

**ORDINANCE** 12-15-16-01  
**AN ORDINANCE AMENDING THE JOHNSON COUNTY UNIFIED DEVELOPMENT  
ORDINANCE TO CORRECT OMISSIONS FROM THE DECEMBER, 2012  
RECODIFICATION.**

**Section I. Purpose.** The purpose of this ordinance is to further the stated purpose of the Johnson County Unified Development Ordinance for the unincorporated area of Johnson County by incorporating language that was approved by amendment prior to December 2012, but was erroneously omitted during the recodification process.

**Section II. Amendments.**

A. Article 8:1.6 is hereby amended by adding a new subsection 8.1.6(A)(4)(c)(i)(e) which reads as follows:

- e) The limitation above providing that a lot may be separated one time only is not violated when a farmstead split is completed and then the associated plat is subsequently vacated pursuant to Iowa Code Section 354.22, as amended. When a farmstead split plat is properly vacated for the purposes of this section it shall be as though the associated lot had never been separated from the parent farm.

B. Article 8:1.6 is hereby amended by deleting the conditional use in subsection 8:1.6(C)(6) in its entirety and replacing it with a new conditional use which shall read as follows:

6. Wind Energy Facilities and Distributed Wind Generators.

C. Articles 8:1.6(E)(5), 8:1.7(E)(5), 8:1.8(E)(5), 8:1.9(H)(5), 8:1.10.I.5, 8:1.11(E)(7), 8:1.12(E)(7), 8:1.13(E)(6), 8:1.14(F)(3), 8:1.15(D)(5), 8:1.16(E)(5), and 8:1.18(E)(6) are hereby amended by deleting the current subsections in their entirety and replacing each with the following new subsection reading, "Projections from a permitted or accessory structure shall be limited to a maximum of two (2) feet into a required yard setback."

D. Subsection 8:1.22(B)(8) is hereby amended by replacing subsection 8.1.22(B)(8)(c) in its entirety with the following:

**Asphalt and Ready-Mix Plants, and Asphalt and Concrete Recycling Plants for temporary operation** are permitted in the A, C, CH, C-AG, ML, and MH districts subject to the following Supplemental Conditions:

- i. The applicant shall obtain written approval for the proposed entrance to the public roadway from the County Engineer.
- ii. The applicant shall obtain written approval from the Iowa Department of Natural Resources for the discharge of any waste from the proposed facility.
- iii. The applicant shall obtain written consent for the proposed facility location from the owners of all dwellings and commercial structures located within 500 feet of the property boundary described in the application or receive consent by 4/5 majority vote of the Board of Adjustment to approve said permit.
- iv. A permit for such a recycling plant shall be issued for a specific period of time that coincides with the estimated completion date of the project.


- v. The facility shall be removed and the facility's site shall be restored to its original productive state within 180 days after the completion of the identified highway or road project or projects.
- vi. The applicant must have and receive an approved soil erosion control plan and storm water management plan.

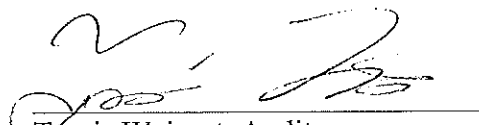
**Section III. Repealer.** All other ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**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