

ORDINANCE No. 07-23-20-01

**AN ORDINANCE AMENDING THE JOHNSON COUNTY UNIFIED DEVELOPMENT
ORDINANCE TO CHANGE CERTAIN DEFINITIONS, REFERENCES, AND
REQUIREMENTS RELATED TO AGRICULTURAL EXEMPTION**

Section I. Purpose. The Purpose of this ordinance is to further the stated purpose to the Unified Development Ordinance for Johnson County by changing various definitions, references, and requirements related to agricultural exemption throughout the Unified Development Ordinance.

Section II. Amendments.

- A. Article 8:1.3 is hereby amended by deleting the introductory paragraph in its entirety and replacing it with the following:

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.

- B. Article 8:1.3.A.1 is hereby amended by deleting this subsection in its entirety and replacing it with 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.

- D. Article 8:1.3.A.3 is hereby amended by deleting this subsection in its entirety and replacing it with the following:

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

- E. Article 8:1.3.B is hereby amended by deleting the introduction paragraph of subsection 8:1.3.B and replacing it with the following introduction paragraph (said deletion does not include any subsections within subsection 8:1.3.B):

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:

- M. Article 8:1.3.C is hereby amended by deleting this section in its entirety and replacing it with the following:

- 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.

O. Article 8:1.4.B is hereby amended by deleting subsection 8:1.4.B.8 in its entirety and replacing it with the following:

8. **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.

S. Article 8:1.6.A is hereby amended by deleting the introduction paragraph of subsection 8:1.6.A and replacing it with the following introduction paragraph (said deletion does not include any subsections within 8:1.6.A):

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 8:1.23.

U. Article 8:1.6.A is hereby amended by deleting subsection 8:1.6.A.4 in its entirety and replacing it with the following:

4. Agricultural Barns or Outbuildings.

V. Article 8:1.6.B is hereby amended by deleting the introduction paragraph of subsection 8:1.6.B and replacing it with the following introduction paragraph (said deletion does not include any subsections within 8:1.6.B):

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 8:1.23.

W. Article 8:1.6.B is hereby amended by deleting subsection 8:1.6.B.1 in its entirety and replacing it with the following:

1. Agricultural Barns or Outbuildings.

X. Article 8:1.6.C is hereby amended by deleting the introduction paragraph of subsection 8:1.6.C and replacing it with the following introduction paragraph (said deletion does not include any subsections within 8:1.6.C):

C. **Conditional Uses.** The following uses qualify for Conditional Use Permits, in compliance with 8:1.28, in the A district. These uses not exempt under 8:1.3 may be subject to supplemental conditions found in 8:1.23 and such additional conditions as may be warranted to mitigate any deleterious effects of the proposed use.

Y. Article 8:1.6.D is hereby amended by deleting the introduction paragraph of subsection 8:1.6.D and replacing it with the following introduction paragraph (said deletion does not include any information the table within 8:1.6.D):

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.

- Z. Article 8:1.6.D is hereby amended by adding the word “barns” between the words “uses” and “and” in the first cell in the third row of the table.
- AA. Article 8:1.8.A is hereby amended by deleting the introduction paragraph of subsection 8:1.8.A and replacing it with the following introduction paragraph (said deletion does not include any subsections within 8:1.8.A):
- A. **Primary Uses.** The following uses are allowed in the SF district. All uses may be subject to supplemental conditions found in subsection 8:1.23 unless exempted under 8:1.3.
- CC. Article 8:1.8.B is hereby amended by deleting the introduction paragraph of subsection 8:1.8.B and replacing it with the following introduction paragraph (said deletion does not include any subsections within 8:1.8.B):
- 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 8:1.23 unless exempted under 8:1.3.
- DD. Article 8:1.8.B is hereby amended by deleting subsection 8:1.8.B.2 in its entirety and replacing it with the following:
2. Agricultural Barns or Outbuildings.
- EE. Article 8:1.16.A is hereby amended by deleting the introduction paragraph of subsection 8:1.16.A and replacing it with the following introduction paragraph (said deletion does not include any subsections within 8:1.16.A):
- 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 8:1.23 unless exempted under 8:1.3.
- GG. Article 8:1.16.B is hereby amended by deleting the introduction paragraph of subsection 8:1.16.B and replacing it with the following introduction paragraph (said deletion does not include any subsections within 8:1.16.B):
- 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 8:1.23 unless exempted under 8:1.3.
- HH. Article 8:1.16.B is hereby amended by deleting subsection 8:1.16.B.1 in its entirety and replacing it with the following:
1. Agricultural Barns or Outbuildings.
- II. Article 8:1.20.B is hereby amended by deleting subsection 8:1.20.B.1 in its entirety and replacing it with the following:
1. Agricultural Barns or Outbuildings.

- JJ. Article 8:3.3 is hereby amended by deleting this subsection in its entirety and replacing it with the following:

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.

- KK. Article 8:6.4 is hereby amended by deleting this subsection in its entirety and replacing it with the following:

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.

- LL. Article 8:7.3 is hereby amended by deleting this subsection in its entirety and replacing it with the following:

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.

- MM. Article 8:1.23.A is hereby amended by adding the words, “unless a property is agriculturally exempt” following the word “limits”.

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

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

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


Rod Sullivan, Chairperson
Johnson County Board of Supervisors



Attest: Travis Weipert, Auditor
Johnson County, Iowa