

## PLANNING & DEVELOPMENT

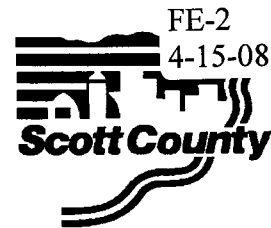
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Timothy Huey  
Director

To: C. Ray Wierson, County Administrator

From: Timothy Huey, Planning Director

Date: April 8, 2008

**Re: Public Hearing on Planning Commission's recommendation to approve proposed Zoning Ordinance text amendments.**

The Planning Commission unanimously recommended approval of the proposed Zoning Ordinance text amendments in accordance with the implementation strategies included in the recently adopted Comprehensive Plan. Attached is the text of the proposed changes for which a public hearing has been set for April 17, 2008. The existing ordinance language that is proposed to remain unchanged is shown as normal text, the text to be omitted is shown as ~~striketrough~~ and the text to be added is shown as underlined.

The changes to the Zoning Ordinance are summarized as follows:

Amend Section 6-5 definition of farmer to include a requirement that the person or persons actively engaged in farming be able to show they derive taxable income from farming that amounts to at least 50% or greater of the median household income for Scott County.

Amend Section 6-7 General Regulations and Provisions to update the language and also to amend the criteria for a farmstead split. The current regulations require a fence or barrier a minimum of four (4) feet in height around any swimming pool over 5,000 gallons **and** eighteen (18) inches in depth. Approve change to require any pool over 5,000 gallons **or** eighteen inches in depth to be fenced. This will bring these regulations into conformance with the same requirement under the Scott County Building Code.

Amend Section 6-8 "A-P" Ag-Preservation Zoning District to allow small wind generators as an Accessory Permitted Use and large wind generators as a Special Permitted Use and Home Occupations and Home Industries that exceed the current criteria as a Special Permitted Use.

Amend Section 6-11 "R-1" Single-Family Residential District to allow small wind generators as a Special Permitted Use and Home Occupations that exceed the current criteria as a Special Permitted Use.

Amend Section 6-13 "C-1" Neighborhood Commercial District and Section 6-15 "C-2" Commercial-Light Industrial to update how the Principal Permitted Uses are listed.

Amend Section 6-22 Area and Height Regulations for all Districts to standardize the front, side and rear yard setback for buildings in all commercial districts. And also to standardize the maximum height allowed.

## SCOTT COUNTY ORDINANCE AMENDMENT

AN ORDINANCE TO AMEND CERTAIN PROVISIONS AND SECTIONS OF CHAPTER 6 SCOTT COUNTY CODE, THE REVISED ZONING ORDINANCE FOR UNINCORPORATED SCOTT COUNTY, IOWA.

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF SCOTT COUNTY IOWA:

### **Section 1.** Amend Section 6-5. DEFINITIONS

To read as follows:

37. FARMER: A person or persons actively engaged in farming and deriving taxable income from such activity amounting to at least 50% or greater of the median household income for Scott County as established from the current decennial census by the US Census Bureau or someone who is retired from farming when it relates to the land the farmer formerly farmed.

### **Section 2.** Amend Section 6-7. GENERAL REGULATIONS AND PROVISIONS

To read as follows:

- B. Agricultural Soils Protection: In compliance with the Scott County ~~Development Plan~~ Comprehensive Plan, it is the intent of this Chapter that the "R-1", "R-2", "C", "C-M", and "M" Zoning Districts not be established through rezoning in the "A-P" District.
- (1) The "A-P" District was developed using the Land Use Policies in ~~Section IV of the 1980 Scott County Development Plan.~~ The A-P District is intended to protect highly productive soils and the agricultural way of life operations. The County bases its soils information on the draft modern soil survey map, dated 1990, compiled by the US soil Conservation Service for Scott County Soil Survey of Scott County dated 1996, compiled by the Natural Resources Conservation Service of the US Department of Agriculture. After analysis of the soil survey with cooperation from the Scott County Soil Conservation Commission, The County Board of Supervisors has established a Corn Suitability Rating (CSR) of sixty (60) or greater per quarter section of land and the soil types listed as Prime Farmland in Table 5 of the 1996 Soil Survey of Scott County for protection from urban development, if it meets other critical land use policies.
- (2) An application for rezoning of "A-P" District land will result in an in-depth study of the soils characteristics and CSR for the land in the application, plus the surrounding quarter section of land, by the Planning and Development staff and the Natural Resources Conservation Service. The Planning and Zoning Commission and the Board of Supervisors will use the soil analysis, land use policies analysis and public comment to make a decision on the rezoning request.
- C. Splitting the Farmstead from Farm: ~~When a valid farmer decides to sell off the original~~ an application is submitted for approval of a Plat of Survey for a farmstead split, the farmstead shall be platted in accordance with all applicable provisions of the Iowa Code. The platted lot shall include the existing house or

houses or an area that can be shown to be the location of a previous farm house and be no larger than necessary to include the typical farm buildings and accessory work any yard, timber, or pond area. Once the farmstead is split off Plat of Survey is recorded, neither the new lot nor the remaining farmland of the farmer, may be subsequently platted into small lots for any use other than farming, unless the land is first rezoned for that proposed land use.

O. Fences and Walls:

(3) Any exterior swimming pool with a design capacity of more than 5,000 gallons ~~and~~ or a depth of greater than eighteen (18") inches shall obtain a building permit and have a continuous barrier of building and /or protective fence of at least four (4') feet in height. All gates shall have an interior self-closing latch.

**Section 3.** Amend Section 6-8 "A-P" AGRICULTURAL-PRESERVATION DISTRICT  
C. Accessory Permitted Uses

To read as follows:

- (2) Home occupations and home industries in compliance with the requirements of Section 6-7.Q.
- (7) Small Wind Generators with rated capacity of not more than 100 kilowatts and associated structures and equipment with the following restrictions:
  - 1. The base of the structure shall be set back from all property lines and road easements a minimum distance equal to the height of the tower including rotor and/or blades;
  - 2. The maximum height of the wind turbine generator shall be 80 feet;
  - 3. The ground clearance for rotors or blades shall be no less than 15 feet or 1/3 the height of the tower which ever is greater;
  - 4. The maximum noise level produced by the wind generator shall be no more than 50 decibels as measured at the property line.
  - 5. The wind turbine shall not cause vibration perceptible beyond the property on which it is located, nor interfere with television, microwave, navigational or radio transmissions;
  - 6. Shall be constructed in accordance with plans prepared and stamped by a qualified professional engineer.

D. Special Permitted Uses

To read as follows:

- (13) Home occupations and home industries that exceed the requirements of Section 6-7.Q and reviewed under the procedures and criteria of Section 6-27.C.(2).
- (14) Large Wind Generators with rated capacity of more than 100 kilowatts and associated structures and equipment with the following restrictions:
  - 1. The base of the structure shall be set back from all property lines and road easements a minimum distance equal to the height of the tower including rotor and/or blades;
  - 2. The maximum height of the wind turbine generator shall be 199 feet;
  - 3. The ground clearance for rotors or blades shall be no less than 25 feet or 1/3 the height of the tower which ever is greater;
  - 4. The maximum noise level produced by the wind generator shall be no more than 50 decibels as measured at the property line.

5. The wind turbine shall not cause vibration perceptible beyond the property on which it is located, nor interfere with television, microwave, navigational or radio transmissions;
6. Shall be constructed in accordance with plans prepared and stamped by a qualified professional engineer.

**Section 4.** Amend Section 6-11 “R-1” SINGLE-FAMILY RESIDENTIAL DISTRICT  
C. Accessory Permitted Uses

To read as follows:

- (2) Home occupations in compliance with the requirements of Section 6-7.Q.

D. Special Permitted Uses

To read as follows:

- (8) Home Occupations that exceed the requirements of Section 6-7.Q and reviewed under the procedures and criteria of Section 6-27.C.(2).
- (9) Small Wind Generators with rated capacity of not more than 100 kilowatts and associated structures and equipment with the following restrictions:
  1. The base of the structure shall be set back from all property lines and road easements a minimum distance equal to the height of the tower including rotor and/or blades;
  2. The maximum height of the wind turbine generator shall be 80 feet;
  3. The ground clearance for rotors or blades shall be no less than 15 feet or 1/3 the height of the tower which ever is greater;
  4. The maximum noise level produced by the wind generator shall be no more than 50 decibels as measured at the property line.
  5. The wind turbine shall not cause vibration perceptible beyond the property on which it is located, nor interfere with television, microwave, navigational or radio transmissions;
  6. Shall be constructed in accordance with plans prepared and stamped by a qualified professional engineer.

**Section 5.** Amend Section 6-13 “C-1” NEIGHBORHOOD COMMERCIAL DISTRICT  
B. Principal permitted Uses:

Delete entire list of uses under (3) a.-aa.

And replace to read as follows:

- (3) Neighborhood Retail Commercial Uses in buildings not exceeding 5,000 square feet of floor area without outdoor storage of materials including but not limited to:
  - (a) Retail sales and service businesses, including convenience stores with fuel sales but no vehicle service;
  - (b) Restaurants, Taverns and Bars;
  - (c) Financial institutions such as banks and savings and loan offices;
  - (d) Professional, administrative, service and general business offices;
  - (e) Medical offices, Clinics, and Health Care related facilities;
  - (f) Indoor recreational or entertainment businesses;
  - (g) Other uses, subject to site plan review, which are determined by the Planning and Zoning Commission to be of a similar and compatible nature to the above uses.

**Section 6.** Amend Section 6-15 “C-2” COMMERCIAL LIGHT INDUSTRIAL DISTRICT

**B. Principal permitted Uses:**

Delete entire list of uses from (3) through (48).

And replace to read as follows:

- (3) Retail and Wholesale Commercial sales and service businesses including outdoor storage of materials and equipment
- (4) Financial institutions such as banks and savings and loan offices
- (5) Professional, administrative, service and general business offices
- (6) Medical offices, Clinics, and Health Care related facilities
- (7) New and Used Vehicle Sales and Service including service and body shops but not including parts salvage or vehicle dismantling;
- (8) Truck stops, truck terminals and trucking companies
- (9) Restaurants, Taverns, Bars and Night Clubs
- (10) Hotel-Motel and tourist related service businesses
- (11) Indoor and Outdoor recreational and entertainment businesses
- (12) Light Industrial uses conducted entirely within an enclosed building with no excessive noise dust and smoke beyond the property and all outdoor storage screened from any adjacent road and residences
- (13) Contractor office, storage and sales with all outdoor storage of equipment and materials screened from any adjacent road and residences
- (14) Warehouse, storage, rental business and services with all outdoor storage screened from any adjacent road and residences
- (15) Other uses, subject to site plan review, which are determined by the Planning and Zoning Commission to be of a similar and compatible nature to the above uses.

**Section 7.** Amend Section 6-22 AREA & HEIGHT REGULATIONS FOR ALL DISTRICTS, Table A Principal Building Area and Height Requirements

To read as follows:

District	Minimum Lot Area	Minimum Lot Width	Yard			Max Height	
			Front	Side	Rear	Stories	Feet
C-1	30,000 sqft <small>(no public sewer/water)</small>	130 ft	<del>30</del> <sup>25</sup> '	10'	<del>30</del> <sup>20</sup> '	<del>2</del> <sup>3</sup>	35
	20,000 sqft <small>(w/public sewer/water)</small>	100'	25'	10'	<del>25</del> <sup>20</sup> '	<del>2</del> <sup>3</sup>	35
C-PV	Existing Lots as of 1/1/91	Existing	25'	<del>20</del> <sup>10</sup> '	20'	3	35
	New lots created after 1/1/91 20,000 sqft	130'	<del>30</del> <sup>25</sup> '	10'	<del>30</del> <sup>20</sup> '	3	35
C-2	2 acre <small>(no public sewer/water)</small>	150'	50'	<del>30</del> <sup>10</sup> '	<del>40</del> <sup>20</sup> '	<del>4</del> <sup>3</sup>	<del>55</del> <sup>35</sup>
	30,000 <small>(w/public sewer or water)</small>	130'	<del>30</del> <sup>25</sup> '	10'	<del>30</del> <sup>20</sup> '	<del>2</del> <sup>3</sup>	35
	20,000 <small>(w/both sewer and water)</small>	100'	25'	10'	<del>25</del> <sup>20</sup> '	<del>2</del> <sup>3</sup>	35

**Section 8.** The County Auditor is directed to record this ordinance in the County Recorder's office.

**Section 9.** Severability Clause. If any of the provisions of this Ordinance are for any reason illegal or void, then the lawful provisions of this Ordinance, which are separate from said unlawful provisions shall be and remain in full force and effect, the same as if the Ordinance contained no illegal or void provisions.

**Section 10.** Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 11.** Effective Date. This Ordinance shall be in full force and effect after its final passage and publication as by law provided.

Approved this \_\_\_\_\_ day of \_\_\_\_\_ 2008

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Jim Hancock, Chairman  
Scott County Board of Supervisors

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County Auditor