

ORDINANCE No. 12-22-20-02

AN ORDINANCE AMENDING THE JOHNSON COUNTY UNIFIED DEVELOPMENT ORDINANCE TO UPDATE ALLOWED USES IN THE C-COMMERCIAL AND C-AG-AGRIBUSINESS ZONING DISTRICTS, UPDATE CERTAIN PARKING AND SIGNAGE REGULATIONS, UPDATED REQUIREMENTS FOR PUBLIC UTILITY FACILITIES AND UTILITY SCALE SOLAR ENERGY SYSTEMS, AND UPDATE REQUIREMENTS RELATED TO SITE PLANNING.

Section I. Purpose. The Purpose of this ordinance is to further the stated purpose to the Unified Development Ordinance for Johnson County by updating allowed uses in the C-Commercial and C-AG-Agribusiness zoning districts, parking regulations, signage regulations, and procedural and design requirements related to site planning.

Section II. Amendments.

A. Article 8:1.14.A.5.b is hereby amended by deleting the words, "to host separately permitted Special Events" following the word "except" and replacing them with the words, "as allowed in subsection 8:1.14.C".

B. Article 8:1.14.C is hereby amended by adding a new subsection 8:1.14.C.1a to read as follows:

1a. Event Centers

- a. Property shall be accessed by a paved road.
- a. b. Parking shall be provided for an event center use in accordance with parking regulations in section 8:1.24.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.

C. Article 8:1.17.A is hereby amended by deleting subsection 8:1.17.A.17 in its entirety and replacing it with the following:

17. Repair Shops.

- 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.

D. Article 8:1.23.BB.2 is hereby amended by replacing the words "eight (8)" with the words "seven (7)" between the words "minimum" and "foot".

E. Article 8:1.23.BB.4 is hereby amended by deleting paragraph of subsection 8:1.23.BB.4 in its entirety, including all sub-paragraphs, and replacing it with the following:

4. Landscaping Buffer. In an effort to mitigate the 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 Board of Adjustment as part of the review and approval process and will be based on adjacent or nearby surrounding land uses and topography. Where the Board finds that a landscaping buffer is appropriate, landscaping shall be installed within a planting area around the portions of the site specified by the Board in accordance with the following standards:

- a. The landscaping buffer shall use trees, shrubs, grasses, or other native plants, 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 extend no further than fifty (50) feet beyond the outside of the security fence.
- e. Landscaping shall utilize native species.
- f. Landscaping screening shall be evaluated under leaf-on conditions.

F. Article 8:1.23.BB.8 is hereby amended by deleting the words "including financial assurance" follow the word "plan."

G. Article 8:1.23.DD.4 is hereby amended by deleting the words "including financial assurance" follow the word "plan."

H. Article 8:1.24.C.1.b is hereby amended by deleting subsection 8:1.24.C.1.b.viii in its entirety.

I. Article 8:1.24.C.1.b.xxiii is hereby amended by adding the words, "(including Distribution and Truck Terminals)" following the word, "Warehousing".

J. Article 8:1.24.D.1 is hereby amended by adding a new subsection 8:1.24.D.1.1 which reads as follows:

- 1. 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.
 - 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.

K. Article 8:1.24.D.2.a.ii is hereby amended by adding the words, "with more than one (1) face visible from the road right of way" between the words "signs" and "are".

L. Article 8:1.24.D.2 is hereby amended by adding a new subsection 8:1.24.D.2.d to read as follows:

- 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:
 - 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.

M. Article 8:1.24.D.3.a.ii is hereby amended by adding the words, "with more than one (1) face visible from the road right of way" between the words "signs" and "are".

N. Article 8:1.24.D.3 is hereby amended by adding a new subsection 8:1.24.D.3.d to read as follows:

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:

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.

O. Article 8:1.25.A is hereby amended by adding a new subsection 8:1.25.A.5 to read as follows:

5. Waiver of Requirements. At the discretion of the approving authority, certain site plan design standards contained in 8:1.25.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.

P. Article 8:1.25.B is hereby amended by deleting subsection 8:1.25.B.1 in its entirety and replacing it with the following:

1. Building Permit Issuance. No building permit shall be issued by the Zoning Administrator until such time that as-built plans in accordance with subsection 2 of this section are provided for all required infrastructure or the applicant enters into a performance guarantee with the County in accordance with the following:

Q. Article 8:1.25.B.2 is hereby amended by adding a new subsection 8:1.25.B.2.b, including the addition of 4 new subsections to 8:1.25.B.2.b, to read as follows:

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.

R. Article 8:1.25.F.5.b is hereby amended by adding the words, "(not including privacy fences or berms)" following the word "landscaping".

S. Article 8:1.25.F.5.c is hereby amended by deleting subsection 8:1.25.F.5.c in its entirety and replacing it with the following:

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 the necessary height required for screening. Vegetative screening shall be installed in accordance with the landscaping standards in this section.

i. Where fencing is used to achieve required separation, the fencing shall be privacy fencing as defined by this ordinance. Fencing shall comply with the requirements for boundary fences found in section 8:1.24 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.

T. Article 8:1.25.F is hereby amended by deleting subsection 8:1.25.F.6 in its entirety (including all subparagraphs) and replacing it with the following:

6. **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.

a. **Application.** Landscaping shall be installed along all areas that front a public or private road and in all required rear and side bufferyards.

i. 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 publically used properties to the commercial or industrial property or use.

i. Landscaping shall utilize native species.

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.

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 Jonkovic, Deputy Auditor
Attest: Travis Weipert, Auditor
Johnson County, Iowa