ORDINANCE 01-28-16-01

AN ORDINANCE AMENDING THE JOHNSON COUNTY SENSITIVE AREAS ORDINANCE AND THE STORMWATER MANAGEMENT ORDINANCE TO APPLY TO ALL DEVELOPMENT APPLICATIONS AND CERTAIN CONDITIONAL USE PERMITS UNLESS SPECIFICALLY WAIVED BY THE ADMINISTRATIVE OFFICER

Section 1. Purpose. The Purpose of this ordinance is to further the stated purpose to the Unified Development Ordinance for Johnson County and the Policies of the 2008 Johnson County Land Use Plan by further promoting sensitive areas preservation and storm water management.

Section II. Amendments.

A. Article 8:3.5 is hereby amended by deleting the last sentence of the first unnumbered paragraph in its entirety and by replacing it with the following:

"All subdivisions; all agriculturally zoned parcels subject to a conditional use permit; and all commercial, industrial, public, AWDRR, and RMH zoning parcels shall comply with this Chapter unless there has been a determination, pursuant to section 8:3.9, that compliance with this Chapter is not necessary.

B. Article 8:3 is hereby amended by adding new subsection 8:3.9, which read as follows, and renumbering all other subsections accordingly.

8:3.9. **Waiver of Requirements.** The Administrative Officer, or a duly authorized representative, may waive the requirements of this chapter if: (a) it is clear upon cursory examination that no sensitive areas are present on the 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; or (c) the duration, use, size, and impact of the proposed use or development will not adversely affect any sensitive areas or the preservation goals outlined in the Land Use Plan.

C. Article 8:1.20(G) is hereby amended by deleting the phrase "of a major subdivision" from the first unnumbered paragraph and inserting in its place the phrase ", conditional use permit,".

D. Article 8:1.20(G) is hereby amended by adding new subsection 8:1.20(G)(7) which reads as follows:

7. **Waiver of Requirements.** The Administrative Officer, or a duly authorized representative, may waive the requirements of this subsection if: (a) a stormwater management analysis was previously performed on the property and the associated plan and analysis are also adequate for the current proposed development or use; or (b) the proposed development or use will not permanently increase the impervious surface area of the property, increase soil erosion, or negatively impact water quality.

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.

ATTEST:

Rod Sullivan, Chairperson
Board of Supervisors

Travis Weipert, Auditor
Johnson County, Iowa