

ORDINANCE No. 12-22-20-01

AN ORDINANCE AMENDING THE JOHNSON COUNTY UNIFIED DEVELOPMENT ORDINANCE TO UPDATE REGULATIONS FOR AGRICULTURAL EXEMPTION DETERMINATION, COMMERCIAL COMMUNICATION TOWERS, AND SHORT TERM RENTALS IN RESPONSE TO CHANGES IN IOWA CODE.

Section I. Purpose. The Purpose of this ordinance is to further the stated purpose to the Unified Development Ordinance for Johnson County by clarifying how lands enrolled in soil and water conservation programs are considered as part of an agricultural exemption determination; updating regulations and standards for commercial communication towers; and clarifying regulations for short term rentals. These changes are being made to bring the Unified Development Ordinance into compliance with Iowa Code.

Section II. Amendments.

- A. Article 8:1.3.B is hereby amended by deleting the introduction paragraph of subsection 8:1.3.B in its entirety and replacing it with the following introduction paragraph (said deletion does not include any subsections within subsection 8:1.3.B):
1. 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.
- B. Article 8:1.3.B.2 is hereby amended by replacing the word, "structure" with the words, "new or replacement dwelling".
- C. Article 8:1.23.H. is hereby amended by deleting subsection 8:1.23.H.6 in its entirety and replacing it with the following:
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.
- D. Article 8:1.23.H.8 is hereby amended by deleting the words "including financial assurance" follow the word "plan"
- E. Article 8:1.23.H is hereby amended by adding a new subsection 8:1.23.H.11 to read as follows:
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.
- F. Article 8:1.23.H is hereby amended by adding a new subsection 8:1.23.H.12 to read as follows:
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 8:1.23.H.2.a.

- G. Article 8:1.23.AA is hereby amended by adding the word "Auxiliary Dwelling Unit," between the words "dwelling" and "seasonal" in the introduction paragraph of subsection 8:1.23.AA.
- H. Article 8:1.23.AA.1 is hereby amended by adding the word "Auxiliary Dwelling Unit," between the words "dwelling" and "seasonal".
- I. Article 8:1.23.AA is hereby amended by adding a new subsection 8:1.23.AA.7 to read as follows:
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.

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, Board of Supervisors
Johnson County, Iowa

Travis Weipert by Nancy Jonkovicz, Deputy Auditor
Attest: Travis Weipert, Auditor
Johnson County, Iowa