

SCOTT COUNTY ORDINANCE NO. 11-_____

AN ORDINANCE TO AMEND CERTAIN PROVISIONS AND SECTIONS OF CHAPTER 6 SCOTT COUNTY CODE, THE REVISED ZONING ORDINANCE FOR UNINCORPORATED SCOTT COUNTY, IOWA RELATIVE TO THE DEFINITIONS OF FARMS, FARM BUILDINGS, FARMER AND FARM HOUSES

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

Section 1. Modify Section 6-3 to strike and replace as follows:

SEC. 6-3. **SPECIAL FARM EXEMPTIONS**

- A. Except to the extent required to implement Section 6.18, no regulation adopted under the provisions of this Chapter shall be construed to apply to farm land, farm houses, farm barns, farm outbuildings, or other buildings or structures which are primarily adapted, by reason of nature and area for use for agricultural purposes, while so used ~~by the farmer~~.
- (1) Agricultural buildings and land uses are not exempt from complying with Federal, State, or Local regulations concerning developing, depositing, or excavating in or on the designated Scott County flood plain.
 - (2) It shall be the responsibility of any person or group claiming that certain property or buildings are ~~is~~ entitled to exemption on the basis of this Section to demonstrate that the property and buildings are primarily adapted and used for agricultural purposes by a farmer in accordance with the policies for determining such exemption established by the Scott County Comprehensive Plan.

Section 2. Modify Section 6-5 to strike and replace as follows:

SEC. 6-5 **DEFINITIONS**

36. FARM: A tract of land ~~owned or rented by a farmer~~, primarily adapted and used for agricultural purposes, ~~forty (40) acres or greater in size and assessed as agricultural property by the Scott County Assessor. Tracts of land owned or rented by a farmer, less than forty (40) acres in size, assessed as agricultural property by the Scott County Assessor and claimed as exempt from Zoning regulations as being primarily adapted for agricultural purposes shall be reviewed by making application to the Zoning Board of Adjustment in accordance with the Board's procedures for Appeals of Interpretation. The Board of Adjustment shall make a determination on whether the level of existing or proposed agricultural activity on the property can be considered "primarily adapted for agricultural purposes" and therefore exempt from Zoning regulations.~~

- 36(b) FARM BUILDING: An enclosed building or other structures primarily adapted and used for agricultural purposes located on a farm ~~and used by a farmer.~~
- 36(c) FARM HOUSE: A single-family residence located on a farm, ~~assessed as agricultural property~~ and occupied by a farmer.
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 3. The County Auditor is directed to record this ordinance in the County Recorder's office.

Section 4. 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 5. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 6. 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 _____ 2011

Tom Sunderbruch, Chairman
Scott County Board of Supervisors

Roxanna Moritz
County Auditor