential Multiple-Family Zoning Districts. **50**
8:1.11 RC – Rural Conservation Zoning District **53**
8:1.12 RMH – Manufactured Housing Residential Zoning District **57**
8:1.13 RR – Rural Recreation Zoning District. **60**
8:1.14 C – Commercial Zoning District. **62**
8:1.15 CH – Highway Commercial Zoning District. **66**
8:1.16 AG-T – Agritourism Zoning District. **70**
8:1.17 C-AG – Agri-Business Zoning District. **75**
8:1.18 ML – Light Industrial Zoning District. **79**
8:1.19 MH – Heavy Industrial Zoning District. **83**
8:1.20 SWDRR – Solid Waste Disposal and Resource Reclamation District. **87**
8:1.21 RE – Reneway Energy Zoning District **90**
8:1.22 ERP – Environmental Resource Preservation Zoning District. **90**
8:1.23 P – Public Zoning District. **94**
8:1.24 Supplemental Conditions. **96**
8:1.25 Additional Regulations. **135**
8:1.26 Site Plan Review. **151**
8:1.27 Permit Application Administration and Procedures. **164**
8:1.28 Development Application Administration and Procedures. **169**
8:1.29 Establishment of the Board of Adjustment. **185**
8:1.30 Legal Nonconforming Regulations. **197**
8:1.31 Enforcement and Penalties for Violation. **203**

8:1.1 Purpose.

The purpose of Chapter 8:1 is to protect, maintain, and enhance the public health, safety, and welfare, to conserve property values throughout the county, and to lessen or reduce congestion on public roads and highways by ensuring that land uses are appropriately sited and regulated.

8:1.2 Name.

Chapter 8:1 shall be known as and referred to as the “Zoning Ordinance.”

8:1.3 Exemption of Agricultural Operations.

Pursuant to Iowa Code section 335.2, no regulation adopted under chapters 8:1, 8:3, 8:6 or 8:7 applies to land, agricultural domiciles, agricultural barns or outbuildings, or other buildings or structures, which are primarily adapted, by reason of nature and area, for use for agricultural purposes, while so used.[1]

A. Exempt Activities and Structures. Exempt activities and structures include the following:

1. Agriculture. Activities defined as agriculture by this ordinance, while the agricultural unit on which the activities are conducted is primarily adapted, by reason of nature and area, for use for such purposes.[2]

2. Agricultural Domiciles. No more than two dwellings, while occupied by those residents actively engaged in an exempt agricultural operation, within the agricultural unit on which the dwelling(s) are located.

3. Agricultural Barns or Outbuildings. Those barns or outbuildings that are primarily adapted for use for agricultural purposes, while so used.[3]

B. Determination of Exemption. To gain exemption for agricultural domiciles, the applicant shall apply for and establish that the agricultural domicile is primarily adapted for agricultural purposes in accordance with the following. In accordance with Iowa Code Section 335.2, land enrolled in a soil or water conservation program shall be considered land primarily adapted for use for agricultural purposes under this section.[4]

1. Tier 1. Properties of forty (40) acres or larger are presumed to be primarily adapted for agricultural purposes, while so used. Applicants shall submit an application, on the form provided by the Zoning Administrator, for exemption prior to construction of any new dwelling. The applicant shall demonstrate that one (1) or more of those persons occupying the proposed dwelling are or will be actively engaged in the onsite agricultural operation. Application shall not be required for repair or expansion of any existing structure provided the structure will continue to be primarily adapted for agricultural purposes.

    a. If the Zoning Administrator determines that the property is not primarily adapted for agricultural purposes, the applicant may resubmit the application in accordance with Tier 2 exemption standards.

2. Tier 2. Properties of less than forty acres are presumed to not be primarily adapted for agricultural purposes. Applicants shall submit an application, on the form provided by the Zoning Administrator, for exemption prior to construction of any new or replacement dwelling. The application shall be reviewed by the Zoning Administrator in accordance with the following: [5]

    a. Tests. The applicant shall demonstrate the following:

        i. History/Experience Test. The applicant has a significant combination of history, education, and/or experience being engaged in agricultural operations similar to those that are being requested for exemption.

        ii. Intent/Plans Test. The applicant has the intent and plans to engage in significant, continued, and ongoing agricultural operations on the property in question.

---

[1] Ordinance 07-23-20-01
[2] Ordinance 07-23-20-01
[3] Ordinance 07-23-20-01
[4] Ordinance 12-22-20-01
[5] Ordinance 12-22-20-01

iii. Primarily Adapted Test. The nature (inherent and essential characteristics) of the property and/or structure(s) is agricultural. If a dwelling is being requested, it shall be demonstrated that the dwelling is or will be occupied by one who is actively engaged in the onsite agricultural operations.

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.[6]

[6] Ordinance 07-23-20-01

8:1.4 Definitions.

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

A. General Rules. There are general rules that apply to all definitions herein. Unless it is specifically stated otherwise, the following statements apply to all defined words:

1. Terms defined below which are used in the present tense shall also include the future tense.
2. Terms defined in the singular shall also apply to the plural
3. Terms defined in the plural shall also apply to the singular.
4. The word "shall" is mandatory and not directory.
5. "This Chapter" shall refer to all regulations and standards in 8:1.
6. "Subsection" shall refer to a specific subsection within a chapter of the Unified Development Ordinance.
7. "This ordinance" shall refer to all ordinances within the Unified Development Ordinance.
8. The word "building" shall be interchangeable with the word "structure" and the word "structure" with the word "building".
9. If a word or term used in this chapter, but not defined herein, is defined in another chapter of this ordinance, then that definition shall be used in the interpretation of this chapter.
10. To give this Chapter its most reasonable application, all other words and terms used in this chapter, but which are not defined by this ordinance, shall have their ordinary and common meaning.

B. Terms.

1. **Accessibility Ramp.** A ramp or similar structure which provides wheelchair or similar access to a structure.
2. **Accessory Use.** See "Use, Accessory."
3. **Active Recreation.** See "Recreation, Active."
4. **Administrative Officer.** See "Zoning Administrator."
5. **Administrator, Zoning.** See "Zoning Administrator."
6. **Agricultural Domicile.** A dwelling that is occupied by one who is actively engaged in agricultural activities conducted on the agricultural unit on which the dwelling is located, or one who is retired from being actively engaged in agricultural activities on the agricultural unit on which the dwelling is located.
7. **Agricultural Educational Classes.** See "Educational Classes, Agricultural and Environmental."

8. **Agricultural Experience.** Any agriculture-related activity, as a secondary use in conjunction with agricultural production, on a farm which activity is open to the public with the intended purpose of promoting or educating the public about agriculture, agricultural practices, agricultural activities, or agricultural products. Agricultural experiences do not include weddings or overnight stays.[7,8]

9. **Agricultural Barn or Outbuilding**. A structure used for the storage of agricultural products, storage and repair of equipment and machinery, the production, care, feeding, or housing of livestock and other agricultural purposes as defined by this ordinance.[9]

10. **Agricultural Product Processing.** Processing of raw agricultural products for human consumption, including, but not limited to, non-animal products such as fruits, vegetables, nuts, or grains; and animal products such as milk, eggs, or honey. Processing includes packaging, manufacturing, labeling, storing, or any other activity that requires a facility to be licensed as a Food Processing Plant, but does not include the slaughter of animals, or processing or handling of meat**.**

11. **Agricultural Tour.** An infrequent, non-regularly scheduled tour, open to the public or by invite, where members of the general public go to a working farm. Agricultural tours that become regularly scheduled, have extended duration, or involve retail sales of goods and services to visitors may require additional permitting, unless permitted through other means.

12. **Agricultural Unit.** One or more contiguous parcels managed as a part of a single agricultural operation, which are primarily adapted for agricultural purposes, while so used.[10]

13. **Agricultural Use.** The employment of land for the primary purpose of obtaining a profit through agriculture.

14. **Agriculture.** Planting, raising, and harvesting crops; feeding, grazing, breeding, managing, or producing livestock, poultry, fish, honeybees, or insects; or dairying. Agriculture includes any combination of horticulture, floriculture, viticulture, aquaculture, animal husbandry, pasturage, and the necessary accessory uses for packing, treating, drying, sorting, and the noncommercial storage of the agricultural product or products in their raw, unprocessed form. Agriculture includes field days, as defined by this ordinance. Agriculture does not include the commercial feeding of garbage or waste from animal processing to animals.

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, including all necessary taxi ways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces.

16. **Animal Feeding Operation.** A lot, yard, corral, building, or other area in which animals are confined and fed and maintained for forty five (45) days or more in any twelve (12) month period, and all structures used for the storage of manure from animals in the operation.

17. **Animal Husbandry.** The use of land for feeding, grazing, breeding, dairying, and managing livestock, poultry, and fish.

---

[7] Ordinance 10-22-20-01
[8] Ordinance 09-26-24-01
[9] Ordinance 07-23-20-01
[10] Ordinance 10-22-20-01

18. **Animal Slaughter Facility, Commercial.** A structure used for limited slaughtering and processing of animals for wholesale, custom, and on-site retail sales. Limited animal slaughter facilities are restricted in the number of animals that can be slaughtered annually. Restrictions are found in subsection 8:1.24. [11]

19. **Animal Slaughter Facility, Industrial.** A structure used for slaughtering and processing of animals for wholesale which exceeds the limits of Commercial or Limited Animal Slaughter Facilities as defined by this Ordinance.[12]

20. **Animal Slaughter Facility, Limited.** A structure used for limited slaughtering and processing of animals for wholesale and custom sales. Limited Animal Slaughter Facilities are restricted in the number of animals that can be slaughtered annually. Restrictions are found in subsection 8:1.24. [13]

21. **Animal Services.** Businesses which primarily provide services to animals. Animal services include veterinary offices, groomers, animal boarding, and other similar operations.

22. **Applicant.** Any person, firm, corporation, partnership, association, trust, or other entity, who has directly or through an agent, submitted an application for land development or conditional use which requires compliance with the regulations herein.

23. **Asphalt and Concrete Recycling.** Facility or operation where asphalt, concrete, and similar construction materials are recycled. Includes crushing of recycled materials or new aggregate materials.

24. **Automobile Wrecking.** The dismantling or wrecking of used automobiles, trucks, tractors, trailers, boats, recreational vehicles, and other vehicles, including the storage, sale, or dumping of dismantled vehicles or parts thereof.

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.[14]

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.[15]

27. **Awning Sign.** See “Sign, Awning.”

28. **Balloon Sign.** See “Sign, Balloon.”

29. **Banner Sign.** See “Sign, Banner.”

---

[11] Ordinance 10-22-20-02
[12] Ordinance 10-22-20-02
[13] Ordinance 10-22-20-02
[14] Ordinance 09-26-24-01
[15] Ordinance 09-26-24-01

30. **Battery Energy Storage System, Tier 1.** One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle; and which have an aggregate energy capacity less than or equal to 600 kWh and, if in a room or enclosed area, consist of only a single energy storage system technology.[16]

31. **Battery Energy Storage System, Tier 2.** One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle; and which have an aggregate energy capacity greater than 600 kWh or are comprised of more than one energy storage system technology in a room or enclosed area.[17]

32. **Bed and Breakfast Homes.** A private residence, occupied by the host or hostess, which provides lodging and meals for overnight guests.

33. **Bicycle Parking Space.** See "Parking Space, Bicycle."

34. **Board.** The Board of Supervisors of Johnson County, Iowa.

35. **Boat and RV Storage, Outdoor.** An area designed for the commercial outdoor storage of boats and recreational vehicles (including campers).[18]

36. **Boundary Fence.** See "Fence, Boundary."

37. **Bufferyard**. An area of land together with materials used to provide sight and sound screening from adjoining properties and rights-of-way. The required height and width of the buffer yard and materials used in its construction vary according to use.

38. **Building.** See "Structure."

39. **Building, Height of.** The vertical distance as measured from the average ground elevation to: the highest point on flat roofed buildings; the average height between the eaves and the peak of pitched or hip roof; or the highest point on the deck of mansard roofs.

40. **Bulk Regulations.** Standards that establish the maximum size and height, and required setbacks for structures on its lot.

41. **Cabin, Primitive.** A structure, designed for overnight stay, which does not have kitchen or bathroom facilities.

42. **Camping.** Temporary stay in a non-dwelling unit for personal use. Includes primitive tent camping and stays in mobile dwelling units.[19]

43. **Campground.** Land used for camp sites that are rented to the public for overnight stay in tents.

44. **Car wash.** A site or facility used for washing and cleaning of vehicles including automobiles, recreation vehicles, and other light-duty or personal equipment, heavy trucks, buses, trailers, or other commercial or agricultural equipment. Includes facilities designed for washing out the interior of trailers, tankers, or other commercial vehicles or equipment.[20]

---

[16] Ordinance 08-24-21-02
[17] Ordinance 08-24-21-02
[18] Ordinance 09-26-24-01
[19] Ordinance 09-26-24-01
[20] Ordinance 09-26-24-01

45. **Cemeteries.** Land used for and dedicated to the burial of human remains.

46. **Child Care Center.** A facility, licensed by the State of Iowa pursuant to Iowa Code Section 237A, as amended, providing child care or preschool services for seven (7) or more children at a time.

47. **Child Care Home.** A facility providing child care or preschool activities within a single-family dwelling, for up to five (5) children at any one time.

48. **Child Development Home.** A facility providing child care or preschool activities within a single-family dwelling for six (6) or more children at any one time.

49. **Commercial Amusement.** Outdoor or indoor facilities with one or more attractions, including, but not limited to, slides, roller coasters, carousels, wave pools, ferris wheels, and stages, intended for amusement-based uses. Commercial amusement includes outdoor stadiums, racing facilities, water parks, go-cart establishments, music arenas, amusement parks, and other similar uses.

50. **Commercial Condominiums.** A structure or structures, divided into multiple units, which can be rented by or sold to multiple entities for the purpose of housing a business operation. Specific uses within individual units shall comply with the district that they are located in.

51. **Commercial Storage Facility.** A facility, including a building or group of buildings, used for the storage of personal property where individual owners control individual storage spaces. A commercial storage facility may include outdoor storage for boats, recreational vehicles, or other vehicles.

52. **Commission.** The Planning and Zoning Commission of Johnson County, Iowa.

53. **Communication Tower, Commercial.** A tower, pole, or similar structure, including supporting lines, cables, wires, braces, or other support structures, designed to hold one or more communications antennas. Communication towers are typically freestanding, guyed or attached to another building.

54. **Communication Tower, Private.** A tower, pole, or similar structure, including support structures that is no taller than sixty (60) feet, intended to hold one or more communication antennas and only used for private purposes.

55. **Community Supported Agriculture Pickup (CSA Pickup).** Pickup of individual shares of agricultural goods, produced on site or related to the onsite agricultural production, by members of the community supported agricultural operation. A community supported agricultural operation is a farming system that is supported by members who buy into the operation and share in the benefits and risks.

56. **Comprehensive Plan.** A plan for the development of Johnson County, adopted by the Board of Supervisors, pursuant to Chapter 335 of Iowa Code.

57. **Conditional Use.** See “Use, Conditional.”

58. **Conditional Use Permit (CUP).** A permit approved by the Board of Adjustment and issued by the Zoning Administrator, which allows the permit holder to engage in a conditionally permitted use on a specific property.

59. **Construction Services, General.** A business operation which provides one or more services related to construction, including, but not limited to, general contracting, carpentry, electrical, plumbing, mechanical, and other trades, well drilling businesses, and septic system installers.

60. **Country Club.** See "Golf Course."

61. **Country Inn.** A business which provides lodging and meals to overnight guests, and is operated in one or more structures that are accessory to a single-family dwelling,

62. **County.** The government of Johnson County, Iowa.

63. **County Assessor.** The Office of the County Assessor of Johnson County, Iowa.

64. **County Auditor.** The Office of the County Auditor of Johnson County, Iowa.

65. **County Recorder.** The Office of the County Recorder of Johnson County, Iowa.

66. **Cul-de-Sac Turnaround.** See "Turnaround, Cul-de-Sac."

67. **Dealership.** A facility that leases and sells new and used automobiles, motorcycles, all-terrain vehicles (ATV), recreational vehicles, travel trailers, boats, construction equipment, agricultural equipment, and other similar personal and non-personal vehicles.

68. **Deliveries, Non-Standard.** Business deliveries that arrive via means other than United States Postal Service, United Postal Service, Fed-Ex, or other traditional mail and package delivery services.

69. **Development Area.** The portion of a lot subject to site disruption from construction and/or clearing activities including but not limited to construction of principal and accessory buildings, drives, landscaped yards, septic or alternative waste disposal areas, and woodland clearing activities.

70. **Dilapidated Sign.** See "Sign, Dilapidated."

71. **Dwelling.** A building, or a portion thereof, which is designed to be used for residential purposes. Dwellings, unless located in a manufactured housing park, do not include recreational vehicles, mobile dwelling units, or travel trailers. Dwellings do not include tents, buses, garages, or other non-dwelling structures.[21]

72. **Dwelling, Manufactured Home.** A transportable, factory-built, single-family dwelling, which is suitable for year-round single-family occupancy and has water, electrical, and wastewater connections similar to those of conventional dwellings and is manufactured or constructed under authority of 42 U.S.C. Sec. 5403, Federal Manufactured Home Construction and Safety Standards.

73. **Dwelling Unit, Mobile.** Dwellings that can be transported from location to location, including, but not limited to recreational vehicles, travel trailers, and houses on wheels, including tiny homes, not including manufactured homes. Mobile Dwellings are only allowed as permanent dwellings in Manufactured Housing Parks, and shall be connected to approved water and wastewater management facilities.

74. **Dwelling, Multiple-Family (MFD).** A permanent dwelling with more than one (1) unit. Can include more than one (1) unit in one or multiple structures on a single lot, or more than one (1) unit in a single structure across multiple lots.

[21] Ordinance 09-26-24-01

75. **Dwelling, Single-Family (SFD).** A permanent dwelling with a single unit. For the purpose of this ordinance, single-family dwellings includes manufactured housing, but does not include mobile dwelling units. Single-family dwellings include group homes.

76. **Dwelling, Two-Family.** A permanent dwelling with two units. Can include two (2) units in one or two (2) structures on a single lot, or two (2) units in a single structure across multiple lots.

77. **Educational Classes, Agricultural and Environmental.** Formalized educational opportunities about agricultural or environmental practices provided to members of the general public and/or practitioners.

78. **Employee.** Any person who works or volunteers for a business establishment, regardless of payment status.

79. **Employee, Full Time Equivalent (FTE).** The number of hours worked by one (1) full-time employee. For the purpose of this ordinance one (1) full time equivalent employee equals forty (40) hours of work per week.

80. **Environmental Educational Classes.** See Educational Classes, Agricultural and Environmental.

81. **Event Center.** A facility designed to host gatherings for large groups of people, such as weddings, receptions, parties, corporate gatherings, conferences, conventions, and other similar activities.

82. **Farmers Market.** An area, managed by a single operator, which is used for the temporary, direct to consumer, sale of agricultural products, by multiple vendors who rent space/stalls and have raised and/or produced the goods that are being sold. Farmers Markets may include the sale of artisanal goods and other items which are accessory to the sale of agricultural products.

83. **Farm Meal.** A meal provided to members of the general public on a working farm. Farm meals may be open to the public or by invite.

84. **Farmstead Split.** A lot, located in the A district, platted under the farmstead split exception, which can be used for residential purposes.

85. **Farm Store.** A retail store, located on a working farm, which sells goods grown/raised on site and those that are related to the onsite agricultural operation.

86. **Fence.** A vertical, freestanding barrier or enclosure constructed of wood, masonry, metal, or any other material which supports no load other than its own weight and creates a physical barrier between two areas.

87. **Fence, Boundary.** A fence that is located within the required primary structure setback area.

88. **Fence, Interior.** A fence that is located outside the required primary structure setback area.

89. **Fence, Privacy.** A fence that is a solid enclosure which is designed to block views across the fence line.

90. **Fermented Beverage Production Facility.** A facility whose primary purpose is to produce fermented beverages, including, but not limited to, wineries, breweries, distilleries, and cideries.

91. **Fermented Beverage Production Facility, on Farm.** A fermented beverage production facility located on a working farm, where a portion of the inputs to the production process are grown on site. An on farm fermented beverage production facility may include a tasting room and sales area, and may provide tours of the production area.

92. **Field Day.** An infrequent, non-regularly scheduled exposition of environmental preservation, environmental restoration, cultivation, or animal husbandry practices and industry techniques for practitioners, researchers, and the public. Events shall be intended to advance the art and science of environmental preservation, environmental restoration, or the agricultural industry. In compliance with Johnson County Public Health Department regulations, food service is allowed as an accessory use at a field day event.[22]

93. **Firewood.** Wood that is intended to be burned on-site as heating fuel and has been processed down to size to accommodate said on-site use.[23]

94. **Fireworks.** Any explosive composition, or combination of explosive substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and includes fireworks containing any explosive or flammable compound, or other devices containing any explosive substance.

95. **Fireworks, Consumer.** Fireworks devices enumerated as consumer fireworks in chapter 3.1 of the American Pyrotechnics Association's standard 87-1 (effective 10/1/2003). Consumer fireworks includes, but is not limited to, ground and handheld sparkling devices, aerial devices, and audible ground devices.

96. **Fireworks, Display.** Fireworks devices not enumerated as display fireworks in chapter 4.1 of the American Pyrotechnics Association's standard 87-1 (effective 10/1/2003). Display fireworks include, but are not limited to, aerial shells and salutes.

97. **Fireworks, Novelty.** Firework devices enumerated as novelties in chapter 3.2 of the American Pyrotechnics Association's standard 87-1 (effective 10/1/2003) and that comply with the labeling regulations promulgated by the Consumer Product Safety Commission. Novelty Fireworks includes, but is not limited to, party poppers, snappers, toy smoke devices, snakes and glow worms, and wire sparklers and dipped sticks.

98. **Food Service Establishment.** Any operation that prepares, vends, sells and serves food for human consumption. Food service establishments include restaurants, cafes, diners, and any other establishment that serves prepared food to customers.

99. **Freestanding Sign.** See "Sign, Freestanding."

100. **Garage.** An accessory structure with the primary purpose of housing privately owned automobiles and other similar vehicles.

[22] Ordinance 09-26-24-01
[23] Ordinance 09-26-24-01

101. **Gas Station.** A site or facility where flammable or combustible liquids or gases used as fuel are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles; or where electrical charging facilities are available for charging battery-powered vehicles. Includes automated facilities with or without an attendant. May include a convenience store and/or carwash as an accessory use.[24]

102. **Golf Course.** Land laid out with multiple holes designed for playing golf. Improvements include tees, greens, fairways, and hazards. Accessory uses include a clubhouse, driving range, and shelters.

103. **Group Homes.** A single-family dwelling that provides room and board, personal care, end of life care, habilitation services, and supervision in a family and community-based setting to older adults or individuals with a disability or terminal diagnosis. Group homes include family homes as defined by Iowa Code.

104. **Hammerhead Turnaround.** See "Turnaround, Hammerhead."

105. **Hanging Sign.** See "Sign, Hanging."

106. **Harvest Market.** An area where agricultural products are sold at retail to the public. Harvest markets do not consist of multiple vendors, however products can be sourced from multiple producers. Harvest markets may include the sale of artisanal goods and other similar items which are accessory to the sale of agricultural products.

107. **Home-Based Business, No-Impact.** A home business operation which meets the definition of a No-Impact Home Business as defined in Iowa Code Section 335. [25]

108. **Home Business.** A business operation, where the primary operator lives on the site, which does not exceed the intensity criteria located in subsection 8:1.24. [26]

109. **Home Industry.** A business operation, where the primary operator lives on, or within close proximity of the site, which does not exceed the intensity criteria located in subsection 8:1.24. [27]

110. **Home Occupation.** A business operation, occupation, or profession, located wholly within the business operator's residence or an accessory structure, which does not exceed the intensity criteria located in subsection 8:1.24. Overnight lodging for guests and all uses that are specifically confined to the MH district cannot be permitted as home occupations.

111. **Illuminated Sign.** See "Sign, Illuminated."

112. **Institutions, Private.** Privately operated facilities that provide charitable, educational, religious, or corrective services, which are generally operated as nonprofits. Private institutions include, but are not limited to, community centers, neighborhood centers, recreation centers, and libraries.

113. **Interior Fence.** See "Fence, Interior."

114. **Internal Sign.** See "Sign, Internal."

---

[24] Ordinance 09-26-24-01
[25] Ordinance 09-26-24-01
[26] Ordinance 07-22-21-01
[27] Ordinance 07-22-21-01

115. **Junk.** Garbage, trash, debris, or waste, including unregistered, inoperable, dilapidated, or dismantled automobiles, trucks, motorcycles, tractors, trailers, boats, recreational vehicles, all-terrain vehicles (ATVs) and utility task vehicles (UTVs), and other vehicles and parts thereof; scrap and used building materials; scrap contactor equipment, other equipment, and parts thereof; old or scrap copper, brass, or other metals; used lumber, salvaged wood, or cut tree debris; appliances and parts thereof; tires, tanks, casks, cans, batteries, barrels, boxes, drums, piping, bottles, glass, machinery, rags, papers, excelsior, hair, mattresses, beds or bedding, furniture, or any other scrap or waste materials.[28]

116. **Junk Yard.** Any unenclosed area greater than two hundred (200) square feet or enclosed area greater than one thousand (1000) square feet, where junk, solid waste, discarded or salvaged materials are stored, bought, exchanged, baled or packed, disassembled, or handled. Junk yards include the dismantling or wrecking of vehicles or machinery, wrecking yards, used lumber yards, salvage yards, other similar areas, and any unenclosed place with more than two (2) or any enclosed place with more than four (4) unregistered, dilapidated, or inoperable automobiles, trucks, tractors, trailers, boats, recreational vehicles, and other vehicles.[29]

117. **Kennel.** An establishment, including structures and run areas, where domesticated animals, such as cats and dogs, are boarded, bred, or raised commercially or for compensation. Includes daytime-only boarding and daycare facilities.

118. **Land Use Plan.** See "Comprehensive Plan."

119. **Landing Field.** See "Airport."

120. **Landscaping Business.** A business involved in the planting, removal, and maintenance of vegetation including the movement and displacement of earth, soil, rock, and other similar materials. May also include snow removal services. Where tree removal services are offered, may also include processing of trunks and major limbs for resale as lumber or firewood.[30]

121. **Landscaping Products.** Materials used in the landscaping of property, including but not limited to trees, shrubs, topsoil, landscaping rock, bark irrigation supplies, and ornamental fixtures.

122. **Legal Nonconforming Lot.** A lot, the area, dimensions, or location of which was legally established prior to the effective date of this Ordinance or subsequent amendment thereto, which no longer conforms to the standards imposed by the individual sections of this Ordinance.

123. **Legal Nonconforming Sign.** A sign that was legally established and maintained, prior to the effective date of this Ordinance or subsequent amendment thereto, which does not fully comply with the standards imposed by the individual sections of this Ordinance.

124. **Legal Nonconforming Structure.** Any building or structure (including signs), legally established prior to the effective date of this Ordinance or subsequent amendment thereto, which does not fully comply with the standards imposed by the individual sections of this Ordinance.

[28] Ordinance 09-26-24-01
[29] Ordinance 09-26-24-01
[30] Ordinance 09-26-24-01

125. **Legal Nonconforming Use.** An activity using land, structures, and/or sign which were legally established prior to the effective date of this Ordinance or subsequent amendment to it and which would not be permitted to be established as a new use in a zone in which it is located by the regulations of this Ordinance

126. **Limited Animal Slaughter Facility.** See Animal Slaughter Facility, Limited.

127. **Long Term Care Facility.** A residential facility, with multiple living units, which provides room and board, personal care, end of life care, habilitation services, or supervision to older adults or individuals with a disability or terminal diagnosis.

128. **Lot.** A parcel or tract of land legally described on a final subdivision plat, which is occupied or intended for occupancy by at least one (1) principal structure together with its accessory structures, including the open spaces required by this Chapter and having its principal frontage upon a street or upon an officially approved place.

129. **Lot, Buildable.** A platted lot, which can be used for the purposes allowed in the zoning district for which the property is located.

130. **Lot Area.** The area contained within the exterior lot lines of the lot, including land within easements.

131. **Lot Coverage.** The portion of a lot that is covered by all structures on the lot.

132. **Lot Frontage.** The distance between the side lot lines, measured at the right-of-way line of a public or private road.

133. **Lot, Legal Nonconforming.** see Legal Nonconforming Lot

134. **Lot of Record.** A lot which is part of a subdivision, the map or plat of which has been recorded in the office of the Johnson County Recorder; or a parcel of land, the deed to which was recorded in the office of the Johnson County Recorder prior to December 31, 1976 and for which the legal description has not changed since December 31, 1976.

135. **Lot Width, Average.** The mean distance between side lot lines. Average lot width shall be determined by averaging the length of the front and rear lot lines. On properties with multiple front lot lines, average lot width shall be determined by averaging the rear lot line and the front lot line that is parallel to the rear lot line. On Triangular lots, the rear yard shall be equal to zero (0) feet.

136. **Manufactured Home.** See Dwelling, Manufactured Home.

137. **Manufactured Housing Park.** Land that has been planned and improved for the placement of manufactured homes, small single-family dwellings, and mobile dwelling units on leased spaces.

138. **Manufacturing, General.** General industrial production, which transforms materials or substances into new products. General manufacturing includes, but is not limited to, the assembly of component parts, manufacturing of products, and the blending of materials. General manufacturing does not include any use that is specifically confined to the MH district.

139. **Metal Fabrication.** Manufacturing process to create or repair metal structures or equipment by bending, cutting, drawing, folding, forging, machining, punching, shearing, stamping, or welding. Includes assembly, and finishing processes such as deburring, polishing, coating, and painting. Does not include creation through casting, melting, smelting, or recycling of scrap metal, except as allowed in the MH district.

140. **Monument Sign.** See "Sign, Monument."

141. **Multi-Family Dwelling.** See "Dwelling, Multi-Family."

142. **Museum, Agricultural or Cultural.** An institution or use devoted to the procurement, care, study, and display of objects or information of lasting interest or value related to agricultural or other culturally significant aspects of rural life.

143. **Nature Tour.** An infrequent, non-regularly scheduled tour, open to the public or by invite, where members of the general public go to an environmentally sensitive or important area. Nature tours that become regularly scheduled, have extended duration, or involve retail sales of goods and services to visitors may require additional permitting, unless permitted through other means.

144. **No-Impact Home-Based Business.** See Home-Based Business, No-Impact.[31]

145. **Nonconforming Sign.** See "Sign, Non-Conforming."

146. **Nonconforming Use.** See "Legal Nonconforming Use"

147. **Off-Site Parking Lot.** See "Parking Lot, Off-Site."

148. **Open Space.** An area or portion of land, either landscaped or essentially unimproved and which is used to meet human recreational or spatial needs, or to protect water, air, or sensitive areas. Open space represents many different elements in the landscape, including lawns, pathways/walkways, wooded areas, fields, and natural areas, but generally does not include buildings or paving.

149. **Open Space, Protected.** Areas intended to remain in a predominately natural or undeveloped state to provide sensitive areas protection. May include possible opportunities for passive recreation and environmental education.

150. **Outlot.** A parcel of land that is restricted in use, which in general, cannot be used for primary purposes as allowed in the district for which it is located. Outlot uses are restricted based on their classification.

151. **Parcel.** A lot or tract of land.

152. **Parcel Group.** Two or more adjacent parcels owned by the same individual or entity.

153. **Parking Aisle.** A vehicular traffic way or lane within a parking lot used for the maneuvering of vehicles in and out of parking stalls with ingress and egress to the road system.

154. **Parking Lot.** Any land devoted and designed for the storage of motor vehicles for temporary, daily, or overnight off-street parking, which has access to the public road system.

155. **Parking Lot, Off-Site.** A parking lot that is located on a parcel separate from the use that it is intended for.

[31] Ordinance 09-26-24-01

156. **Parking Space.** An off-street space within a parking lot which is intended for the storage of one (1) motor vehicle.

157. **Parking Space, Bicycle.** An off-street space designed for the short or long term storage of one (1) bicycle.

158. **Permanent Dust Free Surface.** A road or drive surface type that does not create dust when vehicles drive on it. Permanent dust free surfaces include, but are not limited to, asphalt, concrete, pavement, chip seal, and pervious pavers.

159. **Planning, Development and Sustainability Department.** The Office of the Planning, Development and Sustainability Department of Johnson County, Iowa.

160. **Plot Day.** See "Field Day."

161. **Primary Use.** See "Use, Primary."

162. **Privacy Fence.** See "Fence, Privacy."

163. **Projecting Sign.** See "Sign, Projecting."

164. **Projection, Structure.** Any architectural/building feature that extends beyond the foundation wall of a structure, including but not limited to bay windows, roof overlaps or eves, or chimneys.

165. **Public Park.** An open space with natural vegetation, landscaping, and recreational facilities. Often, public parks are intended for recreational, educational, cultural, or aesthetic uses.

166. **Ready-Mix Plant.** A facility used for the production of asphalt or concrete, or asphalt or concrete products for use in building or construction. Includes the stockpiling of bulk materials used in the production process, or finished products manufactured on the premises; as well as the storage and maintenance of required equipment. Does not include the retail sale of finished asphalt or concrete products.

167. **Recreation, Active.** Recreation which does not require equipment or other constructed facilities. Active recreation includes, but is not limited to, hiking, walking, running, and swimming.

168. **Recreation Camp.** Premises and facilities used occasionally or periodically where seasonal accommodations are provided for members of groups or associations for outdoor educational or recreational activities.

169. **Recreation Complex.** Collection of one or more Recreation Facilities in a single parcel group. Accessory structures may include those for ticketing, concessions, bathrooms, and storage of maintenance equipment.

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.

171. **Recreational Vehicle.** A mobile unit designed as a temporary living quarters for recreational, camping or travel, which either has its own motive power or is mounted on or drawn by another vehicle. For the purpose of this ordinance, travel trailers are considered recreational vehicles.

172. **Recreational Vehicle Park.** A tract of land upon which two or more recreational vehicle sites are located, established, and/or maintained for occupancy by recreational vehicles of the general public.

173. **Recreational Vehicle Storage, Outdoor.** An area designed for the commercial outdoor storage of recreational vehicles.

174. **Rendering Plant.** A facility that processes animal by-product materials to produce substances such as tallow, grease, high-protein meat, and bone meal.

175. **Retaining Wall.** A structure, typically stone or concrete, constructed and erected between lands of different elevations which prevents erosion, stabilizes soil, and supports earth, typically for the purpose of terracing a site.

176. **Right-of-way.** The area where a right belongs to another party allowing them to pass over the land of another, usually with regards to a public or private road.

177. **Roadside Stand.** A temporary structure, unenclosed, and designed and constructed so that the structure is easily portable and can be moved, which is used for the sale of agricultural products that were grown, raised, or produced on site.[32]

178. **Salvage Yard.** See "Junk Yard."

179. **Seasonal Farm Worker Housing.** Temporary housing, located on a farm, which is intended for transient farm workers.

180. **Seasonal Homes and Cabins.** A single-family dwelling, including boats, house boats, and cabins that are intended for seasonal and temporary occupation, and are not permanently occupied year round.

181. **Seasonal Resorts.** Land used for recreational vehicle parks, campgrounds, and/or primitive cabins, or a combination thereof which are rented out to the public for temporary overnight stay.

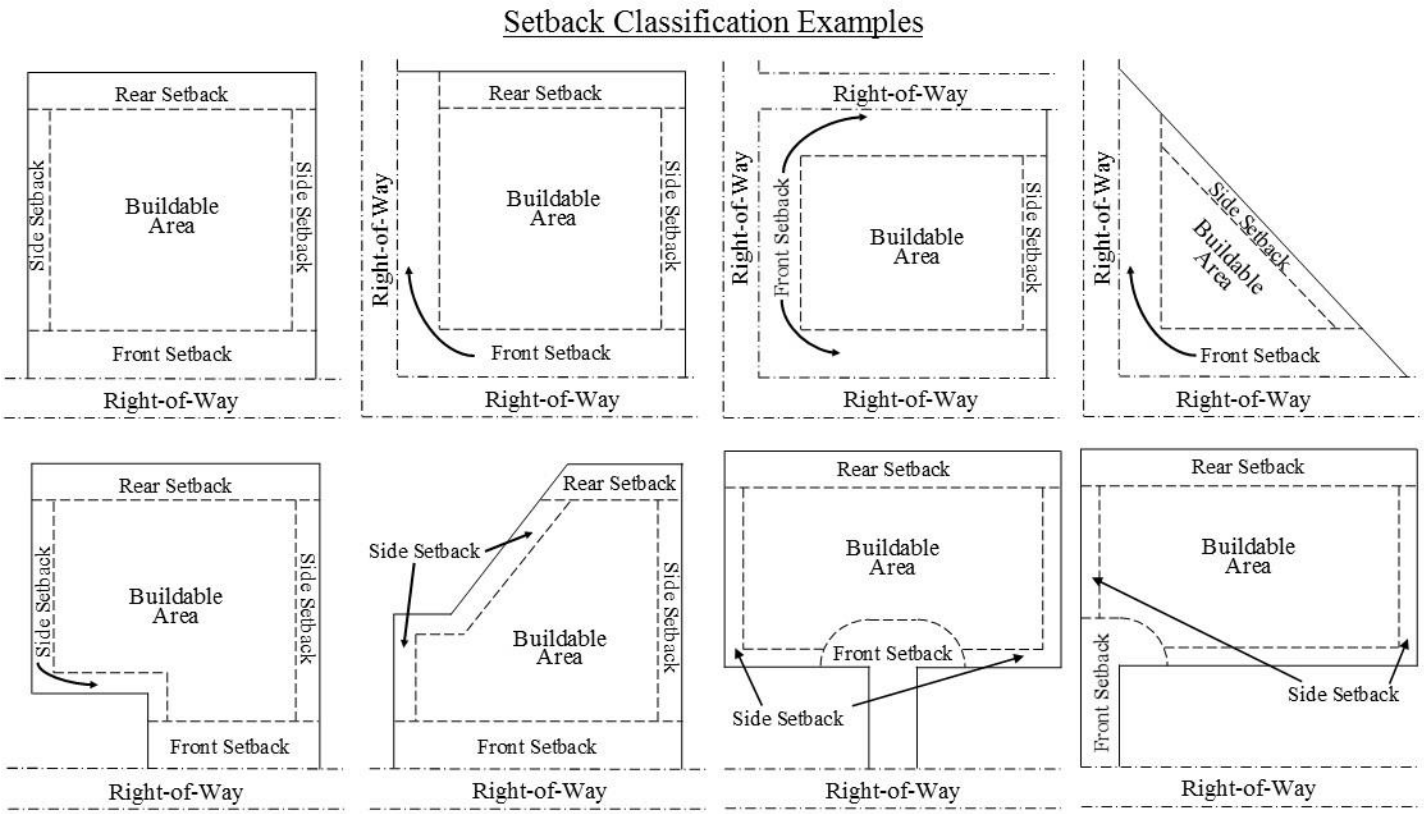
182. **Setback.** The minimum distance that any building or structure shall be separated from the right-of-way or lot line.

183. **Setback, Front.** The required minimum setback between buildings and structures and all right of way lines.[33]

184. **Setback, Rear.** The required minimum setback between buildings and structures and all rear lot lines.

185. **Setback, Side.** The required minimum setback between buildings and structures and all side lot lines.

[32] Ordinance 09-26-24-01
[33] Ordinance 09-26-24-01



186. **Short Term Rental.** A dwelling held out as a rental for compensation to guests for a period of no more than thirty (30) consecutive days.

187. **Sight Distance Triangle.** A triangular area created by connecting two points located on intersecting street centerlines.

188. **Sign.** Any device containing communicative features, including, but not limited to letters, words, numbers, figures, and/or pictures, used for visual communication.

189. **Sign, Awning.** A sign that is mounted, painted, or printed on an awning or other fabric protective cover over a door, entrance, or window of a structure.

190. **Sign, Balloon.** A sign posted on one or more balloons.

191. **Sign, Banner.** A sign which is made of cloth, canvas, fabric, or other similar light material which can be easily folded or rolled.

192. **Sign, Dilapidated.** A sign which is in disrepair, has visible cracking or discoloration, has support structures that are broken, corroded, bent, torn, or dented, has become structurally unsound, or where overgrown plants are covering a portion or all of the sign.

193. **Sign, Freestanding.** Any sign permanently attached to the ground via a support structure whose primary purpose is to hold the sign.

194. **Sign, Hanging.** A freestanding, wall, or projecting sign, where parts or all sign features hang below a support structure.

195. **Sign, Illuminated.** Any sign in which the features are illuminated, using internal or external sources, including incandescent, fluorescent, LED, neon gas, or other means.[34]

196. **Sign, Internal.** A sign that is not intended to be viewed from outside the property and by way of its location, cannot be seen from the public or private right-of-way.

197. **Sign, Monument.** A freestanding sign, whose base is on the ground, and is integrated into the landscaping.

198. **Sign, Legal Non-Conforming.** See Legal Nonconforming Sign.

199. **Sign, Projecting.** A wall sign that projects more than 12 inches away from the structure for which it is attached.

200. **Sign, Wall.** A sign permanently mounted or painted on a wall of a structure or fence.

201. **Sign, Yard.** A sign, which is temporary in nature, with no permanent connection to the ground or a structure, typically supported by a wire frame or metal stakes. Signs mounted on or affixed to licensed and operable vehicles or other portable devices shall be regulated as yard signs. Yard signs shall be secured to prevent displacement.[35]

202. **Single-Family Dwelling.** See "Dwelling, Single-Family."

203. **Solar Array.** Equipment used for private or utility scale solar energy systems. Can be mounted on primary or accessory structures, on a racking system affixed to the ground, or integrated as a mechanical or structural component of a structure.

204. **Solar Energy Systems, Private.** An energy system that uses one or more interconnected solar arrays to convert solar energy to usable thermal, mechanical, chemical, or electrical energy for the primary purpose of immediate onsite use of generated electricity. Generated electricity may also be stored onsite and/or fed back to the electrical grid.[36]

205. **Solar Energy Systems, Utility Scale.** An energy system that uses one or more interconnected solar arrays to convert solar energy to usable thermal, mechanical, chemical, or electrical energy for the primary purpose of wholesale or retail sales of generated electricity. Utility scale solar energy systems do not include concentrating solar power (CSP) systems. This definition does not apply to private scale solar installations that are constructed primarily to provide power for use on-site.[37]

206. **Special Event.** A temporary or transient activity, which extends beyond the normal uses allowed in the zoning district, in which visitors come to the property. Special events can be indoor or outdoor and include, but are not limited to, antique or craft shows, carnivals, concerts, music festivals, overflow parking, or weddings and wedding receptions.

207. **Specialty Crops.** A type of agricultural crop, which includes fruits and vegetables, tree nuts, dried fruits, horticulture, and nursery crops. Specialty crops are those that are listed by the USDA as specialty crops.

---

[34] Ordinance 09-26-24-01
[35] Ordinance 09-26-24-01
[36] Ordinance 05-19-22-01
[37] Ordinance 05-19-22-01

208. **Storage Unit.** A storage space that is rented out as a single unit. For outdoor boat, recreational vehicle, trailer, and other vehicle storage, one storage unit is considered a single boat, recreational, vehicle, trailer, or other vehicle.

209. **Structure.** Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, signs, fences, retaining walls, solar arrays, swimming pools, shipping containers, and storage tanks.[38]

210. **Structure, Accessory.** A structure which is incidental to the primary structure on the property. Accessory structures are not allowed on platted lots or lots of record that do not have a primary structure. Accessory structures are allowed on outlots in accordance with 8:2.[39]

211. **Structure, Legal Nonconforming.** See Legal Nonconforming Structure

212. **Structure, Occupied.** Any structure that is occupied by persons or property, or is being used for private, public, or commercial purposes including, but not limited to, dwelling, gathering, or storage.

213. **Structure Projection.** See "Projection, Structure."

214. **Structure, Story.** The portion of a building located between the surface of any floor and the surface of the floor or ceiling above it. For the purpose of this ordinance, one half (1/2) story is defined as the space under a sloping roof in which not more than two thirds (2/3) of the floor area is finished for use.

215. **Storm Shelter.** A structure designed to provide safe harbor for people in the event of a severe storm. Storm shelters shall meet building code requirements for shelters.

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.[40]

216. **Turnaround, Cul-de-sac.** A circular shaped turnaround which allows motor vehicles to turn around without backing up, that is typically located at the termination of a road that does not intersect with another road.

217. **Turnaround, Hammerhead.** A T-shaped turnaround designed for motor vehicles which is typically located at the termination of a road that does not intersect with another road.

218. **Two-Family Dwelling.** See "Dwelling, Two-Family."

219. **Unimproved Trails.** Single track trails intended for walking, hiking, running, and/or bicycling which are not a hard surface and do not permanently alter the natural landscape.

220. **Unincorporated Area.** The portion of Johnson County land that is not within the limits of an incorporated municipality.

221. **Use.** An activity occurring on a particular parcel or lot, or the purpose for which land or a structure is being occupied.

---

[38] Ordinance 09-26-24-01
[39] Ordinance 09-26-24-01
[40] Ordinance 07-22-21-01

222. **Use, Accessory.** A use or structure that is incidental to the primary use on the property. Accessory uses are not allowed on properties that do not have a primary use.[41]

223. **Use, Conditional.** A use which is permitted only upon issuance of a conditional use permit and is subject to the conditions and limitations specified therein.

224. **Use, Nonconforming.** see Legal Nonconforming Use

225. **Use, Primary.** The main or principle use for which land or a structure is used, occupied, maintained, leased, or operated.

226. **Utilities, Public.** Companies or entities providing essential utility services which serve the public. Includes any municipal utilities provided by a city, as well as any electric, natural gas, and telecommunications utilities regulated by the Iowa Utilities Commission. Does not include hazardous liquid pipelines.[42]

227. **Wall Sign.** See "Sign, Wall."

228. **Wind Energy Facility.** An electricity generating facility, whose primary purpose is to produce electricity for use off site, consisting of one or more Wind Turbines, accessory structures and facilities, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities, and all property of participating landowners.

229. **Wind Generator, Distributed.** A wind turbine, whose primary purpose is to produce electricity for use across a particular development or neighborhood, with a generating capacity of no greater than one hundred (100) kW.

230. **Wind Generator, Hub Height.** The vertical distance between the surface of the tower foundation and the center of the turbine hub, where the blades are attached.

231. **Wind Generator, Private.** A wind turbine, whose primary purpose is to produce electricity for onsite consumption, consisting on one turbine per parcel, with a generating capacity of no greater than ten (10) kW.

232. **Wind Generator, Rotor Blade.**

233. **Wind Generator, Turbine Height.** The vertical distance between the surface of the tower foundation and the highest point of the turbine rotor plane.

234. **Wind Turbine.** A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes but is not limited to the nacelle, rotor, tower, and pad transformer, if any.

235. **Yard.** The open portion or portions of a lot that has a primary structure located on it, which is unobstructed from the ground upward.

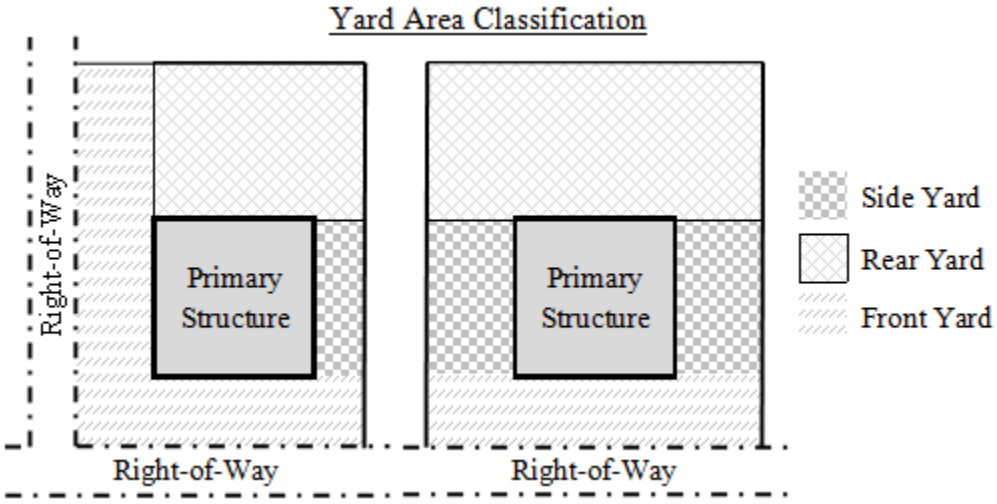
236. **Yard, Front.** A yard that is adjacent to a road or roads, and which extends from the right-of-way line to the primary structure between the side lots lines. All yards that front to a road are considered front yards, regardless of the primary structure's orientation on the parcel.

---

[41] Ordinance 09-26-24-01
[42] Ordinance 09-26-24-01

237. **Yard, Rear.** A yard that extends across the rear of the lot, which extend from the rear lot line to the primary structure between the side lot lines. The rear lot is generally the one that is opposite the front yard and on corner lots, the rear lot line is the one that parallels the shorter front lot line.

238. **Yard, Side.** A yard that extends across the sides of the lot, which extends from the side lot lines to the primary structure between the front and rear yards. On corner lots, the side lot line is the one that parallels the longer front lot line.



239. **Yard Sign.** See "Sign, Yard."

240. **You-Pick Agricultural Operation.** A farming operation that allows customers to pick fruits, vegetables, nuts, and other produce directly from the plant. Only produce grown on site can be sold as part of a you-pick agricultural operation.

241. **Zero-Lot Line Development.** A multiple family development style where one structure, containing multiple dwelling units, spans across multiple lots, with one unit on each lot.

242. **Zoning Administrator.** The officer designated or appointed by the Board of Supervisors to administer and enforce the regulations contained in this chapter.

8:1.5 Districts and Boundaries Thereof.

In order to appropriately classify, regulate, and restrict the location of businesses, trades, industries, residences and other land uses; to control, regulate, and restrict the location, bulk and size of buildings designed for specified uses; to regulate and limit the intensity of land uses; and to regulate and determine the area of yards, courts, and other open spaces within and surrounding such buildings, the unincorporated area of Johnson County, Iowa is hereby divided into districts, which each limit the allowed uses, building height and bulk, and specify yard, density, and area regulations.

A – Agricultural
AR – Agricultural Residential
SF – Small Farmstead
R – Residential Single-Family
RM – Residential Multiple-Family
RC – Rural Conservation
RMH – Manufactured Housing Residential
RR – Rural Recreation
C – Commercial
CH – Highway Commercial
AG-T – Agritourism
C-AG – Agri-Business
ML – Light Industrial
MH – Heavy Industrial
SWDRR – Solid Waste Disposal and Resource Reclamation
RE – Renewable Energy[43]
ERP – Environmental Resource Preservation
P – Public

A. District Maps. The boundaries of the districts are shown upon maps which are made a part of this Chapter and which maps are designated as the "District Maps." The District maps, and all the information shown thereon, are a part of this Chapter and have the same force and effect as if the District Maps and all the information shown thereon were all set forth or described herein. The originals of these maps are in digital format and are on file with the Auditor of Johnson County, Iowa.

B. New Territory. All territory which may hereafter become a part of the unincorporated area of Johnson County that is regulated by this Chapter, by the disincorporation of any village, town or city, shall automatically be classed as lying and being in the A zoning district until such classification has been changed by an amendment to the Code of Ordinances, as provided by law.

C. Road Vacation. Whenever any road or other public way is vacated by official action of the Supervisors of Johnson County, the zoning district adjoining each side of such road or public way shall be automatically extended to the center of such vacation and all area included in this vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

D. Single Zoning Classification per Parcel. 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.

E. Closed Districts. Some zoning districts shown on the District Maps and included herein are closed districts. Rezoning any land to a closed zoning district is prohibited. Those properties zoned classified as a closed district shall remain classified as that district until such classification has been changed by an amendment to the Code of Ordinances, as provided by law.

[43] Ordinance 09-26-24-01

8:1.6 A – Agricultural Zoning District.

The Agricultural Zoning District is intended to preserve valuable agricultural amenities and to provide land for all types of agricultural production. The Agricultural district is also intended for those agricultural uses that do not qualify for agricultural exemption under subsection 8:1.3.

A. Primary Uses. The following primary uses are allowed in the A district. Multiple primary uses are allowed on parcels in the A district and uses not exempt under 8:1.3 may be subject to supplemental conditions found in subsection 8:1.24. [44]

1. Agricultural Uses.
2. Animal Husbandry. Limited to those standards in subsection 8:1.24.
3. Agricultural Domiciles, as established in accordance with section 8:1.3
4. Agricultural Barns or Outbuildings.[45]
5. Stables, Riding Academies, and Clubs.
6. Single-Family Dwellings. Limited to one per parcel, except where the property owner has obtained separate approval for additional dwelling units as allowed by this ordinance; and subject to those standards in subsection 8:1.6(M).[46]
7. Farmstead Splits. Limited to those standards in subsection 8:1.6(L).
8. Solar Energy Systems, Private.
9. Temporary Storage, Public Utilities.[47]
    a. Subject to Zoning Administrator approval.
    b. Limited to one (1) calendar year.

B. Accessory Structures and Uses. The following structures and uses are permitted in the A district, provided that they are incidental to a primary or conditionally permitted use. Structures and uses not exempt under 8:1.3 may be subject to supplemental conditions found in subsection 8:1.24. [48]

1. Agricultural Experience.[49]
    a. Agricultural experiences do not include weddings or overnight stays.[50]
    b. Where the agricultural experience includes food service, it shall feature food grown, raised, or produced on site.
2. Agricultural Barns or Outbuildings.[51]

---

[44] Ordinance 07-23-20-01
[45] Ordinance 07-23-20-01
[46] Ordinance 09-26-24-01
[47] Ordinance 07-22-21-01
[48] Ordinance 07-23-20-01
[49] Ordinance 10-22-20-01
[50] Ordinance 09-26-24-01
[51] Ordinance 07-23-20-01

3. Agricultural Product Processing.
    a. Limited to nine hundred (900) square feet.
    b. At least fifty one percent (51%) of inputs must be grown, raised, or produced on site.
4. Agricultural Tours.
5. Animal Slaughter Facility, Limited. Subject to Zoning Administrator Approval.[52]
6. Auxiliary Dwelling Unit, Attached. Subject to Zoning Administrator approval.[53]
7. Battery Energy Storage Systems, Tier 1[54]
8. Camping. Subject to Zoning Administrator approval.[55]
9. Child Care Homes.
10. Child Development Homes.
11. Communication Towers, Private.
12. Community Supported Agriculture Pickup.
13. Harvest Markets. Limited to 60 days per calendar year.[56]
14. Home Occupations. Subject to Zoning Administrator approval.
15. No-Impact Home Based Businesses.[57]
16. Roadside Stands.
17. Short-Term Rental. Subject to Zoning Administrator approval.
18. Slaughter and Processing of Birds. Up to nine hundred and ninety-nine (999) birds may be slaughtered and processed annually for sale to household customers only.
19. Solar Energy Systems, Private.
20. You-Pick Agricultural Operations.
21. Wind Generators, Private.
22. Personal storage of wood, lumber, and other materials subject to the regulations in subsection 8:1.25. [58]
    a. Unless the Board of Adjustment has approved a Conditional Use permit for processing of firewood, all firewood shall be used for burning on-site as fuel and shall not be offered for sale.

[52] Ordinance 10-22-20-02
[53] Ordinance 09-26-24-01
[54] Ordinance 08-24-21-02
[55] Ordinance 09-26-24-01
[56] Ordinance 09-26-24-01
[57] Ordinance 09-26-24-01
[58] Ordinance 09-26-24-01

b. Where the Board of Adjustment has approved a Conditional Use permit for processing of firewood, the storage limits shall comply with subsection 8:1.25 or the conditions of approval on the permit, whichever is less restrictive.

23. Private garages, sheds, greenhouses, pergolas, ornamental gates, barbeque ovens, fireplaces, swimming pools, landscaping, gardens, and other uses and structures not open to the public that are customary to residential use. Limited to those parcels that have a conforming or legal non-conforming dwelling.

C. Conditional Uses. The following uses qualify for Conditional Use Permits, in compliance with 8:1.29, in the A district. These uses not exempt under 8:1.3 may be subject to supplemental conditions found in 8:1.24 and such additional conditions as may be warranted to mitigate any deleterious effects of the proposed use.[59]

1. Airports and Landing Fields.
2. Auxiliary Dwelling Units.
3. Battery Energy Storage Systems, Tier 2. [60]
4. Bed and Breakfast Homes.
5. Cemeteries, including Mausoleums, Mortuaries, and Crematoriums.
6. Child Care Center.
7. Churches, Mosques, Temples, and other places of worship.
8. Commercial Storage Facilities.
9. Communication Towers, Commercial.
10. Country Inns.
11. Educational Classes, Agricultural and Environmental**.** Where such uses do not qualify as agricultural experiences.[61]
12. Farm Store (including retail nurseries and greenhouses).[62]
13. Farm Worker Housing, Seasonal.
14. Fermented Beverage Production Facility, on Farm.
15. Harvest Markets.[63]
16. Home Businesses.
17. Home Industries.
18. Institutions, Private.
19. Kennels.

[59] Ordinance 07-23-20-01
[60] Ordinance 08-24-21-02
[61] Ordinance 10-22-20-01
[62] Ordinance 09-26-24-01
[63] Ordinance 09-26-24-01

20. Landscaping Businesses.
21. Mining and Mineral Extraction.
22. Processing of firewood for wholesale or off-site retail sale.[64]
    a. At the discretion of the Board of Adjustment, on-site sale of processed firewood may also be permitted.
23. Schools, Private. Includes Elementary, Middle, and High Schools.
24. Seasonal Resorts[65]
25. Solar Energy Systems, Utility Scale.
    a. Limited to systems with a total use area of twenty (20) acres or less. For the purposes of administering this section, the "use area" shall include all areas associated with the utility scale solar use including, but not limited to, the furthest extent of fences, structures, stormwater infrastructure, parking, landscape screening, or other areas used in association with the use as determined by the Zoning Administrator.[66]
26. Special Events.
27. Temporary operation of Asphalt and Concrete Recycling facilities.
28. Temporary operation of Ready-Mix Plants.
29. Utilities, Public.
30. Wind Generators, Distributed.
31. Wind Energy Facilities in compliance with Chapter 8:5.

[64] Ordinance 09-26-24-01
[65] Ordinance 09-26-24-01
[66] Ordinance 05-19-22-01

D. Bulk Regulations. The following bulk regulations apply to all properties located in the A district unless exempted under 8:1.3. Unless stated otherwise, all regulations are minimum standards.[67]

Use/Structure*	Minimum Lot Area**	Maximum Lot Area	Average Lot Width (feet)	Front Yard Setback (feet)	Rear Yard Setback (feet)	Side Yard Setback (feet)	Maximum Height
Single Family Dwellings	40 acres or an undivided 1/4-1/4	n/a	100	40	30	10	35 feet and 2 ½ stories
Agricultural Uses, Barns, and Outbuildings, Stables, Private Solar Energy Systems [68]	n/a	n/a	n/a	40	30	10	35 feet and 2 ½ stories
Animal Husbandry	2 acres	n/a	n/a	n/a	n/a	n/a	n/a
Farmstead Split	1 acre	5 acres	100	40	30	10	35 feet and 2 ½ stories
Animal Slaughter Facility, Limited [69]	3 acres	n/a	n/a	150	150	150	35 feet and 2 ½ stories

* See subsection 8:1.6(E) for accessory structure regulations.

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

E. Accessory Structure Regulations. The following regulations apply to all accessory structures on properties located in the A district:

1. No accessory structure shall be used for dwelling purposes, except for those permitted as an auxiliary dwelling unit, country inn, agricultural labor camp, or other conditionally permitted use.
2. Temporary structures for construction purposes are permitted as accessory structures during the course of construction.
3. Accessory structures shall not occupy more than thirty (30) percent of the yard it occupies.
4. Garages accessed via an alley must be setback a minimum of ten (10) feet from the right-of-way or easement line.
5. Accessory structures that are a minimum of sixty (60) feet from the right-of-way and ten (10) feet from the primary structure may be five (5) feet from the side and rear lot lines.
    a. Pools and solar energy systems may be five (5) feet from the rear and side lot lines if they are sixty (60) feet from the right-of-way.

[67] Ordinance 07-23-20-01
[68] Ordinance 07-23-20-01
[69] Ordinance 10-22-20-02

F. Outlot Permitted Uses. Outlots may be used in accordance with their classification designated on the plat as described in subsection 8:2.7(I).

G. Yard and Area Regulations. See Yard and Area Regulations in subsection 8:1.25.

H. Off-Street Parking Regulations. See Off-Street Parking Regulations in subsection 8:1.25.

I. Sign Regulations. See Sign Regulations in subsection 8:1.25.

J. Fence Regulations. See Fence Regulations in subsection 8:1.25.

K. Building Code. See Building Code in Chapter 8:6.

L. Farmstead Splits. Where, as of December 1, 2000, an existing parcel or parcel group with or without an Agricultural Domicile has forty-one (41) or more contiguous acres, a parcel may be separated from said parcel or parcel group one time only, for the purposes of building or maintaining a single-family dwelling, provided each of the following conditions are met:

1. The buildable lot shall be no less than one (1) acre and shall not exceed five (5) acres;
2. A maximum of two (2) Outlots may be included on the plat and shall not exceed five (5) combined acres;
3. After separation, the remaining parcel or parcel group shall have forty (40) or more acres remaining;
4. The property shall be platted in accordance with Chapter 8:2.
    a. No farmstead split under this subsection shall be allowed where a Level B or Level C road is the primary access.

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:

1. The property shall be platted in accordance with Chapter 8:2.
    a. No new dwellings permitted under this subsection shall be allowed where a Level B or Level C road is the primary access.
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% 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.
    c. Where a sensitive areas report is required, sensitive areas inventory shall only be required for the development area shown on the plat.

i. Where the full property is not surveyed and included in the sensitive areas report, the impact and mitigation thresholds shall be determined based on the acreage of the areas surveyed for the report.

3. The Zoning Administrator shall not issue building permits for any dwelling or any accessory uses outlined in 8:1.6.B.16 which are proposed to be located outside the designated development area.
4. Setbacks for the property shall be measured from the parcel boundaries only, not the limit of the development area.
5. These standards shall not apply to lots created under the farmstead split provisions of this section.

8:1.7 AR – Agricultural Residential Zoning District.

The Agricultural Residential Zoning District was intended for single-family residential development with a focus on agricultural uses. This is a closed district. As such, rezoning any land to this zoning district is prohibited.

A. Primary Uses. The following uses are allowed in the AR district. All uses may be subject to supplemental conditions found in subsection 8:1.24.

1. Single-Family Dwellings. Limited to one per parcel except where the property owner has obtained separate approval for additional dwelling units as allowed by this ordinance.[70]
2. Agricultural Uses.
3. Temporary Storage, Public Utilities.[71]
    a. Subject to Zoning Administrator approval.
    b. Limited to one (1) calendar year.

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.

1. Agricultural Experience.[72]
    a. Agricultural experiences do not include weddings or overnight stays.[73]
    b. Where the agricultural experience includes food service, it shall feature food grown, raised, or produced on site.
2. Agricultural Product Processing.
    a. Limited to nine hundred (900) square feet.
    b. At least fifty one percent (51%) of inputs must be grown, raised, or produced on site.
3. Animal Slaughter Facility, Limited. Subject to Zoning Administrator Approval.[74]
4. Auxiliary Dwelling Unit, Attached. Subject to Zoning Administrator approval.[75]
5. Battery Energy Storage Systems, Tier 1. Limited aggregate energy capacity of 300 kWh.[76]
6. Camping. Subject to Zoning Administrator Approval.[77]
7. Child Care Homes.

[70] Ordinance 09-26-24-01
[71] Ordinance 07-22-21-01
[72] Ordinance 10-22-20-01
[73] Ordinance 09-26-24-01
[74] Ordinance 10-22-20-02
[75] Ordinance 09-26-24-01
[76] Ordinance 08-24-21-02
[77] Ordinance 09-26-24-01

8. Child Development Homes.
9. Communication Towers, Private.
10. Community Supported Agriculture Pickup.
11. Harvest Markets. Limited to 60 days per calendar year.[78]
12. Home Occupations. Subject to Zoning Administrator approval.
13. Keeping of Animals. Limited to those standards in subsection 8:1.24.
14. No-Impact Home Based Businesses.[79]
15. Roadside Stands.
16. Solar Energy Systems, Private.
17. Wind Generators, Private.
18. Short-Term Rental. Subject to Zoning Administrator approval.
19. Personal storage of wood, lumber, and other materials subject to the regulations in subsection 8:1.25. [80]
20. Private garages, sheds, greenhouses, pergolas, ornamental gates, barbeque ovens, fireplaces, swimming pools, landscaping, gardens, and other uses and structures not open to the public that are customary to residential use.

C. Conditional Uses. The following uses qualify for Conditional Use Permits, in compliance with 8:1.29, in the AR district. These uses may be subject to supplemental conditions found in 8:1.24 and such additional conditions as may be warranted to mitigate any deleterious effects of the proposed use.

1. Auxiliary Dwelling Units.
2. Bed and Breakfast Homes.
3. Boat Storage, Outdoor.
4. Child Care Center.
5. Churches, Mosques, Temples, and other places of worship.
6. Communication Towers, Commercial.
7. Country Inns.
8. Distributed Wind Generators.
9. Educational Classes, Agricultural and Environmental. Where such uses do not qualify as agricultural experiences.[81]
10. Fermented Beverage Production Facility, on Farm.

[78] Ordinance 09-26-24-01
[79] Ordinance 09-26-24-01
[80] Ordinance 09-26-24-01
[81] Ordinance 10-22-20-01

11. Golf Courses and Country Clubs.
12. Harvest Markets.[82]
13. Health Care Centers, Community.
14. Home Business.
15. Home Industries.
16. Kennels.
17. Landscaping Businesses.
18. Long Term Care Facilities. Limited to fifteen (15) residents.
19. Special Events.
20. Seasonal Homes and Cabins.
21. Seasonal Resorts
22. Swimming Beaches and Bathhouses.
23. Utilities, Public.

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 [83]	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.

[82] Ordinance 09-26-24-01
[83] Ordinance 10-22-20-02

E. Accessory Structure Regulations. The following regulations apply to all accessory structures on properties located in the AR district:

1. No accessory structure shall be used for dwelling purposes, except for those permitted as an auxiliary dwelling unit, country inn, seasonal home or cabin, or other conditionally permitted use.
2. Temporary structures for construction purposes are permitted as accessory structures during the course of construction.
3. Accessory structures shall not occupy more than thirty (30) percent of the yard it occupies.
4. Garages accessed via an alley must be setback a minimum of ten (10) feet from the right-of-way or easement line.
5. Accessory structures that are a minimum of sixty (60) feet from the right-of-way and ten (10) feet from the primary structure may be five (5) feet from the side and rear lot lines.
    a. Pools and solar energy systems may be five (5) feet from the rear and side lot lines if they are sixty (60) feet from the right-of-way.

F. Outlot Permitted Uses. Outlots may be used in accordance with their classification designated on the plat as described in subsection 8:2.7(I).

G. Yard and Area Regulations. See Yard and Area Regulations in subsection 8:1.25.

H. Off-Street Parking. See Off-Street Parking Regulations in subsection 8:1.25.

I. Sign Regulations. See Sign Regulations in subsection 8:1.25.

J. Fence Regulations. See Fence Regulations in subsection 8:1.25.

K. Building Code. See Building Code in Chapter 8:6.

L. Closed District/Rezoning Prohibited. Rezoning any land to the AR-Agricultural Zoning District is prohibited. Those properties zoned AR-Agricultural shall remain in the AR district until such time that they are rezoned to another district.

M. The Zoning Administrator may treat a parcel group as a single parcel for zoning and building purposes where all of the following exist:[84]

1. All parcels included in the request were platted prior to December 31, 1976, and
2. All parcels included in the request have the same zoning designation, and
3. The property(ies) included in the request have been owned, held and used as a single, unified parcel group in their current configuration since at least December 1, 2000; and
4. Underlying Johnson County Public Health septic density regulations would otherwise prohibit replatting to combine the lots/parcels; and
5. The property owner shall provide a covenant or other form of deed restriction, in a form provided by or acceptable to Johnson County and suitable for recording with the County, putting prospective future buyers or owners of the property on notice that the parcels are restricted as set forth herein and may not be transferred separately; and providing that the properties may only be transferred separately upon release of said covenant or deed restriction in writing by the Zoning Administrator.

[84] Ordinance 10-10-24-01

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.

A. Primary Uses. The following uses are allowed in the SF district. All uses may be subject to supplemental conditions found in subsection 8:1.24 unless exempted under 8:1.3. [85]

1. Agricultural Uses.
2. Animal Husbandry. Limited to those standards in subsection 8:1.24.

B. Accessory Structures and Uses. The following structures and uses are permitted in the SF district, provided that they are incidental to a primary use. Structures and uses may be subject to supplemental conditions found in subsection 8:1.24 unless exempted under 8:1.3. [86]

1. Single-Family Dwellings
    a. One unit per lot
    b. Newly constructed or remodeled dwellings can be no larger than three thousand (3,000) square feet of gross floor area, excluding open decks and unfinished garages.
    c. Those dwellings larger than three thousand (3000) square feet, excluding open decks and unfinished garages, that existed prior to the property being rezoned into the Small Farmstead district shall be allowed to continue, but may not be enlarged after the property is rezoned into the Small Farmstead district.
2. Agricultural Experience.[87]
    a. Agricultural experiences do not include weddings or overnight stays.[88]
    b. Where the agricultural experience includes food service, it shall feature food grown, raised, or produced on site.
3. Agricultural Barns or Outbuildings.[89]
4. Agricultural Product Processing.
    a. Limited to nine hundred (900) square feet.
    b. At least fifty one percent (51%) of inputs must be grown, raised, or produced on site.
5. Agricultural Tours.
6. Animal Slaughter Facility, Limited. Subject to Zoning Administrator Approval.[90]

---

[85] Ordinance 07-23-20-01
[86] Ordinance 07-23-20-01
[87] Ordinance 10-22-20-01
[88] Ordinance 09-26-24-01
[89] Ordinance 07-23-20-01
[90] Ordinance 10-22-20-02

7. Auxiliary Dwelling Unit, Attached. Subject to Zoning Administrator approval.[91]
8. Battery Energy Storage Systems, Tier 1. Limited aggregate energy capacity of 300 kWh.[92]
9. Camping. Subject to Zoning Administrator Approval.[93]
10. Child Care Homes.
11. Child Development Homes.
12. Communication Towers, Private.
13. Community Supported Agriculture Pickup.
14. Harvest Markets. Limited to 60 days per calendar year.[94]
15. Home Occupations. Subject to Zoning Administrator approval.
16. No-Impact Home Based Businesses.[95]
17. Slaughter and Processing of Birds. Up to nine hundred and ninety-nine (999) birds may be slaughtered and processed annually for sale to household customers only.
18. Roadside Stands.
19. Short-Term Rental. Subject to Zoning Administrator approval.
20. Solar Energy Systems, Private.
21. Wind Generators, Private.
22. You-Pick Agricultural Operations.
23. Personal storage of wood, lumber, and other materials subject to the regulations in subsection 8:1.25. [96]
24. Private garages, sheds, greenhouses, pergolas, ornamental gates, barbeque ovens, fireplaces, swimming pools, landscaping, gardens, and other uses and structures not open to the public that are customary to residential use.

C. Conditional Uses. The following uses qualify for Conditional Use Permits, in compliance with 8:1.29, in the SF district. These uses may be subject to supplemental conditions found in 8:1.24 and such additional conditions as may be warranted to mitigate any deleterious effects of the proposed use.

1. Auxiliary Dwelling Units.
2. Bed and Breakfast Homes.
3. Child Care Centers.
4. Communication Towers, Commercial.

---

[91] Ordinance 09-26-24-01
[92] Ordinance 08-24-21-02
[93] Ordinance 09-26-24-01
[94] Ordinance 09-26-24-01
[95] Ordinance 09-26-24-01
[96] Ordinance 09-26-24-01

5. Country Inns.
6. Educational Classes, Agricultural and Environmental. Where such uses do not qualify as agricultural experiences.[97]
7. Fermented Beverage Production Facility, on Farm.
8. Harvest Markets.[98]
9. Home Businesses.
10. Home Industries.
11. Kennels.
12. Special Events.
13. Utilities, Public.
14. Wind Generators, Distributed.

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

Use/Structure	Minimum Lot Size		Average Lot Width	Front Yard Setback	Rear Yard Setback	Side Yard Setback	Maximum Height
Primary and Accessory* Structures	5 acres		100 feet	30	30	10	35 feet and 2 ½ stories
Animal Slaughter Facility, Limited [99]	3 acres		n/a	150	150	150	35 feet and 2 ½ stories

* See subsection 8:1.8(E) for accessory structure regulations.

E. Accessory Structure Regulations. The following regulations apply to all accessory structures on properties located in the SF district:

1. No accessory structure shall be used for dwelling purposes, except for those permitted as a single-family dwelling, manufactured home, or auxiliary dwelling unit.
2. Temporary structures for construction purposes are permitted as accessory structures during the course of construction.
3. Accessory structures shall not occupy more than thirty (30) percent of the yard it occupies.
4. Garages accessed via an alley must be setback a minimum of ten (10) feet from the right-of-way or easement line.

[97] Ordinance 10-22-20-01
[98] Ordinance 09-26-24-01
[99] Ordinance 10-22-20-02

5. Excluding single-family dwellings and manufactured homes, accessory structures that are a minimum of sixty (60) feet from the right-of-way and ten (10) feet from the dwelling unit may be five (5) feet from the side and rear lot lines.

    a. Pools and solar energy systems may be five (5) feet from the rear and side lot lines if they are sixty (60) feet from the right-of-way, regardless of location relative to the dwelling unit.

F. Outlot Permitted Uses. Outlots may be used in accordance with their classification designated on the plat as described in subsection 8:2.7(I).

G. Yard and Area Regulations. See Yard and Area Regulations in subsection 8:1.25.

H. Off-Street Parking. See Off-Street Parking Regulations in subsection 8:1.25.

I. Sign Regulations. See Sign Regulations in subsection 8:1.25.

J. Fence Regulations. See Fence Regulations in subsection 8:1.25.

K. Building Code. See Building Code in Chapter 8:6.

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

The Residential Single-Family Zoning District is intended for single-family residential. It includes the R, R2, R3, R5, R10, R20, RUA and RUB zoning districts. R, R2, R3, R5, R10, and R20 are standard single-family residential districts where the number refers to the number of acres per unit. RUA and RUB are urban density single-family zoning districts. In accordance with subsection 8:2, development within the RS District can be designed to accommodate a variety of housing types, including multi-family dwellings. Throughout the entirety of the Unified Development Ordinance, the designation "RS" refers to all districts within subsection 8:1.9 RS – Residential Single-Family District.

A. Primary Uses. The following uses are allowed in the RS District. All uses may be subject to supplemental conditions found in subsection 8:1.24.

1. Single-Family Dwellings. Limited to one per parcel except where the property owner has obtained separate approval for additional dwelling units as allowed by this ordinance.[100]
2. Multiple-Family Dwellings. In accordance with the Subdivision Regulations in Chapter 8:2.

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

1. Auxiliary Dwelling Unit, Attached. Subject to Zoning Administrator approval.[101]
2. Battery Energy Storage Systems, Tier 1. Limited aggregate energy capacity of 300 kWh.[102]
3. Camping. Subject to Zoning Administrator Approval.[103]
4. Child Care Homes.
5. Child Development Homes.
6. Communication Towers, Private.
7. Home Occupations. Subject to Zoning Administrator approval.
8. Keeping of Animals. Limited to those standards in subsection 8:1.24.
9. No-Impact Home Based Businesses.[104]
10. Short-Term Rental. Subject to Zoning Administrator approval.
11. Solar Energy Systems, Private.
12. Wind Generators, Private.
13. Personal storage of wood, lumber, and other materials subject to the regulations in subsection 8:1.25. [105]
14. Private garages, sheds, greenhouses, pergolas, ornamental gates, barbeque ovens, fireplaces, swimming pools, landscaping, gardens, and other uses and structures not open to the public that are customary to residential use.

[100] Ordinance 09-26-24-01
[101] Ordinance 09-26-24-01
[102] Ordinance 08-24-21-02
[103] Ordinance 09-26-24-01
[104] Ordinance 09-26-24-01
[105] Ordinance 09-26-24-01

C. Conditional Uses. The following uses qualify for Conditional Use Permits, in compliance with 8:1.29, in the RS district. These uses may be subject to supplemental conditions found in 8:1.24 and such additional conditions as may be warranted to mitigate any deleterious effects of the proposed use.

1. Auxiliary Dwelling Units.
2. Bed and Breakfast Homes.
3. Child Care Center.
4. Churches, Mosques, Temples, and other places of worship.
5. Communication Towers, Commercial.
6. Golf Courses and Country Clubs.
7. Health Care Centers, Community.
8. Home Businesses.
9. Home Industries.
10. Institutions, Private.
11. Kennels.
12. Long Term Care Facilities. Limited to fifteen (15) residents.
13. Schools, Private. Includes Elementary, Middle, and High Schools.
14. Recreation Facilities.
15. Special Events.
16. Utilities, Public.
17. Wind Generators, Distributed.

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.

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

E. Accessory Structure Regulations. The following regulations apply to all accessory structures or uses on properties located in the RS District:

1. No accessory structure shall be used for dwelling purposes, except for those permitted as an auxiliary dwelling unit.
2. Temporary structures for construction purposes are permitted as accessory structures during the course of construction.
3. Accessory structures shall not occupy more than thirty (30) percent of the yard it occupies.
4. Garages accessed via an alley must be setback a minimum of ten (10) feet from the right-of-way or easement line.
5. Accessory structures that are a minimum of sixty (60) feet from the right-of-way and ten (10) feet from the primary structure may be five (5) feet from the side and rear lot lines.
    a. Pools and solar energy systems may be five (5) feet from the rear and side lot lines if they are sixty (60) feet from the right-of-way.

F. Outlot Permitted Uses. Outlots may be used in accordance with their classification designated on the plat as described in subsection 8:2.7(I).

G. Yard and Area Regulations. See Yard and Area Regulations in subsection 8:1.25.

H. Off-Street Parking. See Off-Street Parking Regulations in subsection 8:1.25.

I. Sign Regulations. See Sign Regulations in subsection 8:1.25.

J. Fence Regulations. See Fence Regulations in subsection 8:1.25.

K. Building Code. See Building Code in Chapter 8:6.

L. The Zoning Administrator may treat a parcel group as a single parcel for zoning and building purposes where all of the following exist:[106]

1. All parcels included in the request were platted prior to December 31, 1976, and
2. All parcels included in the request have the same zoning designation, and
3. The property(ies) included in the request have been owned, held and used as a single, unified parcel group in their current configuration since at least December 1, 2000; and
4. Underlying Johnson County Public Health septic density regulations would otherwise prohibit replatting to combine the lots/parcels; and
5. The property owner shall provide a covenant or other form of deed restriction, in a form provided by or acceptable to Johnson County and suitable for recording with the County, putting prospective future buyers or owners of the property on notice that the parcels are restricted as set forth herein and may not be transferred separately; and providing that the properties may only be transferred separately upon release of said covenant or deed restriction in writing by the Zoning Administrator

[106] Ordinance 10-10-24-01

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

This district is intended for multiple-family dwellings, including zero lot line development and condominium style development. It includes RTF, which allows two living units in a single structure or on a single lot, and RMF, which allows individual structures or lots with more than one living unit. Throughout the entirety of the Unified Development Ordinance, the designation "RM" refers to all districts within subsection 8:1.10 RM – Residential Multiple-Family District.

A. Primary Uses. The following uses are allowed in the RM zoning district. All uses may be subject to supplemental conditions found in subsection 8:1.24**.**

1. Multiple-Family Dwellings.

B. Accessory Structures and Uses. The following structures and uses are permitted in the RM 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.

1. Auxiliary Dwelling Unit, Attached. Subject to Zoning Administrator approval.[107]
2. Battery Energy Storage Systems, Tier 1. Limited aggregate energy capacity of 300 kWh.[108]
3. Child Care Homes.
4. Child Development Homes.
5. Communication Towers, Private.
6. Home Occupations. Subject to Zoning Administrator approval.
7. No-Impact Home Based Businesses.[109]
8. Short-Term Rental. Subject to Zoning Administrator approval.
9. Solar Energy Systems, Private.
10. Wind Generators, Private.
11. Personal storage of wood, lumber, and other materials subject to the regulations in subsection 8:1.25. [110]
12. Private garages, sheds, greenhouses, pergolas, ornamental gates, barbeque ovens, fireplaces, swimming pools, landscaping, gardens, and other uses and structures not open to the public that are customary to residential use.

C. Conditional Uses. The following uses qualify for Conditional Use Permits, in compliance with 8:1.29, in the RM district. These uses may be subject to supplemental conditions found in 8:1.24 and such additional conditions as may be warranted to mitigate any deleterious effects of the proposed use.

1. Auxiliary Dwelling Units.
2. Communication Towers, Commercial.

---

[107] Ordinance 09-26-24-01
[108] Ordinance 08-24-21-02
[109] Ordinance 09-26-24-01
[110] Ordinance 09-26-24-01

3. Churches, Mosques, Temples, and other places of worship.
4. Golf Courses and Country Clubs.
5. Health Care Centers, Community.
6. Home Businesses.
7. Long Term Care Facilities.
8. Schools, Private. Includes Elementary, Middle, and High Schools.
9. Private Institutions.
10. Special Events.
11. Utilities, Public.
12. Wind Generators, Distributed.

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

District*	Lot Area per Unit**	Units per Lot/Structure	Average Lot Width	Front Yard Setback	Rear Yard Setback	Side Yard Setback†	Maximum Height
RTF	5,000 square feet	2 units	60	25	25	5†	45 feet and 3 ½ stories
RMF	3,000 square feet	2 or more units	50	20	25	5†	45 feet and 3 ½ stories

* Regulations apply to primary and accessory structures. See subsection 8:1.10(E) for additional accessory structure regulations.

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

† Where a multiple-family dwelling consists of one structure across multiple lots, the setback on shared lot line may be reduced to zero (0) feet.

E. Accessory Structure Regulations. The following regulations apply to all accessory structures or uses on properties located in the RM district:

1. No accessory structure shall be used for dwelling purposes, except for those permitted as an auxiliary dwelling unit.
2. Temporary structures for construction purposes are permitted as accessory structures during the course of construction.
3. Accessory structures shall not occupy more than thirty (30) percent of the yard it occupies.
4. Garages accessed via an alley must be setback a minimum of ten (10) feet from the right-of-way or easement line.
5. Accessory structures that are a minimum of sixty (60) feet from the right-of-way and ten (10) feet from the primary structure may be five (5) feet from the side and rear lot lines.

a. Pools and solar energy systems may be five (5) feet from the rear and side lot lines if they are sixty (60) feet from the right-of-way.

F. Outlot Permitted Uses. Outlots may be used in accordance with their classification designated on the plat as described in subsection 8:2.7(I).

G. Yard and Area Regulations. See Yard and Area Regulations in subsection 8:1.25.

H. Off-Street Parking Regulations. See Off-Street Parking Regulations in subsection 8:1.25.

I. Sign Regulations. See Sign Regulations in subsection 8:1.25.

J. Fence Regulations. See Fence Regulations in subsection 8:1.25.

K. Building Code. See Building Code in Chapter 8:6.

L. Zero-Lot Line Development. Zero-lot line development may be approved with a zero (0) foot setback on the shared lot line.

8:1.11 RC – Rural Conservation Zoning District.

The Rural Conservation Zoning District is intended to compliment the Clustered Subdivision Ordinance by encouraging the protection and conservation of open spaces, as well as agricultural, environmental, and historically significant features by grouping or clustering residential lots on land suited for development and preserving at a minimum fifty (50) percent of the land to be subdivided for open space. It is also intended to establish cohesive neighborhoods, enhance recreational usage, and maintain rural identity for subdivision of 15 lots or more.

A. Primary Uses. The following uses are allowed in the RC district. All uses may be subject to supplemental conditions found in subsection 8:1.24.

1. Single-Family Dwellings. Limited to one per parcel except where the property owner has obtained separate approval for additional dwelling units as allowed by this ordinance.[111]
2. Multi-Family Dwellings.
3. Two-Family Dwellings.

B. Accessory Structures and Uses. The following structures and uses are permitted in the RC 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.

1. Auxiliary Dwelling Unit, Attached. Subject to Zoning Administrator approval.[112]
2. Battery Energy Storage Systems, Tier 1. Limited aggregate energy capacity of 300 kWh.[113]
3. Camping. Subject to Zoning Administrator Approval.[114]
4. Child Care Homes.
5. Child Development Homes.
6. Communication Towers, Private.
7. Home Occupations. Subject to Zoning Administrator approval.
8. Keeping of Animals. Limited to those standards in subsection 8:1.24.
9. No-Impact Home Based Businesses.[115]
10. Short-Term Rental. Subject to Zoning Administrator approval.
11. Solar Energy Systems, Private.
12. Wind Generators, Private.
13. Personal storage of wood, lumber, and other materials subject to the regulations in subsection 8:1.25. [116]

[111] Ordinance 09-26-24-01
[112] Ordinance 09-26-24-01
[113] Ordinance 08-24-21-02
[114] Ordinance 09-26-24-01
[115] Ordinance 09-26-24-01
[116] Ordinance 09-26-24-01

14. Private garages, sheds, greenhouses, pergolas, ornamental gates, barbeque ovens, fireplaces, swimming pools, landscaping, gardens, and other uses and structures not open to the public that are customary to residential use.

C. Conditional Uses. The following uses qualify for Conditional Use Permits, in compliance with 8:1.29, in the RC district. These uses may be subject to supplemental conditions found in 8:1.24 and such additional conditions as may be warranted to mitigate any deleterious effects of the proposed use.

1. Auxiliary Dwelling Units.
2. Child Care Center.
3. Churches, Mosques, Temples, and other places of worship.
4. Communications Towers, Commercial.
5. Golf Courses and County Clubs.
6. Health Care Centers, Community.
7. Home Businesses.
8. Home Industries.
9. Institutions, Private.
10. Long Term Care Facilities. Limited to fifteen (15) residents.
11. Recreation Facilities
12. Schools, Private. Includes Elementary, Middle, and High Schools.
13. Special Events.
14. Utilities, Public.
15. Wind Generators, Distributed.

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

Use/Structure*	Minimum Lot Area**†	Average Lot Width (feet)	Front Yard Setback (feet)	Rear Yard Setback (feet)	Side Yard Setback (feet)	Maximum Height
Single-Family Dwelling or Manufactured Home	5,000 square feet	50	20	25	5	35 feet and 2 ½ stories
Two-Family Dwellings	2,500 square feet	50	20	25	5	35 feet and 2 ½ stories
Multiple-Family Dwellings	1,000 square feet	50	20	25	5	35 feet and 2 ½ stories

* Regulations apply to primary and accessory structures. See subsection 8:1.11(E) for additional accessory structure regulations.

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

† Where a multiple-family dwelling consists of one structure across multiple lots, the setback on shared lot line may be reduced to zero (0) feet.

E. Cluster Subdivision Requirements. Property in located in the RC district shall only be developed in accordance with Clustered Subdivision Design in subsection 8:2.8(H).

F. Accessory Structure Regulations. The following regulations apply to all accessory structures or uses on properties located in the RC zoning district:

1. No accessory structure shall be used for dwelling purposes, except for those permitted as an auxiliary dwelling unit.
2. Temporary structures for construction purposes are permitted as accessory structures during the course of construction.
3. Accessory structures shall not occupy more than thirty (30) percent of the yard it occupies.
4. Garages accessed via an alley must be setback a minimum of eight (8) feet from the right-of-way or easement line.
5. Accessory structures that are a minimum of sixty (60) feet from the right-of-way and ten (10) feet from the primary structure may be five (5) feet from the side and rear lot lines.
    a. Pools and solar energy systems may be five (5) feet from the rear and side lot lines if they are sixty (60) feet from the right-of-way.

G. Outlot Permitted Uses. Outlots may be used in accordance with their classification designated on the plat as described in subsection 8:2.7(I).

H. Yard and Area Regulations. See Yard and Area Regulations in subsection 8:1.25.

I. Off-Street Parking. See Off-Street Parking Regulations in subsection 8:1.25.

J. Sign Regulations. See Sign Regulations in subsection 8:1.25.

K. Fence Regulations. See Fence Regulations in subsection 8:1.25.

L. Building Code. See Building Code in Chapter 8:6.

8:1.12 RMH – Manufactured Housing Residential Zoning District.

The Manufactured Housing Residential Zoning District is intended for the development of manufactured housing parks for the siting of mobile homes, mobile dwelling units, and small traditional construction single-family dwellings. Manufactured housing parks are intended to be developed with central septic, water, storm shelter, and other amenities.

A. Primary Uses. The following uses are allowed in the RMH district. All uses may be subject to supplemental conditions found in subsection 8:1.24.

1. Manufactured Housing Parks.
    a. Manufactured Homes.
    b. Single-Family Dwellings, no larger than one thousand two hundred square (1,200) feet of gross floor area.
    c. Mobile Dwelling Units.

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

1. Battery Energy Storage Systems, Tier 1. Limited aggregate energy capacity of 300 kWh.[117]
2. Child Care Homes.
3. Child Development Homes.
4. Communication Towers, Private.
5. Home Occupations. Subject to Zoning Administrator approval.
6. Laundry Facilities.
7. Management Office
8. No-Impact Home Based Businesses.[118]
9. Recreation Facilities.
10. Solar Energy Systems, Private.
11. Wind Generators, Private.
12. Personal storage of wood, lumber, and other materials subject to the regulations in subsection 8:1.25. [119]
13. Private garages, sheds, greenhouses, pergolas, ornamental gates, barbeque ovens, fireplaces, swimming pools, landscaping, gardens, and other uses and structures not open to the public that are customary to residential use.

[117] Ordinance 08-24-21-02
[118] Ordinance 09-26-24-01
[119] Ordinance 09-26-24-01

C. Conditional Uses. The following uses qualify for Conditional Use Permits, in compliance with 8:1.29, in the RMH district. These uses may be subject to supplemental conditions found in 8:1.24 and such additional conditions as may be warranted to mitigate any deleterious effects of the proposed use.

1. Communication Towers, Commercial.
2. Home Businesses.
3. Manufactured Housing Sales and Service.
4. Special Events.
5. Utilities, Public.
6. Wind Generators, Distributed.

D. Special Provisions. The following special provisions apply to all properties in the RMH district.

1. Storm Shelters. Storm shelters are required in each manufactured housing park constructed after December 23, 2004. Shelters shall meet the following standards:
   a. Storm shelters shall, at a minimum, have seven (7) square feet for each housing lot in the manufactured housing park.
   b. Storm shelters shall include a restroom.
   c. The storm shelter shall not be located any further than one thousand three hundred and twenty (1,320) feet from any individual housing lot in the manufactured housing park.
   d. The storm shelter shall comply with standards for storm shelters in Building Code in Chapter 8:6.
2. No property shall be rezoned to the RMH district unless it has direct access onto a paved Secondary Road or State Highway.
3. Manufactured housing parks shall comply with all Johnson County Public Health requirements and all other applicable federal, state, and local regulations.

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

Use/ Structure	Minimum Site Area*	Maximum Units per Acre	Average Site Width	Front Yard Setback	Rear Yard Setback	Side Yard Setback	Minimum distance between units	Maximum Height
Primary and Accessory* Structures	10 acres	8 units	300 feet	50 feet	50 feet	50 feet	25 feet	35 feet and 2 ½ stories

* See subsection 8:1.12(F) for additional accessory structure regulations.

1. *****Individual housing lots shall be no less than eighty (80) feet in depth, and shall not contain any less than four thousand (4,000) square feet.
2. Setbacks apply to park or parcel boundaries.

F. Accessory Structure Regulations. The following regulations apply to all accessory structures or uses on properties located in the RMH zoning district:

1. No accessory structure shall be used for dwelling purposes.
2. Temporary structures for construction purposes are permitted as accessory structures during the course of construction.
3. Accessory structures shall not occupy more than thirty (30) percent of the yard it occupies.
4. Garages accessed via an alley must be setback a minimum of ten (10) feet from the right-of-way or easement line.
5. Accessory structures that are a minimum of sixty (60) feet from the right-of-way and ten (10) feet from the primary structure may be five (5) feet from the side and rear lot lines.
    a. Pools and solar energy systems may be five (5) feet from the rear and side lot lines if they are sixty (60) feet from the right-of-way.

G. Outlot Permitted Uses. Outlots may be used in accordance with their classification designated on the plat as described in subsection 8:2.7(I).

H. Yard and Area Regulations. See Yard and Area Regulations in subsection 8:1.25.

I. Off-Street Parking. See Off-Street Parking Regulations in subsection 8:1.25.

J. Sign Regulations. See Sign Regulations in subsection 8:1.25.

K. Fence Regulations. See Fence Regulations in subsection 8:1.25.

L. Building Code. See Building Code in Chapter 8:6.

M. Site Plan Review. A Site Plan Review approved by the Zoning Administrator in accordance with the provisions of subsection 8:1.26 and this section shall be required to obtain a building permit in the RHM district.[120]

1. Landscape screening shall not be required.
2. Required parking for each housing lot may be installed at the time the building permit is obtained to place a home on that lot. Installation of individual parking spots is not required prior to issuance of Final Certificate of Occupancy for other buildings in the manufactured housing community.
3. The Site Plan does not need to be updated or amended when manufactured homes are placed or standard accessory structures are permitted on any of the lots. Site Plan revision shall only be required for expansion, realignment and/or installation of new shared infrastructure, or revisions that create or eliminate lots.

[120] Ordinance 09-26-24-01

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.

A. Primary Uses. The following primary uses are allowed in the RR district. All uses may be subject to supplemental conditions found in subsection 8:1.24.

1. Active Recreation.
2. Golf Courses and Country Clubs.
3. Marinas.
4. Public Parks.
5. Recreation Camp.
6. Recreation Complex.
7. Recreation Facilities.

B. Accessory Structures and Uses. The following structures and uses are permitted in the RR 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.

1. Battery Energy Storage Systems, Tier 1. [121]
2. Offices associated with a primary use.
3. Parking Lots associated with a primary use
4. Storage Buildings.
5. Solar Energy Systems, Private.
6. Restroom Facilities.
7. Wind Generators, Private.
8. Other accessory uses associated with a primary use.

C. Conditional Uses. The following uses qualify for Conditional Use Permits, in compliance with 8:1.29, in the RR district. These uses may be subject to supplemental conditions found in 8:1.24 and such additional conditions as may be warranted to mitigate any deleterious effects of the proposed use.

1. Commercial Amusement.
2. Communication Towers, Commercial.
3. Seasonal Resorts.
4. Special Events.

[121] Ordinance 08-24-21-02

5. Utilities, Public.

D. Bulk Regulations. The following bulk regulations apply to all properties located in the RR 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
Primary and Accessory* Structures	n/a	n/a	50	50†	50†	35 feet and 2 ½ stories

* See subsection 8:1.13(E) for accessory structure regulations.
† In accordance with subsection 8:1.26(F)(6), all structures must also comply with buffering standards

E. Accessory Structure Regulations. The following regulations apply to all accessory structures or uses on properties located in the RC zoning district:

1. No accessory structure shall be used for dwelling purposes.
2. Temporary structures for construction purposes are permitted as accessory structures during the course of construction.
3. Accessory structures shall not occupy more than thirty (30) percent of the yard it occupies.
4. Accessory structures accessed via an alley must be setback a minimum of ten (10) feet from the right-of-way or easement line.
5. Accessory structures that are a minimum of sixty (60) feet from the right-of-way and ten (10) feet from the primary structure may be five (5) feet from the side and rear lot lines.
    a. Private solar energy systems may be five (5) feet from the rear and side lot lines if they are sixty (60) feet from the right-of-way.
    b. With the exception of private solar energy systems, accessory structures shall also comply with buffering standards in subsection 8:1.26(F)(6).

F. Outlot Permitted Uses. Outlots may be used in accordance with their classification designated on the plat as described in subsection 8:2.7(I).

G. Yard and Area Regulations. See Yard and Area Regulations in subsection 8:1.25.

H. Off-Street Parking. See Off-Street Parking Regulations in subsection 8:1.25.

I. Sign Regulations. See Sign Regulations in subsection 8:1.25.

J. Fence Regulations. See Fence Regulations in subsection 8:1.25.

K. Building Code. See Building Code in Chapter 8:6.

L. Site Plan Review. A Site Plan Review in accordance with subsection 8:1.26 shall be required prior to issuance of any building permit in the RR district.

8:1.14 C – Commercial Zoning District.

The C district is intended for various lower intensity commercial business operations including retail sales, services, and offices. In general, uses are low traffic producing due to the nature of the businesses, the limited size of the principal structures, and low number of employees.

A. Primary Uses. The following primary uses are allowed in the C district. Multiple primary uses are allowed on parcels in the C district and all uses may be subject to supplemental conditions found in subsection 8:1.24.

1. Child Care Centers.
2. Churches, Mosques, Temples, and other places of worship.
3. Commercial Condominiums.
4. Construction Services, General.
    a. Includes contractors, electrical, plumbing, mechanical, and other trade shops, well drilling businesses, septic system installers, and other similar establishments. Does not include Landscaping Businesses.[122]
5. Food and Beverage Service Establishments.
    a. Including restaurants, cafes, commissaries, diners, coffee shops, bars, and other similar establishments.
    b. Food and beverage service establishments shall not be used as event centers except as allowed in subsection 8:1.14.C. [123]
6. Gasoline Stations.
7. Health Care Centers.
8. Long Term Care Facilities.
9. Manufacturing.
    a. Facilities shall be limited to seven thousand five hundred (7,500) square feet.
    b. Includes Agricultural Product Processing.
    c. Not including those manufacturing uses restricted to the MH district.
10. Offices.
11. Repair Shops.
    a. Including repair of automobiles, bicycles, boats, electronics, lawn equipment, and other similar goods.

[122] Ordinance 09-26-24-01
[123] Ordinance 12-22-20-02

b. Not including the repair of construction equipment, agricultural implements, or other non-personal automobiles or equipment.

12. Retail Sales, General.

    a. Including convenience stores, grocery stores, bookstores, electronic stores, farmers markets, and the sale of other retail goods.

    b. Not including the sale of display fireworks or dealerships.[124]

13. Services, General.

    a. Including animal services, barber shops and salons, doctors' offices, dentist offices, and other medical clinics, laundromats, tailors, and other similar establishments.

14. Temporary Storage, Public Utilities.[125]

    a. Subject to Zoning Administrator approval.

    b. Limited to one (1) calendar year.

15. Other uses similar in nature and intensity.

B. Accessory Structures and Uses. The following structures and uses are permitted in the C 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.

1. Battery Energy Storage Systems, Tier 1. [126]
2. Indoor Storage facilities associated with a primary use.
    a. Outdoor Storage is prohibited.
3. Outdoor Display of goods for sale. Limited to two hundred fifty (250) square feet.[127]
4. Parking Lots associated with a primary use.
5. Residential Uses. Shall be attached to a primary structure.
6. Solar Energy Systems, Private.
7. Wind Generators, Private.

C. Conditional Uses. The following uses qualify for Conditional Use Permits, in compliance with 8:1.29, in the C district. These uses may be subject to supplemental conditions found in 8:1.24 and such additional conditions as may be warranted to mitigate any deleterious effects of the proposed use.

1. Communication Towers, Commercial.
2. Event Centers.[128]

---

[124] Ordinance 09-26-24-01
[125] Ordinance 07-22-21-01
[126] Ordinance 08-24-21-02
[127] Ordinance 09-26-24-01
[128] Ordinance 12-22-20-02

a. Property shall be accessed by a paved road.

b. Parking shall be provided for an event center use in accordance with parking regulations in section 8:1.25.C of this ordinance.

c. Applicant must provide a severe weather plan.

d. Those structures where the visiting public congregate or enter in association with the event center use shall obtain an occupancy permit for the proposed use in compliance with Chapter 8:6 of this ordinance.

3. Special Events.

4. Utilities, Public.

5. Wind Generators, Distributed.

D. Bulk Regulations. The following bulk regulations apply to all properties located in the C 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
Primary and Accessory* Structures	n/a	n/a	30	30†	10†	35 feet and 2 ½ stories

* See subsection 8:1.14(E) for accessory structure regulations.

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

E. Accessory Structure Regulations. The following regulations apply to all accessory structures on properties located in the C district:

1. No accessory structure shall be used for dwelling purposes.

2. Temporary structures for construction purposes are permitted as accessory structures during the course of construction.

3. Accessory structures shall not occupy more than thirty (30) percent of the yard it occupies.

4. Accessory structures accessed via an alley must be setback a minimum of ten (10) feet from the right-of-way or easement line.

5. Accessory structures that are a minimum of sixty (60) feet from the right-of-way and ten (10) feet from the primary structure may be five (5) feet from the side and rear lot lines.

   a. Private solar energy systems may be five (5) feet from the rear and side lot lines if they are sixty (60) feet from the right-of-way.

   b. With the exception of private solar energy systems, accessory structures shall also comply with buffering standards in subsection 8:1.26(F)(6).

F. Outlot Permitted Uses. Outlots may be used in accordance with their classification designated on the plat as described in subsection 8:2.7(I).

G. Yard and Area Regulations. See Yard and Area Regulations in subsection 8:1.25.

H. Off-Street Parking. See Off-Street Parking Regulations in subsection 8:1.25.

I. Sign Regulations. See Sign Regulations in subsection 8:1.25.

J. Fence Regulations. See Fence Regulations in subsection 8:1.25.

K. Building Code. See Building Code in Chapter 8:6.

L. Site Plan Review. A Site Plan Review in accordance with subsection 8:1.26 shall be required prior to issuance of any building permit in the C district or prior to establishing any use which does not require a building permit.

8:1.15 CH – Highway Commercial Zoning District.

The intent of the CH district is to allow for higher intensity commercial based business operations that may have slightly higher impact than those located in the C district. In general, uses are higher traffic producing due to the nature of the businesses, the larger size of the principle structures, and higher number of employees.

A. Primary Uses. The following primary uses are allowed in the CH district. Multiple primary uses are allowed on parcels in the CH district and all uses may be subject to supplemental conditions found in subsection 8:1.24.

1. Car Washes.[129]
2. Child Care Centers.
3. Churches, Mosques, Temples, and other places of worship.
4. Commercial Condominiums.
5. Construction Services, General.
    a. Includes contractors, electrical, plumbing, mechanical, and other trade shops, well drilling businesses, septic system installers, and other similar establishments. Does not include Landscaping Businesses.[130]
6. Dealerships.
    a. Including sale of automobiles, boats, lawn equipment, motorcycles, travel trailers, recreational vehicles, residential-scale agricultural equipment, and other personal vehicles.
    b. Not including sale of construction equipment, commercial-scale agricultural implements, or other non-personal automobiles or equipment.
7. Distribution, Truck Terminals, Wholesaling, and Warehousing.
8. Event Centers.
9. Fermented Beverage Production Facility.
    a. Including breweries, cideries, distilleries, wineries, and other similar establishments.
10. Food and Beverage Service Establishments.
    a. Including restaurants, bakeries, cafes, commissaries, diners, coffee shops, bars, and other similar establishments.
11. Gasoline Stations.
12. Health Care Centers.
13. Hospitals.
14. Hotels and Motels.

[129] Ordinance 09-26-24-01
[130] Ordinance 09-26-24-01

15. Long Term Care Facilities.
16. Manufacturing.
    a. Facilities shall be limited to ten thousand (10,000) square feet.
    b. Includes Agricultural Product Processing.
    c. Not including those manufacturing uses restricted to the MH district.
17. Office.
18. Private Wind Generators.
19. Repair Shops.
    a. Including repair of automobiles, bicycles, boats, lawn equipment, motorcycles, residential-scale agricultural equipment, travel trailers, recreational vehicles, and other personal vehicles; also including repair of electronics, appliances, furniture, and other household goods.[131]
    b. Not including the repair of construction equipment, commercial-scale agricultural implements, or other non-personal automobiles or equipment.
20. Retail Sales.
    a. Not including the sale of display fireworks.[132]
21. Schools, Private. Includes Elementary, Middle, and High Schools.
22. Service, General.
    a. Including animal services, barber shops and salons, doctors' offices, dentist offices, and other medical clinics, laundromats, tailors, and other similar establishments.
23. Storage, conditioning, sale, and distribution of grain or seed grain.
24. Temporary Storage, Public Utilities. [133]
    a. Subject to Zoning Administrator approval.
    b. Limited to one (1) calendar year.
25. Theaters.
26. Other uses similar in nature and intensity.

B. Accessory Structures and Uses. The following structures and uses are permitted in the CH 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.

1. Battery Energy Storage Systems, Tier 1. [134]

[131] Ordinance 09-26-24-01
[132] Ordinance 09-26-24-01
[133] Ordinance 07-22-21-01
[134] Ordinance 08-24-21-02

2. Indoor Storage facilities associated with a primary use.
3. Outdoor Storage associated with a primary use.
    a. Outdoor storage shall be screened from view from the public right-of-way and any properties zoned AR, SF, RS, RM, RC, or RMH.
    b. Outdoor storage shall meet setbacks for accessory structures.
4. Outdoor Display of goods for sale.
5. Parking Lots associated with a primary use.
6. Residential Uses. Shall be attached to a primary structure.
7. Solar Energy Systems, Private.
8. Wind Generators, Private.

C. Conditional Uses. The following uses qualify for Conditional Use Permits, in compliance with 8:1.29, in the CH district. These uses may be subject to supplemental conditions found in 8:1.24 and such additional conditions as may be warranted to mitigate any deleterious effects of the proposed use.

1. Battery Energy Storage Systems, Tier 2. [135]
2. Communication Towers, Commercial.
3. Special Events.
4. Utilities, Public.
5. Wind Generators, Distributed.

D. Bulk Regulations. The following bulk regulations apply to all properties located in the CH 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
Primary and Accessory* Structures	None	None	40	40†	10†	35 feet and 2 ½ stories

* See subsection 8:1.15(E) for accessory structure regulations.
† In accordance with subsection 8:1.26(F)(6), all structures must also comply with buffering standards.

E. Accessory Structure Regulations. The following regulations apply to all accessory structures on properties located in the CH district:

1. No accessory structure shall be used for dwelling purposes.
2. Temporary structures for construction purposes are permitted as accessory structures during the course of construction.

[135] Ordinance 08-24-21-02

3. Accessory structures shall not occupy more than thirty (30) percent of the yard it occupies.
4. Accessory structures accessed via an alley must be setback a minimum of ten (10) feet from the right-of-way or easement line.
5. Accessory structures that are a minimum of sixty (60) feet from the right-of-way and ten (10) feet from the primary structure may be five (5) feet from the side and rear lot lines.
    a. Private solar energy systems may be five (5) feet from the rear and side lot lines if they are sixty (60) feet from the right-of-way.
    b. With the exception of private solar energy systems, accessory structures shall also comply with buffering standards in subsection 8:1.26(F)(6).

F. Outlot Permitted Uses. Outlots may be used in accordance with their classification designated on the plat as described in subsection 8:2.7(I).

G. Yard and Area Regulations. See Yard and Area Regulations in subsection 8:1.25.

H. Off-Street Parking. See Off-Street Parking Regulations in subsection 8:1.25.

I. Sign Regulations. See Sign Regulations in subsection 8:1.25.

J. Fence Regulations. See Fence Regulations in subsection 8:1.25.

K. Building Code. See Building Code in Chapter 8:6.

L. Site Plan Review. A Site Plan Review in accordance with subsection 8:1.26 shall be required prior to issuance of any building permit in the CH district or prior to establishing any use which does not require a building permit.

8:1.16 AG-T – Agritourism Zoning District.

The Agritourism Zoning District is intended for value-added, agricultural related activities which bring the general public to working farms. Activities should be closely related to on-site agricultural production and can be experiential in nature or create value through processing and onsite sale of agricultural and related products. All properties in the AG-T district shall have agricultural production occurring on site.

A. Primary Uses. The following primary uses are allowed in the AG-T district. Multiple primary uses are allowed on parcels in the AG-T district and all uses may be subject to supplemental conditions found in subsection 8:1.24 unless exempted under 8:1.3. [136]

1. Agricultural Uses.
2. Animal Husbandry. Limited to those standards in subsection 8:1.24.

B. Accessory Structures and Uses. The following structures and uses are permitted in the AG-T district, provided that they are incidental to a primary use. Structures and uses may be subject to supplemental conditions found in subsection 8:1.24 unless exempted under 8:1.3. [137]

1. Agricultural Experience.[138]
    a. Agricultural experiences do not include weddings or overnight stays.[139]
    b. Where the agricultural experience includes food service, it shall feature food grown, raised, or produced on site
2. Agricultural Barns or Outbuildings.[140]
3. Agricultural Product Processing.
    a. Limited to five thousand (5,000) square feet.
    b. At least twenty six percent (26%) of inputs must be grown, raised, or produced on site.
4. Agricultural Tours and Nature Tours.
5. Animal Slaughter Facility, Limited. Subject to Zoning Administrator Approval.[141]
6. Auxiliary Dwelling Unit, Attached. Subject to Zoning Administrator approval.[142]
7. Battery Energy Storage Systems, Tier 1. [143]
8. Communication Towers, Private.
9. Community Supported Agriculture Pickup.
10. Corn Mazes.

---

[136] Ordinance 07-23-20-01
[137] Ordinance 07-23-20-01
[138] Ordinance 10-22-20-01
[139] Ordinance 09-26-24-01
[140] Ordinance 07-23-20-01
[141] Ordinance 10-22-20-02
[142] Ordinance 09-26-24-01
[143] Ordinance 08-24-21-02

11. Educational Classes, Agricultural and Environmental. Where such uses do not qualify as agricultural experiences.[144]
12. Event Centers.[145]
    a. Events shall be limited to weddings or events closely related to the on-site agricultural production.
13. Farmer's Markets.
14. Fermented Beverage Production Facility, On Farm.
15. Fishing Ponds and Areas.
16. Hayrack Rides and Sleigh Rides.
17. Home Occupations.[146]
18. Museum, Agricultural or Cultural.
19. No-Impact Home Based Businesses.[147]
20. Parking Lots associated with the agritourism use.
21. Recreation Facilities.
22. Retail Sales.
    a. Limited to goods produced on site and those that are related to the onsite agricultural operation.
    b. Includes farm stores, harvest markets, roadside stands, and other similar sales.
23. Food Service Establishments.
    a. Including bakeries, cafes, commissaries, restaurants, and other similar establishments.
    b. Food service establishments shall feature products grown on site.
    c. Food service establishments shall not be used as event centers except to host separately permitted Special Events.
24. Short-Term Rental. Subject to Zoning Administrator approval.
25. Single-Family Dwellings. Limited to one per parcel except where the property owner has obtained separate approval for additional dwelling units as allowed by this ordinance.[148]
26. Slaughter and Processing of Birds. Up to nine hundred and ninety-nine (999) birds may be slaughtered and processed annually for sale to household customers only.
27. Solar Energy Systems, Private.
28. Wind Generators, Private.

---

[144] Ordinance 10-22-20-01
[145] Ordinance 10-22-20-01
[146] Ordinance 09-26-24-01
[147] Ordinance 09-26-24-01
[148] Ordinance 09-26-24-01

29. You-Pick Agricultural Operations.
30. Other value-added uses that are closely related to onsite agricultural production, and are consistent with the nature of the AG-T district.
31. Personal storage of wood, lumber, and other materials subject to the regulations in subsection 8:1.25. [149]
32. Private garages, sheds, greenhouses, pergolas, ornamental gates, barbeque ovens, fireplaces, swimming pools, landscaping, gardens, and other uses and structures not open to the public that are customary to residential use.[150]

C. Conditional Uses. The following uses qualify for Conditional Use Permits, in compliance with 8:1.29, in the AG-T district. These uses may be subject to supplemental conditions found in 8:1.24 and such additional conditions as may be warranted to mitigate any deleterious effects of the proposed use.

1. Auxiliary Dwelling Units.
2. Bed and Breakfast Homes.
3. Communication Towers, Commercial.
4. Country Inns.
5. Home Businesses.
6. Home Industries.
7. Seasonal Resorts.
    a. Seasonal resorts shall not be used to house agricultural labor or anyone employed on the premises.
8. Special Events. For activities not allowed as permitted or accessory uses.
9. Utilities, Public.
10. Wind Generator, Distributed.

[149] Ordinance 09-26-24-01
[150] Ordinance 09-26-24-01

D. Bulk Regulations. The following bulk regulations apply to all properties located in the AG-T 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
Primary and Accessory* Structures	n/a	n/a	40	30†	10†	35 feet and 2 ½ stories
Single Family Dwellings and Manufactured Homes	5	n/a	40	30	10	35 feet and 2 ½ stories
Animal Slaughter Facility, Limited [151]	3 acres	n/a	150	150	150	35 feet and 2 ½ stories

* See subsection 8:1.16(E) for accessory structure regulations.

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

E. Accessory Structure Regulations. The following regulations apply to all accessory structures on properties located in the AG-T district:

1. No accessory structure shall be used for dwelling purposes, except for those permitted as an auxiliary dwelling unit, country inn, or other conditionally permitted use.
2. Temporary structures for construction purposes are permitted as accessory structures during the course of construction.
3. Accessory structures shall not occupy more than thirty (30) percent of the yard it occupies.
4. Accessory structures accessed via an alley must be setback a minimum of ten (10) feet from the right-of-way or easement line.
5. Accessory structures that are a minimum of sixty (60) feet from the right-of-way and ten (10) feet from the primary structure may be five (5) feet from the side and rear lot lines.
    a. Private solar energy systems may be five (5) feet from the rear and side lot lines if they are sixty (60) feet from the right-of-way.
    b. With the exception of private solar energy systems, accessory structures shall also comply with buffering standards in subsection 8:1.26(F)(6).

F. Outlot Permitted Uses. Outlots may be used in accordance with their classification designated on the plat as described in subsection 8:2.7(I).

G. Yard and Area Regulations. See Yard and Area Regulations in subsection 8:1.25.

H. Off-Street Parking Regulations. See Off-Street Parking Regulations in subsection 8:1.25.

I. Sign Regulations. See Sign Regulations in subsection 8:1.25.

J. Fence Regulations. See Fence Regulations in subsection 8:1.25.

[151] Ordinance 10-22-20-02

K. Building Code. See Building Code in Chapter 8:6.

L. Site Plan Requirements. A Site Plan Review in accordance with the provisions of subsection 8:1.26 shall be required to obtain a building permit in the AG-T district.

M. Other Requirements. All properties in the AG-T district shall meet the following standards:

1. Occupancy Permits. All structures on properties located in the AG-T district shall have a valid occupancy permit for the proposed use.

    a. Timing. Agritourism uses shall not proceed until such time that an occupancy permit, for the proposed use, has been issued in compliance with this subsection and Chapter 8:6 Building Code.

    b. Existing Structures. Those structures built prior to the property being rezoned into the AG-T district, where the visiting public congregate or enter, shall obtain an occupancy permit in compliance with the Existing Building Code requirements in Chapter 8:6 Building Code for the proposed use.

    c. New Structures. Unless determined to be agriculturally exempt by the Zoning Administrator, all new structures in the AG-T district, regardless of proposed use, shall be subject to building permit standards, in compliance with Chapter 8:6 Building Code, and have a valid occupancy permit for the proposed use. The public shall not be allowed to enter or congregate in any new structure which was constructed without a valid occupancy permit.

    d. Exception. Those structures built prior to the property being rezoned into the AG-T district, which do not have an existing occupancy permit, and where the visiting public do not congregate and will not enter, do not need to obtain an occupancy permit.

2. Bathroom Facilities. All properties in the AG-T district, where the public visit the site, shall have permanent bathroom facilities in accordance with Building Code and Johnson County Public Health Regulations.

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

The Agri-Business Zoning District is intended to provide locations for businesses, commercial and industrial in nature, that, a) serve the agricultural community, or b) are, due to their high intensity and limited traffic production, appropriate in certain rural areas. This district recognizes the unique needs of businesses that serve the agricultural community.[152]

A. Primary Uses. The following primary uses are allowed in the C-AG district. Multiple primary uses are allowed on parcels in the C-AG district and all uses may be subject to supplemental conditions found in subsection 8:1.24.

1. Agricultural Product Processing.
2. Animal Services.
3. Animal Slaughter Facilities, Commercial.[153]
4. Child Care Centers.
5. Commercial Condominiums.[154]
6. Construction Services, General.
    a. Includes contractors, electrical, plumbing, mechanical, and other trade shops, well drilling businesses, septic system installers, and other similar establishments
7. Dealerships.[155]
    a. Including sale of lawn equipment, residential-scale agricultural equipment including trailers, commercial-scale agricultural implements, construction vehicles and equipment, all-terrain and utility-task vehicles (ATV/UTV), and snowmobiles.
    b. Not including sale of automobiles, motorcycles, travel trailers, recreational vehicles, boats, or other personal automobiles or equipment.
8. Fairgrounds.
9. Farm Excavation and Soil Conservation Contractors.
10. Farmers Markets.
11. Fertilizer and Agricultural Chemical storage and sales. Limited to no more than thirty thousand (30,000) gallons on the premises at one time.
12. Gasoline Stations and Propane Stations. Limited to no more than thirty thousand (30,000) gallons on the premises at one time.
13. Grain Elevators.
14. Grain, Feed, and Seed Grain, storage, processing, conditioning, and sale.

---

[152] Ordinance 09-26-24-01
[153] Ordinance 10-22-20-02
[154] Ordinance 09-26-24-01
[155] Ordinance 09-26-24-01

15. Harvest Markets.[156]
16. Landscaping Businesses.
17. Livestock Marketing Stations.
18. Metal Fabrication.
    a. Not including fabrication through casting, melting, smelting, or recycling of scrap metal.
19. Repair Shops.[157]
    a. Including repair of agricultural implements, automobiles, bicycles, boats, electronics, lawn equipment, and other similar goods.
    b. Not including the repair of construction equipment or other non-personal automobiles or equipment.[158]
20. Retail Nurseries and Greenhouses.[159]
21. Retail Sale of Consumer Fireworks.[160]
22. Saw Mills
    a. Includes processing of firewood for wholesale or retail sale.[161]
23. Temporary Storage, Public Utilities.[162]
    a. Subject to Zoning Administrator approval.
    b. Limited to one (1) calendar year.
24. Other uses similar in nature and intensity.[163]

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.

1. Battery Energy Storage Systems, Tier 1. [164]
2. Indoor Storage facilities associated with a primary use.
3. Keeping of Animals. Limited to those standards in subsection 8:1.24.
4. Offices associated with a primary use.
5. Outdoor Storage associated with a primary use.

---

[156] Ordinance 09-26-24-01
[157] Ordinance 12-22-20-02
[158] Ordinance 12-22-20-02
[159] Ordinance 09-26-24-01
[160] Ordinance 09-26-24-01
[161] Ordinance 09-26-24-01
[162] Ordinance 07-22-21-01
[163] Ordinance 09-26-24-01
[164] Ordinance 08-24-21-02

a. Outdoor storage shall be screened from view from the public right-of-way and any properties zoned AR, RS, RM, RC, or RMH.

b. Outdoor storage shall meet setbacks for accessory structures.

6. Outdoor Display of goods for sale.
7. Parking Lots associated with a primary use.
8. Residential Uses. Shall be attached to a primary structure.
9. Solar Energy Systems, Private.
10. Truck Scales.
11. Wind Generators, Private.

C. Conditional Uses. The following uses qualify for Conditional Use Permits, in compliance with 8:1.29, in the C-AG zoning district. These uses may be subject to supplemental conditions found in 8:1.24 and such additional conditions as may be warranted to mitigate any deleterious effects of the proposed use.

1. Car Washes. Shall be designed to serve agricultural equipment and for washing out the interior of trailers, tankers, or other commercial vehicles or equipment which serves the agricultural community.[165]
2. Communication Towers, Commercial.
3. Special Events.
4. Temporary operation of Asphalt and Concrete Recycling facilities.
5. Temporary Operation of Ready-Mix Plants.
6. Utilities, Public.
7. Wind Generators, Distributed.

D. Bulk Regulations. The following bulk regulations apply to all properties located in the C-AG 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
Primary and Accessory* Structures	n/a	n/a	40	40†	20†	35 feet and 2 ½ stories

* See subsection 8:1.17(E) for accessory structure regulations.
† In accordance with subsection 8:1.26(F)(6), all structures must also comply with buffering standards

E. Accessory Structure Regulations. The following regulations apply to all accessory structures on properties located in the C-AG district:

1. No accessory structure shall be used for dwelling purposes.

[165] Ordinance 09-26-24-01

2. Temporary structures for construction purposes are permitted as accessory structures during the course of construction.
3. Accessory structures shall not occupy more than thirty (30) percent of the yard it occupies.
4. Accessory structures accessed via an alley must be setback a minimum of ten (10) feet from the right-of-way or easement line.
5. Accessory structures that are a minimum of sixty (60) feet from the right-of-way and ten (10) feet from the primary structure may be five (5) feet from the side and rear lot lines.
    a. Private solar energy systems may be five (5) feet from the rear and side lot lines if they are sixty (60) feet from the right-of-way.
    b. With the exception of private solar energy systems, accessory structures shall also comply with buffering standards in subsection 8:1.26(F)(6).

F. Outlot Permitted Uses. Outlots may be used in accordance with their classification designated on the plat as described in subsection 8:2.7(I).

G. Yard and Area Regulations. See Yard and Area Regulations in subsection 8:1.25.

H. Off-Street Parking. See Off-Street Parking Regulations in subsection 8:1.25.

I. Sign Regulations. See Sign Regulations in subsection 8:1.25.

J. Fence Regulations. See Fence Regulations in subsection 8:1.25.

K. Building Code. See Building Code in Chapter 8:6.

L. Site Plan Review. A Site Plan Review in accordance with subsection 8:1.26 shall be required prior to issuance of any building permit in the C-Ag district or prior to establishing any use which does not require a building permit.

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. The following primary uses are allowed in the ML zoning district. Multiple primary uses are allowed on parcels in the ML district and all uses may be subject to supplemental conditions found in subsection 8:1.24.

1. Animal Slaughter Facility, Commercial.[166]
2. Car Washes.[167]
3. Commercial Amusement.
4. Commercial Condominiums.
5. Construction Services, General.[168]
    a. Includes contractors, electrical, plumbing, mechanical, and other trade shops, well drilling businesses, septic system installers, and other similar establishments. Does not include Landscape Businesses
6. Dealerships.
    a. Including automobiles, boats, motorcycles, travel trailers, recreational vehicles, other personal vehicles, construction equipment, and other non-personal automobiles and equipment.
7. Distribution, Truck Terminals, Wholesaling, and Warehousing.
8. Event Centers.
9. Fermented Beverage Production Facility.
    a. Including breweries, cideries, distilleries, wineries, and other similar establishments.
10. Food and Beverage Service Establishments.
    a. Including restaurants, bakeries, cafes, commissaries, diners, coffee shops, bars, and other similar establishments.
11. Gasoline Stations and Propane Stations.
12. Manufacturing, General.
    a. Includes Agricultural Product Processing.
    b. Not including primary and conditional uses specifically listed in the MH district.
13. Metal Fabrication.
    a. Not including fabrication through casting, melting, smelting, or recycling of scrap metal.

[166] Ordinance 10-22-20-02
[167] Ordinance 09-26-24-01
[168] Ordinance 09-26-24-01

14. Ready-Mix Plants.
15. Repair Shops.
    a. Including, but not limited to, repair of agricultural equipment, automobiles, bicycles, boats, construction equipment, electronics, lawn equipment, and other non-personal automobiles or equipment.
16. Retail Sales.
    a. Not including the sale of display fireworks.[169]
17. Storage, conditioning, sale, and distribution of grain or seed grain.
18. Temporary Storage, Public Utilities.[170]
    a. Subject to Zoning Administrator approval.
    b. Limited to one (1) calendar year.
19. Other uses similar in nature and intensity.[171]

B. Accessory Structures and Uses. The following structures and uses are permitted in the ML 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.

1. Battery Energy Storage Systems, Tier 1. [172]
2. Battery Energy Storage Systems, Tier 2. [173]
3. Indoor Storage facilities associated with a primary use.
4. Offices associated with a primary use.
5. Outdoor Storage associated with a primary use.
    a. Outdoor storage shall be screened from view from the public right-of-way and any properties zoned AR, RS, RM, RC, or RMH.
    b. Outdoor storage shall meet setbacks for accessory structures.
6. Outdoor Display of goods for sale.
7. Parking Lots associated with a primary use.
8. Solar Energy Systems, Private.
9. Truck Scales.
10. Wind Generators, Private.

[169] Ordinance 09-26-24-01
[170] Ordinance 07-22-21-01
[171] Ordinance 09-26-24-01
[172] Ordinance 08-24-21-02
[173] Ordinance 08-24-21-02

C. Conditional Uses. The following uses qualify for Conditional Use Permits, in compliance with 8:1.29, in the ML zoning district. These uses may be subject to supplemental conditions found in 8:1.24 and such additional conditions as may be warranted to mitigate any deleterious effects of the proposed use.

1. Communication Towers, Commercial.
2. Special Events.
3. Temporary operation of Asphalt and Concrete Recycling facilities.
4. Utilities, Public.
5. Wind Generators, Distributed.

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
Primary and Accessory* Structures	None	None	50	50†	20†	35 feet and 2 ½ stories

* 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.

E. Accessory Structure Regulations. The following regulations apply to all accessory structures on properties located in the ML district:

1. Temporary structures for construction purposes are permitted as accessory structures during the course of construction.
2. Accessory structures shall not occupy more than thirty (30) percent of the yard it occupies.
3. Accessory structures accessed via an alley must be setback a minimum of ten (10) feet from the right-of-way or easement line.
4. Accessory structures that are a minimum of sixty (60) feet from the right-of-way and ten (10) feet from the primary structure may be five (5) feet from the side and rear lot lines.
    a. Private solar energy systems may be five (5) feet from the rear and side lot lines if they are sixty (60) feet from the right-of-way.
    b. With the exception of private solar energy systems, accessory structures shall also comply with buffering standards in subsection 8:1.26(F)(6).

F. Outlot Permitted Uses. Outlots may be used in accordance with their classification designated on the plat as described in subsection 8:2.7(I).

G. Yard and Area Regulations. See Yard and Area Regulations in subsection 8:1.25.

H. Off-Street Parking. See Off-Street Parking Regulations in subsection 8:1.25.

I. Sign Regulations. See Sign Regulations in subsection 8:1.25.

J. Fence Regulations. See Fence Regulations in subsection 8:1.25.

K. Building Code. See Building Code in Chapter 8:6**.**

L. Site Plan Requirements. A Site Plan Review in accordance with the provisions of subsection 8:1.26 shall be required to obtain a building permit in the ML district or prior to establishing any use which does not require a building permit.

M. Residential Uses. Residential uses are not permitted in the ML district. Existing legal nonconforming residential structures may not be repaired, structurally altered, or enlarged.

8:1.19 MH – Heavy Industrial Zoning District.

The Heavy Industrial Zoning District is intended for only those most intense uses. Uses listed in the MH district shall only be allowed on properties that are in the MH district unless those uses are specifically allowed in other districts.

A. Primary Uses. The following primary uses are allowed in the MH zoning district. All primary uses allowed in the MH district shall only be allowed in the MH district unless those uses are specifically allowed in other districts. Multiple primary uses are allowed on parcels in the MH district and all uses may be subject to supplemental conditions found in subsection 8:1.24. [174]

1. Asphalt and Concrete Recycling
2. Auto Wrecking.
3. Cryptocurrency mining or production installation.[175]
4. Distribution, Truck Terminals, Wholesaling, and Warehousing.[176]
5. Junk and Salvage Yards.
6. Fireworks, Consumer and Display, retail sales, wholesale, and storage.
7. Flammable Liquid Storage.
8. Manufacturing, General.[177]
9. Metal Fabrication.
    a. Including fabrication through casting, melting, smelting, or recycling of scrap metal.
10. Ready-Mix Plants.
11. Repair Shops.
    a. Including the repair of construction equipment, commercial-scale agricultural implements, or other non-personal automobiles or equipment.
    b. Not including the repair of automobiles, bicycles, boats, electronics, lawn equipment, and other similar goods residential goods or personal automobiles or equipment.
12. Temporary Storage, Public Utilities.[178]
    a. Subject to Zoning Administrator approval.
    b. Limited to one (1) calendar year.
13. Other uses similar in nature and intensity.[179]

[174] Ordinance 09-26-24-01
[175] Ordinance 10-10-24-01
[176] Ordinance 09-26-24-01
[177] Ordinance 09-26-24-01
[178] Ordinance 07-22-21-01
[179] Ordinance 09-26-24-01

B. Accessory Structures and Uses. The following structures and uses are permitted in the MH 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.

1. Battery Energy Storage Systems, Tier 1. [180]
2. Battery Energy Storage Systems, Tier 2. [181]
3. Indoor Storage facilities associated with a primary use.
4. Offices associated with a primary use.
5. Outdoor Storage associated with a primary use.
    a. Outdoor storage shall be screened from view from the public right-of-way and any properties zoned AR, RS, RM, RC, or RMH.
    b. Outdoor storage shall meet setbacks for accessory structures.
6. Outdoor Display of goods for sale.
7. Parking Lots associated with a primary use.
8. Solar Energy Systems, Private.
9. Truck Scales.
10. Wind Generators, Private.

C. Conditional Uses. The following uses qualify for Conditional Use Permits, in compliance with 8:1.29, in the MH zoning district. Unless specifically listed elsewhere, all conditionally permitted uses in the MH district shall only be allowed in the MH district. These uses may be subject to supplemental conditions found in 8:1.24 and such additional conditions as may be warranted to mitigate any deleterious effects of the proposed use.

1. Acid Manufacturing.
2. Animal Slaughter Facility, Industrial.[182]
3. Cement, lime, gypsum, or plaster of paris manufacture.
4. Communication Towers, Commercial.
5. Distillation of Bones.
6. Explosives Manufacturing or Storage.
7. Fat Rendering.
8. Fertilizer Manufacturing.
9. Garbage, Offal, or Dead Animal Reduction or Dumping.
10. Gas Manufacturing.

[180] Ordinance 08-24-21-02
[181] Ordinance 08-24-21-02
[182] Ordinance 10-22-20-02

11. Glue Manufacturing.
12. Petroleum Refining.
13. Rendering Plants.
14. Smelting of Tin, Copper, Zinc, or Iron Ores.
15. Solid Waste Transfer Station.
16. Special Events.
17. Stockyards.
18. Utilities, Public.
19. Wind Generators, Distributed.

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

* 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.

E. Accessory Structure Regulations. The following regulations apply to all accessory structures on properties located in the ML district:

1. Temporary structures for construction purposes are permitted as accessory structures during the course of construction.
2. Accessory structures shall not occupy more than thirty (30) percent of the yard it occupies.
3. Accessory structures accessed via an alley must be setback a minimum of ten (10) feet from the right-of-way or easement line.
4. Accessory structures that are a minimum of sixty (60) feet from the right-of-way and ten (10) feet from the primary structure may be five (5) feet from the side and rear lot lines.
    a. Private solar energy systems may be five (5) feet from the rear and side lot lines if they are sixty (60) feet from the right-of-way.
    b. With the exception of private solar energy systems, accessory structures shall also comply with buffering standards in subsection 8:1.26(F)(6).

F. Outlot Permitted Uses. Outlots may be used in accordance with their classification designated on the plat as described in subsection 8:2.7(I).

G. Yard and Area Regulations. See Yard and Area Regulations in subsection 8:1.25.

H. Off-Street Parking. See Off-Street Parking Regulations in subsection 8:1.25.

I. Sign Regulations. See Sign Regulations in subsection 8:1.25.

J. Fence Regulations. See Fence Regulations in subsection 8:1.25.

K. Building Code. See Building Code in Chapter 8:6**.**

L. Site Plan Requirements. A Site Plan Review in accordance with the provisions of subsection 8:1.26 shall be required to obtain a building permit in the MH district or prior to establishing any use which does not require a building permit.

M. Residential Uses. Residential uses are not permitted in the MH district. Existing legal nonconforming residential structures may not be repaired, structurally altered, or enlarged.

8:1.20 SWDRR – Solid Waste Disposal and Resource Reclamation District.

The Solid Waste Disposal and Resource Reclamation Zoning District is intended to provide for the appropriate location and siting of sanitary landfills, composting facilities, recycling centers, and other solid waste disposal facilities.

A. Primary Uses. The following primary uses are allowed in the SWDRR district. Multiple primary uses are allowed on parcels in the SWDRR district and all uses may be subject to supplemental conditions found in subsection 8:1.24.

1. Composting Facilities.
2. Recycling Centers.
3. Sanitary Landfills. Subject to Board approval in accordance with Iowa State Code section 455B.305A and subsection 8:1.20(N) of this ordinance.
4. Non-residential Agricultural Uses.

B. Accessory Uses and Structures. The following structures and uses are permitted in the SWDRR 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.

1. Agricultural Barns or Outbuildings.[183]
2. Hazardous Material Handling.
3. Indoor Storage facilities associated with a primary or conditionally permitted use.
4. Maintenance Structures.
5. Methane capture associated with sanitary landfills, in accordance with Federal and State regulations.
6. Offices associated with a primary or conditionally permitted use.
7. Parking Lots associated with a primary or conditionally permitted use.
8. Solar Energy Systems, Private.
9. Transfer Stations.
10. Truck Scales.
11. Wind Generators, Private.
12. Other similar accessory uses.

C. Conditional Uses. The following uses qualify for Conditional Use Permits, in compliance with 8:1.29, in the SWDRR zoning district. These uses may be subject to supplemental conditions found in 8:1.24 and such additional conditions as may be warranted to mitigate any deleterious effects of the proposed use.

1. Communication Towers, Commercial.

[183] Ordinance 07-23-20-01

2. Special Events.
3. Utilities. Public.
4. Wind Generators, Distributed.
5. Wind Energy Facilities, Commercial.

D. Bulk Regulations. The following bulk regulations apply to all properties located in the SWDRR 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	n/a	n/a	200	200†	200†	90 feet and 6 stories

* See subsection 8:1.20(E) for accessory structure regulations.
† In accordance with subsection 8:1.26(F)(6), all structures must also comply with buffering standards.

E. Accessory Structure Regulations. The following regulations apply to all accessory structures on properties located in the SWDRR district:

1. Temporary structures for construction purposes are permitted as accessory structures during the course of construction.
2. Accessory structures shall not occupy more than thirty (30) percent of the yard it occupies.
3. Accessory structures accessed via an alley must be setback a minimum of ten (10) feet from the right-of-way or easement line.
    a. Private solar energy systems may be five (5) feet from the rear and side lot lines if they are sixty (60) feet from the right-of-way.
    b. With the exception of private solar energy systems, accessory structures shall also comply with buffering standards in subsection 8:1.26(F)(6).

F. Outlot Permitted Uses. Outlots may be used in accordance with their classification designated on the plat as described in subsection 8:2.7(I).

G. Yard and Area Regulations. See Yard and Area Regulations in subsection 8:1.25.

H. Off-Street Parking. See Off-Street Parking Regulations in subsection 8:1.25.

I. Sign Regulations. See Sign Regulations in subsection 8:1.25.

J. Fence Regulations. See Fence Regulations in subsection 8:1.25.

K. Building Code. See Building Code in Chapter 8:6**.**

L. Residential Uses. Residential uses are not permitted in the SWDRR district. Existing legal nonconforming residential structures may not be repaired, structurally altered, or enlarged

M. Site Plan Requirements. A Site Plan Review in accordance with the provisions of subsection 8:1.26 shall be required to obtain a building permit in the SWDRR district or prior to establishing any use which does not require a building permit.

N. Sanitary Landfill Siting Regulations. Siting of new sanitary landfills is controlled by Iowa State Code. Applications for the siting of new sanitary landfills shall be in accordance with Iowa State Code section 455B.305A as amended.

O. Notice to Neighboring Property Owners. The Applicant shall provide written notice of an application to rezone property to an SWDRR District to all property owners within two miles of the property to be re-zoned. The property owners shall be identified based upon the authentic tax records of the County in which the particular property is located. The Applicant shall certify that the required notices have been mailed

8:1.21 RE – Renewable Energy Zoning District.[184]

The intent of the RE district is to allow for the orderly development of utility scale solar energy systems, including ancillary uses such as Battery Energy Storage Systems and public utility installations including substations. Requests to rezone property to the RE – Renewable Energy Zoning District must be accompanied by all materials listed in subsection 8:1.24.DD.

A. Primary Uses. The following primary uses are allowed in the RE district. Multiple primary uses are allowed on parcels in the RE district and all uses are subject to supplemental conditions found in subsection 8:1.24.

1. Utility Scale Solar Energy Systems.
    a. Includes systems of all sizes.
2. Battery Energy Storage Systems, Tier 1.
3. Battery Energy Storage Systems, Tier 2.
4. Utilities, Public .
5. Agricultural uses.
6. Other uses similar in nature and intensity.

B. Accessory Structures and Uses. The following structures and uses are permitted in the RE 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.

1. Parking Lots associated with a primary use.
2. Accessory structures associated with a primary use.
3. Residential Uses.
    a. Includes Private garages, sheds, greenhouses, pergolas, ornamental gates, barbeque ovens, fireplaces, swimming pools, landscaping, gardens, and other uses and structures not open to the public that are customary to residential use. Can also include Private Solar Energy Systems or Private Wind Generators.

C. Conditional Uses. The following uses qualify for Conditional Use Permits, in compliance with 8:1.29, in the RE district. These uses may be subject to supplemental conditions found in 8:1.24 and such additional conditions as may be warranted to mitigate any deleterious effects of the proposed use.

1. Communication Towers, Commercial.
2. Special Events.

[184] Ordinance 05-19-22-01 (added entire RE Zoning district section)

D. Bulk Regulations. The following bulk regulations apply to all properties located in the RE 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
Primary and Accessory* Structures	None	None	50†	50†	50†	35 feet and 2 ½ stories

* See subsection 8:1.20A(E) for accessory structure regulations.
† Where abutting properties are used in conjunction with an approved utility scale solar energy system, the setback on shared side and rear lot lines may be reduced to zero (0) feet.

E. Accessory Structure Regulations. The following regulations apply to all accessory structures on properties located in the RE district:

1. Temporary structures for construction purposes are permitted as accessory structures during the course of construction.
2. Accessory structures accessed via an alley must be setback a minimum of ten (10) feet from the right-of-way or easement line.
3. With the exception of residential dwellings, accessory structures that are a minimum of sixty (60) feet from the right-of-way and ten (10) feet from the primary structure may be five (5) feet from the side and rear lot lines.
    a. Private solar energy systems may be five (5) feet from the rear and side lot lines if they are sixty (60) feet from the right-of-way.

F. Outlot Permitted Uses. Outlots may be used in accordance with their classification designated on the plat as described in subsection 8:2.7(I).

G. Yard and Area Regulations. See Yard and Area Regulations in subsection 8:1.25.

H. Off-Street Parking. See Off-Street Parking Regulations in subsection 8:1.25.

I. Sign Regulations. See Sign Regulations in subsection 8:1.25.

J. Fence Regulations. See Fence Regulations in subsection 8:1.25.

K. Building Code. See Building Code in Chapter 8:6.

8:1.22 ERP – Environmental Resource Preservation Zoning District.

The Environmental Resource Preservation Zoning District is intended for protection of high value natural features, environmental amenities, and sensitive areas. The district shall be used to implement the land preservation requirements of the Preservation and Conservation Development Land Use Categories as identified on the Future Land Use Map. Further, the district can be used to protect privately owned conservation land.

A. Sensitive Areas. Impact to any sensitive areas, as defined in Chapter 8:3, is prohibited in the ERP district.

1. Any uses, parking, drive areas, and structures shall be sited and conducted in a manner than does not impact sensitive areas.
2. Sensitive Area Inventory Required. Prior to any construction, grading, or non-maintenance and restoration activities, a sensitive areas inventory for the projected development area or area of impact shall be submitted and approved.

B. Primary Uses. The following uses are allowed in the ERP district. All uses may be subject to supplemental conditions found in subsection 8:1.24.

1. Protected Open Space.

C. Accessory Structures and Uses. The following structures and uses are permitted in the ERP 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

1. Active Recreation, limited to unimproved trails.
2. Camping. Subject to Zoning Administrator Approval.[185]
3. Maintenance and Restoration of Environmentally Sensitive Areas with an approved plan.
4. Nature Tour
5. Parking Facilities.
6. Park Structures, including shelters, bathroom facilities, and other similar structures.
7. Structures for storage of maintenance supplies and equipment.
8. Trails.

D. Conditional Uses. The following uses qualify for Conditional Use Permits, in compliance with 8:1.29, in the ERP district. These uses may be subject to supplemental conditions found in 8:1.24 and such additional conditions as may be warranted to mitigate any deleterious effects of the proposed use.

1. Special Events, in compliance with subsection 8:1.22.A.

[185] Ordinance 09-26-24-01

E. Bulk Regulations. The following bulk regulations apply to all properties located in the ERP 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
Accessory* Structures	n/a	n/a	50	50	50	35 feet and 2 ½ stories

F. Outlot Permitted Uses. Outlots may be used in accordance with their classification designated on the plat as described in subsection 8:2.7(I).

G. Yard and Area Regulations. See Yard and Area Regulations in subsection 8:1.25.

H. Off-Street Parking. See Off-Street Parking Regulations in subsection 8:1.25.

I. Sign Regulations. See Sign Regulations in subsection 8:1.25.

J. Fence Regulations. See Fence Regulations in subsection 8:1.25.

K. Building Code. See Building Code in Chapter 8:6.

8:1.23 P – Public Zoning District.

The Public Zoning District is intended to provide reference on the zoning map to public uses of land. Land that is owned by the United States Federal Government, the State of Iowa, Johnson County, Cities, or Public School Districts should be located in the Public Zoning District. Volunteer Fire Departments serving Johnson County may also request to rezone property to the Public Zoning District.

A. Primary Uses. Premises in the P district shall be used for any use or structures of the governments of the United States, the State of Iowa, Johnson County, cities, school districts, and volunteer fire departments, except for those uses specifically described in this subsection as conditional uses and those uses specifically confined to the MH district.

B. Accessory Structures and Uses. Any other accessory use or structures are allowed in the P district, provided that they are incidental to a primary use and are for the governments of the United States, the State of Iowa, Johnson County, cities, school districts, or volunteer fire departments. Those uses specifically described in this subsection as conditional uses and those uses specifically confined to the MH district are not allowed as accessory uses.

C. Conditional Uses. The following uses qualify for Conditional Use Permits, in compliance with 8:1.29, in the P district. These uses may be subject to supplemental conditions found in 8:1.24 and such additional conditions as may be warranted to mitigate any deleterious effects of the proposed use.

1. Communication Towers, Commercial.
2. Utilities, Public.
3. Wind Energy Facilities, Commercial.

D. Bulk Regulations. The following bulk regulations apply to all properties located in the P 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	n/a	n/a	25	20	8	No maximum

* See subsection 8:1.23(E) for accessory structure regulations.

E. Accessory Structure Regulations. The following regulations apply to all accessory structures on properties located in the P district:

1. No accessory structure shall be used for dwelling purposes.
2. Temporary structures for construction purposes are permitted as accessory structures during the course of construction.
3. Accessory structures shall not occupy more than thirty (30) percent of the yard it occupies.
4. Accessory structures accessed via an alley must be setback a minimum of ten (10) feet from the right-of-way or easement line.

5. Accessory structures that are a minimum of sixty (60) feet from the right-of-way and ten (10) feet from the primary structure may be five (5) feet from the side and rear lot lines.

    a. Private solar energy systems may be five (5) feet from the rear and side lot lines if they are sixty (60) feet from the right-of-way.

F. Outlot Permitted Uses. Outlots may be used in accordance with their classification designated on the plat as described in subsection 8:2.7(I).

G. Yard and Area Regulations. See Yard and Area Regulations in subsection 8:1.25.

H. Off-Street Parking Regulations. See Off-Street Parking Regulations in subsection 8:1.25.

I. Sign Regulations. See Sign Regulations in subsection 8:1.25.

J. Fence Regulations. See Fence Regulations in subsection 8:1.25.

K. Building Code. See Building Code in Chapter 8:6.

8:1.24 Supplemental Conditions.

A. Animal Husbandry and Keeping of Animals. Animal husbandry is a primary use in the A, SF, and AG-T districts and keeping of animals is an accessory use in the AR, RS, RC, and C-Ag districts. Both uses are subject to the following limits unless a property is agriculturally exempt:[186]

1. With the exception of cats and dogs, animal types are classified based on animal units (AU). The following table, adapted from 2018 Iowa Code, shall be used to classify animal types.

Animal	Animal units (AU) per head
Feeder Cattle	1.0
Immature Dairy Cattle	1.0
Mature Dairy Cattle	1.4
Horse	2
Swine over 55 pounds	0.4
Deer	0.2
Swine 15 to 55 pounds	0.1
Sheep and Lamb	0.1
Goats	0.1
Turkeys 7 pounds or greater	0.018
Turkeys less than 7 pounds	0.0085
Rabbits	0.01
Chicken 3 pounds or greater	0.01
Chicken less than 3 pounds	0.0025
Fish	0.001

   a. Animal units for all animal types that are not contained in this table shall be determined using the following formula:

$$Animal\ Units = \frac{Average\ Mature\ Animal\ Weight\ (lbs)}{1{,}000}$$

2. 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.

[186] Ordinance 07-23-20-01

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
	Additional per acre for each acre over 2	1 AU	0.5 AU	0.2 AU

[187]

*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.[188]

3. No more than six (6) adult dogs (six (6) months or older) and ten (10) adult cats (six (6) months or older) may be kept on a parcel. There is no limit on the permitted number of juvenile (less than six (6) months old) animals permitted on the property provided they are offspring to the adults currently on the property.

B. Animal Slaughter Facility, Commercial. Commercial Animal Slaughter Facilities are a primary use in the C-AG and ML districts and are subject to the following conditions:[189]

1. Animal types are classified based on animal units (AU). The following table, adapted from 2018 Iowa Code, shall be used to classify animal types.

Animal	Animal units (AU) per head
Feeder Cattle	1.0
Immature Dairy Cattle	1.0
Mature Dairy Cattle	1.4
Swine over 55 pounds	0.4
Deer	0.2
Swine 15 to 55 pounds	0.1
Sheep and Lamb	0.1
Goats	0.1
Turkeys 7 pounds or greater	0.018
Turkeys less than 7 pounds	0.0085
Rabbits	0.01
Chicken 3 pounds or greater	0.01
Chicken less than 3 pounds	0.0025
Fish	0.001

[187] Ordinance 09-26-24-01 (This reference applies to all changes in the table under 8:1.24.A.2).
[188] Ordinance 10-22-20-02 (This reference applies the asterisk footnote only)
[189] Ordinance 10-22-20-02

a. Animal units for all animal types that are not contained in this table shall be determined using the following formula:

$$Animal\ Units = \frac{Average\ Mature\ Animal\ Weight\ (lbs)}{1{,}000}$$

2. Commercial Animal Slaughter Facilities are restricted in size and intensity based on annual animal unit counts. Commercial slaughter facilities may slaughter and/or process a maximum of two thousand five hundred (2,500) animal units in a calendar year.[190]

   a. This shall be a cumulative total where the animal unit count of any animal slaughtered or processed at the facility shall count toward the total.

   b. Where an animal is both slaughtered and processed at the facility, the animal unit shall only be counted once.

   c. In addition to the cumulative limit of 2,500 animal units, additional limits apply to slaughter of certain types of animals based on animal unit count as outlined in the table below:

Commercial Animal Slaughter Facilities	**Animal Classification based on AU**		
	Greater than 0.99	**0.1 to 0.99**	**Less than 0.1**
Annual Animal Unit Maximum	2,500	1,200	200

3. All areas related to Commercial animal slaughter facilities, including the structure and animal holding pens, shall be setback no less than one hundred (100) feet from all property lines.[191]

4. Live animals may be kept on site for no more than twenty-four (24) hours.

5. All animal slaughter shall occur inside a closed structure.

6. The applicant must obtain written approval from the Iowa Department of Natural Resources (DNR) for disposal of the offal and other animal waste created by the slaughtering of animals. The facility must maintain compliance with DNR regulations for offal and other animal waste disposal at all times.

7. If retail space is included in the Commercial animal slaughter facility, it must be separated from the slaughter operation by a permanent wall and have separate entrances and parking facilities.[192]

8. The facility shall comply with all Environmental Standards in Chapter 8.3.

9. The facility shall comply with all applicable federal, state, and local regulations.

C. Animal Slaughter Facility, Limited. Limited slaughter is an accessory use in the A, AR, SF, and AG-T districts and is subject to Zoning Administrator approval and the following conditions:[193]

1. One (1) Limited slaughter facility may be permitted per parcel or parcel group.

---

[190] Ordnance 10-22-20-02
[191] Ordinance 10-22-20-02
[192] Ordinance 10-22-20-02
[193] Ordinance 10-22-20-02

2. Limited slaughter facilities may slaughter and/or process a maximum of fifty (50) animal units in a calendar year.

    a. This shall be a cumulative total where the animal unit count of any animal slaughtered or processed at the facility shall count toward the total.

    b. Where an animal is both slaughtered and processed at the facility, the animal unit shall only be counted once.

    c. Poultry processed on the property under the Slaughter and Processing of Birds accessory use as allowed in this ordinance does not count towards the 50 animal unit limit.

3. All animal slaughter and processing shall occur inside a fully closed structure.

4. All structures used for animal slaughter must meet and follow facility licensing requirements of the Iowa Department of Agriculture and Land Stewardship (IDALS).

    a. Where the IDALS-licensed facility is not certified for poultry processing, poultry processed on the property under the Slaughter and Processing of Birds accessory use as allowed in this ordinance does not need to occur in the IDALS-licensed facility.

5. The applicant must obtain written approval from the Iowa Department of Natural Resources (DNR) for disposal of the offal and other animal waste created by the slaughtering of animals. The facility must maintain compliance with DNR regulations for offal and other animal waste disposal at all times.

6. Limited slaughter facilities shall not be located on parcels smaller than three (3) acres.

7. All structures used for Limited animal slaughter shall be setback no less than one hundred fifty (150) feet from all property lines.

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

9. On-site retail sales are prohibited.

10. The facility shall comply with all applicable federal, state, and local regulations.

D. Asphalt and Concrete Recycling. Permanent asphalt and concrete recycling operations are permitted in the MH district and are subject to conditions 1-3 below. Temporary asphalt and concrete recycling operations are conditionally permitted in the A, C-Ag, and ML districts and are subject to all supplemental conditions below:

1. The applicant shall obtain written approval for the proposed entrance to the public roadway from the appropriate authority, and the primary truck route(s) from Johnson County Secondary Roads.

2. The applicant shall obtain written approval from the Iowa Department of Natural Resources for the discharge of any waste from the proposed facility.

3. The application shall comply with all Environmental Standards in Chapter 8.3.

4. The permit shall be issued for a specific period of time. Permit expiration shall coincide with the estimated completion of the project.

    a. Where a temporary asphalt and concrete recycling operation is permitted in conjunction with a temporary ready-mix plant, both operations shall have the same expiration date.

b. Where a temporary asphalt and concrete recycling operation is permitted in conjunction with, and collocated with, a mining and mineral extraction operation, the asphalt and concrete recycling permit shall be issued for a period not to exceed 5 years, or both operations shall have the same expiration date, whichever timeframe is shorter.

c. Permit extension shall only be approved by the Board of Adjustment via permit modification, as outlined in 8:1.29(F)(5).

5. The facility shall be removed and the facility's site shall be restored to its original productive state within one hundred and eighty (180) days after the completion of the identified highway or road project or projects.

   a. A facility site restoration plan and performance agreement with financial assurance shall be submitted and approved prior to the beginning of operations.

6. Supplemental conditions 4 and 5 above shall not apply to permanent asphalt and concrete recycling operations located in MH districts.

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:[194]

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.[195]

   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.[196, 197]

   b. Auxiliary dwelling units on parcels one (1) acre or larger may be built as a standalone secondary dwelling.[198, 199]

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.

---

[194] Ordinance 09-26-24-01
[195] Ordinance 09-26-24-01
[196] Ordinance 07-22-21-01
[197] Ordinance 10-10-24-01
[198] Ordinance 07-22-21-01
[199] Ordinance 10-10-24-01

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 interconnected smoke alarms where the actuation of one alarm will activate all of the alarms in both dwelling units.[200]

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. Tier 2 Battery energy storage systems are allowed as primary uses in the RE district, accessory uses in the ML and MH districts, and are conditionally permitted in the A and CH districts. All Tier 2 Battery Energy Storage Systems are subject to the following conditions regardless of district in which they are located: [201, 202]

1. Height. Battery energy storage systems shall comply with the building height limitations for principal structures of the underlying zoning district.

2. Fencing Requirements. Battery energy storage systems, including all mechanical equipment, shall be enclosed by an eight (8) foot tall fence with a self-locking gate to prevent unauthorized access unless housed in a dedicated-use building, and not interfering with ventilation or exhaust ports.

3. Roads. The applicant, owners of the facility, and their contractors are expected to avoid damaging public roads and shall be responsible for mitigation of damages to public roads. At the discretion of the approving authority, a Public Roads Damage Avoidance and Mitigation Plan may be required and shall be in accordance with the following standards:[203]

   a. Identification of Potential Roads Usage. The applicant shall identify, with the approval of the Johnson County Engineer, all state and local public roads to be used within Johnson County to transport equipment, parts and material for construction, operation or maintenance of the battery energy storage system and related components.

   b. Documentation of Road Conditions. Prior to construction, the Johnson County Engineer or a third-party consultant selected by the Johnson County Engineer shall document the current conditions of the roads identified for use, with all associated costs paid for by the applicant or owners of the facility. The engineer shall document road conditions again thirty (30) days after construction is complete or as weather permits.

   c. Road Preparation and Damage. Any road preparation or maintenance necessitated by the proposed solar energy system as identified by the County Engineer or the third-party consultant shall be promptly completed at the applicant's expense. Any damage caused by the applicant, owner of the facility, or its contractors during construction or decommissioning shall be promptly repaired at the applicant or owner's expense.

      i. The applicant shall demonstrate that it has appropriate financial assurance to ensure the repair of damaged roads.

---

[200] Ordinance 09-26-24-01
[201] Ordinance 08-24-21-02 (added the BESS regulations of subsection F).
[202] Ordinance 05-19-22-01 (made specific changes to the language added in Ordinance 08-24-21-02. Specific changes from ordinance 05-19-22-01 are noted throughout by footnotes at the end of affected paragraphs).
[203] Ordinance 05-19-22-01

ii. At the discretion of the approving authority, the applicant or owners of the facility may also be required to a financial surety instrument to cover all costs of potential damage to roads at the time of permitting or rezoning consideration.[204]

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

5. Landscaping Buffer. In an effort to mitigate any potential negative effects and reduce the visual impact of the facility, the perimeter of the facility shall be landscaped to create a visual screen from neighboring properties. Landscaping shall be installed within a planting area around the facility, in accordance with the following standards:

   a. The landscaping buffer shall preferably use trees, shrubs, grasses and forbs that are native to Iowa, or where appropriate may include naturalized and non-invasive species.

   b. The landscaping buffer shall use a combination of trees and plants to provide a vegetative screen. Trees shall be at least six (6) feet tall within three (3) years of installation, and shall have a minimum mature height of twelve (12) feet or the height of any fencing, whichever is taller.

   c. Landscaping screening shall be evaluated under leaf-on conditions.

   d. The planting area shall be located immediately adjacent to and outside the use area and shall extend no further than fifty (50) feet beyond the outside of the use area, which includes the security fence, required parking areas, required stormwater infrastructure, or other structures or infrastructure required or proposed with the development.[205]

   e. At the discretion of the approving authority, the minimum mature height of vegetative screening may be modified where the applicant can show good cause or practical difficulty.[206]

   f. If the battery energy storage system is being constructed within the landscaping buffer of a larger project, the approving authority may waive or modify the requirements in this subsection specific to battery energy storage systems.[207]

6. Signage. Signage shall be in compliance with ANSI Z535 and shall include the following information: the type of technology associated with the battery energy storage systems; any special hazards associated; the type of suppression system installed in the area of the battery energy storage systems; and 24-hour emergency contact information, including reach-back phone number.

   a. As required by the National Electric Code (NEC), disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

[204] Ordinance 05-19-22-01
[205] Ordinance 05-19-22-01
[206] Ordinance 05-19-22-01
[207] Ordinance 05-19-22-01

7. Noise. The 1-hour average noise generated from the battery energy storage systems, components, and associated ancillary equipment shall not exceed a noise level of sixty decibels (60 dBA) as measured at the outside wall of any non-participating residence or occupied community building or the property line. Applicants may submit equipment and component manufacturer noise ratings at the time of application to demonstrate compliance.

    a. At the discretion of the approving authority the applicant may be required to provide Operating Sound Pressure Level measurements from a reasonable number of sampled locations at the perimeter of comparable existing battery energy storage systems to demonstrate compliance with this standard.[208]

    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 outside wall of any non-participating residence or occupied community building or the property line to demonstrate compliance with this standard.

8. Site Plan. A site plan shall be submitted showing preliminary structure details and location, fencing details and location, landscaping plan, signage, location of underground and above ground transmission facilities, project development timeline, and any other pertinent information as required by the Zoning Administrator. 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:[209]

    a. Power and Communications Lines.

        i. On-site power and communications lines between battery energy storage system units shall be placed underground to the extent feasible and as permitted by the serving utility. The main service connection at the utility company right-of-way, and any new interconnection equipment, may be located above ground.

        ii. Power and communications 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.

        iii. At the discretion of the approving authority, power and communications lines may be allowed to be unburied in the following cases:[210]

            a) Elements of the natural landscape, such as but not limited to shallow bedrock and water courses, interfere with the ability to bury lines;

            b) Elements of existing infrastructure interfere with the ability to bury lines;

            c) Or distance makes undergrounding infeasible.

[208] Ordinance 05-19-22-01
[209] Ordinance 05-19-22-01
[210] Ordinance 05-19-22-01

b. An electrical diagram detailing the battery energy storage system layout, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices.

c. A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of the building permit.

d. Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the battery energy storage system. Such information of the final system installer shall be submitted prior to issuance of the building permit.

9. Fire Safety Compliance Plan. The applicant shall document and describe how the fire safety system and its associated controls will function and be maintained in proper working condition. At a minimum the plan shall comply with NFPA 855 Standard for Installation of Stationary Energy Storage Systems.[211]

10. Operations and Maintenance Manual. The applicant shall describe the ongoing maintenance schedule for the battery energy storage system as well as the general upkeep of the property.

11. Emergency Operations Procedures. A copy of the approved Emergency Operations Procedures shall be given to the system owner, the local fire department, and Johnson County Emergency Management. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The Emergency Operations Plan shall include the following information:

    a. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.

    b. Procedures for inspection and testing of associated alarms, interlocks, and controls.

    c. Procedures to be followed in response to notifications from the Battery Energy Storage Management System that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.

12. Decommissioning and Site Reclamation Plan. The Decommissioning and Site Reclamation Plan shall address and/or ensure the following standards:

    a. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.

    b. The anticipated life of the battery energy storage system.

    c. The estimated decommissioning costs and method of ensuring funds will be available. Estimates for the total cost for decommissioning the site shall be determined by a Licensed Engineer.[212]

[211] Ordinance 09-26-24-01
[212] Ordinance 05-19-22-01

d. The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed.

e. A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.

f. Following a continuous one-year period in which no energy is stored, or if substantial action on construction or repairs to the project is discontinued for a period of one year, the permit holder will have one year to complete decommissioning of the battery energy storage system. At the discretion of the Zoning Administrator, the continuous one-year period that triggers decommissioning may be extended if the applicant demonstrates ongoing commitment to the project through activities such as but not limited to making lease payments or documentation of ongoing maintenance or repairs.

   i. Decommissioning shall be completed in accordance with the approved decommissioning plan.

   ii. The landowner or tenant shall notify the Zoning Administrator both when the project is discontinued and when decommissioning is complete.

g. At the discretion of the approving authority, financial surety may also be required.[213]

13. The application shall comply with all Environmental Standards in Chapter 8.3.

14. The application shall comply with all applicable federal, state, and local regulations.

G. Bed and Breakfast Homes. Bed and breakfast homes are conditionally permitted in the A, AR, SF, RS, and AG-T districts and are subject to the following conditions:

1. Accommodations must be in the home in which the host or hostess resides.

2. Accommodations shall be limited to a maximum of four (4) rooms.

3. Food shall be served exclusively to overnight guests and not to the general public.

4. The applicant shall provide a severe weather plan.

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

6. All structures where the visiting public congregate shall comply with Building Code in Chapter 8:6.

7. The application shall comply with all Johnson County Public Health requirements and all other applicable state and local regulations.

H. Boat and RV Storage, Outdoor. Outdoor boat and RV storage is conditionally permitted in the AR district and is subject to the following conditions:[214]

1. Outdoor boat and RV storage shall not be located on parcels of fewer than five (5) acres.

---

[213] Ordinance 05-19-22-01

[214] Ordinance 09-26-24-01 (added the Outdoor Boat and RV Storage regulations of subsection H).

2. A maximum of five (5) boats or RVs per acre can be stored on any site.
3. Landscaping and Buffering. All storage areas shall be screened in a manner that minimizes their visual impact to surrounding properties through the use of fencing, landscaping, and/or earthen berms. A plan for screening shall be provided with the application.
4. Boats and RVs may be stored on site between October 1 and May 31.
5. All vehicles or vessels shall be removed from the property at least once every 365 days.
6. Vehicles shall not be occupied while stored on site.
7. The storage area and the vehicles shall be maintained in good order and appearance. Vehicles or vessels which are inoperable and/or un-seaworthy or generally in poor condition shall not be stored.
8. The commercial repair or maintenance of vehicles not stored on site shall be prohibited unless otherwise permitted in accordance with these regulations.
9. The sale of boats, recreational vehicles, campers, parts, accessories, fuels, lubricants, or other items shall be prohibited.

I. Camping. Camping is allowed as an accessory use in the A, AR, SF, RS, RC, and ERP districts and is subject to the following conditions.[215]

1. Maximum of one (1) primitive camp site or mobile dwelling unit parking spot per parcel.
2. Length of stay. In all cases, temporary stays are limited to a maximum of one hundred and eighty (180) days in a calendar year.
    a. Camping on parcels which have a permanent residential dwelling is allowed by right.
    b. Camping on parcels that do not have a permanent residential dwelling up to thirty (30) days in a calendar year is allowed by right.
    c. Camping on parcels that do not have a permanent residential dwelling for more than thirty (30) days in a calendar year is subject to Zoning Administrator approval.
3. Mobile dwelling units may only be stored outdoors on a platted outlot or a parcel which contains a residential dwelling.
    a. At the discretion of the Zoning Administrator, mobile dwelling units may be stored outdoors on a parcel which do not contain a residential dwelling.
4. Mobile dwelling units used for camping must remain licensed, operable, and road-worthy.
5. At the discretion of the Zoning Administrator, accessory structures including, but not limited to, decks, awnings, shade structures, and pergolas may be allowed.
6. The applicant shall sign an acknowledgement that the mobile dwelling unit cannot be maintained as a permanent dwelling and that they will maintain a separate permanent address.
7. Off-street parking shall be provided in accordance with subsection 8:1.25.

[215] Ordinance 09-26-24-01 (added the Camping regulations of subsection I).

8. The request shall comply with all Johnson County Public Health requirements and all other applicable state and local regulations.

9. Camping in the ERP district is limited to primitive and tent camping.

J. Commercial Storage Facilities. Commercial storage facilities are conditionally permitted in the A district and are subject to the following conditions:

1. All structures and outdoor storage areas shall comply with the primary structure setbacks in the district for which they are located.

2. One (1) commercial storage facility may be permitted on a single parcel or parcel group.

3. Each boat or RV storage space in an outdoor storage area shall count as a unit.[216]

4. Units within Commercial Storage Facilities shall not be used as the primary location or place of business for the tenant. Units in a commercial storage facility may be used to store business equipment and materials provided that the business maintains a separate off-site location for uses such as office, workshop, and staff reporting.[217]

5. Commercial storage facilities may utilize shipping containers as storage unit structures to the extent allowed by the underlying shipping container restrictions of the district/property.[218]

6. Facilities with ten (10) or fewer storage units:

   a. Road Access: Can be accessed via a crushed rock or gravel road.

   b. Landscaping and Buffering. All outdoor storage areas shall be screened in a manner that minimizes their visual impact to surrounding properties through the use of fencing, landscaping, and/or earthen berms. A plan for screening shall be provided with the application.

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

   d. The application shall comply with all Environmental Standards in Chapter 8.3.

7. Facilities with more than ten (10) and fewer than twenty (20) storage units:

   a. Road Access: Shall be accessed off of a chip-seal or paved road.

   b. Landscaping Buffer. In an effort to mitigate the negative effects and reduce the visual impact of the facility, the right-of-way and any adjacent lot zoned AR, RS, RM, RC, or RMH shall be landscaped to create a visual screen from neighboring properties to the facility. Landscaping shall be installed within a planting area around the facility, in accordance with the following standards:

      i. The landscaping buffer shall use a combination of trees and plants to provide a vegetative screen. Trees shall be at least six (6) feet tall within three (3) years of installation, and shall have a minimum mature height of twelve (12) feet or the height of any fencing, whichever is taller. Plants can include shrubs, grasses, or other native plants.

      ii. Landscaping screening shall be evaluated under leaf-on conditions.

---

[216] Ordinance 09-26-24-01
[217] Ordinance 09-26-24-01
[218] Ordinance 09-26-24-01

iii. At the discretion of the Board of Adjustment, the minimum mature height of vegetative screening may be modified where the applicant can show good cause or practical difficulty.

c. Internal drive and parking areas may be crushed rock, gravel, chip seal, or paved.

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

e. The application shall comply with all Environmental Standards in Chapter 8.3.

8. Facilities with more than twenty (20) storage units:

a. Road Access: Shall be accessed off of a paved road.

b. A Site Plan Review approved by the Zoning Administrator in accordance with the provisions of subsection 8:1.26 shall be required to obtain a building permit.

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

d. The application shall comply with all Environmental Standards in Chapter 8.3.

e. The application shall comply with all Johnson County Public Health requirements and all other applicable federal, state, and local regulations.

K. Communication Towers, Commercial. Commercial communication towers are conditionally permitted in all zoning districts, except for the ERP district, and are subject to the following conditions:

1. Application Materials. In addition to standard application materials for conditional use permits, all applications for new communication towers shall have the following:

a. In compliance with Iowa Code, an explanation stating why the proposed tower location was selected and why collocation is not being used.

b. Proof of liability insurance.

c. Site plan showing the location of the tower, fencing, associated structures, guy wire anchors, landscaping, and any other pertinent information.

d. All plans required by the Environmental Standards in Chapter 8:3.

2. Setback Standards.

a. Communication Towers shall be setback from parcel lines and occupied structures a minimum distance of one hundred and ten (110) percent the height of the tower.

b. All guy-wire anchors, support structures, or associated structures shall comply with the setback requirements for the district for which it is located.

c. The Board of Adjustment may allow a reduced setback to property lines where the applicant has obtained an easement on neighboring properties to ensure any new occupied structures will be setback a minimum distance of one hundred and ten (110) percent the height of the tower from the tower base.[219]

[219] Ordinance 09-26-24-01

3. Landscaping Buffer. In an effort to mitigate the negative effects and reduce the visual impact of the tower, the perimeter of the tower site shall be landscaped to create a visual screen from neighboring properties to the tower base. Landscaping shall be installed within a planting area around the tower base, in accordance with the following standards:

    a. Landscaping shall utilize native species.

    b. The landscaping buffer shall use a combination of trees, to provide a vegetative overstory, and plants, to provide a vegetative understory. Trees shall have a minimum mature height of twenty five (25) feet, and shall be at least six (6) feet tall within three (3) years of installation. Plants can include shrubs, grasses, or other native plants.

    c. Landscaping screening shall be evaluated under leaf-on conditions.

    d. The planting area shall extend no further than fifty (50) feet beyond the outside of the security fence.

4. Security Fencing. The tower and guy wire sites shall be fenced with a minimum eight (8) foot tall security fence with barbed wire. Warning/no trespassing signs shall be posted every twenty (20) feet.

5. Lighting. All tower lighting shall comply with subsection 8:1.25.

6. Independent Inspection. An independent expert shall inspect all communication towers in accordance with American National Standards Institute (ANSI) standards. The report shall be provided to the Zoning Administrator. Deficiencies shall be remedied within ninety (90) days of their discovery.[220]

7. The applicant shall submit a plan for the safe operation and maintenance of the tower.

8. Decommission Plan. The applicant shall include a decommission and restoration/reclamation plan. If the tower is unused for a continuous one (1) year period, the permit holder will have one year to implement the approved decommission and restoration/reclamation plan. The permit holder shall notify the Zoning Administrator when the tower is fully decommissioned.[221]

9. The application shall comply with all Environmental Standards in Chapter 8:3.

10. Legal Nonconforming Towers. Those towers that were erected legally, but do not conform to these regulations may have minor alterations. Any alteration that changes tower height or location must be done in conformance with these regulations.

11. Compliance with FAA and FCC. The applicant shall provide proof of compliance with FAA and FCC regulations at the time of application, including documentation of a Determination of No Hazard. If requested by a local airport in writing, the applicant shall provide the results of a FAA Airspace Obstruction Evaluation Study prior to approval by the Board of Adjustment.[222]

[220] Ordinance 12-22-20-01
[221] Ordinance 12-22-20-01
[222] Ordinance 12-22-20-01

12. Where a commercial communications tower is proposed to serve a small wireless facility as defined by Iowa Code Section 8c, and is proposed to be sited in the ROW of a primary or secondary road, the provisions for setback from parcel lines, landscape buffer, and security fencing as outlined in this subsection shall not apply unless otherwise specifically attached as a condition of approval by the Board of Adjustment. Towers shall still maintain setbacks from occupied structures as required by subsection 8:1.24.K.2.a. [223]

L. Communication Towers, Private. Private communication towers are accessory uses in the A, AR, SF, RS, RM, RC, RMH, and AG-T districts and are subject to the following conditions:

1. Setback Standards.

   a. Communication Towers shall be setback from parcel lines and occupied structures a minimum distance of one hundred and ten (110) percent the height of the tower.

   b. All guy-wire anchors, support structures, or associated structures shall comply with the setback requirements for the district for which it is located.

M. Country Inns. Country inns are conditionally permitted in the A, AR, SF, and AG-T districts and are subject to the following supplemental conditions:

1. The applicant shall reside in an existing dwelling unit on the parcel or an adjacent parcel to the parcel that contains country inn.
2. Country inns shall not exceed six (6) guest units and shall not have more than twenty five (25) guests at any one time.
3. Country inns shall not be located on parcels of fewer than three (3) acres.
4. Food shall be served exclusively to overnight guests and not to the general public.
5. Non-resident employees are prohibited, except as approved by the Board of Adjustment.
6. The applicant shall obtain written approval for the proposed entrance to the public roadway from the appropriate authority.
7. Country inns shall not accommodate a single individual for more than thirty (30) days in any calendar year.
8. If the proposed use is located on a crushed rock or gravel road, the applicant shall apply dust control at the County Engineer's discretion. When required, dust control shall be applied in accordance with Johnson County Secondary Roads standards.
9. The applicant shall provide a severe weather plan.
10. Off-street parking shall be provided in accordance with subsection 8:1.25.
11. All structures where the visiting public congregate shall comply with Building Code in Chapter 8:6.
12. The application shall comply with all Environmental Standards in Chapter 8.3.

[223] Ordinance 12-22-20-01

13. The request shall comply with all Johnson County Public Health requirements and all other applicable state and local regulations.

N. Farmer's Markets. Farmer's markets are a primary use in the C and C-AG districts and is an accessory use in the AG-T district, and are subject to the following conditions:

1. Bathroom Facilities. Farmer's Markets shall have permanent bathroom facilities in accordance with Building Code and Johnson County Public Health Regulations.
2. Farmer's markets with twenty (20) or more vendors shall have stalls and parking and drive areas of a dust free surface.
3. The applicant shall provide a severe weather plan.

O. Farm Worker Housing, Seasonal. Seasonal farm worker housing is conditionally permitted in the A district and are subject to the following conditions:

1. Permits for seasonal farm worker housing shall expire annually.
2. The agricultural employer shall maintain liability and fire insurance on the camp and its occupants. The agricultural employer and/or respective seed corn company shall provide worker's compensation insurance for all migratory farm workers. Proof of said insurance coverage shall be provided at the time of application.
3. The farm worker housing shall be inspected prior to occupancy.
4. The seasonal farm worker housing shall be occupied solely by agricultural farm laborers for no longer than two hundred and forty (240) days annually.
5. No one may operate a seasonal farm worker housing or other housing facilities for one (1) or more migratory agricultural laborers; or two (2) or more shelters, without a valid permit issued by the county.
6. Reconstruction, or enlargement of any portion of the camp, or conversion of a structure to occupancy use, shall be approved by the Planning and Zoning Administrator prior to any changes taking place.
7. Mobile homes may not have their manufacturers' seal dated before 1976. Specifically, said seal shall remain intact to verify age of the mobile home. All dwellings used for housing migratory agricultural laborers shall be inspected and certified as to electrical safety by a licensed electrician. All sanitary facilities shall be inspected by the County Department of Public Health. All dwellings within said seasonal farm worker housing shall be inspected and approved by the Zoning Administrator or duly authorized representative as to structural soundness and habitability.
8. The minimum parcel size for the establishment of agricultural labor housing shall be not less than one (1) acre, and shall provide a minimum of eight thousand (8,000) square feet of open space for recreational purposes.
9. Occupancy of housing units is restricted to one family per dwelling, or single persons, as per the State of Iowa space requirements.
10. The development of more than three (3) units shall require inclusion of adequate recreation facilities and open space. Laundry and storage facilities shall also be provided in adequate proportions as provided in the Occupational Safety and Health Act.

11. A minimum distance of twenty (20) feet shall be maintained between dwellings.
12. The traffic surface within the confines of the seasonal farm worker housing shall provide all-season protection with a minimum of three inches (3”) of Class A crushed rock cover.
13. The applicant shall provide a severe weather plan.
14. Off-street parking shall be provided in accordance with subsection 8:1.25.
15. The application shall comply with all Environmental Standards in Chapter 8.3.
16. The application shall comply with all Johnson County Public Health requirements and all other applicable federal, state, and local regulations.
17. The agricultural employer shall make provisions for the identification of all hazardous chemicals in the native languages of all non-English speaking employees.

P. Fermented Beverage Production, on Farm. On farm production of fermented beverages is a conditional use in the A, AR, and SF districts and an accessory use in the AG-T district, and is subject to the following conditions:

1. A portion of inputs into the production process shall be grown on site.
2. Food served in the tasting room shall be limited to food in an unopened hermetically sealed container that is commercially processed off-site in a licensed facility to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution.
3. Off-street parking shall be provided in accordance with subsection 8:1.25.
4. If the proposed use is located on a crushed rock or gravel road, the applicant shall apply dust control at the County Engineer’s discretion. When required, dust control shall be applied in accordance with Johnson County Secondary Roads standards.
5. Any permanent structures where employees and the visiting public congregate must have a valid occupancy permit for the proposed use. If no occupancy permit is applicable, the applicant shall provide written certification from an appropriately licensed professional indicating said structure is safe for the expected occupancy related to the use.
6. Any permanent structures, where employees and the visiting public congregate, which are constructed after the Board of Adjustment has issued a permit for fermented beverage production, shall conform to Johnson County Building Code and have a valid occupancy permit.
7. The applicant shall provide a severe weather plan if customers will be on site.
8. The application shall comply with all Environmental Standards in Chapter 8.3.
9. The application shall comply with all Johnson County Public Health requirements and all other applicable federal, state, and local regulations.

Q. Fireworks, Retail Sales, Wholesale, and Storage. The retail sale, wholesale, and storage of consumer fireworks is a primary use in the C, CH, C-AG, ML, and MH districts. The retail sale, wholesale, and storage of display fireworks is also allowed in the MH District. All such uses are subject to the following conditions:[224]

1. The applicant must provide documentation to the Zoning Administrator prior to operation that the State Fire Marshall has approved the use and location, along with a copy of the valid and unexpired or unrevoked Firework Sellers License issued by the State to the named operator at the proposed location.
2. All sales of Consumer and Display Fireworks must occur only during designated sales windows allowed by the most recent Code of Iowa.
3. All sales and storage of Consumer and Display Fireworks must occur in a structure, whether temporary or permanent, that has been permitted in advance in accordance with the Johnson County Building Code and, if a permanent structure, is protected by a sprinkler system.

R. Golf Courses and Country Clubs. Golf courses and country clubs are conditionally permitted in the AR, RS, RM, and RC districts and are a primary use in the RR district, and are subject to the following conditions:

1. Allowed accessory uses and structures include:
    a. Management headquarters.
    b. Event Centers
    c. Food service establishments.
    d. Retail sales of goods associated with golf courses.
    e. Restroom facilities.
    f. Storage facilities.
2. Golf courses and country clubs shall be accessed off of a chip-seal or paved road.
3. A Site Plan Review in accordance with the provisions of subsection 8:1.26 shall be required to obtain a building permit for retail sales, food service establishments, and management headquarters.
4. Golf courses and country clubs shall use native plantings.
5. Off-street parking shall be provided in accordance with subsection 8:1.25.
6. The application shall comply with all Environmental Standards in Chapter 8.3.
7. The application shall comply with all Johnson County Public Health requirements and all other applicable federal, state, and local regulations.

[224] Ordinance 09-26-24-01

S. Home Occupations, Home Businesses, Home Industries, and No-Impact Home-Based Businesses. Home occupations and no-impact home-based businesses are accessory uses in the A, AR, SF, RS, RM, RC, RMH, and AG-T districts; home businesses are conditionally permitted in the A, AR, SF, RS, RM, RC, RMH, and AG-T districts; and home industries are conditionally permitted in the A, AR, SF, RS, RC, and AG-T Districts. All are subject to the following conditions:[225]

1. Permitting.[226]

   a. No-impact home-based businesses and home occupations where no customers or members of the public visit the site are allowed as accessory uses and are not subject to permitting.

   b. Home occupations where customers or members of the public visit the site are subject to approval by the Zoning Administrator.

   c. Home businesses and home industries are conditionally permitted through the Board of Adjustment.

2. With the exception of no-impact home-based businesses, each permit type is limited by a variety of intensity criteria. Uses shall not exceed any of the criteria listed below. The Board of Adjustment may impose stricter limits if necessary to adequately safeguard the health, safety, and welfare of the surrounding residents and landowners and the general public.[227]

Intensity Criteria	Home Occupation	Home Business	Home Industry
Nonresident employees (full time equivalent)**	0	2	5
Employees working at one time	0	4	10
Non-standard deliveries per month	0	4	8
Customers on site at any one time	2	10	50
Customers on site per month	30	150	500
Approval	Administrator*	CUP	CUP

* Home Occupations with no customer visits on site are allowed without prior authorization by the Zoning Administrator.

** At the discretion of Board of Adjustment, the limit of nonresident employees (full time equivalent) may be increased up to two (2) times the listed maximum where the primary activity of the business occurs at off-premise job sites and there are no customer visits on-premises.[228]

   a. To ensure that operations permitted as a home occupation, home business, or home industry do not exceed the intensity criteria, the Zoning Administrator may request and the permit holder shall provide information about the operation, including, but not limited to, number of employees, days of operation, and amount of customers.

3. One (1) home business or home industry may be permitted per parcel or parcel group.

4. Residency Requirements.

[225] Ordinance 09-26-24-01
[226] Ordinance 09-26-24-01
[227] Ordinance 09-26-24-01
[228] Ordinance 09-26-24-01

a. No-Impact Home-Based Business. Applicant shall reside in the dwelling in which the business is located.[229]

b. Home Occupation. Applicant shall reside on the parcel.

c. Home Business. Applicant shall reside on the parcel or an adjacent parcel and within one quarter (1/4) mile.

d. Home Industry. Applicant shall reside on the parcel, on an adjacent parcel, or within one quarter (1/4) mile.

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

6. Outdoor storage.[230]

   a. Any outdoor storage associated with a no-impact home-based business shall be fully screened from view of the right of way and neighboring properties.

   b. Where outdoor storage is proposed as part of the Home Occupation, Home Business, or Home Industry, screening may be required at the discretion of the approving authority.

7. The applicant shall provide a severe weather plan if customers will visit the site unless the use qualifies as a no-impact home-based business.[231]

8. The application shall comply with all Johnson County Public Health requirements and all other applicable federal, state, and local regulations.

9. No use which is conditionally permitted in the district in which the property is located may otherwise be permitted as a home occupation, home business, or home industry.

10. The following uses shall not be permitted as home occupations, businesses, or industries:

    a. Animal Slaughter facilities.

    b. Event Centers.

    c. Farmer's Markets.

    d. Fermented Beverage Production Facilities.

    e. Food Service Establishments.

    f. Landscaping Business.[232]

    g. Overnight lodging for guests.[233]

    h. Any uses specifically confined to the MH or SWDRR districts.[234]

---

[229] Ordinance 09-26-24-01
[230] Ordinance 09-26-24-01
[231] Ordinance 09-26-24-01
[232] Ordinance 09-26-24-01
[233] Ordinance 07-22-21-01
[234] Ordinance 07-22-21-01

T. Kennels. Kennels are a conditionally permitted use in the A, AR, SF, RS districts and are subject to the following conditions:

1. Kennels shall not be located on parcels of fewer than five (5) acres, except as provided in this section.
2. Kennels may be located on parcels three (3) acres or larger where the following conditions are met.
   a. The facility does not provide overnight boarding services.
   b. No more than 4 dogs which do not reside on the property are present at any given time.
3. All structures and run areas used to house or exercise animals shall be setback a minimum of two hundred (200) feet from all property lines.
4. Animal boarding facilities may exceed the limits for keeping of dogs or cats contained in this section when counting animals temporarily boarded for compensation. The number of animals permanently residing on the premises shall comply with said limits at all times.

U. Landscaping Businesses. Landscaping businesses are conditionally permitted in the A and AR districts, are a primary use in the C-AG district, and are subject to the following conditions:

1. Landscaping businesses can include the sale and storage of landscaping materials on site.
2. Stockpiling of materials that do not originate onsite shall be limited to landscaping materials as well as tree trunks and substantial limbs intended for processing into firewood or lumber.[235]
   a. Outdoor storage of landscaping materials, tree trucks and substantial limbs, and equipment shall be limited to an area of two (2) acres.
3. Landscaping materials and equipment shall be stored inside a structure or be fully screened from view from neighboring properties zoned or used for residential purposes. At the discretion of the approving authority, screening may also be required along the road right of way.[236]
4. There shall be no burning of any materials that do not originate onsite.[237]
5. Unless located in the C-AG district, landscaping businesses shall not exceed the intensity criteria for home industries, in this subsection.
6. The application shall comply with all Environmental Standards in Chapter 8.3.
7. Off-street parking shall be provided in accordance with subsection 8:1.25.
8. The application shall comply with all Johnson County Public Health requirements and all other applicable federal, state, and local regulations.

V. Mining and Mineral Extraction. Mining and mineral extraction is conditionally permitted in the A zoning district and is subject to the following conditions:

1. The application shall comply with all Environmental Standards in Chapter 8.3.

[235] Ordinance 09-26-24-01
[236] Ordinance 09-26-24-01
[237] Ordinance 09-26-24-01

2. The applicant shall obtain approval for withdrawal of water if required by the Iowa Natural Resource Council.
3. The applicant shall obtain approval for operation in a floodplain if required by the Iowa Natural Resource Council.
4. The applicant shall obtain approval of a license to operate from the Iowa Department of Soil Conservation - Division of Mines and Minerals.
5. The applicant and his or her successors shall maintain a valid license from the Division of Mines and Minerals. Failure to maintain said license shall constitute abandonment.
6. The proposed site shall be located no closer than one thousand (1,000) feet to any property zoned AR, RS, RM, RC, RMH, or any existing dwelling on property zoned A, SF, or AG-T. This condition may be modified upon a showing of good cause by the applicant but shall require a 4/5 vote of the Board of Adjustment for approval.
7. The applicant shall agree to provide for buffer area which prohibits excavation within 50 feet of any adjoining property under separate ownership and any and all public right-of-way unless otherwise required by law or other special circumstances.
8. The applicant and his or her successors shall agree to take all precautions and provide such maintenance as may be necessary to prevent fugitive dust contamination along the principal access to the activity. The principal access will be defined as the route of least distance between the furthest entrance to the property involved and a paved public highway approved by the County Engineer.
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.
10. The application shall comply with all other applicable federal, state, and local regulations.

W. Private Elementary, Middle, and High Schools. Private elementary, middle, and high schools are conditionally permitted in the A, AR, RS, RM, and RC districts, are a primary use in the CH district, and are subject to the following conditions:

1. The applicant shall provide a severe weather plan.
2. Off-street parking shall be provided in accordance with subsection 8:1.25.
3. The application shall comply with all Environmental Standards in Chapter 8.3.
4. The application shall comply with all Johnson County Public Health requirements and all other applicable federal, state, and local regulations.

X. Ready-Mix Plants. Permanent ready-mix plants are permitted in the ML and MH districts and are subject to conditions 1-3 below. Temporary ready-mix plants are conditionally permitted in the A and C-AG districts and are subject to all supplemental conditions below:

1. The applicant shall obtain written approval for the proposed entrance to the public roadway from the appropriate authority, and the primary truck route(s) from Johnson County Secondary Roads.
2. The applicant shall obtain written approval from the Iowa Department of Natural Resources for the discharge of any waste from the proposed facility.
3. The application shall comply with all Environmental Standards in Chapter 8.3.
4. The permit shall be issued for a specific period of time. Permit expiration shall coincide with the estimated completion of the project.
    a. Permit extension shall only be approved by the Board of Adjustment via permit modification, as outlined in 8:1.29(F)(5).
5. The facility shall be removed and the facility's site shall be restored to its original productive state within one hundred and eighty (180) days after the completion of the identified highway or road project or projects.
    a. A facility site restoration plan and performance agreement with financial assurance shall be submitted and approved prior to the beginning of operations.
6. Supplemental conditions 4 and 5 above shall not apply to permanent ready-mix plants located in ML or MH districts.

Y. Recreation Camp. Recreation camps are a primary use in the RR district and are subject to the following supplemental conditions.

1. Recreation camps shall have permanent bathroom facilities in accordance with Building Code and Johnson County Public Health Regulations.
2. Buildings associated with recreation camps shall not be permanently occupied.
3. If incidental to the camp use, camp facilities may be used to provide meeting, recreation, or social facilities for a private association or group.
4. The applicant shall provide a severe weather plan.
5. Off-street parking shall be provided in accordance with subsection 8:1.25.
6. The application shall comply with all Environmental Standards in Chapter 8.3.
7. The application shall comply with all Johnson County Public Health requirements and all other applicable federal, state, and local regulations.

Z. Recreation Complex. Recreation complexes are a primary use in the RR district and are subject to the following supplemental conditions.

1. Recreation complexes shall have permanent bathroom facilities.
2. The applicant shall provide a severe weather plan.

3. Off-street parking shall be provided in accordance with subsection 8:1.25.
4. The application shall comply with all Environmental Standards in Chapter 8.3.
5. The application shall comply with all Johnson County Public Health requirements and all other applicable federal, state, and local regulations.

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.

BB. Seasonal Resorts. Seasonal resorts are conditionally permitted in the A, AR, RR, and AG-T districts and are subject to the following conditions:[238]

1. Seasonal resorts shall not be located on parcels of fewer than five (5) acres.
2. Number of Sites.[239]
   a. Resorts in the A, AR, and Ag-T districts are limited to ten (10) total camp sites (including but not limited to primitive cabins, recreational vehicle sites, and primitive camp sites).
   b. Resorts in the RR district are limited to ten (10) recreational vehicle/camp sites per acre OR four (4) primitive cabins per acre.
3. Seasonal resorts shall not accommodate a single individual for more than thirty (30) days in any calendar year.[240]
4. Seasonal Resorts shall provide permanent bathroom facilities in each unit or in a central facility/facilities.[241]
   a. All sites not provided with in-unit bathroom facilities shall be located within one thousand (1000) feet of a central bathroom facility.
   b. RV sites or primitive cabins with in-unit bathroom facilities may be located any distance from central bathroom facilities.
5. Allowed accessory uses and structures include:
   a. Management headquarters.
   b. Picnic shelters.

[238] Ordinance 09-26-24-01
[239] Ordinance 09-26-24-01
[240] Ordinance 09-26-24-01
[241] Ordinance 09-26-24-01

c. Recreation facilities.

d. Shower facilities.

e. Storage facilities.

f. Limited retail sale of goods incidental to camping.

6. One (1) single-family dwelling is allowed on-site for year-round resort management.

   a. For seasonal resorts located in the A and AR districts, the applicant shall reside in an existing dwelling unit on the parcel or an adjacent parcel to the parcel that contains the seasonal resort.[242]

7. Recreational vehicle sites shall be a minimum of two thousand five hundred (2,500) square feet in area and contain a stabilized vehicle parking pad of rock, marl, paving, or other suitable surface. A minimum twenty five (25) feet is required between parking pads.

8. All interior roads shall be designed for safe and convenient movement of vehicles with trailers onto and off of the public road. Interior roads shall have a twenty two (22) foot wide travel surface and be constructed of rock, marl, paving, or other suitable material.

   a. Interior roads may be maintained at a width less than twenty-two (22) feet where all of the following apply:[243]

      i. Guests are not allowed to bring personal oversized vehicles, such as recreational vehicles, travel trailers, or mobile dwelling units onto the property.

      ii. The existing driveway meets all minimum requirements of the Iowa DOT or Johnson County Secondary Roads Department.

9. If the proposed use is located on a crushed rock or gravel road, the applicant shall apply dust control at the County Engineer's discretion. When required, dust control shall be applied in accordance with Johnson County Secondary Roads standards.[244]

10. The applicant shall provide a severe weather plan.

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

12. All permanent structures associated with the Seasonal Resort use shall comply with Building Code in Chapter 8:6. [245]

    a. Semi-permanent structures including but not limited to yurts, wall tents, or RVs which are not eligible to obtain a building permit in accordance with Chapter 8:6 may be held out for rent provided there is an annual inspection from a qualified professional verifying that the unit is safe for overnight occupancy.

13. The application shall comply with all Environmental Standards in Chapter 8.3.

---

[242] Ordinance 09-26-24-01
[243] Ordinance 09-26-24-01
[244] Ordinance 09-26-24-01
[245] Ordinance 09-26-24-01

14. The application shall comply with all Johnson County Public Health requirements and all other applicable federal, state, and local regulations.

CC. Short-Term Rentals. Short-term rental of single-family dwellings, Auxiliary Dwelling Unit, seasonal homes, cabins, and individual dwelling units in multiple-family dwellings is an accessory use in the A, AR, SF, RS, RM, RC, and AG-T districts and are subject to Zoning Administrator approval and the following conditions:[246]

1. Permits authorizing the use of a single-family dwelling, Auxiliary Dwelling Unit, seasonal home, cabin, or individual dwelling 7unit in a multiple-family dwelling as a short-term rental are issued by the Zoning Administrator in accordance with subsection 8:1.27. [247]

    a. Permits shall expire two (2) years after issuance. At that time, the applicant shall apply for a new permit.

    b. The Zoning Administrator may, if deemed necessary to protect the public health, safety, and welfare, attach special conditions to approval of a permit for short-term rental.

2. The single-family dwelling, seasonal home, cabin, or dwelling unit shall be rented out in its entirety and shall not be rented out on a room-to-room basis.

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

4. All structures where the visiting public congregate shall comply with Building Code in Chapter 8:6.

5. The application shall comply with all Johnson County Public Health requirements and all other applicable federal, state, and local regulations.

6. The rental unit shall be managed as to protect the health, safety, and welfare of the renters and the public and preserve property values. It shall be managed in such a way that ensures that the use does not become a nuisance. Improper management could result in permit denial or revocation.

7. Where the Board of Adjustment has approved a conditional use permit for operation of a Country Inn or Bed and Breakfast Home as defined and regulated by this ordinance, approval of a separate short term rental permit shall not be required.[248]

DD. Solar Energy Systems, Utility Scale. Utility Scale Solar Energy Systems with a total use area of twenty (20) acres or less are allowed as a primary use in the RE district, and are conditionally permitted in the A district. Utility scale solar energy systems with a total use area of greater than twenty (20) acres are allowed as primary uses in the RE district. All utility scale solar energy systems are subject to the following conditions regardless of use area size: [249, 250]

---

[246] Ordinance 12-22-20-01
[247] Ordinance 12-22-20-01
[248] Ordinance 12-22-20-01
[249] Ordinance 08-24-21-02 (added the Utility Scale Solar regulations of subsection DD).
[250] Ordinance 05-19-22-01 (made specific changes to the language added in Ordinance 08-24-21-02. Specific changes from ordinance 05-19-22-01 are noted throughout by footnotes at the end of affected paragraphs).

1. For the purposes of administering this section, the "use area" shall include all areas associated with the utility scale solar use including, but not limited to, the furthest extent of fences, structures, stormwater infrastructure, parking, landscape screening, or other areas used in association with the use as determined by the approving authority.[251]

    a. At the discretion of the Zoning Administrator, non-adjacent use areas located within one-half (0.5) mile may be considered cumulatively when determining whether approval requires a Conditional Use Permit or rezoning approval.

    b. At the discretion of the Zoning Administrator, non-adjacent use areas smaller than twenty (20) acres in size may be required to obtain approval through rezoning if they will be located within one-half (0.5) mile of an existing utility scale solar facility, regardless of ownership.

2. The applicant shall submit detailed drafts of all materials contained in this subsection at the time of application for either a Conditional Use Permit or Zoning Map Amendment.[252]

    a. Documents must be of sufficient detail for the approving authority to adequately review the proposal for compliance with these regulations at the time of submittal, but may remain yet-to-be finalized at the time of approval.

    b. Final plans shall be approved by the Zoning Administrator prior to commencement of any site disturbance or issuance of any grading or building permits for the site and shall substantially conform to the draft plans and material submitted at the time of review and approval by the approving authority.

    c. The use(s) outlined in the application shall be established in accordance with the draft plans considered by the approving authority within five (5) years of approval. Any portion of the development plan not completed within five (5) years of approval by the approving authority shall not be installed until the development plan has been reauthorized by the approving authority. Reauthorization shall be subject to the regulations in effect at the time reauthorization is requested.

3. Setback Standards. All structures, including solar arrays, shall adhere to the primary structure setbacks for the district where the system is located. At the discretion of the approving authority, additional setbacks may be required as a condition of approval.[253]

4. Security Fencing. The solar energy system shall be fenced with a minimum seven (7) foot tall security fence. Warning/no trespassing signs shall be posted within sight of all points of fence line or no greater than fifty (50) feet apart.

    a. Perimeter fencing for the site shall not include barbed wire nor chain-link and shall use wire woven or other wildlife-friendly fencing.

        i. At the discretion of the approving authority, critical electrical and communications equipment may be fenced with chain-link fence topped with barbed wire when such measures are deemed necessary to ensure public safety and provide additional security for the equipment.[254]

---

[251] Ordinance 05-19-22-01
[252] Ordinance 05-19-22-01
[253] Ordinance 05-19-22-01
[254] Ordinance 05-19-22-01

5. Panel Clearance Height. The lowest edge of array panels (affixed or tracking) shall be at least eighteen (18) inches above the ground.

6. Roads. The applicant, owners, and their contractors are expected to avoid damaging public roads and shall be responsible for mitigation of damages to public roads. At the discretion of the approving authority, a Public Roads Damage Avoidance and Mitigation Plan may be required and shall be in accordance with the following standards:[255]

    a. Identification of Potential Roads Usage. The applicant shall identify, with the approval of the Johnson County Engineer, all state and local public roads to be used within Johnson County to transport equipment, parts and material for construction, operation or maintenance of the solar energy system and related components.

    b. Documentation of Road Conditions. Prior to construction, decommissioning, or implementation of a repowering plan, the Johnson County Engineer or a third party consultant selected by the Johnson County Engineer shall document the current conditions of the roads identified for use, with all associated costs paid for by the applicant or owners of the facility. The engineer shall document road conditions again thirty (30) days after construction is complete or as weather permits.[256]

    c. Road Preparation and Damage. Any road preparation or maintenance necessitated by the solar energy system as identified by the County Engineer or the third party consultant shall be promptly completed at the applicant's expense. Any damage caused by the applicant, owner of the facility, or its contractors during construction, decommissioning, or implementation of a repowering plan shall be promptly repaired at the applicant or owner's expense.[257]

        i. The applicant shall demonstrate that it has appropriate financial assurance to ensure the repair of damaged roads.

        ii. At the discretion of the approving authority, the applicant or owners of the facility may also be required to provide a financial surety instrument to cover all costs of potential damage to roads at the time of permitting or rezoning consideration.

7. Ground Cover Standards. Ground under and around the solar array shall be planted with a perennial vegetated ground cover. All applications for which this subsection applies shall submit a ground cover plan for review and approval. The ground cover plan shall be developed in accordance with the following standards:

    a. Top soils shall not be removed during development, unless part of a remediation effort.

    b. The area shall be planted and maintained in perennial vegetation for the full operational life of the project to prevent erosion, manage runoff and build soil.

[255] Ordinance 05-19-22-01
[256] Ordinance 05-19-22-01
[257] Ordinance 05-19-22-01

c. Vegetative cover should include a mix of perennial grasses and wildflowers that will preferably result in a short stature prairie with a diversity of forbs and flowering plants that bloom throughout the growing season. Perennial vegetation (grasses and forbs) used should preferably be native to Iowa, but where appropriate to the ground cover plan goals, may also include other naturalized and non-invasive species which provide habitat for pollinators and wildlife and/or other ecosystem services (i.e. clovers).

   i. Plant materials for the ground cover area must not have been treated with systemic insecticides, particularly neonicotinoids.

   ii. The application shall include the proposed seed mix specifications.

   iii. Seeding zones and their selected seed mixes should be clearly mapped on a site plan.[258]

d. At the discretion of the approving authority, other practices, such as small-scale farming or grazing, may be allowed in the ground cover area as part of the conditions of approval for the project.[259]

e. Seed and/or planting mixes and maintenance practices should be consistent with recommendations made by qualified natural resource professionals, such as those from a state department of natural resources, county soil and water conservation services, or natural resource conservation service.

f. The ground cover plan must include management methods and schedules for how the vegetation will be managed on an annual basis, with particular attention given to the establishment period of approximately three (3) years. The plan must include provisions for replacement of any required vegetative cover that fails to establish or dies during the life of the project.[260]

g. Reporting to the County on ground cover management and maintenance activities shall be on an annual basis for a minimum of five (5) years, after which point reduced frequency can be requested, and approved at the discretion of the Zoning Administrator.[261]

8. Landscaping Buffer. In an effort to mitigate any potential negative effects and reduce the visual impact of the solar energy system, a landscaping buffer may be required to be installed and maintained during the life of the array operation. Determination of screening requirements will be made by the approving authority as part of the review and approval process and will be based on adjacent or nearby surrounding land uses and topography. Where the approving authority finds that a landscaping buffer is appropriate, landscaping shall be installed within a planting area around the portions of the site specified by the approving authority in accordance with the standards of this subsection. All applications for which this subsection applies shall submit a plan for review and approval. The landscaping buffer plan shall be in accordance with the following standards: [262]

[258] Ordinance 05-19-22-01
[259] Ordinance 05-19-22-01
[260] Ordinance 05-19-22-01
[261] Ordinance 05-19-22-01
[262] Ordinance 05-19-22-01

a. The landscaping buffer shall preferably use trees, shrubs, grasses and forbs that are native to Iowa, or where appropriate may include naturalized and non-invasive species, or a combination thereof to provide a vegetative screen in all required areas. Screening shall have a minimum mature height equal to the height of any security fencing and shall achieve the required height within three (3) years of installation.

b. Where landscape screening is required adjoining a public or private road, plants shall be planted at a rate that provides no less than sixty-six (66) percent screening at a height equal to the height of any security fencing.

c. Where landscape screening is required as a buffer to nearby properties or uses, plants shall be planted at a rate that provides no less than one hundred (100) percent screening at a height equal to the height of any security fencing.

d. The planting area shall be located immediately outside and adjacent to - and shall extend no further than fifty (50) feet beyond - the furthest extent of the onsite infrastructure required or proposed with the development. Onsite infrastructure includes, but is not limited to, the solar arrays, security fence, required parking areas, and required stormwater infrastructure.[263]

e. Landscaping screening shall be evaluated under leaf-on conditions.

f. Planting and maintenance practices should be consistent with recommendations made by qualified natural resource professionals, such as those from a state department of natural resources, county soil and water conservation services, or natural resource conservation service.

g. The landscaping buffer plan must include management methods and schedules for how the vegetation will be managed on an annual basis, with particular attention given to the establishment period of approximately three (3) years. The plan must include provisions for replacement of any required landscaping that fails to establish or dies during the life of the project.[264]

h. Reporting to the County on landscaping management and maintenance activities shall be on an annual basis for a minimum of five (5) years, after which point reduced frequency can be requested, and approved at the discretion of the Zoning Administrator.[265]

9. Agricultural Impact Mitigation Plan. The applicant shall submit a plan detailing mitigation strategies that will be used to support agricultural use of the land at the end of the functional life of the project. The plan should include, but not be limited to, the following information:[266]

a. Project Overview. Provide general background, list of project components, and construction timeline.

b. Topsoil Protection and Preservation Plan. The plan should include the following components.

[263] Ordinance 05-19-22-01
[264] Ordinance 05-19-22-01
[265] Ordinance 05-19-22-01
[266] Ordinance 05-19-22-01 (added the Ag Impact Mitigation Plan regulations of subsection DD.9).

i. Describe best practices and methods to be used during each stage of construction for protecting and preserving topsoil. Practices and methods should address, at a minimum, topsoil removal, segregation, stockpiling, replacement during backfill, and respreading, grading minimization, compaction prevention, and decompaction of otherwise undisturbed topsoil impacted by heavy equipment or storage of materials, and wet weather conditions.

ii. Prior to construction, provide results of a soil analysis conducted and assessed by a qualified professional to determine topsoil depths as well as identify any limitations for construction and mitigation that may require special consideration.

iii. Describe environmental monitoring that will be used during construction to ensure adherence to the best practices contained in the plan. The monitoring should be done by an environmental professional. The monitoring reports shall be submitted to the County every thirty (30) days during construction.

c. Construction Best Management Practices. Describe best management practices to be used during construction to address, at a minimum, invasive species prevention, erosion and sediment control, and debris removal.

d. Drain Tile Identification, Avoidance and Repair. Describe the general procedures to be used for identification, avoidance, and repair of any underground drainage tile lines located within the project site before, during, and after construction.

e. Sensitive Areas Protection. Describe the procedures to be used to monitor and adhere to Limits of Disturbance for limiting or preventing impacts to identified sensitive areas, in accordance with the approved Sensitive Areas Report and Sensitive Areas Exhibit.

f. Vegetation Management. Incorporate or make reference to both the separately required Ground Cover Plan and Landscaping Buffer Plan. Seeding zones and their selected seed mixes should be clearly mapped on the site plan.

g. Decommissioning and Site Reclamation. Incorporate or make reference to the separately required Decommissioning and Site Reclamation Plan.

10. Glare Minimization. All solar panels shall be constructed in a manner that minimizes the reflection or glare onto neighboring properties, does not interfere with traffic, and does not create a safety hazard.

a. Utility scale solar energy systems shall also comply with all applicable airport zoning ordinances.

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: [267, 268]

    a. Power and Communications Lines.

        i. On-site power and communications lines between rows or banks of arrays, or from arrays to buildings or other on-site structures, shall be placed underground to the extent feasible and as permitted by the serving utility. The main service connection at the utility company right-of-way, and any new interconnection equipment, may be located above ground.

        ii. Power and communications 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.

        iii. At the discretion of the approving authority, power and communications lines may be allowed to be unburied in the following cases:[269]

            a) Elements of the natural landscape, such as but not limited to shallow bedrock and water courses, interfere with the ability to bury lines;

            b) Elements of existing infrastructure interfere with the ability to bury lines;

            c) Or distance makes undergrounding infeasible.

    b. The site plan shall provide proposed land use and development information for the entirety of the property(ies) included in the conditional use permit or zoning map amendment request.[270]

    c. At the discretion of the approving authority the development proposal may include a phasing plan. Where phasing is proposed, it shall be clearly indicated on the site plan. In no instance shall phasing be allowed to extend a development plan beyond five (5) years from the date of approval by the approving authority.[271]

12. Operations and Maintenance Plan. The applicant shall submit a plan for the safe operation and maintenance of the solar energy system. The plan should include, but not be limited to, Emergency Operations Procedures describing the fire safety and response measures.

---

[267] Ordinance 05-19-22-01
[268] Ordinance 09-26-24-01
[269] Ordinance 05-19-22-01
[270] Ordinance 05-19-22-01
[271] Ordinance 05-19-22-01

a. A copy of the approved Emergency Operations Procedures shall be given to the system owner, the local fire department, and Johnson County Emergency Management. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders.

b. Signage at all locked entrances or in a prominent place on the fencing should provide the following information:

   i. Name(s) and phone number(s) of the electricity utility;

   ii. Name(s) and phone number(s) of the site operator(s); and

   iii. The facility's 911 address and GPS coordinates.

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.[272]

13. Repowering. At the discretion of the Zoning Administrator, proposals to replace more than twenty five percent (25%) of the panels in a facility within a twelve (12) month period may be required to submit a plan for review and approval.[273]

    a. The plan shall include updated information for some or all or the reports and plans required by this section, as determined necessary by the Zoning Administrator.

    b. The Zoning Administrator shall review and approve, conditionally approve, or deny the repowering plan.

14. Decommissioning and Site Reclamation Plan.

    a. The application must include a decommissioning plan that describes the following items: the anticipated life of the utility scale solar installation; the anticipated manner in which the project will be decommissioned, including plans to recycle components; the anticipated site restoration actions; the estimated decommissioning costs in current dollars; and the method for ensuring that funds will be available for decommissioning and restoration.

    b. The applicant shall provide estimates for the total cost for decommissioning the site as determined by a Licensed Engineer. Decommissioning costs shall not take salvage value into account.[274]

    c. Restoration or reclamation activities shall include, but not be limited to, the following:

       i. Restoration of the pre-construction surface grade and soil profile after removal of structures, equipment, graveled areas and access roads.

       ii. Re-vegetation of restored soil areas with crops, native seed mixes and plant species suitable to the area, consistent with the County's weed control plan.

[272] Ordinance 05-19-22-01
[273] Ordinance 05-19-22-01
[274] Ordinance 05-19-22-01

iii. For any part of the project on leased property, the plan may incorporate agreements with the landowner regarding leaving access roads, fences, gates or repurposed buildings in place or regarding restoration of agricultural crops or forest resource land. Any use of remaining structures must be in conformance with the regulations in effect at that time.

d. Following a continuous one-year period in which no electricity is generated, or if substantial action on construction or repairs to the project is discontinued for a period of one year, the permit holder will have one year to complete decommissioning of the utility scale solar installation. At the discretion of the Zoning Administrator, the continuous one-year period that triggers decommissioning may be extended if the applicant demonstrates ongoing commitment to the project through activities such as but not limited to making lease payments or documentation of ongoing maintenance or repairs.

i. Decommissioning shall be completed in accordance with the approved decommissioning plan.

ii. The landowner or tenant shall notify the Zoning Administrator both when the project is discontinued and when decommissioning is complete.

e. At the time of permitting, the applicant, facility owner, or site operator shall provide a Performance Agreement and accompanying financial surety instrument to cover the cost of decommissioning in accordance with the following:[275]

i. Decommissioning funds shall be an amount equal to the total costs for decommissioning the site, plus a ten percent (10%) contingency.

ii. Decommissioning funds shall be maintained in the form of cash, certificate of deposit, performance bond, escrow account, surety bond, letter of credit, or other form of financial assurance as agreed to by the approving authority. Any financial document evidencing the maintenance of the decommissioning funds shall include provisions for releasing the funds to the County in the event decommissioning is not completed in a timely manner.

iii. Prior to any ground disturbance, grading or construction activity on the site, fifty percent (50%) of total estimated decommissioning costs shall be provided by any of the means listed above. An additional twenty five percent (25%) shall be provided within five (5) years of the date of initial approval, and the remaining twenty five percent (25%) of the total re-estimated decommissioning costs shall be provided within eleven (11) years of the date of initial approval. From that point forward, 100% of the total estimated decommissioning costs as determined by the most recent re-estimation shall be maintained in the decommissioning fund until the end of the functional life of the project.

iv. Financial surety shall be maintained for the life of the project.

v. Proof of recertification of the financial surety instrument must be submitted to the County annually.

vi. Every ten (10) years, the facility owner or operator shall retain an independent Licensed Engineer to re-estimate the total cost of decommissioning and attest that the value of the financial surety instrument is appropriate. This report shall be filed with the County.

[275] Ordinance 05-19-22-01

a) The required amount of the decommissioning fund shall match the re-estimated cost of decommissioning. Within ninety (90) days of filing the re-estimation report with the County, the facility owner or operator shall cause the fund balance of the financial surety instrument to be adjusted to ensure that it matches the re-estimated decommissioning cost.

15. Onsite Battery Energy Storage Systems. Where an applicant proposes to include battery storage in conjunction with the solar energy system, they may be required to obtain a separate Conditional Use Permit in accordance with the underlying zoning district. In all cases, Battery Energy Storage Systems shall comply with the applicable standards in subsection 8:1.24.F of this ordinance.[276]

16. The application shall comply with all Environmental Standards in Chapter 8.3.

    a. Full stormwater management planning in accordance with section 8:3.6 of this ordinance shall be provided for all connected impervious surfaces, which measure five thousand (5,000) square feet or greater, excluding internal access roads. [277, 278,]

        i. The designation of a surface type as impervious or pervious shall be in accordance with the Iowa Stormwater Management Manual. At the discretion of the approving authority, stormwater management planning may also be required for some or all pervious surfaces.

        ii. The applicant, owner, or site operator shall provide as-built plans for all required stormwater management infrastructure within thirty (30) 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.

17. The application shall comply with all applicable federal, state, and local regulations.

EE. Special Events. Special events are conditionally permitted in all districts and are subject to the following conditions:

1. Individual special events are classified into different intensity tiers based on the number of guests who attend the event. The following table shall be used to determine event tiers:

Event Tier	Number of Guests	Points per Event
Tier 1	Less than 50	1
Tier 2	50-100	2
Tier 3	More than 100	3

2. For each parcel or parcel group, the maximum number event points per calendar is based on the parcel or parcel group size.

Parcel/Parcel Group Size	Annual Event Points
Less than 5 acres	36
Greater than 5 acres	42

[276] Ordinance 05-19-22-01
[277] Ordinance 05-19-22-01
[278] Ordinance 08-03-23-02

a. For properties located in the AG-T district, events held as Accessory Uses shall not count toward the maximum number of annual event points on the parcel or parcel group.[279]

3. Permit time frame:

   a. The first permit issued by the Board of Adjustment for a specific special event or multiple special events shall expire after the final permitted event of the calendar year.

   b. Following expiration of the first permit, a permit may be issued for substantially the same use for a time period of up to three (3) years at the Board of Adjustment's discretion.

      i. The Board of Adjustment shall determine if a request is substantially the same use as permitted in the past during the public hearing on the application.

   c. Following expiration of the second permit and other subsequent permits, a permit may be issued for substantially the same use for a time period of up to five (5) years at the Board of Adjustment's discretion.

      i. The Board of Adjustment shall determine if a request is substantially the same use as permitted in the past during the public hearing on the application.

4. Once an event permit has been approved, the applicant shall submit event information, including dates, time, projected attendance, and the nature of the event, to the Zoning Administrator in writing no later than thirty (30) days prior to the scheduled event.

5. Adequate off-street parking shall be provided in accordance with subsection 8:1.25.

6. If the proposed use is located on a crushed rock or gravel road, the applicant shall apply dust control at the County Engineer's discretion. When required, dust control shall be applied prior to the beginning of the first event, in accordance with Johnson County Secondary Roads standards.

7. The applicant shall obtain written approval for the proposed entrance to the public roadway from the appropriate authority.

8. Any permanent structures where employees and the visiting public congregate must have a valid occupancy permit for the proposed use. If no occupancy permit is applicable, the applicant shall provide written certification from an appropriately licensed professional indicating said structure is safe for the expected occupancy related to the events.

9. Any permanent structures, where employees and the visiting public congregate, which are constructed after the Board of Adjustment has issued a permit for special events, shall conform to Johnson County Building Code and have a valid occupancy permit.

10. The applicant shall provide a severe weather plan.

11. The request shall comply with all Johnson County Public Health requirements and all other applicable state and local regulations.

12. Unless permitted through other means, the following temporary or transient uses are subject to these regulations.

[279] Ordinance 09-26-24-01

a. Antique shows and flea markets, not including the sale of firearms or live animals.

b. Auto motor vehicle racing or other similar events.

c. Carnivals or circuses.

d. Dances.

e. Farm shows or rodeos.

f. Haunted houses or haunted trails.

g. Live performances, concerts, or temporary assemblies.

h. Temporary overflow parking.

i. Weddings and wedding receptions.

j. Other similar temporary or transient uses.

13. Administrator Approval. The Zoning Administrator may approve up to one (1) event every two (2) years on any parcel or parcel group. The event points associated with this request shall be included in the annual limit. Approval is subject to the following conditions and any other conditions deemed appropriate to protect public health, safety, and welfare:

    a. Review and approval by the Johnson County Secondary Roads Department or appropriate agency.

    b. Review and approval by the Johnson County Public Health Department.

    c. Submission of a severe weather plan for review by the Emergency Management Department.

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

    e. Application shall be made in accordance with subsection 8:1.28.

FF. Utility Facilities, Public. Public utility facilities are allowed as a primary use in the RE district, are conditionally permitted in all districts except for the ERP district, and are subject to the following conditions:[280]

1. Setback Standards. All structures shall adhere to the primary structure setbacks for the district where the system is located.

2. Security Fencing. The facility shall be fenced with a minimum eight (8) foot tall security fence with barbed wire. Warning/no trespassing signs shall be posted within sight of all points of the fence line or no greater than fifty (50) feet apart.[281]

3. Landscaping Buffer. In an effort to mitigate the negative effects and reduce the visual impact of the facility, the perimeter of the facility shall be landscaped to create a visual screen from neighboring properties. Landscaping shall be installed within a planting area around the facility, in accordance with the following standards:

[280] Ordinance 05-19-22-01
[281] Ordinance 08-24-21-02

a. The landscaping buffer shall preferably use trees, shrubs, grasses and forbs that are native to Iowa, or where appropriate may include naturalized and non-invasive species.[282]

b. The landscaping buffer shall use a combination of trees and plants to provide a vegetative screen. Trees shall be at least six (6) feet tall within three (3) years of installation, and shall have a minimum mature height of twelve (12) feet or the height of any fencing, whichever is taller.[283]

c. Landscaping screening shall be evaluated under leaf-on conditions.

d. The planting area shall be located immediately outside and adjacent to the use area and shall extend no further than fifty (50) feet beyond the outside of the use area which includes the security fence, required parking areas, required stormwater infrastructure, or other structures or infrastructure required or proposed with the development.[284, 285]

e. At the discretion of the approving authority, the minimum mature height of vegetative screening may be modified where the applicant can show good cause or practical difficulty.[286]

4. Decommission Plan. The applicant shall include a decommission and restoration/reclamation plan. If the facility is unused for a continuous one (1) year period, the permit holder will have one year to implement the approved decommission and restoration/reclamation plan. The landowner or tenant shall notify the Zoning Administrator both when the project is discontinued and when decommissioning is complete.[287, 288]

5. 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. [289]

6. The application shall comply with all Environmental Standards in Chapter 8.3.

7. The application shall comply with all applicable federal, state, and local regulations.

GG. Wind Generators, Private and Distributed. Private wind generators are accessory uses and distributed wind generators are conditionally permitted in all districts except for the ERP district. Both are subject to the following supplemental conditions:

1. Wind generator electricity production capacity shall not exceed:

   a. Private Wind Generators: ten (10) kilowatts

   b. Distributed Wind Generators: one hundred (100) kilowatts

2. Wind generator hub height shall not exceed:

   a. Private Wind Generators: one hundred (100) feet

   b. Distributed Wind Generators: one hundred and fifty (150) feet

---

[282] Ordinance 08-24-21-02
[283] Ordinance 08-24-21-02
[284] Ordinance 08-24-21-01
[285] Ordinance 05-19-22-01
[286] Ordinance 05-19-22-01
[287] Ordinance 12-22-20-02
[288] Ordinance 08-24-21-02
[289] Ordinance 08-24-21-02

3. Private and distributed wind generators shall be setback a minimum distance of one hundred and fifteen (115) percent of the turbine height from all parcel lines.
4. Private and distributed wind generators shall have a minimum of twenty (20) feet between the ground and the lowest point of the rotor blade.
5. Private and distributed wind generators shall conform to all applicable industry standards including, but not limited to, braking systems, electrical components, and safety standards.
6. Private and distributed wind generators shall comply with all currently adopted Johnson County building codes and regulations. A registered engineer shall approve all plans and specifications, including, but not limited to, suitability for construction in existing soil condition on the site for which the wind generator shall be erected.
7. Private and distributed wind generators shall be a non-obtrusive color such as white, off-white, or gray. All signage shall comply with subsection 8:1.25.
8. Private and distributed wind generators shall not be artificially lighted unless required by the Federal Aviation Administration or other applicable authority.
9. To prevent unauthorized climbing, private and distributed wind generators shall not be climbable any lower than twelve (12) feet above ground level.
10. General liability policy covering bodily injury and property damage for private and distributed wind generators shall be maintained. Certificates shall be made available to Johnson County upon request.
11. Private and distributed wind generators shall be removed at the expense of the property owner within six (6) months after the end of the useful life of the wind generator. The wind generator will be presumed to be at the end of its useful life if, for a continuous period of six (6) months, it has generated no electricity.
12. No Wind Generator shall be installed until evidence has been given that the utility company has authorized interconnection of the small wind energy system to its electric distribution or transmission, under an agreement offered by the utility. Properties not connected to the public utility system shall be exempt from this requirement.

8:1.25 Additional Regulations.

A. Height Regulations. The height limits established in each zoning district can be exceeded in the following situations.

1. If a church, mosque, temple, other place of worship, hospital, institution, or school meets the required minimum setbacks in the district for which it is located, it may exceed the maximum height limit, but shall not exceed seventy (70) feet in height.
2. The following are exempt from height regulations:
    a. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, solar energy systems and necessary mechanical appurtenances, provided that they do not exceed eight (8) feet beyond the maximum allowed height in feet.
    b. Water towers, ornamental towers, spires, communication towers, grain elevators and bins, private wind generators, distributed wind generators, and commercial wind energy facilities.
3. Storage buildings may exceed the maximum number of stories, but shall not exceed the maximum allowed height in feet.
4. Regardless of other height regulations and exemptions, all buildings, structures, towers, or poles located within the approach zone of any runway or landing strip approved by the Federal Aviation Authority shall comply with height regulations as stated in the most recently adopted regulations of the Federal Aviation Authority. In addition, uses and structures shall meet all applicable requirements and standards within any airport overlay zoning district.
5. Those parts of existing buildings that violate height regulations may be repaired and remodeled but may not be reconstructed, enlarged, or structurally altered.

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:
    a. On parcels fronting onto two or more roads, a front yard shall be provided on all roads.
    b. Setback distance shall be the shortest distance between the foundation wall or structure projection over two (2) feet and the nearest lot line in the rear and side yards. In the front yard, setbacks shall be the shortest distance between the foundation wall or structure projection over two (2) feet and the right-of-way line.
    c. Where a frontage is divided among districts with different front yard requirements, the largest front yard requirement shall apply to the entire frontage.
    d. Accessory structures that are a minimum of sixty (60) feet from the right-of-way and ten (10) feet from the primary structure may be five (5) feet from the side and rear lot lines.
    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.
    f. Open fire escapes, fireproof outside stairways, and balconies opening upon fire towers can encroach into the rear setback area a maximum of three and one half (3.5) feet.

g. Accessibility ramps are exempt from setback regulations.

h. Those parts of existing structures that are in violation of these yard regulations may be repaired, remodeled, enlarged, and structurally altered, provided they do not encroach further into the yard that is not in compliance.

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.[290]

j. Personal Outdoor Storage.[291]

i. Storage of equipment or materials related to a business use is prohibited unless there is a no-impact home based business, home occupation, home business, or home industry permitted on the property in accordance with 8:1.29 and 8:1.24.S.

ii. Storage of junk is allowed in accordance with the following:

a) Storage of junk in an unenclosed area is permitted where the land occupied by such storage is confined to one location with a maximum area of two hundred (200) square feet and no more than two (2) unlicensed or inoperable vehicles.

b) Storage of junk in an enclosed area is permitted where the land occupied by such storage is confined to one location with a maximum area of one thousand (1000) square feet and not more than four (4) unlicensed or inoperable vehicles. In applying these regulations, enclosed shall mean entirely surrounded behind a privacy fence or maintained landscape screening which is tall enough to fully block the view of any stored materials from the right of way and all neighboring properties.

c) Storage shall be for personal use only, shall meet the setbacks for primary structures, and shall not be located in the front yard. Vehicles must be stored in a manner that prevents illicit discharge of pollutants.

iii. Storage of wood and other natural materials (other than firewood) is permitted where the land occupied by such storage is confined to one location with a maximum area of two hundred and fifty (250) square feet.

iv. For properties without an active building permit, outdoor storage of building materials may be allowed in accordance with the following:

a) Materials shall be intended for improvement of the site where they are stored.

b) Materials shall be contained to a single area and stored in an orderly fashion.

c) Storage shall be limited to one hundred and eighty (180) calendar days. This limit may be extended at the discretion of the Zoning Administrator.

[290] Ordinance 07-22-21-01
[291] Ordinance 09-26-24-01

k. There may be no more than three (3) shipping containers on any parcel. Where two or more containers that have been modified to be connected or joined together or otherwise function as a single structure, they shall not count as a single unit and the total number of containers prior to interconnection shall be counted to determine conformance with this section.[292]

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

   a. Existing structures located on lots that are in violation of lot area requirements may be remodeled or repaired, but may not be reconstructed or structurally altered unless the lot is made to conform to area requirements.

   b. All lots shall comply with Johnson County Public Health Department or Iowa DNR requirements for wastewater system.

3. Commercial and Industrial Yard Regulations. The following regulations for yards shall be observed for all properties located in the RR, C, CH, AG-T, C-AG, ML, MH, or SWDRR zoning districts:

   a. On parcels fronting onto two or more roads, a front yard shall be provided on all roads.

   b. Setback distance shall be the shortest distance between the foundation wall and the nearest lot line in the rear and side yards. In the front yard, setbacks shall be the shortest distance between the foundation wall and the right-of-way line.

   c. Where a frontage is divided among districts with different front yard requirements, the largest front yard required shall apply to the entire frontage.

   d. Accessory structures that are a minimum of sixty (60) feet from the right-of-way and ten (10) feet from the primary structure may be five (5) feet from the side and rear lot lines.

   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.

   f. Open fire escapes, fireproof outside stairways, and balconies opening upon fire towers can encroach into the rear setback area a maximum of three and one half (3.5) feet.

   g. Accessibility ramps are exempt from setback regulations.

   h. In addition to any required setback regulations, all structures shall comply with buffering standards as required by the Site Plan Regulations 8:1.26(F)(6).

   i. There may be two (2) or more related commercial, industrial, hotel, motel, or institutional buildings located on a lot, provided that the required setbacks be maintained around the group of buildings.

   j. Those parts of existing structures that are in violation of these yard regulations may be repaired, remodeled, enlarged, and structurally altered, provided they do not encroach further into the yard that is not in compliance.[293]

---

[292] Ordinance 09-26-24-01
[293] Ordinance 09-26-24-01

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.[294]

l. Storage of junk is allowed in accordance with the following:[295]

i. Storage of junk in an unenclosed area is permitted where the land occupied by such storage is confined to one location with a maximum area of two hundred (200) square feet and no more than two (2) unlicensed or inoperable vehicles.

ii. Storage of junk in an enclosed area is permitted where the land occupied by such storage is confined to one location with a maximum area of one thousand (1000) square feet and not more than four (4) unlicensed or inoperable vehicles. In applying these regulations, enclosed shall mean entirely surrounded behind a privacy fence or maintained landscape screening which is tall enough to fully block the view of any stored materials from the right of way and all neighboring properties.

iii. Storage shall meet the setbacks for primary structures and shall not be located in the front yard. Vehicles must be stored in a manner that prevents illicit discharge of pollutants.

iv. Area limits may be exceeded on properties in the MH district.

m. At the Zoning Administrator's discretion, outdoor storage of building materials on properties without an active building permit may be allowed in accordance with the following:[296]

i. Materials shall be intended for improvement of the site where they are stored.

ii. Materials shall be stored in an orderly fashion and contained to a single area.

iii. Storage shall be limited to one hundred and eighty (180) calendar days. This limit may be extended at the discretion of the Zoning Administrator.

n. There may be no more than three (3) shipping containers on any parcel. Where two or more containers that have been modified to be connected or joined together or otherwise function as a single structure, they shall not count as a single unit and the total number of containers prior to interconnection shall be counted to determine conformance with this section.[297]

4. Commercial and Industrial Area Regulations. The following regulations for lot area shall be observed for all properties located in the RR, C, CH, AG-T, C-AG, ML, MH, or SWDRR zoning districts:

a. Existing structures located on lots that are in violation of lot area requirements may be remodeled or repaired, but may not be reconstructed or structurally altered unless the lot is made to conform to area requirements.

b. All lots shall comply with Johnson County Public Health Department or Iowa DNR requirements for wastewater system.

---

[294] Ordinance 07-22-21-01
[295] Ordinance 09-26-24-01
[296] Ordinance 09-26-24-01
[297] Ordinance 09-26-24-01

C. Off-Street Parking Regulations. The following parking regulations shall be used in all cases that provision of off-street parking is required. Parking and loading is prohibited in the right-of-way of any public road.

1. Required number of spots, by use. The following shall be used to determine the number of off-street spaces that shall be required.

   a. Determination of required number of parking spots.

      i. In cases where multiple uses are present, the use that results in the most required parking spaces shall be primary.

      ii. The required number of spaces shall be the amount required for the primary use plus fifty (50) percent of the required spaces for the remaining uses.

      iii. In all cases, the number of spaces shall be rounded up to the nearest whole space.

      iv. Reference herein to "employees on the maximum working shift" means the maximum number of employees working on site at any one time.

      v. Reference herein to "maximum capacity" means that maximum number of persons that may be accommodated by the design of the facility based on building and fire code.

      vi. Where a specific use is not listed, the Zoning Administrator may determine the closest reasonable use to use as the basis for the required parking.

      vii. The Zoning Administrator may reduce the required parking by up to 25% where an applicant has provided a parking needs assessment completed by a licensed engineer showing a lower number of spots will be sufficient to serve the proposed use(s).[298]

   b. Commercial and Industrial.

      i. Animal Services: One (1) space per two hundred and fifty (250) square feet of gross floor area plus one (1) space per employee on the maximum working shift.

      ii. Animal Slaughter Facilities: One (1) space per six hundred (600) square feet of gross floor area open to the public, plus one space per employee on the maximum working shift.

      iii. Child Care Centers: One (1) space per three (3) families, plus one (1) space per employee on the largest working shift.

      iv. Commercial Amusement: Five (5) spaces per one thousand two hundred (1,200) square feet of gross building and outdoor activity area plus one (1) space per employee on the largest working shift.

      v. Commercial Condominiums: Five (5) spaces per two thousand (2,000) square feet of gross floor area.[299]

      vi. Commercial Storage Facility: One (1) space per twenty five (25) storage spaces, provided there is sufficient room between structures for temporary loading and unloading by tenants.[300]

[298] Ordinance 09-26-24-01
[299] Ordinance 09-26-24-01
[300] Ordinance 09-26-24-01

vii. Dealerships: One (1) space per six hundred (600) square feet of gross floor area, plus one space per employee on the maximum working shift.

viii. Event Centers, Assembly Halls, and Outdoor Entertainment Venues: One (1) space per four (4) patrons based on maximum capacity and one (1) space per employee on the maximum working shift.

ix. Farmers Markets and Harvest Markets: Five (5) spaces per one thousand (1,000) square feet of gross area occupied by vendors and patrons.[301]

x. Fermented Beverage Production Facilities: Fifteen (15) spaces per one thousand (1,000) square feet of area open to the public plus one (1) space per employee on the maximum working shift.

xi. Food Service Establishments: Ten (10) spaces per one thousand (1,000) square feet of gross floor area plus one (1) space per employee on the largest working shift.

xii. General Retail Sales: Five (5) spaces per one thousand (1,000) square feet of gross floor area.

xiii. General Service: One (1) space per two hundred and fifty (250) square feet of gross floor area plus one (1) space per employee on the maximum working shift.

xiv. Golf Courses and Country Clubs: Thirty six (36) spaces per nine (9) holes, plus one (1) space per employee on the maximum working shift.

xv. Hotels, Motels, Bed and Breakfasts, and Country Inns: One (1) space per sleeping unit plus one (1) space per employee on the maximum working shift.

xvi. Manufacturing: One (1) space per employee on the maximum working shift plus one (1) space per four thousand (4,000) square feet of gross floor area.

xvii. Mini-Storage Facilities: One (1) space per ten (10) storage units.

xviii. Office: Four (4) spaces per one thousand (1,000) square feet of gross floor area.

xix. Recreation Camps: One (1) space per four (4) expected patrons at maximum capacity.

xx. Seasonal Resorts: Three (3) spaces per two (2) tent or recreational vehicle spaces and primitive cabins.

xxi. Taverns, Bars, Dance Halls, Night Clubs, and Lounges: Fifteen (15) spaces per one thousand (1,000) square feet of gross floor area plus one (1) space per employee on the largest working shift.

xxii. Wholesale and Warehousing (including Distribution and Truck Terminals): One (1) space per employee on the largest working shift plus one (1) space per four thousand (4,000) square feet of gross floor area.[302]

[301] Ordinance 09-26-24-01
[302] Ordinance 12-22-20-02

xxiii. Other commercial uses not listed above: One (1) space per employee on the largest working shift, plus either one (1) space per four (4) seats, or if no seats, one (1) space per one thousand (1000) square feet of gross building and outdoor activity area.

xxiv. Other industrial uses not listed above: one (1) space per four thousand (4000) square feet of gross floor area, plus one (1) space per employee on the largest working shift.

c. Institutional.

i. Church, Mosque, Temple, or other place of worship: One (1) space per six (6) seats based on maximum capacity.

ii. College, University, or Trade School: One (1) space per three (3) students at the largest class attendance period and one (1) space per teacher and staff member one the maximum working shift and.

iii. Community Centers, Libraries, and Museums: One (1) space per four (4) patrons based on maximum capacity or one (1) space per two hundred and fifty (250) square feet of gross floor area, whichever is larger.

iv. Government Building: One (1) space per employee on the maximum working shift plus one (1) space per two hundred and fifty (250) square feet of gross floor area.

v. Long Term Care Facilities: One (1) space per four (4) residential units plus one (1) space per employee on the maximum working shift.

vi. School, Elementary and Junior High: One (1) space per teacher and staff member plus one (1) space per thirty (30) students.

vii. School, High School: One (1) space per teacher and staff member plus one (1) spot per five (5) non-bussed students.

d. Residential.

i. Auxiliary Dwelling Unit: One (1) space per dwelling.

ii. Manufactured Housing Park: One (1) space per dwelling unit.

iii. Multi-Family: One (1) space per dwelling unit.

iv. Single-Family: One (1) space per dwelling unit.

e. All Non-Residential Uses: One (1) space per truck, van, bus, car, or other vehicle stored on site.

2. General Off-Street Parking Requirements. For all permanent parking, which is required by ordinance, the following standards shall apply:

a. Sites in the RR, C, CH, AG-T, C-AG, ML, and MH districts that cannot meet parking requirements on site may provide required off-street parking on a separate parcel.

i. Off-site parking lots shall be no further than three hundred (300) feet from the principal structure.

ii. Off-site parking lots are allowed in any zoning district only to achieve the required minimum number of spots.

iii. Off-site parking lots shall be included on the Site Plan.

b. Shared Parking Provisions. Parking facilities may be shared between multiple parcels if they meet off-site parking requirements for location and number of spots. An easement shall be established at the time of Site Planning.

c. Goods for retail or wholesale shall not occupy required parking spots.

d. Storage of materials or equipment shall not occupy required parking spots.

e. The Zoning Administrator can require additional parking if there is a documented, recurring shortage of parking spaces.

3. Accessibility Standards. All new non-residential facilities shall provide parking for people with disabilities at a rate, location, size, and manner as stipulated by State, Federal, and Local laws, including but not limited to Iowa Code 321L and the Americans with Disabilities Act. In all cases, there shall be at least one (1) parking space for persons with disabilities.

4. Bicycle Parking Facilities. All Site Plans in the RR, C, CH, AG-T, C-AG, and ML districts must provide bicycle parking in the following rate and manner:[303]

a. Two (2) bicycle parking spaces per property. Two (2) additional spaces for each fifty (50) required parking spaces beyond the first fifty (50) to a maximum of 10 bicycle parking spaces.[304]

b. Bicycle parking facilities shall include a rack or storage facility that enables bicycles to be secured and that meets the following minimum standards:

i. The rack shall be securely anchored to the ground.

ii. The rack shall enable the bicycle frame and one wheel to be locked to the rack with a standard U-shaped lock with both wheels left on the bicycle.

iii. The rack shall support the bicycle frame in a manner that will not damage the frame, wheels, or components.

iv. Facilities shall provide sufficient space to move a six (6) foot long bicycle in and out of the space.

c. Bicycle parking facilities shall be located in a convenient area, with access to entrances, but shall not interfere with pedestrian and vehicular traffic.

d. At the discretion of the Zoning Administrator, the bike parking requirement of this subsection may be waived for an individual site upon showing of good cause by the applicant.[305]

5. Parking Lot Design Standards. The following minimum standards shall be used in the design of any parking lot.

---

[303] Ordinance 09-26-24-01
[304] Ordinance 09-26-24-01
[305] Ordinance 09-26-24-01

a. Parking Space Size. Each required parking space shall be at least nine (9) feet in width by eighteen (18) feet in length.

b. Parking Lot Ingress and Egress. The following standards apply to the ingress and egress point between the lot and the public or private road system.

   i. In all cases, accesses onto the secondary road system must be approved by the County Engineer.

   ii. Separate ingress and egress: Driveways shall be a minimum of twelve (12) feet wide.

   iii. Two-way ingress and egress: Driveway shall be a minimum of twenty four (24) feet wide.

c. Parking Aisle Standards: The following table shows the minimum width for parking aisles:

Dimension	**Two-way Aisle**			**One-way Aisle**		
	90°	60°	0°- 45°	90°	60°	0°- 45°
Aisle Width	24’	22’	20’	24’	18’	16’

d. Parking Lot Turnaround: All parking lots shall either:

   i. Have no aisles that end in a dead end.

   ii. Have a hammerhead or cul-de-sac turnaround with a minimum width or diameter of 50 feet respectively.

e. Pedestrian Facilities. As deemed necessary by the Zoning Administrator, all Site Plans in the RR, C, CH, AG-T, C-AG, ML, and MH districts must provide pedestrian facilities that meet the following minimum standards:

   i. Pedestrian walkways shall provide safe access from vehicular parking areas and the principal structure.

   ii. Private or public road crossings shall have designated crossing areas with appropriate lighting, marking, and signage to ensure safe crossing.

f. Electric Vehicle-Ready Charging Infrastructure. All Site Plans in the RR, C, CH, AG-T, C-AG, ML, and MH districts must plan for future provision of infrastructure for electric vehicle charging facilities in the following rate and manner:[306]

   i. The Site Plan shall indicate that the electrical switchgear for the primary structure(s) on site will be installed with sufficient space and capacity to support the future installation of level two (2) electric vehicle charging facilities for at least two (2) parking spaces.

   ii. Underground conduit to support electric vehicle charging facilities shall be installed during site development to minimize future damage to landscaping and flatwork.

   iii. Charging pedestals do not have to be installed prior to receiving Certificate of Occupancy for any structures or conducting any use on the site.

[306] Ordinance 09-26-24-01

D. Sign Regulations. The following regulations shall apply to signs. For permitting requirements, refer to Permit Application Administration and Procedures in Section 8:1.27. For construction standards (as applicable), see Building Code in Chapter 8:6.

1. General Sign Regulations. Unless specifically stated otherwise, the following standards apply to signs in all zoning districts:

   a. No sign shall be erected which by way of its size, shape, placement, content, or illumination:

      i. Obscures, or physically interferes with an official traffic sign, signal or device.

      ii. Impairs the vision of drivers in a manner that can be constituted as a traffic hazard, or that otherwise interferes with the safe movement of traffic.

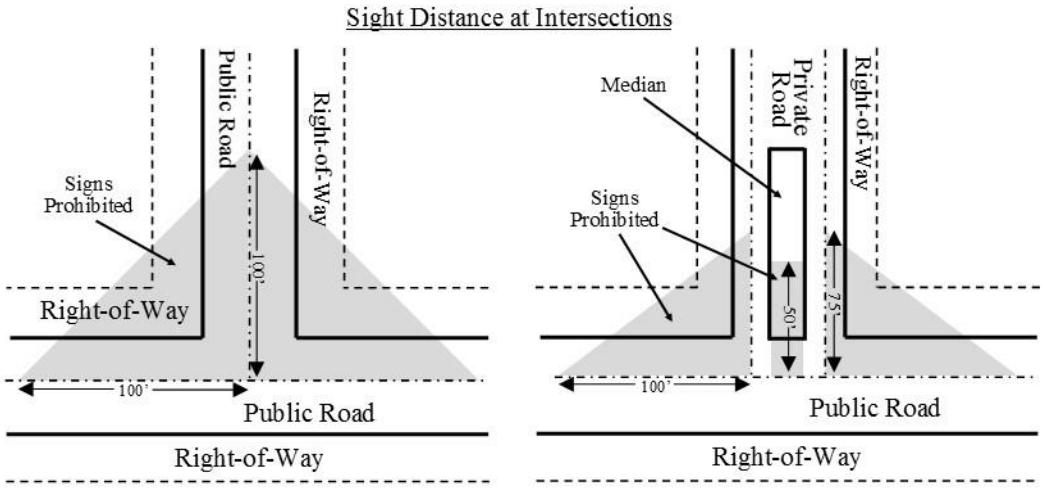
      iii. Imitates or resembles an official sign, signal, or device, or is otherwise confusing or misleading to the public.

   b. No sign shall be located in the right-of-way of any county road, state highway, or interstate highway.

      i. Signs shall also be anchored and/or secured so as to prevent any risk of displacement or movement in such a way that the sign may enter the right of way or otherwise obscure or physically interfere with vehicular traffic.[307]

   c. Signs shall not be allowed within the sight distance triangle at intersections. The corners of the site distance triangle shall be determined by measuring one hundred (100) feet away from the center point of the intersection along the center line of public roads and seventy five (75) feet away from the center point of the intersection along the center line of private roads.

   d. In compliance with specific district regulations, signs are allowed on the median of a private boulevard-style road as long as it is setback fifty (50) from the center line of the intersecting public road.



   e. With the exception of balloon signs and hanging signs, no sign shall be designed in a way that parts or all of the sign move.

[307] Ordinance 09-26-24-01

f. No sign shall be illuminated by flashing, intermittent, or animated lights except those giving such public service information as the time, date, temperature, and weather. Electronic message signs displaying any information other than public service information are prohibited.[308]

g. With the exception of operable and licensed vehicles, no sign shall be constructed upon or affixed to a mobile or portable device. Signs mounted on or affixed to licensed and operable vehicles or portable devices shall be regulated as yard signs.[309]

h. No sign shall be affixed to or painted on trees or other natural features.

i. All signs shall be maintained to ensure they do not become dilapidated. All dilapidated signs shall be removed or repaired.

j. Measuring Sign Area. The area of a sign shall be measured using the actual sign dimensions, or where sign dimensions are not applicable, the smallest trapezoid or hexagon that contains all sign features. Sign area does not include structural components that fall outside the limits of the signs display.

k. Measuring Sign Height. Unless specified otherwise, the height of a sign shall be measured from the lowest adjacent grade to the highest point on the sign including support structures.

l. Signs setbacks. Provided signs comply with all requirements of this section, the required setback for all signs not attached to a larger structure shall be five (5) feet from all property lines.[310]

    i. For signs attached to a larger structure, the structure shall meet the required setbacks for primary or accessory structures as appropriate for the underlying zoning district in which the structure is located.

m. Certain signage exempt. Any security signage required by section 8:1.24 shall be exempt from the regulations of this section relating to the height, size, and/or number of signs and shall adhere to the applicable requirements in section 8:1.24. Where security signage is required as a condition of approval by the Zoning Board of Adjustment, any reference to the height, size, and/or number of signs allowed as specified in said condition shall supersede the equivalent regulations of this subsection.[311]

n. Yard, banner, and other signs which are allowed on a temporary basis may be erected for a period not to exceed one hundred and eighty (180) consecutive days. Signs shall be removed for thirty (30) consecutive days between periods of temporary display.[312]

o. The Zoning Administrator may approve requests to exceed the allowed signage limits on a temporary basis. Permits shall be obtained in accordance with Permitting requirement in subsection 8:1.27 and with the following:[313]

    i. Expanded signage may be authorized for up to seventy two (72) hours.

---

[308] Ordinance 09-26-24-01
[309] Ordinance 09-26-24-01
[310] Ordinance 12-22-20-02
[311] Ordinance 05-19-22-01
[312] Ordinance 09-26-24-01
[313] Ordinance 09-26-24-01

ii. Where expanded signage is advertising for an event, the event shall be authorized in accordance with these regulations.

iii. Where the applicant is not the owner of the property on which the signage will be placed, an acknowledgement from the property owner that they consent to placement of the signage.

iv. A description of the event, including the hours of the event and the time window for which the expanded signage is being requested.

v. The applicant shall provide a site plan showing the proposed location of all temporary signage in relation to the right of way.

2. Residential Sign Regulations. In addition to general regulations, the following regulations for signs apply to all properties located in the AR, RS, RM, RC, and RMH zoning districts:

a. Permitted Signs. The following sign types are permitted in the AR, RS, RM, RC, and RMH zoning districts. Signs types that are not listed are prohibited.

i. Yard and Banner Signs. Limited to sixty four (64) total square feet, signs are limited to thirty two (32) maximum square feet per side, no more than five (5) total signs.

ii. Freestanding, awning, wall, monument, or hanging signs. Limited to eight (8) total square feet, signs with more than one (1) face visible from the road right of way are limited to four (4) maximum square feet per side, no more than one (1) total sign.[314]

a) Monument Signs located at the intersection of private and public roads may be as large as thirty-two (32) square feet per side if they maintain a maximum height of five (5) feet.

b. Sign Height. Signs shall not exceed ten (10) feet in height.

c. Illuminated signs are prohibited with the exception of monument signs at the intersection of private and public roads which comply with the downcast lighting standards in this section.

d. Signs Associated with an Approved Conditional Use. Where the Board of Adjustment has approved a conditional use permit for one of the following uses: Child Care Centers; Churches, Mosques, Temples, and other places of worship; Golf Courses; Health Care Centers; Private Institutions; Kennels; Long Term Care Facilities; or Private Schools; the following standards shall apply:[315]

i. Freestanding, yard, banner, awning, wall, monument, or hanging signs are limited to thirty two (32) total square feet, signs with more than one (1) face visible from the road right of way are allowed up to thirty two (32) maximum square feet per side (sixty four (64) square feet total). No more than one (1) total sign.

ii. At the discretion of the Board of Adjustment, signs for the above-listed uses may also utilize internal or external illumination in accordance with the downcast lighting standards in this section. Illuminated signs shall include an automatic timer to ensure that they are turned off between 9 p.m. and 6 a.m.

[314] Ordinance 12-22-20-02
[315] Ordinance 12-22-20-02

e. Signs associated with a manufactured housing community/park. Internal navigation and traffic control signs are exempt from these standards.[316]

i. Freestanding, yard, banner, awning, wall, monument, or hanging signs installed by park management for park identification are limited to thirty two (32) total square feet, signs with more than one (1) face visible from the road right of way are allowed up to thirty two (32) maximum square feet per side (sixty four (64) square feet total). Limited to one (1) sign per approved access onto a public or private road. Where more than one sign is allowed, each sign may be built to the full size standards in this subsection.

ii. At the discretion of the Zoning Administrator, signs for the above listed uses may also utilize internal or external illumination in accordance with the downcast lighting standards in this section.

iii. Each individual lot shown on the site plan for the park may erect signage in accordance with subsections a – c of this section.

3. Agricultural Sign Regulations. In addition to general regulations, the following regulations apply to all properties located in the A, SF, and RE zoning districts:[317]

a. Permitted Signs. The following sign types are permitted in the A, SF, and RE zoning districts. Sign types that are not listed are prohibited.[318]

i. Yard and Banner Signs. Limited to one hundred and twenty eight (128) total square feet, signs are limited to thirty two (32) maximum square feet per side, no more than ten (10) total signs.

ii. Freestanding, awning, wall, monument, or hanging signs. Limited to thirty-two (32) total square feet, signs with more than one (1) face visible from the road right of way are limited to sixteen (16) maximum square feet per side, no more than one (1) total sign.[319]

b. Sign Height: Signs shall not exceed ten (10) feet in height.

c. Illuminated signs are prohibited.

d. Signs Associated with an Approved Conditional Use. Where the Board of Adjustment has approved a conditional use permit for one of the following uses: Airports and Landing Fields; Bed and Breakfast Homes; Cemeteries, Mausoleums, Mortuaries, and Crematoriums; Child Care Centers; Churches, Mosques, Temples, and other places of worship; Commercial Storage Facilities; County Inns; Fermented Beverage Production Facilities; Private Institutions; Kennels; Landscaping Businesses; Mining and Mineral Extraction Operations; or Private Schools; the following standards shall apply: [320]

[316] Ordinance 09-26-24-01
[317] Ordinance 05-19-22-01
[318] Ordinance 05-19-22-01
[319] Ordinance 12-22-20-02
[320] Ordinance 12-22-20-02

i. Freestanding, yard, banner, awning, wall, monument, or hanging signs are limited to thirty two (32) total square feet, signs with more than one (1) face visible from the road right of way are allowed up to thirty two (32) maximum square feet per side (sixty four (64) square feet total). No more than one (1) total sign except as outlined below.

ii. Where a property fronts on more than one public or private road, a sign may be erected for each approved access. Where more than one sign is allowed, each sign may be built to the full size standards in this subsection.

iii. At the discretion of the Board of Adjustment, signs for the above-listed uses may also utilize internal or external illumination in accordance with the downcast lighting standards in this section. Illuminated signs shall include an automatic timer to ensure that they are turned off between 9 p.m. and 6 a.m.

4. Commercial and Industrial Sign Regulations. In addition to general regulations, the following regulations for signs apply to all properties located in the RR, C, CH, AG-T, C-AG, ML, MH, and SWDRR zoning districts:

a. Permitted Signs. The following sign types are permitted in the RR, C, CH, AG-T, C-AG, ML, MH, and SWDRR districts. Sign types that are not listed are prohibited in these districts.

i. Awning signs.

ii. Balloon signs. Limited to 30 consecutive days.

iii. Banner signs.

iv. Freestanding signs. Limited one (1) sign per parcel.

v. Hanging signs.

vi. Illuminated signs. Shall also comply with Downcast Lighting Regulations.

vii. Internal signs. Limited to thirty two (32) square feet per sign.

viii. Monument signs.

ix. Projecting Signs. Cannot extend more than five (5) feet from the structure for which it is attached.

x. Wall signs. Limited to 30% of the wall face to which the sign is affixed or the sign face size limits listed in subsection 8:1.25.D.4.c, whichever is greater.[321]

xi. Yard signs.

b. Sign Height. Signs cannot exceed 30 feet above the highest established grade of the highest adjacent public or private road.

[321] Ordinance 09-26-24-01

c. Sign Size. Internal signs are exempt from this regulation. Wall signs may exceed the sign face requirements as outlined in this section, but shall conform to the total signage requirements in this subsection.[322]

i. Limited to five hundred (500) total square feet of signs per parcel.

ii. For signs adjacent to gravel roads, no single sign face may be larger than one hundred (100) square feet.

iii. For signs adjacent to paved or chip seal roads, no single sign face may be larger than two hundred fifty (250) square feet.

d. Where there are multiple commercial condo structures on a single parcel, each commercial condo structure may erect wall signage in accordance with this section.[323]

i. For the purposes of determining the amount of allowed signage, each structure will be treated as a separate parcel and may install wall signage in accordance with subsection 8:1.25.D.4.a.x.

ii. All signage other than wall signs on the larger property shall comply with the regulations in 8:1.25.D.4.c.

5. Non-Conforming Signs. Those existing signs that are in violation of these sign regulations may be repaired and maintained, but not expanded, enlarged, or reconstructed without conforming to these sign regulations.

6. Exemptions. The following signs are exempt from these requirements.

a. Traffic safety and directional signs, including, but not limited to street signs, speed limit signs, stop signs, yield signs, and traffic lights.

b. E911 address signs. Structure identification address number signs corresponding with the official E911 address.

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 (½) foot above the maximum average height.

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

b. 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.[324]

---

[322] Ordinance 09-26-24-01
[323] Ordinance 09-26-24-01
[324] Ordinance 09-26-24-01

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.

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.[325]

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 figures shall be aimed downward at no more than a forty-five (45) degree angle from vertical.

---

[325] Ordinance 08-24-21-02

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.

H. Temporary Storage Regulations. Permits for temporary storage are approved by the Zoning Administrator in accordance with 8:1.27. The following standards shall apply to temporary outdoor storage on all properties:[326]

1. Temporary storage may be allowed for a period of up to one (1) calendar year.

a. At the discretion of the Zoning Administrator, one (1) extension of up to one hundred and eight (180) days may be issued for the property.

2. Storage is limited to soil, rock, concrete, asphalt millings, or tree debris.

3. The applicant must provide a site plan showing the defined footprint of the proposed storage. The site plan shall include an erosion control plan.

4. The site of the proposed storage on the property shall be located no closer than fifty (50) feet from the right-of-way, and no closer than five hundred (500) feet to any occupied dwelling unless the occupant waives the required separation distance in writing.

a. At the Zoning Administrator's discretion, the separation distance may also be reduced if sufficient natural buffer exists between the site and neighboring residences.

5. At the Zoning Administrator's discretion, the use may also be required to comply with the Environmental Regulations in Chapter 8:3.

[326] Ordinance 09-26-24-01 (added the Temporary Storage Regulations of subsection H).

6. At the Zoning Administrator's discretion, associated equipment for moving or handling the materials may also be kept at the site for the duration of the temporary storage permit.
7. Processing of any stored materials shall be prohibited unless separately permitted in accordance with this ordinance.
    a. Processing includes, but is not limited to, crushing, chipping, shredding, mulching, or otherwise breaking down the materials beyond the state in which they entered the property.
8. At the Zoning Administrator's discretion, the applicant may be required to provide a performance agreement with associated financial assurance covering the cost of removing the materials and returning the site to its predevelopment condition.

8:1.26 Site Plan Review.

The intent of the Site Plan review regulations is to provide a uniform set of requirements for the development of commercial, industrial, and agritourism properties. The requirements are meant to protect the health, safety, and welfare of those who work on site, the public who visit the site, surrounding properties, and the general public.

A. Application of Regulations.

1. No building permit shall be issued for a new structure or addition in the RR, C, CH, AG-T, C-AG, ML, MH, or SWDRR districts which has not been shown on an approved Site Plan.
2. Building permits may be issued for new structures or structure additions in the RMH district and in legal non-conforming manufactured housing communities established prior to the effective date of this ordinance without first being shown on an approved Site Plan.[327]
3. No use shall be established in the C, CH, C-AG, ML, MH, or SWDRR districts which has not been shown on an approved Site Plan.
4. No building permit shall be issued for a structure or addition for an approved conditional use permit, which is required to complete Site Plan review, either in accordance with subsection 8:1.24 or as a condition of conditional use permit approval, which has not been shown on an approved Site Plan.
    a. For the purpose of conditional use permits, the Site Plan shall be reviewed and approved by the Zoning Administrator in accordance with the following:
        i. The Site Plan shall be reviewed and approved by the Johnson County Public Health Department and the Johnson County Secondary Roads Department.
        ii. The Site Plan shall be reviewed for compliance with this subsection.
        iii. After review and approval of all applicable agencies, the Site Plan shall be endorsed by the Zoning Administrator and the applicant.
5. Exceptions. In the following circumstances, no Site Plan is required prior to issuance of a building permit:
    a. Site Plan Revision. Any application for building permit or permits on a property located in the RR, C, CH, AG-T, C-AG, ML, MH, or SWDRR districts, or on property required to obtain Site Plan approval through subsection 8:1.24, can be approved by the Zoning Administrator in accordance with the following:[328]
        i. The property in question was previously developed in accordance with an approved Site Plan.
        ii. The total footprint of all proposed new structures or additions does not exceed twenty five (25) percent of the total footprint of all existing structures located on the site, and
        iii. The gross floor area of all proposed new structures or additions and the area other new impervious surfaces does not exceed one thousand two hundred (1,200) square feet.

[327] Ordinance 09-26-24-01
[328] Ordinance 09-26-24-01

iv. The total area (either footprint or gross floor area) of all new structures or additions that were built after adoption of this ordinance under the Site Plan revision exception, shall be considered for both 8:1.25(A)(4)(a)(ii) and (iii). [329]

v. Any additional parking, as required by subsection 8:1.25, is installed without exceeding the maximum increase to impervious surface as allowed by 8:1.26(A)(5)(a)(iii). [330]

vi. A revised Site Plan, is submitted and approved by the Zoning Administrator showing the location of all proposed new structures or structure additions.

b. Structure Remodel. Any application for a building permit or permits on a property located in the RR, C, CH, AG-T, C-AG, ML, MH, or SWDRR districts, or on property required to obtain Site Plan approval through subsection 8:1.24, which meets the following, is exempt from Site Planning requirements.[331]

i. The proposed building permit or permits do not increase the footprint of the existing structures.

ii. The applicant demonstrates that the required number of parking for the proposed occupancy, is already provided in accordance with subsection 8:1.25.

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 8:1.28(B)(12).

iv. Any additional parking, as required by subsection 8:1.25, 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.[332]

vi. At the discretion of the approving authority, Site Plan design standards related to landscape screening and permanent dust free surface for parking and drive areas may be waived for the duration of the temporary use.[333]

---

[329] Ordinance 09-26-24-01
[330] Ordinance 07-22-21-01
[331] Ordinance 09-26-24-01
[332] Ordinance 07-22-21-01
[333] Ordinance 09-26-24-01

vii. At the discretion of the approving authority, proposed temporary structures may be installed over platted lot lines.[334]

6. Waiver of Requirements. At the discretion of the approving authority, certain Site Plan design standards contained in 8:1.26.F may be waived upon recommendation of county staff, or where the applicant can show that the required provision would constitute or create a bona fide threat to the public's health, safety, or welfare.[335]

B. Installation of Improvements. All improvements shall be installed in accordance with this subsection and the approved Site Plan.[336]

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 final site stabilization has been achieved and as-built plans for all required infrastructure are provided.[337]

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 or improvements.[338]

---

[334] Ordinance 09-26-24-01
[335] Ordinance 12-22-20-02
[336] Ordinance 07-22-21-01 (added Installation of Improvements section of subsection B)
[337] Ordinance 08-03-23-02
[338] Ordinance 08-03-23-02

ii. The performance guarantee shall be in accordance with the standards set in Section 8:1.28(B)(12).

C. Site Plan Specifications. The application for Site Plan shall adhere to the following standards and contain the following information. All facilities, improvements, and structures shall be clearly denoted as either existing or proposed.

1. The Site Plan shall be designed by a licensed professional engineer and shall be stamped and signed prior to approval by the Board.
2. Sheet Size. The Site Plan shall be drawn on a sheet no larger than twenty four (24) inches by thirty six (36) inches (24" x 36").
3. Scale. The Site Plan shall have a graphic scale bar and be drawn to a scale no smaller than one (1) inch equals fifty (50) feet (1" = 50').
4. North Arrow.
5. Title Block. The name and address of the development and the name and address of the developer and engineer.
6. Signature Block. Signature blocks shall be included for the applicant, Public Health Department and the Zoning Administrator.[339]
7. Location Map. A map, not to scale, showing the location of the subdivision, its relationship to adjoining properties, and the common routes of access to the proposed subdivision.
8. Property Lines. The location and accurate dimensions, both linear and angular, of all property and right-of-way lines.
9. Setbacks Lines. The location of all required setback lines.
10. Existing Structures. The location, size, use, and distance from property lines of all existing structures on site.
11. Proposed Structures. The location, size, intended use, and distance from property lines of all proposed structures.
12. Roads and Drives. The location and a cross section of all existing and proposed traffic facilities, including, but limited to, proposed entrances and exits onto the primary or secondary road system, interior streets, and pedestrian walkways.
13. Parking. The location and a cross section of proposed and existing parking facilities, including a table showing the required parking ratios.
14. Utilities. The location and type of existing and proposed utilities that serve the site, including, but not limited to, electric, telephone, gas, water, and solid waste disposal.
15. Signage. The location and type of all existing and proposed signage on site.
16. Lighting. The location and type of all outdoor lighting located on site.

[339] Ordinance 09-26-24-01

17. Screening and Buffering. The location and type of all proposed buffering, including but not limited to, the type and location of planning, the type and height of fencing, and the location and proposed grade of berms.

18. Employees. The number of employees projected on the maximum working shift.

19. Other Information. All other pertinent information or any information that may be of general interest, including, but not limited to, the legal description of the property, the name of the development, the date of all revisions, and the location and type of all existing or proposed easements on site. If no signage or lighting is proposed on site, a note indicating as such shall be included on the Site Plan.

D. Site Plan Tiers. Site Plan design standards and principles are determined based on zone, intensity, proposed use, and existing development status.

1. Tier One. All applications for Site Plan approval shall meet the standards set under Tier One, unless the project qualifies for a Tier Two or Tier Three Site Plan.

2. Tier Two. Development applications are eligible for Site Plan approval in accordance with the standards set under Tier Two if the site and proposed development meet one of the following standards:

   a. Any application for a building permit or permits on a property for which this subsection applies, which meets the following:

      i. The property in question was previously developed, but a Site Plan was never approved, and

      ii. The footprint of all proposed new structures or additions does not exceed fifty (50) percent of the footprint of existing structures located on site, and

      iii. The gross floor area of all proposed new structures or additions does not exceed five thousand (5,000) square feet.

   b. Any application for a building permit or permits on a property for which this subsection applies, which meets the following:

      i. The property in question was previously developed in accordance with an approved Site Plan, and [340]

      ii. The gross floor area of all proposed new structures or additions does not exceed five thousand (5,000) square feet.

   c. Any application for a building permit on a property located in the RR, C, AG-T, or C-AG districts or for an approved Conditional Use Permit, which was not previously developed or Site Planned, which meets the following:

      i. The gross floor area of all structures intended for commercial, industrial, or agritourism uses does not exceed ten thousand (10,000) square feet, and

      ii. The total required number of parking spots, in accordance with subsection 8:1.25, does not exceed one hundred (100).

[340] Ordinance 09-26-24-01

3. Tier Three. Development applications are eligible for Site Plan approval in accordance with the standards set under Tier Three if the site and proposed development meet one of the following standards:

    a. Any application for building permit or permits on a property for which this subsection applies, which meets the following:

        i. The property in question was previously developed in accordance with an approved Site Plan and is located in the RR, C, AG-T, or C-AG districts.

        ii. The footprint of all proposed new structures or additions does not exceed fifty (50) percent of the total footprint of all existing structures located on site, and

        iii. The gross floor area of all proposed new structures or additions does not exceed two thousand five hundred (2,500) square feet.

    b. Any application for a building permit on a property located in the RR, C, AG-T, or C-AG districts or for an approved Conditional Use Permit, which was not previously Site Planned, which meets the following:

        i. The total gross square footage of all proposed new structures intended for commercial, industrial, or agritourism uses does not exceed five thousand (5,000) square feet, and

        ii. The total required number of parking spots, in accordance with subsection 8:1.25, does not exceed fifty (50).

E. Site Plan Principles. All Site Plans shall be designed in accordance with the following principles.

1. Conformance with Chapter 8:1 Zoning Regulations. No Site Plan shall be approved by the Board or the Zoning Administrator, which proposes a use or structure which does not conform to the standards of the zoning district it is located in, or which does not conform to other standards located in Chapter 8:1 of the this ordinance.

2. Signage. All signage proposed on Site Plans shall conform to the standards set in subsection 8:1.25.

3. Outdoor Lighting. All outdoor lighting shall conform to the standards set in subsection 8:1.25.

4. Conformance with Chapter 8:3 Environmental Standards. Applications for Site Plan approval shall include all plans required by Chapter 8:3 of this ordinance and no Site Plan shall be approved by the Board or the Zoning Administrator which does not conform to those standards.

5. Conformance to Ordinances and Regulations of the Board of Health. No Site Plan shall be approved by the Board or Zoning Administrator which does not conform to the regulations of the Board of Health and which has not been approved by the Johnson County Public Health Department.

6. County Road Access. No Site Plan shall be approved by the Board or Zoning Administrator which does not conform to the following standards regarding access to the secondary road system. Required level of service is dependent on the tier of Site Plan that is required.

    a. Base Surface Type. Approval of Site Plan is a matter of right if the proposed Site Plan is served by a secondary road or state or US highway which meets the base surface type or higher. The base surface type is determined by Site Plan tier, as follows:

i. Tier One: Asphalt or Concrete.

ii. Tier Two: Oil Chip Seal.

iii. Tier Three: Oil Chip Seal.

b. No Site Plan shall be approved by the Board or the Zoning Administrator if it is served by a secondary or primary road that does not meet the minimum base surface type, unless an agreement between the Board and the application is entered into for road upgrade and/or ongoing maintenance.

i. At the Board's discretion, the agreement may require:

a) The applicant to contribute to the cost of increased road maintenance needs which is attributed the increased traffic created by the proposed development or use.

b) The applicant contribute either to the immediate cost of upgrading the road to a surface type that is more appropriate for the proposed use or contribute to a fund for future road upgrade(s). Road contributions should be based upon and be consistent with the amount and type of traffic that will be created by the proposed development or use.

c) The applicant to dedicate additional right-of-way to the County if future road upgrade will require additional right-of-way.

ii. Unless waived by the Board, the applicant shall submit a trip generation study completed by a licensed professional engineer, which indicates the volume and type of traffic that will be created by the proposed use or development and the traffic's route of travel.

7. Maintenance. Any infrastructure or screening required for Site Plan approval must be maintained to a level that complies with Site Planning regulations in effect when the most recent Site Plan was approved.[341]

F. Site Plan Design Standards. Applications for Site Plan approval shall meet the following standards. Unless stated otherwise, all standards are minimum.

1. General Design Standards. The proposed location, design, construction, and operation of a particular use shall adequately safeguard the health, safety, and welfare of those who work on site, the public who visit the site, surrounding properties, and the general public.

a. The design and operation of the proposed use shall not unduly increase congestion on public streets.

b. The proposed design, use, and operation shall not increase the public danger of fire.

c. The proposed development shall provide or have existing adequate utilities, access roads, drainage and other necessary facilities to serve the proposed use.

d. The proposed development shall provide sufficient off-street parking and loading space to serve the development.

e. Screening and buffering shall be provided to limit access and provide visual separation between the proposed development and adjoining properties.

[341] Ordinance 09-26-24-01

f. The proposed development shall protect sensitive areas, control stormwater runoff, and limit erosion.

2. Interior Travel Surface. Driveways located on Site Planned sites shall meet the following minimum standards:

   a. Travel Surface Width. All interior drive areas shall meet the following minimum width:

      i. Two-Way Drives: Twenty four (24) feet

      ii. One-Way Drives: Twelve (12) feet

   b. Travel Surface Type. Required surface type is determined based on the Site Plan tier, all interior drives must meet the following minimum requirements for surface type.

      i. Tier One: All interior drive areas shall be of a permanent dust-free surface.

      ii. Tier Two: All interior drive areas shall be of a permanent dust-free surface.

      iii. Tier Three: All interior drive areas shall be a minimum of three (3) inches of Class A crushed rock. Ingress and egress approaches to the secondary or primary road system, shall match or exceed the surface of the secondary or primary road.

3. Parking.

   a. Parking lots shall be designed in accordance with off-street parking standards in subsection 8:1.25.

   b. Parking lots shall provide the required number of parking spots in accordance with subsection 8:1.25.

   c. Parking Surface Type:

      i. Tier One: All parking shall be of a permanent dust-free surface.

      ii. Tier Two: Half of the required parking shall be of a permanent dust-free surface.

      iii. Tier Three: Twenty (20) percent of required parking shall be of a permanent dust-free surface.

   d. Accessible parking shall be provided in accordance with subsection 8:1.25(C).

   e. Properties located in the RMH – Manufactured Housing Residential district may install the parking required for each housing lot at the time the building permit is obtained to place a home on that lot. Installation of individual parking spots is not required prior to issuance of Final Certificate of Occupancy for other buildings in the manufactured housing community.[342]

4. Outdoor storage and laydown areas. Where the underlying zoning district allows outdoor storage of materials related to the business, areas identified for outdoor storage do not have to be constructed of a permanent dust free surface, provided the site is designed such that those storage areas can be accessed from an Interior Travel Surface which meets the requirements of this section.[343]

[342] Ordinance 09-26-24-01
[343] Ordinance 09-26-24-01

5. Loading. Any non-residential use with a gross floor area of six thousand (6,000) square feet or more which requires deliveries or shipments must provide off-street loading facilities in accordance with the following:

   a. The minimum area for each off-street loading space, excluding area for maneuvering, shall be two hundred and fifty (250) square feet.

   b. Wherever possible, all area for maneuvering shall be provided outside the right-of-way.

   c. At no time shall any part of a truck or van be allowed to extend into a public thoroughfare or the right-of-way while the vehicle is being loaded or unloaded.

   d. Paving is required for all off-street loading facilities.

   e. Commercial and Industrial loading requirements (including conditional uses):

Gross Floor Area (Sq. Ft.)	Number of Berths
6,000 - 24,999	1
25,000 – 74,999	2
75,000 – 125,000	3

One (1) additional berth required for each additional fifty thousand (50,000) square feet (or fraction thereof)

   f. Public Assembly Loading Requirements

Gross Floor Area (Sq. Ft.)	Number of Berths
6,000 - 29,999	1
30,000 – 129,999	2
130,000 – 229,999	3

One (1) additional berth required for each additional one hundred thousand (100,000) square feet (or fraction thereof)

   g. At the Zoning Administrator's discretions, the installation of required off-street loading berths may be waived or modified if the applicant can show the following

      i. The nature of the business will not require deliveries in vehicles larger than those used by standard US Postal Service mail or residential parcel delivery services.

      ii. The placement and orientation of structures on the site reserves an area on-site that future occupants of the building could retrofit the appropriate number of off-street loading berths necessary to accommodate a future use based on the size of the building.

6. Bufferyards. Bufferyards are intended to provide some separation between differing uses. Bufferyards shall be designed to provide a visual and physical barrier between commercial and industrial uses and properties used residentially or those that are being preserved.

   a. Application. Bufferyards are required on all property lines that are adjacent to a property located in the AR, RS, RM, RC, RMH, or ERP districts and those properties located in the A, SF, or AG-T district that are being used residentially.

b. Bufferyard Size. With the exception of landscaping (not including privacy fences or berms), wells, septic systems, stormwater management facilities, and other buried utilities, no improvements may be located within the required bufferyard. Bufferyards shall meet the following:[344]

Zoning District or Use	Rear Bufferyard (feet)	Side Bufferyard (feet)
RR, C, AG-T, CUP	30	15
CH, C-AG	40	20
ML, MH, SWDRR	50	25

c. Bufferyard Separation. Visual and physical separation shall be provided through the use of vegetative screening, or vegetative screening and privacy fencing in combination. In either case berms may also be used to achieve up to fifty percent (50%) of the necessary height required for screening. Vegetative screening shall be installed in accordance with the landscaping standards in this section. [345, 346]

i. Where fencing is used to achieve required separation, the fencing shall be privacy fencing as defined by this ordinance but shall not include fabric or mesh attached to a chain link or other non-privacy fence. Fencing shall comply with the requirements for boundary fences found in section 8:1.25 of this ordinance with the exception that fencing shall be at least six (6) feet in height on average with variations of no more than one-half (1/2) foot below the minimum average height due to grade changes and slopes.[347]

7. Landscaping. The intent of landscaping requirements is to promote and protect the health, safety, and welfare of the public, safeguard and enhance property values, reduce the negative effects of commercial and industrial development, and mitigate air, dust, noise, light, and heat pollution as a result from commercial and industrial development or use.[348]

a. Application. Landscaping shall be installed in accordance with this section.[349]

i. Properties located in the RMH – Manufactured Housing Residential district shall not be required to install perimeter landscape screening.

ii. Landscaping shall be installed along all areas that front a public or private road and in all required rear and side bufferyards.

a) Where properties immediately opposing each other on opposite sides of a public or private road are both subject to the requirements of this section, landscaping shall not be required along the portion of the road frontage where the properties overlap.

[344] Ordinance 12-22-20-02
[345] Ordinance 12-22-20-02
[346] Ordinance 09-26-24-01
[347] Ordinance 09-26-24-01
[348] Ordinance 12-22-20-02
[349] Ordinance 09-26-24-01

iii. For the purposes of administering this section, the "use area" shall include all areas associated with the use including, but not limited to, the furthest extent of fences, structures, parking, outdoor storage of materials where allowed by the underlying zoning district, or other areas used in association with the approved or permitted use. At the discretion of the approving authority, freestanding or monument signs may be excluded from determining the use area.

b. Landscaping Standards. Landscaping shall meet the following standards and shall be designed to, and serve as a visual screen from, the right-of-way and adjacent residentially and publicly used properties to the commercial or industrial property or use.

i. Landscaping shall utilize native or naturalized species.[350]

ii. Landscaping shall utilize a combination of trees, to provide a vegetative overstory, and plants, to provide a vegetative understory, shall serve as a visual buffer, and shall meet the minimum standards of this section. Plants can include shrubs, grasses, or other native plants.

iii. Vegetative Overstory. No fewer than one (1) tree every fifty (50) feet of frontage and/or bufferyard. Trees shall have a minimum mature height of twenty five (25) feet and shall be at least six (6) feet tall within three (3) years of installation.

iv. Vegetative Understory. Plants shall be planted at a rate that provides no less than sixty six (66) percent screening at a height of three (3) feet above grade.

a) Where privacy fencing is used in addition to vegetative screening, plants shall be planted at a rate that provides no less than thirty three (33) percent screening at a height of three (3) feet above grade.

v. Where outdoor display of goods for sale or visibility of the business to the traveling public are integral to the use, at the discretion of the approving authority the overstory requirements of this section may be reduced or waived and the density requirements for understory may be reduced by 50% for areas that front a public or private road.

vi. Landscaping screening shall be evaluated under leaf-on conditions.

vii. Plantings shall be located within the required front yard setback area or the bufferyard unless otherwise specified by this ordinance.

a) Where the intent of these landscaping requirements would be better accomplished by screening the use area due to topography or other natural features of the site and nearby surrounding area, at the discretion of the approving authority screening may be installed along the exterior of some or all portions of the use area instead of along the entire frontage of bufferyard(s) or right of way line(s). In such cases, landscaping shall be installed within 50' of the of the use area.

viii. Landscaping shall be designed in such a way to not hinder or block traffic flow, safety, or sight distance for vehicle turning movements.

[350] Ordinance 09-26-24-01

8:1.27 Permit Application Administration and Procedures.

All departments, officials, and public employees of Johnson County that are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Ordinance and shall not issue a permit or license for any use, building, or purpose if the same would be in conflict with provisions of this Ordinance. All Building Permits and Certificates of Occupancy shall be revocable, subject to the continued compliance with all requirements and conditions of this and other applicable laws and regulations. Any permit or license issued in conflict with the provisions of this Ordinance shall be null and void.

A. Permit Types and Application of Regulations. The following permit(s) shall be obtained from the Zoning Administrator in writing before starting or proceeding with any of the work described herein:

1. Building Permit. A building permit is required before starting or proceeding with any of the following:
    a. The construction, alteration, movement, enlargement, replacement, repair, equipment, or location, of any building or structure, or as otherwise required by Chapter 8:6 of this ordinance.
        i. Permits are also required for any sign with permanent attachment to the ground, permanent attachment to a structure, or containing any electrical components including but not limited to internal or external lighting. All signage shall comply with the requirements of section 8:1.25.D.[351]
    b. Excavating for any building or structure.
    c. The removal or demolition of any building or structure, or part thereof which would require a building permit to construct.
        i. A permit will be required even if the structure was involuntarily damaged by fire, wind, flood, age, or other cause. The permit will cover removal of any remaining debris and foundation from the site.
        ii. Separate permits for the demolition or removal of buildings or structures shall not be required when a building permit is issued for construction, alteration, movement, enlargement, replacement, or repair of an existing structure to be removed.
    d. Changing the use or occupancy of any building or structure from one classification to another.
    e. The erection, installation, enlargement, alteration, repair, removal, conversion, or replacement of any electrical, gas, mechanical, or plumbing system.[352]
    f. Building permits shall not be issued for structures which will obstruct or encroach on an easement shown on any recorded plat unless allowed by said easement.[353]
2. Soil Erosion and Sediment Control Permit. A soil erosion and sediment control permit shall be obtained from the Zoning Administrator in accordance with this section and Chapter 8:3.7. [354, 355]

[351] Ordinance 09-26-24-01
[352] Ordinance 09-26-24-01
[353] Ordinance 09-26-24-01
[354] Ordinance 07-22-21-01
[355] Ordinance 08-03-23-02

3. Grading Permit. A grading permit shall be obtained from the Zoning Administrator in accordance with this section.[356]

    a. A grading permit is required prior to the commencement of ground-disturbing activities for linear utility or infrastructure projects, such as pipelines or transmission lines, that are located outside of any public road Right-of-Way and that propose disturbing an area greater than one-half (1/2) acre.

    b. A grading permit may be issued prior to approval of a plat or Site Plan to allow for commencement of ground-disturbing activities on sites preparing to establish a use which is in compliance with the zoning district in which the property is located.

    c. Applications for grading permits shall include a Soil Erosion and Sediment Control plan in accordance with Chapter 8:3.7.

    d. Applications for grading permits shall include a Sensitive Areas Report in accordance with Chapter 8:3.5

    e. Applications for grading permits shall include a site drawing indicating all of the following on a single sheet:

        i. The location of any sensitive areas on the property.

        ii. The proposed location of all Soil Erosion and Sediment Control measures to be installed.

        iii. Proposed accesses to public roads.

        iv. The limits of disturbance of the grading activity.

        v. The final proposed contours with elevations.

4. Floodplain Development Permit. Floodplain Development Permits shall be obtained from the Zoning Administrator in accordance with this section and Chapter 8:4.

5. Administrator-Approved Use Permits. Permits for any use which may be approved by the Zoning Administrator under this ordinance shall be obtained in accordance with this section and any supplemental conditions in section 8:1.24.

B. General Provisions.

1. Application.

    a. Application shall be made on forms prescribed by the Zoning Administrator. Submittal requirements and general policies for all application types shall be established by the Zoning Administrator.

    b. Applications shall be made by the owner, contract purchaser, or lessee of the subject property, or agent thereof who is employed in connection with the proposed work.

    c. On properties with a Site Plan approved in accordance with section 8:1.26, a single building permit application may be submitted for multiple buildings and/or structures. The application shall clearly indicate which structures the permit covers, including signage and fencing.

2. Processing a Filing. Applications may be submitted at any time.

[356] Ordinance 08-03-23-02

a. Submittal must include all required plans and supplemental information as stated on the permit submittal requirements established by the Zoning Administrator. Within five (5) working days after submittal, the Zoning Administrator or their designee will determine if an application is complete. For incomplete applications, the Zoning Administrator may request more information or return the incomplete application to the applicant.

b. Once applications have been deemed complete by the Zoning Administrator, they will be accepted and placed on file.

3. Fees.

a. The fees for all permit applications shall be set by resolution of the Board of Supervisors.

b. Fees are due before the permit can be issued and shall be paid to the Zoning Administrator. Permits shall not be issued until all required fees are paid in full.

c. Except as otherwise provided in the above-referenced resolution or in Chapter 8:6, no refund shall be made of any required fee accompanying a required permit application once the application is deemed complete and is accepted by the Zoning Administrator.

d. The Zoning Administrator shall have the authority to waive all or part of the required fees in extenuating circumstances.

e. Early Start Penalty. Any work subject to permitting in this section which commences before a permit has been issued by the Zoning Administrator will be subject to two (2) times the regular permit fee.

4. Action on Application. It shall be the duty of the Zoning Administrator and designated staff to examine applications for permits within a reasonable time after filing.

a. The Zoning Administrator may require the review and recommendation or approval of the application by any of the following:

i. The Johnson County Public Health Department.

ii. The Johnson County Engineer, or for developments which access state highways, a representative from the Iowa Department of Transportation.

iii. Other local, state, or federal officials or agencies which may be required for review and comment on the application due to the unique circumstances or location of the property or proposed use.

b. If it appears that the proposed work will be in compliance with the laws and regulations applicable thereto, the Zoning Administrator or their designee shall approve or conditionally approve such application and issue a permit for the proposed work as soon as practicable.

i. All permits shall state that the proposed construction, use, or change in use or occupancy conforms with all provisions of these regulations.

ii. Any conditions shall be clearly stated on the permit.

iii. Nothing in this section shall be construed to prevent the Zoning Administrator from issuing a permit for the construction of part of a building or structure before the entire plans and detailed written statement have been presented for the same and have been found to comply with these regulations.

iv. All work performed under a permit issued by the Zoning Administrator shall conform to the approved application and plans, and approved amendments thereof.

v. The location of all new construction as shown on the approved plot diagram, or an approved amendment thereof, shall be strictly followed.

c. If examination reveals that the proposed work will be in compliance with the laws and regulations applicable thereto, the Zoning Administrator shall deny such application, noting the reason for rejection in writing to be attached to the application and returned to the applicant. Applications that have been denied may be revised and resubmitted at any time.

5. Delayed Issuance. At the Zoning Administrator's discretion, final approval and issuance of a permit or certificate of occupancy may be delayed for any of the following:

a. On platted lots where any required infrastructure has not been installed in conformance with the approved plat.

b. On lots or parcels where active code violations of this ordinance or any other local, state, and federal regulations exist.

c. If the project or property is not in compliance with all requirements of the permit as issued,

d. If the project is not in compliance with all sections of this ordinance; or any other local, state, or federal regulations.

6. Amendment or Modification.

a. Permits may be amended at any time. Amendments must be submitted to the Zoning Administrator in accordance with this section.

b. Where an amendment is proposed to a permit that has already been issued, the original permit will remain in effect. Amendments do not become part of the original permit until approved by the Zoning Administrator in writing.

c. If approved amendments require additional fees beyond the original permit, said amendments shall not be issued until all additional fees have been paid.

d. After approval and payment of all necessary fees, amendments shall be filed with and be deemed a part of the original application.

7. Occupancy Certificate.

a. Buildings or Structures subject to this section shall not be occupied until a Certificate of Occupancy has been issued for the building or structure in accordance with Chapter 8:6.

8. Expiration. All permits shall expire if the work permitted is not completed, or the use permitted is not established within the limits set forth below.

a. Building Permits issued by the Zoning Administrator under these regulations shall expire as outlined in Chapter 8:6. Thereafter all materials stored on the premises shall be confined to one location with maximum area of one hundred (100) square feet.

b. Grading permits and Soil Erosion and Sediment Control permits issued by the Zoning Administrator under this section shall expire two (2) years after the date of issue.[357]

c. Administrator-approved use permits issued under this section shall expire six (6) months after the date of issue if the use is not established.

   i. Once established, uses may also be subject to a separately defined expiration as outlined in Section 8:1.24.

d. Sign permits issued by the Zoning Administrator under the provisions of these regulations shall expire six (6) months after the date of issue if the sign is not constructed in conformance with the permit.

9. Stop Work Order. Stop Work Orders will be issued in accordance with Chapter 8:6 for any work that requires a permit in accordance with this ordinance.

   The Zoning Administrator may issue a stop work order on any active permit issued for a property that is, or becomes, in violation of any part of this ordinance.

   The Zoning Administrator may issue a stop work order on any unpermitted work that requires a permit under this section.

10. Revocation. The Zoning Administrator may suspend or revoke a permit or approval issued under the provisions of this ordinance for any of the following:

    a. If the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, including if there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

    b. If violation(s) of this ordinance or any other local, state, or federal regulation exist on the property in question.

11. Resubmission. Resubmission of a denied, withdrawn, or expired permit application, or an expired or revoked permit shall constitute a new application and shall be submitted in accordance with the specified procedures for an initial application set forth in this section.

12. Appeal. Appeals of the Zoning Administrators final decision on building permits and building permit applications may be appealed in accordance with Chapter 8:6.

    Appeals of the Zoning Administrator's final decision on all other permit types, including revocation of an administrator-approved use permit, may be appealed to the Board of Adjustment in accordance with Section 8:1.29.

[357] Ordinance 08-03-23-02

8:1.28 Development Application Administration and Procedures.

All development applications shall follow the provisions of this section.

A. Applicability of Regulations. The regulations in this section apply to the following types of development applications. For the purposes of this section, the term "development applications" shall include all subcategories listed below.

1. Board of Supervisors Applications. This term shall refer to all applications on which the Board of Supervisors has final authority. These applications include preliminary, final, and combined plats; text and map amendments to this ordinance; Site Plans for proposed development on properties in the RR, C, CH, AG-T, C-AG, ML, MH, and SWDRR districts; and Future Land Use Map Amendments.

2. Board of Adjustment Applications. This term shall refer to all applications on which the Board of Adjustment has final authority. These applications include: Appeal of Zoning Administrator Decisions, Conditional Use Permits, Special Exceptions, Variances, Subdivision Modifications, and Floodplain Variances.

    a. Board of Adjustment applications shall be submitted and reviewed in accordance with this section and the review standards in Section 8:1.29.

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.[358]

B. General Provisions.

1. Pre-Application Meeting. Applicants are encouraged to hold a pre-application meeting with Planning, Development, and Sustainability staff, and those officials who may require review of the proposed subdivision before submitting any development application for approval. This conference is to inform the developer as to the nature of the regulations and the feasibility of the proposed development.

    Subsequent review and final action on any development applications shall in no way be bound to the pre-application meeting.

2. Forms and Applications.

    a. Application shall be made on forms prescribed by the Zoning Administrator. Submittal requirements and general policies for all application types shall be established by the Zoning Administrator.

    b. Applications may be made by the owner, contract purchaser, contract owner, or option purchaser of the subject property, or agent or designee thereof who is employed in connection with the proposed development. For the purposes of this section, the property owner shall be the individuals or legal entities named as deed holders in the current tax records of Johnson County.

        i. Where the property owner is not a direct signatory to a development application, written confirmation of the property owner's consent to the filing of the application shall be required for the application to be considered complete.

[358] Ordinance 07-22-21-01

c. In addition to those listed above, proposed Zoning Amendments to the text of this ordinance may be filed by any resident of Johnson County. Zoning text amendments may also be initiated by the Zoning Administrator, or by motion of the Planning & Zoning Commission or Board of Supervisors.

d. In addition to those listed above, proposed Zoning Amendments to the official zoning map of this ordinance may also be initiated by the Zoning Administrator, or by motion of the Planning & Zoning Commission or Board of Supervisors.

e. Appeals of the Zoning Administrator's Interpretation may be filed with the Board of Adjustment in accordance with Section 8:1.29

f. Digital Plats. The applicant shall submit a digital version of all application materials in accordance with policies established by the Zoning Administrator.

3. Fees. The fees for all development applications shall be set by resolution of the Board of Supervisors.

   a. The fees for all development applications shall be set by resolution of the Board of Supervisors

   b. Fees are due in conjunction with application submittal. Failure to include the required fee, in full, with the application may be cause for the Zoning Administrator to reject the application as incomplete.

   c. This fee is to cover the approximate procedural costs of the application. Except as otherwise provided herein, no refund shall be made of any required fee accompanying a required permit application once the application is accepted by the Zoning Administrator as complete.

   d. The Administrative Officer may refund application fees in extenuating circumstances.

   e. Under no condition shall the fee, or any part thereof, be refunded for failure of said application, amendment or change to be approved or enacted into law.

4. Other Applications and Reviews. It shall be the applicant's responsibility to apply for all other applicable local, state, and federal permits. The Zoning Administrator may require proof of application to all necessary departments before accepting an application as complete.

5. Extraterritorial review. Development applications located within 2 miles of a city may be subject to review by said city in accordance with this section.

   a. For cities where a 28E Fringe Area Agreement is in effect, copies of development applications and notices of hearing of the Planning & Zoning Commission shall be sent to the city in accordance with said agreements. The Commission may act on applications in accordance with said agreements.

   b. For cities where no 28E Fringe Area Agreement exists, a copy of all plat applications and notices of hearing of the Planning & Zoning Commission shall be sent to the city which is authorized to exercise extraterritorial review in accordance with Iowa Code Chapter 354.

   c. Unless authorized under a 28E Fringe Area Agreement, the Commission shall not close the public hearing or make official recommendation on an application, nor shall the Board of Supervisors issue final disposition, prior to receiving official comment from the City Council, or the Council's duly authorized representative.[359]

[359] Ordinance 09-26-24-01

d. Extraterritorial review for Conditional Use Permits shall be in accordance with section 8:1.29.B.7. Extraterritorial review for Board of Adjustment Applications other than Conditional Use Permits is not required.[360]

6. Processing a Filing. Applications must be submitted in accordance with the submittal deadlines established by the Zoning Administrator.

   a. Within five (5) business days of submittal, the Zoning Administrator or their designee will determine if an application is complete. For incomplete applications, the Zoning Administrator may request more information or return the incomplete application to the applicant.

   b. Once applications have been deemed complete by the Zoning Administrator, they will be accepted and placed on file.

7. Review Procedure. In accordance with this section, applications on file will be reviewed for compliance with this ordinance and placed on the Planning & Zoning Commission's agenda for consideration

8. Deferral. Applicants may request deferral of an application at any time. The Planning & Zoning Commission or Board of Supervisors have final discretion on whether to honor a deferral request. For the purposes of this section, deferrals are also referred to as extensions.

   a. Deferral requests shall be submitted to the Zoning Administrator in writing prior to the public hearing where the application is to be heard, or shall be made on the record at said hearing.

   b. Deferral requests must specify the date, or regular monthly meeting, to which the application is being deferred.

   c. If the deferral request is received prior to the application being included on a published or mailed notice of public hearing, then the application will not appear on the notice and the date of the public hearing will be postponed.

   d. If the deferral request is received after a notice of public hearing including the application has be published or mailed, then the application will remain on the agenda. The public hearing will be opened, and the Planning & Zoning Commission or Board of Supervisors may vote to defer action and continue the public hearing to a future date and time.

9. Amendments. The developer may, upon authorization from the Zoning Administrator, amend or change an application for approval. Any changes made to an original application shall require the submission of a revised application materials.

   a. For Board of Supervisors Applications where the Zoning Commission has already issued a recommendation, the Zoning Administrator may require that the application be put on the agenda for re-examination by the Planning and Zoning Commission before going to the Board for consideration.

   b. Amendments to previously approved applications may be allowed in accordance with this Ordinance.

[360] Ordinance 09-26-24-01

10. Withdrawal. Applications may be withdrawn by the applicant in writing at any time prior to final approval.

    a. Application fees shall not be refunded for withdrawn applications.

    b. Resubmission of a previously withdrawn application shall constitute a new application and shall be submitted in accordance with the specified procedures for an initial application. Resubmission of a withdrawn application is not subject to a waiting period.

11. Expiration

    a. Any application which has been deferred for a period of one (1) year from the date of initial public hearing or consideration before either the Planning & Zoning Commission or the Board of Supervisors shall be automatically withdrawn and removed from the agenda.

    b. Applications for zoning map amendments and zoning text amendments shall expire if not approved by the Board within one (1) year of the original submittal date.

    c. Approval of a preliminary plat shall expire two (2) years from the date of approval by the Board of Supervisors, unless all or a part of the area shown on such plat is included on an application submitted for a Final Plat in accordance with final plat phasing requirements in Chapter 8:2.5(G). [361]

    d. A Final Plat shall expire if not recorded within one (1) year of approval of the Board of Supervisors.

    e. Applications for Boundary Line Adjustment shall expire if not approved by the Zoning Administrator within one (1) year of the original submittal date. Approval of a Boundary Line Adjustment shall expire if not recorded within sixty (60) days from the date of approval by the Zoning Administrator.

    f. Any expired application may be resubmitted. Resubmissions shall constitute a new application and shall be submitted in accordance with the specified procedures for an initial application. The resubmitted application will be processed and reviewed in accordance with the standards in effect at the time of resubmission. Resubmission of an expired application is not subject to a waiting period.

12. Performance Guarantees. This subsection shall apply to applications where a developer is required to enter into an agreement in accordance with this ordinance to guarantee the construction of required improvements for a development, the restoration of a site in connection with an approved permit, or other situations as may be deemed appropriate by the County. Performance guarantees may be referred to as performance agreements.[362]

    a. Performance agreements shall be prepared in accordance with the standards established by the Zoning Administrator, and shall be submitted in the form prescribed by the Administrator. Given the unique nature of development applications, the final requirements of the performance agreement will be dictated by the Zoning Administrator in consultation with the County Attorney's Office on a case-by-case basis.

[361] Ordinance 09-26-24-01
[362] Ordinance 09-26-24-01

b. Financial Surety. Any performance agreement shall be secured by the filing of a financial surety instrument in the form of a performance bond, escrow account, bank letter of credit, or other equally acceptable financial instrument as determined by the Zoning Administrator. The amount of the financial surety instrument shall be equal to the cost of the improvement plus a twenty-five percent (25%) contingency fee.[363]

c. If the improvements are not completed as specified in the performance agreement, the County may use any necessary portion of the financial surety to complete said improvements in accordance with signed agreement.

d. The performance guarantee shall not be released until the Zoning Administrator has determined that the improvements have been satisfactorily completed. At the Zoning Administrator's discretion, as-built plans certified by a Professional Engineer licensed in the State of Iowa may be required to release a performance guarantee.

C. Notice Requirements.

1. Public Hearing. With the exception of review of Site Plans and Final Plats, both the Board of Supervisors and the Planning & Zoning Commission shall conduct a public hearing before making recommendation or taking final action on an application. At the hearing, any party may appear in person or by representative. All public hearings shall be conducted in accordance with Iowa Code. The Commission shall also conduct hearings in accordance with the procedures set forth in its adopted by-laws.

2. Published Notice. A reasonable time and place shall be selected for hearing an application and due notice thereof given to the parties by one (1) publication of a notice in the paper of record as designated by the Board of Supervisors. Said publication shall be made not less than four (4) days nor more than twenty (20) days before the date of hearing.

3. Direct Notice. Notice shall also be given to all owners of any property located within five hundred (500) feet in all directions from the property boundary for or within which an application for rezoning or preliminary plat is being sought. For purposes of this subsection, notice shall be mailed to the individuals or legal entities listed under the mailing address portion of the current tax records of Johnson County. Notice shall be placed in the United States mail no less than ten (10) days before the date of the hearing. The notice shall state the time and place of the public hearing, the location of the property, and a brief description of the nature of the request.

4. Notice to Cities.

   a. For cities where a 28E Fringe Area Agreement is in effect, copies of Board of Supervisor Applications, and notices of hearing of the Planning & Zoning Commission shall be sent to the city in accordance with said agreements.

   b. For cities where no 28E Fringe Area Agreement exists, a copy of all plat applications and notices of hearing of the Planning & Zoning Commission shall be sent to the city which is authorized to exercise extraterritorial review in accordance with Iowa Code Chapter 354

   c. Notice to cities for Conditional Use Permits shall be in accordance with section 8:1.29.B.7

[363] Ordinance 08-24-23-01

5. Non-Receipt of Direct Notice. Failure of a property owner to receive direct notice as outlined in subsection 3 above shall not invalidate any such proceeding as set forth in this Chapter, provided such failure was not intentional.

D. Future Land Use Map Amendment. Applications are accepted and reviewed in accordance with the Future Land Use Map Amendment policies adopted by the Board.

E. Zoning Amendments. Applications to zoning amendments shall comply with the procedures established in this section.

1. Types of Zoning Amendments. Zoning Amendments can be in the following forms:
   a. Zoning Map Amendments change the designation of a specific property on the official zoning map.
   b. Zoning Text Amendments change the text of this ordinance.
2. Pre-Application Meeting. Applicants are encouraged to hold a pre-application meeting with Planning, Development, and Sustainability staff in accordance with subsection 8:1.28.B.1
3. Submission. Applications for text or map amendment shall be submitted in accordance with this section.
   a. Submittal must include the required number of plats, any supplemental information required by the application procedures established by the Zoning Administrator, together with an application form and the appropriate fees.
4. Zoning Amendment Review. The Zoning Administrator or their designee will review the zoning amendment submittal. If any corrections are needed, a written list of corrections will be provided within ten (10) working days after submittal. Subsequent corrections may be forwarded to the applicant throughout the process. Each review shall identify any corrections required to meet the minimum standards of this Ordinance.
   a. The Zoning Administrator may require the review and recommendation of the zoning amendment by any of the following:
      i. The Johnson County Public Health Department.
      ii. The Johnson County Engineer, or for developments which propose to access state highways, a representative from the Iowa Department of Transportation.
      iii. Officials from the school district in which the subject property is located.
      iv. Those officials or agencies which may be required for review and comment on the application for zoning amendment approval due to the unique circumstances or location of the lot.
   b. The Zoning Administrator shall not schedule any zoning amendment application for review by the Planning & Zoning Commission until all of the following are satisfied:
      i. All required corrections have been revised to meet the minimum requirements of this Ordinance.
      ii. Comments and recommendations have been received in writing from other departments and agencies as outlined in this subsection.

5. Zoning Amendment Action by Planning & Zoning Commission. The Planning and Zoning Commission shall study the Zoning Amendment and such other information offered for consideration of the application, including hearing public comment, to assure that it is in full conformance with Comprehensive Plan.

    a. The Commission shall hear each application appearing on its agenda and within forty five (45) days of initial public hearing, unless an extension is agreed to by the developer, transmit its recommendations to approve, deny or to grant conditional approval to the Board of Supervisors.

    b. If it is the recommendation of the Commission to deny the application, or to grant conditional approval, the Commission shall give its reasons or specify its conditions in writing for submission to the Board.

6. Zoning Amendment Action by Board of Supervisors. Within forty five (45) days of receipt of the Planning and Zoning Commission recommendation, unless an extension is agreed to by the developer, the Board of Supervisors shall hear the application and shall approve, deny, or grant conditional approval of the zoning amendment.

    a. A proposed Zoning Amendment shall require the favorable vote of at least sixty (60) percent of all of the members of the Board of Supervisors in the following cases:

        i. If the Planning and Zoning Commission recommends denial.

        ii. If a protest against the zoning amendment signed by the owners of twenty (20) percent or more either of the area included in such proposed change or of the area immediately adjacent thereto and within five hundred (500) feet of the boundaries thereof is filed with the Zoning Administrator prior to final action by the Board.

    b. Approval shall be in the form of an ordinance adopted by the Board.

    c. Where the Board has issued conditional approval of a zoning map amendment, said approval shall only be valid where the Board and the applicant have entered into a Conditional Zoning Agreement in accordance with Iowa Code section 335.7.

        i. Conditional Zoning Agreements shall be prepared on the form prescribed by the Zoning Administrator.

    d. Denial of the zoning amendment application shall terminate consideration of such application.

7. Repeat Applications. If an application for Zoning Map Amendment has been denied by the Board, no new application covering or including the same property shall be re-submitted for a period of one (1) year from the effective date of the denial unless approval to file prior to the expiration of the one (1) year period is granted by the Board.

F. Subdivision. Any person intending to subdivide land within the terms of these regulations shall comply with the procedures established in this subsection.

1. Pre-Application Meeting. Applicants are encouraged to hold a pre-application meeting with Planning, Development, and Sustainability staff in accordance with subsection 8:1.28.B.1.

2. Combined Plat Applications.

a. Applications for a combined preliminary and final plat may be accepted by the Zoning Administrator for subdivisions that meet all of the following conditions.

   i. The subdivision does not propose or require development-wide stormwater infrastructure, subdivision roads, or any other shared infrastructure. The subdivision may include shared wells or septic systems as outlined below.

   ii. The subdivision proposes wells or septic systems that are shared by no more than two (2) buildable lots.

   iii. The subdivision does not contain more than five (5) lots. Future Development Outlots and Preservation Outlots shall not count towards the total number of lots.[364]

b. Combined plats shall contain all specifications required for final plat approval found in Chapter 8:2 and shall be reviewed in accordance with the final plat regulations in this section, with the following exceptions:

   i. As-built plans shall not be required at the time of submission.

   ii. The application shall be subject to public hearings and notice requirements before the Zoning Commission and Board of Supervisors in accordance with this section.

   iii. The Supervisors shall have the ability approve, conditionally approve, or deny a combined plat application in accordance with these regulations. Because no separate preliminary plat has been approved in these cases, the Board is not bound to approval based on substantial conformance with an approved preliminary plat.

3. Preliminary Plat Submission. The developer shall prepare a preliminary plat in accordance with Chapter 8:2 of this ordinance and make application for preliminary plat approval in accordance with this section. All plats shall be prepared by a Land Surveyor licensed in the State of Iowa.

   Submittal must include the required number of plats, any supplemental information required by the application procedures established by the Zoning Administrator, together with an application form and the appropriate fees.

4. Preliminary Plat Review. The Zoning Administrator or their designee will review the plat submittal and provide a written list of corrections within ten (10) working days after submittal for the first review. Subsequent corrections may be forwarded to the applicant throughout the process. Each review shall identify any corrections required to meet the minimum standards of this Ordinance.

   a. The Zoning Administrator may require the review and recommendation of the preliminary plat by any of the following:

      i. The Johnson County Public Health Department.

      ii. The Johnson County Engineer, or for developments which propose to access state highways, a representative from the Iowa Department of Transportation.

      iii. Officials from the school district in which the subject property is located.

[364] Ordinance 08-24-23-01

iv. Those officials or agencies which may be required for review and comment on the application for preliminary plat approval due to the unique circumstances or location of the lot.

b. The Zoning Administrator shall not schedule any preliminary plat application for review by the Planning & Zoning Commission until all of the following are satisfied:

i. All required corrections have been revised to meet the minimum requirements of this Ordinance.

ii. Comments and recommendations have been received in writing from other departments and agencies as outlined in this subsection.

5. Preliminary Plat Action by Planning and Zoning Commission. The Planning and Zoning Commission shall study the preliminary plat and such other information offered for consideration of the application, including hearing public comment, to assure that it is in full conformance with Comprehensive Plan and the provisions and purpose of these regulations.

a. The Commission shall hear each application appearing on its agenda and within forty five (45) days of initial public hearing, unless an extension is agreed to by the developer, transmit its recommendations to approve, deny or to grant conditional approval to the Board of Supervisors.

b. If it is the recommendation of the Commission to deny the application, or to grant conditional approval, the Commission shall give its reasons or specify its conditions in writing for submission to the Board.

c. If the Commission does not forward a recommendation to the Board within forty-five (45) days of initial public hearing (or the agreed-to extension date), the developer may appeal to the Board of Supervisors in writing within fifteen (15) days of the expiration of the aforementioned recommendation period asking the Board to take action on the plat without recommendation from the Commission.

6. Preliminary Plat Action by Board of Supervisors. Within forty five (45) days of receipt of the Planning and Zoning Commission recommendation, unless an extension is agreed to by the developer, the Board of Supervisors shall hear the application and shall approve, deny or grant conditional approval of the preliminary plat.

a. The Resolution certifying approval or conditional approval, and the signature of the Chairperson of the Board of Supervisors shall be affixed to three (3) copies of the preliminary plat. Two (2) copies shall be retained by the Zoning Administrator and the other returned to the developer.

b. Approval by the Supervisors shall be tentative and not constitute final approval or acceptance of the plat or of the proposed dedication for public use but shall be deemed to be an authorization to proceed with the installation of improvements and preparation of the final plat.

c. Denial of the preliminary plat by the Supervisors shall terminate further consideration of such application.

d. Repeat Applications. If an application for preliminary plat approval has been denied by the Board, no new application for substantially the same development on the same property shall be re-submitted for a period of one (1) year from the effective date of the denial unless approval to file prior to the expiration of the one (1) year period is granted by the Board.

e. Resubmittals shall be treated as a new application in accordance with these regulations.

7. Onsite Pre-Construction Meeting. An onsite pre-construction meeting shall be held prior to the commencement of any ground disturbing activities, sensitive areas impact, or construction of utilities or infrastructure.

   a. Work on the site may commence once the Zoning Administrator, or their designee, has given written authorization to start work.

   b. The need for an onsite pre-construction meeting may be waived at the Zoning Administrator's discretion.

8. Preliminary Plat modification. Where an applicant has an approved preliminary plat and wishes to modify said preliminary plat prior to submission of the final plat, the applicant shall submit a new application in accordance with this chapter. The request to modify the approved preliminary plat shall be reviewed as a new application in accordance with this section.[365]

9. Final Plat Submission. The developer may prepare a final plat for any portion of the approved preliminary plat in accordance with Chapter 8:2 of this ordinance and may make application for final plat approval in accordance with this section.

   a. Prior to final plat submission, final site stabilization shall be achieved and all shared improvements shall be installed at the developer, applicant, or owner's expense, in accordance with the regulations in Chapter 8:2 of this ordinance, and in general conformance with the approved preliminary plat.[366]

      i. If such improvements are not installed, they shall be guaranteed in accordance with these regulations.

   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:[367]

      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.

[365] Ordinance 09-26-24-01
[366] Ordinance 08-03-23-02
[367] Ordinance 07-22-21-01

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 8:1.28(B)(12). [368]

d. Final plat submission shall include the legal documentation as outlined Chapter 8:2.9

e. Final plats should substantially conform to the approved preliminary plat.[369]

i. At the Zoning Administrator's discretion, a final plat may be submitted which differs from an approved preliminary plat. Said final plat may be reviewed by the Board of Supervisors without requiring a new public hearing and review by the Planning and Zoning Commission.

10. Final Plat Review. The Zoning Administrator may require the developer to submit the final plat for examination by the officials in item three (3) of this subsection to determine its conformance with the approved preliminary plat and with applicable statues and policies. Comments and recommendations shall be submitted in writing prior to final plat action by the Board of Supervisors.

a. The Zoning Administrator shall not schedule any final plat application for review by the Board of Supervisors until all of the following are satisfied:

i. All required corrections have been revised to meet the minimum requirements of this Ordinance.

ii. Comments and recommendations have been received in writing from other departments and agencies as outlined in this subsection.

iii. All legal documentation has been approved by the Zoning Administrator and the Johnson County Attorney's Office and original signed documents have been received by the Zoning Administrator.

b. Final plats submitted beyond the allowed phasing windows in Chapter 8:2.5.G shall not be acted upon until the Board first reapproves the preliminary plat in accordance with these regulations.

11. Final Plat Action by the Board of Supervisors. Unless an extension is agreed to by the developer, within forty five (45) days of the application for final plat approval appearing on a formal agenda, the Board of Supervisors shall consider the application and shall approve or deny the final plat at a public meeting.

a. Review and consideration of a final plat application is not subject to public hearing requirements.

b. The final plat shall be approved when found to be in conformance with the approved preliminary plat and accompanied by the legal documentation as required by Chapter 8:2.9.

[368] Ordinance 07-22-21-01
[369] Ordinance 08-24-23-01

c. Approval of the final plat shall be by resolution of the Board. The Resolution certifying approval and the signature of the Chairperson of the Board shall be affixed to all copies of the plat and recorded.

12. Effect of Final Plat Action by Supervisors. Approval of the final plat by the Board of Supervisors shall be deemed an authorization to record the final plat with the office of the County Recorder.

    a. Approval of the final plat shall not constitute approval of, or acceptance of, roads or any other improvements within the area of the final plat, unless such approval or acceptance is specifically provided for on the resolution of approval for the final plat.

    b. Denial of the final plat by the Supervisors shall terminate further consideration of such application.

    c. In accordance with these regulations, the developer may resubmit a revised final plat application, provided that the revisions correct all deficiencies cited as the reason for the denial of the original application. Such revision and resubmittal may be submitted at any time and will be treated as a new application in accordance with these regulations.

13. Amendments to an Approved Plat. Amendments to a previously approved combined or final plat may be approved by the Zoning Administrator in accordance with the following:[370]

    a. Amendments are only allowed to revise easements or other elements of the plat which were not required by this ordinance or as a condition of approval of the Board of Supervisors.

    b. Requests to amend a previously approved plat shall be accompanied by the following:

        i. A subdivision plat prepared by a Land Surveyor licensed in the State of Iowa which is clearly labeled as a revision of the original subdivision.

        ii. An affidavit of explanation signed by the applicant and the Zoning Administrator detailing the requested change.

        iii. Where the amendment request involves changing or eliminating an easement, all parties benefited by the easement shall sign a document memorializing their agreement to vacate said easement.

    c. Upon approval by the Zoning Administrator, all required documentation shall be recorded in the office of the Johnson County Recorder at the applicant's expense.

    d. Requests which propose to change the legal description of any lot or outlot in a platted subdivision – including creating or eliminating entire lots or outlots – shall not be allowed as amendments and require a new application which shall be submitted in accordance with the specified procedures for an initial application.

14. Modification of Subdivision Standards.

    a. Modifications. The strict application of the principles and standards set forth in these regulations, may be modified by the Board of Adjustment when a specified provision is found to create an unnecessary hardship due to physical characteristics peculiar to a parcel of land. Application for modification of subdivision standards shall be made in accordance with Section 8:1.29.

[370] Ordinance 09-26-24-01

b. Alteration of Scale or Sheet Size. Upon written authorization from the Zoning Administrator or their designee, the developer may modify the required scale or sheet size on any preliminary, final, or combined plat.

G. Site Plan. Applications for Site Plan approval shall comply with the procedures established in this subsection

1. Pre-Application Meeting. Applicants are encouraged to hold a pre-application meeting with Planning, Development, and Sustainability staff in accordance with subsection 8:1.28.B.1

2. Site Plan Submission. The developer shall prepare a Site Plan in accordance with Section 8:1.26 and make application for Site Plan approval in accordance with this section.

   a. All 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.

   b. Submittal shall include the required number of exhibits, any supplemental information required by the application procedures established by the Zoning Administrator, together with an application form and the appropriate fees.

3. Site Plan Review. The Zoning Administrator or their designee will review the Site Plan submittal and provide a written list of corrections within ten (10) working days after submittal for the first review. Subsequent corrections may be forwarded to the applicant throughout the process. Each review shall identify any corrections required to meet the minimum standards of this Ordinance.

   a. The Zoning Administrator may require the review and recommendation of the Site Plan by any of the following:

      i. The Johnson County Public Health Department.

      ii. The Johnson County Engineer, or for developments which propose to access state highways, a representative from the Iowa Department of Transportation.

      iii. Those officials or agencies which may be required for review and comment on the application for Site Plan approval due to the unique circumstances or location of the lot.

   b. The Zoning Administrator shall not schedule any Site Plan application for review by the Board of Supervisors until all of the following are satisfied. Once both conditions are satisfied, the Zoning Administrator shall place the application on the next available Board of Supervisors formal agenda for consideration.

      i. All required corrections have been revised to meet the minimum requirements of this Ordinance.

      ii. Comments and recommendations have been received in writing from other departments and agencies as outlined in this subsection.

4. Action by the Board of Supervisors. Unless an extension is agreed to by the developer, within fifteen (15) days of the application for Site Plan approval appearing on a formal agenda, the Board of Supervisors shall consider the application and shall approve, conditionally approve, or deny the Site Plan at a public meeting.

   a. Review and consideration of a Site Plan application is not subject to public hearing requirements.

b. Approval of the Site Plan shall be by resolution of the Board. The Resolution certifying approval and the signature of the Chairperson of the Board shall be affixed to the Site Plan. Approved Site Plans shall be signed by the Zoning Administrator and filed in the office of the Zoning Administrator.

5. Effect of Action by Board of Supervisors. Approval of a Site Plan by the Board of Supervisors shall be deemed an authorization for the Zoning Administrator to authorize ground disturbing activities, installation of required improvements, and to issue building permits in accordance with the approved Site Plan.

   a. Denial of the Site Plan application shall terminate consideration of such application.

6. Repeat Applications. If an application for Site Plan approval has been denied by the Board, no new application for substantially the same development at the same location shall be re-submitted for a period of three (3) months from the effective date of the denial unless approval to file prior to the expiration of the three (3) month period is granted by the Board.

7. Revisions. Revisions to previously approved Site Plans may be accepted by the Zoning Administrator in accordance with section 8:1.26.

H. Applications reviewed by the Board of Adjustment. Any application for which the Board of Adjustment has final decision authority shall be submitted in accordance with this subsection, the General Provisions of this section, and also the provision of section 8:1.29 of this ordinance. This includes Appeals of the Zoning Administrator's Interpretation, as well as applications for Variances, Special Exceptions, Conditional Use Permits, Modification of Subdivision Requirements, and Variance form Floodplain Management Regulations.

1. Pre-Application Meeting. Applicants are encouraged to hold a pre-application meeting with Planning, Development, and Sustainability staff in accordance with subsection 8:1.28.B.1.

2. Submission. The applicant shall prepare and submit an application, together with the appropriate fees, for approval in accordance with this section. Submittal shall be made on the form prescribed by the Zoning Administrator and include any supplemental information required by this ordinance, or by the application procedures established by the Zoning Administrator.

   a. In the case where Variance or Special Exception is sought to erect a building or structure, the Zoning Administrator shall not accept an application for variance or special exception unless a building permit application has been submitted and accepted for said building or structure in accordance with Section 8:1.27.

   b. Where a conditional use permit is sought on property located within the extraterritorial jurisdiction of one or more municipalities, an application will not be considered complete and will not be placed on an agenda for public hearing until official comment or waiver has been received from the Council or their duly authorized representative, for all municipalities involved.

      i. Unless the applicant has agreed to an extension or due cause has been shown by the city, 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.[371, 372]

[371] Ordinance 07-22-21-01
[372] Ordinance 09-26-24-01

3. Review. The Zoning Administrator or their designee will review the application submittal. If any corrections are needed, a written list of corrections will be provided within ten (10) working days after submittal. Subsequent corrections or requests for information may be forwarded to the applicant throughout the process.

    a. The Zoning Administrator may require the review and recommendation of the application by any of the following:

        i. The Johnson County Public Health Department.

        ii. The Johnson County Engineer, or for developments which propose to access state highways, a representative from the Iowa Department of Transportation.

        iii. Officials from the school district in which the subject property is located.

        iv. Those officials or agencies which may be required for review and comment on the application for approval due to the unique circumstances or location of the lot.

4. Once an application has been accepted as complete, the Zoning Administrator shall place the application on the next available Board of Adjustment agenda for which Direct Notice has not been prepared.

5. Action by the Board of Adjustment.

    a. The Board of Adjustment may approve, conditionally approve, or deny an application in accordance with the review criteria set forth in Section 8:1.29.

    b. The Board of Adjustment may affirm or reverse, wholly or in part, or modify the interpretation of the Zoning Administrator in the case of an appeal in accordance with the review criteria set forth in Section 8:1.29.

    c. Within thirty (30) days after the close of a hearing, the Board of Adjustment shall render a written decision giving the reason(s) for its decision.

I. Zoning Administrator Approval. The requirements of this subsection shall apply to development applications for which the Zoning Administrator is authorized to issue final approval on certain uses in accordance with this ordinance.

1. Pre-Application Meeting. Applicants are encouraged to hold a pre-application meeting with Planning, Development, and Sustainability staff in accordance with subsection 8:1.28.B.1.

2. Submission. The applicant shall prepare and submit an application, together with the appropriate fees, for approval in accordance with this section. Submittal shall be made on the form prescribed by the Zoning Administrator and include any supplemental information required by Chapter 8:1.24, or by the application procedures established by the Zoning Administrator.

3. Review. The Zoning Administrator or their designee will review the submittal and provide a written list of corrections within ten (10) working days after submittal for the first review. Subsequent corrections may be forwarded to the applicant throughout the process. Each review shall identify any corrections required to meet the minimum standards of this Ordinance.

    a. The Zoning Administrator may require the review and recommendation or approval of the application by any of the following:

i. The Johnson County Public Health Department.

ii. The Johnson County Secondary Roads Department, or for developments which access state highways, a representative from the Iowa Department of Transportation.

iii. Other local, state, or federal officials or agencies which may be required for review and comment on the application due to the unique circumstances or location of the property or proposed use.

4. Action by the Administrator. The Zoning Administrator shall not approve the application until all of the following are satisfied:

   a. All required corrections have been revised to meet the minimum requirements of this Ordinance.

   b. Comments and recommendations have been received in writing from other departments and agencies as outlined in this subsection.

   Once both above conditions are satisfied, the Zoning Administrator shall approve, conditionally approve, or deny the application. Final determination shall be delivered in writing.

5. Effect of Action by Zoning Administrator. Approval of application and fulfillment of conditions, if any, shall authorize establishment of the specified use.

   a. Any ground disturbing activities, installation of improvements, or request for building permits must be done in accordance with the approved application and this section.

   b. Denial of the application shall terminate consideration of such application.

6. Repeat Applications. If an application has been denied by the Zoning Administrator, no new application for substantially the same use at the same location shall be re-submitted for a period of six (6) months from the effective date of the denial unless approval to file prior to the expiration of the six (6) month period is granted by Zoning Administrator in writing.

7. Appeal. Appeals of the Zoning Administrator’s final decision on an administrator-authorized development application may be appealed to the Board of Adjustment in accordance with section 8:1.29.

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 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.

1. Scope of authority. The Board of Adjustment shall have the power, and it shall be its duty, to hear and decide applications and appeals, and to interpret the Zoning Regulations in the following cases:

   a. Appeals. An appeal may be filed where it is alleged there is error in an order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Ordinance. Appeals may be made by any property owner, by any person aggrieved, or by a governmental officer, department, board, or bureau of Johnson County.

      i. Appeals shall be filed with the Zoning Administrator in accordance with this section.

      ii. Where an appeal has been filed in relation to a development application, it shall constitute a stay on application until the appeal is decided.

   b. Applications. An application in cases in which the Board of Adjustment has jurisdiction under the provisions of this Ordinance may be made by the owner, contract purchaser, contract owner, or option purchaser of the subject property, or agent or designee thereof who is employed in connection with the proposed development. For the purposes of this section, the property owner shall be the individuals or legal entities named as deed holders in the current tax records of Johnson County.

      i. For the purposes of this section, “applications” include requests for variance, requests for special exceptions, conditional use permits, subdivision modifications, or floodplain variances.

   c. The Board shall hear and decide on all matters referred to it by the Zoning Administrator.

   d. The Board shall have no powers other than those specified in this section.

B. General Provisions:

1. Appointments and Terms. The Board of Adjustment shall consist of five (5) members appointed by the Board of Supervisors. Terms shall be for five (5) years and vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The Board of Supervisors shall have the power to remove any member of the Board of Adjustment for cause upon written charges and after public hearing.

2. Rules. In addition to the requirements of this chapter, the Board of Adjustment shall adopt its own rules of procedure further governing operational aspects of the body, provided such rules are not in conflict with this ordinance or with the Code of Iowa.

3. Records. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions. Every rule, regulation, every amendment or repeal thereof and every order, requirement, decision, or determination of the Board of Adjustment shall immediately be filed in the office of the Board and shall be a public record. The Zoning Administrator shall maintain the records of all actions of the Board of Adjustment.

4. Applications. Applications shall be made with the Zoning Administrator in accordance with subsection 8:1.28 of this chapter.

5. Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed in accordance with Iowa Code Section 335.14.

6. Meetings. All meetings shall be held at the call of the Chairperson and at such time and place within the County as the Board of Adjustment may determine. Such Chairperson, or in his or her absence, the Acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public.

7. Hearings of Appeals and Applications.

   a. Public Hearing. The Board of Adjustment shall conduct a public hearing to consider applications and appeals. At the hearing, any party may appear in person or by representative. The Board of Adjustment shall conduct the public hearing in accordance with the procedures set forth in its adopted by-laws, and in accordance with Iowa Code.

   b. Published Notice. The Board of Adjustment shall select a reasonable time and place for the hearing of an appeal or application and give due notice thereof to the parties by one (1) publication of a notice in the paper of record as designated by the Board of Supervisors. Said publication shall be made not less than four (4) days nor more than twenty (20) days before the date of hearing.

   c. Direct Notice. Notice shall also be given to all owners of any property located within five hundred (500) feet in all directions from the property boundary for or within which application approval is being sought. For purposes of this subsection, notice shall be mailed to the individuals or legal entities listed under the mailing address portion of the current tax records of Johnson County. Notice shall be placed in the United States mail no less than ten (10) days before the date of the hearing. The notice shall state the time and place of the public hearing, the location of the property, and a brief description of the nature of the request.

      Where applicable, direct notice shall also be provided for Appeals.

   d. Notice to Cities. For Conditional Use permits, a copy of the application and notice of the hearing shall be sent to each municipality whose extraterritorial jurisdiction includes the property involved in the proceedings. The Board of Adjustment shall not take final action on an application prior to receiving official comment or waiver from the City Council, or a Council's duly authorized representative, for each municipality whose extraterritorial jurisdiction includes the property involved in the proceedings.

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.[373]

e. Non-Receipt of Direct Notice. Failure of a property owner to receive direct notice as outlined in subsection 3 above shall not invalidate any such proceeding as set forth in this Chapter, provided such failure was not intentional.

8. Decision. The Board of Adjustment shall reach its decision within forty-five (45) days of the date the public hearing unless such time is extended by mutual consent of the petitioner and the Board of Adjustment. The Board of Adjustment may, in conformity with the provisions of this Ordinance:

   a. Affirm or reverse, wholly or in part, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

   b. Approve, with or without conditions, or deny an application for variance, special exception, conditional use permit, subdivision modification, or floodplain variance.

   c. A variance or special exception less than or different from that requested may be granted when the record supports the applicant's right to some relief but not to the relief requested.

9. Necessary votes. The concurring vote of three (3) members of the Board of Adjustment shall be necessary to reverse any requirement, decision, order, or determination of the Zoning Administrator; to decide in favor of the applicant in regard to an application; or to provide final disposition on any matter upon which the Board is authorized by this Ordinance to render a decision.

   Extra-Ordinary Requirement for Conditional Use Permits. A Conditional Use Permit shall require the concurring vote of 4 members of the Board of Adjustment to be approved in the following cases:

   a. If the proposed use is opposed by a petition signed by at least sixty (60) percent of the owners of the land within five hundred (500) feet of the property involved in the proceedings. For purposes of this subsection, the owners of the land shall be the individuals or legal entities named as deed holders in the current tax records of Johnson County. Owners of Land shall not include owners of structures or other real property located on leased land within five hundred (500) feet.

   b. If the proposed use is opposed by a vote of a city council whose extraterritorial jurisdiction includes the property involved in the proceedings.

      i. Unless due cause can be shown by the city, if a city has not provided official comment within 60 days of receipt of notice of the application from the County, the City's position will be considered to be one of no opposition and the Board may approve on a simple majority vote pursuant to this section.[374]

10. Authority limited. It is not the intention to grant to the Board of Adjustment the power or authority to alter or change the Zoning Ordinance or the District Maps. Such power and authority rest solely with the Board of Supervisors.

---

[373] Ordinance 07-22-21-01
[374] Ordinance 09-26-24-01

11. Effective Date.

    a. No order of the Board of Adjustment permitting the erection or alteration of a building shall be valid for a period longer than six (6) months from the date the order is approved by the Board. To utilize said order, a building permit for such erection or alteration must be obtained within six (6) months, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

    b. No order of the Board permitting a use of a building or premises shall be valid for a period longer than six (6) months, unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

    c. The effective date for approved Conditional Use Permits is set forth in subsection 8:1.29.F.4 below.

12. Petition to Court. Any person or persons jointly or separately aggrieved by any decision of the Board of Adjustment under the provisions of this section, or any taxpayer, or any officer, department, board or bureau of Johnson County, Iowa, may seek relief through the courts as is provided by Iowa Code.

C. Appeals of Zoning Administrator Interpretation. An appeal may be filed where it is alleged there is error in an order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Ordinance.

1. All appeals to the Board of Adjustment shall be made in writing. Appeals shall refer to the specific provisions of this Ordinance involved and the specific action or interpretation of the Zoning Administrator being appealed. Such application, together with the appropriate fees, shall be filed with the Zoning Administrator in accordance with this section.

2. Any appeals on the ruling of the Zoning Administrator concerning the enforcement and interpretation of any provision of this Ordinance shall be filed with the Board of Adjustment within thirty (30) days after the date of the Zoning Administrator's decision thereon.

3. Upon receipt of an application and filing fee, the Zoning Administrator shall place the appeal on the next available Board of Adjustment agenda for which Notice has not been published, and transmit the application to the Board of Adjustment along with all the papers constituting the record upon which the action appealed from was taken.

4. The following standards shall govern the Board of Adjustment's decision on appeals from the Zoning Administrator's interpretation:

    a. No interpretation shall allow the establishment of any land-use which was previously considered and rejected by the Board of Adjustment or an application for amendment to the Zoning Ordinance or the Zoning Map.

    b. No interpretation shall permit a land-use that is listed as a permitted use or a conditional use in another district if the use is not listed as permitted in the subject property's district.

c. No interpretation shall permit a land-use in a district unless evidence is presented which demonstrates that the land-use will comply with each use limitation established for the particular district.

d. No interpretation shall permit a land-use in a particular district unless the use is substantially similar to other uses permitted in that same district and is more similar to such other uses than to uses either not permitted in the district, or permitted or conditionally permitted in a less restrictive district.

e. If the proposed land-use is more similar to a land-use permitted only as a conditional use in the district than to a permitted use in the district, then an interpretation of the proposed land-use being a conditional use, thus requiring a conditional use permit, shall be favored.

f. Any land-use permitted or other interpretation rendered pursuant to this Section

5. Action by the Board of Adjustment.

a. The Board of Adjustment may affirm, reverse, wholly or in part, or modify the interpretation of the Zoning Administrator.

b. Within thirty (30) days after the close of a hearing, the Board of Adjustment shall render a written decision giving the reason(s) for its decision.

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, 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. 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 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 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:

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 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.

E. Special Exceptions. To authorize, upon appeal, in specific cases, such exception 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 practical difficulty, and so that the spirit of the Zoning Regulations shall be observed and substantial justice done.

1. The Board shall have the power to grant special exceptions to the following standards based upon the practical difficulty standards in this section.[375]

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.

[375] Ordinance 07-22-21-01

2. Request for Special Exception shall only be approved if the Board of Adjustment finds that an application substantially conforms with the following practical difficulty criteria:

    a. Strict compliance with the restrictions governing setback, frontage, height, or other bulk provisions of this chapter would result in a practical difficulty upon the owner of such property;

    b. The practical difficulty is due to circumstances unique to the property and that prohibits the use of the subject property in a manner reasonably similar to that of other property in the same district. Such circumstances may 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 exception relates entirely to a permitted use (principal, conditional, or accessory) classified by applicable district regulations, or to a permitted sign or off-street parking or loading areas accessory to such a permitted use;

    d. A grant of the special exception applied for, or a lesser relaxation of the restrictions than applied for, is reasonably necessary due to practical difficulties related to the land in question and would do substantial justice to an applicant as well as to other property owners in the locality;

    e. The problem cannot be alleviated by zoning the property to another classification; and

    f. The reduced standard to be authorized by the special exception will not alter the essential character of the locality. Granting the special exception cannot:

        i. Impede the normal and orderly development and improvement, or enjoyment, of the surrounding property.

        ii. Impair the provision of adequate utilities, access roads, drainage, and/or other necessary facilities, either to the property in question or to nearby properties.

        iii. 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

3. The Zoning Administrator shall have the power to issue special exceptions to the height, yard, or 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 height, yard, or lot area regulations of this section would prevent a reasonable arrangement of buildings on the lot;

    a. Applications for Special Exception approval by the Zoning Administrator shall not be subject to the public hearing or notice requirements of this section.

    b. The issuance of the special exception shall be based upon the practical difficulty standards contained herein, and shall be reviewed by the Zoning Administrator in accordance with this subsection.

c. Where a request for special exception is in accordance with this section, the Zoning Administrator may approve or conditionally approve such special exception providing such a reduction not be more than ten (10) percent of the usual requirement, or reduce a required setback to less than five (5) feet.

d. Where the Zoning Administrator finds that a request for special exception is not in accordance with this section, the request shall be placed on the agenda for the next available Board of Adjustment meeting for which Direct Notice has not been sent.

i. The Zoning Administrator shall not place the application on the agenda until the difference in filing fees has been paid and all additional information required by section 8:1.28.H has been submitted

F. Conditional Uses. These are uses which generally have a distinct impact on areas in which they are located, or are capable of creating special problems for bordering properties unless given special attention.

1. Review Criteria. To provide for the appropriate review of the location, site development, and conduct of certain designated uses, in any determination upon a particular conditional use at the location requested, the Board of Adjustment shall consider the following guidelines:

a. That the proposed location, design, construction, and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing or working in adjoining or surrounding property.

b. That the proposed use will not adversely affect the quality and supply of water, air, and light to surrounding property.

c. That the proposed use will not adversely affect established property values of adjoining or surrounding buildings.

d. That the proposed use is in accordance with the character of the area and the peculiar suitability of this area for the proposed use.

e. That the proposed use is an appropriate use of the land and will not discourage appropriate uses of other land.

2. Approval and Conditions. The Board of Adjustment may approve a Conditional Use Permit subject to compliance with certain required conditions. The Board shall state the specific requirements of said conditions and the time limit for compliance. In no event shall the permit be issued unless and until satisfactory proof of compliance is presented to the Planning and Zoning Administrator.

3. Denial. If an application for Conditional Use Permit has been denied wholly or in part by the Board of Adjustment, no new application for substantially the same use at the same location shall be re-submitted for a period of one (1) year from the effective date of the final denial of such application unless approval to file prior to the expiration of the one (1) year period is granted by the Board of Adjustment.

4. Time Limits on Conditional Use Permits.

a. Conditional Use Permits, once utilized, are of indefinite duration unless the expiration date has been specifically stated as a condition of the permit or the use permitted is subject to sunset as established in subsection 8:1.24.

b. Temporary Permits. Where application is made for a use which is temporary in nature, the Board of Adjustment shall condition the permit to expire in a stated period of time after the issuance of the permit.

c. Expiration for Failure to Establish Use.

   i. A use for which a Conditional Use Permit is granted must be established within one (1) year after such permit is issued. If such use is not so established, the Conditional Use Permit shall be deemed to have expired and shall be null and void.

   ii. A Conditional Use Permit which requires a building permit shall be deemed established when such a building permit is obtained and the construction thereunder commenced. If no building permit is required, the use shall be deemed established when the activity permitted has been commenced.

   iii. If the Planning and Zoning Administrator determines that the use has not been commenced as required, he or she shall notify the owner of the property for which the Conditional Use Permit was granted, that the permit has expired. The owner may appeal the determination to the Board of Adjustment.

d. Extension of Time Limits. Upon a showing of good cause by the applicant, the Board of Adjustment may grant an extension of time not to exceed one (1) year. A public hearing shall not be required, but may, at the discretion of the Board of Adjustment, be held prior to action on a request for time extension.

e. Abandonment. Any Conditional Use Permit, the exercise of which is voluntarily interrupted for a period in excess of one (1) year, shall be deemed automatically revoked unless otherwise stated as a condition of the permit.

5. Modification, Suspension, or Revocation of Permits. A Conditional Use Permit may be modified, suspended or revoked in accordance with the following.

   a. Notice of Hearing. For any hearing set for consideration of modification, suspension, or revocation of a Conditional Use Permit, notice shall be given as provided for in subsection 8:1.29.B.7.

   b. Modification at the Request of Property Owner or Permit Holder. The owner of property which is subject to a conditional use permit, or the holder of an approved conditional use permit, may apply for a modification to said permit in the same manner as prescribed for an original application.

      When reviewing an application for modification at the request of the permit holder or property owner, the Board of Adjustment shall only consider the proposed modification as outlined on the application and shall not modify any other conditions of the permit unless included in the application for modification. Any new conditions attached to approval of the modification shall apply only to the modification and not the original permit.

      Requests for modification shall be reviewed using the conditional use permit standards in this subsection.

c. Zoning Administrator May Set Hearing. When it appears to the Zoning Administrator that a use permitted by a Conditional Use Permit is being conducted contrary to the public health, safety, and welfare, or in violation of any condition imposed by the Board of Adjustment, the Administrator may set a hearing before the Board of Adjustment to consider revocation, suspension, or modification of the Conditional Use Permit.

When reviewing a potential modification, suspension, or revocation at the request of the Zoning Administrator, the Board of Adjustment may alter or remove any existing conditions on the permit, and may impose new conditions as deemed necessary to protect the public's health, safety, and welfare. Any new conditions shall become part of the original permit.

d. Modification. Modification of a permit may be authorized by the Board of Adjustment where the Board finds modification is warranted to protect the health, safety, and welfare of the property owners, adjacent landowners, and general public.

e. Suspension by the Zoning Administrator. In instances where a permit is being operated in such a way that an immediate threat to persons or property exists in the reasonable judgment of the Zoning Administrator, the permit may be administratively suspended until the next regularly scheduled meeting of the Board of Adjustment.

i. The Zoning Administrator shall issue a cease and desist order in writing to the permit holder stating the reasons for the suspension.

ii. Where the Zoning Administrator suspends an active permit, the permit shall immediately be placed on the next available Board of Adjustment agenda for which direct notice has not been sent.

iii. The Board of Adjustment shall consider modification, further suspension, or revocation in accordance with this section.

f. Suspension by the Board of Adjustment. Suspension of a permit may be authorized by the Board of Adjustment under any of the following conditions:

i. When it is found that the permitted use has caused detrimental effects to any property within five hundred (500) feet of the boundary of the property described in the permit.

ii. When it is found that the permitted use has been conducted in violation of any condition to the approved Conditional Use Permit.

iii. When the holder of an approved Conditional Use Permit refuses to accept a modification to said permit duly ordered by the Board of Adjustment.

iv. When the permit has been administratively suspended by the Zoning Administrator within the past twelve (12) months.

Following the hearing, The Board of Adjustment may authorize suspension of the permit for a specified, continuous amount of time not exceed thirty (30) days. It shall be the applicant's responsibility to correct or make substantial progress towards correcting the violations cited as cause for the suspension.

The Board of Adjustment may authorize subsequent suspensions in accordance with this section provided the Zoning Administrator sets hearings for each subsequent suspensions in accordance with this subsection.

g. Revocation. Revocation of a permit may be authorized by the Board of Adjustment under any of the following conditions:

i. When it is found that the permitted use has caused detrimental effects to any property within five hundred (500) feet of the boundary of the property described in the permit.

ii. Where a permitted use has been subject to suspension within the past twelve (12) months.

iii. When it is found that the permitted use has been conducted in violation of any condition to the approved Conditional Use Permit.

iv. When the holder of an approved Conditional Use Permit refuses to accept a modification to said permit duly ordered by the Board of Adjustment.

Where a conditional use permit has been revoked by the Board of Adjustment, no new application for substantially the same use on the same property can be filed with, or considered by, the Board of Adjustment for a period of one (1) year from the date of revocation.

G. Modification of Subdivision Requirements. The Board shall have the power to modify the strict application of the principles and standards set forth in Chapter 8:2 when a specified provision is found to create an unnecessary hardship due to physical characteristics peculiar to a parcel of land. The Board may allow modification to the technical requirements of the subdivision ordinance if the spirit and intent of the Subdivision Regulations is not compromised. The applicant shall submit a written petition specifying the extent of, and reason for, modification to the Board of Adjustment. In reviewing the request for modification, the Board of Adjustment shall consider the following guidelines:

1. The spirit and intent of the Subdivision Regulations shall not be compromised.

2. The plight of the owner or developer is due to unique circumstances and unique physical characteristics of the lot, and not to the general conditions of similarly situated lands in the same zoning district.

a. The hardship must have been created by the ordinance and not by the applicant and/or a predecessor in title.

b. A strict application of the Subdivision Regulations precludes any reasonable development of the land for any purpose allowed in the zoning district in which it is located.

c. The problem cannot be alleviated by zoning the property to another classification.

3. Approval of the modification will not alter the essential character of the development so that it is substantially different from similarly situated subdivisions in the same zoning district. Granting the modification cannot:

a. Impede the normal and orderly development and improvement of the proposed subdivision and surrounding property.

b. Have substantially adverse effect on the value of adjacent properties.

c. Impair the provision of adequate utilities, access roads, drainage, and/or other necessary facilities, either to the property in question or to nearby properties.

d. Increase the danger of the hazard from fire, flood, or similar dangers nor produce nuisance conditions to future residents, or nearby premises, by reason of dust, noise, fumes, odor, vibrations, smoke, or lights

e. Effect the supply of light and air to properties in the proposed subdivision or adjacent properties.

4. The land in question cannot be reasonably developed and cannot yield a reasonable return if developed in accordance with Chapter 8:2.

a. Modifications will not be granted on the basis of value of the property, to reduce the cost of development, nor to increase the profitability of the development.

b. The hardship must be more than an inconvenience on the part of the applicant.

H. Variance of Floodplain Management Regulations. Any application for variance to the Floodplain Management Regulations shall be applied for in accordance with section 8:1.28. Review of the variance shall be in accordance with the variance standards in Chapter 8:4.

8:1.30 Legal Nonconforming Regulations.

A. Intent. It is the intent of this chapter to permit legal nonconforming lots, structures or uses to continue until they are removed or brought into compliance with current regulations so long as they remain otherwise lawful. All legal nonconforming uses shall be encouraged to convert to conformity wherever possible.

B. Establishment of Legal Nonconforming Lots, Structures or Uses. A use will be presumed legally nonconforming if it can be demonstrated by clear and convincing evidence that under a previous County Zoning Ordinance, Unified Development Ordinance, or prior to 1960, the use was established, converted, or enlarged; and occupied in its current form. The burden of proof shall be on the property owner.

C. General Regulations.

1. If any legal nonconforming use or structure is *voluntarily* discontinued and/or removed from a property for one (1) continuous year, the premises must then conform to the regulations of the district in which it is located.

2. Where a legal nonconforming structure or use is established, that use may not be changed unless changed to a use which conforms to the district in which it is located.

3. Legal nonconforming uses, or adjuncts thereof, which are or become nuisances shall not be entitled to continue as legal nonconforming uses and must be brought into compliance with the provisions of this ordinance.

4. For the purposes of this section, a "legal nonconforming residential structure" shall mean only structure used for residential dwelling purposes, and does not include any accessory structures or any structures used for non-residential purposes on a residentially-zoned lot or parcel.

5. For the purposes of this chapter, where a legal nonconforming structure is eligible to be rebuilt, restoration is considered to have commenced when a building permit is obtained from the Building Official; and diligent progress is achieved by maintaining an active building permit in accordance with Chapter 8:6 of this Ordinance.

D. Legal Nonconforming Structures. Legal nonconforming structures with conforming uses are subject to the provisions contained in this section.

1. Legal Nonconforming Residential Structures.

   a. Legal nonconforming residential structures located in the ML, MH, and SWDRR districts are allowed to continued, but may not be enlarged, altered, or reconstructed under any circumstances.

   b. Legal nonconforming residential structures that were constructed too close to a property line may continue, and may be enlarged, altered, or reconstructed where the following conditions are present:

      i. Any yards not currently in compliance are not reduced from their existing distance by such enlargement, alteration, or reconstruction.

      ii. Where applicable, approval of a sewage disposal system serving said structure is obtained from the Johnson County Department of Public Health or Iowa Department of Natural Resources prior to permitting said enlargement, alteration, or reconstruction.

c. Restoration of a legal nonconforming residential structure that is *voluntarily* removed or damaged must commence within one (1) year and diligent progress must be maintained.

   i. Any reconstruction shall be in conformity with the provisions of this Ordinance.

   ii. The structure may only be rebuilt or replaced if it conforms with all setback and other bulk standards of the district in which it is located unless issued a variance or special exception by the Board of Adjustment.

   iii. Where the legal nonconforming residential structure was built utilizing agricultural exemption prior to the effective date of this ordinance, the Zoning Administrator may issue building permits for primary structures and such structures may be rebuilt without first having to comply with the provisions of Chapter 8:2. [376]

d. Restoration of a legal nonconforming residential structure that is *involuntarily* removed or damaged must commence within two (2) years and diligent progress must be maintained.

   i. Any reconstruction shall be in conformity with the provisions of this Ordinance.

   ii. The structure may be rebuilt on its original footprint, or any footprint which decreases the nonconformity, without obtaining a variance or special exception.

   iii. Where the legal nonconforming residential use was built utilizing agricultural exemption prior to the effective date of this ordinance, the Zoning Administrator may issue building permits for primary structures and such structures may be rebuilt without first having to comply with the provisions of chapter 8:2. [377]

e. Where a legal nonconforming residential structure has been *involuntarily* removed or damaged, and a reasonably similar structure cannot be replaced on a lot such that it will fully conform to the regulations of this Ordinance, the Board of Adjustment may cite the following practical difficulties as grounds for granting a special exception:

   i. The applicant has averaged available setbacks and achieved compliance to the greatest extent possible given the size of the lot. The aggregate pre-removal setbacks on the dimension(s) where the nonconformity existed must be maintained on the new structure.

   ii. The applicant has demonstrated that the existing foundation is suitable for reuse and siting a replacement foundation to achieve compliance (or compliance to the greatest extent possible) would create a practical difficulty. In such cases the Board of Adjustment may allow reconstruction on the existing footprint or a portion thereof.

2. Nonresidential Legal Nonconforming Structures (all other than legal nonconforming residential structures).

   a. A legal nonconforming structure may continue.

[376] Ordinance 09-26-24-01
[377] Ordinance 09-26-24-01

i. A legal nonconforming primary structure may be enlarged or altered so long as such enlargement or alteration does not increase its nonconformity. Any yards not currently in compliance cannot be reduced from their existing distance by such enlargement, alteration, or reconstruction

ii. A legal nonconforming accessory structure may not be enlarged unless the expansion is built in compliance with the standards for the district in which it is located.

b. When a legal nonconforming primary structure is destroyed by any means to an extent of greater than seventy five (75) percent of its assessed value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

i. When a legal nonconforming primary structure is destroyed by any means to an extent of less than seventy five (75) percent of its assessed value at the time of destruction, it may be reconstructed in its previous nonconforming location provided the previously existing nonconformity is not enlarged or expanded. Reconstruction of the same must commence within one (1) year and diligent progress must be maintained.

ii. Where a legal nonconforming primary structure is destroyed by any means to an extent of less than seventy five (75) percent of its assessed value at the time of destruction, and is then is further *voluntarily* demolished or removed to an extent greater than seventy five (75) percent of its assessed value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

c. When a legal nonconforming accessory structure is destroyed by any means to an extent of more than fifty (50) percent of its assessed value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

i. When a legal nonconforming accessory structure is destroyed by any means to an extent of less than fifty (50) percent of its assessed value at the time of destruction, it may be reconstructed in its previous nonconforming location provided the previously existing nonconformity is not enlarged or expanded. Reconstruction of the same must commence within one (1) year and diligent progress must be maintained.

ii. Where a legal nonconforming accessory structure is destroyed by any means to an extent of less than fifty (50) percent of its assessed value at the time of destruction, and is then is *voluntarily* further demolished or removed to an extent greater than fifty (50) percent of its assessed value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

d. When a legal nonconforming structure is moved for any reason or over any distance, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

e. Accessory structures may be added so long as they conform in all respects to the requirements of the accessory structures regulations of this Ordinance.

f. Use of a legal nonconforming structure may continue if the use is changed to a use permitted in the district in which it is located.

g. On any lot subject to Site Planning requirements under chapter 8:1.26, a legal nonconforming structure may not be moved, enlarged, replaced, or otherwise structurally altered unless said work is in compliance with the requirements of said section, and with this Ordinance.

h. A sign is considered legally established if it was erected and maintained prior to the effective date of this ordinance or subsequent amendment thereto.

i. Where a property exceeds the legally established limits for signs – including, but not limited to, height, number of signs, total sign area, or sign face dimensions – any voluntary or involuntary destruction or removal of any on-site sign(s) shall end the nonconformity and the sign(s) may only be replace or reconstructed in accordance with these regulations.[378]

E. Legal Nonconforming Uses of Land. Nonresidential legal nonconforming uses of land are subject to the following provisions:

1. A legal nonconforming use of land may continue.

2. A legal nonconforming use shall not be enlarged to a greater height nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.

3. A legal nonconforming use may be moved in whole or in part to any other portion of the lot, provided the overall nonconformity is not enlarged or expanded.

4. If such legal nonconforming use of land ceases for any reason for a period of one hundred eighty (180) continuous days, any subsequent use of such land shall conform to the regulations for the district in which such land is located.

5. Any land on which a legal nonconforming use is discontinued and superseded by a permitted use for any length of time shall thereafter conform to the regulations for the district in which such land is located and the legal nonconforming use may not thereafter be resumed.

F. Legal Nonconforming Uses of Structures, or Structures and Land in Combination. Legal nonconforming uses of structures, or structures and land in combination, are subject to the following regulations.

1. Legal Nonconforming Residential Uses.

a. A legal nonconforming residential use may continue.

b. A structure containing a legal nonconforming residential use may be enlarged, altered, reconstructed, moved, or replaced provided that, if applicable, approval of a sewage disposal system serving any structure is obtained from the Johnson County Public Health Department or Iowa Department of Natural Resources prior to permitting said enlargement, alteration, reconstruction, or replacement.

[378] Ordinance 09-26-24-01

c. Restoration of a structure containing a legal nonconforming residential use that is *involuntarily* removed or damaged must commence within two (2) years and diligent progress must be maintained. The structure may be constructed on its original footprint, or any footprint which decreases the preexisting nonconformity. Any yards not currently in compliance shall not be reduced from their existing distance by such enlargement, alteration, reconstruction, or replacement without having a variance or special exception approved by the Board of Adjustment.

d. Any structure containing a legal nonconforming residential use which is *voluntarily* removed may only be rebuilt if it conforms with all setback and other bulk standards of the district in which it is located, or is issued a variance or special exception by the Board of Adjustment.

2. Legal Nonconforming Uses (other than legal nonconforming residential structures).

a. A legal nonconforming nonresidential use may continue.

b. A nonresidential legal nonconforming use cannot be expanded unless changed to a permitted use for the district in which it is located.

c. When a nonresidential legal nonconforming use is voluntarily or involuntarily discontinued or ceases to exist for a period of one (1) year, the building, or building and land in combination, shall thereafter be used in conformance with the regulations of the district in which it is located.

d. When a structure containing a nonresidential legal nonconforming structure is destroyed by any means to an extent of more than fifty (50) percent of its assessed value at the time of the destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

e. A nonresidential legal nonconforming structure containing a nonresidential legal nonconforming use may be moved to another location on the lot and the legal nonconforming use will be allowed to continue provided that:

i. Moving said structure would bring it into compliance with the bulk standards for the district in which it is located.

ii. The square footage of the building as it existed at the time of adoption or amendment of this Ordinance shall not be increased.

iii. This subsection does not prohibit the construction of a new structure into which a nonresidential legal nonconforming use will be moved.

f. On a building devoted in whole or in part to any legal nonconforming nonresidential use, work may be done on ordinary repairs, or on repair of walls, roofs, fixtures, wiring, or plumbing, provided that the square footage of the building as it existed at the time of adoption or amendment of this Ordinance shall not be increased.

g. Where legal nonconforming use status applies to a building and land in combination, removal or destruction of the building shall eliminate the nonconforming status of the land in regard to structures, but not in regard to uses.

G. Lots of Record.

1. A lot of record is an exception to the legal nonconforming lot definition. A lot of record is a legal nonconforming lot that is treated as conforming.

2. Excepting the A-Agricultural District, in any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any lot(s) of record. This provision shall apply even though such lot fails to meet the requirements for area or lot width, or both, that are applicable in the district; provided, that other requirements including setbacks, access, floodplain, sanitary sewer facilities and water requirements are met. Any Legal Lot of Record which is to be served by a septic system and/or individual well shall be of a size and design to meet the minimum requirements of the Board of Health regulations for such septic systems and/or wells.[379]
3. In accordance with Chapter 8:2, building permits may be issued for lots of record without the parcel first being platted in accordance with said chapter.
4. If an application is filed to rezone or subdivide a lot of record, lot of record status is forfeited and said lot must thereafter conform to all applicable regulations of this Ordinance as of the date of approval of said application.

H. Strengthening unsafe structures. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official.

I. Change of ownership. There may be a change of ownership or management of any existing legal nonconforming uses of land, structures, or premises, and said legal nonconformity may continue provided there is no change in the nature or character of such legal nonconforming use or structure.

J. Accessory Use, Structure, Sign. No use, structure, or sign which is accessory to a principal legal nonconforming use or structure shall continue after such principal use or structure has ceased or been removed, unless the accessory portion conforms to all regulations of this Ordinance. This Subsection shall prevail over any other provisions of this Ordinance that may be interpreted to the contrary

K. Illegal Uses Remain Illegal. Passage of this Chapter in no way legalizes any illegal uses existing at the time of this Chapter's adoption.

[379] Ordinance 10-10-24-01

8:1.31 Enforcement and Penalties for Violation.

Violations of the provisions of this Chapter shall be enforced in accordance with Chapter 8:8 of this ordinance. Violation of the provisions of this chapter includes failure to comply with any of the requirements, failure to comply with a correction or corrective order, and violations of any other conditions and safeguards established in connection with grants of variances, permits, or applications.

8:2 Subdivision Regulations

First adopted and effective December 31, 1976 | Current version effective January 15, 2020.

8:2.1 Purpose. **204**
8:2.2 Name. **204**
8:2.3 Applicability to Agricultural Operations. **204**
8:2.4 Definitions. **204**
8:2.5 General Provisions. **209**
8:2.6 Plat Specifications. **214**
8:2.7 Subdivision Principles **218**
8:2.8 Subdivision Design Standards. **225**
8:2.9 Other Requirements and Legal Documentation. **233**
8:2.10 Enforcement and Penalties for Violation. **235**

8:2.1 Purpose.

It is the intent of this Chapter to ensure the orderly subdivision and development of land, to make certain that subdivision of land enhances the quality of life and does not negatively affect the health, safety, and welfare of the residents of Johnson County, and to ensure that subdivision of land makes efficient use of the limited land resources available in Johnson County.

8:2.2 Name.

Chapter 8:2 shall be known as and may be referred to as the "Subdivision Regulations."

8:2.3 Applicability to Agricultural Operations.

In accordance with Iowa Code Chapter 354, all property in the unincorporated areas of Johnson County is subject to state and local subdivision regulations. Exemption for agricultural operations does not extend to division of land.

8:2.4 Definitions.

For the purpose of interpreting and enforcing Chapter 8:2 of the Unified Development Ordinance, certain terms are hereby defined.

A. General Rules. There are general rules that apply to all definitions herein. Unless it is specifically stated otherwise, the following statements apply to all defined words:

1. Terms defined below which are used in the present tense shall also include the future tense.
2. Terms defined in the singular shall also apply to the plural.
3. Terms defined in the plural shall also apply to the singular.
4. The word "shall" is mandatory and not directory.
5. "This Chapter" shall refer to all regulations and standards in 8:2.
6. "Subsection" shall refer to a specific subsection within a chapter of the Unified Development Ordinance.
7. "This ordinance" shall refer to all ordinances within the Unified Development Ordinance.

8. The word “building” shall be interchangeable with the word “structure” and the word “structure” with the word “building”.
9. If a word or term used in this chapter, but not defined herein, is defined in another chapter of this ordinance, then that definition shall be used in the interpretation of this chapter.
10. To give this Chapter its most reasonable application, all other words and terms used in this chapter, but which are not defined by this ordinance, shall have their ordinary and common meaning.

B. Terms.

1. **Access Easement.** See “Easement, Access.”
2. **Administrative Officer.** See “Zoning Administrator.”
3. **Administrator, Zoning.** See “Zoning Administrator.”
4. **Applicant.** See “Subdivider.”
5. **Board.** The Board of Supervisors of Johnson County, Iowa.
6. **Boundary Line Adjustment.** An exception from the subdivision regulations, which allows the Zoning Administrator to approve a plat that transfers a small portion of land from one adjacent parcel to another.
7. **Chain Subdivision.** Subdivision of a previously subdivided property, which results in an increase to the number of lots. For regulatory purposes, the total number of lots created in the original subdivision and all subsequent subdivisions shall be considered**.**
8. **Collector Road.** See “Road, Collector.”
9. **Combined Plat.** See “Plat, Combined.”
10. **Commission.** The Planning and Zoning Commission of Johnson County, Iowa.
11. **Comprehensive Plan.** A plan for the development of Johnson County, adopted by the Board of Supervisors, pursuant to Chapter 335 of Iowa Code.
12. **Condominium Development.**
13. **County.** The government of Johnson County, Iowa.
14. **County Assessor.** The Office of the County Assessor of Johnson County, Iowa.
15. **County Auditor.** The Office of the County Auditor of Johnson County, Iowa.
16. **County Recorder.** The Office of the County Recorder of Johnson County, Iowa.
17. **Cul-de-Sac Turnaround.** See “Turnaround, Cul-de-Sac.”
18. **Dead End Road.** Any road is which one node terminates without connecting to another road.
19. **Dead End Road, Permanent.** A permanent dead end road that will not be extended in the future.
20. **Dead End Road, Temporary.** A dead end road that will be extended, and connect with other roads when adjacent properties are developed.

21. **Easement.** Authorization by a property owner for the use of a designated part of their property by another party, for a specified purpose.
22. **Easement, Access.** An easement that grants a party permission to cross over a portion of another party's property.
23. **Final Plat.** See "Plat, Final."
24. **Frontage.** The portion of a lot that directly abuts a subdivision road, secondary road, or state or US highway.
25. **Land Use Plan.** See "Comprehensive Plan."
26. **Local Road.** See "Road, Local."
27. **Marginal Access Road.** See "Road, Marginal Access."
28. **Outlot.** A parcel of land that is restricted in use, which in general, cannot be used for primary purposes as allowed in the district for which it is located. Outlot uses are restricted based on their classification.
29. **Outlot, Agricultural.** An outlot that is intended to be used for agricultural uses, is limited to those standards for the keeping of animals or animal husbandry in the district for which they are located.
30. **Outlot, Future Development.** An outlot that is intended for areas that are left undeveloped by a subdivision, but are intended to be developed in the future.
31. **Outlot, General.** An outlot that is intended to be used for property within a subdivision that does not have a specific purpose.
32. **Outlot, Infrastructure.** An outlot that is intended for the location of shared subdivision improvements, including roads, septic systems, stormwater management infrastructure, wells, and any other infrastructure that serves multiple buildable lots or outlots.
33. **Outlot, Open Space.** An outlot that is intended for portions of a subdivision that will remain undeveloped, but do not contain features appropriate in preservation outlots. Land to be included in open space outlots include, but are not limited to parks, pedestrian corridors, stormwater management facilities, recreation facilities, golf courses, and other undeveloped areas intended to be used by subdivision residents.
34. **Outlot, Preservation.** An outlot is intended for long term preservation of environmental amenities and sensitive areas. Uses shall be limited to maintenance of sensitive areas and general enjoyment.
35. **Parcel.** A lot or tract of land.
36. **Planning, Development and Sustainability Department.** The Office of the Planning, Development and Sustainability Department of Johnson County, Iowa.
37. **Plat.** A document, prepared by a surveyor licensed in the State of Iowa, which delineates property lines and shows monuments and other landmarks for the purpose of identifying property. For the purpose of this ordinance, it may be synonymous with the word subdivision.
38. **Plat, Combined.** A plat that combines the application and review processes for preliminary and final plats.

39. **Plat, Final.** A plat, with required certifications, which shows the exact location of lot lines and the installed location of all improvements. The final plat shall serve as the subdivision plan and shall be in compliance with the approved preliminary plat.
40. **Plat, Preliminary.** A tentative plat, including supporting data and information, indicating the proposed manner of layout and construction of a subdivision and its proposed improvements, which is submitted for consideration and approval by the Board of Supervisors.
41. **Preliminary Plat.** See "Plat, Preliminary."
42. **Public Health Department.** The Office of the Public Health Department of Johnson County, Iowa.
43. **Resubdivision.** The changing of a parcel or group of parcels which were platted in the past through the subdivision process.
44. **Right-of-Way.** The area where a right belongs to another party allowing them to pass over the land of another, usually with regards to a public or private road.
45. **Road.** That portion of a right of way available for vehicular travel.
46. **Road, Collector.** A road that provides moderate speed access to multiple buildable lots and that currently serves as, or will serve as, a through-traffic road.
47. **Road, Local.** A road that provides low speed access multiple buildable lots and does not serve as a primary through-traffic road.
48. **Road, Marginal Access.** A road that provides very low speed access to a limited number of residential lots.
49. **Road, Secondary.** A road, open to be used by the general public, which is maintained, managed, and operated by the Johnson County Secondary Roads Department.
50. **Road, Subdivision.** A privately maintained, managed, and operated road, which was platted as a part of a subdivision.
51. **Secondary Road.** See "Road, Secondary."
52. **Subdivider.** Any person, firm, corporation, partnership, association, trust, or other entity, who shall lay out, or cause to be laid out, for the purpose of transfer of ownership or building development, any subdivision or part thereof.
53. **Subdivision.** The division of land into separate lots or parcels for the purpose of transfer of ownership for building development.
54. **Subdivision Road.** See "Road, Subdivision."
55. **Supervisors.** See "Board."
56. **Turnaround, Cul-de-sac.** A circular shaped turnaround which allows motor vehicles to turn around without backing up, that is typically located at the termination of a road that does not intersect with another road.
57. **Unincorporated Area.** The portion of Johnson County land that is not within the limits of an incorporated municipality.

58. **Zoning Administrator.** The officer designated or appointed by the Board of Supervisors to administer and enforce the regulations contained in this chapter.

8:2.5 General Provisions.

A. Application of Regulations.

1. The provisions of these regulations shall apply to the division or combination of any lot or parcel of land in the unincorporated area of Johnson County including the subdivision of land within two (2) miles of any city.[380]

2. Such land that was entered of record in the office of the County Recorder as a single lot or parcel on December 31, 1976, that is subdivided into two or more lots or parcels of less than forty (40) acres, for the purpose, whether immediate or future, of transfer of ownership or building development, shall be subject to the platting and recording procedures and requirements prescribed herein.

B. Subdivision of Land within Jurisdictional Limits of Cities.

1. Any preliminary, final, or combined plat which is subject to these regulations and lies within the review area of any city that has adopted an ordinance establishing city review and approval under the authority of Iowa Code Chapter 354.9, shall be:

   a. Reviewed in accordance with the procedures outlined in Iowa Code Chapter 354.9; or

   b. If an applicable 28E agreement exists, shall be reviewed in accordance with procedures outlined and the standards set in the adopted agreement.

C. Recording of Final Plat or Subdivision.

1. All final plats, resubdivisions, and subdivisions within Johnson County, which are subject to these regulations, shall be held invalid until such time that such final plat or subdivision is reviewed and approved by all required bodies in accordance with these regulations.

2. No final plat, resubdivision, or subdivision, which is subject to these regulations, shall be filed by the County Auditor or recorded by the County Recorder until such time that such final plat or subdivision is reviewed and approved by all required bodies in accordance with these regulations.

3. All final plats, resubdivisions, and subdivisions within Johnson County, which are subject to these regulations, shall be held invalid until such time that such final plat is recorded by the owner, applicant, or subdivider in the offices of the County Recorder, County Auditor, and County Assessor.

4. All final plats, resubdivisions, and subdivisions within Johnson County, which are subject to these regulations, shall be held invalid if they are not recorded by the owner, applicant, or subdivider in the offices of the County Recorder, County Auditor, and County Assessor within one (1) year after the date of approval by the Board of Supervisors.

D. Public Dedication of Roads and Other Improvements. Unless a subdivision, road, or other facility has been approved in accordance with the provisions of these regulations and the road or other facility has been accepted by the Board of Supervisors as a public road or improvement:

1. No road hereafter created in the unincorporated area of Johnson County shall become a part of any road system as defined in Iowa Code Chapter 306.

---

[380] Ordinance 08-24-23-01

2. No improvement created in the unincorporated area of Johnson County shall become a public improvement.

3. No improvements shall be made by Johnson County, nor shall Johnson County incur any expense for maintenance or repair of roads or other facilities on land that has been subdivided after December 23, 2004.

E. Exemptions and Exceptions. The regulations in this chapter do not apply in the following circumstances:

1. Continuous Non-Residential Agricultural Use. Any parcel which has been in continuous non-residential agricultural use since December 31, 1976:

   a. Shall be exempt from the requirements of this Chapter, so long as the parcel remains used exclusively for non-residential agriculture.

   b. Any cessation of the non-residential agricultural use shall end the exemption. Once the exemption ends, unless the property was platted after December 31, 1976, in accordance with adopted subdivision regulations, no building permit may be issued for a primary structure until the property has been platted in accordance with this Chapter.

2. Continuous Residential Use. Any parcel which has been used or maintained continuously for residential purposes since December 31, 1976 and has not been platted after December 31, 1976 in accordance with adopted subdivision regulations:

   a. Shall be exempt from the requirements of this Chapter, and building permits may be issued to enlarge, alter, or reconstruct the dwelling; or construct, enlarge, alter, or reconstruct an accessory structure.

   b. The legal description or zoning classification of the parcel cannot be altered. Alteration of the legal description or zoning classification will end the exemption and require platting of the parcel.[381]

   c. Any cessation of the residential use for a period of more than one (1) year shall end the exemption. Once the exemption ends, unless the property was platted after December 31, 1976, in accordance with adopted subdivision regulation, no building permit may be issued for a primary structure until the property has been platted in accordance with this Chapter.[382]

3. Boundary Line Adjustment. A boundary line adjustment between two lots or parcels with a common boundary is exempt from the platting procedures of this section under the following conditions:

   a. The boundary line adjustment does not create a new lot or eliminate a preexisting lot.

   b. The aggregate receiving and sending acreage of all boundary line adjustments on any single buildable lot shall not exceed one (1) acre.

      i. Adding acreage to outlots is exempt from this restriction.

      ii. Adding acreage to parcels which have not been subdivided and are used for non-residential agricultural is exempt from this restriction.

[381] Ordinance 08-24-23-01
[382] Ordinance 08-24-23-01

c. A boundary line adjustment shall not be approved if any individual parcel has more than one (1) zoning classification after adjustment.

d. The owners of the common boundary submit a plat of survey prepared in accordance with Iowa Code Chapter 354.

e. The plat of survey shall be accompanied by 2 copies of the following deeds:

   i. A deed showing transfer of the Auditor's parcel from the sending parcel to the receiving parcel.

   ii. A deed showing the new combined description of the receiving parcel and the auditor's parcel.

f. The Plat of Survey is reviewed and approved by the following:

   i. Johnson County Public Health Department.

   ii. Johnson County Zoning Administrator.

   iii. Johnson County Secondary Roads Department (if applicable).

   iv. Utility Companies (if applicable).

g. The plat and associated deeds shall not be recorded in the Office of the County Recorder until the plat is endorsed by the Zoning Administrator.

h. The Zoning Administrator shall not endorse any application for boundary line adjustment until it has been reviewed and approved by all applicable agencies.

i. After review and approval by all applicable agencies and endorsement by the Zoning Administrator, the plat and associated deeds shall be recorded by the applicant in the Office of the County Recorder.

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. [383]

4. Development within the P-Public, RE-Renewable Energy, or SWDRR-Solid Waste Disposal and Resource Reclamation districts. At the discretion of the Zoning Administrator building permits may be issued to construct, enlarge, alter, or reconstruct any structure on property which has not been platted after December 31, 1976 in accordance with adopted subdivision regulations.[384]

5. Approved Conditional Use Permit. The Zoning Administrator may issue building permits for primary structures where the Board of Adjustment has approved a Conditional Use Permit on a property which has not been platted after December 31, 1976 in accordance with adopted subdivision regulations.[385]

F. Combined Plat Applications. Applications for a combined preliminary and final plat may be accepted by the Zoning Administrator for subdivisions that meet all of the following conditions. The plat shall contain all specifications required for final plat approval.

[383] Ordinance 07-22-21-01
[384] Ordinance 05-19-22-01
[385] Ordinance 08-24-23-01

1. The subdivision does not propose or require development-wide stormwater infrastructure, subdivision roads, or any other shared infrastructure. The subdivision may include shared wells or septic systems as outlined below.

2. The subdivision proposes wells or septic systems that are shared by no more than two (2) buildable lots.

3. The subdivision does not contain more than five (5) lots. Future Development Outlots and Preservation Outlots shall not count towards the total number of lots.[386]

G. Final Plat Approval. After approval of an application for preliminary plat by the Board, the subdivider may begin installation of improvements in accordance with the approved preliminary plat and the regulations of this ordinance.

1. Applications for final plat shall be prepared in accordance with the specifications and standards of this chapter and the approved preliminary plat.

2. Installation of Improvements. Prior to final plat submission, all shared improvements shall be installed at the subdivider, applicant, or owner's expense, in accordance with the regulations in this Chapter and the approved preliminary plat.

   a. If, at the time of final plat submission, the applicant has obtained written approval from the Johnson County Public Health Department to delay installation of some or all portions of the septic system infrastructure shown on the preliminary plat, an application for final plat may be submitted without as-built drawings or a performance guarantee for those portion of the septic system in accordance with said Public Health Department approval.[387]

   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 8:1.28(B)(12). [388]

3. Final Plat Timing. A completed application for final plat approval shall be submitted to the Zoning Administrator for review within two (2) years of preliminary plat approval, unless final platting is phased in accordance with phasing requirements.

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.

---

[386] Ordinance 08-24-23-01
[387] Ordinance 07-22-21-01
[388] Ordinance 07-22-21-01

c. A preliminary plat can be phased a maximum of five (5) years after approval of the preliminary plat.

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).

5. Preliminary Plat Expiration. Failure to meet any of the submission deadlines outlined above will result in expiration of all portions of the preliminary plat that have not been submitted for final platting.[389]

a. To proceed with final platting where an approved preliminary plat has expired but is within six (6) months of the expiration date, the preliminary plat may be reauthorized by a Resolution of the Board of Supervisors without having to be resubmitted and reapproved in accordance with this Chapter and Chapter 8:1.28.

b. To proceed with final platting where an approved preliminary plat is more than six (6) months past the preliminary plat expiration date and the Board of Supervisors has not issued an extension, the preliminary plat shall be resubmitted and reapproved by the Board in accordance with this Chapter and Chapter 8:1.28.

H. Vacation. Property owners may petition the Board for vacation of a plat or a portion of a plat in accordance with Iowa State Code. The Board may vacate roads or other public lands in accordance with Iowa State Code.

I. Modification of Regulations. The strict application of the principles and standards set forth in these regulations may be modified when a specified provision is found to create a substantial hardship due to physical characteristics peculiar to a parcel of land. Application shall be made to the Board of Adjustment in accordance with the standards set in Chapter 8:1.28, and reviewed in accordance with the standards set in Chapter 8:1.29. The Board may grant such modification if the spirit and intent of these regulations is not compromised.

[389] Ordinance 09-26-24-01

8:2.6 Plat Specifications.

The subdivider shall make application for preliminary, combined, and final plats in accordance with standards set in Chapter 8:1.28 and the polices set forth by the Zoning Administrator. The application shall include all other required documentation, including those required by this Chapter, the Environmental Standards 8:3, and any other requirements. The plat shall show information and be drawn to meet the standards set in the following subsections.

A. Preliminary Plat Specifications. Preliminary plats shall be drawn to the following standards and shall contain the following information:

1. The plat shall be prepared by a Land Surveyor licensed in the State of Iowa, and shall be stamped and signed prior to approval by the Board.
2. Sheet Size. The plat shall be drawn on a sheet no larger than eighteen (18) inches by twenty four (24) inches (18" x 24").
3. Scale. The plat shall have a graphic scale bar and be drawn to a scale no smaller than one (1) inch equals one hundred (100) feet (1" = 100').
4. Title Block. Stating the name of the subdivision and the type of plat that is being proposed (e.g. preliminary or final; subdivision, resubdivision, farmstead split, etc.).
5. Location Map. A map, not to scale, showing the location of the subdivision, its relationship to adjoining properties, and the common routes of access to the proposed subdivision.
6. Lot Dimensions. The plat shall show the proposed layout of the buildable lots, including dimensions, the area of each lot, the area of each lot excluding right-of-way, and the number of each lot in a consecutive order.
7. Outlot Dimensions. The plat shall show the proposed layout of the outlots, including dimensions, the area of each outlot, the area of each outlot excluding right-of-way, and letter of each outlot in a consecutive order, and the type of outlot each will be classified as.
8. Access. The location, width, and other dimensions of all existing and proposed accesses to public roads and all proposed access easements on the property shall be shown on the plat.
9. Roads. The location, width, and name of all new roads shall be shown on the plat if applicable.
10. Utilities. The location of all existing and proposed water mains, wells, sanitary sewer mains, stormwater infrastructure, any other proposed improvements, including proposed septic system locations, and all associated easements shall be shown on the plat.[390]
11. Easements. The proposed location of all easements, including their proposed purpose.
    a. At the Zoning Administrator's discretion, easements for future private infrastructure serving no more than one (1) buildable lot may be excluded from the plat at the time of approval. The legal description of such easements shall be established and recorded by the lot owner(s) prior to issuance of a permanent Certificate of Occupancy for any structure(s) on the proposed lot(s).[391]

[390] Ordinance 08-24-23-01
[391] Ordinance 08-24-23-01

12. Structures. The location, type and setback distance of all structures over one hundred (100) square feet shall be shown on the plat.
13. Existing Conditions. The location of existing lot lines and road lines that are within, intersecting or adjacent to the subdivision.
14. The plat shall also include the following information:
    a. The total acreage and the legal description of the proposed subdivision.
    b. The name and address of the owner, the subdivider, and the person and/or firm preparing the plat.
    c. North Arrow.
    d. Date.
    e. For plats with shared infrastructure, existing and proposed contours at intervals of no larger than ten (10) feet.
    f. When revisions are necessary during the review process, the plat shall note the version and date of the revision.
15. Notes. Notes shall be included on the plat which indicate other pertinent information and where to find details. Notes that may be required include, but are not limited to, the presence of special flood hazard areas and sensitive areas, restrictions on the location or type development allowed, and/or other permitting that may be required prior to property development.
16. Other Documentation. At surveyor's discretion, other documentation can be located on secondary sheets that do not need to be stamped by a Land Surveyor licensed in the State of Iowa. When applicable, secondary sheets shall show the location of proposed lot lines, infrastructure, and other improvements.
    a. The location of all sensitive areas and required buffers.
    b. A soils map, indicating soil types and location, as shown on the operational soils map prepared by the USDA, Natural Resource Conservation Service. The soils map shall clearly denote the presence of excessive slopes or soils at risk for cutbank caving, as defined by section 8:2.7(G). If unstable landforms are present, a plan for onsite protection, in accordance with section 8:2.7(G), shall be submitted with the plat.
    c. The location of the Special Flood Hazard Area, if applicable.
    d. The design of all subdivision roads including a cross section and vertical grade. The design of all subdivision roads shall be certified by a licensed Professional Engineer.

B. Final Plat Specifications. Final plats should substantially conform to the approved preliminary plat, be drawn to the following standards, and shall contain the information outlined in this section. At the Zoning Administrator's discretion, a final plat may be submitted which differs from an approved preliminary plat. Said final plat application may be reviewed by the Board of Supervisors without requiring a new public hearing and review by the Planning and Zoning Commission.[392]

[392] Ordinance 08-24-23-01

1. The plat shall be prepared by a Land Surveyor licensed in the State of Iowa, and shall be stamped and signed prior to approval by the Board.
2. Sheet Size. The plat shall be drawn on a sheet no larger than eighteen (18) inches by twenty four (24) inches (18" x 24").
3. Scale. The plat shall have a graphic scale bar and be drawn to a scale no smaller than one (1) inch equals one hundred (100) feet (1" = 100').
4. Title Block. Stating the name of the subdivision and the type of plat that is being proposed (e.g. preliminary or final; subdivision, resubdivision, farmstead split, etc.).
5. Location Map. A map, not to scale, showing the location of the subdivision, its relationship to adjoining properties, and the common routes of access to the proposed subdivision.
6. Lot Dimensions. The plat shall show the exact layout of the buildable lots, including accurate dimensions, both linear and angular, the accurate area of each lot, the accurate area of each lot excluding right-of-way, and the number of each lot in a consecutive order.
7. Outlot Dimensions. The plat shall show the exact layout of the outlots, including accurate dimensions, both linear and angular, the accurate area of each outlot, the accurate area of each outlot excluding right-of-way, and letter of each outlot in a consecutive order, and the type of outlot each will be classified as.
8. Access. The accurate location, width, and other dimensions of all existing and proposed accesses to public roads and all proposed access easements on the property shall be shown on the plat.
9. Roads. The accurate location, width, name, and dimensions, both linear and angular of all new roads shall be shown on the plat if applicable.
10. Easements. The proposed location and dimensions, both linear and angular, of all easements, including their purpose.
    a. At the Zoning Administrator's discretion, easements for future private infrastructure serving no more than one (1) buildable lot may be excluded from the plat at the time of approval. The legal description of such easements shall be established and recorded by the lot owner(s) prior to issuance of a permanent Certificate of Occupancy for any structure(s) on the proposed lot(s).[393]
11. Dedication Areas. The accurate location, outlines, and dimensions, both linear and angular, of all property which is offered for dedication for public use.
12. Structures. The location, type and setback distance of all structures over one hundred (100) square feet be shown on the plat.[394]
13. Adjacent Property. The names of all adjacent property owners and the names and outer boundaries of adjoining subdivision as officially recorded.
14. Monuments. The description and location of all monuments and markers set within the subdivision with accurate reference to permanent monuments including the bearing and distance to a United States Public Land Survey Corner.

[393] Ordinance 08-24-23-01
[394] Ordinance 07-22-21-01

15. The plat shall also include the following information:
    a. The total acreage and the legal description of the proposed subdivision.
    b. The name and address of the owner, the subdivider, and the person and/or firm preparing the plat.
    c. North Arrow.
    d. Date.
    e. When revisions are necessary during the review process, the plat shall note the version and date of the revision.
16. Other Documentation. If applicable, the following documentation shall be included with the final plat submission:
    a. Legal Documentation. All documents as required by Iowa State Code and section 8:2.9.
    b. As-Builts. Documentation showing the exact location and actual specifications of all shared infrastructure installed in accordance with the approved preliminary plat.
    c. Sensitive Areas. In accordance with Chapter 8:3, an exhibit showing the location of all sensitive areas and required buffers, location of any proposed impact, and any other applicable information.

8:2.7 Subdivision Principles.

The following principles apply to approval of all applications for subdivision. Approval of preliminary plats and final plats shall be predicated on the conformance of such plats with the provisions of this article and all other requirements of the subdivision regulations.

A. Provisions Held to be Minimum Requirements. Unless specifically stated otherwise, all principles herein are minimum requirements and no subdivision shall be approved by the Board of Supervisors unless it is consistent with this subsection.

B. Conformance to the Comprehensive Plan. The Board may refuse to approve any applications for subdivision that do not comply with the goals in the Comprehensive Plan. All subdivisions shall adhere to the goals and preferred development style as identified in the Comprehensive Plan.

C. Conformance to Chapter 8:1 Zoning Regulations.

1. The Board shall not approve any preliminary, combined, or final plat, which does not comply with lot size, width, use, or any other provisions in Chapter 8:1.
2. The Board shall not approve a preliminary, combined, or final plat that has more than one (1) zoning designation per lot or outlot.
3. Where an application to subdivide includes any part of a lot or outlot shown on a previously recorded plat, the entirety of those same previously platted lot(s) shall be included within in the new subdivision boundary.[395]

D. Conformance to Ordinances and Regulations of the Board of Health.

1. The Board may refuse to approve any preliminary plat for subdivisions which are proposed to include improvements or facilities that are subject to regulations by the Johnson County Board of Health unless such improvements or facilities have been approved by the Johnson County Public Health Department.
2. The Board of Supervisors shall not approve any plat that proposes sewage disposal systems that violate the septic density requirements as adopted in the Regulations of the Board of Health.

E. Conformance to Other County Regulations. The Board may refuse to approve any preliminary, combined, or final plat that does not comply with all other regulations in the Johnson County Code of Ordinances or other adopted departmental policies.

F. Environmental Standards. The Board shall not approve any preliminary, combined, or final plat that does not comply with all applicable regulations located in Chapters 8:3 and 8:4.

1. All plats shall comply with the Sensitive Areas Regulations.[396]
2. A Stormwater Management Plan shall be submitted and approved prior to plat approval.
3. A Soil Erosion and Sediment Control Plan shall be submitted and approved prior to plat approval.[397]
4. All plats shall comply with Floodplain Management Regulations in Chapter 8:4.

---

[395] Ordinance 09-26-24-01
[396] Ordinance 08-03-23-02
[397] Ordinance 08-03-23-02

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. 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).[398]

    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.[399]

2. Unstable Landforms. The Board may refuse to approve any subdivision in which the development design does not protect from excessive erosion, landslides or slumps, offsite delivery of sediment, or any other hazard as a result of unstable lands.

    a. Unstable landforms are soils with excessive slopes or those with high sand content, which have a tendency to slide or collapse after excavation. Lands with fifteen (15) percent slope or greater (soil types E, F, or G) are considered to be excessive slopes. Soils with high sand content and significant slopes (41C, 41D, 63C, 110C, 110E, 175C, 285C, 293C, 293C2, 293D, 293D2, 352C2) are considered to be at risk for cutbank caving.

    b. All subdivisions shall adhere to one of the two following protection methods for unstable landforms:

        i. The design of the subdivision avoids impacting unstable landforms and doesn't create any slopes greater than fifteen (15) percent grade.

        ii. If impact to unstable landforms is proposed or the grading plan will create slopes in excess of fifteen (15) percent, then the application for preliminary, combined, or final plat shall include a plan addressing the following:

            a) Building Envelope. All land disturbance, including, but not limited to, structures, access roads or drives, utilities, and septic systems, shall be located within a delineated building envelope. The envelope shall be shown on construction plans and marked on site.

            b) Design Requirements. The subdivision and the location of all structures, access roads or drives, utilities, and septic systems shall be designed in a manner to minimize cutting, filling, and disturbance of unstable landforms and the creation of excessive slopes.

---

[398] Ordinance 07-22-21-01
[399] Ordinance 07-22-21-01

c) Vegetation Protection. Existing vegetation shall be maintained to the maximum extent possible, and a plan for post construction vegetation shall be submitted and implemented in accordance with Chapter 8:3.7.

3. Other Unsuitable Conditions. If the Board finds that other conditions are present which make the land unsuitable for subdivision, it may refuse to approve the subdivision or place special conditions on approval of the preliminary or combined plat which require the subdivider to remedy the unsuitable conditions prior to final plat review and approval. Property may be found unsuitable if any of the following exist:

   a. The property cannot reasonably be developed for the purposes allowed in the zone for which it is located.

   b. The subdivision design proposes buildable lots that cannot be reasonably developed in compliance with the zone for which it is located.

   c. Circumstances exist that may impede the provision of safe drinking water, waste treatment, any other necessary facilities, or may threaten the health, safety, or welfare of future residents of the subdivision or the residents of Johnson County.

   d. Other conditions exist, including, but not limited to, ponding, poor or inadequate drainage, adverse soil conditions, geological formations or topography, that are likely to be harmful to the health, safety, or welfare of the future residents of the subdivision or the residents of Johnson County.

   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.[400]

H. Dedication of Additional Right-Of-Way.

1. Subdivisions which are contiguous to secondary roads that are likely to be improved in the foreseeable future shall dedicate additional right-of-way to the County, through execution of an appropriate permanent roadway easement.

   a. Roads requiring right-of-way dedication and the amount of right-of-way to be dedicated can be found on the Projected Right-of-Way Needs Map, which is adopted annually and based on the Five-Year Construction Plan and the Future Projects List.

   b. If the amount of right-of-way dedicated at the time of final platting is, at a later date, determined by the Johnson County Engineer to be insufficient for the necessary improvement, the County shall purchase or condemn any necessary additional right-of-way from the owner.

2. Private Improvements in the Additional Right-Of-Way. If private improvements are located in the additional right-of-way, the owner shall enter into an agreement with the County, agreeing that the improvements will be abated at the owner's expense, within a reasonable time, if given notice by the County. The agreement shall run with the land and be binding on the parties, heirs, and assigns.

I. Outlot Classification and Outlot Permitted Uses.

[400] Ordinance 07-22-21-01

1. All outlots shall be classified into one specific outlot type and shall be used only for those uses allowed in the zone for which they are located and shall be limited by the outlot permitted uses listed below:
    a. Agricultural Outlot. Intended to be used for agricultural uses in Chapter 8:1, but shall be limited to those standards for the keeping of animals or animal husbandry in the district for which they are located.
    b. Future Development Outlot. Intended for areas that are left undeveloped by the current subdivision, but are intended to be developed in the future. Future development outlots shall be designed in such a way that will allow them to be developed in accordance with this Chapter and the zone for which it is located.
    c. General Outlot. Intended to be used for outlots that do not have a specific purpose. If an outlot use fits into another outlot classification, it shall be classified as such.
    d. Infrastructure Outlot. Intended for the location and shared maintenance of shared infrastructure, including roads, septic systems, stormwater management infrastructure, wells, and any other infrastructure that serves multiple buildable lots or outlots. Shared roads, septic systems, and wells shall be located in an infrastructure outlot.
    e. Open Space Outlot. Intended for portions of a subdivision that will remain undeveloped, but do not contain features appropriate in preservation outlots. Land to be included in open space outlots include, but are not limited to parks, pedestrian corridors, stormwater management facilities, recreation facilities, golf courses, and other undeveloped areas intended to be used by subdivision residents.
    f. Preservation Outlot. Intended for the long term preservation of environmental amenities and sensitive areas. Uses shall be limited to maintenance of sensitive areas and general enjoyment. Impact to sensitive areas contained in preservation outlots is prohibited. A covenant shall be placed on the title of the property which protects and preserves the environmental amenities in perpetuity.
2. Outlots platted prior to the adoption of this ordinance shall be classified based on their current use or the use as intended at the time of platting.

J. Road Performance Standards. No land shall be subdivided that is located on a road that is insufficient for the proposed development. Road sufficiency shall be determined using the Road Performance Standards herein. The Board shall not approve subdivisions that violate the standards below.

1. This subsection contains road limits, and sets the standards for road system analysis. Applications for preliminary and combined plats shall be evaluated in accordance with this subsection.
2. The Board shall not approve any subdivision that is accessed off of a Service Level B or Service Level C road.[401]
3. Projected Traffic Limits. All residential subdivisions shall comply with the following standards which depend on the surface type of secondary road from which they are accessed.
    a. Service Level A Roads. Subdivisions shall not be approved on Service Level A roads where the projected vehicles per day exceed the following limits:

[401] Ordinance 08-24-23-01

Surface Type	Posted Speed Limit (mph)	Projected Vehicles Per Day Limit
Crushed Rock or Gravel	Any	400
Oiled Chip Seal	55 or greater	2,500
	Less than 55	3,000
Paved	Any	No Limit

4. Determining the Study Area. The primary road of study shall be the first secondary road that is accessed via the property proposed for subdivision.

   a. Road Segment. Shall be the continuous segment of one or more secondary roads, which contains the property to be subdivided, between the two nearest intersections with paved roads. For the purpose of this subsection, the two points at which the road segment intersects with paved roads shall be referred to as a node.

      i. If one end of the secondary road system, terminates without intersecting with a paved road, the node shall be the road's termination point.

   b. Node-to-Node Analysis. If the road segment is one (1) mile or less; the property to be subdivided is accessed in the middle thirty (30) percent of the road segment; or the road segment terminates without intersecting with a paved road, the entire length of the road segment shall be evaluated. Node-to-node analysis shall follow the following standards:

      i. The entire road segment shall be split into two (2) road sections, either at the midpoint of the road segment or at the natural breaking point where the majority of the traffic will travel one direction or the other.

      ii. Each road section shall be evaluated separately, and projected trips from vacant and buildable lots shall be assigned to the road section it originates on.

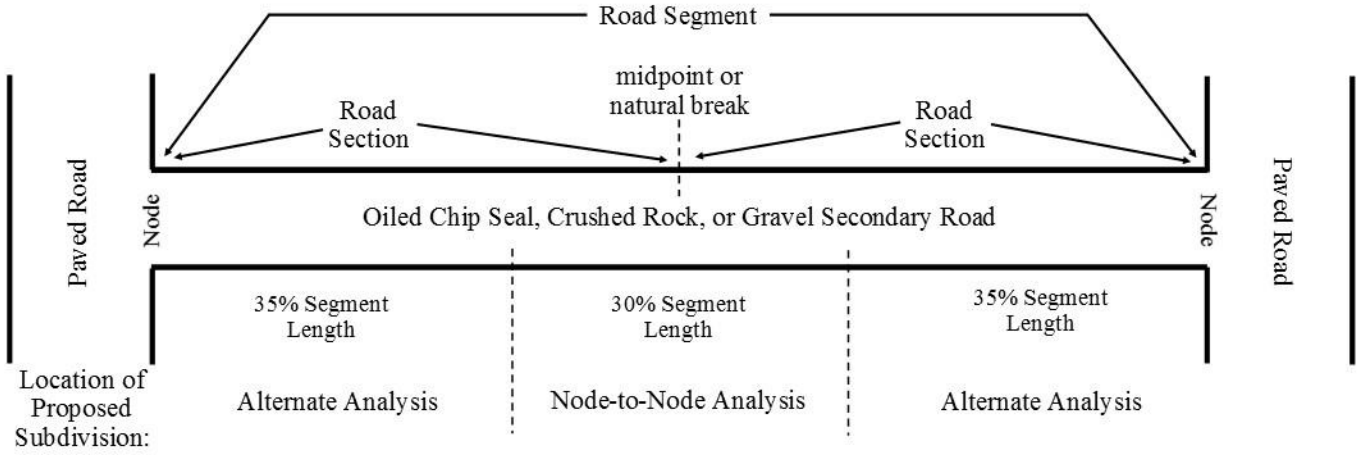
      iii. Projected trips from the proposed subdivision shall be assigned based on the subdivision's location along the road segment, calculation details are described in subsection 8:2.7(J)(4).

      iv. If the road segment terminates without intersecting a paved road, all trips are assumed to travel towards the paved road.

   c. Alternate Analysis. If the road segment is longer than one (1) mile and the property to be subdivided is located in within thirty five (35) percent of the length of the entire segment from a paved road, the area to be evaluated shall be:

      i. The road section containing the property to be subdivided, between the node and the midpoint of the segment; or

      ii. The road section containing the property to be subdivided, between the node and the natural breaking point where the majority of the traffic will travel one direction.



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:

   a. Formula. The following formula shall be used to calculate projected vehicles per day. Details on calculation of each variable are located below.[402]

$$\textit{Project Vehicles per Day} = \textit{Traffic Count} + \left(\textit{Platted and Vacant Lots} \times 10\right) + \left(\textit{Proposed Buildable Lots} \times 10\right)$$

   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.

      i. Node-to-Node Analysis. The highest traffic count in each section shall be used.

      ii. Alternate Analysis. The highest traffic count in the study area shall be used.

   c. Platted and Vacant Lots. The estimated number of vehicle trips that would be produced if the existing, vacant, and buildable lots, which are accessed along the study area, are developed for the purposes allowed in the zone for which they are located. Each new dwelling unit is assumed to create ten (10) vehicle trips per day.[403]

      i. Node-to-Node Analysis. Projected trips from platted and vacant lots shall be assigned to the road section they are accessed from.

      ii. Alternate Analysis. Projected trips from all platted and vacant lots shall be assigned to the study area.

   d. Proposed Buildable Lots. The estimated number of vehicle trips that will be produced from full development of the proposed subdivision. Each new dwelling unit is assumed to create ten (10) vehicle trips per day.[404]

---

[402] Ordinance 08-24-23-01 (applies to changes in the formula shown in subsection 5.a)
[403] Ordinance 08-24-23-01
[404] Ordinance 08-24-23-01

i. Node-to-Node Analysis. Projected trips from all proposed buildable lots shall be assigned to road sections based on the location of the proposed subdivision along the road segment. The percentage of projected trips assigned to each road section shall be calculated using the following formula:[405]

$$\textit{Trips assigned to Road Section} = \left(\textit{Proposed Buildable Lots} \times 10 \right) \times \left(1 - \frac{\textit{Distance from Subdivision to Node}}{\textit{Length of Road Segment}} \right)$$

ii. Alternate Analysis. Projected trips from all proposed buildable lots shall be assigned to the study area.

6. If a subdivision is found to violate Road Performance Standards, the subdivider may have a licensed engineer produce a traffic study, indicating the volume of traffic that will be created and the direction of travel, for the Board to consider with the application. If the analysis clearly shows that approval of a proposed subdivision will not overburden the existing road system, the Board may waive the standards set in this subsection.

7. Exemptions. The following subdivisions are exempt from the Road Performance Standards in this section with the exception of the standards listed in subsection 8:2.7.J.1A: [406]

   a. Farmstead Splits.

   b. Subdivisions in the A and SF districts that propose no more than one (1) buildable lot.

   c. Subdivisions or resubdivisions that decrease the number of buildable lots or that do not create additional buildable lots.

[405] Ordinance 08-24-23-01 (applies to changes in the formula shown in subsection 5.d.i)
[406] Ordinance 08-24-23-01

8:2.8 Subdivision Design Standards.

The following design standards apply to approval of all applications for subdivision. Approval of preliminary plats and final plats shall be predicated on the conformance of such plats with the provisions of this article and all other requirements of the subdivision regulations.

A. Provisions Held to be Minimum Requirements. Unless specifically stated otherwise, all standards herein are minimum requirements and no subdivision shall be approved by the Board of Supervisors unless it is consistent with this subsection.

B. Naming Principles.

1. Subdivision Naming Principles.
    a. Subdivision names shall be unique from all other subdivisions in unincorporated Johnson County and be sufficiently different in sound and spelling so as not to be confusing.
    b. There shall be no abbreviations, initials, apostrophes, hyphen, or periods in the subdivision name.
    c. Subdivisions with phased final platting shall continue the original name as multiple parts.
2. Private Road Naming Principles.
    a. Private road names shall be unique to all other road names in unincorporated Johnson County and be sufficiently different in sound and spelling so as not to be confusing.
    b. All individual roads shall have unique names.
    c. Private roads that are continuation of existing private roads shall bear the same name.
    d. Private road names shall include the appropriate locational indicator:
        i. North of Interstate 80 and west of Interstate 380: NW
        ii. North of Interstate 80 and east of Interstate 380: NE
        iii. South of Interstate 80 and east of Highway 218: SE
        iv. South of Interstate 80 and west of Highway 218: SW
    e. There shall be no abbreviations, initials, apostrophes, hyphen, or periods in the road name.
    f. Road names shall not exceed fifteen (15) characters, including spaces, not including locational indicator or suffix.[407]

C. Lot and Outlot Design Standards.

1. General Standards.
    a. All buildable lots shall comply with the bulk standards for the district for which they are located.
    b. Flagpole lots are permitted, provided that they meet the following standards:

[407] Ordinance 08-24-23-01

i. The pole portion of all flagpole lots and outlots shall maintain no less then forty (40) feet in width for the entirety of its length.

2. Access and Frontage. All lots and outlots shall be provided access to a public or private road which meets current Subdivision Road Design Standards in accordance with this subsection. Where access is provided through an access easement in lieu of dedicated frontage, a perpetual access easement shall be shown on the final plat and an associated access easement agreement shall be recorded with the legal documents of the subdivision. Said easement shall also comply with the requirements of subsection 8:2.8.D.5. [408]

a. Buildable Lots: Shall have at minimum either forty (40) feet of frontage or be granted access though a forty (40) foot wide access easement shown on the final plat.

b. Future Development Outlots: Shall have at minimum sixty six (66) feet of frontage onto a public or private road.

c. General Outlots: Shall have at minimum either forty (40) feet of frontage or be granted access though a forty (40) foot wide access easement shown on the final plat.

d. Agricultural, Infrastructure, Open Space, and Preservation Outlots: Shall have at minimum either twenty five (25) feet of frontage or be granted access though a twenty five (25) foot wide access easement shown on the final plat.

e. At the discretion of the Board, newly platted lots and outlots may be approved which access existing private roads that do not meet the current Subdivision Road Design Standards if the applicant can demonstrate that there will be adequate access for emergency vehicles. This provision to waive requirements shall only be allowed where said existing platted road was constructed prior to the effective date of this Ordinance.

D. Subdivision Road Design Standards. All subdivision roads shall be constructed and installed to meet the following minimum design standards.

1. All lots shall have an approved access prior to approval of the subdivision. Access shall be either directly onto the lot from a subdivision road or a public road, or via an access easement.

2. Adjoining Properties. Road patterns shall provide connectivity between neighboring developments and take into consideration the access necessary to develop adjacent properties.

a. Roads shall be platted and stubbed out to provide and allow access and future connection to all developable adjacent properties.

i. The subdivider shall design the location of the proposed future connections to adjacent properties that will allow appropriate and reasonable road design on such adjacent properties.

ii. The subdivider shall construct the road to the property line.[409]

[408] Ordinance 09-26-24-01 (added access and frontage requirements of subsection C.2)
[409] Ordinance 08-24-23-01

b. Road easements allowing access across the proposed road system to adjacent properties and future developments shall be provided and maintained. The easement shall be binding upon the parties, heirs, and assigns and shall run with the land.

c. If adjacent road systems are stubbed out to a property being developed, that development's road system shall connect into the adjacent road system.

3. Dead End Roads. For the purpose of this ordinance, any subdivision road segment that has a node that does not connect with another road at the time of platting is considered a dead-end-road.[410]

   a. Permanent dead-end subdivision roads shall only be allowed when justified by one of the following circumstances:

      i. Topographic features make connection infeasible, connection will create undue impact to sensitive areas, or other site features do not allow road extension to adjacent properties.

      ii. Ownership of adjacent properties precludes them from future development.

      iii. As a part of a subdivision road system which otherwise adheres to all other standards set in this subsection and complies with the connectivity goals in the Comprehensive Plan.

      iv. When a road is platted to serve limited single family development in an A district.

   b. Permanent dead-end subdivision roads shall meet the following standards:

      i. In the A District, private dead-end subdivision roads shall not exceed one thousand four hundred (1,400) feet in length and shall not serve more than one (1) dwelling unit.

      ii. In all other Districts, private dead-end subdivision roads shall not exceed one thousand (1,000) feet in length and shall not serve more than twenty (20) dwelling units.

      iii. At the discretion of the Board, subdivision roads may be exempted from the maximum length or the maximum number of dwelling units served if the subdivider can demonstrate that there will be adequate access for emergency vehicles and that the development design complies with the connectivity goals in the Comprehensive Plan.

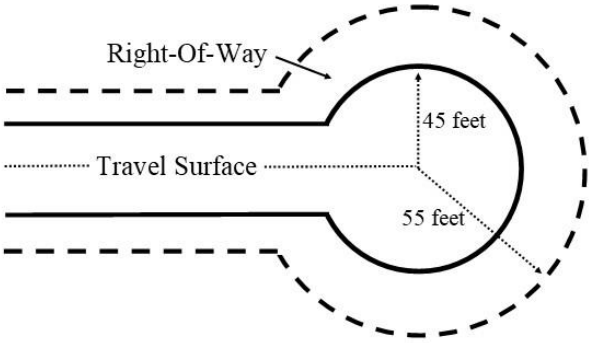
      iv. Shall have a cul-de-sac turnaround with a travel surface that has minimum diameter of ninety (90) feet and a right-of-way bulb with a minimum diameter of one hundred and ten (110) feet.

   c. Temporary dead end subdivision roads shall meet the following standards:

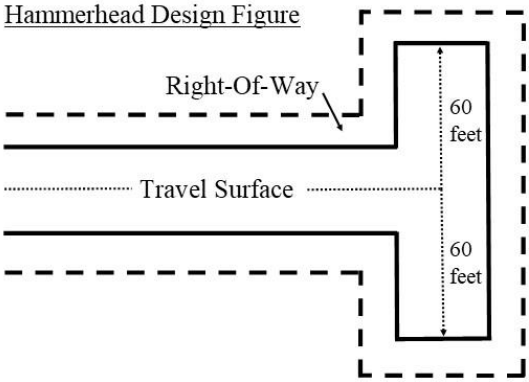
      i. All temporary dead end roads, which will be extended when adjacent properties develop, shall have a temporary cul-de-sac turnaround with a travel surface that has a minimum diameter of ninety (90) feet and a right-of-way bulb with a minimum diameter of one hundred and ten (110) feet or a hammerhead turnaround that matches the width of the private road and has a minimum length of 120 feet.[411, 412]

[410] Ordinance 08-24-23-01
[411] Ordinance 07-22-21-01
[412] Ordinance 08-24-23-01 (applies to the graphic in subsection in subsection c.i)

Cul-de-Sac Design Figure



Hammerhead Design Figure



4. General Subdivision Road Standards.
   a. No more than two (2) roads may intersect at the same location.
   b. The angle between two intersecting roads shall be between eighty (80) and one hundred (100) degrees.
   c. The travel surface radius at the intersection between two roads shall not be less than twenty four (24) feet for residential roads and fifty (50) feet for commercial and industrial roads.
5. Access Classification and Design Standards. Subdivision roads shall be classified into one of the following road classifications based on service level and type of traffic that travel the road.
   a. Access Easement. Up to two (2) buildable lots can be accessed via a shared access easement. Unless infeasible, a subdivision with three (3) or more buildable lots shall provide access through platting of a subdivision road. Access easement shall be a minimum of forty (40) feet wide.
   b. Marginal Access Road. A subdivision road that provides very low speed access to no more than six (6) buildable lots. Marginal access roads are allowed for residential subdivisions only, and shall not be allowed in instances where future development will result in road extension.[413]
   c. Local Subdivision Road. A subdivision road that provides low speed access to more than six (6) buildable lots and does not serve as a primary through-traffic road.
   d. Subdivision Collector Road. A subdivision road that provides moderate speed access to more than six (6) buildable lots and that currently serves as, or will serve as, a through-traffic road.

[413] Ordinance 08-24-23-01

e. Residential Subdivision Roads Design Standards. All subdivision roads that primarily serve residential uses shall meet the following design standards:

Classification	ROW Width (feet)	Travel Surface Width* (feet)	Maximum Vertical Grade	Maximum Ditch Grade **	Minimum Surface Type
Marginal Access	40	21	15%	3:1	3" Class A crushed rock
Local Road	50	24	12%	3:1	Oil Chip Seal
Collector Road	66	26	10%	3:1	Oil Chip Seal

* Adapted for the purpose of this Ordinance from Iowa SUDAS, Chapter 5 – Roadway Design, 2018 Edition
** Where it is infeasible or impractical to achieve the maximum ditch grade standards listed, the maximum grades may be exceeded if the developer installs guardrails that meet all applicable state and federal safety standards adjacent to the areas exceeding the maximum listed grades.[414]

f. Commercial and Industrial Subdivision Road Design Standards. All subdivision roads that primarily serve commercial and industrial uses shall meet the following design standards:

Classification	ROW Width (feet)	Travel Surface Width* (feet)	Maximum Vertical Grade	Maximum Ditch Grade**	Minimum Surface Type
Local Road	60	26	10%	3:1	Paved
Collector Road	66	30	10%	3:1	Paved

* Adapted for the purpose of this Ordinance from Iowa SUDAS, Chapter 5 – Roadway Design, 2018 Edition
** Where it is infeasible or impractical to achieve the maximum ditch grade standards listed, the maximum grades may be exceeded if the developer installs guardrails that meet all applicable state and federal safety standards adjacent to the areas exceeding the maximum listed grades.[415]

g. All subdivision roads that do not fit into one of the above classifications shall be constructed in accordance with standards set by the Iowa Statewide Urban Design and Specifications Manual (SUDAS).

6. Subdivision Entrances to Secondary Roads. All entrances from subdivision to secondary roads shall be constructed and maintained by the subdivider or owner, to Johnson County specifications without cost to the county.

   a. Entrances to secondary roads which will, in the judgment of the County Engineer, tend to generate access movement in excess of five hundred (500) vehicles per day, the Board may require the developer to provide acceleration lanes, turning lanes, or additional turning radius.

   b. The Board of Supervisors may refuse to approve plats and subdivisions which propose highway entrances that unnecessarily diminish the intended safety or traffic capacity of secondary roads.

E. Provision of Potable Water.

1. Potable water shall be provided in accordance with Johnson County Public Health Department Regulations.

[414] Ordinance 09-26-24-01
[415] Ordinance 09-26-24-01

2. The subdivider shall demonstrate that all potable water supplies in residential subdivisions of four (4) or more buildable lots as shown on either the preliminary or combined plat are safe for human consumption at the time of final platting by one of the following methods:[416]

    a. All lots are served by a DNR regulated Public Water Supply; or

    b. The subdivider shall have a test completed in accordance with DNR Public Well testing protocol for Community Systems (CWS) as defined in Iowa Administrative Code 567 – Chapter 41 and provide the results for each private well on site prior to final plat approval.[417]

        i. If the test demonstrates that no unsafe level of contaminants exist, no other remedy is necessary.

        ii. If the test demonstrates that unsafe levels of contaminants exist, the subdivider shall provide a plan for treatment, either at the well house or in individual dwellings. The plan for treatment shall be reviewed and approved by the Johnson County Public Health Department.

            a) The subdivider shall document the treatment plan on the plat and in the legal documents which are recorded with the plat, including the subdivider's agreement.

    c. All buildable lots created after the adoption of this ordinance in residential chain subdivisions shall be included to determine well testing requirements.[418]

F. Multiple Family Dwellings. As a part of a development plan in the AR, RC, and RS District, up to fifty (50) percent of dwelling units can be multiple family dwelling units. Multiple family dwellings can be either zero lot line development or condominium style development.

G. Bonuses. Residential subdivisions in the AR, RS, and RM districts may be eligible for bonuses.

1. Density Bonuses. Subdivisions in the AR, RS, and RM districts may qualify for additional density if they meet certain standards.

    a. If fifty (50) percent of the subdivision is placed into outlots for open space, agriculture, preservation, or infrastructure, not including roads, the subdivision may contain twenty five (25) percent more dwelling units than are allowed in the district for which the property is located.

2. Lot Size Bonuses. Subdivisions in the R district, which propose ten (10) or more buildable lots, may be eligible for lots larger than otherwise allowed in the R district, if they meet any of the following:

    a. Limited Lot Sizes. If the majority of the dwelling units in a subdivision are on lots that match the preferred density as outlined in the Comprehensive Plan (1 acre per dwelling or denser), a portion of the remaining lots may exceed the maximum lot size. To qualify, the subdivision, shall meet the following standards:

        i. If at least fifty (50) percent of the total dwelling units are located on lots with one (1) acre per dwelling or less; then

---

[416] Ordinance 08-24-23-01
[417] Ordinance 08-24-23-01
[418] Ordinance 08-24-23-01

ii. Twenty (20) percent of the total dwelling units may be located on lots between two (2) and five (5) acres (2 – 5 acres).

b. Preservation or Restoration of Sensitive Areas. If the subdivider goes beyond the requirements of the Sensitive Areas Ordinance by proposing no impact to the sensitive areas on site and/or provides restoration of sensitive areas, a portion of the buildable lots may exceed the maximum lot size. In all cases below, the subdivision shall not propose to impact any existing sensitive areas. To qualify, the subdivision shall meet one of the following criteria:

i. Sensitive Areas Preservation. If all sensitive areas on site, including the required buffer area, equal or exceed twenty five (25) percent of the total property, and the subdivider places all sensitive areas, including buffer, into preservation outlots, then twenty (20) percent of buildable lots may be between two (2) and five (5) acres (2 – 5 acres).

a) All preserved areas, including required buffer areas, shall be placed into a preservation outlot.

b) A maintenance plan shall be developed by a qualified professional and implemented by the subdivider and future landowners.

ii. Sensitive Areas Restoration or Creation. If the subdivider restores or creates prairie, savanna, wetlands, woodland, and/or proposes stream enhancement and/or restoration, then the subdivision may be eligible for a lot-size bonus. If the restoration and/or creation area, including buffers, totals twenty five (25) percent of the property, then twenty (20) percent of buildable lots may be between two (2) and five (5) acres (2 – 5 acres).

a) All restored area, including required buffer areas, shall be placed into a preservation outlot.

b) A restoration and/or creation plan including future maintenance and monitoring shall be developed by a qualified professional.

c) The subdivider shall enter into a performance agreement, with financial assurance, with the County for implementation of the restoration and/or creation plan. The performance guarantee shall be in accordance with standards in Chapter 8:1.28(B)(12).

iii. Combination. If the subdivider completes a combination of Sensitive Areas Preservation and Restoration or Creation, totaling twenty five (25) percent of the total property, including buffers, then twenty (20) percent of buildable lots may be between two (2) and five (5) acres (2 – 5 acres).

a) Sensitive Areas Preservation shall be completed in accordance with the Sensitive Areas Protection standards in Chapter 8:3.5(B).

b) Sensitive Areas Restoration or Creation shall be completed in accordance with the standards for the area(s) to be restored or created in Chapter 8:3.

c. If a subdivision qualifies for both the limited lot size bonus and the preservation or restoration of sensitive areas bonus, the subdivision can have up to thirty (30) percent of the lots between two (2) and five (5) acres (2 – 5 acres).

H. Cluster Subdivision Design. The intent of cluster subdivision design is to allow development that will help meet future growth projections while preserving and protecting agriculturally, environmental and historically significant features, and other open areas of Johnson County. Cluster subdivisions work to accomplish this by economizing the installation of infrastructure and the provision of public services; and encouraging increased density through clustering of dwelling units on selected portions of a property and providing incentives for such development**.**

1. Eligible Districts. Cluster subdivision developments shall be allowed in the AR, R, RUA, RUB, RTF, RMF, and RC districts.
2. Open Space Requirements. No less than fifty (50) percent of the total property shall be placed into agricultural, open space, or preservation outlots.
3. Cluster Minimum Requirements.
    a. The majority of the lots in a cluster subdivision development shall be located in clusters.
    b. Buildable lots in clusters shall not exceed five (5) times the minimum square footage in the RC district.
    c. All clusters shall include no fewer than eight (8) buildable lots.
    d. The majority of lots in a rural cluster subdivision shall abut an agricultural, open space, or preservation outlot.
4. Provision of Potable Water and Sewage Disposal Systems. Cluster subdivision developments shall, to the greatest extent possible, utilize shared wells and sewage disposal systems.
5. Conformance to the Subdivision Regulations. Cluster subdivision developments shall comply with all other regulations in this Chapter.

8:2.9 Other Requirements and Legal Documentation.

A. Subdivision Fencing Requirements. At the time of approval of the final plat, the subdivider shall be responsible for the construction and maintenance of all perimeter fences between the subdivision and land located in the A and/or SF districts that is used for agricultural uses, unless an agreement is established between the subdivider and the adjacent landowners.

1. Fence Construction Specifications. Fence construction should be sufficient to turn livestock and shall comply with Iowa Code Section 359A.18, Lawful Fence, with respect to materials and construction specifications. Minimum standards shall include:
    a. At least 3 boards on posts not more than 8 feet apart;
    b. At least 3 strands of barbed wire on posts not more than one rod (16.5 feet) apart;
    c. Or, at least 4 strands of smooth high tensile wire on posts not more than two rods (33 feet) apart.
2. Execution of Fencing Agreement. At the time of final platting, the subdivider shall execute a fencing agreement for all exterior property lines that are adjacent to land located in the A and/or SF district that are being used agriculturally. At a minimum the agreement shall:
    a. Assign responsibility for the installation/maintenance of perimeter fencing;
    b. Have a statement that the agreement shall run with the land;
    c. Have a statement that the agreement shall be binding on the parties, heirs, and assigns;
    d. Have a termination clause effective upon subdivision of the adjoining property for nonagricultural purposes.

B. Association Requirements and Standards. Owners associations shall be established in accordance with the following standards:

1. An owners association shall be established for all developments which propose shared infrastructure or open space, including but not limited to wells, septic systems, roads, and stormwater management facilities.
    a. All owners of lots or outlots which are served by the infrastructure shall be members of the owners association.
2. If shared infrastructure is located on an outlot, ownership of that outlot shall be conveyed to the association.
3. If shared infrastructure is located on a lot, the association shall be granted access into perpetuity to the facilities through an easement.
4. Responsibility to maintain shared infrastructure shall be conveyed to the owners association and the owners association shall complete all required maintenance, monitoring, and reporting as prescribed by this ordinance.
5. The owners association shall be filed and registered with the Iowa Secretary of State in accordance with Iowa Code Chapter 504.

6. By-Laws. Prior to consideration of the final plat by the Board of Supervisors, the developer shall submit a copy of the proposed by-laws of the owners association. The by-laws shall include, by are not limited to, the following:
    a. Require membership in the Owner's Association for each original purchaser and each successive purchaser of a lot or unit.
    b. Provisions for the assimilation of new owners from subsequent sections of the development.
    c. The payment of premiums for liability insurance, local taxes and assessments and the power to levy assessments against the owners of lots or units in the development.
    d. Provisions for maintenance and restoration of all shared infrastructure and open space.
    e. Provisions requiring that individual owners become individually liable for taxes and assessments of the common areas in the event of association default.
7. Owners associations shall remain registered with the Iowa Secretary of State and all owners of property shall remain members of such association.

C. General Legal Documentation. All applications for final and combined plat approval shall include legal documentation in accordance with this subsection.

1. All documentation shall be provided in the form prescribed by the Zoning Administrator.
    a. Any requirements specific to particular document and/or a particular application will be communicated during the application review process.
    b. The documentation required for an individual application will be determined by the Zoning Administrator in consultation with the County Attorney's Office.
2. General Documents. The following documents are required with all final and combined plat applications:
    a. Owners Certificate or Consent to Platting.
    b. Title Opinion.
        i. The Title Opinion should reference an abstract that is up to date within six (6) months of the filing date of the application.[419]
    c. Subdivider's Agreement.
    d. Auditor's Certificate.
    e. Treasurer's Certificate.
    f. Fence Agreement which meets the minimum requirements of subsection 8:2.9.A.
    g. Resolution Affirming the Road Stability.

[419] Ordinance 09-26-24-01

3. Specific Documentation. Depending on the application, specific documentation in this section will be required as dictated by the design of the subdivision.
    a. City Approval or Consent. Where an application falls in the extraterritorial review area of any city, a resolution of approval from the city or cities is required in accordance Iowa Code Section 354.9.
    b. Statement of Mortgage Holder or Lienholder
    c. Easement agreements, where applicable, for items including, but not limited to, access, wells and waterlines, septic systems, and utilities.[420]
        i. Where any lots in a subdivision are provided access via easement in lieu of dedicated frontage meeting the minimum standards of subsection 8:2.8.C.2, the subdivider shall include an access easement agreement. At a minimum the agreement shall:
            a) Include a statement that the agreement shall run with the land;
            b) Include a statement that the agreement shall be binding on the parties, heirs, and assigns; and
            c) Include a statement indicating that the agreement is required for the plat to conform with the standards of the Unified Development Ordinance, and said easement cannot be vacated without written consent of the Zoning Administrator.
    d. Association Documents which meet the minimum requirements of subsection 8:2.9.B.
        i. Association documents will be reviewed only for compliance with subsection 8:2.9.B of this ordinance. Review by the County does not authorize or condone any covenants or requirements included which are not required by this ordinance.
    e. Right-of-Way (ROW) Dedication.
    f. Agreement for Improvements in the Right-of-Way (ROW).
    g. Performance Agreements.
    h. Deed Restrictions.
    i. Resolution Acknowledging nearby Agricultural Uses.
    j. Agreement for Private Stormwater Management.[421]

8:2.10 Enforcement and Penalties for Violation.

Violations of the provisions of this Chapter shall be enforced in accordance with Chapter 8:8 of this ordinance. Violation of the provisions of this chapter includes failure to comply with any of the requirements, failure to comply with a correction or corrective order, and violations of any other conditions and safeguards established herein.

[420] Ordinance 09-26-24-01
[421] Ordinance 09-26-24-01

8:3 Environmental Regulations

Sensitive Areas: First adopted and effective May 10, 2007;

Stormwater Management: First adopted and effective May 24, 2011;

All current versions effective January 15, 2020.

8:3.1 Purpose. **236**
8:3.2 Name. **236**
8:3.3 Exemption of Agricultural Operations. **236**
8:3.4 Definitions. **236**
8:3.5 Sensitive Areas Regulations. **241**
8:3.6 Stormwater Management Regulations **260**
8:3.7 Soil Erosion and Sediment Control. **267**
8:3.8 Enforcement and Penalties for Violation. **268**

8:3.1 Purpose.

The purpose of Chapter 8:3 is to protect the public health, safety, and welfare through the establishment of environmental protection standards which are intended to protect and enhance the ecosystem services provided to the residents of Johnson County. This chapter strives to protect sensitive environmental amenities from development; control runoff and improve water quality through the use of stormwater management facilities; and protect water bodies from development activities.

8:3.2 Name.

Chapter 8:3 shall be known as, referred to, and cited as the "Environmental Regulations."

8:3.3 Exemption of Agricultural Operations.

Pursuant to Iowa Code section 335.2, no regulation adopted under Chapter 8.3 applies to land, agricultural domiciles, agricultural barns or outbuildings, or other buildings or structures, which are primarily adapted, by reason of nature and area, for use for agricultural purposes, while so used. Exemption shall be determined in accordance with Chapter 8:1.3. [422]

8:3.4 Definitions.

For the purpose of interpreting and enforcing Chapter 8:3 of the Unified Development Ordinance, certain terms are hereby defined.

A. General Rules. There are general rules that apply to all definitions herein. Unless it is specifically stated otherwise, the following statements apply to all defined words:

1. Terms defined below which are used in the present tense shall also include the future tense.
2. Terms defined in the singular shall also apply to the plural.
3. Terms defined in the plural shall also apply to the singular.
4. The word "shall" is mandatory and not directory.

[422] Ordinance 07-23-20-01

5. "This Chapter" shall refer to all regulations and standards in 8:3.
6. "Subsection" shall refer to a specific subsection within a chapter of the Unified Development Ordinance.
7. "This ordinance" shall refer to all ordinances within the Unified Development Ordinance.
8. The word "building" shall be interchangeable with the word "structure" and the word "structure" with the word "building".
9. If a word or term used in this chapter, but not defined herein, is defined in another chapter of this ordinance, then that definition shall be used in the interpretation of this chapter.
10. To give this Chapter its most reasonable application, all other words and terms used in this chapter, but which are not defined by this ordinance, shall have their ordinary and common meaning.

B. Terms.

1. **Administrative Officer.** See "Zoning Administrator."
2. **Administrator, Zoning.** See "Zoning Administrator."
3. **Applicant.** Any person, firm, corporation, partnership, association, trust, or other entity, who has directly or through an agent, submitted an application for land development or conditional use which requires compliance with the regulations herein.
4. **Board.** The Board of Supervisors of Johnson County, Iowa.
5. **Buffer.** An area of land located contiguous to a designated sensitive area that provides a transition area compatible with the sensitive area being protected. The buffer also serves to protect the sensitive area from changes in use of adjacent contiguous land.
6. **Chain Subdivision.** Subdivision of a previously subdivided property, which results in an increase to the number of lots. For regulatory purposes, the total number of lots created in the original subdivision and all subsequent subdivisions shall be considered.
7. **Comprehensive Plan.** A plan for the development of Johnson County, adopted by the Board of Supervisors, pursuant to Chapter 335 of Iowa Code.
8. **Conservation Easement.** A nonpossessory interest of a holder in real property that imposes limitations on use and development with the intention of conserving the property's environmental, cultural, or historic features.
9. **Critical Wildlife Habitat.** Any area identified as containing endangered species as defined in this ordinance.
10. **Endangered Species.** Any species found in Johnson County that is protected and identified by the Endangered Species List published by the United States Fish and Wildlife Service, or the Iowa Threatened and Endangered Species List published by the Iowa Department of Natural Resources.
11. **Extreme Flood Protection**. Management of the impacts of the one-hundred (100) year storm event through detention controls and/or floodplain management, such that overflows can be safely passed.

12. **Floodplain.** Any land area susceptible to being inundated by water as a result of a flood.

13. **Floodway.** The channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.

14. **General Development.** All development and development activities except for those necessary to manage stormwater runoff and those activities necessary to install and maintain stormwater management facilities.

15. **Historic Properties.** Areas containing significant information regarding the history or prehistory of the United States of America, the State of Iowa, and/or Johnson County. Historic properties include historically significant structures and significant archeological sites.

16. **Historically Significant Structures.** Structures or buildings that are older than one hundred (100) years and have historical significance due to architectural features, past use, or other reason.

17. **Hydric Soils.** A soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions that favor the growth and regeneration of hydrophytic vegetation. Criteria for identifying hydric soils can be found in the U.S. Corps of Engineers Wetland Delineation Manual. A list of hydric soils is available at the Natural Resources Conservation Service (NRCS).

18. **Impact.** Any disturbance to a sensitive area that negatively alters its form and function, including, but not limited to, grading and earth disturbance, construction, vegetation removal, and vehicle or heavy machinery movement. Impact includes downgrading sensitive areas to buffer. Impact does not include sensitive area enhancement, maintenance, and other best management practices.

19. **Iowa Statewide Urban Design and Specifications.** The most recent edition of the Iowa Statewide Urban Design and Specifications Manual.

20. **Limits of Disturbance.** An area delineated on a plat or development plan that establishes the maximum extent of allowed impact on a site. Impact to areas beyond the limits of disturbance constitutes a violation of the approved sensitive areas report.[423]

21. **Mitigation.** The processes by which destruction of part or all of a sensitive area is compensated. Mitigation may include, but is not limited to: 1) preservation of a similar area off-site; 2) reconstruction either on-site or off-site elsewhere in Johnson County, in an area presently lacking it, a similar habitat type; 3) purchase of mitigation credits from an approved mitigation bank; or 4) a combination thereof.

22. **Ordinary High Water Mark.** A line on the bank of a watercourse, which is established by the regular presence and action of surface water. It is indicated by physical characteristics including, but not limited to, a clear, natural line impressed on the bank, shelving, changes in the character of the soil, destruction of terrestrial vegetation, the presence of litter and debris, or by other appropriate means that consider the characteristics of the surrounding area. The ordinary high water mark defines the bed of a watercourse.

23. **Prairie.** Areas containing an association of native grasses, sedges, and broadleaf plants, or deep, uncultivated soil associated with the natural prairie landscape.

---

[423] Ordinance 07-22-21-02

24. **Prairie, Remnant.** Prairie that has remained relatively untouched or undisturbed by development, including tillage and over-grazing, and was once part of the larger, original landscape.

25. **Preservation.** A mitigation strategy in which existing, off-site, native remnant sensitive areas, which have features similar to those found on the impacted site, are perpetually protected, managed, enhanced, and maintained to compensate for impact to on-site sensitive areas.

26. **Qualified Professional.** An individual who can demonstrate to the Zoning Administrator that they have the appropriate training and experience to complete site assessment, mitigation planning, and evaluation of individual or multiple sensitive area types.

27. **Reconstruction.** A mitigation strategy in which sensitive areas are recreated, rebuilt, or restored on- or off-site to compensate for impact to on-site sensitive areas. Reconstructed sensitive areas shall be perpetually protected, managed, and maintained.

28. **Savanna and Savanna Remnant.** Areas containing a mixed association of native trees in grassland (originally prairie but may now also have domestic grass). The native trees are open grown and are frequently oaks and hickories. Savannas may contain species not found in prairie such as those listed in The Tallgrass Restoration Handbook by Packard and Mutel, 1997, Table 5.1, pp. 69-71.

29. **Savanna Remnant.** See "Savanna and Savanna Remnant."

30. **Sensitive Area.** Areas containing environmental and/or cultural amenities. Specifically, those areas containing criteria as characteristically defined in subsection 8:3.4.

31. **Slope.** Slope is defined as a naturally occurring inclined ground surface with a vertical rise of at least ten (10) feet.[424]

32. **Slopes, Critical.** Slopes between twenty five percent (25%) and thirty five percent (35%).

33. **Slopes, Protected.** Slopes that exceed thirty five percent (35%).

34. **Slopes, Significant.** Slopes that are twenty five percent (25%) or steeper and include protected slopes and critical slopes.

35. **Stormwater Best Management Practice.** Any structural, engineered, vegetative, or managerial practice that is used to treat and manage stormwater runoff.

36. **Stream Corridor.** A watercourse such as a river, stream or drainageway, which is shown in blue (the blue line) on the current United States Geological Survey (USGS) quadrangle topographic maps, and its floodway as delineated on the official Flood Insurance Rate Map (FIRM) for Johnson County. In cases where no floodway is delineated, the blue line will serve as the centerline within a thirty foot (30') wide stream corridor.[425]

37. **SUDAS.** See "Iowa Statewide Urban Design and Specifications."

38. **Supervisors.** See "Board."

[424] Ordinance 03-26-20-01
[425] Ordinance 08-24-21-03

39. **Surface Water Body.** Water on the earth's surface, which is naturally occurring and exposed to the atmosphere, such as lakes, ponds, streams, and creeks.[426]

40. **Topsoil.** The top layer of soil, often characterized by having a high organic matter content and by being optimal for growth of plants.

41. **Volume Control**. Use of stormwater management practices to provide channel and overbank flood protection as defined by the Iowa Stormwater Management Manual.

42. **Water Quality Volume (WQv).** The runoff volume resulting from 90% of the storms that occur in an average year, as defined in the Iowa Stormwater Management Manual.

43. **Watercourse.** A river, stream, or drainageway that has a bed and bank as defined by an ordinary high water mark and a definite direction of flow.

44. **Wetlands.** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The diagnostic characteristics of wetlands are vegetation, hydric soils and hydrology.

45. **Wetland Specialist.** An individual certified as a wetland specialist by the Society of Wetland Scientists, or who has taken the forty (40) hour United States Army Corps of Engineers Wetland Delineator Certification Training Program, or who can demonstrate to the Zoning Administrator an equivalent combination of training and experience. Wetland specialists shall demonstrate to the Zoning Administrator that they have expertise in wetland science, including, but not limited to delineation, mitigation, and evaluation.

46. **Woodlands.** Those areas that have an association of native forest trees, such as those listed in Forest Trees of Johnson County by McBride, 1987, (pp. 105-108, in Calvin, Geology of Johnson County) with a mix of understory wildflower species, such as those listed in Wildflowers of Iowa Woodlands by Runkle and Bull, 1979.

47. **Zoning Administrator.** The officer designated or appointed by the Board of Supervisors to administer and enforce the regulations contained in this chapter.

[426] Ordinance 07-22-21-02

8:3.5 Sensitive Areas Regulations.

The purpose of this subsection is to ensure that the development of land protects and preserves valuable environmental amenities. The sensitive areas regulations will further the goals of the Johnson County Comprehensive Plan by providing regulatory protections for areas of environmental concern; encouraging development best practices and innovations that demonstrate good land stewardship; manage and conserve areas of unique environmentally, culturally, or historically significant resources; encourage avoidance of sensitive areas in the development design process; and, when avoidance is infeasible, provide a mechanism for compensatory mitigation to offset impacts.

A. Application of Regulations.

1. This subsection applies to all properties within the unincorporated portions of Johnson County that are not exempt. With the exception of management, enhancement, and maintenance activities, all sensitive areas, as defined in this subsection, shall remain undisturbed until such time that a development or use application has been approved in compliance with the regulations in place at the time of said approval.

    a. Where the Zoning Administrator reasonably suspects that potentially sensitive areas on a site have been disturbed after the effective date of this ordinance but prior to a report being submitted with a development application or permit, it will be assumed that all potentially sensitive areas disturbed qualify as sensitive areas in accordance with this section.

    b. Any disturbance shall be counted as impact unless the applicant can provide documentation in accordance with this section verifying the absence of sensitive areas on the impacted portion of the property prior to the disturbance occurring.

    c. Where the suspected pre-application impact is to wetlands, mitigation shall be required in accordance with the standards for impact to Class 2 wetlands contained in subsection 8:3.5(J)

2. All applications for preliminary, combined, or final plat shall comply with the regulations contained within this subsection. The Board shall not approve any application for preliminary, combined, or final plat which does not conform to the standards of this subsection.

    a. Residential subdivisions which propose no more than one (1) buildable lot and no more than three (3) total lots shall be exempt from the Historic Properties requirements of this section. Preservation outlots shall not count towards the total number of lots.

3. All applications for Site Plan review shall comply with the regulations contained within this subsection. The Board and/or Zoning Administrator shall not approve any application for Site Plan review which does not conform to the standards of this subsection.

4. No conditionally permitted use, for which compliance with the sensitive areas regulations is required either as a condition of approval or as required in accordance with subsection 8:1.24, shall commence until such time that compliance with this subsection has been achieved.

5. All applications for grading permits shall comply with the regulations contained within this subsection. The Zoning Administrator shall not approve any application for ground disturbance which does not conform to the standards of this subsection.

6. Waiver of Requirements. The Zoning Administrator or a duly authorized representative may waive some or all of the requirements of this subsection for subdivision applications with 3 or fewer lots, grading permits, or for the commencement of conditionally permitted uses, if one of the following conditions are met: [427, 428]

   a. It is clear upon cursory examination that no sensitive areas are present on site.

   b. A sensitive areas analysis was previously performed on the property and the associated site plan and analysis are also adequate for the current proposed development or use.

   c. For conditionally permitted uses: the duration, use, size, and impact of the proposed use will not adversely affect any sensitive areas or the preservation goals outlined in the Comprehensive Plan.[429]

B. Sensitive Areas Principles.

1. Report. All development or use applications for which this subsection applies shall submit a sensitive areas report for review and approval. The report shall document the assessment of the proposed development site for the existence or absence of each sensitive area. The report shall contain the following information for each required sensitive area and be developed in accordance with the following standards:

   a. All reports should be developed by a qualified professional.

   b. Unless locational information is confidential, the boundaries of each sensitive area and required buffers shall be shown in the report and on a sensitive areas plat exhibit.

   c. If existence of a sensitive area is ruled out, the report shall include the information used to make that conclusion.

   d. If sensitive areas impact is proposed, the report shall contain detailed information about the proposed impact, including location, area, and reason the impact is necessary. Proposed impact areas shall be delineated in the report and on the sensitive areas plat exhibit.

   e. If mitigation is required, the report shall contain a detailed mitigation plan or proof of mitigation bank credit purchase, in accordance with this subsection, best management practices, and any other local, state, and federal regulations.

   f. The report shall be signed by the applicant prior to endorsement by the Zoning Administrator or duly authorized representative.

   g. Once the development application has been approved by the appropriate entity and the sensitive areas report approved by the Zoning Administrator, the report will not be considered final until it has been endorsed by the Zoning Administrator or a duly authorized representative.

2. Sensitive Areas Protection. All sensitive areas that are not proposed to be impacted shall be protected in accordance with the following:

---

[427] Ordinance 07-22-21-02
[428] Ordinance 08-03-23-02
[429] Ordinance 07-22-21-02

a. Preservation Outlot. Sensitive areas are placed in a preservation outlot, with permanent protection through one of the following methods:

   i. Conservation Easement. Shall be held by an accepted third party land conservation organization.

   ii. Deed Restriction. A covenant attached to the title that permanently protects the delineated sensitive area.

b. Conservation Easement. All sensitive areas that are not contained in a preservation outlot shall be protected through use of a conservation easement. The conservation easement shall be denoted on the plat and the sensitive areas plat exhibit, and shall be flagged on the site prior to any site disturbance or construction activities.[430]

   i. A conservation easement shall be established to protect sensitive areas and associated buffers, with an easement agreement or other deed restriction attached to the title.

   ii. Buffer-permitted uses, in accordance with section 8:3.5.B.5.a, may be allowed within demarcated buffers that are within the conservation easement as shown on the sensitive areas exhibit recorded with the final plat documents.

   iii. After approval of the plat or development plan, the Zoning Administrator may approve minor amendments to the conservation easement that do not increase the required mitigation area.

   iv. Where a property owner wishes to modify an existing limits of disturbance, such modification may be approved by the Zoning Administrator if the property owner establishes a conservation easement in accordance with this section. Said conservation easement shall cover all identified sensitive areas and sensitive areas buffers identified in the original sensitive areas report or shown on the original sensitive areas plat exhibit.

3. Impact. Impact to sensitive areas is permitted only in accordance with the provisions of this chapter and an approved development plan or use permit.

   a. If applicable, the conservation easement boundary shall be flagged on site prior to beginning any ground disturbance, vegetation removal, or construction activities.[431]

   b. Survey of actual impacts.[432]

      i. Projects for which authorized impacts to sensitive areas are within five percent (5%) of a mitigation threshold, a survey of the actual impact boundary and calculated impact area must be submitted by the applicant prior to receiving final plat approval or issuance of Certificate of Occupancy for any building permit on property subject to Site Plan requirements.

      ii. If authorized impacts to sensitive areas are not within five percent (5%) of a mitigation threshold, but the Zoning Administrator has reason to believe that authorized impacts were exceeded, the applicant may be required to submit a survey of the actual impact boundary

[430] Ordinance 08-03-23-02
[431] Ordinance 08-03-23-02
[432] Ordinance 08-03-23-02

and calculated impact area prior to receiving final plat approval or issuance of Certificate of Occupancy for any building permit on property subject to Site Plan requirements.

iii. Where the Zoning Administrator has reason to believe that impacts to sensitive areas authorized through the development approval process have been exceeded after receiving final plat approval or issuance of a Certificate of Occupancy for a building permit on property subject to Site Plan requirements, the property owner may be required to submit a survey of the actual impact boundary and calculated impact area.

c. If authorized impacts on any site have been exceeded, a revised sensitive areas exhibit must be completed, reviewed, and recorded showing the actual impacts.[433]

d. If unauthorized impacts on any site have exceeded the mitigation threshold, then the site must be brought into compliance by completing and implementing an approved mitigation plan.[434]

e. For applications that include any portion of land included in a previous development application or use permit approved since the effective date of this ordinance, cumulative sensitive areas impacts of all previous and current development applications or use permits shall be considered.[435]

4. Mitigation. In all cases that mitigation is required, mitigation plans shall be submitted and implemented in accordance with the provisions for the specific sensitive area and the following:

a. Qualified Professional. Mitigation plans shall be developed and implemented by a qualified professional.

b. Methods of Mitigation. Required mitigation may be accomplished through preservation and enhancement of off-site sensitive areas, reconstruction of sensitive areas, purchase of mitigation bank credits, or a combination thereof. Required mitigation for significant archaeological sites may be accomplished through development and implementation of a data recovery plan.

c. Location. All mitigation shall occur within Johnson County unless the applicant can demonstrate that mitigation in accordance with this section is not feasible within the County. If any mitigation will be located outside Johnson County, the applicant must demonstrate that the site is sufficient to meet the criteria of this section. Any mitigation located outside Johnson County must be approved by the Zoning Administrator.

d. Protection Standards. Compensatory mitigation through preservation or reconstruction shall be permanently protected and perpetually managed through one of the following strategies. Protections shall run with the land and be binding on parties, heirs, and assigns.

i. Land Donation. The preserved land is donated outright to a public agency (e.g. Johnson County Conservation Board, Iowa Department of Natural Resources, US Army Corps of Engineers, US Fish and Wildlife Service, etc.) or an approved land conservation organization. The donated land shall also be permanently protected through a covenant attached on the title.

---

[433] Ordinance 07-22-21-02
[434] Ordinance 07-22-21-02
[435] Ordinance 08-03-23-02

ii. Conservation Easement. Shall be held by an accepted third party land conservation organization.

iii. Preservation Outlot. The preserved area is designated as a preservation outlot with a covenant attached to the title that permanently protects the mitigation area.

e. Long-Term Management. Long-term management of the mitigation area shall be provided in accordance with the following:

i. Mitigation plans shall include provisions for long-term protection and appropriate management, with annual monitoring and reporting to the County.[436]

a) Monitoring and reporting shall be on an annual basis for a minimum of ten (10) years, after which point reduced frequency can be requested, and approved at the discretion of the Zoning Administrator.

ii. Mitigation plans shall identify the responsible party for long-term management, maintenance, and enhancement of the mitigation area.

iii. Suitable remedial action by the responsible party will be required if all or part of a reconstructed sensitive area fail become established.

5. Buffering. All sensitive areas shall be buffered in accordance with the specific standards for each specific sensitive area and the following standards:

a. Buffer-Permitted Uses. Only the following uses are permitted in the required buffer of each sensitive area. Prior to any buffer impact, the applicant shall demonstrate that the use will not be detrimental to the function of the sensitive area or buffer or pose a public safety hazard:

i. Emergency and Public Safety. Grading, clearing, or removal of vegetation for emergency situations involving immediate danger to life, health and/or safety.

ii. Maintenance or Expansion. Normal maintenance of structures existing prior to April 26, 2007. Exterior remodeling, reconstruction, or replacement of said structures existing provided the aggregate area of the footprint is not increased by more than twenty five (25) percent.

iii. Drainage Maintenance. Normal or routine maintenance of existing drainageways or of stormwater management facilities.

iv. Crossings. Crossings such as bridges and culverts and the roads and driveways necessary to utilize said crossing.

v. Streambank Stabilization.

vi. Essential Utilities. Utilities such as storm and sanitary sewer, water, gas, telephone, electrical, and stormwater facilities.[437]

vii. Other Uses. Appropriately designed parkland, trails, and open space. These uses are not allowed in buffers that contain a downgraded sensitive area.

---

[436] Ordinance 07-22-21-02
[437] Ordinance 07-22-21-02

b. Buffer Averaging. If buffer averaging is allowed for the sensitive area type and there are not specific buffer averaging standards for the area, buffer averaging shall only be allowed if the applicant can demonstrate that averaging is in accordance with the following standards:

i. Buffer averaging will improve the buffer function;

ii. The area being removed from the buffer does not contain significant existing vegetative cover, such as native trees or prairie remnants;

iii. The area being removed from the buffer does not contain other sensitive areas or buffer for other sensitive areas;

iv. Averaging will enhance the vegetative cover and provide additional natural resource protection, and may include buffer enhancement; and

v. The required buffer is unreasonable and infeasible for the proposed use or development;

vi. The total area contained in the buffer around each stream corridor, watercourse, or surface water body on the site is not decreased; and

vii. The width of the buffer at any one point is not decreased by more than fifty (50) percent of the required buffer width.

c. Buffer Reestablishment. In cases where a portion of a sensitive area or buffer is impacted, the full buffer shall be reestablished. Any sensitive area contained within the reestablished buffer will be considered downgraded sensitive area.

i. Downgrading of sensitive areas to buffer shall constitute impact, and shall be considered in mitigation calculations and planning.

6. Approval. No sensitive areas report shall be deemed approved until such time that the development application for which the report applies has been approved by the appropriate entity, the report has been signed by the applicant, and the report has been endorsed by the Zoning Administrator or a duly authorized representative.

C. Critical Wildlife Habitat. Any area identified as containing threatened or endangered species as defined in this ordinance.

1. Identification. The applicant shall consult with the Iowa Department of Natural Resources (IDNR) and other applicable agencies to determine if any critical habitat exists in an area planned for development. Consultation shall occur in accordance with the following:

a. Contact the Environmental Review Coordinator for the IDNR to request an environmental review for the presence or absence of critical wildlife habitat; or

b. Have a site assessment conducted by IDNR field staff to determine the presence or absence of critical wildlife habitat.

c. If the presence of critical wildlife habitat cannot be ruled out based on IDNR review, then a qualified professional shall be hired to evaluate the site of any potential critical wildlife habitat identified by the IDNR review.

2. Implementation. If critical wildlife habitat is found on site, the applicant shall proceed in accordance with the following:

    a. Preserve the area, consult with the regulating agencies, and/or follow the documented guidelines of the applicable regulating agency as appropriate;

    b. If impact is necessary, hire a qualified professional to develop a mitigation plan in consultation with the IDNR or other regulating agency prior to any disturbance.

D. Floodplain and Floodway. Areas that are susceptible to inundation by water as a result of a flood.

1. Identification. Using the appropriate Flood Insurance Rate Map Panel, all floodplain and floodway on the proposed development site shall be identified based on the Official Floodplain Zoning Map.

2. Implementation. Impact shall be limited to those uses allowed in accordance with Chapter 8:4 Floodplain Management Regulations.

E. Historic Properties. Areas containing significant information regarding the history or prehistory of the United States of America, the State of Iowa, and/or Johnson County. Historic properties include historically significant structures and significant archaeological sites.

1. Identification. The following process shall be utilized to determine if the property contains historic properties:

    a. Historically Significant Structures. The applicant shall identify all structures that are older than one hundred (100) years.

        i. If structures exist on site which are one hundred (100) years or older, the applicant shall engage a qualified architectural historian to determine if structures are likely to be historically significant and therefore warrant a more complete survey.

        ii. If the qualified architectural historian does not recommend an architectural history survey, written notice as such will suffice for completing this requirement.

        iii. If an architectural history survey is warranted, the applicant shall engage a qualified professional to evaluate and document the historical significance of each structure in accordance with the Iowa Site Inventory Form instructions (available from the Iowa State Historic Preservation Office).

    b. Significant Archaeological Sites. An archaeological assessment shall be completed for the entire property. Assessments shall be procured in accordance with the following process:

        i. The applicant shall conduct a “Site Search” through the University of Iowa Office of the State Archaeologist (OSA). The OSA report will identify and evaluate known surveys and archaeological resources in the vicinity of the proposed project area and include recommendations for appropriate field survey if warranted.

        ii. If OSA does not recommend archaeological survey, written notice as such from the OSA will suffice for completing this requirement.

iii. If OSA recommends archaeological survey, the applicant shall engage a qualified professional to complete the recommended scope-of-work in accordance with the following:[438]

a) Surveys shall be completed following the AIA guidelines for archaeological surveys.

b) Surveys shall include an analysis of the significance of archaeological sites found on the property. National Register Bulletin #15 and other best practices shall be utilized to assess significance.

c) If significant sites are found, the consultant shall provide appropriate research questions to guide mitigation.

d) Information on identified historic features should be submitted to the State Historic Preservation Office of Iowa.[439]

2. Implementation. If significant historic properties are found on site, the applicant shall proceed in accordance with the following:

a. Buffering. A buffer zone shall be established that measures at least fifty (50) feet around the historic property.

i. Buffer Averaging. At the Zoning Administrator's discretion, and for archaeological sites following consultation with the OSA, historic properties buffer averaging may be allowed in accordance with buffer averaging standards.

b. Impact. Unless the applicant can demonstrate that leaving the historic property undisturbed is unreasonable, the buffered historic property shall be left undisturbed except for non-invasive/non-ground-disturbing management practices, such as mowing and removal of noxious weeds, and basic maintenance of significant standing structures to maintain current integrity.

c. Mitigation Requirements. If a significant historic property must be disturbed, the ultimate disposition in terms of preservation versus destruction shall include consultation between the Board of Supervisors, the Zoning Administrator, the Historic Preservation Commission, and Applicant. To facilitate this consultation, the applicant shall submit a mitigation plan in accordance with the following standards:

i. A detailed mitigation plan shall be completed by a qualified individual and submitted to the Zoning Administrator, and, if applicable, shall include provisions for long-term protection and management, monitoring, and reporting; data recovery archaeological excavation, analysis, and reporting; or other appropriate measures appropriate to the character of the specific historic property.

ii. The plan shall be completed in accordance with AIA best practices and all other local, state, and federal regulations.

[438] Ordinance 08-03-23-02
[439] Ordinance 08-03-23-02

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.

1. Identification. The applicant shall have a qualified professional examine the property to determine if prairie or prairie remnant exist on site. Identification shall follow the following procedures:

   a. Use aerial photographs to determine the cropping history of the property.

      i. If it is clear that the property has ever been in row crop production, or if it is or was in the Conservation Reserve Program, the existence of prairie remnant can be ruled out.[440]

   b. If aerial photographs cannot be used to rule out the existence of prairie or prairie remnant, a qualified professional shall complete an onsite assessment in accordance with the following:

      i. An evaluation of the presence, quality, and diversity of native species.

         a) The qualified professional shall make an assessment of the plant species and shall assess the possibility that at least four (4) prairie grass species and ten (10) broadleaf plant species (with a coefficient of conservatism of five (5) or greater in either Illinois or Missouri) such as those listed in The Tallgrass Restoration Handbook by Packard and Mutel, 1997, Table A.3, pp. 356-397 could exist on site.

      ii. If the assessment is conducted outside of the growing season, or the area being assessed is heavily grazed, a soil analysis should be completed to determine if the soil is a prairie remnant soil. If prairie remnant soils are present, the boundary of the prairie remnant should be delineated. The soil analysis should be conducted by a soil scientist or geomorphologist.

      iii. In either case, a determination of the size of the sensitive area shall be made. If the area measures three tenths (0.3) of an acre or larger, or if it is contiguous with another sensitive area, the area is considered a sensitive prairie or prairie remnant.

2. Implementation. If sensitive prairie or prairie remnant is found on site, the proposed use or development shall comply with the following standards:

   a. Buffering. A buffer zone shall be established that measures at least fifty (50) feet around the prairie or prairie remnant.

      i. Buffer Averaging. At the Zoning Administrator's discretion, prairie and prairie remnant buffer averaging may be allowed in accordance with buffer averaging standards.

   b. Impact. Developments shall be designed to avoid and minimize impact to prairie 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. Impact to prairie is only allowed in accordance with the following:

      i. Prairie Remnant. Shall not be impacted for any purpose.

      ii. Non-Remnant Prairie. The applicant shall demonstrate that avoiding and minimizing the impact to prairie is unreasonable.

---

[440] Ordinance 07-22-21-02

c. Mitigation Requirements. If non-remnant prairie must be disturbed and the area of disturbance requires mitigation, a mitigation plan shall be submitted and implemented in accordance with the following standards:

i. Mitigation Ratios. The required area of mitigation shall be determined using the following table:

Percent of total prairie impacted	Mitigation Ratio, off-site prairie preservation	Mitigation Ratio, on- or off-site prairie reconstruction
0% – 50%	1:1	2:1
50% – 75%	2:1	4:1
75% – 100%	4:1	8:1

ii. Mitigation Plan. A detailed mitigation plan shall be completed by a qualified professional. The plan shall identify a site protection instrument to ensure long-term protection of the mitigation site, performance standards, baseline information for both the impact and mitigation sites, a maintenance plan, an adaptive management plan, and provisions for long-term protection and management, monitoring, and reporting to the County.

G. Savanna and Savanna Remnant. Areas containing a mixed association of native trees in grassland (originally prairie but may now also have domestic grass). The native trees are open grown and are frequently oaks and hickories. For the purposes of this chapter, it includes areas of at least one (1) acre in size. Savannas may contain species not found in prairie such as those listed in The Tallgrass Restoration Handbook by Packard and Mutel, 1997, Table 5.1, pp. 69-71.

1. Identification. The existence of savanna or savanna remnant shall be identified or ruled out in accordance with the following procedures:

a. Determine whether large (greater than eighteen (18) inches diameter breast height), open grown, native trees are present.

b. If none are found, the existence of savannas can be ruled out.

c. If the existence of savanna cannot be ruled out, then a qualified professional shall be hired to evaluate the presence, quality, and diversity of native savanna species.

i. It should be determined if the area measures at least one (1) contiguous acre, as well as if it is contiguous to other sensitive areas. If it is at least (1) contiguous acre or if it is contiguous with another sensitive area, the area is considered a sensitive area.

2. Implementation. If sensitive savanna or savanna remnant is found on site the proposed use or development shall comply with one the following:

a. Buffering. A buffer zone shall be established around the savanna that measures at least fifty (50) feet from the trunks of the trees on the perimeter.

i. Buffer Averaging. At the Zoning Administrator’s discretion, savanna or savanna remnant buffer averaging may be allowed in accordance with buffer averaging standards.

b. Impact. Developments shall be designed to avoid and minimize impact to savanna 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.

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

i. Mitigation Ratios. The required area of mitigation shall be determined using the following table:

Percent of total savanna impacted	Mitigation Ratio, off-site savanna preservation	Mitigation Ratio, on- or off-site savanna reconstruction
0% – 10%	No mitigation required	No mitigation required
10% – 50%	1:1	2:1
50% – 75%	2:1	4:1
75% – 100%	4:1	8:1

ii. Mitigation Plan. A detailed mitigation plan shall be completed by a qualified professional. The plan shall identify a site protection instrument to ensure long-term protection of the mitigation site, performance standards, baseline information for both the impact and mitigation sites, a maintenance plan, an adaptive management plan, and provisions for long-term protection and management, monitoring, and reporting to the County.

a) Reconstructed savanna shall be in a similar topographic setting and planted with a mixture of native plants resembling that found at the savanna that is proposed for impact.

b) Tree species shall be planted in the same proportions and spacing as the mature trees on the savanna that is proposed for impact.

H. Significant Slopes. Landforms that contain slopes that are at high risk to erode, slide, or collapse. This includes protected slopes and critical slopes.

1. Identification. The applicant shall identify all slopes that are twenty five percent (25%) or steeper and classify them based on the following:

a. Critical Slopes. Those landforms with a grade between twenty five percent (25%) and thirty five percent (35%).

b. Protected Slopes. Those landforms with a grade that exceeds thirty five percent (35%).

2. Implementation. If significant slopes are found on site the proposed use or development shall comply with the following standards:

a. Impact. Significant slopes may only be impacted in accordance with the following:

i. Critical Slopes. Up to thirty five percent (35%) of the on-site natural critical slopes may be impacted for general development. Impact in excess of thirty five percent (35%) may be allowed if the applicant can demonstrate that disturbance is necessary to facilitate the installation of required infrastructure, or for the installation of essential municipal utilities.[441, 442, 443]

ii. Protected Slopes. With the exception of removing the protected slope in its entirety from all buildable lots in a development and for installation of required stormwater management facilities, essential municipal utilities, and accepted stabilization practices, the on-site protected natural slopes shall not be impacted for any purpose. [444, 445]

a) Removing the slope shall mean reducing all protected slopes on buildable lots in a development to a slope of less than twenty five percent (25%).

b) Where an applicant proposes to remove the entirety of the protected slope on all buildable lots in a development, impact to critical slopes on site may exceed thirty five percent (35%) if necessary to facilitate the removal of the protected slope. Any impact to critical slopes above thirty five percent (35%) shall be the minimum necessary to facilitate the removal of the protected slope.

c) Any protected slopes in the development which will not be removed, as well as all required buffers to those slopes, shall be contained entirely in preservation or open space outlots. In these cases, the buffer area must be a slope of less than twenty five percent (25%).

iii. Protection. The applicant shall install stabilization best practices to all impacted significant slopes.

b. Buffering. Protected slopes shall have a buffer zone of two (2) feet for each one (1) of vertical rise of the protected slope, up to a maximum fifty (50) feet.

I. Stream Corridors, Watercourses, and Surface Water Bodies. Areas that store and convey surface water, including but not limited to rivers, streams, drainageways, ponds, and lakes.

1. Identification. The existence of stream corridors, watercourses, and surface water bodies shall be identified or ruled out in accordance with the following procedures:

a. Stream corridors shall be identified using the most current USGS Quadrangle Maps, and delineated in accordance with the following:

i. If the stream has delineated floodway on the Official Floodplain Zoning Map, the stream corridor shall be the area of the floodway.

ii. If no floodway is delineated, the blue line shall serve as the centerline of a thirty (30) foot wide stream corridor.

---

[441] Ordinance 03-26-20-01
[442] Ordinance 07-22-21-02
[443] Ordinance 08-03-23-02
[444] Ordinance 03-26-20-01
[445] Ordinance 07-22-21-02

b. The applicant shall hire a qualified professional to complete a site assessment to determine and delineate all watercourses and surface water bodies on site.

2. Implementation. If a stream corridor, watercourse, or surface water body are found on site the proposed use or development shall comply with the following:

a. Buffering. A natural buffer zone shall be established in accordance with the following:[446]

Stream Corridor, Watercourse, or Surface Water Body	Required Buffer
Cedar River, Iowa River	100 feet
Tributaries of the English, Cedar, or Iowa Rivers, with delineated floodway shown on the Official Floodplain Zoning Map	60 feet
Stream corridors without a delineated floodway, watercourses, and surface water bodies	30 feet

i. If other sensitive areas are located within a stream corridor, the largest buffer shall be required.

ii. Buffer Averaging. At the Zoning Administrator's discretion, stream corridor buffer averaging may be allowed in accordance with buffer averaging standards.

b. Impact. With the exception of stabilization, management, enhancement activities, and other best practice maintenance activities, stream corridors, watercourses, and surface water bodies may be impacted only in accordance with the following standards:

i. Stream Corridors. Impact only allowed for stream crossings such as bridges and culverts in accordance with crossing standards, installation of essential municipal utilities, and stormwater management facility outfalls. All other development activities are prohibited.[447]

ii. Stream Corridors that are not Watercourses. If the applicant can demonstrate that a blue line stream does not have a bed and bank as defined by an ordinary high water mark and a definite direction of flow, stream corridor and watercourse impact restrictions shall not apply.[448]

iii. Watercourses and Surface Water Bodies. Can be impacted in compliance with United States Army Corps of Engineers standards for crossings, required stormwater management facilities, and installation of essential municipal utilities.[449]

iv. Crossing Standards. Crossings, such as bridges and culverts, and the roads and drives necessary to access them are permitted if the applicant can demonstrate all of the following:

a) The crossing is designed to minimize any reduction of the flood carrying capacity of the stream and is constructed in accordance with the Floodplain Management Regulations in Chapter 8:4;

[446] Ordinance 08-03-23-02
[447] Ordinance 07-22-21-02
[448] Ordinance 07-22-21-02
[449] Ordinance 07-22-21-02

b) The crossing does not inhibit conveyance, storage, filtration, and infiltration of stormwater;

c) The crossing does not cause streambank erosion or destabilization, impact wildlife areas, or negatively affect other environmental quality;

d) The crossing is necessary to achieve the development goals as stated in the comprehensive plan.

v. General Impact Provisions. All proposed impacts to stream corridors, watercourses, and surface water bodies shall be:

a) Permitted by the United States Army Corps of Engineers and Iowa Department of Natural Resources, as applicable.

b) In compliance with all state and federal regulations.

c. Mitigation. All proposed impacts shall be mitigated in accordance with United States Army Corps of Engineers regulations.

J. Wetlands. Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The diagnostic characteristics of wetlands are vegetation, hydric soils and hydrology. Determination and delineation of wetlands shall be made either by the Corps, NRCS or by a wetland specialist, using the methodology outlined in the U.S. Army Corps of Engineers Wetland Delineation Manual (Environmental Laboratory, 1987) and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Midwest Region (USACE, 2010). [450]

1. Identification and Classification. The existence of Wetlands shall be identified and classified or ruled out in accordance with the following procedures:

a. In any of the following circumstances, a qualified wetland specialist shall be hired to provide wetland determination data for the proposed site:

i. Hydric soils are mapped on site.

ii. Wetland indicators or conditions conducive to wetland occurrence exist on site. Indicators and conditions include, but are not limited to, hydrophytic plants, ponding, wet or low areas, surface water bodies, stream corridors, watercourses, channels, or drainages.

b. In the following circumstances, a wetland determination by a wetland specialist is not required:

i. Hydric soils are not mapped on site and no wetland indicators or conditions conducive to wetland occurrence exist on site.

ii. If the property owner can certify that no current or future development activity will occur within one hundred fifty (150) feet of all potential wetland areas on the site, the Zoning Administrator may waive the wetland determination. The potential wetland and one hundred and fifty (150) foot buffer shall be placed in a conservation easement or preservation outlot with deed restriction.

[450] Ordinance 08-03-23-02

c. Wetland Classification. All wetland areas identified on site shall be classified by the wetland specialist, in accordance with the following standards:

i. Hydrologically Connected Wetlands. When the areas of any wetland are hydrologically connected and/or have contiguous buffers, the connected areas shall be added together to determine the wetland's size for wetland classification purposes

ii. Class 1 Wetlands.

a) Wetlands which are used by species listed by the federal or state government as endangered or threatened, or which have an outstanding actual habitat for those species; or

b) Wetlands which have forty to sixty percent open waters in dispersed patches with two or more wetland vegetation classes; or

c) Wetlands which are equal to or greater than ten (10) acres in size and have three or more wetland vegetation classes, one of which is an aquatic bed wetland; or

d) Wetlands with plant associations of infrequent occurrence.

iii. Class 2 Wetlands.

a) Wetlands which are greater than one acre in size; or

b) Wetlands which are equal to or less than one acre in size, and have three or more wetland vegetation classes; or

c) Wetlands with a forested wetland vegetation class and which are equal to or less than one acre in size.

iv. Class 3 Wetlands.

a) Wetlands equal to or less than one acre in size and have two or fewer wetland vegetation classes.

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

a. Buffering. The following buffers are required for all on site wetlands:

i. Class 1 Wetlands: One hundred (100) feet.

ii. Class 2 Wetlands: Seventy five (75) feet.

iii. Class 3 Wetlands: Fifty (50) feet.

iv. Any wetland which is subject to a change of classification due to restoration or enhancement shall have the minimum buffer required for the highest wetland class involved.

v. Buffer Averaging. At the Zoning Administrator’s discretion, wetland buffer averaging may be allowed if it is demonstrated by a wetland specialist that:

a) Averaging will increase wetland or buffer functions; and

b) Averaging will provide additional natural resource protection, which may include buffer enhancement; and

c) The total area contained in the buffer around each wetland on the development proposal site is not decreased; and

d) The area to be removed from the buffer does not contain species listed by the federal or state government as endangered or threatened, or critical or outstanding natural habitat for those species; and

e) The area to be removed from the buffer does not contain diverse plant associations of infrequent occurrence or of regional significance; and

f) The area to be removed from the buffer is not located within a regulated stream corridor; and

g) The area to be removed from the buffer does not provide a known habitat for migratory birds of local or regional significance.

h) The width of the buffer is reduced by no more than fifty (50) percent, and the area of the provided buffer is equal to or greater than the total area of the required buffer.

vi. In addition to the qualifying criteria listed above, the County shall consider the following factors in determining whether or not to allow buffer averaging:

a) The proposed land use of the property and its potential impact on the wetland; and

b) The design and layout of the proposed development in relation to the wetland; and

c) The physical characteristics of the site and the wetland; and

d) Any other factor related to the short- or long-term environmental stability and health of the wetland.

b. Impact. Developments shall be designed to avoid and minimize impact to wetland 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. Impact to Wetlands is only allowed in accordance with the following:[451]

i. Class 1 Wetlands. Shall not be impacted for any purpose.

ii. Class 2 and Class 3 Wetlands. Impact shall only be allowed when the impacts are strictly for critical or required infrastructure. The applicant shall demonstrate that avoiding and minimizing the impact to a wetland is unreasonable and that siting said infrastructure in other locations is infeasible. At the discretion of the Zoning Administrator, impacts may also be allowed for construction of reasonable elements of utility scale solar energy systems located in the RE-Renewable Energy district.[452]

[451] Ordinance 07-22-21-02
[452] Ordinance 05-19-22-01

iii. General Impact Provisions. All proposed impacts to wetlands shall be:[453]

a) Permitted by the United States Army Corps of Engineers and Iowa Department of Natural Resources, as applicable.

b) In compliance with all state and federal regulations.

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	3:1	n/a
Class 3	1:1	2:1	n/a	1.5:1	2:1

ii. Mitigation Plan. A detailed mitigation plan shall be completed by a qualified professional. The plan shall identify a site protection instrument to ensure long-term protection of the mitigation site, performance standards, baseline information for both the impact and mitigation sites, a maintenance plan, an adaptive management plan, and provisions for long-term protection and management, monitoring, and reporting to the County.

a) Any required and approved U.S. Army Corps of Engineers mitigation plan shall be submitted to the Administrative Officer. Mitigation shall be completed in accordance with the plan.

b) If mitigation is not required by the U.S. Army Corps of Engineers, mitigation shall be completed in accordance with a mitigation plan reviewed and approved by the Administrative Officer.

c) Mitigated wetlands will be monitored in accordance with the approved mitigation plan.[454]

iii. Any purchase of wetland mitigation credits for fulfilling mitigation requirements must be from a wetland mitigation bank whose service area includes where the impacts occurred.

K. Woodlands. Those areas that have an association of native forest trees, such as those listed in Forest Trees of Johnson County by McBride, 1987, (pp. 105-108, in Calvin, Geology of Johnson County) with a mix of understory wildflower species, such as those listed in Wildflowers of Iowa Woodlands by Runkle and Bull, 1979.

[453] Ordinance 08-03-23-02
[454] Ordinance 07-22-21-02

1. Identification. The existence of woodland shall be identified or ruled out in accordance with the following procedures:

   a. Determine whether native trees six (6) inches diameter breast height or larger exist on site.

   b. If none are found, the existence of woodland can be ruled out.

   c. If the presence of woodlands cannot be ruled out, than a qualified professional shall be hired to evaluate the presence, quality and diversity of native species.

      i. The qualified professional shall make an assessment of the tree species and shall assess the possibility that up to four (4) understory wildflower species could exist on site.

      ii. It shall be determined if the area that has the appropriate vegetation measures at least two (2) contiguous acres total (on- and off-site). If the area exceeds two (2) acres or is adjacent to another sensitive area, the woodland shall be considered sensitive.

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

   a. Buffering. A buffer zone shall be established around the woodland that measures at least fifty (50) feet from the trunks of the trees on the perimeter of the woodland.

      i. Buffer Averaging. At the Zoning Administrator's discretion, woodland buffer averaging may be allowed in accordance with buffer averaging standards.

   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.

   c. Mitigation Requirements. If the sensitive area must be disturbed, a mitigation plan shall be submitted and implemented in accordance with the following standards:[455]

      i. Mitigation Ratios. The required area of mitigation shall be determined using the following table:

Percent of total woodland impacted for general development	Percent of total woodland impacted including stormwater facilities	Mitigation Ratio, woodland preservation	Mitigation Ratio, on- or off-site woodland reconstruction
0% – 15%	not to exceed 25%	none	none
15.1% – 30%	not to exceed 40%	1:1	2:1
30.1% – 50%	not to exceed 60%	2:1	4:1
50.1% – 75%	not to exceed 85%	4:1	8:1
75.1% – 100%	n/a	8:1	16:1

[455] Ordinance 07-22-21-02

a) The required level of mitigation shall be determined based on the highest category of impact the proposed development falls into. If the proposed impact exceeds the general development or the stormwater management impact threshold the proposed development shall mitigate at the higher ratio.

ii. Mitigation Plan. A detailed mitigation plan shall be completed by a qualified professional. The plan shall identify a site protection instrument to ensure long-term protection of the mitigation site, performance standards, baseline information for both the impact and mitigation sites, a maintenance plan, an adaptive management plan, and provisions for long-term protection and management, monitoring, and reporting to the County.

a) Reconstruction. Reconstructed woodland shall be in a similar topographic setting and planted with a mixture of native plants resembling that found at the woodland that is proposed for impact. Tree species shall be planted in the same proportions and spacing as the mature trees on the woodland that is proposed for impact.

b) Preservation. A preservation mitigation site must be at least of the same condition and quality as the impact site. An impact site that is characterized as a bottomland community can be mitigated with either bottomland or upland woodland communities. An impact site that is characterized as an upland woodland community must be mitigated with an upland woodland community.

8:3.6 Stormwater Management Regulations

The intent of the Stormwater Management Regulations is to protect water resources and minimize the impacts from land use change and development. Stormwater management helps minimize erosion, reduce flooding, protect channels and in-stream habitats, and protect and improve water quality by reducing and slowing surface water flow by providing on-site stormwater management.

A. Application of Regulations.

1. The Board shall not approve any preliminary, combined, or final plat for any commercial or industrial subdivision; a residential subdivision with two (2) or more buildable lots; or a request to change the zoning designation of a property to RE-Renewable Energy, unless it includes a stormwater management plan that is adequate to serve the proposed development.[456]

    a. All stormwater facilities shall be installed in accordance with the approved preliminary plat, prior to approval of the final plat.

        i. At the judgement of the Zoning Administrator, a performance guarantee, in accordance with subsection 8:2.5(G)(2) and 8:1.28(B)(12), may be accepted if it is not practicable or advisable to install all stormwater facilities prior to final plat submission.

    b. At the Zoning Administrator's discretion, stormwater management planning may be deferred to time of building permit application for lots in a residential subdivision which were developed prior to the effective date of this ordinance.[457]

    c. At the Zoning Administrator's discretion, stormwater management planning may be deferred to time of building permit application for properties subject to the Site Planning requirements in chapter 8:1.26 or on sites where stormwater management is required in association with an approved Conditional Use Permit, if 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.[458]

    d. At the Zoning Administrator's discretion, stormwater management planning may be deferred to time of Site Planning for properties subject to the Site Planning requirements in Chapter 8:1.26. [459]

2. Residential subdivisions, which propose no more than one (1) additional buildable lot since the effective date of this ordinance, shall complete stormwater management planning prior to approval of any building permits on the proposed buildable lot.[460]

    a. Residential subdivisions which propose no more than one (1) additional buildable lot since the effective date of this ordinance, and which do not exceed five thousand (5000) square feet of new impervious rooftop, as of the adoption date of this ordinance, shall submit a Stormwater Quality Improvement Plan in compliance with subsection 8:3.6(E). [461]

---

[456] Ordinance 05-19-22-01
[457] Ordinance 08-24-21-03
[458] Ordinance 08-24-21-03
[459] Ordinance 08-03-23-02
[460] Ordinance 08-24-21-03
[461] Ordinance 08-24-21-03

b. All buildable lots created from a single parcel group after the effective date of this ordinance in residential chain subdivisions, shall be included to determine stormwater management requirements.[462]

c. All buildable lots created after the effective date of this ordinance in accordance with subsections 8:1.6.L or 8:1.6.M will not be counted towards residential chain subdivisions. Such lots shall complete stormwater management planning at time of building permit. Stormwater management requirements shall be determined for each lot independently.[463]

3. The Board or Zoning Administrator shall not approve any Site Plan unless it includes a stormwater management plan that is adequate to serve the proposed development.

   a. For expansion of sites developed prior to the effective date of this ordinance, stormwater management planning will only be required to address the areas which will be impacted by development associated with the proposed expansion.[464]

4. No conditional use, for which compliance with stormwater management is required either as a condition of approval or as required in accordance with subsection 8:1.24, shall commence until such time that an approved stormwater management plan has been submitted, approved, and implemented, unless an associated performance agreement has been entered into with the Zoning Administrator.

5. 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 final site stabilization is achieved, and as-built plans for all required stormwater management infrastructure are provided. As-built plans shall be certified by a Professional Engineer licensed in the State of Iowa.[465]

   a. As-built plans shall not be required for sites that are only required to complete a Stormwater Quality Improvement Plan in accordance with subsection 8:3.6.E.

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:[466]

   a. A stormwater management analysis was previously performed on the property and the associated plan and analysis are adequate for the proposed development or use; or

   b. The proposed development or use will not permanently and significantly increase the impervious surface area of the property, negatively impact water quality, or permanently increase soil erosion.

   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 of the following apply:[467]

[462] Ordinance 08-03-23-02
[463] Ordinance 08-03-23-02
[464] Ordinance 08-24-21-03
[465] Ordinance 08-03-23-02
[466] Ordinance 08-24-21-03
[467] Ordinance 08-24-21-03

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. All existing and proposed stormwater discharges are and will be authorized under an active National Pollutant Discharge Elimination System (NPDES) permit.

B. Stormwater Management Plan Principles. In all cases where a stormwater management plan is required, the plan shall be developed in accordance with the Iowa Stormwater Management Manual (ISWMM) as follows:

1. Water Quality Protection. The plan shall be designed to manage the water quality volume (WQv) as specified in the ISWMM.
2. Volume Control. The plan shall be designed to provide both channel protection and overbank flood protection, as specified in the ISWMM.
3. Extreme Flood Protection. A spillway and/or designated overflow route with a proper easement shall be established for extreme flood events, as specified in the ISWMM.
4. Licensed Engineer. The design shall be completed, stamped, and signed by a professional engineer licensed in the State of Iowa.
5. Approval. All stormwater management plans shall be approved by the Zoning Administrator.

C. Stormwater Management Design Criteria.

1. Water Quality Criteria. Post-development runoff shall be captured and treated by water quality Best Management Practices (BMP), as recognized by the ISWMM, to prevent or minimize water quality impacts from land development. BMPs shall be designed using the following criteria:
   a. All practices shall be designed to capture and treat the Water Quality Volume (WQv). The WQv shall be computed as specified in the ISWMM.
   b. This criterion shall be met using practices that are included in the ISWMM. BMPs or combinations of BMPs shall be selected that achieve the highest pollutant load reduction for the pollutants of concern.
2. Channel Protection Storage Volume Criteria.
   a. The stormwater system shall be designed so that post-development stormwater discharges will not erode natural channels or steep slopes.
   b. To protect channels from erosion, infiltration or twenty four (24) hour extended detention of the one (1) year, twenty four (24) hour storm shall be provided as specified in the ISWMM.
3. Overbank Flood Protection Criteria.
   a. Overbank flood protection shall be provided by controlling the post-development peak discharge rate from exceeding the 5-year, 24-hour pre-development rate of runoff for a five (5) year to a one hundred (100) year, twenty four (24) hour storm, as specified in the ISWMM.
4. Extreme Flood Protection Criteria.

a. Stormwater BMPs shall provide an emergency spillway and/or designated overflow route for the one hundred (100) year, twenty four (24) hour storm, as specified in the ISWMM. The spillway and/or designated overflow route must be designed to safely pass overflows without creating damaging conditions to adjacent or downstream properties and facilities.

D. Maintenance and Repair of Stormwater Facilities.

1. Maintenance and Repair Required. The developer or landowner(s) of sites subject to the provisions of this chapter, including but not limited to lot owners and owners of any common open space, shall be responsible for maintaining as-built stormwater facilities in a manner consistent with the approved stormwater management plan.

   a. Any necessary maintenance or repair shall be completed by the owner in a timely manner, as determined by the County.

2. Maintenance and Repair Plan. A Maintenance and Repair Plan for all stormwater facilities including detailed maintenance and repair procedures to ensure their continued efficient function, shall be required for approval of the Stormwater Management Plan.

   a. The plan shall identify the parts or components of the stormwater facilities that shall be maintained, the appropriate maintenance procedures, and the frequency of inspection.

3. Maintenance and Repair Agreement. Maintenance of, and repairs to, a stormwater facility shall be ensured through the granting of a formal Maintenance and Repair Agreement in a form acceptable to the County.

   a. The agreement shall be binding on all subsequent parties, heirs, and assigns of all land served by the stormwater facilities.

   b. The agreement shall provide for assessment against all owners of property in the development should the stormwater BMP not be maintained.

   c. The agreement shall be recorded by the applicant in the office of the Johnson County Recorder in accordance with the following:[468]

      i. For projects subject to platting, the agreement shall be recorded with the legal documents for the final plat.

      ii. For all other projects subject to the requirements of this section, proof of recording shall be submitted to the Zoning Administrator prior to issuance of Certificate of Occupancy, Certificate of Completion, or commencement of the use.

4. Proof of Permanent Recorded Maintenance Easement. The Maintenance Easement shall ensure access to all stormwater facilities at the site for the purpose of inspection and repair, and remain in effect with transfer of title to the property. The Maintenance Easement shall be recorded by the owner in the office of the Johnson County Recorder in accordance with the following:[469]

   a. For projects subject to platting, the easement shall be recorded with the legal documents for the final plat.

[468] Ordinance 08-03-23-02
[469] Ordinance 08-03-23-02

b. For all other projects subject to the requirements of this section, proof of recording shall be submitted to the Zoning Administrator prior to issuance of Certificate of Occupancy, Certificate of Completion, or commencement of the use.

5. Right of Entry. The Zoning Administrator or other duly authorized representative or contractors of the County, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, and monitoring compliance with the provisions of this chapter.

6. Required Inspections for Stormwater Facilities. The County shall, on occasion, inspect each stormwater facility to ensure proper function to achieve the goals of this subsection.

7. Failure to Maintain Stormwater Facilities. If the owner(s) of the stormwater BMP or the property owners or the parties responsible for maintenance under any applicable written agreement fails or refuses to meet the requirements of the Maintenance and Repair Agreement, or of any provision of this article, said responsible party may be subject to enforcement proceedings as outlined in Chapter 8:8.

   a. As part of enforcement proceedings, the County may, after thirty (30) days written notice, correct a violation by performing all necessary work to place the stormwater BMP in proper working condition.

   b. After proper notice, the County may assess, jointly and severally, the owner(s) of the stormwater BMP or the property owners or the parties responsible for maintenance under any applicable written agreement for the cost of repair work and any penalties; and the cost of the work shall be a lien on the facility, or shall be assessed to all benefiting properties in accordance with State Code.

E. Stormwater Quality Improvement Plan.

1. Residential subdivisions which propose no more than one (1) additional buildable lot, and do not exceed five thousand (5000) square feet of new impervious rooftop shall submit a Stormwater Quality Improvement Plan in compliance with this section.[470]

2. Where the Zoning Administrator has deferred stormwater management planning to time of building permit application, lots in a residential subdivision which were developed prior to the effective date of this ordinance, and do not exceed five thousand (5000) square feet of new impervious rooftop, shall submit a Stormwater Quality Improvement Plan in compliance with this section.[471]

3. Where the Zoning Administrator has deferred stormwater management planning to time of building permit application, properties subject to Site Planning requirements or certain Conditional Use Permits where 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, shall submit a Stormwater Quality Improvement Plan in compliance with this section.[472]

4. The plan shall include a timeline for completion of proposed practices. If a practice is to be installed post-construction, then completion must be within ninety (90) days of the issuance of the Certificate of Occupancy.

---

[470] Ordinance 08-24-21-03
[471] Ordinance 08-24-21-03
[472] Ordinance 08-24-21-03

5. Documentation must be provided to verify the completion of soil quality restoration when this practice is proposed as part of the plan.
6. Practices must remain in place to maintain compliance with this chapter.
7. Plans shall achieve a minimum of thirty (30) points based on the following table:

Tool	Points
Any combination of engineered practices (e.g. biocells) and SQR that treats one hundred percent (100%) of the water quality volume (WQv) for the impervious areas.* †	30
One hundred percent (100%) preservation of sensitive woodland and a 50 foot buffer, on a buildable lot that is equal to or greater than 50% sensitive woodland.	25
SQR completed on all areas impacted or disturbed during construction. Construction limits must be established and will be coincident with the SQR limits.*	30 [473]
One hundred percent (100%) preservation of slopes fifteen percent (15%) or greater with a fifty (50) foot buffer provided between these slopes and all impervious areas. The protected slopes must be down gradient from the on-site development.	20
Any combination of engineered practices (e.g. biocells) and SQR that treats the water quality volume (WQv) for at least fifty percent (50%) of the impervious area of the site. * †	15
Planting of large-growth native trees within any newly planted lawn or landscaped developed area. This credit is only available when no trees have been removed. • 5 points for planting one (1) or two (2) trees. • 5 additional points for planting three (3) or four (4) trees. • 5 additional points for planting five (5) or more trees.	Up to 15
Use of native vegetation downslope of concentrated discharge (e.g. downspouts) and/or in flow paths to slow and infiltrate runoff. • Provisions need to be included for ensuring successful growth in concentrated flow paths (e.g. plugs, erosion control matting, etc.). • Any native species noted in the Tallgrass Restoration Handbook by Packard and Mutel can be included in species selection. • The planted area must be at least 10% of the total impervious area of the dwelling, with length of the planting area equal to at least two (2) times the width of the planting area.	10
Establishment of a 100-foot separation between impervious areas and any down-gradient slopes that are 6% or greater.	10
Pop-up drain emitters to dissipate discharge from downspouts.	5
Innovative and/or alternative practices. • At the discretion of the Zoning Administrator, a cap may be placed on the total points assigned for multiple innovative or alternative practices. • Applicant must demonstrate the ability of the proposed practice to slow and infiltrate runoff.	5

* Soil quality restoration (SQR) cannot be used to claim points for more than one category.
† Proposed practices must account for the entire area draining to the practice.

[473] Ordinance 08-03-23-02 (applies to the point total for item 3)

8:3.7 Soil Erosion and Sediment Control.

The purpose of the Soil Erosion and Sediment Control Regulations is to protect and maintain environmental health and the quality of receiving waters into which stormwater flows, as well as the health, safety, and general welfare of the public by limiting and controlling discharges of pollutants from development and construction sites.

A. Application of Regulations.

1. The Board shall not approve any preliminary plat unless it includes a soil erosion and sediment control plan that is adequate to serve the proposed development.[474]
2. The Board or Zoning Administrator shall not approve any Site Plan unless it includes a soil erosion and sediment control plan that is adequate to serve the proposed development.
3. The Zoning Administrator shall not issue a building permit which meets one or more of the following, unless it includes a soil erosion and sediment control plan that is adequate to serve the proposed development:
   a. A new dwelling.
   b. Dwelling addition with a footprint of one thousand (1,000) square feet of greater.
   c. The proposed total ground disturbance is greater than one quarter (1/4) acre.

   A Soil Erosion and Sediment Control Permit will be issued in conjunction with the building permit, and will remain in place until the site has reached substantial final stabilization.[475]
4. The Zoning Administrator shall not issue a grading permit unless it includes a soil erosion and sediment control plan that is adequate to serve the proposed grading project.
5. The Zoning Administrator shall not issue a demolition permit unless it includes a soil erosion and sediment control plan that is adequate to serve the proposed demolition project.
6. No conditional use, for which compliance with soil erosion and sediment control is required either as a condition of approval or as required in accordance with subsection 8:1.24, shall commence until such time that an approved soil erosion and sediment control plan has been submitted, approved, and implemented.
7. If a project does not require a plan as outlined in this section and there is discharge to watercourses or water bodies occurring from the site, erosion and sediment control measures must be provided in accordance with subsection 8:3.7.B.1. [476]

B. Soil Erosion and Sediment Control Standards. In all cases where a soil erosion and sediment control plan is required, the plan shall be developed in accordance with the Iowa Statewide Urban Design and Specifications (SUDAS) and the following:

[474] Ordinance 08-03-23-02
[475] Ordinance 08-03-23-02
[476] Ordinance 08-03-23-02

1. Effective erosion and sediment controls, temporary and permanent stabilization, pollution prevention, and/or best management practices must be designed, installed, and maintained onsite, in accordance with Iowa Statewide Urban Design and Specifications (SUDAS) standard design criteria as amended, to minimize the discharge of pollutants.
2. Existing topsoil must be preserved and reapplied on site in a uniform uncompacted manner.
3. All temporary erosion and sediment controls shall be maintained until the County has determined that the site has achieved final stabilization.[477]
    a. Final Stabilization. Final stabilization shall be considered achieved when all soil disturbing activities at the site have been completed and a sufficient uniform perennial vegetative cover has been established on all non-hard surface areas and areas not covered by permanent structures, or equivalent permanent stabilization measures have been employed, such that risk for erosion and sediment discharge is minimal. Short term degradable erosion control practices that are selected, designed, and installed in combination with planting (seeds, cuttings, nursery stock, etc.), sufficient for permanent vegetation to establish within the current growing season without additional active maintenance, may also be used as "final stabilization" at the discretion of the Zoning Administrator.
4. In addition to local permitting, the applicant must comply with all other applicable State or Federal permit requirements in existence at the time of application.
5. The owner shall bear final and complete responsibility for compliance with the approved soil erosion and sediment control plan, a State NPDES General Permit #2 as applicable, and any other requirement of State or Federal law or administrative rule.
6. A plan is not considered to be in conformance with this section unless it is approved by the Zoning Administrator.

A site is not considered to be in conformance with this section unless it is in conformance with the plan approved by the Zoning Administrator.

8:3.8 Enforcement and Penalties for Violation.

Violations of the provisions of this Chapter shall be enforced in accordance with Chapter 8:8 of this ordinance. Violation of the provisions of this chapter includes failure to comply with any of the requirements, failure to comply with a correction or corrective order, and violations of any other conditions and safeguards established herein.

[477] Ordinance 08-03-23-02

8:4 Floodplain Management Regulations

First adopted and effective October 24, 1960 | Current version effective January 15, 2020.

8:4.1 Purpose. **269**
8:4.2 Name. **269**
8:4.3 Statutory Authority, Application to Agricultural Operations, Findings of Fact. **269**
8:4.4 Definitions. **271**
8:4.5 General Provisions. **276**
8:4.6 Administration. **278**
8:4.7 FWO – Floodway Overlay District. **282**
8:4.8 FFO – Floodway Fringe Overlay District. **283**
8:4.9 GFO – General Floodplain Overlay District. **288**
8:4.10 SFO – Shallow Flooding Overlay District. **289**
8:4.11 Appointment and Duties of Board of Adjustment. **289**
8:4.12 Nonconforming Uses. **292**
8:4.13 Enforcement and Penalties for Violation. **292**
8:4.14 Amendments. **292**

8:4.1 Purpose.

It is the purpose of this Chapter to protect and preserve the rights, privileges and property of Johnson County and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in 8:4.3.B.1 of this Ordinance with provisions designed to:

1. Reserve sufficient floodplain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.
2. Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.
3. Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.
4. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.
5. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

8:4.2 Name.

Chapter 8:4 shall be known as and may be referred to as the “Floodplain Management Regulations.”

8:4.3 Statutory Authority, Application to Agricultural Operations, Findings of Fact.

A. Statutory Authority. The Legislature of the State of Iowa has, in Chapter 335, Code of Iowa, as amended, delegated the power to counties to enact zoning regulations to secure safety from flood and to promote health and the general welfare.

B. Findings of Fact.

1. The flood hazard areas of Johnson County are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.
2. These flood losses, hazards, and related adverse effects are caused by:
    a. The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding, and
    b. The cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.
3. This Chapter relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Department of Natural Resources.

C. Application to Agricultural Operations. In accordance with Iowa Code Chapter 335.2, exemption for agricultural operations does not extend to any structure, building, dam, obstruction, deposit, or excavation in or on the floodplains of any river or stream.

8:4.4 Definitions.

A. General Rules. There are general rules that apply to all definitions herein. Unless it is specifically stated otherwise, the following statements apply to all defined words:

1. Terms defined below which are used in the present tense shall also include the future tense.
2. Terms defined in the singular shall also apply to the plural.
3. Terms defined in the plural shall also apply to the singular.
4. The word “shall” is mandatory and not directory.
5. “This Chapter” shall refer to all regulations and standards in 8:4.
6. “Subsection” shall refer to a specific subsection within a chapter of the Unified Development Ordinance.
7. “This ordinance” shall refer to all ordinances within the Unified Development Ordinance.
8. The word “building” shall be interchangeable with the word “structure” and the word “structure” with the word “building”.
9. If a word or term used in this chapter, but not defined herein, is defined in another chapter of this ordinance, then that definition shall be used in the interpretation of this chapter.
10. To give this Chapter its most reasonable application, all other words and terms used in this chapter, but which are not defined by this ordinance, shall have their ordinary and common meaning.

B. Terms.

1. **Appurtenant Structure.** A structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure
2. **Base Flood.** The flood having one (1) percent chance of being equaled or exceeded in any given year. (Also commonly referred to as the “one hundred (100) year flood”).
3. **Base Flood Elevation (BFE).** The elevation floodwaters would reach at a particular site during the occurrence of a base flood event.
4. **Basement.** Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."
5. **Building.** See “Structure”.
6. **Development.** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials. “Development” does not include “minor projects” or “routine maintenance of existing buildings and facilities” as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling or grading.
7. **Enclosed Area Below Lowest Floor.** The floor of the lowest enclosed area in a building when <u>all</u> the following criteria are met:
    a. The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of 8:4.8(B)(4)(a) of this Chapter; and

b. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage; and

c. Machinery and service facilities (e.g., hot water heater, furnace, electrical service, etc.) contained in the enclosed area are located at least one (1) foot above the base flood elevation; and

d. The enclosed area is not a "basement" as defined in this section.

8. **Existing Construction.** Any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by the community.

9. **Existing Factory-Built Home Park or Subdivision.** A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.

10. **Expansion of Existing Factory-Built Home Park or Subdivision.** The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed. Facilities includes at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

11. **Factory-Built Home.** Any structure, designed for residential use which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Chapter factory-built homes include mobile homes, manufactured homes, and modular homes; and also include "recreational vehicles" which are placed on a site for greater than one hundred and eighty (180) consecutive days and not fully licensed for and ready for highway use.

12. **Factory-Built Home Park or Subdivision.** A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.[478]

13. **Five Hundred (500) Year Flood.** The flood having two-tenths (0.2) percent chance of being equaled or exceeded in any given year. (Also commonly referred to as the “five hundred (500) year flood”).

14. **Flood.** A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

15. **Flood Insurance Rate Map (FIRM).** The official map prepared as part of, but published separately from, the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

16. **Flood Insurance Study (FIS).** A report published by FEMA for a community issued along with the community’s Flood Insurance Rate Map(s). The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the FIRM.

17. **Floodplain.** Any land area susceptible to being inundated by water as a result of a flood.

[478] Ordinance 09-26-24-01

18. **Floodplain Management.** An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, including but not limited to emergency preparedness plans, flood control works, floodproofing, and floodplain management regulations.

19. **Floodproofing.** Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.

20. **Floodway.** The channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.

21. **Floodway Fringe.** Those portions of the Special Flood Hazard Area outside the floodway.

22. **Highest Adjacent Grade.** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure

23. **Historic Structure.** Any structure that is:

    a. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;

    b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

    c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,

    d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either an approved state program as determined by the Secretary of the Interior, or directly by the Secretary of the Interior in states without approved programs.

24. **Lowest Floor.** The floor of the lowest enclosed area in a structure including a basement except when the criteria listed in the definition of Enclosed Area below Lowest Floor are met.

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.

26. **Minor Projects.** Small development activities (except for filling, grading and excavating) valued at less than five hundred dollars ($500).

27. **New Construction.** Those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community. Includes new buildings and factory-built home parks. Also includes any subsequent improvements to such structures.

28. **New Factory-Built Home Park or Subdivision.** A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the first floodplain management regulations adopted by the community.

29. **Recreational Vehicle.** A vehicle which meets all of the following criteria:

    a. Built on a single chassis;

    b. Four hundred (400) square feet or less when measured at the largest horizontal projection;

    c. Designed to be self-propelled or permanently towable by a light duty truck; and

    d. Designed primarily as a temporary living quarters for recreational, camping, travel, or seasonal use and not for use as a permanent dwelling.

30. **Routine Maintenance of Existing Buildings and Facilities.** Repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:

    a. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;

    b. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;

    c. Basement sealing;

    d. Repairing or replacing damaged or broken window panes;

    e. Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.

31. **Special Flood Hazard Area (SFHA).** The land within a community subject to the "base flood". This land is identified on the community's Flood Insurance Rate Map as Zone A, A1-30, AE, AH, AO, AR, and/or A99.

32. **Start of Construction.** Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred and eighty (180) days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

33. **Structure.** Anything constructed or erected on the ground or attached to the ground, including but not limited to buildings, factories, sheds, cabins, factory-built homes, storage tanks, grain storage facilities and/or other similar uses.

34. **Substantial Damage.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair. Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a ten (10) year period for which the cost of repairs at the time of such flood event, on the average, equals or exceeds twenty five (25) percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair.

35. **Substantial Improvement.** Any improvement to a structure which satisfies either of the following criteria:

    a. Any repair, reconstruction, or improvement of a structure taking place during a ten (10) year period, the cumulative cost of which, equals or exceeds fifty (50) percent of the market value of the structure either before the "start of construction" of the first improvement of the structure; or, if the structure has been "substantially damaged" and is being restored, before the damage occurred.

       The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

    b. Any addition which increases the original floor area of a building by twenty five (25) percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed twenty five (25) percent.

36. **Variance.** A grant of relief by a community from the terms of the floodplain management regulations.

37. **Violation.** The failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

8:4.5 General Provisions.

A. Application of Regulations. The provisions of this Chapter shall apply to all lands within the jurisdiction of Johnson County shown on the Official Floodplain Zoning Map as being within the boundaries of the Floodway, Floodway Fringe, General Floodplain and Shallow Flooding Overlay Districts, as established in 8:4.5(C).

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.

C. Establishment of Zoning Overlay Districts.

1. The floodplain areas within the jurisdiction of this Chapter are hereby divided into the following districts:

   a. FWO – Floodway Overlay District. Those areas identified as Floodway on the Official Floodplain Zoning Map;

   b. FFO – Floodway Fringe Overlay District. Those areas identified as Zone AE on the Official Floodplain Zoning Map but excluding those areas identified as Floodway;

   c. GFO – General Floodplain Overlay District. Those areas identified as Zone A on the Official Floodplain Zoning Map, and;

   d. SFO – Shallow Flooding Overlay District. Those areas identified as Zone AO or AH on the Official Floodplain Zoning Map.

2. The boundaries shall be as shown on the Official Floodplain Zoning Map. Within these districts, all uses not allowed as Permitted Uses are prohibited unless a variance to the terms of this Chapter is granted after due consideration by the Board of Adjustment.

D. Rules for Interpretation of District Boundaries.

1. The boundaries of the zoning district areas shall be determined by scaling distances on the Official Floodplain Zoning Map. When an interpretation is needed as to the exact location of a boundary, the Zoning Administrator shall make the necessary interpretation.

2. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Zoning Administrator in the enforcement or administration of this Chapter.

E. Compliance. No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this Chapter and other applicable regulations which apply to uses within the jurisdiction of this Chapter.

F. Abrogation and Greater Restrictions. It is not intended by this Chapter to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter imposes greater restrictions, the provision of this Chapter shall prevail. All other ordinances inconsistent with this Chapter are hereby repealed to the extent of the inconsistency only.

G. Interpretation. In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

H. Warning and Disclaimer of Liability.

1. The standards required by this Chapter are considered reasonable for regulatory purposes. This Chapter does not imply that areas outside the designated Floodplain Overlay District areas will be free from flooding or flood damages.

2. This Chapter shall not create liability on the part of Johnson County or any officer or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made there under.

I. Severability. If any section, clause, provision or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter and this Ordinance shall not be affected thereby.

8:4.6 Administration.

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

1. The Zoning Administrator is hereby appointed to implement and administer the provisions of this Chapter and will herein be referred to as the Administrator.
2. Duties and responsibilities of the Administrator shall include, but not necessarily be limited to the following:
    a. Review all floodplain development permit applications to assure that the provisions of this Chapter will be satisfied.
    b. Review floodplain development applications to assure that all necessary permits have been obtained from federal, state and local governmental agencies including approval when required from the Department of Natural Resources for floodplain construction.
    c. Record and maintain a record of:
        i. The elevation, in relation to North American Vertical Datum 1929, 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, to which new or substantially improved structures have been floodproofed.
    d. Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.
    e. Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Chapter.
    f. Submit to the Federal Insurance Administrator an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Administrator.
    g. Notify the Federal Insurance Administration of any annexations or modifications to the community's boundaries.
    h. Review subdivision proposals to ensure such proposals are consistent with the purpose of this Chapter and advise the Planning and Zoning Commission and Board of Supervisors of potential conflict.
    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.

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.

1. Permit Required. A Floodplain Development Permit issued by the Administrator shall be secured prior to any floodplain development, including the placement of factory-built homes.

   a. "Development" means any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of materials or equipment.

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

   a. Description of the work to be covered by the permit for which application is to be made.

   b. Description of the land on which the proposed work is to be done (i.e., lot, block, tract, street address or similar description) that will readily identify and locate the work to be done.

   c. Location and dimensions of all buildings and building additions

   d. Indication of the use or occupancy for which the proposed work is intended.

   e. Elevation of the base flood.

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

   g. For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.

   h. Such other information as the Administrator deems reasonably necessary (e.g., drawings, a site plan, etc.) for the purpose of this Chapter.

3. Installation of Fill Materials.

   a. Fill shall only be allowed in the Floodway Overlay District in accordance with Section 8:4.7 of this chapter.

   b. Fill of five hundred (500) cubic yards or less may be placed within the Floodway Fringe, General Floodplain, and Shallow Flooding overlay districts after obtaining a permit in accordance with subsection 8:4.6(B)(2), and in accordance with the following:[479]

[479] Ordinance 09-26-24-01

i. In no instance shall the depth of fill in a floodway fringe exceed five (5) feet. In an inland depressional floodplain, the depth of fill measured from the natural grade to the new surface shall not exceed five (5) feet.

ii. In no instance shall any fill be placed within twenty-five (25) feet of the floodway or in a location which might be endangered by, or accelerate, a meander.

iii. Fill shall consist of soil or rock materials only; sanitary landfills shall not be permitted in any portion of a floodplain.

iv. All fill areas shall be stabilized with material which will protect against erosion hazards, undercutting, and undermining.

c. Fill in excess of five hundred (500) cubic yards may be placed within the Floodway Fringe, General Floodplain, and Shallow Flooding overlay districts after obtaining a permit in accordance with subsection 8:4.6(B)(2), and after receiving approval from the Floodplain Administrator of a Fill Plan which complies with this section. The location and method of installation of fill associated with a Fill Plan shall be subject to the following:[480]

i. The Fill Plan shall include the following:

a) The existing and proposed elevations in one (1) foot contours,

b) The location of the floodway and floodway fringe,

c) The location and depth of the proposed fill,

d) The footprint and description of any structures proposed to be placed on the fill (if applicable),

e) Any other information requested by the Floodplain Administrator.

ii. The placement of fill must comply with all Environmental Regulations in Chapter 8:3 of this ordinance.

iii. The cross-sectional area of a floodplain shall not be reduced by more than two and one-half percent (2.5%) on either side of the centerline of the watercourse.

iv. Compensatory storage shall be provided to offset the storage lost through filling.

v. In no instance shall the depth of fill in a floodway fringe exceed five (5) feet. In an inland depressional floodplain, the depth of fill measured from the natural grade to the new surface shall not exceed five (5) feet.

vi. In no instance shall any fill be placed within twenty-five (25) feet of the floodway or in a location which might be endangered by, or accelerate, a meander.

vii. Fill shall consist of soil or rock materials only; sanitary landfills shall not be permitted in any portion of a floodplain.

[480] Ordinance 09-26-24-01

viii. All fill areas shall be stabilized with material which will protect against erosion hazards, undercutting, and undermining.

ix. Fill that is being placed in accordance with a county project located in the road right-of-way, or a berm or levee project that has been authorized and/or permitted by FEMA or the Iowa DNR may exceed the limitations set forth in items (ii), (iv), and (v) of this subsection

4. Action on Permit Application. The Administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this Chapter and shall approve or deny the application. For denials, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for variances except as directed by the Board of Adjustment.

5. Construction and Use to be as Provided in Application and Plans. Floodplain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction.

   a. The applicant shall be required to submit certification by a professional engineer or land surveyor registered in the State of Iowa, as appropriate, that the finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this Chapter prior to the use or occupancy of any structure.

   b. Any use, arrangement, or construction not in conformance with that authorized shall be deemed a violation of this Chapter.

8:4.7 FWO – Floodway Overlay District.

The Floodway Overlay District refers to those areas identified as Floodway on the Official Floodplain Zoning Map.

A. Permitted Uses. All development within the Floodway Overlay District shall be permitted to the extent that it is not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway Overlay District.[481]

B. Performance Standards. All Floodway Overlay District uses allowed as a Permitted Use shall meet the following standards:

1. No use or development shall be permitted in the Floodway Overlay District that would result in any increase in the base flood elevation. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
2. All uses and development within the Floodway Overlay District shall:
    a. Be consistent with the need to minimize flood damage.
    b. Use construction methods and practices that will minimize flood damage.
    c. Use construction materials and utility equipment that are resistant to flood damage.
3. No use or development shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility or system.
4. Structures, buildings, RVs, and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the Floodway Fringe Overlay District and shall be constructed or aligned to present the minimum possible resistance to flood flows.
5. Structures, if permitted, shall have low flood damage potential and shall not be for human habitation.[482]
6. Storage of materials or equipment that are buoyant, flammable, explosive, or injurious to human, animal, or plant life is prohibited. Storage of other material may be allowed if readily removable from the Floodway Overlay District within the time available after flood warning.
7. Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.
8. Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.
9. Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

[481] Ordinance 09-26-24-01
[482] Ordinance 09-26-24-01

8:4.8 FFO – Floodway Fringe Overlay District.

The Floodway Fringe Overlay District refers to those areas identified as Zone AE on the Official Floodplain Zoning Map but excluding those areas identified as Floodway.

A. Permitted Uses. All uses within the Floodway Fringe Overlay District shall be permitted to the extent that they are not prohibited by any other ordinance or underlying zoning district, and provided they meet applicable performance standards of the Floodway Fringe Overlay District.

B. Performance Standards. All development must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Until a regulatory floodway is designated, no development may increase the Base Flood Elevation more than one (1) foot. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.[483]

1. All development shall:[484]
    a. Be designed and adequately anchored to prevent flotation, collapse or lateral movement.
    b. Use construction methods and practices that will minimize flood damage.
    c. Use construction materials and utility equipment that are resistant to flood damage.
2. Residential Structures.
    a. All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the base flood elevation.
        i. Construction shall be upon compacted fill which shall, at all points, be no lower than one (1.0) feet above the base flood elevation and extend at such elevation at least eighteen (18) feet beyond the limits of any structure erected thereon.
        ii. Alternate methods of elevating (such as piers or extended foundations) may be allowed where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.
    b. All new residential structures 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.
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.

[483] Ordinance 09-26-24-01
[484] Ordinance 09-26-24-01

a. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood; and that the structure, below the base flood elevation is watertight with walls substantially impermeable to the passage of water.

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

4. All new and substantially improved structures.

a. Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:

i. A minimum of two (2) openings, with positioning on at least two (2) walls, having a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding shall be provided.

ii. The bottom of all openings shall be no higher than one (1) foot above grade.

iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

iv. Such areas shall be used solely for parking of vehicles, building access, and low damage potential storage.

a) Where the distance between the floor and ceiling of the fully enclosed area below the “lowest floor” is five (5) feet or more, the applicant shall be required to sign and record with the Johnson County Recorder a Non-Conversion Agreement that ensures the lower enclosed area remains compliant with the criteria outlined in 8:4.8(B)(4).

b. New and substantially improved structures must be designed or modified such that they are adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

c. New and substantially improved structures shall be constructed with electric meter, electrical service panel box, hot water heater, heating, air conditioning, ventilation equipment (including ductwork), and other similar machinery and equipment elevated (or in the case of non-residential structures, optionally floodproofed to) a minimum of one (1) foot above the base flood elevation.[485]

d. New and substantially improved structures shall be constructed with plumbing, gas lines, water/gas meters, and other similar service utilities either elevated (or in the case of non-residential structures, optionally floodproofed to) a minimum of one (1) foot above the base flood elevation or designed to be watertight and withstand inundation to such a level.[486]

5. Factory-built homes.

[485] Ordinance 09-26-24-01
[486] Ordinance 09-26-24-01

a. All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the base flood elevation.

b. All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Anchorage systems may include, but are not limited to, use of over-the-top or frame ties to ground anchors as required by the State Building Code.

6. Utility and Sanitary Systems.

   a. On-site wastewater disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

   b. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities, other than on-site systems, shall be provided with a level of flood protection equal to or greater than one (1) foot above the base flood elevation.

   c. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the base flood elevation.

   d. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

7. Storage of Hazardous Materials. Materials and equipment that are flammable, explosive, or injurious to human, animal, or plant life is prohibited unless elevated a minimum of one (1) foot above the base flood elevation. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.

8. Flood Control Structures. Flood control structural works including but not limited to levees, flood walls, etc. shall provide at minimum, protection from the base flood with a minimum of three (3) feet of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.

9. Watercourse Alterations. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.

10. Subdivisions. Subdivisions, including factory-built home parks, shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage.

    a. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this Chapter, and Chapter 8:2.

    b. Subdivision proposals intended for residential, commercial, or industrial use shall provide all lots with a means of access which will be passable by wheeled vehicles during the base flood.

c. Subdivision proposals intended for residential, commercial, or industrial use shall include base flood elevation data for those areas located within the Floodway Fringe Overlay District on the appropriate plat exhibit.

d. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include base flood elevation data for those areas located within the Floodway Fringe (Overlay) District.[487]

11. Accessory Structures to Residential Uses.

a. Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied:

i. The structure shall be designed to have low flood damage potential. Its size shall not exceed six hundred (600) square feet in size. Those portions of the structure located less than one (1) foot above the BFE must be constructed of flood-resistant materials.

ii. The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.

iii. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.

iv. The structure shall be firmly anchored to prevent flotation which may result in damage to other structures.

v. The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one (1) foot above the base flood elevation.

vi. The structure's walls shall include openings that satisfy the provisions of 8:4.8(B)(4)(a) of this Chapter.

b. Exemption from the base flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

12. Recreational Vehicles.

a. Recreational vehicles are exempt from the requirements of 8:4.8.B.5 of this Chapter regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.

i. The recreational vehicle shall be located on the site for less than one hundred and eighty (180) consecutive days, and,

ii. The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

b. Recreational vehicles that are located on the site for more than one hundred and eighty (180) consecutive days or are not ready for highway use must satisfy requirements of 8:4.8.B.5 of this chapter regarding anchoring and elevation of factory-built homes.

---

[487] Ordinance 09-26-24-01

13. Pipeline Crossings. Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

14. Maximum Damage Potential Uses. 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.

    a. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the two-tenths percent (0.2%) annual chance flood; and that the structure, below the two-tenths percent (0.2%) annual chance flood elevation is watertight with walls substantially impermeable to the passage of water.

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

    c. Where two-tenths percent (0.2%) chance flood elevation data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determinations.

8:4.9 GFO – General Floodplain Overlay District.

The General Floodplain Overlay District refers to those areas identified as Zone A on the Official Floodplain Zoning Map.

A. Permitted Uses. All development within the General Floodplain Overlay District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the General Floodplain Overlay District.[488]

1. Any development which involves placement of structures, factory-built homes, fill or other obstructions, storage of materials or equipment, excavation or alteration of a watercourse shall be reviewed by the Department of Natural Resources to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the base flood elevation. The applicant shall be responsible for providing the Department of Natural Resources with sufficient technical information to make the determination.[489]

2. Review by the Iowa Department of Natural Resources is not required for the proposed construction of new or replacement bridges or culverts where:

   a. The bridge or culvert is located on a stream that drains less than one hundred (100) square miles, and

   b. The bridge or culvert is not associated with a channel modification that constitutes a channel change as specified in 567-71.2(1)(b), Iowa Administrative Code.

B. Performance Standards.

1. All development and uses, or portions thereof, to be located in the floodway as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the FWO – Floodway Overlay District 8:4.7.

2. All development and uses, or portions thereof, to be located in the floodway fringe as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the FFO – Floodway Fringe Overlay District 8:4.8.

[488] Ordinance 09-26-24-01
[489] Ordinance 09-26-24-01

8:4.10 SFO – Shallow Flooding Overlay District.

The Shallow Flooding Overlay District refers to those areas identified as Zone AO or AH on the Official Floodplain Zoning Map.

A. Permitted Uses. All development within the Shallow Flooding Overlay District shall be permitted to the extent that it is not prohibited by any other ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the Shallow Flooding Overlay District.[490]

B. Performance Standards. The performance standards for all development located in the Shallow Flooding District shall be the same as the performance standards for the FFO – Floodway Fringe Overlay District with the following exceptions:

1. In shallow flooding areas designated as an AO Zone on the Flood Insurance Rate Map, the minimum floodproofing/flood protection elevation shall be equal to the number of feet as specified on the FIRM (or a minimum of two (2.0) feet if no number is specified) above the highest natural grade adjacent to the structure.

2. In shallow flooding areas designated as an AH Zone on the Flood Insurance Rate Map, the minimum floodproofing/flood protection elevation shall be equal to the elevation as specified on the FIRM.

3. In shallow flooding areas designated as either an AH or AO Zone on the Flood Insurance Rate Map, drainage paths are required around structures on slopes to adequately guide water away from structures.

8:4.11 Appointment and Duties of Board of Adjustment.

A. Establishment of the Board of Adjustment. The Johnson County Zoning Board of Adjustment is hereby established as the Floodplain Board of Adjustment, which shall hear and decide appeals and requests for variances to the provisions of this Chapter, and shall take any other action which is required of the Board of Adjustment.

B. Appeals. Where it is alleged there is any error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Chapter, the aggrieved party may appeal such action. The notice of appeal shall be filed with the Board of Adjustment in accordance with Section 8:1.29 and with the official from whom the appeal is taken and shall set forth the specific reason for the appeal. The official from whom the appeal is taken shall transmit to the Board of Adjustment all the documents constituting the record upon which the action appealed from was taken.

C. Variance. The Board of Adjustment may authorize upon request in specific cases such variances from the terms of this Chapter that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Chapter will result in unnecessary hardship. To be granted, variances must meet all of the following applicable standards.

1. Variances shall only be granted upon all of the following:

   a. A showing of good and sufficient cause,

   b. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and

[490] Ordinance 09-26-24-01

c. A determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense; create nuisances; cause fraud on, or victimization of, the public; or conflict with existing local codes or ordinances.

2. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood would result. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

3. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

4. In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this Chapter, the applicant shall be notified in writing over the signature of the Administrator that:

   a. The issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as twenty five dollars ($25) for one hundred dollars ($100) of insurance coverage, and

   b. Such construction increases risks to life and property.

5. All variances granted shall have the concurrence or approval of the Department of Natural Resources.

D. Hearings and Decisions of the Board of Adjustment.

1. Hearings. Upon the filling with the Board of Adjustment of an Appeal or a request for a Variance, the Board of Adjustment shall hold a public hearing in accordance with Chapter 8:1.29.

   The Board of Adjustment may require the appellant or applicant to provide such information as is reasonably deemed necessary and may request the technical assistance and/or evaluation of a professional engineer or other expert person or agency, including the Department of Natural Resources.

2. Decisions. The Board of Adjustment shall arrive at a decision on an Appeal or Variance within a reasonable time. In ruling upon an Appeal, the Board of Adjustment may, so long as such action is in conformity with the provisions of this Chapter, reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination appealed from, and it shall make its decision, in writing, setting forth the findings of fact and the reasons for its decision. In granting a Variance, the Board of Adjustment shall consider such factors as contained in this section and all other relevant sections of this Chapter and may prescribe such conditions as contained in 8:4.11(D)(2)(b).

   a. Factors Upon Which the Decision of the Board of Adjustment Shall be Based. In ruling upon applications for Variances, the Board of Adjustment shall consider all relevant factors specified in other sections of this Chapter, as well as:

      i. The danger to life and property due to increased flood heights or velocities caused by encroachments.

      ii. The danger that materials may be swept onto other land or downstream to the injury of others.

iii. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

iv. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

v. The importance of the services provided by the proposed facility to the County.

vi. The requirements of the facility for a floodplain location.

vii. The availability of alternative locations not subject to flooding for the proposed use.

viii. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

ix. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for the area.

x. The safety of access to the property in times of flood for ordinary and emergency vehicles.

xi. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood water expected at the site.

xii. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical, and water systems), facilities, streets and bridges.

xiii. Such other factors which are relevant to the purpose of this Chapter.

b. Conditions Attached to Variances. Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Chapter. Such conditions may include, but are not limited to:

i. Modification of waste disposal and water supply facilities.

ii. Limitation of periods of use and operation.

iii. Imposition of operational controls, sureties, and deed restrictions.

iv. Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this Chapter.

v. Floodproofing measures. Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood.

a) The Board of Adjustment shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

3. Appeals to the Court. Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such

decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board of Adjustment.

8:4.12 Nonconforming Uses.

Nonconforming uses established in conformance with provisions of this Ordinance shall be regulated in accordance with the provisions in Chapter 8:1.30.

8:4.13 Enforcement and Penalties for Violation.

Violations of the provisions of this Chapter or failure to comply with any of the requirements, including violations of conditions and safeguards established in connection with grants of Variances, shall be enforced in accordance with Chapter 8:8 of this ordinance.

8:4.14 Amendments.

The regulations and standards set forth in this Chapter may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources

8:5 Commercial Wind Energy Facility Regulations

First adopted and effective September 8, 2011 | Current version effective January 15, 2020.

8:5.1 Purpose. **293**
8:5.2 Name. **293**
8:5.3 Definitions. **293**
8:5.4 Applicability. **295**
8:5.5 Supplemental Conditions. **295**
8:5.6 Permit Application and Process. **295**
8:5.7 Design and Installation. **296**
8:5.8 Setback Regulations. **297**
8:5.9 Waiver of Setback Regulations. **298**
8:5.10 Use or Public Roads. **298**
8:5.11 Local Emergency Service Providers. **299**
8:5.12 Noise and Shadow Flicker. **299**
8:5.13 Waiver of Noise and Shadow Flicker Provisions. **299**
8:5.14 Signal Interference. **300**
8:5.15 Liability Insurance. **300**
8:5.16 Decommissioning of Wind Energy Facility. **300**
8:5.17 Public Inquires and Complaints. **301**
8:5.18 Enforcement and Penalties for Violation. **301**

8:5.1 Purpose.

It is the intent of this ordinance to provide for the construction and operation of Commercial Wind Energy Facilities subject to reasonable conditions that will protect the public's health, safety and welfare.

8:5.2 Name.

Chapter 8:5 shall be known and may be referred to as the Commercial Wind Energy Facility Ordinance.

8:5.3 Definitions.

For the purpose of interpreting and enforcing Chapter 8:1 of the Unified Development Ordinance, certain terms are hereby defined. For the definition of additional relevant terms, please reference Chapter 8:1.4 of the Johnson County Unified Development Ordinance.

A. General Rules. There are general rules that apply to all definitions herein. Unless it is specifically stated otherwise, the following statements apply to all defined words:

1. Terms defined below which are used in the present tense shall also include the future tense.
2. Terms defined in the singular shall also apply to the plural.
3. Terms defined in the plural shall also apply to the singular.
4. The word “shall” is mandatory and not directory.
5. “This Chapter” shall refer to all regulations and standards in 8:1.
6. “Subsection” shall refer to a specific subsection within a chapter of the Unified Development Ordinance.
7. “This ordinance” shall refer to all ordinances within the Unified Development Ordinance.

8. The word “building” shall be interchangeable with the word “structure” and the word “structure” with the word “building”.
9. If a word or term used in this chapter, but not defined herein, is defined in another chapter of this ordinance, then that definition shall be used in the interpretation of this chapter.
10. To give this Chapter its most reasonable application, all other words and terms used in this chapter, but which are not defined by this ordinance, shall have their ordinary and common meaning.

B. Terms.

1. **Applicant.** Any person, firm, corporation, partnership, association, trust, or other entity, who has directly or through an agent, submitted an application for a use which requires compliance with the regulations herein.
2. **Decommissioning Fund Agent.** A person, who is not the Facility Owner, Operator, or Applicant, who is responsible for maintaining and releasing all Decommissioning Funds.
3. **Decommissioning Funds.** Funds in the form of a performance bond, escrow account, surety bond, letter of credit, corporate guarantee, or other form of financial assurance that is approved by the Zoning Administrator that are set aside for the sole purpose of decommissioning a Wind Energy Facility after the end of its useful life.
4. **Facility Owner.** The entity or entities having an equity interest in a Wind Energy Facility, including their respective successors and assigns.
5. **Hub Height.** The vertical distance between the surface of the tower foundation and the center of the turbine hub, where the blades are attached.
6. **Non-Participating Landowner.** Any landowner except those on whose property all or a portion of a Wind Energy Facility is located pursuant to an agreement with a Facility Owner or Operator.
7. **Occupied Structure.** A dwelling, school, hospital, church, public library or other building used for public gathering that is occupied or in use when the permit application is submitted.
8. **Operator.** The entity responsible for the day-to-day operation and maintenance of the Wind Energy Facility.
9. **Participating Landowner.** Any landowner whose property has or is proposed to have all or a portion of a Wind Energy Facility located on it pursuant to an agreement with a Facility Owner or Operator.
10. **Turbine Height.** The vertical distance between the surface of the tower foundation and the highest point of the turbine rotor plane.
11. **Wind Energy Facility.** An electricity generating facility, whose primary purpose is to produce electricity for use off site, consisting of one or more Wind Turbines, accessory structures and facilities, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities, and all property of participating landowners.
12. **Wind Turbine.** A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes but is not limited to the nacelle, rotor, tower, and pad transformer, if any.

8:5.4 Applicability.

A. Wind Energy Facilities shall be considered a conditional use in the A - Agricultural zoning district.

B. No Wind Energy Facility, or addition of a Wind Turbine to an existing Wind Energy Facility, shall be constructed or located within Johnson County unless a conditional use permit has been issued to the Facility Owner or Operator approving construction of the facility according to this Ordinance.

C. This ordinance applies to all Wind Energy Facilities constructed after the effective date of this Ordinance as well as any Wind Energy Facility where proposed modification will materially alter the size, type, or number of existing Wind Turbines or accessory equipment or structures. Like-kind replacements shall not require a permit modification.

8:5.5 Supplemental Conditions.

In addition to the specific provisions of this ordinance, a conditional use permit for a Wind Energy Facility or material alteration to an existing Wind Energy Facility may also be subject to any additional conditions as may be warranted to mitigate any deleterious effects of the Wind Energy Facility or material alteration to an existing Wind Energy Facility.

8:5.6 Permit Application and Process.

A. The permit application or amended permit application shall be accompanied with a fee in an amount that is established by resolution of the Board of Supervisors.

B. The permit application shall demonstrate that the proposed Wind Energy Facility will comply with this Ordinance and shall include the following:

1. A narrative describing the proposed Wind Energy Facility, including an overview of the project; the project location; the approximate generating capacity of the Wind Energy Facility; the approximate number, representative types and height or range of heights of Wind Turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.
2. An affidavit or similar evidence of agreement between the Participating Landowner and the Facility Owner or Operator demonstrating that the Facility Owner or Operator has the permission of the Participating Landowner to apply for necessary permits for construction and operation of the Wind Energy Facility.
3. Identification of the properties on which the proposed Wind Energy Facility will be located, and the properties within one thousand (1,000) feet of where the Wind Energy Facility will be located.
4. A site plan showing the following:
    a. Planned location of each Wind Turbine;

b. Property lines, occupied buildings within the Wind Energy Facility and within one thousand (1,000) feet of the Wind Energy Facility, public and private roads and trails, and setback distance for each Wind Turbine and associated equipment from property lines, occupied buildings, public and private roads and trails;

c. All associated equipment and infrastructure to include access roads, turnout locations, substation(s), electrical cabling from the Wind Energy Facility to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines; and

d. Location and type of warning devices as required by subsection 8:5.7(F).

5. Documents related to decommissioning as required by Zoning Administrator or the Board of Adjustment.

6. Any relevant studies, reports, certifications and approvals as may be reasonably requested by Zoning Administrator or the Board of Adjustment to include any reports necessary for storm water management, soil erosion control, or preservation of sensitive areas as mandated by Chapter 8:3 of the Johnson County Unified Development Ordinance.

C. Throughout the permit process, the Applicant shall promptly notify the Zoning Administrator, in writing, of any changes to the information contained in the permit application.

D. Changes to the pending application that do not materially alter the initial site plan may be adopted without a renewed public hearing.

E. Within forty five (45) days after the close of the initial public hearing, the Johnson County Board of Adjustment will make a decision whether to issue or deny the permit application, unless a longer deferment is agreed upon by both the Board of Adjustment and the Applicant.

8:5.7 Design and Installation.

All Commercial Wind Energy Facilities shall meet the following minimum standards for design and installation.

A. Design Safety Certification. The design of the Wind Energy Facility shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanishcer Lloyd Wind Energies, or other similar certifying organizations determined as acceptable by the Board of Adjustment.

B. Building Codes. The Wind Energy Facility will comply with all currently adopted Johnson County building codes and regulations.

C. Braking Systems. The design and installation of all braking systems must conform to current and applicable industry standards. All Wind Turbines shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

D. Electrical Components. The design and installation of all electrical systems and components must conform to current and applicable industry standards as well as all applicable local and state building and electrical codes.

E. Visual Appearance. The appearance of all wind turbines in the wind energy facility shall comply with the following standards.

1. Wind Turbines shall be a non-obtrusive color such as white, off-white or gray.
2. Wind Energy Facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
3. All signage on Wind Turbines shall comply the Sign Regulations found in 8:1.25.
4. On-site transmission and power lines between Wind Turbines shall to the maximum extent feasible be placed underground.

F. Warnings. The following warning signs and devices shall be present at each Wind Energy Facility.

1. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers, substations, and Wind Turbines.
2. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten feet from the ground.
3. Any and all warnings signs as required by state, local, and federal regulations.

G. Unauthorized Access. The following measures shall be undertaken to prevent unauthorized and unsafe access to Wind Turbines.

1. Wind Turbines shall not be climbable up to fifteen (15) feet above ground surface.
2. All access doors to Wind Turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.

8:5.8 Setback Regulations.

The following setback regulations apply to all towers installed as a part of a Commercial Wind Energy Facility.

A. Occupied Buildings of Participating Landowners. Wind Turbines shall be set back from the nearest Occupied Building of a Participating Landowner a distance of one hundred and ten (110) percent of the Turbine Height. The setback distance shall be measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied Building.

B. Occupied Buildings of Non-Participating Landowners. Wind Turbines shall be set back from the nearest Occupied Building located on a Non-Participating Landowner's property a distance of not less than one thousand (1,000) feet or one hundred and ten (110) percent of the Turbine Height, whichever is greater. The setback distance shall be measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied Building.

C. Public and Private Roads. All Wind Turbines shall be set back from the right-of-way of all public and private roads a distance of 1.1 times the Turbine Height. The setback distance shall be measured from the center of the Wind Turbine base to the nearest point on the property line or right-of-way line.

D. Property Lines of Participating Landowners. Wind Turbines shall be set back from all property lines of Participating Landowners a distance of 1.1 times the Turbine Height. The setback distance shall be measured from the center of the Wind Turbine base to the nearest point on the property line or right-of-way line.

E. Property Lines of Non-Participating Landowners. Wind Turbines shall be set back from all property lines of Non-Participating Landowners a distance of five hundred (500) feet or one hundred and ten (110) percent of the Turbine Height, whichever is greater. The setback distance shall be measured from the center of the Wind Turbine base to the nearest point on the property line or to the nearest point on the foundation of the Occupied Building.

8:5.9 Waiver of Setback Regulations.

A. Waiver. Non-Participating Landowners may waive the setback requirements, as required above, by signing a waiver that sets forth the applicable setback provision(s) and the proposed changes.

1. The written waiver shall notify the Non-Participating Landowners of the setback(s) required by this Ordinance, describe how the proposed Wind Energy Facility is not in compliance, and state that consent is granted for the Wind Energy Facility to not be setback as required by this Ordinance as shown on the site plan submitted with the permit application.

2. Any such waiver shall be recorded in the Johnson County Recorder's Office. The waiver shall describe the properties benefited and burdened, and advise all subsequent purchasers of the burdened property that the waiver of setback shall run with the land and may forever burden the subject property.

B. Waiver of Setback from Public Roads. Upon application, the Board of Adjustment may waive the setback requirement for public roads for good cause.

8:5.10 Use or Public Roads.

A. Identification of Potential Road Usage. The Applicant shall identify, with the approval of the Johnson County Engineer, all state and local public roads to be used within Johnson County to transport equipment and parts for construction, operation or maintenance of the Wind Energy Facility.

B. Documentation of Road Conditions. Prior to construction, the Johnson County Engineer shall document the current road conditions of the roads identified in the application for use, with all associated documentation costs paid for by the applicant. The engineer shall document road conditions again thirty (30) days after construction is complete or as weather permits.

C. Road Preparation and Damage. Any road preparation or maintenance necessitated by the proposed Wind Energy Facility or damage caused by the applicant or its contractors during construction or decommissioning shall be promptly completed or repaired, as appropriate, at the applicant's expense.

1. The Applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads.

2. The Johnson County Engineer may require escrow funds, bond, or some other type of bank assurance to cover all costs of potential damage to roads.

8:5.11 Local Emergency Service Providers.

A. Project Summary. The Applicant shall provide a copy of the project summary and site plan to local emergency service providers, including paid or volunteer fire department(s).

B. Cooperation. The Applicant shall cooperate with emergency service providers to develop and coordinate implementation of an emergency response plan for the Wind Energy Facility.

8:5.12 Noise and Shadow Flicker.

A. Audible Sound. Wind Energy Facility shall not exceed forty five (45) dBA, as measured at the exterior of any Occupied Building on a Non-participating Landowner's property.

1. Methods for measuring and reporting acoustic emissions from Wind Turbines and the Wind Energy Facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 - 1989 titled *Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier.*

B. Shadow Flicker. The Facility Owner and Operator shall make reasonable efforts to minimize shadow flicker to any Occupied Building on a Non-participating Landowner's property, both through the initial design of the Facility and as the result of any shadow flicker complaints occurring after the facility is operational.

1. A shadow flicker mitigation plan shall be submitted with the application, outlining steps that will be taken to so minimize shadow flicker.

2. Reasonable efforts shall include but not be limited to the use of computer modeling to identify optimum location and orientation of each wind turbine and programs to ensure wind turbine blades do not rotate during times when shadow flicker may adversely affect a non-participating landowner's property.

8:5.13 Waiver of Noise and Shadow Flicker Provisions.

A. Waiver of Noise Regulations. Non-Participating Landowners may waive, in whole or part, the noise regulation requirements in subsection 8:5.12(A) of this ordinance by signing a waiver that sets forth the applicable noise provision(s) and the proposed changes.

1. Any such waiver shall be recorded in the Johnson County Recorder's Office.

2. The waiver shall describe the properties benefited and burdened, and advise all subsequent purchasers of the burdened property that the waiver of noise regulation requirements shall run with the land and may forever burden the subject property.

B. Waiver of Shadow Flicker Impact Regulations. Non-Participating Landowners may waive, in whole or part, the Shadow Flicker Impact regulation requirements in subsection 8:5.12(B) of this ordinance by signing a waiver that sets forth the applicable Shadow Flicker Impact provision(s) and the proposed changes.

1. Any such waiver shall be recorded in the Johnson County Recorder's Office.
2. The waiver shall describe the properties benefited and burdened, and advise all subsequent purchasers of the burdened property that the waiver of Shadow Flicker regulation requirements shall run with the land and may forever burden the subject property.

8:5.14 Signal Interference.

The Applicant shall either demonstrate during the application process that no disruption or loss of radio, telephone, television, emergency, or similar signals will occur or provide a mitigation plan to fully mitigate any harm caused by the Wind Energy Facility.

8:5.15 Liability Insurance.

There shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least ten million dollars ($10,000,000) per occurrence and ten million dollars ($10,000,000) in the aggregate. Certificates shall be made available to Johnson County upon application.

8:5.16 Decommissioning of Wind Energy Facility.

A. Decommissioning of Wind Turbines. A decommissioning plan shall be submitted with the application. The plan shall include removal of Wind Turbines, buildings, cabling, electrical components, roads, foundations to a depth of 60 inches, and any other associated facilities as determined by the Zoning Administrator.

B. End of Useful Life. The Facility Owner and Operator shall, at its expense, complete decommissioning of the Wind Energy Facility, or individual Wind Turbines, within twelve (12) months after the end of the useful life of the Facility or individual Wind Turbines. The Wind Energy Facility or individual Wind Turbines will be presumed to be at the end of its useful life if no electricity is generated for a continuous period of six months unless the Facility Owner or Operator is granted an extension by the Board of Adjustment.

C. Remediation of Wind Energy Facility Site. Disturbed earth resulting from the decommissioning of any Wind Energy Facility or Wind Turbine site shall be returned to its preconstruction state, unless the Participating Landowner requests in writing that the access roads or other land surface areas not be restored.

D. Cost Estimate of Decommissioning. An independent Licensed Engineer shall be retained to estimate the total cost of decommissioning the Wind Energy Facility. Said estimates shall be submitted to the Zoning Administrator with the initial application and every fifth year thereafter.

1. The Facility Owner or Operator shall post and maintain Decommissioning Funds in an amount equal to total estimated Decommissioning Costs. Prior to any grading or construction fifty percent (50%) of total estimated decommissioning costs shall be provided. A minimum of 12.5% of the total estimated Decommissioning Costs shall be posted to the Decommissioning fund every year for the next, four-years until 100% of the current total estimated decommissioning costs are deposited.

2. Decommissioning Funds shall be maintained in the form of cash, certificate of deposit, performance bond, escrow account, surety bond, letter of credit, corporate guarantee or other form of financial assurance as agreed to by the Zoning Administrator. Any financial document evidencing the maintenance of the decommissioning funds shall include provisions for releasing the funds to the County in the event decommissioning is not completed in a timely manner.

E. Failure to Complete Decommissioning. If neither the Facility Owner nor Operator completes decommissioning within the periods described above then the Decommissioning Fund Agent shall release the Decommissioning Funds to the County and the Zoning Administrator shall take necessary measures to complete decommissioning. The funds shall be released to the County after a thirty day written notice is provided to the Decommissioning Fund Agent indicating the decommissioning has not occurred within the applicable time period.

F. Release of Decommissioning Funds. The Decommissioning Fund Agent shall release the Decommissioning Funds to the Facility Owner or Operator, as applicable, when the Facility Owner or Operator has demonstrated, and the Zoning Administrator concurs, that decommissioning has been satisfactorily completed; or upon written approval of the Zoning Administrator to continue the decommissioning plan and complete decommissioning.

8:5.17 Public Inquires and Complaints.

The Facility Owner and Operator shall provide and maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project. This information shall be provided to the Zoning Administrator and updated as necessary. A complaint log shall be maintained and provided to the Zoning Administrator upon request. It shall memorialize the date and subject matter of the complaint, the name of the person making the complaint, if known, and what steps were taken to investigate and address the complaint.

8:5.18 Enforcement and Penalties for Violation.

Violations of the provisions of this Chapter shall be enforced in accordance with Chapter 8:8 of this ordinance. Violation of the provisions of this chapter includes failure to comply with any of the requirements, failure to comply with a correction or corrective order, and violations of any other conditions and safeguards established herein.

8:6 Building Code

First adopted and effective January 4, 2001 | Current version effective January 1, 2022.

8:6.1 Purpose. **302**
8:6.2 Name. **302**
8:6.3 Applicability of Codes. **302**
8:6.4 Exemption of Farm Structures. **302**
8:6.5 Adoption of Uniform Codes. **302**
8:6.6 Amendments to Codes. **303**

8:6.1 Purpose.

The purpose of this ordinance is to adopt by reference and provide certain amendments to the 2021 International Building Code (IBC) including Appendix K - Administrative Provisions and the 2021 International Residential Code (IRC), including Appendix F - Radon Control Methods and Appendix J - Existing Buildings and Structures, the Iowa State Electrical Code, the Iowa State Mechanical Code and the Iowa State Plumbing Code; and to provide for the protection of the health, welfare and safety of the citizens of Johnson County, Iowa, and to provide for the enforcement of these codes.[491]

8:6.2 Name.

Chapter 8:6 shall be known as and may be referred to as the "Building Code."

8:6.3 Applicability of Codes.

The 2021 International Building Code including Appendix K - Administrative Provisions and the 2021 International Residential Code, including Appendix F - Radon Control Methods and Appendix J - Existing Buildings and Structures, the Iowa State Electrical Code, the Iowa State Mechanical Code and the Iowa State Plumbing Code shall apply as adopted and amended herein.[492]

8:6.4 Exemption of Farm Structures.

Pursuant to Iowa Code section 331.301(2), no regulation adopted under Chapter 8.6 applies to land, agricultural domiciles, agricultural barns or outbuildings, or other buildings or structures, which are primarily adapted, by reason of nature and area, for use for agricultural purposes, while so used. Exemption shall be determined in accordance with Chapter 8:1.3. [493]

8:6.5 Adoption of Uniform Codes.

Subject to the amendments described in subsection 8:6.6, the 2021 International Building Code including Appendix K - Administrative Provisions and the 2021 International Residential Code, including Appendix F - Radon Control Methods and Appendix J - Existing Buildings and Structures, the Iowa State Electrical Code - Iowa Administrative Code Chapter 661--504, the Iowa State Mechanical Code - Iowa Administrative Code Chapter 641--61, and the Iowa State Plumbing Code - Iowa Administrative Code Chapter 641--25; are hereby adopted and along with said amendments shall be known collectively as the Johnson County Building Code or the Building Code.[494]

---

[491] Ordinance 12-16-21-02
[492] Ordinance 12-16-21-02
[493] Ordinance 07-23-20-01
[494] Ordinance 12-16-21-02

8:6.6 Amendments to Codes.[495]

The following sections of the 2021 International Building Code, the 2021 International Residential Code, the Iowa State Electrical Code, the Iowa State Mechanical Code, and the Iowa State Plumbing Code are amended as follows:

A. Sections 101.1 and R101.1. Delete Sections 101.1 and R101.1 and insert in lieu thereof the following:

101.1/R101.1 Title. These regulations shall be known as the Johnson County Building Code, and shall be cited as such and will be referred to hereinafter as "this code".

B. Sections 105.2 and R105.2. Delete Sections 105.2 and R105.2 and insert in lieu thereof the following:

105.2/R105.2 Work Exempt from a Permit. A permit shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area is not greater than two hundred (200) square feet.
2. Fences not over seven (7) feet high.
3. Oil derricks.
4. Retaining walls which are not over four (4) feet in height measured from the bottom of the footing to top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.
5. Water tanks supported directly on grade if the capacity does not exceed five thousand (5,000) gallons and the ratio of height to diameter or width does not exceed two to one (2:1).
6. Sidewalks and driveways not more than thirty (30) inches above grade and not over any basement or story below and which are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools, which are less than twenty four (24) inches deep, do not exceed five thousand (5,000) gallons and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.
12. Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.
13. Movable cases, counters and partitions not over five (5) feet nine (9) inches in height.
14. Reapplication of shingles and roof sheathing in structures regulated by the IRC provided less than fifty percent (50%) of the sheathing is replaced and other structural alterations are not required.

[495] Ordinance 12-16-21-02

15. For structures regulated by the IRC; reapplication of siding, or replacing exterior doors or windows provided the replacement window or door is in compliance with Appendix J.
16. Membrane structures that are no larger than seven thousand two hundred (7,200) square feet, meet manufacturers specifications, and are located on properties zoned A, AR, or R and are used for private homeowner plant growing operations and wholesale of plant products.

Electrical:

1. Portable motors or other portable appliances energized by means of a cord or cable having an attachment plug end to be connected to an approved receptacle when that cord or cable is permitted by this code.
2. Repair or replacement of fixed motors, transformers or fixed approved appliances of the same type and rating in the same location.
3. Temporary decorative lighting.
4. Repair or replacement of current-carrying parts of any switch, contactor, control device or contact device of the same type and/or rating.
5. Replacement of non-emergency over-current device of the required ampacity and interrupt rating in the same location.
6. Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems.
7. Temporary wiring for experimental purposes in suitable experimental laboratories.
8. The wiring for temporary theater, motion picture or television stage sets.

Gas:

1. Portable heating, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Mechanical:

1. Portable heating appliances.
2. Portable ventilation appliances.
3. Portable cooling units.
4. Steam, hot- or chilled-water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative coolers.
7. Self-contained refrigeration systems containing ten (10) pounds (4.54 kg) or less of refrigerant or that are actuated by motors of one (1) horsepower (746 W) or less.

8. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

9. The replacement of fixed appliances provided however that the replacement appliance is in the same location and has a rating equal to or less than the appliance being replaced, and it is not necessary to remove, replace, alter, or install any additional ductwork or piping.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

3. The replacement or removal and reinstallation of any fixture or appliance, provided, however, that the fixture or appliance is installed at the same location and it is not necessary to remove, replace, alter, or install any piping.

Exemption from the permit requirements of this Code shall not be deemed to grant authorization for any work to be done in a manner in violation of the provisions of this Code or any other laws or ordinances of this jurisdiction.

C. Sections 105.8 and R105.10. Add new Sections 105.8 to the IBC and R105.10 to the IRC as follows:

105.8/R105.10 Permittee.

1. An electrical, plumbing, or mechanical permit may be issued to any person holding a valid master license issued by the State of Iowa for the respective trade, or to any company who employs a duly licensed master in the respective trade on a full-time basis who supervises the work of the apprentice and or journeyman during the company's normal business hours.

2. An electrical, plumbing, or mechanical permit may be issued to the owner of an existing owner-occupied single-family dwelling, pursuant to a valid certificate of occupancy and used exclusively for residential purposes, to do any work regulated by this article in connection with said dwelling and accessory buildings.

D. Sections 107.6 and R106.6. Add new Sections 107.6 to the IBC and R106.6 to the IRC as follows:

107.6/R106.6 Post Frame Buildings. All pole frame buildings shall be designed and constructed by the following guidelines:

Exception: Pole buildings satisfying all of the following requirements are exempt from the engineering certification of plans required in this section: area of one thousand (1,000) square feet or less; eave height of twelve (12) feet or less; and pole spacing of eight (8) feet or less.

107.6.1/R106.6.1 Plans. Plans shall be drawn to a scale of not less than one quarter (¼) inch per foot and include: floor plan with dimensions, pole locations and spacing, footing sizes, door sizes and locations; section drawing showing footings, poles, sidewall girts, roof purlins, headers, siding, roofing, and details; and elevation views of all four sides of building.

107.6.2/R106.6.2 Engineering. Plans shall be certified by a licensed, professional engineer and shall bear the engineer's seal and signature. The engineer's certification block shall specify the pages or sheets covered by the seal.

107.6.3/R106.6.3 Building Design Criteria. The following shall appear on engineer certified plans: Building design in accordance with the 2021 International Building Code; twenty five (25) PSF ground snow load; one hundred and seven (107) miles per hour (MPH) wind design speed; Exposure C (generally open terrain with scattered obstructions); two thousand (2,000) PSF assumed soil bearing (unless a soils report shows otherwise). Exposure C will be assumed unless it can be demonstrated that the building site meets the definition of Exposure B (suburban and wooded areas with numerous closely spaced obstructions).

107.6.4/R106.6.4 Trusses. Submit truss design drawings certified by a licensed, professional engineer. Drawings shall indicate that the design and connectors are in accordance with the 2021 International Building Code and indicate the applicable design criteria from Section 107.6.3/R106.6.3 above.

E. Sections 109 and R108. Delete Sections 109 of the IBC and R108 of the IRC in their entirety and insert in lieu thereof the following:

109/R108 Fees

109.1/R108.1 Payment of Fees. A permit shall not be valid until the fees prescribed by law have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

109.2/R108.2 Schedule of Permit Fees. The fee for any permit shall be as set forth in the building permit fee schedule as established by resolution of the Board of Supervisors. The determination of valuation under any of the provisions of the Code shall be made by the Building Official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work, for which the permit is issued, as well as all finish work, painting, roofing, site grading, paving, landscaping, elevators, and other permanent equipment.

109.3/R108.3 Plan Review Fees. When a plan or other data are required to be submitted by Section 107 of the IBC and the value of the proposed building or work exceeds fifteen thousand dollars ($15,000), a plan review fee shall be paid before the permit may be issued. Should the project be abandoned and the permit not issued after the plan review has been started, the plan review fee shall still be due and payable. The plan review fee shall be as set forth by resolution of Board of Supervisors. Plan review fees are separate fees from the permit fee specified in Sections 109.2 and R108.2 and are in addition to permit fees.

109.4/R108.4 Work Commencing before Permit Issuance. Any person who commences work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee equal to the amount of the permit if a permit were issued. This fee shall be collected whether or not a permit is issued. The payment of such fee shall not exempt any person from compliance with all other provisions of this code or from any penalty prescribed by law. Only the Building Official may reduce this fee when it is demonstrated that an emergency existed that required the work to be done without a permit.

109.5/R108.5 Re-inspection Fees. A re-inspection fee may be assessed for each inspection or re-inspection when such work or portion of such work for which the inspection is called for is not complete or when corrections called for are not made. Re-inspection fees may be assessed when the inspection card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, access is not provided on the date for which the inspection is requested, or when there is a deviation from plans requiring approval of the Building Official. This section is not to be interpreted as requiring re-

inspection fees the first time a job is rejected for failure to comply with requirements of this code, but as controlling the practice of calling for inspections before the job is ready for said inspection or re-inspection.

109.6/R108.6 Refunds. The Building Official may authorize refunding of any fee paid, minus an hourly charge for work done on the permit. Application for a refund must be submitted not later than 180 days after the date of fee payment. The Building Official may authorize a refund of any fee paid or collected erroneously.

F. Sections 113.4 and R112.5. Add a new Section 113.4 to the IBC and R112.5 to the IRC as follows**:**

113.4/R112.5 Appeal Fee. Those appealing a matter to the Board of Appeals shall pay an administrative fee for said appeal as set by the Board of Supervisors.

G. Table R301.2(1). Amend Table R301.2(1) of the IRC by inserting data as follows:

TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

Ground Snow Load	Wind Design		Seismic Design Category	Subject to Damage From			Winter Design Temp	Ice-Barrier Underlayment Required	Flood Hazards		Air Freezing Index	Mean Annual Temp
	Speed (mph)	Topographic effects, Special wind region, or Wind-borne debris zone		Weathering	Frost line depth	Termite			NFIP	FIRM Maps		
25	107	No	A	Severe	42”	Moderate Heavy	-5°F	Yes	8/15/85	2/16/07	2000	50°F

MANUAL J DESIGN CRITERIA

Elevation	Latitude	Winter Heating	Summer Cooling	Altitude Correction Factor	Indoor Design Temperature	Design Temperature Cooling	Heating Temperature Difference
661’	41°	-6°	89°	N/A	72°	75°	78°
Cooling Temperature Difference	**Wind Velocity Heating**	**Wind Velocity Cooling**	**Coincident Wet Bulb**	**Daily Range**	**Winter Humidity**	**Summer Humidity**	
14°	25°	10°	76°	M	39 gr/lb diff.	53 gr/lb diff.	

H. Section R302.5.1. Amend Section R302.5.1 of the IRC by deleting the last sentence**.**

I. Section R302.13. Delete Section R302.13 of the IRC in its entirety.

J. Section R312.2. Delete Section R312.2 of the IRC in its entirety.

K. Section R313. Delete Section R313 of the IRC in its entirety.

L. Section R314.4. Amend Section R314.4 of the IRC by adding an Exception as follows:

Exception: Interconnection of smoke alarms in existing areas shall not be required where alterations or repairs do not result in removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for interconnection without the removal of interior finishes.

M. Section R320.3. Add a new Section R320.2 to the IRC as follows:

R320.3 Accessibility for projects other than those mentioned in Section R320.1.

R320.3.1 Scope. The provisions of this section are enacted to implement universal design features that provide accessibility, usability and visit-ability for all.

R320.3.2 Definition. Public funds shall mean funding or assistance from Johnson County or any agent thereof through any of the following means:

1. A building contract or similar contractual agreement involving a County-funded program or fund;
2. Any real estate received by the owner through a subsidy, lease, or donation by the County or its agents;
3. Preferential tax treatment, bond assistance, mortgage assistance, or similar financial advantages from the County or its agents;
4. Disbursement of federal or state construction funds including a Community Development Block Grant; or
5. A County contract to provide funding or a financial benefit for housing.

R320.3.3 Applicability. This section applies to new one- and two-family dwellings and is not required for new townhouses, split level homes, accessory apartments or existing structures for repairs, alterations, change of occupancy or additions unless the square footage of the addition is more than 25% of the existing structure, then, the addition shall comply.

The minimum usability requirements are as follows:

1. **Step-less Entrance.** At least one building entrance shall be designed on an accessible route served by a ramp in accordance with section R311.8 or a no-step entrance. The accessible route shall extend from a vehicular drop-off, or parking to a building entrance. The entry door shall have a minimum net clear opening of thirty two (32) inches.

   Exceptions:

   1. If public funds are used the step-less entrance shall be provided.
   2. The building official may waive this requirement based upon the determination that strict compliance is financially or environmentally impractical.

2. **Interior Doors.** At least one bedroom and one bathroom (if either are provided) and all other passage doorway header widths, on the level served by the designed step-less entrance, shall be framed to accommodate a minimum thirty eight (38) inches clear rough opening. The framing for the doorway opening may be reduced to accommodate any door size.

   Exceptions:

   1. If public funds are used the minimum door clear opening shall be thirty two (32) inches when the door is open ninety degrees, measured between the face of the door and the opposite stop.
   2. Doors serving closets twenty four (24) inches or less in depth need not be framed to thirty eight (38) inches clear opening width.

3. **Sanitation facilities.** There shall be at least one bathroom containing a toilet and lavatory on the level of the dwelling to be accessed by the designed step-less entrance. The room shall have a minimum thirty (30) inches by forty eight (48) inches" clear floor space at the toilet and lavatory. The clear floor space can be shared by both fixtures. The plans shall show a shower, bathtub or combination tub/shower can be provided within the room or an adjoining room without removing part of the concrete floor to provide necessary plumbing to the future plumbing fixture(s).

   Exceptions:

   1. If public funds are used a shower, bathtub or combination tub/shower shall be provided within the room.

2. Doors may swing into the clear floor space provided at any fixture if sufficient maneuvering space is provided within the room for a person using a wheelchair or other mobility aid to enter and close the door, use the fixtures, reopen the door and exit. Maneuvering space may include any knee space or toe space available below bathroom fixtures.

3. The building official may waive this requirement based on the determination that strict compliance is financially impractical.

4. **Wall Reinforcement.** A bathroom shall be provided with wood blocking installed within wall framing to support grab bars as needed. The wood blocking, when measured to the center, will be located between thirty three (33) inches and thirty six (36) inches above the finished floor. The wood blocking shall be located in all walls adjacent to and behind a toilet.

   Exceptions: Backing is not required behind pre-manufactured showers and tubs.

5. **Decks.** All exterior decks and patios surfaces adjacent to the level served by the designed step-less entrance shall be built within four (4) inches of the dwelling's finish floor level.

6. **Switch and Outlet Requirements.** All wall switches, controlling light fixtures, fans, all temperature control devices and all receptacles shall be located in an area between fifteen (15) inches and forty eight (48) inches above the finished floor. The height will be determined by measuring from the finished floor to the center of the device. When the control or receptacle placement is prohibited by the height of the window or design feature, alternative locations may be approved by the building official.

7. **Electrical panel requirements.** Electrical panels on the level of the dwelling to be accessed by the designed step-less entrance shall be located so that the individual circuit breakers are located between fifteen (15) inches and fifty four (54) inches above the finished floor.

8. **Garages.** Shall be wired for power operated overhead doors.

N. Section R322. Delete Section R322 of the IRC and insert in lieu thereof the following:

R322 Flood-Resistant Construction. See Floodplain Management Ordinance within the Johnson County Unified Development Ordinance.

O. Section R403.1.4.1. Amend Section R403.1.4.1 of the IRC by deleting all Exceptions and insert in lieu thereof the following:

Exceptions:

1. One-story detached accessory buildings of wood or steel frame not used for human occupancy and not exceeding one thousand (1,000) square feet in floor area may be constructed using slab on grade construction as follows. The slab shall be three and one half inches thick, poured monolithically with thickened perimeter footings extending twelve (12) inches below finish grade and be twelve (12) inches wide at the base. The top of the foundation shall not be less than six inches above finish grade. Reinforcement of the slab, including the thickened portion, shall be minimum 6x6 -10/10 welded wire mesh, #4 deformed reinforcing bars at twenty four (24) inches on center each way or fiber mesh reinforced concrete.

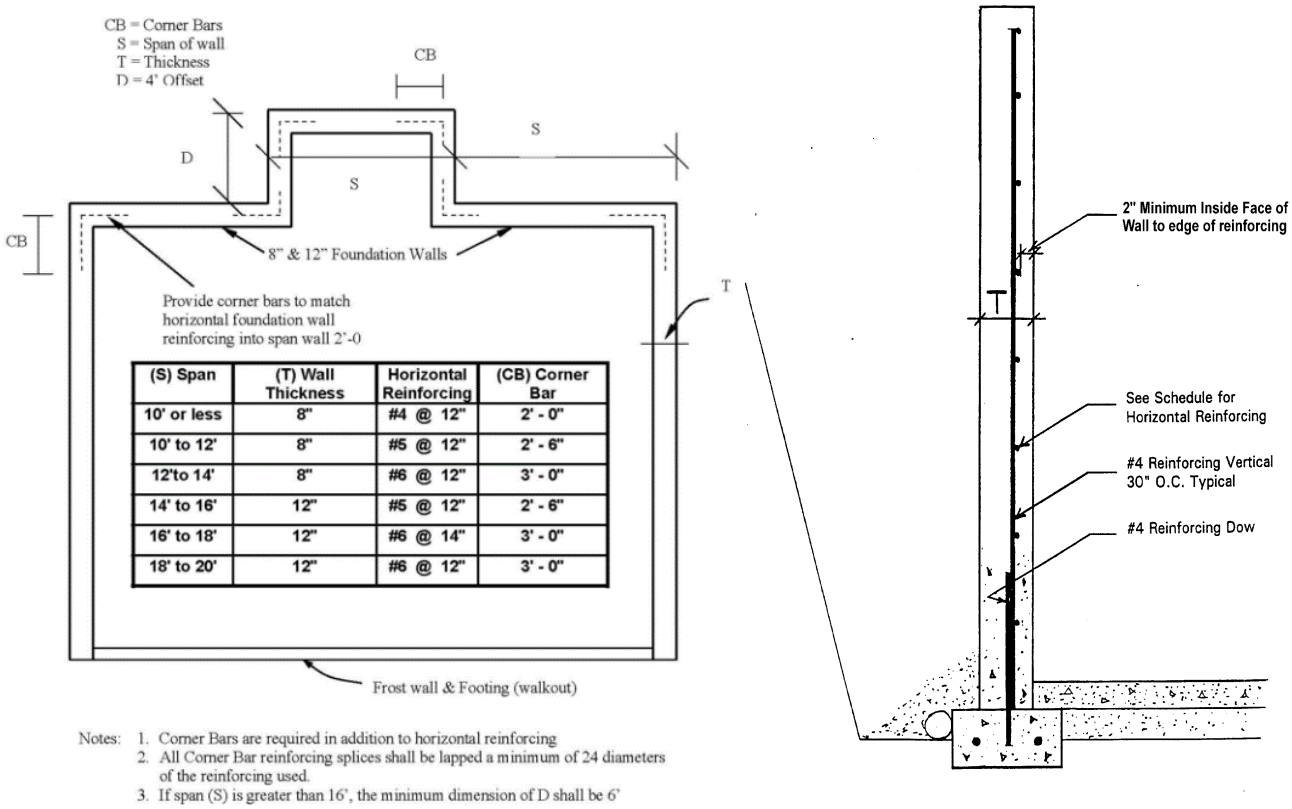
2. Freestanding accessory structures with an area of four hundred (400) square feet or less and an eave height of ten feet or less may be constructed with walls supported on a wood foundation plate or skids.

3. Decks not supported by a structure need not be provided with footings that extend below the frost line.

P. Section R404.1.1. Amend Section R404.1.1 of the IRC by adding an Exception after number 2 as follows:

Exception: Foundation walls with unbalanced lateral forces created by finish grade, i.e. walkout basements which are exempt from the Iowa Architectural Act shall be designed by a licensed structural engineer or constructed in accordance with Table R404.1.1(5) and diagram as follows:

Table R401.1.1(5)



(S) Span	(T) Wall Thickness	Horizontal Reinforcing	(CB) Corner Bar
10' or less	8"	#4 @ 12"	2' - 0"
10' to 12'	8"	#5 @ 12"	2' - 6"
12'to 14'	8"	#6 @ 12"	3' - 0"
14' to 16'	12"	#5 @ 12"	2' - 6"
16' to 18'	12"	#6 @ 14"	3' - 0"
18' to 20'	12"	#6 @ 12"	3' - 0"

Notes: 1. Corner Bars are required in addition to horizontal reinforcing
2. All Corner Bar reinforcing splices shall be lapped a minimum of 24 diameters of the reinforcing used.
3. If span (S) is greater than 16', the minimum dimension of D shall be 6'

Q. Section R404.1.3. Amend Section R404.1.3 of the IRC by adding a second paragraph as follows:

Wall thickness may be reduced to eight (8) inches if a minimum of three (3) one-half (1/2) inch diameter deformed ASTM A615 grade forty (40) steel bars are placed horizontally at the center of the wall thickness with one bar located within fourteen (14) inches of the top, one bar within fourteen (14) inches of the bottom and one bar located within fourteen (14) inches of the mid-height of the wall provided the wall height does not exceed eight (8) feet.

R. Chapter 11 of the IBC. Delete Chapter 11 of the IBC in its entirety and insert in lieu thereof the following:

Chapter 11 Accessibility, Section 1101. Buildings or portions of buildings shall be accessible to persons with disabilities as required by 661--302 of the Iowa Administrative Code.

S. Chapter 11 of the IRC. Delete Chapter 11 of the IRC in its entirety and insert in lieu thereof the following:

Chapter 11 Energy Efficiency, Section N1101. Energy efficiency for the design and construction of buildings regulated by this code shall be as required by Chapter 661--303 of the Iowa Administrative Code.

T. Chapter 13 of the IBC. Delete Chapter 13 of the IBC in its entirety and insert in lieu thereof the following:

Chapter 13 Energy Efficiency, Section 1301. Energy efficiency for the design and construction of buildings regulated by this code shall be as required by Chapter 661--303 of the Iowa Administrative Code.

U. Sections 1402.6 and 1402.7. Delete Sections 1402.6 and 1402.7 of the IBC and insert in lieu thereof the following:

1402.6 Flood-Resistant Construction. See Floodplain Management Ordinance within the Johnson County Unified Development Ordinance.

V. Section 1612. Delete Section 1612 of the IBC and insert in lieu thereof the following:

1612 Flood-Resistant Construction. See Floodplain Management Ordinance within the Johnson County Unified Development Ordinance.

W. Section G2415.3. Amend Section G2415.3 of the IRC by deleting the last sentence.

X. Part VII Plumbing, Chapters 25 through 33 of the IRC. Delete Part VII Plumbing, Chapters 25 through 33 of the IRC in its entirety.

Y. Chapter 27 Electrical of the IBC. Delete Chapter 27 Electrical of the IBC in its entirety.

Z. Chapter 28 Mechanical Systems of the IBC. Delete Chapter 28 Mechanical Systems of the IBC in its entirety.

AA. Chapter 29 Plumbing Systems of the IBC. Delete Chapter 29 Plumbing Systems of the IBC in its entirety.

BB. Part VIII Electrical, Chapters 34 through 43 of the IRC. Delete Part VIII Electrical, Chapters 34 through 43 of the IRC in its entirety.

CC. Section AF104 of Appendix F (IRC). Delete Section AF104 of the IRC in its entirety.

DD. Section AJ102.4.4 of Appendix J (IRC). Delete Section AJ102.4.4 of the IRC in its entirety.

EE. Section K103.2 of Appendix K (IBC). Delete Section K103.2 in the IBC and insert in lieu thereof the following:

Section K103.2 Work exempt from permit. See section 105.2 in both the IBC and IRC.

FF. Section K106.5 of Appendix K (IBC). Add a new Section K106.5 to the IBC as follows:

Section K106.5 Energy Connections. An electrical system or equipment regulated by this code for which a permit is required shall not be connected to a source of energy or power until approved by the building official.

GG. Section K106.6 of Appendix K (IBC). Add a new Section K106.6 to the IBC as follows:

Section K106.6 Temporary Energy Connections. The building official may authorize the temporary connection of the electrical system or equipment to the source of energy or power for the purpose of testing the equipment, or for use under a temporary certificate of occupancy.

8:7 Johnson County Rental Housing Code

First adopted and effective March 8, 2012 | Current version effective January 15, 2020

8:7.1 Purpose. **312**
8:7.2 Name. **312**
8:7.3 Exemption of Agricultural Operations. **312**
8:7.4 Definitions. **313**
8:7.5 General Provisions. **318**
8:7.6 Procedures. **319**
8:7.7 Variances and Appeals. **321**
8:7.8 Minimum Structure Standards for All Rental Dwellings. **323**
8:7.9 Responsibilities of Owners Relating to the Maintenance and Occupancy of Rental Premises. **329**
8:7.10 Responsibilities of Occupants Relating to the Maintenance and Occupancy of Rental Premises. **333**
8:7:11 Notice **335**
8:7.12 Enforcement and Penalties for Violation. **335**
8:7.13 APPENDIX A - Attic Fire Escape for Rental Dwellings **336**
8:7.14 APPENDIX B - Guidelines for Eliminating Lead Based Paint Hazards **338**

8:7.1 Purpose.

It is hereby declared that the purpose of the rental housing code is to ensure that housing facilities and the conditions present in rental dwellings are of the quality necessary to protect and promote the health, safety and welfare of not only those persons utilizing the rental housing, but the general public as well. It is hereby further declared that the purpose of this chapter is to determine the responsibilities of owners, operators, occupants and the county necessary to maintain and administer the standards of the rental housing code

8:7.2 Name.

This chapter shall be known and designated as the Johnson County Rental Housing Code, hereinafter referred to as "the rental housing code".

8:7.3 Exemption of Agricultural Operations.

Pursuant to Iowa Code section 335.2, no regulation adopted under Chapter 8.7 applies to land, agricultural domiciles, agricultural barns or outbuildings, or other buildings or structures, which are primarily adapted, by reason of nature and area, for use for agricultural purposes, while so used. Exemption shall be determined in accordance with Chapter 8:1.3. [496]

[496] Ordinance 07-23-20-01

8:7.4 Definitions.

For the purpose of interpreting and enforcing Chapter 8:7 of the Unified Development Ordinance, certain terms are hereby defined.

A. General Rules. There are general rules that apply to all definitions herein. Unless it is specifically stated otherwise, the following statements apply to all defined words:

1. Terms defined below which are used in the present tense shall also include the future tense.
2. Terms defined in the singular shall also apply to the plural.
3. Terms defined in the plural shall also apply to the singular.
4. The word “shall” is mandatory and not directory.
5. “This Chapter” shall refer to all regulations and standards in 8:7.
6. “Subsection” shall refer to a specific subsection within a chapter of the Unified Development Ordinance.
7. “This ordinance” shall refer to all ordinances within the Unified Development Ordinance.
8. The word “building” shall be interchangeable with the word “structure” and the word “structure” with the word “building”.
9. Whenever the words "dwelling", "dwelling unit", "rooming house", "rooming unit", "type III dwelling unit", or "premises" are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof.
10. Whenever the term "dwelling unit(s)" is used in this chapter, it shall include type III dwelling unit(s).
11. If a word or term used in this chapter, but not defined herein, is defined in another chapter of this ordinance, then that definition shall be used in the interpretation of this chapter.
12. To give this Chapter its most reasonable application, all other words and terms used in this chapter, but which are not defined by this ordinance, shall have their ordinary and common meaning.

B. Terms.

1. **Acceptable or Approved.** In substantial compliance with the provisions of this chapter.
2. **Accessory Building/Use/Structure.** A building, structure, or use located on the premises of a rental dwelling which:
   a. Is subordinate to the principal use of the property and contributes to the comfort, convenience or necessity of occupants, customers, or employees of the principal use; and
   b. Is under the same ownership as the principal use or uses on the property; and
   c. Does not include structures, structural features, or activities inconsistent with the uses to which they are accessory; and
   d. Except for off street parking located on a separate lot as approved in the Johnson County Unified Development Ordinance, is located on the same lot as the principal use or uses to which it is accessory.

3. **Approved.** See definition of Acceptable or Approved.
4. **Appurtenance.** That which is directly or indirectly connected or accessory to a thing.
5. **Attic.** Any story situated, wholly or partly, within the roof and so designed, arranged or built to be used for business, storage or habitation.
6. **Basement.** A portion or story of a building, next below the first or main floor, which may or may not be considered habitable space.
7. **Bath.** A bathtub or shower stall installed in compliance with the Johnson County plumbing code.
8. **Board of Appeals.** Johnson County Board of Appeals as established by resolution by the Johnson County Board of Supervisors.
9. **Cellar.** A space below the first or main floor, used or intended to be used for storage and location for heating equipment and shall not be considered habitable space.
10. **Central Heating System.** A single system supplying heat to one or more dwelling unit(s) or more than one rooming unit.
11. **Chief.** The administrative head of the fire department.
12. **Communal.** Used or shared by or intended to be used or shared by the occupants of two (2) or more rooming units or two (2) or more dwelling units.
13. **Condominium.** A dwelling unit in compliance or conformance with the requirements of the code of Iowa, as amended.
14. **Cooperative.** A dwelling unit in compliance or conformance with the requirements of the code of Iowa, as amended.
15. **Court.** An open, unoccupied space, other than a yard, on the same lot with a dwelling. A court not extending to the street or front or rear yard is an inner court. A court extending to the street or front yard or rear yard is an outer court.
16. **Dining Room.** A habitable room used or intended to be used for the purpose of eating but not for cooking or the preparation of meals.
17. **Duplex.** A structure in which there are two (2) dwelling units within a single building, and both dwelling units are located on the same lot.
18. **Dwelling.** Any building, structure or manufactured housing, except temporary housing, wholly or partly used or intended to be used for living or sleeping by human occupants and includes any appurtenances attached thereto.
19. **Dwelling, Multiple.** See definition of Multiple Dwelling.
20. **Dwelling, Single-Family.** See definition of Single-Family Dwelling.
21. **Dwelling Unit.** Any habitable room or group of adjoining habitable rooms located within a dwelling and forming a single unit with facilities which are used or intended to be used for living, sleeping, cooking, eating of meals, and sanitation.

22. **Egress.** An arrangement of exit routes to provide a means of exit from buildings and/or premises.

23. **Exit.** A continuous and unobstructed means of egress to a public way and shall include intervening doors, doorways, corridors, exterior exit balconies, ramps, stairways, smoke proof enclosures, horizontal exit, exit passageway, exit court, walkways, sidewalks and yards.

24. **Extermination.** The control and elimination of insects, rodents or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, fumigating or trapping or by any other recognized and legal pest elimination methods approved by the inspector.

25. **Family.** One person or two (2) or more persons related by blood, marriage, adoption, legal guardianship, foster parent-child(ren) status or placement by a governmental or social service agency, occupying a dwelling unit as a single housekeeping organization. A "family" may also include the following:

    a. Two (2), but not more than two (2), persons not related by blood, marriage or adoption; or

    b. Up to eight (8) persons with verifiable disabilities, as defined by the fair housing amendments act of 1988, who are occupying a dwelling unit as a single housekeeping organization.

26. **Guest.** An individual who shares a dwelling on a temporary basis for not more than thirty (30) days in any given calendar year; or a person who stays in a hospitality-oriented retail use.

27. **Habitable Room.** A room or enclosed floor space within a dwelling unit or rooming unit, having a minimum of seventy (70) square feet of total floor area with not less than seven (7) feet in any horizontal dimension, used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, toilet rooms, pantries, laundries, foyers, communicating corridors, closets, storage spaces, stairways and recreation rooms in basements (see definition of Recreation Room In Basement).

28. **Infestation.** The presence, within or around a dwelling, of any insects, rodents or other pests in such quantities as would be considered unsanitary.

29. **Inspector.** The official or officials of the county who administer the provisions of the housing, building, nuisance and zoning codes, together with duly authorized representative(s) and/or agent(s).

30. **Kitchen.** A room used or intended to be used for cooking or the preparation of meals.

31. **Kitchen Sink.** A basin for washing utensils used for cooking, eating and drinking, located in a kitchen and connected to both hot and cold water lines.

32. **Kitchenette.** A food preparation area not less than forty (40) square feet in area.

33. **Lavatory.** A hand washing-basin connected to both hot and cold water lines and separate and distinct from a kitchen sink.

34. **Living Room.** A habitable room within a dwelling unit used or intended to be used primarily for general living purposes.

35. **Manufactured Housing.** Any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons.

36. **Multiple Dwelling.** Any dwelling containing three (3) or more dwelling units.

37. **Occupant.** A person who is physically present in the dwelling and is engaged in activities of daily living, including, but not limited to, sleeping, cooking, eating, and sanitation, for at least thirty one (31) days in any calendar year or who is a tenant.

38. **Operator.** Any person who rents to another or who has custody or control of a building or parts thereof in which dwelling units or rooming units are let or who has custody or control of the premises.

39. **Owner.** Any person who has custody and/or control of any dwelling, rooming house, dwelling unit or rooming unit by virtue of a contractual interest in or legal or equitable title to said dwelling, dwelling unit or rooming unit as guardian or conservator.

40. **Owner Occupied.** A dwelling shall be considered to be owner occupied for purposes of this chapter if an occupant of the dwelling has a contractual interest in, or legal or equitable title to said dwelling, or if the occupant has a legal ownership interest in a business entity that has a contractual interest in or legal or equitable title to said dwelling.

41. **Person.** Any individual, firm, corporation, association, partnership, trust or estate.

42. **Placard.** A display document showing that the unit for which it is issued has been determined to be unfit for human habitation.

43. **Plumbing.** Means and includes any or all of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, solid waste disposal units, waste pipes, toilets, sinks, lavatories, bathtubs, shower baths, water heating devices, catch basins, drains, vents and any other similar supplied fixture, together with all connections to water, sanitary sewer or gas services.

44. **Porch.** A platform completely covered by a roof located and attached to a building.

45. **Premises.** A lot, plot or parcel of land, including a building(s) and/or accessory structure(s) thereon.

46. **Privacy.** The existence of conditions which will permit a person or persons to carry out an activity commenced without interruption or interference by unwanted persons.

47. **Public Way.** Any parcel of land, unobstructed from the ground to the sky, more than ten feet (10') in width, dedicated to the free passage of the general public.

48. **Recreation Room in Basement.** A room located in a basement used for general recreation purposes and not used, nor intended to be used, for sleeping. This room shall be in addition to the minimum space and facility requirements for a dwelling unit or rooming unit.

49. **Regulations**. See definition of Rules and Regulations.

50. **Rental Dwelling(s).** A dwelling that is either currently occupied by, or leased for occupancy by, a person other than the owner of the property regardless of whether or not rent is paid. Rental dwellings include, but are not limited to, rooming houses, dwelling units and rooming units that are not owner occupied.

51. **Roomer.** An occupant of a rooming house or rooming unit and shall also mean an occupant of a dwelling who is not a member of the family occupying the dwelling.

52. **Rooming House.** Any dwelling or that part of any dwelling containing one or more rooming units or type III dwelling units, in which space is let by the owner or operator to four (4) or more roomers. Occupants of units specifically designated as type III dwelling units within a rooming house shall be included in the roomer count.
53. **Rooming Unit.** Any habitable room or group of adjoining habitable rooms located within a dwelling and forming a single unit with facilities which are used or intended to be used primarily for living and sleeping. A rooming unit shall have bath and toilet facilities available for the exclusive use of the occupant(s) or for communal use in accordance with section 8:7.7 of this chapter, and in addition, rooming units may be let with or without communal kitchen and/or communal dining room privileges in accordance with said section 8:7.7 of this chapter.
54. **Rubbish.** Inorganic waste material consisting of combustible and/or noncombustible materials.
55. **Rules and Regulations.** Those administrative procedures adopted by the Zoning Administrator for the efficient management of the enforcement of this code. All rules and regulations shall be limited to departmental administrative and procedural matters, rather than substantive matters and shall not be inconsistent with this chapter.
56. **Single-Family Dwelling.** A structure containing one dwelling unit.
57. **Solid Waste.** Animal or vegetable waste resulting from the handling, preparation, cooking or consumption of food and shall also mean combustible waste material. The term shall also include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings and other combustible materials.
58. **Solid Waste Container.** A watertight container that is constructed of metal or other durable material impervious to rodents, that is capable of being serviced without creating unsanitary conditions.
59. **Supplied.** Paid for, furnished by, provided by or under the control of the owner or operator.
60. **Temporary Housing.** Any tent, trailer, motor home or other structure used for human shelter and designed to be transportable and not attached to the ground, to another structure or to any utilities system on the same premises. Such temporary housing may occur for no more than twenty one (21) consecutive days nor exceed a total of forty five (45) days in any calendar year.
61. **Tenant.** Any occupant of a dwelling unit who is not an owner or operator of said dwelling unit or who is entitled under a rental agreement to occupy a dwelling unit to the exclusion of another.
62. **To Let.** The granting, either in writing or orally, by the owner or operator to another the right to possess a dwelling.
63. **Toilet.** A water closet, with a bowl and trap made in one piece, of such shape and form and holding a sufficient quantity of water so that no fecal matter will collect on the surface of the bowl and equipped with a flushing rim or flushing rims.
64. **Type III Dwelling Unit.** Any habitable room or group of adjoining habitable rooms located within a dwelling and forming a single unit with facilities which are used or intended to be used for living, sleeping, cooking and eating of meals but does not have a toilet or bath available for the exclusive use of the occupants thereof.

65. **Zoning Administrator.** The officer designated or appointed by the Board of Supervisors to administer and enforce the regulations contained in this chapter.

8:7.5 General Provisions.

A. Applicability. The provisions of this chapter shall apply to all rental dwellings within the unincorporated areas of Johnson County, which are used or intended to be used for human occupancy, with the following exceptions:

1. Temporary housing as defined herein.
2. Rental dwellings located on a farm so long as one or more of the tenants of a dwelling are regularly engaged in agricultural activities for the benefit of the owner either as an employee or as part of a contractual relationship in which the tenant provides services for the benefit of the agricultural operation in lieu of rent. For purposes of this chapter, a farm shall consist of no less than 40 contiguous acres of land, or 1/4 of a 1/4 of a Section, as legally described and recorded, while used for agricultural purposes.
3. Rental dwellings occupied by a tenant who is related to the owner within the third degree of consanguinity, marriage, adoption or legal guardianship who is not paying monetary rent in exchange for occupying the dwelling.

B. Administration and Enforcement Official.

1. The Zoning Administrator, including any duly authorized inspector(s), is/are hereby authorized to administer and enforce the provisions of this Chapter.
2. Inspectors are hereby authorized to make inspections to determine the condition of all rental dwellings, and premises thereof located within the jurisdiction of Johnson County, in order that the inspector may perform the duty of safeguarding the health, safety and welfare of the occupants of such dwellings and of the general public under the provisions of this Chapter.
3. The Zoning Administrator shall make all rules and regulations available to the general public.
4. Standard forms and blank notices shall also be available upon request.

C. Inspections**.**

1. Basis for Inspections. Inspections of rental dwellings or premises thereof shall be conducted:
    a. Upon the request of the owner or occupant,
    b. Upon a complaint which provides a reasonable basis to believe a violation has occurred; or
    c. When the inspector has observed conditions that provide a reasonable basis to believe that there is a violation of the provisions of the rental housing code.

.

2. Entry for Inspection

    a. Upon a determination that there is a basis for inspection, the inspector is hereby authorized to conduct consensual inspections of any rental dwelling or premises thereof within the jurisdiction of Johnson County at reasonable times in order to inspect same, provided that if such rental dwelling or premises be occupied, the inspector shall make reasonable efforts to locate the owner or occupant or other person having control of the rental dwelling or premises and request entry.

    b. If entry is refused, the inspector shall request that the inspection be conducted at a reasonable time, suitable to the owner or occupant. If the request for future entry is refused, the inspector shall explain to the owner and/or occupant that:

        i. The occupant may refuse entry without penalty absent a search warrant,

        ii. The inspector may apply to the court for a search warrant.

3. Search Warrant. If consent to inspect a rental dwelling or premises thereof is withheld by any person having the lawful right to exclude; the inspector may apply for a search warrant.

    a. No owner or occupant or any other person having charge or control of any rental dwelling or premises shall deny entry after presentation of a search warrant allowing entry therein by the inspector for the purpose of the inspection and examination pursuant to this code.

D. Access by Owner or Operator for Maintenance. Every occupant of a rental dwelling, rental dwelling unit, or rental rooming unit shall, upon proper notice, give access to the owner, operator or agent or employee to any part of such rental dwelling, rental dwelling unit, rental rooming unit or premises at all reasonable times for the purpose of effecting such maintenance, making such repairs, or making such alterations as are necessary to effect compliance with, or any lawful notice or order issued pursuant to the provisions of the rental housing code.

8:7.6 Procedures.

A. Emergency Orders. Whenever the inspector, in the enforcement of the rental housing code, finds that a condition exists which requires immediate action to protect the health or safety of the occupants and/or the general public, the inspector may, without notice or hearing, issue an order reciting the existence of such a condition and requiring that action be taken such as the inspector deems necessary to abate the condition. If necessary, the Zoning Administrator may order that the premises be vacated forthwith, and said premises shall not be reoccupied until the order to make repairs has been complied with. Notwithstanding other provisions of the rental housing code, such order shall be effective immediately or in the time and manner prescribed by the order itself.

B. Placarding of Structures; Condemnation Referrals.

1. Placarding Procedures. Any rental dwelling, rental dwelling unit or rental rooming unit found to be so damaged, decayed, dilapidated, unsanitary, unsafe or vermin infested that it creates a hazard to the health or safety of the occupants or of the public shall be determined to be unfit for human habitation and shall be so designated and placarded by the Zoning Administrator.

2. Order To Vacate Placarded Rental Dwelling. Any rental dwelling, rental dwelling unit, rental rooming unit or any portion thereof placarded as being unfit for human habitation by the Zoning Administrator shall be vacated immediately or as ordered by the Zoning Administrator.

3. Approval Required To Reoccupy Placarded Rental Dwelling. No rental dwelling, rental dwelling unit, rental rooming unit or portion thereof which has been placarded as unfit for human habitation shall be used for human habitation again until written approval is secured from, and such placard is removed by the Zoning Administrator. The Zoning Administrator shall remove such placard whenever the defect(s) for which the dwelling was placarded has been eliminated.

4. Removal of Placard Prohibited. No person shall deface or remove a placard from any rental dwelling, rental dwelling unit or rental rooming unit which has been deemed unfit for human habitation and placarded as such, except as provided in subsection C of this section.

5. Condemnation Referral. After a reasonable period of time after a property has been placarded and no remedial action begun, the inspector may refer the case to the authority charged with enforcement of the International Building code for the abatement of dangerous buildings, as amended, for appropriate action.

8:7.7 Variances and Appeals.

A. Jurisdiction of Board of Appeals.

1. Appeals to the Board of Appeals may be taken by any person affected by any decision of the Zoning Administrator or designee or by any written notice. Any person wishing to seek a variance to the rental housing code may petition the Board of Appeals for relief.

2. If the Board of Appeals sustains or modifies a decision or a notice, it shall be deemed to be an order, and the owner, operator, or occupant, as the case may require, shall comply with all provisions of such order within a reasonable period of time which shall be determined by the Board of Appeals.

B. Board of Appeals Procedures.

1. The Board of Appeals, upon receipt of an appeal request and payment of the filing fee, as established by resolution of the Board of Supervisors, shall set a time and a place for the hearing. The applicant shall be advised, in writing, of such time and place at least seven (7) calendar days prior to the date of the hearing.

2. At such a hearing, the applicant shall have an opportunity to be heard and to show cause as to why such notice or order should be modified, extended, revoked or why a variance should be granted.

3. The Board of Appeals, by a majority vote, may sustain, modify, extend or revoke a notice to grant or deny a variance. The decision to deny a variance shall be based on the standards described within the Johnson County Rental Housing Code.

4. The Board of Appeals may grant variances or extensions of time to make repairs. In the event that an extension and/or variance is granted, the Board of Appeals shall observe the following conditions:

    a. In lieu of or in addition to administrative extensions, the Board of Appeals may grant an extension or extensions of time for the compliance of any order or notice, provided the Board of Appeals makes specific findings of fact based on evidence relating to the following:

        i. There are practical difficulties or unnecessary hardships in carrying out the strict letter of any notice or order; and

        ii. Such an extension is in harmony with the general purpose and intent of this chapter in securing the public health, safety and general welfare.

    b. Except under extraordinary circumstances, the extension or sum of extensions shall not exceed eighteen (18) months.

    c. The Board of Appeals may grant a variance in a specific case and from a specific provision of this chapter, subject to appropriate conditions, and provided the Board of Appeals makes specific findings of fact based on the evidence presented on the record as a whole and relate to the following:

        i. There are practical difficulties or unnecessary hardships in carrying out a strict letter of any notice or order; and

        ii. Due to the particular circumstances presented, the effect of the application of the provisions would be arbitrary in the specific case; and

iii. An extension would not constitute an appropriate remedy for these practical difficulties or unnecessary hardships in this arbitrary effect; and

iv. Such variance is in harmony with the general purpose and intent of this chapter in securing the public health, safety and general welfare.

d. Upon appeal or by petition, the Board of Appeals shall consider the adoption of a general variance. The Board of Appeals, by a majority vote, may establish a general variance for existing structures which cannot practicably meet the standards of the Johnson County Rental Housing Code. Prior to considering any general variance, public notice shall be given. A general variance, if granted, shall:

i. State in what manner the variance from the specific provision(s) is to be allowed; and

ii. State the conditions under which the variance is to be made; and

iii. Be based upon specific findings of fact based on evidence related to the following:

a) There are practical difficulties or unnecessary hardships in carrying out the strict letter of the specific provision, common to rental dwellings, to which the variance will apply; and

b) Such variance is in harmony with the general purpose and intent of this chapter in securing the public health, safety and general welfare.

e. The effective date of the variance shall be thirty (30) calendar days after notification to the Board of Appeals unless vetoed by an extraordinary majority of the Board of Appeals during said thirty (30) day period.

8:7.8 Minimum Structure Standards for All Rental Dwellings.

A. Safety of Supplied Facility. Every supplied facility, piece of equipment or required utility shall be constructed and/or installed so that it will function safely within or for a rental dwelling.

B. Kitchens. Every rental dwelling unit shall have a kitchen room or kitchenette equipped with the following:

1. An approved kitchen sink.
2. Space capable of properly accommodating a refrigerator and a stove or range.
3. Proper access terminals to utilities necessary to properly operate a refrigerator and stove or range.
4. Adequate space for the storage and preparation of food.

C. Communal Kitchens. If a communal kitchen is supplied, it shall comply with the following requirements:

1. The minimum floor area of a communal kitchen shall be sixty (60) square feet.
2. The minimum floor area of a communal kitchen in which roomers are permitted to prepare and eat meals shall be one hundred (100) square feet.
3. It shall contain a refrigerator with adequate food storage capacity.
4. It shall contain an approved kitchen sink
5. It shall contain a stove or range.
6. It shall include at least one cabinet of adequate size suitable for the storage of food and eating and cooking utensils.
7. It shall contain at least six (6) square feet of surface area easily cleanable and suitable for the preparation of food.
8. It shall contain a table and adequate chairs for the normal use of the facilities if a communal dining room is not supplied.
9. Every communal kitchen shall be located within a room accessible to the occupants of each rental rooming unit sharing the use of such kitchen, without going outside the rental dwelling and without going through a rental dwelling unit or rental rooming unit of another occupant.

D. Communal Dining Rooms. Every rental dwelling or rental rooming house, within which the occupant of any rental rooming unit is permitted to prepare meals or cook within a communal kitchen containing less than one hundred (100) square feet of floor area, as provided in subsection C of this section, shall contain a communal dining room which complies with all of the following requirements:

1. Every communal dining room shall be located on the same floor of the rental rooming house as the communal kitchen, and such dining room shall be as nearly adjacent to the communal kitchen as is practicable.
2. Every communal dining room shall be located within a room accessible to the occupants of each rental rooming unit sharing such dining room, without going outside the rental dwelling and without going through a rental dwelling unit or rental rooming unit of another occupant.

3. It shall contain a table and adequate chairs for the normal use of the facilities.
4. Every communal dining room shall contain not less than seventy (70) square feet of floor area.

E. Toilets, Baths and Lavatories.

1. Every rental dwelling unit shall contain the following:
   a. A toilet.
   b. A bath.
   c. A lavatory basin within or adjacent to the room containing the toilet.
2. Every toilet and every bath shall be contained within a room or within separate rooms which afford privacy for a person within said rooms.
3. At least one toilet and one lavatory basin shall be supplied for each eight (8) persons or fraction thereof residing within a rental dwelling containing a rooming unit or units and/or type III rental dwelling unit or units, including members of the operator's family whenever they share the said facilities, provided in a rental rooming house or where rooms or type III rental dwelling units are let only to males, flush urinals may be substituted for not more than one-half ($^1/_2$) of the number of required toilets.
4. At least one bath shall be supplied for each eight (8) persons or fraction thereof residing within a rental dwelling containing a rental rooming unit or units and/or type III rental dwelling unit or units, including members of the operator's family whenever they share the use of said facilities.
5. Communal toilets and baths shall be located on the same floor or the floor immediately above or below the rental rooming unit or type III rental dwelling unit.

F. Water Heating Facilities. Every kitchen sink, bath and lavatory basin required in accordance with the provisions of the rental housing code shall be properly connected with supplied water heating facilities. Every supplied water heating facility shall be properly connected and shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every kitchen sink and lavatory basin required under the provisions of the rental housing code at a temperature of not less than one hundred ten degrees Fahrenheit (110°F) (43°C). Such supplied water heating facilities shall be capable of meeting the requirements of this section when the required space heating facilities are not in operation.

G. Connection of Sanitary Facilities to Water and Sanitary Sewer Systems. Every kitchen sink, toilet, lavatory basin, bath and clothes washer within a rental dwelling shall be properly connected to an approved water and sanitary sewer system.

H. Exits.

1. Every structure containing rental dwelling unit(s) or rental rooming unit(s), or a combination thereof, shall comply with the following exit requirements:
   a. Every rental structure or usable portion thereof shall have at least one exit.
   b. Rental single-family and rental duplex structures over three thousand (3,000) square feet in gross floor area shall have access to two (2) exits.

c. Multiple rental dwellings and rental rooming houses with an occupant load of ten (10) or more shall have access to two (2) exits.

d. Where only one exit is required, it shall be a continuous and unobstructed means of egress which discharges directly or via corridors or stairways to a public way.

e. Where at least two (2) exits are required, they shall be independent, unobstructed means of egress remote from each other, and both shall discharge directly or via corridors or stairways or both to a public way or yard. If both means of egress are designated to a common corridor, they shall be in opposite directions immediately upon exiting the rental dwelling unit or rental rooming unit, except a common path of travel may be permitted for the first twenty feet (20'). Dead end corridors shall not exceed twenty feet (20') in length. Any existing fire escape shall not be deemed a sufficient means of egress unless it is in compliance with appendix A of this chapter. Any new fire escape must meet the requirements of the Johnson County Building and Fire Codes.

f. Basements and floors above the second story shall have not less than two (2) exits, except when such floors or basements are used exclusively for the service of the building. Rental dwelling units and/or rental rooming units in a basement may have access to only one common exit when the occupant load served by that exit does not exceed ten (10). Escape and rescue window(s) must be supplied for each sleeping room. Such window(s) shall comply with the Johnson County Building Code specifications. Existing third floor and attic areas less than five hundred (500) square feet may be used as habitable rooms if the following conditions are met: 1) one exit fully meets building code requirements to the outside of the building; 2) the other exit can be an attic fire escape. If access to the attic fire escape is through a window, such window must meet the Johnson County Building Code requirements for escape and rescue windows.

g. Every doorway providing ingress or egress from any rental dwelling unit, rental rooming unit or habitable room shall be at least six feet, four inches high and two feet, four inches wide (6'4" x 2'4").

2. Every means of egress from a rental dwelling shall comply with the following requirements:

a. Stairways: All stairways comprised of four (4) or more risers shall be provided with a substantial and safe handrail. New construction or remodeling shall comply with the Johnson County Building Code.

b. Guardrails: All unenclosed floor and roof openings, open and glazed sides of landings and ramps, balconies or porches which are more than thirty inches (30") above grade or above the floor below and any roof used for other than service of the building shall be protected by a substantial and safe guardrail. New construction or remodeling shall comply with the Johnson County Building Code.

c. Riser and Tread: Every stairway shall have a uniform riser height and uniform tread width which shall be adequate for safe use.

d. Exits: Doors and windows readily accessible from outside the unit shall be lockable from inside the unit. Double cylinder deadbolts may not be used on doors located in habitable areas or on any exit door. Exit doors shall be openable from the inside without the use of a key or any special knowledge or effort.

e. Escape Window: In basement units where one means of egress is a window, such window shall have an unobstructed opening no less in area than that required in the Johnson County Building and/or Fire Codes.

I. Lighting of Public Halls and Stairways.

1. Public passageways and stairways in rental dwellings accommodating two (2) dwelling units or rental rooming units shall be provided with a convenient wall-mounted light switch(es) which activates an adequate lighting system.

2. Public passageways and stairways in buildings accommodating three (3) or more rental dwelling units or rental rooming units shall be lighted at all times with an artificial lighting system, in accordance with the Johnson County building code.

J. Natural Light.

1. Every habitable room in a rental dwelling, except a kitchen, shall have at least one window or skylight facing directly to the outdoors. The minimum total glazed window or skylight area, for every habitable room, except the kitchen, shall be at least eight percent (8%) of the floor area of such room.

2. For the purpose of determining natural light and natural ventilation requirements, any room may be considered as a portion of an adjoining room when one-half (1/2) of the area of the common wall is open and unobstructed and provides an opening of not less than one-tenth (1/10) of the floor area of the interior room or twenty five (25) square feet, whichever is greater.

K. Ventilation.

1. Interior Air Quality: Every rental dwelling unit and rental rooming unit shall be free from dangerous levels of air pollution from carbon monoxide, sanitary sewer gas, fuel gas, dust and other harmful air pollutants.

2. Natural Ventilation in Rental Dwellings:

a. Every window or other device with openings to the outdoor space, used for ventilation, shall be supplied with screens of not less than sixteen (16) mesh per inch.

b. The total openable window area, as measured between stops, in every habitable room shall be equal to at least four percent (4%) of the floor area of such room.

c. Every door opening directly from a rental dwelling unit or rental rooming unit to outdoor space, the use of which is necessary to meet the minimum ventilation requirements of this code, shall have a supplied screen or screens and a self-closing device.

d. Every cellar window, soffit or roof vent used or intended to be used for ventilation and every other opening to a cellar, crawl space or interior roof area which might provide an entry for rodents or birds shall be supplied with a heavy wire screen of not larger than one-fourth inch ($^1/_4$") mesh or such device as will effectively prevent entrance.

e. For natural ventilation, every bathroom or toilet compartment shall have at least one openable window facing directly to the outdoors and at least forty five percent (45%) of the window must be openable.

3. Mechanical Ventilation in Rental Dwellings:

    a. In lieu of openable windows for natural ventilation, adequate ventilation may be a system of mechanical ventilation which provides not less than two (2) air changes per hour in all habitable rooms and/or bathrooms or toilet compartments.

    b. No mechanical exhaust system, exhausting vapors, gases or odors shall be discharged into an attic, crawl space or cellar unless such attic, crawl space or cellar is adequately vented to the outside.

    c. Any kitchen or kitchenette lacking natural ventilation shall be equipped with a system of mechanical ventilation which provides at least two (2) air changes per hour in said room. The system shall exhaust and discharge directly to outside air.

L. Heating.

1. Every rental dwelling shall have heating facilities which are properly installed and are capable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms located therein to a temperature of at least sixty eight degrees Fahrenheit (68°) (20°C) and shall be capable of maintaining in all said locations a minimum temperature of sixty five degrees Fahrenheit (65°) (18°C) at a distance of three feet (3') above the floor level at all times. Such heating facilities shall be so designed and equipped that heat, as herein specified, is available for all rental dwelling units and rental rooming units.

2. Every central heating unit, space heater, water heater and cooking appliance shall be located and installed in such a manner so as to afford reasonable protection against involvement of egress facilities or egress routes in the event of uncontrolled fire in the structure.

3. Every fuel burning heating unit or water heater shall be effectively vented in a safe manner to a chimney or duct leading to the exterior of the building. The chimney, duct and vent shall be of such design as to assure proper draft and shall be adequately supported.

4. No fuel burning appliance shall be located within any sleeping room or bathroom unless provided with adequate ducting for air supply from the exterior, and the combustion chamber for such heating unit shall be sealed from the room in an airtight manner.

5. Every steam or hot water boiler and every water heater shall be protected against overheating by appropriate pressure and temperature limit controls. Such controls shall have a properly installed extension pipe on the pressure relief valve.

6. Every fuel burning space heating unit and water heater shall be equipped with an electronic ignition or with a pilot light and an automatic control to interrupt the flow of fuel to the unit in the event of a failure of the ignition device. All such heating units shall have a limit control to prevent overheating.

M. Electrical Requirements.

1. Every habitable room in a rental dwelling shall contain at least two (2) separate floor type or wall type electric double convenience outlets which shall be situated a distance apart equivalent to at least twenty five percent (25%) of the perimeter of the room. Every such outlet and fixture shall be properly installed.

2. Every habitable room, toilet room, bathroom, laundry room, furnace room, basement and cellar in a rental dwelling shall contain at least one supplied ceiling type or wall type electric light fixture or switched outlet. Every such outlet and fixture shall be properly installed.

3. Temporary wiring or extension cords shall not be used as permanent wiring.

N. Minimum Space, Use and Location Requirements.

1. Floor Area Per Occupant:

   a. Every rental dwelling unit shall contain at least one hundred twenty (120) square feet of habitable floor space for the first occupant thereof and at least one hundred (100) additional square feet of habitable floor space for every additional occupant thereof.

   b. For the purpose of determining the maximum permissible occupancy, the floor area of that part of a room where the ceiling height is less than five feet (5') shall not be considered when computing the total floor area of the room.

2. Maximum Occupancy: Not more than one family, plus that number of unrelated persons permitted in the Johnson County United Development Code shall occupy a rental dwelling unit.

3. Sleeping Rooms: In every rental dwelling unit of two (2) or more rooms and every rental rooming unit, every room occupied for sleeping purposes by one occupant shall contain at least seventy (70) square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least forty (40) square feet of floor space for each additional occupant thereof, except two (2) bedroom manufactured housing shall be required to have only one bedroom in compliance with this section.

4. Ceiling Height: The ceiling height of every habitable room in a rental dwelling shall be at least seven feet (7').

   a. In any habitable room in a rental dwelling where the ceiling is a part of a sloping roof, at least one-half ($^1/_2$) of the floor area shall have a ceiling height of at least seven feet (7'). "Floor area", as stated above, shall mean the area of the floor where the vertical measurement from floor to ceiling is five feet (5') or more.

   b. Obstructions of space by such items as water and gas pipes and cabinetry shall be permitted when such obstructions are located within two feet (2') of a partition or wall, do not interfere with normal ingress and egress, would not interfere with an emergency ingress or egress and are approved by the inspector. Obstruction of ceiling space shall be permitted when such obstruction is located at a height of not less than six feet four inches (6'4") from the floor and which does not occupy more than twenty five percent (25%) of the cubic area of the space within a room further than six feet four inches (6'4") from the floor.

O. Fire Protection Equipment. All fire extinguishers and early warning fire protection systems shall be properly installed according to applicable state fire code, and the Johnson County fire, building and rental housing codes.

8:7.9 Responsibilities of Owners Relating to the Maintenance and Occupancy of Rental Premises.

A. Maintenance of Rental Dwelling Structure.

1. Rental Dwelling Structure:

   a. Every foundation, roof, floor, wall, ceiling, stair, step, elevator, handrail, guardrail, porch, sidewalk and appurtenance thereto shall be maintained in a safe and sound condition and shall be capable of supporting the loads that normal use may cause to be placed thereon.

   b. Every rental dwelling shall be maintained in compliance with Iowa Administrative Code Chapter 661—201 ("state fire code"), as amended, and the building codes in effect at the time the building was constructed. If the use or occupancy is changed, compliance with currently adopted codes is required.

   c. The required occupancy separations shall be provided and maintained in all rental structures having mixed or multiple occupancies. The one hour occupancy separation between rental dwellings and attached garages shall be provided regardless of the date of construction and may be limited to the installation of materials approved for one hour fire resistive construction on the garage side and a tight fitting, twenty (20) minute rated door or approved equivalent opening protection as required by the Johnson County Building Code.

2. Exterior: Every foundation, floor, exterior wall, exterior door, window and roof of the rental dwelling shall be maintained in a weather tight, watertight, rodent proof and insect proof condition.

3. Doors: Every door, door hinge, door latch, door lock or any associated door hardware shall be maintained in good and functional condition, and every door, when closed, shall fit well within its frame.

4. Windows: Every window, existing storm window, window latch, window lock, aperture covering and any associated hardware shall be maintained in good and functional condition and shall fit well with its frame.

5. Interior: Every interior partition, wall, floor, ceiling and other interior surface shall be maintained so as to permit it to be kept in a clean and sanitary condition. All building interior public and service areas shall be maintained in a sanitary condition.

B. Accessory Structure. Every foundation, exterior wall, roof, window, exterior door and appurtenance of every accessory structure to a rental dwelling shall be so maintained as to prevent the structure from becoming a harborage for vermin and shall be maintained in a good state of repair.

C. Rainwater Drainage System. All gutters, downspouts and associated or other roof drainage equipment on the premises of a rental dwelling shall be maintained in a good state of repair and so installed as to direct water away from the structure(s). All cisterns or similar water storage facilities shall be securely covered or protected.

D. Grading, Drainage and Landscaping of Rental Premises. Every premises of a rental dwelling shall be graded and maintained so as no stagnant water will accumulate or stand thereon. The premises shall be graded and drained in a manner to cause the flow of rainwater or other surface water away from the structure(s). The premises shall be continuously maintained by suitable landscaping with grass, trees, shrubs, planted ground cover or other landscaping materials. Landscaping shall be designed and maintained to prevent erosion and control dust. This chapter shall not affect the existence of approved storm water detention systems.

E. Chimneys and Flue Piping. Every chimney and all flue piping of a rental dwelling shall be adequately supported, maintained clean and in a good state of repair.

F. Exterior Surfaces. All exterior surfaces of a rental dwelling and its accessory structures, fences, porches and similar appurtenances which are subject to decay or deterioration shall be protected from the elements and against decay, or deterioration by properly primed and painted non-lead based paint or other approved protective coating. (Guidelines for the removal of lead based paint are located in appendix B of this chapter.)

G. Exits. Every means of egress from a rental dwelling shall be maintained in good condition and shall be free of obstruction at all times. Fire escapes, exit corridors, exit stairways and escape and rescue windows and any other means of egress shall be maintained in a good state of repair at all times. Exit signs, emergency lighting, early warning systems and sprinkler systems shall be maintained in good condition at all times. Required fire doors shall be maintained self-closing and self-latching as required by the Johnson County Building Code.

H. Screens and Storm Windows. On rental dwellings having interchangeable storm windows and screens, the owner or operator of the premises shall be responsible for providing all screens and storm windows in good repair. Screens shall be provided no later than May 1 of each year, and storm windows shall be provided no later than November 1 of each year if they were not provided at the beginning of the tenancy. All windows manufactured to be operable for ventilation shall be provided with screens of not less than sixteen (16) mesh per square inch. However, windows in areas not accessible to tenants or areas which are exclusively service areas shall be exempted from screen requirements. All single pane windows which serve habitable rooms and bathrooms shall be provided with storm windows.

I. Electrical System. The electrical system of every rental dwelling or accessory structure shall not, by reason of overloading, dilapidation, lack of insulation, improper fusing or for any other cause, expose the occupants to hazards of electrical shock or fire, and every electrical receptacle, switch and fixture shall be complete as manufactured and maintained in a good and safe working condition. Only approved extension cords and multi-plug adapters or other devices approved by the inspector shall be allowed. All electrical wiring newly installed or replaced shall be in compliance with the county electrical code.

J. Plumbing System. Every supplied plumbing fixture, water piping and waste piping of every rental dwelling shall be maintained in a good and sanitary condition. All plumbing installed or replaced shall be so designed as to prevent contamination of the water supply through backflow, back siphonage or cross connection. All plumbing newly installed or replaced shall be in compliance with the Johnson County Plumbing Code. A minimum water pressure of fifteen (15) pounds shall be maintained to all open outlets at all times.

K. Gas Piping and Appliances. All gas piping of each rental dwelling shall be properly installed, properly supported and shall be maintained free of leaks, corrosion or obstruction so as to reduce gas pressure or volume. Every gas appliance shall be connected to a gas line with solid metal piping or approved listed metal appliance connector preceded by an approved listed shutoff valve. Gas pressure shall be adequate to permit a proper flow of gas from all open gas valves at all times. All gas piping shall be in compliance with the Johnson County plumbing code.

L. Heating and Cooling Equipment. The heating equipment of each rental dwelling shall be maintained in good and safe working condition and shall be capable of heating all habitable rooms, bathrooms and toilet rooms located therein to the minimum temperature required by this code. Supplied cooling equipment shall be maintained in a good and safe working condition. However, heating and supplied cooling equipment shall not be required to be maintained in operational condition during that time of the year when said equipment is not normally used. No combustible material shall be stored within three feet (3') of a fuel burning furnace and/or fuel burning hot water heater.

M. Kitchen and Bathroom Flooring. Every toilet room, bathroom and kitchen floor surface of a rental dwelling shall be constructed and maintained so as to permit such floor to be easily kept in a clean, dry and sanitary condition.

N. Supplied Facilities.

1. Every facility, utility and piece of equipment required by this code and/or present in the rental dwelling unit and/or designated for the exclusive use of the occupants of said rental unit, at the time that either the rental agreement is signed or possession is given, shall function safely and shall be maintained in proper working condition. Maintenance of facilities, utilities and equipment not required by this code shall be the owner's responsibility unless stated to the contrary in the rental agreement.

2. No supplied facility shall be removed, shut off or disconnected from any occupied rental dwelling unit or rental rooming unit except for such temporary interruption(s) as may be necessary while actual repairs, replacements or alterations are being made.

O. Equipment Rooms. Boiler rooms, mechanical rooms and electrical panel rooms hall not be used for the storage of combustible material or equipment. A minimum three foot (3') clearance shall be maintained in front of electrical panels and disconnects.

P. Pest Extermination. Whenever infestation exists in two (2) or more rental dwelling units or rental rooming units of any rental dwelling or in the shared or public parts of any rental dwelling containing two (2) or more rental dwelling units or more than one rental rooming unit, the extermination thereof shall be the responsibility of the owner.

Q. Fire Protection.

1. All fire extinguishing devices and all early warning fire protection systems in rental dwellings shall be maintained in good working condition at all times. All fire protection equipment and early warning equipment shall be maintained in compliance with the Johnson County Fire Code. Buildings which are required to have an automatic fire alarm system shall have that alarm system tested annually by a qualified alarm technician to certify that the alarm system is in compliance with the current standard of NFPA 72, as amended. Rental buildings which are required to have an automatic sprinkling system shall have that system tested biennially by a qualified sprinkler system technician to certify that the system is in compliance with the current standard of NFPA chapter 25, as amended.

2. Approved numbers or addresses shall be posted for all rental dwellings or buildings containing rental or rooming units in such a position as to be plainly visible and legible from the public way fronting the property, and from the vehicle access area if vehicle access is from other than the front of the building. Said numbers and letters shall contrast with their background and shall be a minimum of four inches (4") in height. Where access to or within a multi-family rental structure or any area is unduly difficult because of secured openings or where immediate access is necessary for life saving and firefighting purposes, a key box shall be installed in an approved location. The key box shall be a type approved by the fire chief and shall contain keys and/or access code(s) necessary to gain access. If applicable, a key switch may be installed in an approved location.

R. Guardrails and Handrails. All guardrails and handrails on the premises of rental dwellings shall be maintained in a safe and sound condition at all times. Guardrails shall be provided where there is an abrupt elevation change exceeding thirty inches (30") adjacent to pedestrian areas. Guardrails and handrails which are newly installed or replaced shall comply with the Johnson County Building Code.

S. Sealed Passages. All pipe passages, chutes and similar openings through walls, floors or ceilings of rental dwellings shall be adequately closed or sealed to prevent the spread of fire or the passage of vermin.

T. Trees and Plant Materials. All trees and plant materials on the premises of rental dwellings shall be maintained in a manner which prevents damage or decay to a rental structure(s). Trees required by any County tree ordinance shall be maintained.

U. Clean Rental units. No owner or operator shall permit occupancy of any vacant rental dwelling unit or rental rooming unit unless it is clean, safe, sanitary, and fit for human occupancy at the commencement of the rental period.

V. Exterior Area Maintenance.

1. Every owner or operator of a rental property shall be responsible for maintaining the exterior areas in a safe condition. Tenants shall be responsible for notifying the owner or operator if any unsafe conditions are observed by the tenant in an exterior area.

2. Every fence shall be maintained in a good state of repair and shall comply with any applicable Johnson County zoning ordinance except that Iowa Code chapter 359A shall preempt and govern where applicable.

W. Solid Waste Facilities. Every owner of a rental dwelling or rental structure shall supply adequate facilities for the disposal of solid waste which are approved by the inspector and/or are in compliance with any County solid waste ordinance.

X. Occupancy Requirements.

1. A rental dwelling unit shall not be occupied by a number of persons greater than allowed by the Johnson County United Development Code.

2. No room shall be used as a habitable room that does not satisfy the definition of “habitable room” set forth in this chapter.

Y. Cooking in Rental rooming Units. No owner or operator shall knowingly allow the use of cooking equipment within any rental rooming unit**.**

8:7.10 Responsibilities of Occupants Relating to the Maintenance and Occupancy of Rental Premises.

A. Controlled Area.

1. Every occupant of a rental dwelling unit or rental rooming unit shall keep in a clean, safe and sanitary condition that part of the rental dwelling unit, rental rooming unit or premises thereof which the occupant occupies and controls.
2. Every floor and floor covering shall be kept reasonably clean and sanitary.
3. Every wall and ceiling shall be kept reasonably clean and free of dirt or greasy film.
4. No rental dwelling or the premises thereof shall be used for the storage or handling of solid waste except that the premises of a rental dwelling located on a farm may be used for the storage and handling of solid waste as allowed by state law.
5. No rental dwelling or the premises thereof shall be used for the storage or handling of dangerous or hazardous materials. This provision shall not apply to the storage or handling of dangerous or hazardous materials within structures and facilities other than the rental dwelling, which are located on the premises of the rental dwelling located on a farm, as long as such handling and storage in compliance with applicable state laws.

B. Plumbing Fixtures. The occupants of a rental dwelling unit shall keep all supplied plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care, proper use and proper operation thereof.

C. Extermination of Pests. Every occupant of a single-family rental dwelling shall be responsible for the extermination of any insects, rodents or other pests therein or on the rental premises; every occupant of a rental dwelling containing more than one rental dwelling unit or rental rooming unit shall be responsible for such extermination within the unit occupied whenever said rental unit is the only one infested. Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a rental dwelling in a reasonably rodent proof or reasonably insect proof condition, extermination shall be the responsibility of the owner.

D. Storage and Disposal of Solid Waste. Every occupant of a rental dwelling shall dispose of solid waste and any other organic waste in a clean and sanitary manner by placing it in the supplied disposal facilities or storage containers required by this rental code.

E. Use and Operation of Supplied Heating Facilities. Every occupant of a rental dwelling unit or rental rooming unit shall be responsible for the exercise of reasonable care, proper use and proper operation of supplied heating facilities. No combustible material shall be stored within three feet (3') of a fuel burning furnace and/or fuel burning water heater.

F. Electrical Wiring. No temporary wiring shall be used. Approved extension cords may be used but shall not lie beneath floor coverings or extend through doorways, transoms or similar apertures and structural elements or attached thereto. The occupant shall not overload the circuitry of the rental dwelling unit or rental rooming unit.

G. Supplied Facilities. Every occupant of a rental dwelling unit shall keep all supplied fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care, proper use and proper operation thereof.

H. Cooking or Eating in Rental Rooming Units. No occupant of a rental rooming unit shall prepare or eat meals or store cooking utensils in the rental rooming unit unless an approved kitchen or dining room is contained within the rental rooming unit. The cooking and eating of meals may take place in rental dwellings containing a rental rooming unit or rental units if the provisions of subsections 8:7.8(C) and (D) of this chapter are complied with.

I. Occupancy Control. A rental dwelling unit shall not be occupied by a number of persons greater than allowed by the Johnson County Uniform Development Code.

J. Fire Protection Equipment. All fire extinguishers and early warning fire protection systems shall be maintained in good working condition at all times. Fire extinguishers shall be mounted and meet the requirements of the Johnson County Fire Code.

8:7:11 Notice

A. Notice to Person Responsible. Whenever the inspector determines that there has been a violation of the rental housing code, notice shall be given in the manner prescribed below to the person responsible for the violation as specified in this code. Such notice shall not be required if the conditions meet the requirements for an Emergency Order as defined in Section 8:7.6.

B. Form of Notice. The notice of violation shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the rental dwelling, rental dwelling unit, rental rooming unit or premises thereof into compliance with the provisions of this code.
5. Provide a description of the penalties associated with a county infraction.
6. Inform the property owner of the right to appeal to the Board of Appeal.

C. Method of service: Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

8:7.12 Enforcement and Penalties for Violation.

Violations of the provisions of this Chapter shall be enforced in accordance with Chapter 8:8 of this ordinance. Violation of the provisions of this chapter includes failure to comply with any of the requirements, failure to comply with a correction or corrective order, and violations of conditions and safeguards established in connection with grants of Variances.

8:7.13 APPENDIX A - Attic Fire Escape for Rental Dwellings

A. Balconies.

1. Material. All balconies for ladder fire escapes installed must be of wrought iron or mild steel, not less than 28 inches deep and 6 feet long.
2. Frame. The balcony frame shall be made continuous of not less than 11/4 x 11/4 x 1/4-inch angle iron securely riveted or welded together, with crossbars every 2 feet, said bars to be punched 1/2-inch square every 11/4 inches center to center, and 1/2-inch square iron with corners upward forced through the same, leaving a manhole of not less than 24 x 24 inches located to clear side of exit to balcony by at least 6 inches. The crossbars to be securely riveted, welded or bolted to the angle iron frame. Said crossbars must be not less than 13/4 x 3/3-inch iron. Balconies over 30 inches wide must have at least one 11/4 x 1/4-inch T-iron lengthwise through the balcony.
3. Posts. Said balconies shall have a 11/4 x 11/4 x 1/4-inch angle iron post every 3 feet, bolted to the balcony.
4. Rails.
    a. Balconies to be equipped with 3 rails of angle iron or pipe. Angle iron to be $1^{3}/_{4}$ x $1^{3}/_{4}$ x $^{1}/_{4}$-inch. Pipe rail to be $^{3}/_{4}$-inch inside diameter pipe. Top rail to be not less than 3 feet and bottom rail not more than 8 inches above balcony with intermediate rail space equally between the two. All railing to be continuous, except the space occupied by ladder, where railings shall be securely bolted to sides of ladder.
    b. Rails shall enter the wall at each end at least 4 inches and top rail to be securely braced to balcony with $1^{1}/_{2}$ x $^{1}/_{4}$-inch bar.

B. Brackets for balconies of ladder escapes.

1. Material. There shall be not less than 3, 1-inch square or 1-inch diameter round mild steel brackets to every 6-foot balcony, brackets to be spaced not to exceed 3 feet apart.
2. Fastenings. Top bar of said bracket must pass through the wall of the building and be bolted on the inside with a nut and 4 x 4 x $^{3}/_{8}$-inch plate iron washer back of nut. Where walls are of frame construction or veneered, said brackets must be secured by a 4 x $^{3}/_{8}$-inch plate, or 2, 2 x $^{5}/_{16}$-inch iron bars securely spiked to each studding on inside of wall and running the full length of balcony.
3. Angle. The angle of brackets to be about 45 degrees and not less than 30 degrees and pass into the wall at least 4 inches at bottom.

C. Ladders.

1. Material. Rungs of ladders to be $^{1}/_{2}$-inch square iron, with the corners upward. Every rung to be welded and to be 14-inch centers. All ladders must be 18 inches between side guards, which shall be not less than 2 x $^{5}/_{16}$-inch iron.
2. Location. All such ladders, when installed on buildings, to be placed to the side of the windows, opposite the wall or pier, securely fastened with hook bolts, on the inside of each side bar, to the balconies and not less than 24 inches away from the wall, and to start $6^{1}/_{2}$ feet from the ground.

D. General requirements.

1. Use of other materials. Materials of the following types and meeting the following specifications may be used.
    a. Balconies may be constructed of serrated or antiskid open type steel grating. The material from which the sections are made shall not be less than 12-gauge thickness.
    b. Openings in the surface shall not be more than $^{7}/_{8}$-inch wide and $1^{1}/_{2}$ inches long or less than $^{1}/_{2}$-inch wide and $1^{1}/_{2}$ inches long. All sections shall be capable of supporting a uniform superimposed load of 100 pounds per square foot without causing a deflection in excess of $^{1}/_{240}$ of the span.
    c. Bolts. All bolts used in general construction shall be not less than $^{1}/_{2}$-inch diameter.
    d. Material. The use of secondhand material will not be permitted and will be condemned if found in fire escape construction.
    e. Fittings. No cast iron fittings shall be used.
    f. Holes in masonry. All holes in masonry must be filled with Portland cement mortar.
    g. Painting. All work must be painted with not less than 2 coats of paint, one of iron oxide and linseed oil in shop, and one of graphite and linseed oil after installation. The field coat shall be different color than shop coat.
2. Factor of safety. Balconies and stairways shall be capable of sustaining a live load of 100 pounds to the square foot. Fire escapes shall have a factor of safety of not less than 4.
3. Maintenance and painting. All outside fire escapes shall be scraped and painted as often as necessary to maintain them in proper condition at all times.
4. All outside fire escapes shall be kept clear of obstructions.
5. All outside fire escapes shall be promptly cleaned after snow or ice has accumulated thereon.
6. No obstructions, such as telephone or lighting wires, shall be permitted on or near outside fire escapes. Electric light or power wires shall not be directly over or within 3 feet of outside fire escapes or balconies unless such wires are enclosed in rigid conduit.

8:7.14 APPENDIX B - Guidelines for Eliminating Lead Based Paint Hazards

A. These guidelines are derived from documents published by the Iowa department of public health childhood lead poisoning prevention program entitled "eliminating lead based paint hazards".

1. Remove lead based paint carefully! You should never dry scrape or dry sand lead based paint on the inside or outside of your home. Always mist surfaces with water before scraping or sanding them. Use a tarp or piece of plastic to catch paint chips when you are working on the outside of your house. This will keep paint chips from falling on the soil. If you are working outside, close windows to prevent lead dust from entering the home.

2. Do not sandblast or waterblast lead based paint on the outside of your home. You do not want the paint chips to end up all over your yard or the neighbor's yard. Sandblasting and waterblasting is safe only if you have a special machine that will catch the paint chips.

3. Remove furniture, drapes, and if possible, carpet from the room you will work in before starting work. Cover the floor and furniture that cannot be removed from the room with a sheet of six (6) mil plastic. Seal each room from the rest of the house with plastic while working in it. Be careful not to track dust and paint chips into other areas of the home.

4. Wear a negative pressure, half mask respirator with a magenta (purple) HEPA filtration canister. You can buy these respirators at auto parts stores (used for brake and clutch work). The respirator will say "HEPA Filters - Asbestos Approved". Be sure to read the instructions for positive and negative face fit tests and for cleaning the respirator. If the respirator does not fit properly, it will not protect you. It will also not protect you if it is dirty. These masks do not protect against organic vapors from heat guns or paint strippers. So, use heat guns and paint strippers only where there is good ventilation. This will help disperse any organic vapors from the strippers or from heating the paint.

5. Replace the filters on the respirator if they are damaged. You should also replace them if it gets hard to breathe. This means that the filters are plugging. Wash the face piece (without the filters) with mild soap. Store the respirator in a bag outside of the work area.

6. If you have asthma, emphysema, or heart problems, do not try to wear a respirator. Take off the respirator immediately if you feel short of breath. If you have a perforated eardrum that has not been repaired, this respirator will not protect you from inhaling lead dust.

7. If you will be using a heat gun, make sure it is a low temperature heat gun that operates below one thousand one hundred degrees Fahrenheit (1,100°F).

8. Do not eat, drink, or smoke until you have left the work area and thoroughly washed your hands and face. Take a shower, wash your hair, and change clothes before coming in contact with others.

9. Keep pregnant women and children out of the room if you are working on a small project. A small project would be working on only a few surfaces in one room at a time. For larger projects, keep pregnant women and children out of the home until you complete the job.

10. After you complete the job, wash all surfaces thoroughly with any household detergent. Vacuum with a HEPA vacuum or a regular vacuum with microfilter bags. Shampoo carpets using a machine that pumps liquid into the carpet and pulls it back out.

11. Place paint chips, dust, and pieces of wood in a plastic bag at the end of each day. Put this with your garbage that will go to the landfill.

B. After you complete work to eliminate lead based paint hazards, you must maintain the remaining lead based paint in good condition. You should also frequently clean the house. Wash floors, window sills, areas between the windows, and other places where dust and dirt accumulate at least once a week. Check the condition of lead based paint frequently. You need to repair paint when it begins to deteriorate.

8:8 Enforcement

First adopted and effective October 24, 1960 | Current version effective January 15, 2020.

8:8.1 Purpose. **340**
8:8.2 General Provisions. **340**
8:8.3 County Infraction. **341**
8:8.4 Criminal Penalties. **342**
8:8.5 Restraining Order; Abatement **342**
8:8.6 Additional Administrative Remedies **342**

8:8.1 Purpose.

Violations of the Johnson County Unified Development Ordinance, if not resolved at the administrative level, may be enforced by county officers in accordance with the provisions of this chapter. For the purposes of this chapter, the term "this ordinance" shall refer to the Johnson County Unified Development Ordinance contained in Chapter 8 of the Johnson County Code of Ordinances.

8:8.2 General Provisions.

A. Applicability. If any building, structure or sign is erected, constructed, reconstructed, altered, repaired, converted or maintained or if any building, structure, sign or land is disturbed or used in violation of this ordinance, the County, in addition to other remedies, may institute any proper action or proceedings in the name of the County to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of the building, structure or land; to seek civil penalties and/or criminal sanctions for violation(s) of this Ordinance, and/or to prevent any illegal act, conduct, business or use in or about the premises.

B. Zoning Administrator. As used in this Section, Zoning Administrator shall be deemed to include the Zoning Administrator or a designee from the Johnson County Planning, Development and Sustainability Department or its equivalent successor department.

C. Power to Enforce. The Zoning Administrator shall have the power and duty to enforce this ordinance, including but not limited to:

1. Investigation of complaints of zoning violations
2. Issuance of notices and County infraction citations to violators,
3. Issuance of stop work orders and/or withholding or revocation of permits, and
4. Preparation of reports of those zoning violations which continue unabated after exhaustion of reasonable administrative remedies toward their abatement. Said reports will be submitted to the County Attorney for such civil or criminal legal action as the facts of each report may require.

D. Voluntary Compliance. All persons responsible for or empowered to enforce the County's land use and development regulations shall first endeavor to gain compliance through inspection, notification, and request for voluntary compliance using policies and procedures adopted by the Zoning Administrator, except in instances where the violation constitutes an immediate threat to persons or property exists in the reasonable judgment of the Zoning Administrator, in which cases the Zoning Administrator may resort directly to any one or combination of the other penalties and/or remedies available under this ordinance.

E. Cooperation. In all cases in which the County commences court action, the Zoning Administrator shall cooperate with the County Attorney by performing such additional investigative work, gathering evidence, effecting service of process, and offering testimony as the County Attorney shall require.

8:8.3 County Infraction.

The Zoning Administrator and any County employee authorized to enforce the regulations to which this chapter applies may issue a civil citation to any person, firm, or corporation who is alleged to have committed a County infraction.

A. County Infraction. Any person who fails to perform an act required by this ordinance or who commits an act prohibited by this ordinance shall be guilty of a County Infraction punishable by a civil penalty as provided in this chapter and Iowa Code Section 331.307 (2019), which is hereby incorporated in this ordinance by this reference.

Notwithstanding the foregoing, a violation of this ordinance is not a County infraction if the violation is a felony, an aggravated misdemeanor, or a serious misdemeanor under the laws of the State of Iowa or if the violation is a simple misdemeanor under Chapters 687 through 747 of the Iowa Code (2019).

The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

B. Continued Violation. Each day that a violation is permitted to exist may be deemed a separate offense.

C. Penalties. A County infraction is a civil offense punishable by the following civil penalties:

1. First offense, not more than seven hundred and fifty dollars ($750.00);
2. Any repeat offense, not more than one thousand dollars ($1000.00).
    a. The term "repeat offense" shall be defined as a recurring violation of the same section of the ordinance by the same person(s) or business entity.

D. Form. The citation shall serve as notification of the violation of the ordinance, shall be served as provided in Iowa Code Section 331.307(4) and contain the information required by Iowa Code Section 331.307(4)(a - g). In addition to the copy of the citation filed with the clerk of the district court, one copy shall also be provided to the County Attorney.

E. Failure to comply. If a violator willfully fails to pay the civil penalty or violates the terms of any other order imposed by the Court, the failure is contempt.

F. Alternative Relief. Seeking a civil penalty as authorized herein does not preclude the County from seeking alternative relief from the court in the same action or by separate action. Such alternative relief may include, but is not limited to, an order for abatement or injunctive relief. Seeking a civil penalty as authorized herein does not preclude a peace officer from issuing a criminal citation for a violation of this Ordinance or regulations if criminal penalties are also provided for the violation, nor does it preclude or limit the authority of the County to enforce the provisions of this Ordinance by criminal sanctions or other lawful means.

8:8.4 Criminal Penalties.

Unless another penalty is expressly provided by this Chapter for violation of any particular provision, section or subchapter, any person, firm or corporation failing to perform a duty required by this ordinance or otherwise violating, disobeying, omitting, neglecting, or refusing to comply with or resisting the enforcement of any of the provisions hereof or any rule or regulation adopted herein by reference (any one of the above constituting a "violation") shall, upon conviction, be subject to a fine not to exceed six hundred and twenty five dollars ($625.00). The court may order imprisonment not to exceed thirty (30) days in lieu of a fine or in addition to a fine for each offense and each day that a violation is permitted to exist shall constitute a separate offense.

8:8.5 Restraining Order; Abatement

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained; or any building, structure, or land is used in violation of this ordinance or of any ordinance or other regulation made under authority conferred thereby, the Board of Supervisors, through the Zoning Administrator and the Office of the County Attorney, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises. The costs incurred by Johnson County in restraining, correcting, or abating such violation, if allowed by the Court, including the costs of hiring any contractors to perform such work, the costs of testing, disposal, and remediation of hazardous conditions, and the reasonable equivalent value of services provided by the Office of the Johnson County Attorney in the course of prosecuting such legal action, may be entered by the Court as a personal judgment against the violator or assessed against the property where the violation occurred, or both.

8:8.6 Additional Administrative Remedies

A. Revoke Permits. Any development permit or other form of authorization required under this Ordinance may be revoked when the Zoning Administrator determines: (1) that there is departure from the plans, specifications, or conditions as required under terms of the permit, (2) that the development permit was procured by false representation or was issued by mistake, or (3) that any of the provisions of this Ordinance are being violated. Written notice of such revocation shall be served upon the owner, the owner's agent or contractor, or upon any person employed on the building or structure for which such permit was issued, or shall be posted in a prominent location; and, thereafter, no such construction shall proceed.

B. Stop Work Order. If work is being done in violation of any provision of this Ordinance and continues beyond the date of compliance set in an applicable notice of violation and the work is not being done to correct such violation, an immediate stop-work order may be issued by the Zoning Administrator. Such order shall be given to the owner of the property, their authorized agent, or the person or persons in charge of the activity on the property and shall be posted on the property. The stop work order shall state the conditions under which work may be resumed.

C. Withholding of Permit(s). The County may deny or withhold all permits, certificates or other forms of authorization on any land or structure or improvements thereon upon which there is an uncorrected violation of a provision of this Ordinance or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the County unless said permits are expressly for remedying abatement of the violations. This enforcement provision shall apply regardless of whether the current owner or applicant is responsible for the violation in question.

D. Revoke Plan or Other Approval. Where a violation of this Ordinance involves a failure to comply with approved plans or conditions to which the approval of such plans was made subject, the Board of Supervisors may, upon notice to the applicant and other known parties in interest (including any holders of zoning permits affected) and after a public hearing, revoke the plan or other approval or condition its continuance on strict compliance with this ordinance, the provision of security to ensure that construction is completed in compliance with approved plans, or such other conditions as the Board of Supervisors may reasonably impose.

8:9 Airport Zoning (Eastern Iowa Airport)

First adopted and effective May 25, 1977 |
Readopted with this ordinance and current version effective January 15, 2020.

8:9.1 Short Title. 344
8:9.2 Purpose. 344
8:9.3 Definitions. 344
8:9.4 Zones. 346
8:9.5 Airport Zoning Map. 347
8:9.6 Height Limitations. 347
8:9.7 Nonconforming Uses. 348
8:9.8 Airport Zoning Commissions. 349
8:9.9 Board of Adjustment. 349
8:9.10 Variances. 349
8:9.11 Finding Concerning Public Interest. 350
8:9.12 Administration and Enforcement. 350
8:9.13 Equitable Remedies. 350
8:9.14 Conflicting Regulations. 350
8:9.15 Prohibited Acts. 351
8:9.16 Annexation. 351
8:9.17 Penalties. 351

8:9.1 Short Title.

This chapter shall be known and may be cited as the "Airport Zoning Regulations."

8:9.2 Purpose.

These regulations are adopted by the City Council of Cedar Rapids and the Board of Supervisors of Johnson County for the purpose of exercising to the fullest extent possible the power granted by Chapter 329, Iowa Code, pertaining to the restrictions of airport hazards in the vicinity of airports and creating airport hazard zones.

8:9.3 Definitions.

For the purpose of this chapter, certain terms and words are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural and the plural the singular and the word shall is mandatory and not directory.

1. **Airport.** The Eastern Iowa Airport as now exists or as may hereafter be added to or changed, located in College Township and Fairfax Township, in Linn County, Iowa, now owned by the City of Cedar Rapids, Iowa, and under the management and control of the Cedar Rapids Airport Commission by the provisions of Chapter 30, Iowa Code. Airport includes the area of land designed and set aside for the landing and taking off of aircraft, and utilized or to be utilized in the interest of the public for such purposes. The word "Airport" as used in this chapter also means and includes the Cedar Rapids Municipal Airport as shown in the Cedar Rapids Municipal Airport Master Plan adopted by the Cedar Rapids Airport Commission on October 23, 1973, which is now on file in the office of the Airport Manager in the Terminal Building at said Airport.
2. **Airport Elevation.** The established elevation of the highest point on the usable landing area which is eight hundred sixty three (863) feet above mean sea level.

3. **Airport Hazard.** Any structure or tree which obstructs the air space required for the flight of aircraft in landing or taking off at the airport, as herein defined, or is otherwise hazardous to such landing or taking off of aircraft. It shall also include any use of land within any zone established by these regulations in such a manner as to create electrical interference with radio communication between the Airport and aircraft, or unreasonably interfere with electronic navigation aids, or make it difficult for pilots to distinguish between airport lights and others; or result in glare in the eyes of pilots using the airport, or impair visibility in the vicinity of the Airport while engaged in landing or taking off at the Airport; or any other use within any zone established by these regulations which is otherwise hazardous to such landing or taking off of aircraft at the Airport.
4. **Obstruction.** Any tangible inanimate object, natural or artificial, protruding above the ground.
5. **Height.** For the purpose of determining the height limits in all zones set forth in these regulations and shown on the zoning map, the datum shall be mean sea level unless otherwise specified.
6. **Instrument Runway.** A runway equipped or to be equipped with precision or non-precision electronic navigation aids or landing aid, or other air navigation facilities, suitable to permit the landing of aircraft by an instrument approach under restricted visibility conditions.
7. **Landing Area.** The general area of the Airport used for the landing, take-off, or taxiing of aircraft, as indicated upon the Airport Zoning Map.
8. **Noninstrument Runway.** A runway other than an instrument runway.
9. **Person.** An individual, firm, copartnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, or other similar representative thereof.
10. **Runway.** The existing or proposed surface of an airport landing strip.
11. **Structure.** An object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, and overhead transmission lines, and the poles or other structures supporting the same.
12. **Tree.** An object of natural growth.
13. **Airport Hazard Area.** An area of land or water within the territorial limits of the Cedar Rapids Municipal Airport Zoning Map, which is made a part of these Regulations, upon which an airport hazard might be established if not prevented, as provided by these Regulations.
14. **Municipalities.** The city of Cedar Rapids, Iowa, and any city, town, or county within the territorial limits of the Cedar Rapids Airport Zoning Map hereinafter described, within which an airport hazard area might be established.

8:9.4 Zones.

In order to classify, restrict and regulate airport hazards, there are hereby created and established instrument approach zones, transition zones, horizontal zones, and conical zones as follows:

A. Instrument Runway Approach Zones. A precision or non-precision instrument runway approach zone is established at each end of the designated instrument runways for instrument landings and takeoffs.

1. Precision Instrument Runway Approach Zone for Precision Instrument Runways 8R-26L. The precision instrument approach zone shall have a width of one thousand (1,000) feet at a distance of two hundred (200) feet beyond each end of the runway and be at the elevation of the centerline of the end of the runway, widening thereafter uniformly to a width of sixteen thousand (16,000) feet at a distance of fifty thousand two hundred (50,200) feet beyond each end of the runway, its centerline being the continuation of the centerline of the runway.

2. Nonprecision Instrument Runway Approach Zone or Nonprecision Instrument Runway 13R-31L. The nonprecision instrument approach zone shall have a width of five hundred (500) feet at a distance of two hundred (200) feet beyond each end of the runway and be at the elevation of the centerline of the end of the runway, widening thereafter uniformly to a width of three thousand five hundred (3,500) feet at a distance of ten thousand two hundred (10,200) feet beyond each end of the runway, its centerline being the continuation of the centerline of the runway.

3. Nonprecision Instrument Utility Runway Approach Zone for Nonprecision Instrument Utility Runways 8L-26R, 13L-31R. The nonprecision instrument utility runway approach zones shall have a width of five hundred (500) feet at a distance of two hundred (200) feet beyond each end of the runway and be at the elevation of the centerline of the end of the runway widening thereafter uniformly to a width of two thousand (2,000) feet to a distance of five thousand two hundred (5,200) feet beyond each end of the runway, its centerline being the continuation of the centerline of the runway.

B. Transition Zones. Transition zones are hereby established adjacent to each instrument runway and approach zone, as indicated on the Zoning Map. Transition Zones shall by symmetrically located on either side of runways and have variable widths, as shown on the Zoning Map. Transition zones shall extend outward from a line 250 feet on either side of the centerline of all nonprecision instrument runways for the length of such runways, plus 200 feet on each end and 500 feet on either side of the center line of a precision instrument runway for the length of such runway, plus 200 feet on each end, and are parallel and level with such runway centerlines. The transition zones along such runways shall slope upward and outward one (1) foot vertically for each seven (7) feet horizontally to the point where they intersect the surface of the horizontal zone. Further, transition zones are established adjacent to the instrument approach zones for the entire length of the approach zones. These transition zones have variable widths as shown on the Zoning Map. Such transition zones flare symmetrically with either side of the runway approach zones from, the base of such zones; and slope upward and outward at the rate of one (1) foot vertically for each seven (7) feet horizontally to the points where they intersect the surface of the horizontal and conical zones. Additionally, transition zones are established adjacent to the precision instrument approach zone where it projects through and beyond the limits of the conical zone, extending a distance of 5,000 feet measured horizontally from the edge of the instrument approach zone at right angles to the continuation of the centerline.

C. Horizontal Zone. A horizontal zone is hereby established, the perimeter of which is constructed by swinging arcs of 10,000 foot radii from the extended centerline 200 feet beyond each end of an instrument runway and connecting the adjacent arcs by lines tangent to those arcs. The horizontal surface is located at a height of 150 feet above the established airport elevation. The horizontal zone does not include the instrument approach zones or transition zones.

D. Conical Zone. A conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends upward 1 foot in height for every 20 feet of horizontal distance outward therefore a distance of 4,000 feet. The conical zone does not include the instrument approach zones or transition zones.

8:9.5 Airport Zoning Map.

There is hereby adopted and enacted an airport zoning district map dated the 6th day of June, 1975, signed by the Mayor, Chair of the Board of Supervisors and attested by the Clerk, which map is on file in the office of the City Clerk, County Auditor, and is hereby incorporated into and made a part of these regulations and that the boundaries of the various zoning districts are herewith enacted and established as shown on subsequent boundary changes and amendments. Said map is designed and intended as a method and means of setting forth the boundaries of the various airport zoning districts as the same are now shown on said map dated June 6, 1973. All modifications, references, markings and other information shown thereon are hereby enacted and established as a part of the official district map for the Cedar Rapids Municipal Airport and are made a part of these regulations.

As relates to Chapter 5:1, said district map shall not be set out in the Johnson County Code of Ordinances and shall remain on file in the office of the Johnson County Auditor after adoption and publication and shall constitute a part of Chapter 5:1 of the Johnson County Code of Ordinances the same as if set out herein.

8:9.6 Height Limitations.

Except as otherwise provided in these regulations, no structure or tree shall be erected, altered, allowed to grow, or maintained in any zone created by these regulations to a height in excess of the height limit therein established for such zone. Such height limitations are hereby established for each of the zones in question as follows:

A. Instrument Approach Zones

1. Precision Instrument Runway 8R-26L: One (1) foot in height for each fifty (50) feet in horizontal distance beginning at a point 200 feet from and at the centerline elevation of the end of the runway, and extending to a distance of 10,200 feet from the end of the runway; thence one (1) foot in height for each forty (40) feet in horizontal distance to a point 50,200 feet from the end of the runway.
2. Nonprecision Instrument Runway 13R-31L: One (1) foot in height for each thirty-four (34) feet in horizontal distance beginning at a point 200 feet from and at the centerline elevation of the end of the runway and extending to a distance of 10,200 feet from the end of the runway.

3. Nonprecision Instrument Utility Runways 8L-26R, 13L-31R: One (1) foot in height for each twenty (20) feet from and at the centerline elevation of the end of the runways and extending to a point 5,200 feet from the end of the runway.

B. Transition Zones. One (1) foot vertical height for each seven (7) feet in horizontal distance beginning at a point 250 feet normal to and at the elevation of the centerline of nonprecision instrument runways, extending 200 feet beyond each end thereof, and 500 feet normal to and at the elevation of the centerline of the precision instrument runways, extending to a height of 150 feet above the airport elevation, which is 863 feet above mean sea level. In addition to the foregoing, there is established height limits of one (1) foot vertical height for each seven (7) feet horizontal distance measured from the edges of all approach zone surfaces for the entire length of the approach zone surfaces, and extending upward and outward to the points where they intersect the horizontal and conical surfaces. Further, where the precision instrument approach zone surface projects through and beyond the conical zone surfaces, a height limit of one (1) foot for each seven (7) feet of horizontal distance shall be maintained a distance of 5,000 feet from the edge of the precision instrument approach zone surface measured normal to the centerline of the runway extended.

C. Horizontal Zone. One hundred fifty (150) feet above the established airport elevation, or a maximum height of 1013 feet above mean sea level elevation.

D. Conical Zone. One (1) foot vertical height for each twenty (20) feet of horizontal distance beginning at the periphery of the horizontal zone, and extending a horizontal; distance of 4,000 feet.

E. Excepted Height Limitations. Nothing in these regulations shall be construed as prohibiting the growth, construction, or maintenance of any tree or structure to a height up to 35 feet above the surface of the land.

Where an area is covered by more than one height limitation, the more restrictive limitation shall prevail.

8:9.7 Nonconforming Uses.

A. Regulations not Retroactive. The regulations prescribed herein shall not be construed to require the removal, lowering, or other changes or alterations of any structure or tree not conforming to the regulations as of the effective date of these regulations, or otherwise interfere with the continuance of any nonconforming use. However, no pre-existing nonconforming structure, tree, or use shall be replaced, rebuilt, altered, allowed to grow higher, or be replanted so as to constitute a greater airport hazard than it was when these regulations were adopted. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of these regulations and is completed within one (1) year thereafter, beginning at the edge of the precision instrument approach zone surface and extending

B. Marking and Lighting. Notwithstanding the preceding provision of this section, the owner of any nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be necessary to indicate to the operator of aircraft in the vicinity of the Airport the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the Cedar Rapids Airport Commission.

8:9.8 Airport Zoning Commissions.

An Airport Zoning Commission shall be provided as follows:

That Zoning Commission shall consist of five (5) members, two (2) of whom shall be appointed by the Board of Supervisors of Johnson County, and two of whom shall be selected by the City Council of the City of Cedar Rapids, Iowa, and one (1) additional member to act as Chair to be selected by a majority vote of the members selected by the Board of Supervisors of Johnson County and the City of Cedar Rapids, Iowa. The terms of such members shall be as provided by section 329.9, Iowa Code (1973). Such Airport Zoning Commission shall follow the procedures as provided in sections 414.4 and 414.6, Iowa Code, as required by section 329.9, Iowa Code (1973).

8:9.9 Board of Adjustment.

A Board of Adjustment is hereby appointed as follows:

The Board shall consist of five (5) members, two (2) of whom shall be appointed by the Board of Supervisors of Johnson County, and two of whom shall be selected by the City Council of the City of Cedar Rapids, Iowa, and one (1) additional member to act as Chair to be selected by a majority vote of the members selected by the Board of Supervisors of Johnson County and the City of Cedar Rapids, Iowa. The terms of such members shall be as provided by section 329.12, Iowa Code (1973). Each such Board shall have the powers and duties, and shall follow the procedures provided by Sections 329.11 and 329.12, Iowa Code (1973).

8:9.10 Variances.

Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use his property in a manner which would constitute a violation of these regulations, may apply to the Board of Adjustment having jurisdiction of the area where such violation would occur for a variance from these regulations. Such variances shall be allowed where a literal application or enforcement of these regulations would result in practical difficulty or unnecessary hardship, and the relief granted would not be contrary to the public interest, but would do substantial justice and be in accordance with the spirit of these regulations and of Chapter 329, Iowa Code; provided, however, that any such variance may be allowed subject to any reasonable conditions that the Board of Adjustment may deem necessary to effectuate the purposes of Chapter 329, Iowa Code, including but not limited to the following:

1. The reservation of the right of the City of Cedar Rapids, and the Cedar Rapids Airport Commission, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to operators of aircraft the presence of the airport hazard.

2. To require the person requesting the variance at his own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to operators of aircraft the presence of the airport hazard.

Any appeal from the decision of the Board of Adjustment shall be in accordance with the provisions of Section 414.15 et seq. of the *Iowa Code*.

8:9.11 Finding Concerning Public Interest.

The City Council of Cedar Rapids and the Board of Supervisors of Johnson County specifically finds that an airport hazard, as herein defined, within its territorial limits would endanger the lives and property of users of the Cedar Rapids Municipal Airport and all occupants of land, and other persons in the vicinity, and would also tend to destroy or impair the utility of the airport and the public investment therein, accordingly each municipality does hereby declare:

1. That the creation or establishment of an airport hazard, as herein defined, within its territorial limits is a public nuisance and an injury to the community served by the Cedar Rapids Municipal Airport.
2. That it is necessary in the interests of public health, safety, and general welfare that the creation or establishment of airport hazards, as herein defined, be prevented.
3. That this should be accomplished to the extent legally possible by proper exercise of the police power.
4. That each municipality expressly declares that it shall not become liable for the expenditure of its public funds unless such expenditure shall be approved in advance by its governing body.

8:9.12 Administration and Enforcement.

The administration and enforcement of these Zoning Regulations shall be performed by the Cedar Rapids Airport Commission acting through the Airport Manager, or through such other persons or representatives as the Cedar Rapids Airport Commission may from time to time by resolution direct, but as provided by Section 329.13, *Iowa Code*, such duties of enforcement and administration may not be delegated to any person who is a member of the Board of Adjustment.

8:9.13 Equitable Remedies.

The City of Cedar Rapids and the Cedar Rapids Airport Commission may maintain actions in equity to restrain and abate as nuisances the creation or establishment of airport hazards pertaining to the Cedar Rapids Municipal Airport in violation of these regulations for any area, whether within or without the territorial limits of the City of Cedar Rapids, Iowa, as authorized by Section 329.5, *Iowa Code*.

8:9.14 Conflicting Regulations.

In the event of any conflict between these Airport Zoning Regulations and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirements shall govern and prevail.

8:9.15 Prohibited Acts.

It shall be unlawful for any person to do any of the acts hereinafter stated unless a variance from the provisions of these regulations shall have been previously allowed by the Board of Adjustment.

1. No person shall erect or increase the height of any structure, or permit the growth of any tree, to a height in excess of that provided by section 5:1.4/32C.04 of these regulations for the zone or area where such act occurs.
2. No person shall hereafter place or cause to be placed, above ground, transmission lines or poles or other structures supporting the same within 200 feet of the outer boundary of the airport as said boundary is shown on the Airport Zoning Map.
3. No person shall otherwise use his property within a zone established by these regulations in such a manner as to create an airport hazard as defined herein.

The doing of any of the foregoing acts shall constitute a misdemeanor and the perpetrator thereof, upon conviction, shall be punished as hereafter provided:

8:9.16 Annexation.

Any land currently under the jurisdiction of the county adopting these regulations which is annexed ton an incorporated municipality shall come under the jurisdiction of said municipality with respect to these regulations. Corporate limit lines of said municipality shall be changed on the official airport zoning map to reflect new annexation limits.

8:9.17 Penalties.

Each violation of these regulations shall constitute a misdemeanor and the perpetrator thereof, upon conviction, shall be punished by a fine of not more than $100 or by imprisonment of not more than thirty (30) days. Each day a violation occurs or continues to exist shall constitute a separate offense.

8:10 Airport Zoning (Iowa City Airport) [497]

First adopted and effective November 19, 1984 | Revised August 27, 1990 |

Current version effective June 10, 2021.

8:10.1 Purpose. **352**
8:10.2 Name. **353**
8:10.3 Applicability to Agricultural Operations. **353**
8:10.4 Definitions. **353**
8:10.5 Airport Zones. **355**
8:10.6 General Zoning Restrictions. **358**
8:10.7 Lighting and Marking. **359**
8:10.8 Administrative Procedure. **359**
8:10.9 Exceptions. **359**
8:10.10 Nonconformities. **360**
8:10.11 Airport Zoning Commission. **361**
8:10.12 Airport Zoning Board Of Adjustment. **361**
8:10.13 Special Exceptions. **361**
8:10.14 Variances. **362**
8:10.15 Enforcement **362**
8:10.16 Equitable Remedies. **362**
8:10.17 Prohibited Acts **362**
8:10.18 Penalties. **362**
8:10.19 Conflicting Regulations. **363**
8:10.20 Appendices. **364**

8:10.1 Purpose.

The purpose of this chapter shall be to:

A. Exercise, to the fullest extent possible, the powers granted to municipalities under the code of Iowa, as amended, and to codify existing regulations of the federal aviation administration relating to land uses incompatible with or constituting a hazard to aviation at the Iowa City municipal airport.

B. Promote the public health, safety, order, convenience, prosperity and general welfare through the prevention of obstructions and non-compatible land uses, to the extent legally possible, by proper exercise of the police power, without compensation.

C. Achieve the mitigation of non-compatible uses and hazards to safe air navigation through prevention, removal, or alteration, through the marking and lighting of obstructions, which are public purposes for which the city of Iowa City and Johnson County may raise and expend public funds, or through the acquisition of land or interests in land; to that end, the city council of Iowa City and the Board of Supervisors of Johnson County hereby declare that:

1. A hazard created by failure to comply with the provisions of this chapter may be abated by the City of Iowa City or the state department of transportation as provided by Iowa Code Chapter 329. Any object or structure constituting a nuisance under Iowa Code § 657.2(8), as amended, may also be abated in the manner prescribed by law for the abatement of public nuisances; and

[497] Ordinance 05-27-21-02

2. Neither political subdivision shall become liable for the expenditure of its public funds unless such expenditure shall have been approved in advance by its governing body.

8:10.2 Name.

This chapter shall be known and may be cited as the Iowa City Airport Zoning Ordinance.

8:10.3 Applicability to Agricultural Operations.

In accordance with Iowa Code Chapter 329, all property in the unincorporated areas of Johnson County that lies within an airport hazard area on the airport zoning map, as amended from time to time, is subject to local airport zoning regulations. Exemption for agricultural operations does not extend to the application of airport zoning regulations on the use of land.

8:10.4 Definitions.

For the purpose of interpreting and enforcing Chapter 8:10 of the Unified Development Ordinance, certain terms are hereby defined and the following definitions shall apply unless the context requires otherwise.

A. General Rules. There are general rules that apply to all definitions herein. Unless it is specifically stated otherwise, the following statements apply to all defined words:

1. Terms defined below which are used in the present tense shall also include the future tense.
2. Terms defined in the singular shall also apply to the plural.
3. Terms defined in the plural shall also apply to the singular.
4. The word “shall” is mandatory and not directory.
5. “This Chapter” shall refer to all regulations and standards in 8:10.
6. “Subsection” shall refer to a specific subsection within a chapter of the Unified Development Ordinance.
7. “This ordinance” shall refer to all ordinances within the Unified Development Ordinance.
8. The word “building” shall be interchangeable with the word “structure” and the word “structure” with the word “building”.
9. If a word or term used in this chapter, but not defined herein, is defined in another chapter of this ordinance, then that definition shall be used in the interpretation of this chapter.
10. To give this Chapter its most reasonable application, all other words and terms used in this chapter, but which are not defined by this ordinance, shall have their ordinary and common meaning.

B. Terms.

1. **Aerial Navigation:** The movement of an aircraft through the air.
2. **Aircraft:** Any human controlled contrivance used or designed for carrying humans in flight through the air, but not including parachutes.
3. **Airport:** The Iowa City municipal airport.

4. **Airport Commission:** The Iowa City municipal airport commission or its duly appointed representative.
5. **Airport Elevation:** Six hundred eighty four feet (684') (MSL).
6. **Airport Hazard:** Any structure, or tree, or use of land, which would exceed the federal obstruction standards as contained in 14 CFR FAR, part 77, and which obstructs or is otherwise hazardous to the landing or departure of any aircraft at the airport, or hazardous to persons or property on the ground. Any structure or tree that the federal aviation administration has found, or determined, to be a hazard.
7. **Airport Hazard Area:** Any area of land or water upon which an airport hazard might be established if not prevented as provided by this chapter.
8. **Airport Zoning Map:** The Iowa City municipal airport zoning maps, dated January 15, 2019, and as thereafter amended by ordinance, which maps are adopted by this chapter and which maps are on file in the office of the city clerk, Iowa City, Iowa.
9. **Building Official**: The building official of Iowa City, Iowa, or a duly authorized designee thereof.
10. **City:** The city of Iowa City, Iowa.
11. **County:** Johnson County, Iowa.
12. **Federal Aviation Administration (FAA):** An agency of the United States government that administers the federal regulations that relate to the use and flight of aircraft, and related regulations. The location of the controlling FAA office may be found in subsection 8:10.20.A, "Appendix I", of this chapter.
13. **Inner Edge:** That edge of any zone that is closest to the runway end to which the zone applies. The inner edge is perpendicular to the runway centerline. The elevation of each inner edge is the same as the elevation of the runway threshold to which it applies, and which is depicted on the airport zoning maps, dated January 15, 2019, and as thereafter amended by ordinance, which maps are adopted by this chapter and which maps are on file in the office of the city clerk, Iowa City, Iowa.
14. **MSL**: Altitude above mean sea level.
15. **Noncompatible Use:** Any activity that would degrade the safety of people on the ground, or occupants of aircraft in flight, including, but not limited to, storage of hazardous materials, aboveground storage of flammable liquids in excess of six hundred sixty (660) gallons, and those that lead to an assembly of people, including, but not limited to, residences, theaters, churches, schools, athletic fields, campgrounds, hospitals, office buildings, shopping centers, hotels and motels, and other uses with similar concentrations of persons.
16. **Nonconforming Structure:** Any structure or portion of any structure that is located within or underlying any of the zones created by this chapter and that does not conform to the height and/or use provisions of this chapter.
17. **Notice of Proposed Construction or Alteration:** A requirement of 14 CFR chapter 1, part 77, providing for persons who propose any kind of construction or alteration of the type described in the section to provide notice to the FAA of such action. A copy of part 77 may be found in subsection 8:10.20.C of this chapter.
18. **Obstruction**: Any structure or tree, the height of which exceeds that which is allowed by this chapter.

19. **Person:** Any individual, firm, copartnership, corporation, company, association, joint stock association, or body politic, and includes any trustee, assignee or other similar representative thereof.

20. **Runway Threshold:** A designated point on any airport runway that establishes the end of the runway. The runway threshold may or may not correspond with the end of the paved portion of the runway.

21. **Structure:** Any object, whether permanent or temporary, stationary or mobile, constructed or installed by humans, including, but not limited to: buildings, towers, smokestacks, scaffolds, lighting fixtures, public and private roads, railways, and overhead transmission lines, including poles or other structures supporting the same.

22. **Tree:** Any object of natural growth.

23. **Zoning Administrator:** The zoning administrator of Johnson County, Iowa, or a duly authorized designee thereof.

8:10.5 Airport Zones.

In order to carry out the provisions of this section there are hereby created and established certain zones which are adopted and described herein, and which are depicted on the Iowa City airport zoning maps, dated January 15, 2019, and as thereafter amended by ordinance, which map is adopted by this chapter and which map is on file in the office of the city clerk, Iowa City, Iowa. Any structure or tree located in more than one zone is considered to be only in the zone with the more restrictive height and use limitation. The various zones hereby established and defined are as follows:

A. Approach Overlay Zone (AO) Defined: The airspace above a sloping plane extending outward from each end of each runway, rising uniformly at a fixed ratio, and of fixed size, through which aircraft commonly operate when arriving at, and departing from, the airport. AO zones vary in size and slope based upon the present or future use that can be expected for each airport runway.

1. AO Zones Designated: The AO zones at the airport are as follows:

   a. Runway 25 (AO25): Beginning two hundred feet (200') beyond the runway threshold to the northeast, and centered on the extended centerline of the runway, the inner edge of the zone is five hundred feet (500') wide, expanding uniformly to an outer edge width of three thousand five hundred feet (3,500'). The altitude of the inner edge is the same as the altitude of the runway threshold at the centerline, as depicted on the airport zoning maps. For each thirty-four feet (34') of horizontal distance, the floor of the zone rises from the inner edge one foot (1') (34:1) for a horizontal distance of ten thousand feet (10,000').

   b. Runway 7 (AO7): Beginning four hundred thirteen feet (413') beyond the paved portion at the end of the runway and centered on the extended centerline of the runway, the inner edge of the zone is five hundred feet (500') wide, expanding uniformly to an outer edge width of one thousand five hundred feet (1,500'). The altitude of the inner edge is the same as the altitude of the runway threshold at the centerline, as depicted on the airport zoning maps. For each twenty feet (20') of horizontal distance, the floor of the zone rises from the inner edge one foot (1') (20:1), continuing for a total horizontal distance of five thousand feet (5,000').

c. Runway 30 (AO30): Beginning two hundred feet (200') beyond the threshold at the southeast end of the runway and centered on the extended centerline of the runway, the inner edge of the zone is five hundred feet (500') wide, expanding uniformly to an outer edge width of three thousand five hundred feet (3,500'). The altitude of the inner edge is the same as the altitude of the runway threshold at the centerline, as depicted on the airport zoning maps. For each thirty four feet (34') of horizontal distance, the floor of the zone rises from the inner edge one foot (1') (34:1), for a total horizontal distance of ten thousand feet (10,000').

d. Runway 12 (AO12): Beginning two hundred feet (200') beyond the threshold to the northwest, and centered on the extended centerline of the runway, the inner edge of the zone is five hundred feet (500') wide, expanding uniformly to an outer edge width of one thousand five hundred feet (1,500'). The altitude of the inner edge is the same as the altitude of the runway threshold at the centerline, as depicted on the airport zoning maps. For each twenty feet (20') of horizontal distance, the floor of the zone rises from the inner edge one foot (1') (20:1), continuing for a total horizontal distance of five thousand feet (5,000').

2. Height Limitations:

a. Except as otherwise provided herein, no person shall construct or alter any structure, nor plant or grow any tree, so as to penetrate any approach overlay zone created herein.

b. No person shall establish or maintain any private roadway in any location that would result in penetration of any AO zone by any portion of any vehicle that shall be permitted to operate upon such roadway.

B. Controlled Activity Runway Protection Zone (CA-RPZ) Defined: An area of fixed size, underlying the innermost portion (closest to the runway end) of the AO zone for that runway, descending from the floor of the AO zone to the ground. The width and length of CA-RPZ may vary, and may be different on each runway end.

1. CA-RPZ Designated: The CA-RPZ for the airport are as follows:

a. Runway 25 (CA-RPZ25): Underlying the innermost one thousand feet (1,000') of the AO zone at the northeast end of the runway, the width of the CA-RPZ is five hundred feet (500') at the inner edge and expands uniformly to a width of seven hundred feet (700').

b. Runway 7 (CA-RPZ7): Underlying the innermost one thousand feet (1,000') of the AO zone at the southwest end of the runway, the width of the CA-RPZ is five hundred feet (500') at the inner edge and expands uniformly to a width of seven hundred feet (700').

c. Runway 30 (CA-RPZ30): Underlying the innermost one thousand feet (1,000') of the AO zone at the southeast end of the runway, the width of the CA-RPZ is five hundred feet (500') at the inner edge, expanding uniformly to a width of seven hundred feet (700').

d. Runway 12 (CA-RPZ12): Underlying the innermost one thousand feet (1,000') of the AO zone at the northwest end of the runway, the width of the CA-RPZ is five hundred feet (500') at the inner edge, expanding uniformly to a width of seven hundred feet (700').

2. Use Limitations:

   a. No person shall establish or maintain any noncompatible use in any controlled activity-Runway Protection Zone zone.

   b. No structures, other than airport structures, the location of which is dictated by function, either permanent or temporary, shall be permitted in any portion of any controlled activity-Runway Protection Zone zone on land that is the property of the city of Iowa City, Johnson County, or the state of Iowa.

C. Horizontal Overlay Zone (HO) Defined:

1. The airspace above a horizontal plane, the perimeter of which is established by swinging arcs of ten thousand foot (10,000') radii from the center of the inner edge of the AO zones of runways 25 and 30, and an arc of five thousand foot (5,000') radius from the center of the inner edge of the AO zone of runways 12 and 7, and connecting the adjacent arcs by lines tangent to those arcs. The floor of the HO zone is one hundred fifty feet (150') above the airport elevation, or eight hundred thirty four feet (834') above mean sea level.

2. Except as otherwise provided herein, no person shall construct or alter any structure, or plant or grow any tree, so as to penetrate the horizontal overlay zone created herein.

3. The proposed structure may penetrate the HO if the airport operations specialist determines that:

   a. The FAA has issued a "determination of no hazard to navigation";

   b. The proposed structure does not exceed any TERPS zone or any other 14 CFR part 77 zone; and

   c. The proposed structure does not require a change to instrument approaches, minimum safe altitude, traffic patterns altitude, takeoff/departure procedures or weather minimums or a change similar in nature either to the approach or departure of an aircraft.

D. Transitional Overlay Zone (TO) Defined: The airspace above a sloping plane along each side of each runway, and from the sides of each AO zone. For each seven feet (7') horizontally the floor of the zone rises at the rate of one foot (1') of elevation (7:1).

1. TO Zones Designated: The TO zones for the airport are as follows:

   a. Runway 25 (TO25): Along each side of the runway, beginning at a point two hundred fifty feet (250') from the centerline of the runway and at right angles to the runway centerline, and from each side of the AO zone at the northeast end of the runway, at right angles to the extended runway centerline. The TO zone is interrupted at the point where it intersects the HO zone.

   b. Runway 7 (TO7): Along each side of the runway, beginning at a point two hundred fifty feet (250') from the centerline of the runway and at right angles to the runway centerline, and from each side of the AO zone at the northwest end of the runway, at right angles to the extended runway centerline. The TO zone ends at the point where it intersects the HO zone.

   c. Runway 30/12 (TO30/12): Along each side of the runway, beginning at a point two hundred fifty feet (250') from the centerline of the runway and at right angles to the runway centerline, and from each side of the AO zone at each end of the runway at right angles to the extended runway centerline. The TO zone ends at the point where it intersects the HO zone.

2. Height Limitations:

   a. Except as otherwise provided herein, no person shall construct or alter any structure, or plant or grow any tree, so as to penetrate any transitional overlay zone created herein.

   b. No person shall establish or maintain any private roadway in any location that would result in penetration of any transitional overlay zone by any portion of any vehicle that shall be permitted to operate upon such roadway.

E. Conical Overlay Zone (CO) Defined:

1. The airspace above a sloped horizontal plane beginning at the periphery of the HO zone. For each twenty feet (20') horizontally, the floor of the zone rises one foot (1') in height (20:1) for a horizontal distance of four thousand feet (4,000').

2. Except as otherwise provided herein, no person shall construct or alter any structure, or plant or grow any tree, so as to penetrate the conical overlay zone created herein.

8:10.6 General Zoning Restrictions.

A. Except as otherwise provided herein, no person shall construct or alter any structure in any zone created herein without having first obtained a building permit from the building official, or a zoning permit from the zoning administrator. No person shall be issued a permit for any construction or alteration in any AO, CA-RPZ, or TO zone, without a determination or finding from the FAA, pursuant to the submission of an applicable notice of proposed construction or alteration. Such finding or determination must not find or determine that the proposed construction or alteration:

1. Would create a hazard.

2. Would endanger the general safety, health and welfare of persons in the vicinity of the airport, or occupants of aircraft in flight.

3. Would result in the raising of the minimum instrument flight altitude of any federal airway, approved off-airway route, or instrument approach procedure to the airport.

B. Except as otherwise provided herein, no change in the use or occupancy of land, or change of use or occupancy in an existing building or in any zone created herein shall be made, nor shall any new building be occupied until an occupancy permit has been issued by the building official or zoning administrator.

C. No occupancy permit obtained for a specific use shall apply to any other use.

D. No person shall be issued an occupancy permit for any noncompatible use in any CA-RPZ.

E. No person shall establish or maintain any private roadway in any location that would result in penetration of any zone created herein by any portion of any vehicle that shall be permitted to operate upon such roadway.

F. Within five thousand feet (5,000') of the nearest point of the nearest airport runway, no person shall establish or maintain any structure or use that would create a bird strike hazard.

G. Notwithstanding any other provision of this chapter, no person shall, in any zone created by this chapter, or upon any land or water underlying such zones:

1. Establish any putrescible waste landfill.

2. Create, alter, or maintain any structure or use in such a manner as to create electrical or radio interference with aviation navigational signals or aircraft communications.
3. Install, align or use any lighting devices that make it difficult for pilots to distinguish between airport lights and others, create glare in the eyes of pilots, or otherwise impair visibility.
4. Produce steam, smoke, or other visual hazard that would impair visibility.
5. Create, alter, or maintain any structure or use that would endanger or interfere with landing, takeoff or maneuvering of any aircraft.
6. Plant, or allow the growth of, any tree, which, during the normal life cycle of such tree, can be expected to grow into any zone created herein.

8:10.7 Lighting and Marking.

A. Notwithstanding any other provision of this chapter, any person constructing or altering any structure located in any zone created by this chapter shall install all lighting or markings upon said structure as shall be recommended by the FAA as a part of its review of the applicant's notice of proposed construction or alteration. Such lighting or markings shall be made in a manner consistent with FAA regulations and advisories.

B. Any permit or variance granted under the provisions of this chapter may be so conditioned so as to require the owner of the land, structure, or tree in question to permit the city or county to install, and/or operate and maintain such lighting and/or markings as the city or county deems necessary to indicate to operators of aircraft the presence of an airport obstruction.

8:10.8 Administrative Procedure.

A. The building official or zoning administrator shall perform the administration of these zoning regulations.

B. Any person who proposes to construct or alter any structure in or underlying any AO, CA-RPZ, or TO zone created herein, and who is required to provide notice of proposed construction or alteration to the administrator of the FAA by requirements of part 77, shall furnish to the building official or zoning administrator, a copy of said notice.

C. Except as otherwise provided herein, the building official or zoning administrator shall not issue any building permit or occupancy permit without first:

1. In any AO, CA -RPZ, or TO zone created herein, having received from the applicant a copy of the applicable notice of proposed construction or alteration as provided to the FAA, and the corresponding finding or determination from the FAA that the proposed construction or alteration complies with section 8:10.5 of this chapter.
2. Having determined that the proposed use is consistent with the zoning provisions contained herein.

8:10.9 Exceptions.

A. No notice of proposed construction or alteration is required to be submitted to the FAA or to the building official or zoning administrator for a building permit for construction or alteration of any structure when the building official or zoning administrator has determined that:

1. The proposed structure meets the requirements for shielding. Each and all of the following requirements are required for a determination of shielding:

    a. The property upon which the construction or alteration is proposed is located within the congested area of a city.

    b. The proposed structure does not lie within any CA- RPZ.

    c. There exists a structure or structures of a permanent and substantial nature at least as tall and at least as wide as the proposed structure, and which lie(s) between the location of the proposed construction or alteration, and a point on the runway centerline at the threshold of the closest end of the closest runway of the airport.

    d. The shielding structure is within five hundred feet (500') of the structure that is proposed for construction or alteration.

    e. It is evident beyond a reasonable doubt that the shielded structure will not adversely affect aerial navigation.

2. The proposed structure is an antenna that is no greater than twenty feet (20') in height, and does not increase the height of an existing antenna structure.

3. The proposed structure is an airport, aerial navigation, or meteorological device, of a type approved by the FAA, the location and height of which is fixed by function.

B. A notice of proposed construction or alteration is not required for structures more than twenty thousand feet (20,000') of the nearest point of the nearest runway. A notice of Alteration is not required for a structure that does not penetrate an imaginary surface, beginning at the nearest point of the nearest runway and at the elevation of the runway threshold, rising one foot (1') in elevation for each one hundred feet (100') of horizontal distance (100:1). This exception does not apply to structures located in any CA-RPZ.

C. There exists an emergency, involving essential public services, public health, or public safety, that requires immediate construction or alteration, providing that the applicant complies with the requirements of 14 CFR FAR, part 77.17 (d). [498]

8:10.10 Nonconformities.

A. The regulations prescribed herein are not retroactive and shall not be construed to require the removal of any tree, or the reconstruction or alteration, or the discontinuation of any use of any structure made nonconforming by the adoption of this chapter.

B. Nothing contained herein shall require any change in the construction or alteration, or the intended use of any structure, the construction or alteration of which was begun prior to the effective date hereof, and which was conforming prior to the adoption of this chapter, and is completed within one year thereafter.

C. No preexisting nonconforming structure, use, or tree shall be rebuilt, altered, allowed to grow higher, or be replanted, so as to constitute a greater airport hazard than it was at the time that these regulations were adopted.

---

[498] 14 CFR FAR, part 77.17 can be found in subsection 8:10.20.C of this chapter

D. Whenever the building official or zoning administrator determines that a nonconforming structure has been abandoned, torn down, physically deteriorated, damaged, or decayed, to such an extent that its value is no greater than fifty percent (50%) of the average value of the structure and the land over the preceding ten (10) years, no building permit or occupancy permit shall be issued that would allow such structure to exceed the applicable height and use provisions of this chapter. Any tree so damaged or destroyed shall be subject to the provisions of subsection 8:10.6.G.6 of this chapter.

E. Notwithstanding the previous provisions of this section the owner of any preexisting nonconforming structure or tree shall be required to permit the installation, operation, or maintenance thereon of any markers and/or lights as shall be deemed necessary by the city or county to indicate to the operators of aircraft, the presence of such structure or tree.

8:10.11 Airport Zoning Commission.

Pursuant to the provisions of section 329.9 of the Iowa Code, there shall be an Iowa City municipal airport zoning commission, consisting of five (5) members, two (2) of whom shall be appointed by the city of Iowa City, two (2) of whom shall be appointed by the Board of Supervisors of Johnson County, and one additional member who shall be selected by a majority vote of the city and county appointed members, and who shall serve as chairperson of said commission. The terms of such members shall be as provided by section 329.9 of the Iowa Code.

8:10.12 Airport Zoning Board of Adjustment.

Pursuant to the provisions of section 329.12 of the Iowa Code, there shall be an Iowa City municipal airport zoning board of adjustment, consisting of five (5) members, two (2) of whom shall be appointed by the city of Iowa City, two (2) of who shall be appointed by the Board of Supervisors of Johnson County, and one additional member who shall be selected by a majority vote of the city and county appointed members, and who shall serve as chairperson of said board. The terms of such members shall be as provided by section 329.12 of the Iowa Code. The airport zoning board of adjustment shall have the duties and powers established by the Iowa Code.

8:10.13 Special Exceptions.

With the concurrence of a majority vote, the airport zoning board of adjustment (the board) may, based upon a written determination from the FAA, reverse any order, requirement, decision or determination of any administrative official and may modify the provisions of this chapter in favor of an applicant, providing:

A. Any height or use limitations contained in this chapter that is modified by the board shall not result in a hazard to any aircraft in flight.

B. No use of land shall be permitted that would not be compatible with airport operations.

C. Any application for a special exception to the provisions of this chapter shall include as a part thereof, the written determination of the FAA pertaining to the application, and no application shall be set for hearing by the board in the absence of such FAA determination.

8:10.14 Variances.

A. Any person desiring to construct or alter any structure, or permit the growth of any tree, or otherwise use property in a manner that would constitute a violation of this chapter, may apply to the board for a variance from these regulations. The board shall consider no application for a variance to the requirements of this chapter unless a copy of the application has been submitted to the airport commission for their opinion as to the aeronautical effects of such a variance. If the airport commission fails to respond to the board within forty five (45) days from its receipt of the copy of the application, the board may make its decision in the absence of the airport commission opinion. Such variances may be granted by the board only where the literal application of these regulations would result in unnecessary hardship, and are subject to the following:

1. Such variance would not be contrary to the public interest.
2. Such variance would be in the spirit of this chapter and of chapter 329 of the Iowa Code.
3. Such variance shall be granted subject to any reasonable conditions that the board may deem necessary to effectuate the purposes of this chapter and of chapter 329 of the Iowa Code.
4. Such variance be subject to the requirement that the applicant shall install, operate, and maintain such markings and lighting, at the applicant's own expense, as may be necessary to indicate to aircraft operators the existence of an airport obstruction as determined by the board.
5. Such variance shall be subject to the reservation of the right of the city and the airport, to go onto applicant's property to install, operate, and maintain thereon such FAA approved markers and lights as may be necessary to indicate to operators of aircraft the existence of an airport obstruction.

B. Any person aggrieved or affected by any decision of the airport zoning board of adjustment may appeal such decision, pursuant to the provisions of the Iowa Code.

8:10.15 Enforcement.

Enforcement of the provisions of this chapter shall be the responsibility of the city manager or such persons as the city manager shall, from time to time, direct. However such duties of enforcement and administration shall not include any of the powers herein delegated to the airport zoning board of adjustment.

8:10.16 Equitable Remedies.

The city or the airport may, pursuant to section 329.5 of the Iowa Code, maintain an action in equity to restrain and abate as a nuisance the creation, establishment or maintenance of an airport hazard, in violation of any provision established by this chapter, on any property, whether within or without the territorial limits of the city.

8:10.17 Prohibited Acts

Except as herein provided, it shall be unlawful for any person to construct or alter any structure, use any land, or grow any tree in violation of the provisions of this chapter.

8:10.18 Penalties.

Each violation of this chapter shall constitute a simple misdemeanor or a county infraction as provided for in Chapter 8 of this Ordinance. Each day a violation occurs or continues to exist shall constitute a separate offense.

8:10.19 Conflicting Regulations.

In the event of any conflict between regulations contained in this chapter and any other regulations applicable to the same area, whether the conflict be with respect to height of structures or trees, use of structures or land, or any other matter, the more stringent limitation or requirement shall prevail.

8:10.20 Appendices.

A. Appendix I. The controlling federal authority for the Iowa City municipal airport is:

Federal Aviation Administration, Central Region

Office of the Manager, Airports Division

901 Locust

Kansas City, MO 64106-2641

B. Appendix II. Notice of proposed construction or alteration, FAA form 7460-1 shall be sent to:

Federal Aviation Administration

Manager, Air Traffic Division

901 Locust

Kansas City, MO 64106-2641

C. Appendix III. Code of Federal Regulations Title 14-Aeronautics and Space Chapter 1-Federal Aviation Administration, Department of Transportation, Subchapter E-Airspace Part 77-Safe, Efficient Use, and Preservation of the Navigable Airspace, Subpart B-Notice Requirements (Current through December 3, 2002; 67 FR 71903):

§77.7 Form and time of notice.

(a) If you are required to file notice under §77.9, you must submit to the FAA a completed FAA Form 7460-1, Notice of Proposed Construction or Alteration. FAA Form 7460-1 is available at FAA regional offices and on the Internet.

(b) You must submit this form at least 45 days before the start date of the proposed construction or alteration or the date an application for construction permit is filed, whichever is earliest.

(c) If you propose construction or alternation that is also submit to the licensing requirements of the Federal Communications Commission (FCC), you must submit notice to the FAA on or before the date that the application is filed with the FCC.

(d) If you propose construction or alteration to an existing structure that exceeds 2,000 feet in height above ground level (AGL), the FAA presumes it to be a hazard to air navigation that results in an inefficient use of airspace. You must include details explaining both why the proposal would not constitute a hazard to air navigation and why it would not cause an inefficient use of airspace.

(e) The 45-day advance notice requirement is waived if immediate construction or alternation is required because of an emergency involving essential public services, public health, or public safety. You may provide notice to the FAA by any available, expeditious means. You must file a completed FAA Form 7460-1 within 5 days of the initial notice to the FAA. Outside normal business hours, the nearest flight service station will accept emergency notices.