

D R A F T

This draft reflects the changes to the language advertised on the notice of public hearing, as contained in the Board's motion for approval of 1st consideration of this ordinance at the November 13, 2025 Formal Meeting of the Johnson County Board of Supervisors (see items 10, 39, 40, and 51-54 in Section II).

ORDINANCE No. _____

AN ORDINANCE AMENDING THE JOHNSON COUNTY UNIFIED DEVELOPMENT ORDINANCE TO MODIFY DEFINITIONS AND REFERENCES, ALLOWED USES, SUPPLEMENTAL, ADDITIONAL, SUBDIVISION, ENVIRONMENTAL, AND FLOODPLAIN REGULATIONS, AND CLARIFY APPROVAL REQUIREMENTS AND PROCEDURES.

Section I. Purpose. The purpose of this ordinance is to further the stated purpose to the Unified Development Ordinance for Johnson County by updating and adding certain definitions; modifying allowed uses in certain zoning districts; updating, adding, and clarifying certain supplemental conditions related to public utilities, utility scale solar, battery energy storage, ~~data centers~~, mining reclamation, auxiliary dwelling units, and keeping of animals; updating and clarifying certain additional regulations related to downcast lighting, fences, retaining walls, and window wells; updating certain regulations related to approval standards for variances; updating and clarifying certain subdivision regulations and procedures related to plat expiration, lots in the SFHA, and road standards; updating and clarifying certain environmental regulations related to Renewable Energy rezoning, prairies, woodland and wetland mitigation, and applicability of stormwater regulations; updating certain floodplain regulations related to repetitive loss, effective maps, elevation datum, and permit expiration.

Section II. Amendments.

1. Article 8:1.3.C is hereby amended by adding the following as a new final sentence:
“Determinations granting exemption shall be valid for one (1) year from the date of the determination issuance. The applicant shall commence significant work on the dwelling or show significant investment in the construction project for the exempt home to be considered established prior to expiration.”
2. Article 8:1.4.B.15 is hereby amended by replacing the words “right-of-ways” with the words “rights-of-way” between the words “or” and “including”.
3. Article 8:1.4.B is hereby amended by deleting subsection 8:1.4.B.25 in its entirety
4. Article 8:1.4.B is hereby amended by deleting subsection 8:1.4.B.26 in its entirety and replacing it with the following:

26. Auxiliary Dwelling Unit. An independent residential dwelling unit located on the same lot as a single family dwelling. Can be a standalone structure, be integrated within a detached accessory structure, or be interconnected with the primary single family dwelling. Auxiliary dwelling units have a separate kitchen, bathroom, and living space from the primary dwelling unit.
5. Article 8:1.4.B is hereby amended by adding a new subsection 8:1.4.B.66A which reads as follows:

66A. Data Center. A facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, systems, servers, appliances, and other associated components related to digital data storage and operations.

Data Centers includes High Density Computing Facilities, including but not limited to commercial cryptocurrency mining operations and processing.

6. Article 8:1.4.B.170 is hereby amended by deleting the word “outdoor” in both places it occurs in this subsection.
7. Article 8:1.5.D is hereby amended by adding the words, “With the exception of requests to rezone to RE-Renewable Energy,” before the word “All”.
8. Article 8:1.6.B.6 is hereby amended by deleting the word, “attached”.
9. Article 8:1.6.C is hereby amended by deleting subsection 8:1.6.C.2 in its entirety.
10. ~~Article 8:1.6.C is hereby amended by adding a new subsection 8:1.6.C.10A which reads as follows:
10A. Data Centers:
a. Limited to systems with a total use area of one (1) acre or less. Use area is defined in 8:1.24.H1.1.~~
11. Article 8:1.6.C is hereby amended by adding a new subsection 8:1.6.C.21A which reads as follows:
21A. Pallet assembly, reconstruction, reconditioning, and recycling.
12. Article 8:1.6.M.2.b is hereby amended by replacing the words “20%” with the words “one (1) acre”.
13. Article 8:1.7.B.4 is hereby amended by deleting the word, “attached”.
14. Article 8:1.7.C is hereby amended by deleting subsection 8:1.7.C.1 in its entirety.
15. Article 8:1.7.D is hereby amended by adding the words, “Legally established ADUs do not count towards the development density of the lot” to the third foot note under the table related to the development density column.
16. Article 8:1.8.B.7 is hereby amended by deleting the word, “attached”.
17. Article 8:1.8.C is hereby amended by deleting subsection 8:1.8.C.1 in its entirety.
18. Article 8:1.9.B.1 is hereby amended by deleting the word, “attached”.
19. Article 8:1.9.C is hereby amended by deleting subsection 8:1.9.C.1 in its entirety.
20. Article 8:1.9.D is hereby amended by adding the words, “Legally established ADUs do not count towards the development density of the lot” to the third foot note under the table related to the development density column.
21. Article 8:1.10.B.1 is hereby amended by deleting the word, “attached”.
22. Article 8:1.10.C is hereby amended by deleting subsection 8:1.10.C.1 in its entirety.
23. Article 8:1.11.B.1 is hereby amended by deleting the word, “attached”.
24. Article 8:1.11.C is hereby amended by deleting subsection 8:1.11.C.1 in its entirety.
25. Article 8:1.13 is hereby amended by deleting the word “outdoor” from the general introduction paragraph preceding subsection 8:1.13.A

26. Article 8:1.14.B.5 is hereby amended by adding the following words as a new final sentence: “Limited to one per parcel except where the property owner has obtained separate approval for additional dwelling units as allowed by this ordinance.”; and by adding a new subsection 8:1.14.B.5.a which read as follows:
- a. Auxiliary Dwelling Units are allowed in the same manner as single family dwellings and are subject to Zoning Administrator Approval.
27. Article 8:1.15.B.6 is hereby amended by adding the following words as a new final sentence: “Limited to one per parcel except where the property owner has obtained separate approval for additional dwelling units as allowed by this ordinance.”; and by adding a new subsection 8:1.15.B.6.a which read as follows:
- a. Auxiliary Dwelling Units are allowed in the same manner as single family dwellings and are subject to Zoning Administrator Approval.
28. Article 8:1.16.B.6 is hereby amended by deleting the word, “attached”.
29. Article 8:1.16.C is hereby amended by deleting subsection 8:1.16.C.1 in its entirety.
30. Article 8:1.17.A is hereby amended by adding a new subsection 8:1.17.A.18A which reads as follows:
- 18A. Pallet assembly, reconstruction, reconditioning, and recycling.
31. Article 8:1.17.B.8 is hereby amended by adding the following words as a new final sentence: “Limited to one per parcel except where the property owner has obtained separate approval for additional dwelling units as allowed by this ordinance.”; and by adding a new subsection 8:1.17.B.8.a which read as follows:
- a. Auxiliary Dwelling Units are allowed in the same manner as single family dwellings and are subject to Zoning Administrator Approval.
32. Article 8:1.18.A is hereby amended by adding a new subsection 8:1.18.A.5A which reads as follows:
- 5A. Data Centers.
33. Article 8:1.18.D is hereby amended by deleting the contents of the 7th column in the 2nd row (under Maximum Height) and replacing it with, “50 feet”.
34. Article 8:1.19.A is hereby amended by deleting subsection 8:1.19.A.3 in its entirety and replacing it with the following:
3. Data Centers.
35. Article 8:1.19.D is hereby amended by deleting the contents of the 7th column in the 2nd row (under Maximum Height) and replacing it with, “50 feet”.
36. Article 8:1.24.A.2 is hereby amended by adding a new line to the RS section of the table. Said new line will be between the existing lines which read “Parcels of less than 2 acres” and “Additional per acre for each acre over 2” and will read as follows:

Minimum 2 acre parcel	2 AU	1 AU	0.4 AU
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37. Article 8:1.24 is hereby amended by deleting subsection 8:1.24.E in its entirety and replacing it with the following:

E. Auxiliary Dwelling Unit. Auxiliary dwelling units are accessory uses subject to Zoning Administrator Approval in the A, AR, SF, RS, RM, RC, C, CH, AG-T, and C-Ag districts and are subject to the following conditions:

1. A maximum of one (1) auxiliary dwelling unit may be permitted per property.
 2. The auxiliary dwelling unit shall be located on the same lot or parcel as the primary dwelling unit.
 3. The auxiliary dwelling unit shall meet the setback requirements of the primary dwelling unit and shall not cause the lot coverage requirement of the zone to be exceeded.
 4. The net square footage of the auxiliary dwelling unit shall not exceed one thousand three hundred (1,300) square feet of net floor area, or fifty (50) percent of the gross floor area of the primary dwelling unit, whichever is greater.
 - a. Net floor area calculations do not include garages, uncovered decks, uninhabitable attics, and uninhabitable below-grade storage areas with ceiling height less than six (6) feet eight (8) inches.
 5. Auxiliary dwelling units may be utilized as Short Term Rentals as allowed by this ordinance.
 6. Auxiliary dwelling units shall comply with Building Code in Chapter 8:6
 - a. Where an auxiliary dwelling unit is attached to the primary structure, the units shall be interconnected with a lockable door, shall be supplied by a single (shared) electrical utility service, and shall contain interconnected smoke alarms where the actuation of one alarm will activate all of the alarms in both dwelling units.
 7. If a manufactured or mobile home is used as an auxiliary dwelling unit, it shall be converted to real property by being placed on a permanent foundation and assessed for real estate taxes pursuant to Iowa Code.
 8. Mobile Dwelling Units shall not be permitted as auxiliary dwelling units.
 9. Off-street parking shall be provided in accordance with subsection 8:1.25.
 10. Auxiliary dwelling units shall comply with all applicable federal, state, and local regulations.
38. Article 8:1.24.F.4 is hereby amended by replacing the words “ten (10)” with the words “twenty five (25)”.
39. ~~Article 8:1.24 is hereby amended by adding a new subsection 8:1.24.H1 which read as follows:~~
- ~~**H1. Data Centers** Data Centers with a total use area of one (1) acre or less are conditionally permitted in the A—Agricultural district. Data Centers with a total use area of greater than one (1) acre are allowed as primary uses in the ML—Light Industrial and MH—Heavy Industrial districts. All Data Centers are subject to the following conditions regardless of use area size:~~
- ~~1. **Use Area:** For the purpose of administering this section, the “use area” shall include all areas associated with the Data Center, including, but not limited to, the furthest extent of fences, structures, stormwater infrastructure, parking, landscaping screening, or other areas used in association with the use as determined by the approving authority.~~

- ~~a. At the discretion of the Zoning Administrator, non-adjacent use areas located within one-half (0.5) miles may be considered cumulative when determining whether approval requires a Conditional Use Permit or rezoning approval.~~
- ~~2. Structures. All Data Center production equipment (computers, servers, etc) shall be enclosed with a structure or structures that shall comply with Building Code requirements in Chapter 8:6. Said structure(s) shall be converted to real property by being placed on a permanent foundation and assessed for real estate taxes pursuant to section 435.26 of Iowa Code.~~
- ~~3. Setbacks. All structures used for Data Centers operations shall be setback a minimum of two hundred (200) feet from all property lines and five hundred (500) feet from occupied structures.~~
- ~~4. Site Plan. Operations in the A-Agricultural district shall require a Site Plan Review approved by the Zoning Administrator in accordance with the provisions of subsection 8:1.26 prior to obtaining a building permit.~~
- ~~5. Power Provision. Prior to the issuance of a building permit, the applicant shall provide written verification from their proposed power provider that the applicant has calculated the maximum potential electrical consumption of the proposed use and has verified the utility supply equipment and related electrical infrastructure is sufficiently sized to safely accommodate the proposed use during the power provider's peak consumption hours.~~
- ~~a. On-Site Power Supply. Any power generated on-site shall be generated by renewable power generation sources.~~
- ~~6. Power and Communication Lines. On-site power and communication lines between on-site system(s) shall be placed underground to the extent feasible and as permitted by the servicing utility. The main service connection at the utility company right-of-way, and any new interconnection equipment, may be located above ground.~~
- ~~a. Power and communication lines running from the on-site system(s) to interconnections with structures off-site shall be buried underground to the extent feasible and as permitted by the serving utility.~~
- ~~7. Noise. The one (1) hour average noise generated from Data Center operations, including, but not limited to, computing, cooling, and energy storage equipment, shall not exceed the following noise levels as measured at the property line:~~

Zoning District of Receiving Property	7:00 am—9:59 pm	10:00 pm—6:59 am
A, AR, SF, R, RM, RC, RMH	60 dBA	50 dBA
C, CH, Ag-T, C-Ag	65 dBA	65 dBA
ML, MH, RR, SWDRR, RE, ERP, P	70 dBA	70 dBA

- ~~a. The applicant shall provide Operating Sound Pressure Level measurements from a reasonable number of sampled locations at the perimeter of comparable data-center operations to demonstrate compliance with this standard at the time of permitting.~~
- ~~b. To document decibel level if there is a complaint on an operational system, at the discretion of the Zoning Administrator, the owner shall commission a report providing~~

~~Operating Sound Pressure Level measurements from a reasonable number of sampled locations at the property line to demonstrate compliance with this standard.~~

- ~~8. Fire Safety. The applicant shall show a determination from the local fire department that the site can be reasonably serviced.
 - ~~a. Areas within twenty five (25) feet of structures uses for data centers shall be cleared of combustible vegetation and other combustible growth.~~
 - ~~b. A plan for Emergency Operations procedures including fire safety and response measures shall be approved by the Zoning Administrator prior to commencement of the approved use.~~
 - ~~i. A copy of the Emergency Operations Procedures shall be given to the local fire department, and Johnson County Emergency Management and be present onsite in a location to be accessible to facility personnel, fire code officials, and emergency responders.~~
 - ~~c. The site operator will coordinate with the local fire department and Emergency Management Agency (EMA) to offer or provide for training on an annual basis for five (5) years following completion of construction. Thereafter, the site operator shall offer or provide for training if requested by the local Emergency Management Agency (EMA) on a basis not to exceed once annually~~~~
- ~~9. Water Use. Facilities must use a closed loop cooling system for data center equipment.~~
- ~~10. Battery Energy Storage System (BESS). If a BESS is proposed that meets the qualifications of a Battery Energy Storage System, Tier 2 as defined in the Johnson County Unified Development Ordinance, the proposed BESS shall be permitted in accordance with Chapter 8:1.24.F.~~
- ~~11. Lighting. All lighting shall comply with the downcast lighting regulations contained in Chapter 8:1.25.~~
- ~~12. The applicant shall comply with all Environmental Standards in Chapter 8:3.~~
- ~~13. The application shall comply with all other applicable federal, state, and local regulations.~~

40. Article 8:1.24.V is hereby amended by deleting subsection 8:1.24.V.9 in its entirety (said deletion includes existing subsection 8:1.24.V.9.a) and replacing it with the following:

9. The applicant, owner, or operator of the mining operation shall comply with all reclamation regulations and guidelines set forth by the State. The applicant shall submit a tentative description of anticipated reclamation activities at the time of application.
 - a. Where a proposed mining operation includes impact to sensitive woodlands (as determined by Chapter 8:3) for mining or mineral extraction purposes, the five (5) acre limit for woodland impact can be modified by the Board of Adjustment. Any such modification shall be inherently necessary to feasibly establish the operation, and must be clearly stated in the terms and/or conditions of the Conditional Use Permit. All woodland impacts shall be mitigated in accordance with Chapter 8:3 prior to site disturbance.
 - b. Where the five (5) acre limit for woodland impact is exceeded, future reclamation shall include the reconstruction of woodlands on the site in addition to any mitigation requirements required at the time of site disturbance.

~~9. The applicant shall submit a reclamation plan for the site, and an accompanying financial surety instrument to cover the estimated cost for project completion and any required contingency.~~

~~a. In addition to any other information requested by the Zoning Administrator, the reclamation plan should include and address the following:~~

~~i. Plans for proper disposal of all mine-related debris, junk, waste materials, or equipment.~~

~~i. Details for backfilling and grading, including bank stabilization for projects that will retain a wet bottom pond, must show final contours.~~

~~1. Final slopes shall be less than 4:1 (horizontal to vertical). Where the original topography of the affected land was steeper than 4:1, the affected land may be graded to blend with the surrounding terrain.~~

~~ii. Details for revegetation, including: topsoil preservation and redistribution, planting and seeding specifications including tree types if applicable, seed mixes, application rates, seeding windows, and anticipated timeframe.~~

~~iii. Description of erosion and sediment control that will be used to prevent rill and gully formation, as well as off-site sedimentation.~~

~~iv. Proposed schedule for completing reclamation activities.~~

~~v. A cost estimate for said activities prepared by a licensed engineer.~~

~~b. A performance agreement acceptable to the County, with financial assurance sufficient to cover the estimated cost for project completion plus a 25% contingency, shall be required prior to beginning and site disturbance or extraction.~~

~~c. Where the reclamation plan includes reconstruction of sensitive woodlands (as determined by Chapter 8:3) impacted for mining or mineral extraction purposes, the five (5) acre limit for woodland impact can be modified by the Board of Adjustment. Any such modification shall be inherently necessary to feasibly establish the operation, and must be clearly stated in the terms and/or conditions of the Conditional Use Permit.~~

41. Article 8:1.24.AA is hereby amended by adding two new subsections 8:1.24.AA.5 and 8:1.24.AA.6 which read as follows:

5. The application shall comply with all Johnson County Public Health requirements and all other applicable federal, state, and local regulations.

6. All structures shall comply with Building Code in Chapter 8:6.

42. Article 8:1.24.DD.11 is hereby amended by adding a new subsection 8:1.24.DD.11.d which reads as follows:

d. The applicant, owner, or site operator shall provide as-built plans for all required on-site infrastructure – including but not limited to fencing, signage, parking and drive areas, structures, panel clearance height, ground cover planting areas, landscape screening, etc. As-built shall be provided within sixty (60) days of completion of on-site infrastructure or the start of energy generation from the site, whichever occurs first. As-built plans shall be certified by a Professional Engineer licensed in the State of Iowa.

43. Article 8:1.24.FF is hereby amended by deleting subsection 8:1.24.FF.5 in its entirety and replacing it with the following:

5. Any uses co-located with a substation or other public utility use shall obtain the required permitting and/or approvals and comply with any supplemental conditions from this chapter as well as all federal, state, and local regulations as applicable.
44. Article 8:1.24.FF is hereby amended by adding a new subsection 8:1.24.FF.5A which reads as follows:
- 5A. Utilities Public may include storage of materials independently or in addition to a traditional substation installation.
- a. Materials must be related to the public utility use, and intended for use in construction or maintenance of utility infrastructure.
 - b. Where a permit is sought to allow permanent storage of materials, the Board may authorize a storage area not to exceed ten (10) acres.
 - c. Where a permit is sought to allow temporary storage of materials, the Board may authorize said storage for a period of time not to exceed three (3) years from the date of approval. Permit extension shall only be allowed if approved by the Board of Adjustment via permit modification, as outlined in 8:1.29(F)(5).
45. Article 8:1.25.B.1.e is hereby amended by adding a new subsection 8:1.25.B.1.e.i which reads as follows:
- i. Window wells may project into the side yard setback to the extent reasonably needed to provide egress from the lower level, provided the window well maintains a minimum setback of three (3) feet from all property lines.
46. 8:1.25.E.1 is hereby amended by deleting subsections 8:1.25.E.1.a and 8:1.25.E.1.b and replacing them with the following:
- a. Agricultural and Residential districts.
 - i. Boundary Fences. Cannot exceed six (6) feet in height on average in any yard.
 - ii. Interior Fences. Cannot exceed eight (8) feet in height on average in any yard.
 - b. Commercial and Industrial districts.
 - i. Boundary Fences. Cannot exceed eight (8) feet in height on average in any yard.
 - ii. Interior Fences. Cannot exceed ten (10) feet in height on average in any yard.
47. 8:1.25.E is hereby amended by adding a new subsection 8:1.25.E.4A which reads as follows:
- 4A. Security Features. With the exception of agricultural fences, no boundary fence may be electrified in any district, and no fence may feature barbed wire or razor wire unless required as part of a security fence as outlined in subsection 8:1.24.
48. Article 8:1.25 is hereby amended deleting subsection 8:1.25.F in its entirety and replacing it with the following:
- F. Retaining Walls.** The following standards shall apply to retaining walls. For permitting requirements, refer to section 8:1.27 and Chapter 8:6 Building Code.
1. Height Regulations. The following regulations apply to all retaining walls.
 - a. Retaining walls constructed within the required setback for the zoning district cannot exceed six (6) feet in height on average in any yard and shall also comply with the additional setback requirements in the section.

- b. Retaining walls which comply with the required setback for the zoning district cannot exceed eight (8) feet in height on average in any yard and shall also comply with the additional setback requirements in the section.
 - i. Walls which comply with subsection 8:1.25.F.2.a below may exceed eight (8) feet.
 - c. Retaining wall height is determined by measuring from the finished grade to the tallest portion of the wall.
- 2. Setback Regulations. Retaining walls greater than four (4) feet in height must be setback a minimum of one and a half (1.5) times the height of the wall unless they comply with one of the following:
 - a. Where the applicant has provided a report certified by a Professional Engineer licensed in the State of Iowa showing that the retaining wall has been designed in accordance with accepted engineering practice to ensure stability against overturning, sliding, excessive foundation pressure and water uplift. Retaining walls shall be designed for a safety factor of 1.5 against lateral sliding and overturning.
 - b. Where the exposed face of the retaining wall is situated such that the wall will collapse towards the interior of the property in the event of lateral sliding or overturning.
- 3. Retaining walls located in the right-of-way which are owned and maintained, or authorized, by a public entity and which are necessary to facilitate installation of common infrastructure are exempt from retaining wall setback requirements and height restrictions.
- 4. Guardrail Requirements. Retaining walls greater than 30 inches in height must have a guardrail in the following circumstances:
 - a. The retaining wall is considered a part of another structure.
 - b. The retaining wall is adjacent to or in close proximity to a walking area or livable area (e.g. walking path, patio, or bike path).
 - c. The retaining wall is a part of a multifamily, commercial, or industrial development.
- 49. Article 8:1.25.G.4 is hereby amended by adding a new subsection 8:1.24.G.4.f which reads as follows:
 - f. Typical residential and agricultural yard and security lights.
- 50. Article 8:1.29.A is hereby amended by replacing the words “and unnecessary hardship” with the words “practical difficulty”.

51. Article 8:1.29 is hereby amended by deleting subsection 8:1.29.D in its entirety and replacing it with the following (said deletion includes all subsections under 8:1.29.D):

D. Variances. To authorize on appeal, in specific cases, such variance from the terms of the Zoning Regulations with respect to the area, dimensional, or other numerical limitations as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the Zoning Regulations will result in practical difficulties to the property owner in making beneficial use of the property allowed by the Zoning Ordinance, and so that the spirit of the Zoning Regulations shall be observed and substantial justice done.

- 1. The Board shall have the power to vary the following standards in the zoning ordinance:
 - a. Area, dimensional, or other numerical limitations subject to variances include but are not limited to requirements for minimum lot size, setbacks, yard widths, height, bulk, sidewalks, fencing, signage, and off-street parking. where there is an exceptional or

unusual physical condition of a lot, which condition is not generally prevalent in the vicinity and which condition when related to the regulations of this section would prevent a reasonable arrangement of buildings on the lot.

2. Request for variance from the zoning regulations shall only be approved if the Board of Adjustment finds that an application substantially conforms with the following practical difficulty criteria:
 - a. The requested relief exceeds the standards for qualifying as a *special exception*;
 - b. The provisions of this chapter, as applied to this property, result in a practical difficulty and amount to a practical confiscation. The applicant must demonstrate that a practical difficulty is a compelling force and will not merely serve as a convenience to the applicant. Factors that shall be considered include:
 - i. Topographical conditions;
 - ii. Surroundings;
 - iii. Size and shape of the property;
 - iv. Location of public utilities or improvements on or adjacent to the subject property;
 - v. Other extraordinary or *exceptional* situation(s).
 - c. The plight of the owner is due to unique circumstances of the property and not to the general conditions in the neighborhood.
 - i. The practical difficulty must have been created by the ordinance and not by the applicant and/or a predecessor in title.
 - ii. A strict application of the Zoning Ordinance precludes the use of land for any purpose to which it is reasonably adapted.
 - iii. The problem cannot be alleviated by zoning the property to another classification.
 - d. The use to be authorized by the variance will not alter the essential character of the locality. Granting the variance cannot:
 - i. Impede the normal and orderly development and improvement of the surrounding property.
 - ii. Have substantially adverse effect on the value of adjacent properties.
 - iii. Impair the provision of adequate utilities, access roads, drainage, and/or other necessary facilities, either to the property in question or to nearby properties.
 - iv. Increase the danger of the hazard from fire, flood, or similar dangers nor produce nuisance conditions to occupants, or nearby premises, by reason of dust, noise, fumes, odor, vibrations, smoke, or lights.
 - v. Effect the supply of light and air to adjacent properties.
 - e. The land in question cannot yield a reasonable return if used as allowed in the zone in which it is located.

i. Variances will not be granted on the basis of value of the property nor to increase the profitability of the property.

51. ~~Article 8:1.29.D is hereby amended by replacing the words “unnecessary hardship” with the words “a practical difficulty”.~~
52. ~~Article 8:1.29.D.2 is hereby amended by replacing the word “hardship” with the words “practical difficulty”.~~
53. ~~Article 8:1.29.D.2.b is hereby amended by replacing the words “an unnecessary hardship” with the words “a practical difficulty”.~~
54. ~~Article 8:1.29.D.2.c.i is hereby amended by replacing the word “hardship” with the words “practical difficulty”.~~
55. Article 8:2.5.G.4 is hereby amended by deleting subsection 8:2.5.G.4.b in its entirety, and by adding a new subsection 8:2.5.G.4.c.i which reads as follows:
 - i. At the discretion of the Board of Supervisors, the maximum phasing period for any preliminary period may be extended for a period not to exceed three (3) years.
56. Article 8:2.6.B.12 is hereby amended by adding the word “shall” between the words “feet” and “be”.
57. Article 8:2.7.G.1 is hereby amended by adding the words, “With the exception of lots proposing to separate an existing house that predates December 1, 2000 from the surrounding land,” as a new first sentence after the words, “Special Flood Hazard Area.” and before the words, “The Board shall”.
58. Article 8:2.7.J.5.b is hereby amended by adding the words, “unless a different count is recommended for use by the Johnson County Engineer.” following the words, “Metropolitan Planning Organization of Johnson County”.
59. Article 8:3.5.A is hereby amended by adding a new subsection 8:3.5.A.5A which reads as follows:
 - 5A. All applications for rezoning to the RE-Renewable Energy zoning district shall comply with the regulations contained within this subsection. The Board shall not approve any application requesting to rezone property to RE-Renewable Energy which does not conform to the standards of this subsection.
60. Article 8:3.5.F is hereby amended by adding the word “remnant” following the words “considered to be prairie”.
61. Article 8:3.5.J.2.c.i is hereby amended by replacing the words “n/a” with the words, “2:1” in the 4th column of the 3rd row; and by replacing the words “n/a” with the words, “1:1” in the 4th column, of the 4th row.
62. Article 8:3.5.K.2.b.i is hereby amended by adding the following as a new final sentence following the word “acres”: “The five (5) acre limit may be exceeded in certain instances for mining and mineral extraction projects with a reclamation plan (see chapter 8:1.24) as well as linear utility projects, including telecommunications, which are authorized by a grading permit under subsection 8:1.27.A.”
63. Article 8:3.5.K.2.c is hereby amended by adding a new subsection 8:3.5.K.2.c.iii. which reads as follows:
 - iii. Mitigation for linear projects authorized by a grading permit under subsection 8:1.27.A shall be subject to the following:

- a) Woodland mitigation will be required for linear projects subject to this section, when woodland impacts exceeds one (1) acre.
 - b) Impacts in excess of one (1) acre will require mitigation at a ratio of 1:1.
 - c) All other woodland mitigation provisions of Chapter 8.3 shall apply.
64. Article 8:3.6.A.6.c is hereby amended by replacing the word, “both” with the word “one”; replacing the word “apply” with “applies”; and by deleting subsection 8:3.6.A.6.c.ii in its entirety and replacing it with the following:
- ii. The newly added impervious surface area does not exceed 5000 square feet.
65. Article 8:4.4.B.25 is hereby amended by deleting the word “Uses” following the word “Potential”.
66. Article 8:4.4.B is hereby amended by adding a new subsection 8:4.4.B.29A which reads as follows:
- 29A. **Repetitive Loss.** A structure covered by an NFIP flood insurance policy that has incurred flood-related damages on two occasions during a ten (10)-year period on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on average, equaled or exceed twenty five percent (25%) of the market value of the structure at the time of each such flood event.
67. Article 8:4.5 is hereby amended by deleting subsection 8:4.5.B in its entirety and replacing it with the following:
- B. Establishment of Official Floodplain Zoning Map.** The Flood Insurance Rate Map (FIRM) for Johnson County and Incorporated Areas, Panels 19103C0015F, 19103C0020F, 19103C0025F, 19103C0026F, 19103C0027F, 19103C0028F, 19103C0029F, 19103C0031F, 19103C0032F, 19103C0033F, 19103C0034F, 19103C0040F, 19103C0045F, 19103C0055F, 19103C0058F, 19103C0059F, 19103C0060F, 19103C0065F, 19103C0066F, 19103C0067F, 19103C0068F, 19103C0069F, 19103C0078F, 19103C0080F, 19103C0085F, 19103C0086F, 19103C0088F, 19103C0090F, 19103C0095F, 19103C0125F, 19103C0127F, 19103C0129F, 19103C0131F, 19103C0133F, 19103C0135F, 19103C0140F, 19103C0145F, 19103C0153F, 19103C0154F, 19103C0155F, 19103C0158F, 19103C0159F, 19103C0160F 19103C0161F, 19103C0162F, 19103C0165F, 19103C0166F, 19103C0167F, 19103C0170F, 19103C0178F, 19103C0180F, 19103C0185F, 19103C0187F, 19103C0189F, 19103C0190F, 19103C0191F, 19103C0192F, 19103C0193F, 19103C0194F, 19103C0205F, 19103C0210F, 19103C0211F, 19103C0213F, 19103C0215F, 19103C0220F, 19103C0230F, 19103C0240F, 19103C0275F, 19103C0300F, 19103C0305F, 19103C0310F, 19103C0315F, 19103C0320F, 19103C0330F, 19103C0335F, 19103C0340F, 19103C0345F, 19103C0355F, 19103C0365F, 19103C0385F, 19103C0405F, 19103C0415F, 19103C0425F, and 19103C0450F, dated December 26, 2025, which was prepared as part of the Flood Insurance Study for Johnson County, is (are) hereby adopted by reference and declared to be the Official Floodplain Zoning Map. The Johnson County Flood Insurance Study is hereby adopted by reference and is made a part of this ordinance for the purpose of administering floodplain management regulations.
68. Article 8:4.6.A.2.c is hereby amended replacing the words “1929” with the words “1988” in all subsections under 8:4.6.A.2.c.
69. Article 8:4.6.A.2 is hereby amended by moving subsection 8:4.6.A.2.l from being a standalone lettered section to being a new standalone/unnumbered clause immediately following subsection 8:4.6.A.2.i.
70. Article 8:4.6.B.2.f is hereby amended replacing the words “1929” with the words “1988”.

71. Article 8:4.6.B is hereby amended by adding a new subsection 8:4.6.B.6 which reads as follows:
6. Permit Expiration. Floodplain Development Permits issued under this chapter shall expire one hundred and eighty (180) days from the date of issuance unless the applicant can demonstrate Start of Construction, as defined by this chapter. In the case of a permit authorizing only grading, excavation, fill, or other non-structure-related work, the applicant must demonstrate that they have started significant earth moving activities on the site.
72. Article 8:4.8.B.3.b is hereby amended replacing the words “1929” with the words “1988”.
73. Article 8:4.8.B.14 is hereby amended by replacing the word “Uses” with the word “Development” between the words “Potential” and “All”.
74. Article 8:4.8.B.14.b is hereby amended replacing the words “1929” with the words “1988”.

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:

Jon Green, Chairperson
Board of Supervisors

Julie Persons, Auditor
Johnson County, Iowa

Date

Published in *The Gazette* on _____, 2025, *The News* on _____, 2025, and
the *Solon Economist* on _____, 2025.