

DRAFT ORDINANCE NO. 1019

AN ORDINANCE AMENDING CHAPTER 169 OF THE JOHNSTON MUNICIPAL CODE OF 2007 TO CREATE THE MERLE HAY ROAD TOWN SQUARE OVERLAY ZONING DISTRICT

Be It Enacted by the City Council of the City of Johnston, Iowa that:

SECTION 1. PURPOSE. The purpose of this ordinance is to amend Chapter 169 of the Johnston Municipal Code to create the Merle Hay Road Town Square Overlay Zoning District.

SECTION 2. AMENDMENT. The following new section 169.09 Merle Hay Road Town Square Overlay Zoning District shall be added to Chapter 169:

169.09 Merle Hay Road Town Square Overlay Zoning District. The regulations set forth in this section, or elsewhere within this ordinance when applicable, shall apply in the Merle Hay Road Town Square Overlay Zoning District.

1. **Statement of Intent.** The Merle Hay Road Town Square Overlay Zoning District is established to help create the town square envisioned by the City of Johnston's Comprehensive Plan and detailed in the Merle Hay Road Redevelopment Plan. The northeast corner of Merle Hay Road and NW 62nd Street has long been considered as an opportunity site to create a central focus point for the Johnston community. The Overlay District establishes this area as a future town square that can accommodate a mix of retail and residential uses along with activated public gathering spaces.
2. **Applicability.** The adopted design guidelines shall apply to all development within the Merle Hay Road Town Square Overlay Zoning District and are in addition to the regulations contained within the City Zoning and Subdivision Regulations. The intent of this new overlay district is to provide a uniform and enhanced set of design standards that are above and beyond the base standards found within the City's current regulations. When a standard or code requirement is not covered by this overlay, the regulations contained elsewhere within City Code, the Zoning Ordinance, and specifically within the regulations for the underlying zoning district for which the property is zoned shall apply. Where a conflict should arise between the Zoning Ordinance and the adopted design guidelines, the requirements of the adopted design guidelines shall prevail. The final determination as to compliance with the provisions contained herein shall rest with the City Council.
3. **Design Guidelines.** The Merle Hay Road Town Square Overlay Zoning District Design Guidelines dated September 16th, 2019 are hereby adopted as a part of this ordinance. A copy of the Merle Hay Road Town Square Overlay Zoning District

Design Guidelines are on file in the Office of the City Clerk. Exceptions to this overlay zoning district shall be set forth in this chapter.

- 4. Deletions, Modifications And/Or Amendments. The following deletions, modifications, and/or amendments are made to the Merle Hay Road Town Square Overlay Zoning District.

SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid 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 or unconstitutional.

SECTION 5. WHEN EFFECTIVE. This ordinance shall be in full effect from and after its final passage, approval, and publication as provided by law.

Passed and approved by the City Council the ____ day of _____, 2019.