

PLANNING & DEVELOPMENT

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Timothy Huey
Director

To: Dee F. Bruemmer
From: Timothy Huey, Planning & Development Director
Date: March 14, 2016
Re: Presentation of Planning and Zoning Commission's Recommendation on the Final Drafts of both the proposed Comprehensive Plan Chapter Two Amendments and Zoning Ordinance revisions.

In September, 2014 the Planning Commission initiated the review of the Zoning Ordinance and Comprehensive Plan with Planning Staff and held monthly work sessions. In February, 2015 the Planning Commission held separate public meetings with both the Park View Owners Association and the Scott County Farm Bureau to initially present the changes being discussed for both the Comp Plan and the Zoning Ordinance. In October and November of 2015 the Planning Commission held five public meetings, throughout the County, to give the public an opportunity to comment on the proposed changes before the Commission finalized its recommendation. On January 12, 2016 the Planning and Zoning Commission held a public hearing on both the proposed Comprehensive Plan amendments and Zoning Ordinance Revisions.

Comprehensive Plan Amendments:

The proposed amendments to Chapter Two of the Comprehensive Plan: *Vision, Goals and Objectives* are intended to provide the rationale for an Industrial Floating Zone. The proposed Industrial Floating Zone criteria require that prior to an area currently zoned "Agricultural-Preservation" being rezoned to "Industrial Floating" that sufficient and complete information is provided showing compliance with those criteria and design standards.

Approval of these amendments allows such a development to be considered. It does not mean any particular project would be approved. Such proposals are anticipated to be exceedingly rare and any proposal would be evaluated on the parameters and standards as addressed in the Comprehensive Plan amendments and the I-F Zoning regulations. Any project to be considered would have to show significant economic impact and demonstrate why it could not locate within city limits.

The opinion letter from the County Attorney's office on the legal issues related to the I-F Zone and spot zoning is included with the materials on this agenda item.

Zoning Ordinance Amendments:

The Planning Commission has extensively reviewed the Zoning Ordinance section by section. The most significant change in the proposed zoning ordinance revision is the creation of an Industrial Floating Zone to allow Scott County to be in the position to consider a significant large scale industrial development proposal, if deemed appropriate, and such a development needed to be located in rural Scott County. The other revisions are intended to clarify, organize and streamline these regulations. Details of those changes will be presented at the Committee of the Whole meeting.

In presenting the revised ordinance to the public, the Planning Commission noted all the provisions that were not being changed and also explained the sections that were being amended.

The requirements of the current ordinance that will remain unchanged in the revised ordinance are:

- Determination of Ag exemption will remain based on individual being actively involved in farming (or retired from farming) and the building being located on a farm being used primarily for ag purposes.
- Conditions to allow one-time farmstead split remain as they are in the current ordinance.
- New houses in ag zoned districts are still only allowed on lots recorded prior to 1981 or to replace an existing house.
- Floodplain, Off Street Parking, Solid Waste Floating Zone, Site Plan Review, Rezoning and Variance procedures all remain unchanged.

The portions of the ordinance that are being revised are:

- Industrial Zoning Districts are being addressed with two separate Districts. The first is to change the previous “M” District to an “I” and change all the heavy industrial uses in that district to permitted uses rather than Special Uses and requiring all the information previously required for the Special Use Permit to be submitted in conjunction with the rezoning application.
- Industrial Floating Zone is being created to address an industrial development proposal that due to its size and impacts needs to locate outside of city limits in the unincorporated areas of the County.
- Park View Community Area Development regulations are being clarified for both the commercial and the residential areas of Park View.
- All the Permitted, Accessory and Special Uses in each zoning district have been reviewed and some minor changes are proposed.
- Regulations for both Mobile Home Parks and Travel Trailer camping parks have been reviewed and amended.
- Sign regulations have been reviewed to address electronic message boards and to place limits on the size and type of when such advertising media is permitted.
- All definitions have been reviewed with 17 being deleted, deemed unnecessary and some others being added or changed.
- The General Regulations have been better organized and expanded to address all aspects on the placement and use of accessory buildings.
- The non-conforming section was re-written to clarify how any “grandfathered” uses or buildings are addressed.

The Commission made a recommendation to approve these proposed amendments at its regular meeting on Tuesday, February 2, 2016. The vote was 6-1 (Schnekloth nay) by Commission members to recommend approval of the proposed Comprehensive Plan amendments and in a separate vote the Commission members voted unanimously to recommend approval of the Zoning Ordinance amendments.

Following this public hearing by the Board of Supervisors, a resolution approving the Comprehensive Plan Amendment can be considered at its next meeting. Approval of the Revised Zoning Ordinance will require three readings of the ordinance. Even though many sections are not being changed, approval of the new ordinance will include the repeal of the existing zoning ordinance and the adoption of the complete revised ordinance.

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Robert L. Cusack, Assistant County Attorney (563) 326-8231

January 29, 2016

Dear Tim,

I am writing in response to some of the questions posed by P&Z members related to the Industrial Floating Zone. In writing this opinion I relied on relevant statutes and case law. I am also incorporating your memo to P&Z dated January 8, 2016 regarding procedure and intent behind the Industrial Floating Zone. Citations are omitted in this opinion but are available upon request.

There is no case law that directly addresses the validity of a “floating zone” pertaining to its inclusion in a comprehensive plan. Essentially, a floating zone is synonymous with spot zoning¹. Because, as discussed below, spot zoning is not automatically invalid it is the opinion of this office that inclusion of the Industrial Floating Zone in the comprehensive plan is not illegal. In other words, as some applications of the floating zone can be legal, inclusion of the floating zone in the comprehensive plan is legal. The legal challenge arises when an attempt is made to actually implement the provisions of the floating zone.

The issue is really what will happen if the provisions of the floating zone are implemented in an attempt to rezone agricultural land to industrial. This will present the question of whether this is spot zoning and, if so, whether the spot zoning is valid. Assuming the rezoning is spot zoning, the courts then determine if it is valid. The courts consider a three prong test: (1) whether the new zoning is germane to an object within the police power, (2) whether there is a reasonable basis for making a distinction between the spot-zoned land and the surrounding property, and (3) whether the rezoning is consistent with the comprehensive plan. It is also worth noting that the courts do not favor spot zoning.

Police power is related to the public health, safety, morals or general welfare designed to serve the best interests of the community as a whole. Spot zoning for the benefit of the property owner, or business owner, is unreasonable. The courts will weigh the benefits to the community against the benefits to the owner. This particular prong is rarely discussed in case law and is really only relied on as a reason to deny the zoning – in cases where only the owner of the property benefits.

The second prong is the most relied upon and discussed by the courts. In determining whether there is a reasonable basis for spot zoning, the court considers the size of the spot zoned, the uses of the surrounding property, the changing conditions of the area, the use to which the property has been put and its suitability and adaptability for various uses. The factor

¹ “Spot zoning” results when a zoning ordinance creates a small island of property with restrictions on its use different from those imposed on the surrounding property.

of primary importance is whether the rezoned tract has a peculiar adaptability to the new classification as compared to the surrounding property.

The third prong, whether the zoning is consistent with the comprehensive plan is fairly self-explanatory. This prong is usually referred to when the zoning is denied. Without the Industrial Floating Zone in Scott County's comprehensive plan, a court would most certainly find that spot zoning within an agricultural district was against the comprehensive plan.

Two recent rezoning issues in Scott County provide examples of how the courts may view spot zoning. The first was a proposed fertilizer plant to be situated between Davenport and Walcott off of Highway 6 in Scott County. The second was approximately 8 acres between Davenport and Eldridge off of Slopertown Road.

The fertilizer plant represents one extreme of spot zoning. It was to be situated on 300 acres of farmland surrounded by other farmland. Spot zoning without a doubt. It would have faced difficult legal challenges for several reasons. It definitely was not consistent with the comprehensive plan (prong 3). The proposed changes to the plan will give the County an argument that such a proposal is now within the plan. However, just because a proposal is consistent with the comprehensive plan does not end the question. A court then continues its analysis under prongs 1 and 2.

Again, courts have not really addressed the police powers prong. Theoretically, the boost to the economy of the County, through an increase in jobs and tax base, would be a strong argument that the project is in the best interests and general welfare of the community. However, that would be balanced against the benefits to the owner of the property being converted from farmland to industry.

The real problem with the rezoning presented is prong 2, whether there was a reasonable basis for treating this property different from those surrounding it. Although courts have said that the size of the spot is not that important, that was said regarding requests to rezone a small parcel, 5 acres. The court would probably consider 300 acres to be more important in this type of case. With the fertilizer plant, the surrounding area would have remained farmland and the conditions of the area would have remained most conducive to continued farming. The only argument in favor of the suitability of the particular site would have been the access to railroad and utilities. This could be countered by other sites that have similar access not requiring rezoning. Simply said, there were no compelling reasons to treat this property different from other property surrounding it such that a manufacturing plant should be built on the property. There was nothing really special about this property that made it more suitable for a factory than the neighboring properties. It is doubtful this project would have survived a legal challenge.

The example at the other end of the spectrum is the 8 acre tract between Davenport and Eldridge. At the time of rezoning, it was actually an island with farmland surrounding it. Davenport has not yet annexed the adjacent land. This tract was rezoned from agriculture to manufacturing for a couple of different reasons. First, it is adjacent to the proposed Oscar Mayer plant. The remainder of the property for the plant is to be annexed by Davenport. This small parcel is between that property and Slopertown road. Second, and most important, the parcel could not be annexed by Davenport because it would have brought the borders of

Davenport and Eldridge together. This would create an “island” of unincorporated County property to the east. Such an island of property is prohibited by state law. By keeping this 8 acre county property, it created a bridge between the island to the east and county property to the west.

This rezoning would have survived legal challenge. It was within the police powers of the county to stay within state law and was in the best interests of the county residents to the east. The property adjacent to the parcel will soon be manufacturing, so it is reasonable to treat this parcel differently from how it has been treated in the past. In this case, the property is more suitable to be added to the manufacturing property that is going to be there rather than as farmland. It could be argued that the current comprehensive plan should have precluded this rezoning. Courts have carved out exceptions to prong when the other criteria far outweighed the plan consideration by allowing amendments to the plan for cases like this.

In addition, the criteria judges consider are very subjective so close cases can be decided either way. Again, the two examples set forth above are from the extreme ends of the scale and each case presented will be different.

Most importantly, rezoning can almost always be challenged in court. Rezoning issues can be decided through the district courts through a declaratory judgment, which can occur fairly quickly – within 6 months. However, even if the rezoning is upheld at the district court level, an appeal can be filed. It can take over two years to get a decision on appeal. It is doubtful a developer would be willing to put a project on hold for that long depending on favorable result from an appeals court. Winning a rezoning in court does the County absolutely no good if the developer moved its project somewhere else two years before the case was finally decided.

I hope the above addressed the issues posed by the P&Z. Please do not hesitate to contact me if you have further questions.

Sincerely,

Robert L. Cusack

Scott County Comprehensive Plan

CHAPTER 2: VISION, GOALS, AND OBJECTIVES

Within Scott County, there is overwhelming support for farmland preservation in concert with an emphasis for land development to be located within municipalities. A Vision Statement has been formulated to capture the future view Scott County residents expressed through the public input process and in working with the Technical and Advisory Committees as well as the Planning Commission. A vision is a clear statement of what a county wants to become.

“Scott County will be distinguished as a governmental leader by protecting its farming heritage and preserving its agricultural land within the unincorporated areas, by protecting its critical resource areas and promoting economic vitality within the County, and by fostering intergovernmental cooperation and applying well-defined land use policies.”

County Goals

Goals articulate this vision by setting the direction for Scott County as it changes over time. The Scott County land use goals are to:

- **Protect and conserve the natural, human, and economic resources** which are the basis of the agricultural economy and rural lifestyle of the Scott County.
- **Ensure orderly and efficient growth** of residential, commercial, industrial, public, and semi-public land uses while maintaining the general welfare of County residents.
- **Ensure a decent home and suitable living environment** for all families, present and future, living in Scott County.
- **Encourage cooperation and communication** among the County, other units of local government, and the general public to improve human development, economic development, and ecological preservation.

Land Use Objectives

Objectives provide the framework to reach the county goals. For Scott County, the land use objectives work to ensure orderly and efficient growth while balancing the welfare of its residents.

Objective 1. Encourage the majority of future growth to occur within the boundaries of existing cities where adequate public services can be provided.

Objective 2. Encourage growth beyond municipal boundaries to locate on marginal agricultural and stable environmental land in locations identified by the Future Land Use Map.

Objective 3. Discourage development from locating on productive agricultural soils and other agricultural area when in conflict with efficient farming practices.

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Objective 4. Encourage the County and local governments to develop mutual agreements on preferred patterns of development, thereby enabling jurisdictions to operate with complementary growth policies.

Objective 5. Maintain a Future Land Use Map to graphically illustrate where the general areas for residential, commercial and industrial development within the unincorporated areas of Scott County may be appropriate and where areas are expected to be preserved for farmland, conservation or natural areas or recreation.

Objective 6. Review large scale industrial development opportunities by addressing such developments with separate policies. The purpose of these policies would be to establish guidelines in order to both take advantage of the significant economic benefits such developments would create for Scott County and the Quad Cities region. But also to address and minimize the significant environmental and public infrastructure impacts such developments also could be anticipated to create.

Land Use Policies

These objectives will be supported by specific land use policies. These policies will be used to evaluate land development decisions in Scott County and weigh whether changes are consistent with the vision, goals and objectives.

- Scott County recognizes and accepts that normal agricultural and environmental nuisances occur with rural living.
- While Scott County encourages development to locate within cities, the following are guidelines for reviewing proposed new development in the rural unincorporated area of the county:
 - in compliance with the adopted Future Land Use Map
 - on marginal or poor agricultural land
 - with access to adequately constructed paved roads
 - where public and/or private facilities and services are present or planned, including water, sanitary sewer systems, schools and parks; and in areas near existing employment centers and commercial areas, to discourage sprawling and unplanned scattered development
 - where it is least disruptive of existing agricultural activities
 - in areas of stable environmental resources
 - where it is sufficiently buffered from other less intensive land uses
 - where it can be shown that there is a recognized need for such development
 - where it can be developed in an efficient and compact manner
 - where the development will be supportive of energy conservation

Exception to address large scale industrial development opportunities

- While Scott County anticipates that the majority of new industrial development will locate within the cities or be reviewed under the above established guidelines. Scott County also recognizes that there are rare opportunities for large scale industrial

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development for which the size and scope of the projected positive economic impact on the Quad Cities region outweigh the benefit of preserving prime farm land on which such a development would locate. Such large scale industrial developments shall be reviewed under the following considerations:

- where it can be shown that there is a recognized need for such development to locate outside of city limits in unincorporated Scott County
 - when adequate site design and technical information has been submitted and reviewed to address and limit the impacts of the development on the adjacent and surrounding property
 - where there is adequate road and highway and/or rail to handle the existing and anticipated additional traffic such development would generate or the resources to upgrade those facilities to meet those needs
 - where there is adequate infrastructure for utilities to serve the needs of such a development or the resources to upgrade those facilities to meet those needs
 - where the economic benefits to the Quad Cities region due to the size of development, the type and number of jobs created, the amount of capital investment and other factors are deemed significant enough that the project merits approval under these guidelines.
 - While it is difficult to predict the nature and scope of such large scale industrial development, these policies are intended for such opportunities that would require a significant amount of land for both the development and buffer areas, the jobs created would be high quality, and the majority at or above 100% of the laborshed wage, the capital investment would result in a 2.5% or greater increase in the taxable value of industrial land in Scott County or any combination of one or more of these factors.
- Scott County does not intend for these considerations to be used to allow smaller scale commercial or industrial developments. Such developments would continue to be reviewed under the established guidelines for such land uses.

The County will take these general land use policies and apply more specific criteria as part of the land development review process. Refer to Chapter 10 Strategies for Implementation on these suggested revisions or clarifications.

Other Objectives in Scott County

Although the primary emphasis of this Comprehensive Plan is to guide how land will be utilized in Scott County, there are components of a comprehensive plan that address other aspects of county facilities and services in addition to land use. The following goals and objectives provide a framework for decision-making by Scott County officials for these other aspects of county governance.

Environmental Objectives

These objectives work to protect and conserve the natural, human and economic resources that are the basis for the County's physical setting.

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Objective 1. Discourage new development on soil types with severe constraints or over vulnerable geologic areas to protect water supplies and to ensure proper wastewater treatment. The development must also comply with sedimentation and soil erosion control regulations.

Objective 2. Encourage that all new developments be designed to create a minimum disturbance to natural drainage patterns, natural landscape, wildlife and habitat, vegetation, and the ability of the land to absorb rainfall and prevent erosion.

Objective 3. Ensure that all new developments address storm water retention capacity displaced by that development. Whenever possible, retention areas should be set aside for recreational use.

Objective 4. Develop risk assessment for vulnerable public facilities related to natural and man-made hazards and plan for reducing these potential unintentional and intentional risks.

Parks, Open Space and Conservation Area Objectives

Combining the second and third county goals, these objectives work to ensure that existing and future parks, open space and conservation areas and programming for these areas are meeting the needs of the residents and offer opportunities for visitors to the county.

Objective 1. Utilize the Conservation Board strategic plan to guide maintenance and development initiatives for County parks and conservation areas.

Objective 2. Encourage new trends in recreational and physical activity within the Scott County.

Objective 3. Encourage open space for active or passive recreation within residential subdivisions.

Objective 4. Work cooperatively with other jurisdictions on issues related to a countywide trail plan.

Transportation Objectives

To facilitate orderly and efficient growth, an effective and safe transportation network is needed. It should encourage a variety of modes of transportation to make possible the movement of goods and people.

Objective 1. Provide a clear traffic hierarchy of arterial, collector and minor streets to connect existing areas to new developments.

Objective 2. Maintain the existing roadways to ensure good condition and safety. Improve street system by upgrading existing roads in accordance with County Engineer Criteria.

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Other Facilities/Services Objectives

The following objectives serve goals three and four by addressing a suitable living environment and encouraging cooperation and communication with other jurisdictions that may provide infrastructure or services to new developments in unincorporated Scott County.

Objective 1. Ensure proper maintenance of existing county facilities.

Objective 2. Assure that the existing facilities and services are not burdened by new development.

Objective 3. Promote compliance of rural addressing standards for all rural residences to ensure that emergency service providers are able to locate homes in an efficient manner.

Objective 4. Collaborate with emergency service providers to establish standards regarding water supply and availability with which future developments must comply.

Administration Objectives

Operating county facilities and services in an accountable manner and encouraging positive public relations with residents and other organizations work to support all four county goals.

Objective 1. Maintain and review administrative, management and personnel capacity for effective support and implementation of county activities.

Objective 2. Prepare and maintain an annual budget that implements county operations in a cost effective manner.

Objective 3. Encourage public involvement in county activities and seek ways to involve residents in policy-making and decisions on land use, county facilities and services.

Objective 4. Pursue a variety of revenue sources and/or cooperative arrangements with other agencies/governments to offset expenditures including but not limited to grants, user and impact fees, tax increment financing, development rights transfers, joint purchasing, mutual aid or equipment use, etc. and examine ways to reduce costs and increase fund balances for county facilities and services.

Objective 5. Maintain communication with local, state and federal governments in Scott County through conversations, meetings, associations, memberships or other forums that promote cooperation and effective county operations.

Economic Development Objective

Objectives for economic development reinforce all four county goals to ensure orderly and efficient growth, protecting resources and assets, ensuring suitable living and encouraged cooperation and communication among development leaders.

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Objective 1. Promote a diverse regional economy and quality of life opportunities.

Objective 2. Enhance public-private partnerships to address economic development in the region.

Objective 3. Ensure appropriate infrastructure to support business retention and expansion.

Objective 4. Support programs that invest in the human capital through education, mental health and training opportunities.

Industrial Development Objective

These objectives for industrial development recognize the cooperative nature of attracting such development to the Quad Cities region. Scott County will continue its policies of preservation of prime land and encouraging development to occur within the established cities. Industrial development of significant size and economic impact in the unincorporated areas could be an exception to these guidelines and would be reviewed using the objectives established as separate and distinct land use policies for such industrial development.

Objective 1. Work in cooperation with other local governments and business attraction organizations to create and maintain a cultural and business climate in the Quad Cities region to retain and attract primary jobs and industries.

Objective 2. Periodically review the Future Land Use Map to identify areas in proximity to major highways and interstates that would be appropriate for industrial developments.

Objective 3. Amend Zoning Ordinance to establish a large scale industrial floating zone to allow for consideration of such development that would be reviewed under the land use guidelines for such large scale industrial developments.



6-1. TITLE

This Chapter of the Scott County Code shall be known as the Zoning Ordinance for Unincorporated Scott County.

6-2. SCOPE AND PURPOSE

Except as may be hereinafter specified, no land, building, structure, or premises, hereafter shall be used and no structure may be located, constructed, extended, converted, structurally altered or otherwise developed without full compliance with the terms of this Ordinance.

This Ordinance is hereby amended to carry out the objectives and policies of the Scott County Comprehensive Plan, 2008 with approved addendums and amendments, and Code of Iowa, Chapter 335 County Zoning, (2015). The more specific purposes of this Ordinance are to implement the Comprehensive Plan and to preserve the availability of agricultural land; to protect farming operations; to promote the protection of soil from wind and water erosion; to encourage sound economic development including the creation of employment opportunities and the growth of the County tax base; to encourage efficient urban development patterns; to promote energy conservation and the reasonable access to solar energy; to protect the health, safety, and the general welfare; to conserve property values and protect property rights; to conserve and protect our other natural resources; and to encourage the most appropriate use of land throughout the County.

6-3. INTERPRETATION OF STANDARDS

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Where this Ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules, regulations, or restrictive covenants, the provisions of this Ordinance shall control.

All provisions of this Zoning Ordinance are intended to comply the terms, regulations and restrictions of the Code of Iowa, Chapter 21 Open Meeting Law, (2015).

For the purposes of this Ordinance, certain terms and words are hereby defined in Section 6-5. Words used in the present tense shall include the future, the singular number shall include the plural, and the plural number includes the singular; the words "shall," "must," and "will" are mandatory, the word "may" is permissive; the word "person" includes an individual, firm association, organization, partnership, trust, company, or corporation; the words "used" or "occupied" include the words "intended," "designed," or "arranged" to be used or occupied."

6-4. FARM EXEMPTIONS

A. Except to the extent required to implement Sections 6.21 through 6-24 (Floodplain Regulations), no regulation adopted under the provisions of this Ordinance 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.

- (1) Agricultural buildings and land uses are not exempt from complying with any Federal, State, or local regulations concerning developing, depositing, or excavating in or on the designated Scott County Floodplain.



(2) It shall be the responsibility of any person or group claiming that certain property or buildings are entitled to exemption on the basis of this Section to demonstrate that the property and buildings are primarily adapted and used for agricultural purposes in accordance with the policies for determining such exemption established by the Scott County Comprehensive Plan.

B. A special exemption applies to certain matters regulated by the Iowa Utility Board. The exemption from complying with the ordinance applies to franchised electric transmission and gas/commodity pipe lines and associated structures and equipment. Exempted franchised utilities are urged to comply voluntarily with the zoning requirements and Scott County Land Use Policies. This exemption does not include communications towers for telephone, cellular, and cable television companies, and other public and private towers as referenced in Section 6-9 D.(1) herein below.

6-5 DEFINITIONS

1. **ACCESSORY BUILDING:** A structure which is secondary or subordinate to the principal building on the same lot or tract and used for a permitted accessory use.
2. **ACCESSORY PERMITTED USE:** An activity which is secondary or subordinate to the principal use on the same lot or tract and serving a purpose customarily incidental to the use of the principal building or use of land.
3. **ADULT:** As used in this Ordinance, refers to persons who have attained the age of at least eighteen (18) years.
4. **ADULT BOOKSTORE:** An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting or describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", (as defined below) or an establishment with a segment or section devoted to the sale or display of such material.
5. **ADULT MOTION PICTURE THEATER:** An enclosed building used predominately for presenting motion pictures, slides, or photographic reproductions distinguished or characterized by an emphasis on matters depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", (as defined herein) for observation by persons compensating the business therein.
6. **AGRICULTURE:** See Farming.
7. **BASEMENT:** A story having more than one-half (1/2) of its height below the average grade surrounding the building. A basement is not counted as a story for height regulation purposes. See also "lowest floor" definition for flood plain requirements.
8. **BED AND BREAKFAST HOME:** A private residence which provides lodging and meals for transient guests, in which the host or hostess resides and in which no more than four guest families are lodged at the same time and which, while it may advertise and accept reservations, does not hold itself out to the public to be a restaurant, hotel or motel, does not require reservations and serves food only to overnight guests and operates in compliance with applicable Iowa Code.



9. **BILLBOARD:** Any structure or portion of a building used for the display of advertising of a business or attraction which is not conducted on the premises upon which said billboard is located. Such off-premise advertising includes painted exterior walls with pictures, words, or logos and electronic message boards.
10. **BUILDING:** Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, or property, including mobile homes, but not including signs or billboards.
11. **BUILDING, HEIGHT OF:** The vertical distance from the average natural grade to the highest point of a flat roof, or the deck line of a mansard roof, or the average height of highest gable of a pitch or hip roof.
12. **BUILDING OFFICIAL:** The individual designated by the Board of Supervisors to review and inspect new construction and enforce the Scott County International Construction Codes.
13. **BULK STORAGE PLANT:** That portion of property where hazardous or flammable liquids or gases are received by pipeline, tank cars, or tank vehicles, and are stored in bulk above the ground for the purpose of distributing such liquids or gases, where the aggregate capacity of all storage on the property exceeds twelve thousand (12,000) gallons.
14. **BUSINESS OR COMMERCIAL:** When used in this Ordinance, the term refers to engaging in the purchase, sale, or exchange of goods or services, or the operation of offices, services, recreational or amusement enterprises.
15. **CELLAR:** A portion of a building below the lowest floor which is not used for habitation. It may be a crawl space or storage space, if it complies with the Scott County Construction Codes. A cellar is not counted as a story for height regulation purposes. See also "lowest floor" definition for flood plain requirements.
16. **CHANNEL:** A natural or artificial watercourse of perceptible extent, with a definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow is that water which is flowing within the limits of a defined channel.
17. **CLINICS:** A building or buildings used by any licensed professionals, such as physicians, lawyers, counselors, dentists, chiropractors, and other public or private professions for the care of persons requiring such professional service; this does not include veterinary or animal clinics.
18. **CORN SUITABILITY RATING (CSR):** The most current official index for ranking the productivity of soils and their suitability for row-crop production in Iowa. The CSR system rates soils from five (5) to one hundred (100), with one hundred (100) reserved for those soils a) located in areas of the most favorable weather conditions in Iowa, b) that have high yield potential, and c) that can be continuously row cropped. (A detailed description of the CSR system, including methodology and CSR estimates for various soil types, may be found in publications of the Agricultural Extension Service, Iowa State University.)
19. **DAY NURSERY, NURSERY SCHOOL, OR DAY CARE (PUBLIC):** Any agency, institution, establishment, or place which provides supplemental parental care and/or educational work, other than lodging overnight, for seven (7) or more children of pre-school age for compensation.



20. **DEVELOPMENT:** Any man-made change to alter the existing land use of a parcel of land including and not limited to the construction of buildings or structures, mining, dredging, filling, grading, excavation or paving.
21. **DIRECTOR:** A term referring to the individual designated by the Board of Supervisors as the Zoning Administrator of the Department of Planning and Development or his/her designee who has responsibility for County zoning administration. This term is intended to refer to the responsibilities of this position in addition to that of being the principal administrative official for this ordinance.
22. **DISTRICT:** An area or section of unincorporated Scott County within which the regulations governing the use of buildings and property or the height and area of buildings are uniform.
23. **DISTRICT, FLOATING:** A zoning district established over an existing district, in so doing superseding the regulations of the underlying district with those of the floating district. The specific use(s) for which the floating zone is established, along with a detailed site plan showing how the property will meet County development standards for that use or uses is required prior to establishment of the particular floating district.
24. **DISTRICT, OVERLAY:** A zoning district established over an existing district, in so doing leaving the regulations of the underlying district in place and adding the additional regulations of the overlay district. The General Floodplain Overlay District which is established in Special Flood Hazard Areas is an example of an overlay district.
25. **DRIVEWAY:** A private drive providing access for vehicles and pedestrians to the property and/or the principal building or use from the adjacent road or street.
26. **DWELLING UNIT:** Any building or portion thereof having one or more habitable rooms which are designed to be occupied by one family with facilities for living, sleeping, cooking, eating, and sanitation. The dwelling unit shall be constructed in compliance with the Scott County Construction Codes or the U.S. Department of Housing and Urban Development Code under authority of 42 U.S.C., Sec. 5403, Federal Manufactured Home Construction and Safety Standards, whichever is applicable. A dwelling unit shall have a floor area of at least 640 square feet, have a minimum width of 20 feet for at least 75% of its narrowest dimension, and be placed on permanent foundation, and be taxed as real property.
27. **DWELLING, SINGLE-FAMILY:** A building designed for or occupied exclusively for residence purposes by one (1) family. These may be "Detached" so that the dwelling unit is the only one within the structure or "Attached" where there are two, but no more than two, dwelling units within a single structure. With an Attached Single-Family Dwelling each unit is considered a separate building under the provisions of the Scott County International Construction Code, the two units are separated by a common wall and there is a lot line which follows that common wall and extends to define two separate lots. (See also 6-6 H. "Zero Lot Line".)
28. **DWELLING, TWO-FAMILY (DUPLEX):** A building designed for or occupied by two (2) families only, with separate exterior entrances, housekeeping, cooking and sanitation facilities for each dwelling.



29. DWELLING, TOWNHOUSE: A single family dwelling unit constructed in a row of three or more attached units in which each unit extends from the foundation to the roof and with a yard or public access on at least two sides.
30. DWELLING, MULTIPLE-FAMILY: A building or buildings with three (3) or more dwelling units, with separate housekeeping, cooking and sanitation facilities for each unit. Building may be under one (1) title owner, or a separate title of ownership for each dwelling unit.
31. EASEMENT: A grant of one or more of the property rights by the owner to, or for the use by, the public, adjacent property owner, a corporation, or another person or entity.
32. FAMILY: One (1) or more persons occupying a single dwelling unit, provided that unless all are related by blood, marriage, or adoption, no such family shall contain over five (5) persons.
33. FARM: A tract of land primarily adapted and used for agricultural purposes and assessed as agricultural property.
34. FARMING: The science or art of producing agricultural products which involves cultivating the soil and producing crops for food, fiber, fuel or consumer products, or the raising of livestock for food or other consumer products. Farming does not include residential gardening or keeping of livestock for recreational or hobby purposes (See definition of “livestock”, “kennel, commercial”, “kennel, private”, “stable, private”, and “stable, public”).
35. FARM BUILDING: An enclosed building or other structure primarily adapted and used for agricultural purposes located on a farm.
36. FARM HOUSE: A single-family residence located on a farm and occupied by a farmer.
37. FARMER: A person or persons actively engaged in farming or someone who is retired from farming when it relates to the land the farmer formerly farmed.
38. FARMSTEAD: The area of a farm containing a farm house(s) or an area that can be shown at one time to be the location of a farm house. The farmstead may also include farm buildings, other associated farm structures and adjacent service or yard areas along with any adjacent timber, shelter belts or pond areas of the farm.
39. FLOOD: A general and/or temporary rise in stream or river flow or flood stage that results in water overflowing its banks and inundating normally dry land areas adjacent to the channel, or from the unusual and rapid accumulation of runoff or surface waters from any source.
40. FLOOD ELEVATION: The elevation floodwaters would reach at a particular site during the occurrence of a specific flood.
41. FLOOD INSURANCE RATE MAP (F.I.R.M.): The official map prepared by the Federal Emergency Management Administration (FEMA) as a part of the Flood Insurance Study of a community, delineating both the special flood hazard areas and the risk premium zones applicable to such areas.
42. FLOOD INSURANCE STUDY: A study initiated, funded, and published by FEMA for the



purpose of evaluating in detail the existence and severity of flood hazards; providing the County with the necessary information for adopting a flood plain zoning ordinance; and establishing actuarial flood insurance rates.

43. **FLOOD PLAIN:** Any land area susceptible to being inundated by water as a result of a flood; also referred to as Special Flood Hazard Area (SFHA).
44. **FLOOD PLAIN MANAGEMENT:** The operation of an overall program of correction and preventive measures for reducing flood damage and promoting the wise use of floodplains, including but not limited to, emergency preparedness plans, flood control works, floodproofing, and floodplain management regulations.
45. **FLOODPROOFING:** Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, mechanical equipment, structures and their contents.
46. **FLOODWAY:** The channel of a river or other watercourse and the adjacent land areas, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not result in substantially higher flood levels and flow velocities.
47. **FLOODWAY FRINGE:** That area of the flood plain, outside of the floodway, that can be filled, leveled or otherwise obstructed without causing substantially higher flood levels or flow velocities.
48. **GARAGE, PRIVATE:** An enclosed structure intended for the parking of the private motor vehicles of the families residing upon the premises and accessory to the residence.
49. **GARAGE, PUBLIC:** Any commercial building on premises used for equipping, refueling, servicing, parking, repairing, selling, or storing motor-driven vehicles.
50. **GRADE:** The average level of the finished surface of the ground within five feet from the exterior walls of the building.
51. **GROUP HOUSING:** A building or place where lodging or boarding is provided for compensation or not; for five (5) or more individuals, but not open to transient guests as would be found in a motel/hotel. Normally associated with a charitable organization or government financed program to assist unique groups of people.
52. **HEALTH CARE FACILITY:** An establishment for provisions of care to persons suffering from illness, injury or disability and includes hospitals, custodial homes, nursing homes, convalescent homes, extended care facilities, and similar facilities.
53. **HEALTH CLUB:** A non-medical service establishment intended to maintain or improve the physical condition of paying customers and that has exercise and/or game equipment and facilities, steam baths, saunas, hot tubs, or similar equipment.
54. **HOME INDUSTRY:** An accessory use of a light industrial or commercial carried on entirely within the residence and/or an accessory building by a member of the family residing on the



premises where there is no evidence, excluding permitted signage, of such occupation being conducted on the premises by virtue of exterior displays or unscreened outdoor storage, excessive noises, obnoxious odors, electrical disturbances or a significant increase in vehicular activity. A home industry shall comply with restrictions of Section 6-6.V.

- 55. **HOME OCCUPATION:** An accessory use carried on entirely within the residence by a member of the family residing on the premises where there is no evidence, excluding permitted signage, of such occupation being conducted on the premises by virtue of exterior displays or unscreened outdoor storage, excessive noises, obnoxious odors, electrical disturbances or a significant increase in vehicular activity. A home occupation shall comply with restrictions of Section 6-6.V.
- 56. **HOTEL:** An establishment which is open to any number of transient guests that provides sleeping quarters and private baths, maid service, and other services and facilities to assist the traveling public. In some cases, it may provide long-term housing to the public.
- 57. **INDUSTRIAL:** When used in this Ordinance, term refers to a use engaged in the basic processing and manufacturing of material or products predominately from extracted or new materials, or a use engaged in the storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized significant environmental impacts. Also uses involving the salvage dismantling, recycling, or re-manufacturing of materials, equipment or vehicles. These uses may include sizable areas for operations and storage of materials outside of an enclosed building.
- 58. **INDUSTRIAL, LIGHT:** When used in this Ordinance, term refers to a use conducted primarily within enclosed buildings engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging and a use engaged in warehousing, distribution, wholesale trade, and catalogue sales.
- 59. **INSTITUTION:** A building or use occupied or run by a government agency, non-profit organization, or institution of higher learning to serve the social, educational, charitable, and/or religious needs of the public.
- 60. **JUNK OR SALVAGE YARD:** An industrial site where metals, plastics, wood, appliances, equipment or vehicles and other discarded or salvaged materials are bought, sold, exchanged, baled, stored, packed, dis-assembled, or sorted for profit or not for profit. Includes the dismantling or wrecking of vehicles, appliances, machinery, or equipment and the dismantling, sorting and resale of building materials salvaged from building sites.

The visible presence of two (2) or more junk vehicles on any subdivision lot in a residential zoning district or three (3) or more junk vehicles on any parcel of land in an agricultural zoning district shall constitute prima facie evidence of a junk yard and is a violation of this Ordinance.

- 61. **JUNK VEHICLE:** A motorized vehicle including autos, trucks, motorcycles, race cars, etc., which does not have a current IDOT registration or has one of two following conditions: parts have been removed for re-use, salvage, or sale or the vehicle has not or been incapable of operating under its own power for more than 30 days.
- 62. **KENNEL, COMMERCIAL:** Any establishment where four or more dogs, cats, or other animals normally allowed outdoors, six months or older, are kept for breeding boarding, grooming, selling,



or training services in return for a consideration.

63. **KENNEL, PRIVATE:** A non-commercial kennel at a private residence where four (4) or more dogs, cats, or both, are kept for the hobby of the householder, as opposed to a commercial kennel. The keeper of a hobby kennel may keep up to ten adult dogs or cats per year and may raise and sell not more than fifteen (15) offspring during any calendar year before being considered a commercial kennel.
64. **LIVESTOCK:** Cattle, horses, sheep, swine, poultry, or any other animal or fowl which are produced primarily for food, fiber or other commercial purposes.
65. **LOT:** A parcel of land at least sufficient in size to meet minimum zoning requirements for use, coverage, and area to provide such yards and other open space as are herein required. Such lot shall have legal access to a public or private street and may consist of:
 - (a) A single lot of record for which the contract of purchase or deed has been recorded in the Office of the Recorder of Scott County, Iowa prior to April 2, 1981;
 - (b) A parcel of land described by metes and bounds, if created and recorded in the Recorder's Office prior to July 1, 1990; or
 - (c) A parcel described with a Plat of Survey approved by the Zoning Administrator and recorded in the Recorder's Office; or
 - (d) A parcel described by a landowner and rented to an individual, family, or corporation for residential or recreational purposes (such as river camp lots or mobile home lots), provided documentation of the rental agreement and continuous occupancy since April 2, 1981 can be shown.If lots are combined or divided to form such a lot as described above, any residual lot or parcel created must meet the requirements of this Ordinance.
66. **LOT AREA:** Total horizontal area within lot lines.
67. **LOT, CORNER:** A lot abutting upon two (2) or more streets at their intersection.
68. **LOT DEPTH:** The mean horizontal distance between the front and rear lot lines.
69. **LOT, DOUBLE-FRONTAGE:** A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot. The yard opposite the direction the front of the house is facing may have accessory buildings and structures, but still must meet the front yard setbacks.
70. **LOT, INTERIOR:** A lot other than a corner lot or double frontage lot.
71. **LOT LINES:** The lines bounding a lot, including the adjacent road right-of-way or easement line along the frontage. The front lot line separates the lot from the street right of way or road easement on which the lot fronts. In the case of a corner or double frontage lot all lot lines adjacent to street right of way or road easement shall be considered front lot lines. The rear lot line is opposite and most distant from the front lot line. In the case of an irregularly shaped lot, the rear lot line shall be the imaginary line parallel to and most distant from the front lot line at the point where the lot width is not less than ten feet. In the case of a corner lot, the rear lot line would be one of the lines parallel to one of the front lot lines and designated when a building permit is issued. A side lot line is any lot line that is neither a front nor a rear lot line. (Also see definition of Yard, Front, Rear, Side.)



72. LOT WIDTH: The width of a lot measured at the building line and at right angles to its depth.
73. LOWEST FLOOR: The floor of the lowest enclosed area in a building except when the following criteria are met:
- (a) The enclosed area is designed to flood to equalize hydrostatic pressure during flood with walls or openings that satisfy the provisions of the "FF" District; and
 - (b) The enclosed area is unfinished (not carpeted, sheet rocked, or have other trim or interior finishes) and used solely for low damage potential uses such as building access, parking, and storage; and
 - (c) Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the 100-year flood level; and
 - (d) The enclosed area is not a "basement" as defined above.
- In cases where the lowest enclosed area satisfies criteria a, b, c, and d above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.
74. MASSAGE ESTABLISHMENT: Any establishment having a fixed place of business where massages are administered for any form of consideration or gratuity; including, but not limited to massage parlors, health clubs, sauna baths, and steam baths. Refer to Scott County Code Chapter 15 for details.
75. MANUFACTURED HOME: A factory-built structure, which is manufactured or constructed under the authority of 42 U.S.C., Sec. 5403 and is to be used as a place for human habitation as defined by a dwelling unit, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. Any factory-built structure used for human habitation which does not meet all the above requirements is considered a mobile home and shall be regulated as a mobile home.
76. MOBILE HOME: Any vehicle, not registered as a motor vehicle in Iowa, used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designated, constructed, or reconstructed, as will permit the vehicle to be used as a place for human habitation by one (1) or more persons. A mobile home is not a manufactured home unless it has been converted to comply with the requirements as a manufactured home.
77. MOBILE HOME PARK: Any site, lot, or tract of land upon which two (2) or more occupied mobile homes are located.
78. MOTEL: An establishment which is open to any number of transient guests that provides sleeping quarters and private baths, maid service, and other services and facilities to assist the traveling public. In some cases, it may provide long-term housing to the public.
79. NEW CONSTRUCTION: Those structures or development for which the start of construction began on or after June 1, 1977 -the effective date of the initial Flood Insurance Rate Map.
80. NON-CONFORMING USE: Any building or land lawfully used at the time of the effective date of this Ordinance which does not conform after the effective date of this Ordinance with the use



regulations of the District in which it is situated.

81. **ONE HUNDRED (100) YEAR FLOOD:** A flood which has the magnitude and statistical likelihood of occurring once every one hundred (100) years. There is a one in one hundred (1%) chance in any year for such a flood.
82. **PARKING SPACE:** A permanently surfaced area of not less than one hundred eighty (180) square feet plus necessary maneuvering space for the parking of a motorized vehicle. For handicapped parking, the space will not be less than required by State of Iowa Administrative Rules.
83. **PERMANENT FOUNDATION:** A site-built or site-assembled structure or system of stabilizing devices. It must be capable of transferring design dead loads and live loads required by Federal regulations and other design loads unique to local home sites, wind, seismic, soil, and water side conditions that may be imposed on the structure. The foundation shall be to a depth of not less than forty-two inches (42") below grade and constructed of materials approved by the adopted edition of the International Residential Code.
84. **PERMITTED USES:** Those uses expressly allowed, or permitted by right, in the zoning district(s) in which they are listed.
85. **PRINCIPAL USE:** The primary use of land or structure as distinguished from an accessory use.
86. **RIGHT-OF-WAY:** A type of easement reserved by a governmental agency giving it or the public the right to travel on, over, and under the area which is generally reserved for vehicular and pedestrian access to adjacent properties as well as the placement of public and private utilities and also including stormwater drainage.
87. **ROADSIDE STAND:** A temporary structure, unenclosed, and so designed and constructed that the structure is easily portable and can be readily moved. Used for the sale of farm products, primarily produced on the premises.
88. **SANITARY LANDFILL:** A site where solid wastes are disposed of by utilizing the principles of engineering to confine the solid waste to the smallest practical volume and to cover it with a layer of earth so that no nuisance or hazard to the public health is created.
89. **SEXUAL ACTIVITY ESTABLISHMENT (ADULT ENTERTAINMENT CENTER):** An establishment used for the display of live presentations distinguished or characterized by an emphasis on matter depicting or describing or relating to specified sexual activities or specified anatomical areas. Provided that the provisions of this section shall not apply to a theater, concert hall, art center, museum, or similar establishment, which is primarily devoted to the arts or theatrical performances, and which is not primarily devoted to presentations distinguished or characterized by an emphasis on matter depicting or describing or relating to specified sexual activities or specified anatomical areas.
90. **SIGN:** Any word(s), lettering, figures, emblems, pictures, trade names, or trademarks used by an individual, firm, or association, a corporation, a profession, a business, a service, a community, a church, or school and visible from any public street or right-of-way and designed to attract attention for commercial or non-profit purposes. This is not be to construed to include directional



signs erected or required by governmental bodies, legal notices, signs bearing only property numbers or names of occupants on premises.

91. **SPECIAL PERMITTED USES:** Those uses which, due to their unique character/nature and potential impacts upon surrounding properties, are subject to approval by the Zoning Board of Adjustment in the zoning district(s) in which they are listed.
92. **SPECIFIED SEXUAL ACTIVITIES:** As used in this Ordinance, defined as: (a) human genitals in a state of sexual stimulation or arousal; (b) acts of human masturbation, sexual intercourse or sodomy; (c) fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts.
93. **SPECIFIED ANATOMICAL AREAS:** As used in this Ordinance, defined as: (a) less than completely and opaquely covered (1) human genitals, pubic region; (2) buttocks; and (3) female breasts below a point immediately above the top of the areola; and (b) human male genitals in a discernible turgid state, even if completely and opaquely covered.
94. **STABLE, PRIVATE:** A building or structure with four (4) enclosed walls used or intended to be used for housing horses belonging to the owner of the property, only for non-commercial purposes.
95. **STABLE, PUBLIC:** A building or structure used or intended to be used for the housing only of horses on a fee basis. Riding instruction may be given in connection with the public stable.
96. **START OF NEW CONSTRUCTION:** Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, re-construction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on the site, such as the pouring of slab or footings, the installation of piers, the construction of columns, or any work beyond the stage of excavation, or the placement of a factory-built home on a foundation.
97. **STORY:** That portion of a building included between the surface of any floor and the surface of the floor above it, or, if there be no floor above it, then the space between the floor and the ceiling or roof next above it.
98. **STREET:** All land between right-of-way lines or road easement lines dedicated to a governmental unit or perpetually restricted to access. The definition includes the terms road, street, avenue, and highway, no matter how named, whether public or private, but does not include private driveways from a street to a house.
99. **STRUCTURAL ALTERATIONS:** Any replacement or change in the type of construction or in the supporting members of the building, such as bearing walls or partitions, columns, beams or girders, beyond ordinary repairs and maintenance.
100. **STRUCTURE:** Anything constructed or erected with a fixed location on the ground, attached to the ground, or which is attached to something having a permanent location on the ground, including, but not limited to buildings which require building permits, factory-built homes, billboards, or poster panels, storage tanks, or similar uses.

101. **SUBDIVISION:** The accumulative effect of dividing an original lot, tract, parcel of land or aliquot part, as of January 1, 1978, into three (3) or more lots (including the parent parcel) for the purpose of immediate or future sale, transfer or development purposes. The term includes a re-subdivision or re-platting. When appropriate to the context, the word may relate to the process of subdividing or the land subdivided.
102. **SUBSTANTIAL DAMAGE:** Flood damage sustained by a structure where the cost of restoring the structure to its prior condition would equal or exceed fifty (50) percent of the assessed value of the structure before the damage occurred.
103. **SUBSTANTIAL IMPROVEMENT:** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the assessed value of the structure before the improvement or repair is started. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration affects the external dimensions of the structure. The term does not include, however, any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe conditions for the existing use.
104. **TRAVEL TRAILER:** A recreational vehicle, with or without motive power, designed as a temporary dwelling, not exceeding eight (8) feet in width and forty (40) feet in length, exclusive of separate towing unit. Such vehicles are customarily and ordinarily used for travel or recreational purposes and not used for permanent habitation.
105. **TRAVEL TRAILER PARK (CAMP):** An area licensed and used or offered for use in whole or in part, with or without charge, for the parking of occupied travel trailers, pickup campers, converted buses, motor homes, tent trailers, tents, or similar devices used for temporary, portable housing. Unoccupied mobile homes, travel trailers, and similar devices may be stored in the Park, but only in an area marked for storage. No repair, maintenance, sales, or servicing of such devices are allowed in the Park.
106. **VEHICLE PARKING AND CIRCULATION AREAS:** The areas on a lot or parcel where motor vehicles of customers, employees, visitors or building occupants park on a day to day basis. This includes all areas where vehicles are permitted to park, load and unload and circulate from the adjacent street or road to the building(s) or facilities on the property including, marked parking stalls, access lanes and driveways. All such areas must meet the Iowa Statewide Urban Design and Specifications (SUDAS) Chapter 12, Parking Lots, Sections 1-6.
107. **VEHICLE STORAGE AREAS:** The areas on a lot or parcel which access is limited and controlled by fencing, gates or other means where vehicles, equipment and other materials are stored for extended periods of time. Such areas are not required to meet Iowa Statewide Urban Design and Specifications (SUDAS) Chapter 12, Parking Lots, Sections 1-6.
108. **YARD:** An open space on the same lot with a building, unoccupied and unobstructed by any portion of the structure from the ground upward, except as otherwise provided in this Ordinance. In measuring a yard for the purpose of determining the width, length, or depth, the least distance between the lot line and the nearest permitted building shall be used.
109. **YARD, FRONT:** A yard extending across the full width of the lot and measured between the platted street right-of-way line or roadway easement line and the principal building.



- 110. YARD, REAR: A yard extending across the full width of the lot and measured between the rear lot line and the building or any projections other than steps, unenclosed balconies, or unenclosed porches. On interior lots, the rear yard is opposite the front yard. On corner lots, the rear yard is designated at the time a building permit is issued and is one of the yards opposite one of the front yards (See definition of Lot Lines, Rear).
- 111. YARD, SIDE: A yard extending from the front yard to the rear yard and measured between the side lot lines and the nearest principal building.
- 112. ZONING ADMINISTRATOR: The individual assigned by the Board of Supervisors in accordance with Chapter 335, Iowa Code, with the sole responsibility to administer the Scott County Revised Zoning Ordinance in accordance with Chapter 6, County Code and Chapter 335, Iowa Code.

6-6. GENERAL REGULATIONS AND PROVISIONS

- A. Agricultural Soils Protection: In compliance with the Scott County Comprehensive Plan, it is the intent of this Ordinance that the "R-1", "R-2", "C-1", "C-2", and "I" Zoning Districts not be established through rezoning of an "A-P" District, and that the rezoning of an "A-P" District to "A-G", "A-CSF", or "I-F" only be established through the provisions of this Ordinance and in compliance with a preponderance of the adopted land use policies contained in the Scott County Comprehensive Plan.
 - (1) The "A-P" District was originally developed using the Land Use Policies in the 1980 Scott County Development Plan. The A-P District is intended to protect highly productive soils and agricultural operations. Scott County uses the most current edition of the Soil Survey of the County as compiled from the National Resources Conservation Services (NRCS) of the U.S. Department of Agriculture. The County Board of Supervisors has established a Corn Suitability Rating (CSR) of sixty (60) or greater as a weighted average per quarter section of land and the soil types listed as Prime Farmland in the Soil Survey of Scott County for protection from urban development, unless it meets a preponderance of other adopted land use policies.
 - (2) An application for rezoning of an "A-P" District will result in an in-depth study of the soils characteristics and CSR for the land in the application 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 comments to make a decision on the rezoning request.
- B. Splitting the Farmstead from Farm: When 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 at one time the location of a farm house and be no larger than necessary to include the typical farm buildings as well as any yard, timber or pond area. Once the Plat of Survey is recorded neither the new lot nor the remaining farmland may be subsequently platted into smaller lots in violation of the Zoning and/or Subdivision Ordinance. Further subdivision would require that the land first be rezoned to an appropriate zoning district for the proposed intended use.



- C. **Disincorporation and Severance:** Any additions to the unincorporated areas of the County resulting from the disincorporation of a municipality or a severance of a part of a municipality shall be automatically classified as an "A-G" Agricultural-General District until otherwise classified by the rezoning process.
- D. **Road or Public Way Vacation:** Whenever any road, street, or other public way is vacated by official action of the Board of Supervisors of Scott County, the Zoning District adjoining each side of such road or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.
- E. **Intensity of Use:** Any lot of record at the time of effective date of this Ordinance having less area, less lot width, or less setback spacing than herein required, may be used only for the purpose allowed by the zoning district, even though it does not meet the requirements of District area requirements. Such lots of record are granted small lot status and may have a minimum front yard setback of twenty-five (25) feet, a side yard setback of five (5) feet, and a minimum rear yard setback of ten (10) feet for the principal structure and five (5) feet for accessory structures.
- F. **Street Frontage Required:** Any lot or tract used for residential purposes shall have at least twenty (20) feet of frontage on a public road or private road designed for the proposed residential use.
- G. **Front Yard Building Line:** No portion of the principal building may extend into the front yard setback, except projections such as eave overhangs, steps, exterior balconies, and awnings. Porches and decks that are open and unenclosed may encroach into the front yard setback no more than twenty percent (20%) of the total setback distance. When fifty (50%) percent or more of lots with frontage on the same side of the road is improved with buildings that have observed a greater or lesser depth of front yard building line than specified in the district area regulations, then the front yard setback line may be the average of the two building setback lines previously established on either side of the lot in question. This regulation shall not be interpreted to require a front yard of more than one hundred (100) feet in any "R-1" or "R-2" District, nor more than seventy-five (75) feet in any "C-1", "C-2", or "I" District. When the street is curved, the building setback line shall be parallel to the curve of the street and setback the required distance.
- H. **Zero Lot Line:** In residential districts, single-family attached dwellings, two-family dwellings and townhouses may be sited on a lot line in such a manner that the lot line runs the entire length of the common wall separating the dwelling units. The front and rear yard setbacks shall be maintained, and the side yard for the end units shall conform to the district area regulations. In a "C-1" or "C-2" District, the building(s) may be sited on the side and/or rear yard lot line so long as the principal building is no closer than thirty-five (35) feet to a residential district or an adjoining residence lot line. Any new subdivision or resubdivision proposing the use of the zero lot line shall comply with the procedures of a site plan review by the Planning and Zoning Commission, as described in Section 6-29.
- I. **Height allowances for certain structures and appurtenances:** Public buildings, hospitals, institutions, or schools, when permitted in a District, may be erected to a height not exceeding sixty (60) feet, and churches may be erected to a height not exceeding eighty (80) feet if the building is set back from each yard line at least one (1) foot for each foot of additional height above the height limit otherwise provided in the District in which the building is located.

The height of communication towers shall be reviewed and approved in conjunction with the Special Use Permit and approved using the criteria established in Section 6-30. The height of all structures and appurtenances for any development in the I or I-F zoning districts will be reviewed and approved at the time the zoning district is established in accordance with the applicable regulations.

- J. **Bulk and Solar Access:** The area, setback, and height requirements of the district regulations are not to be construed to allow a building or structure on a lot or tract to block the access to the sky and sun on adjoining property. Each residential property shall have sufficient solar access to meet at least half of the energy requirements of the principal building, structure, or use.
- K. **Grading Plans Required:** Prior to disturbing more than one acre of land for non-agricultural purposes, the owner/contractor shall submit grading plans and obtain approval of a Grading Permit. Such purposes include grading land to prepare land for future non-agricultural uses; clearing trees, bushes, and ground cover from conservation and rough lands; constructing roads for future areas of development; preparing a site for a pond (not for agricultural purposes); and any other non-agricultural development. The grading plan must be designed to keep annual soil loss to less than five (5) tons per acre and retain eighty percent (80%) of the sediment on-site. The plan must be submitted to and receive approval from the Department of Planning and Development with the technical advice of the Natural Resources Conservation Service. If no plan is received prior to disturbing the land, it will be treated as a zoning violation. The owner/contractor shall have seven (7) days to comply when notified of the violation. The applicant must also receive approval of the Iowa Department of Natural Resources Stormwater Discharge Permit prior to commencing any disturbance of greater than one acre. A copy of the State permit and plan must be filed with the Department of Planning and Development. Extraction operations are exempt from these regulations, but must comply with State Administrative rules.
- L. **Construction Permits to Comply with Zoning District Regulations:** Prior to approval of any construction permit application in unincorporated Scott County, such application shall be reviewed for compliance with all applicable requirements of the Zoning Ordinance.
- M. **Buildings Moved onto Property:** Prior to transporting a building having a size in excess of 120 square feet onto a lot or tract of land, the property owner or contractor must obtain a building permit. After the building arrives on the property, the building permit holder must place the building on a permanent approved foundation within sixty (60) days, in accordance with the Scott County Construction Codes.
- N. **One Principal Building to a Lot:** Every building hereafter erected or structurally altered shall be located on a lot, as defined herein, and in no case shall there be more than one (1) single-family residence or duplex on a single lot or tract of land except under the following conditions:
- (1) An approved temporary mobile home on a farmstead or residential lot may be located on the same lot as the primary residence.
 - (2) A subordinate residence approved with a Special Use Permit or a second residence with an approved farmstead split created with a Plat of Survey.
 - (3) More than one (1) industrial, commercial, multi-family dwelling or institutional principal building may be erected on a single lot or tract, but all such buildings must be located in compliance with the setback requirements of the applicable district regulations.

- O. **Mobile Homes and Travel Trailers:** Mobile Homes are only allowed in approved Mobile Home Parks, established through the provisions in Section 6-25; or under the provisions for legal temporary location outside of an approved Park, as provided for in Section 6-25.H.(15). Travel Trailers are only allowed in approved Travel Trailer Parks, established through the provisions in Section 6-26; as well as on a limited basis in approved Mobile Home Parks, as established through the provisions in Section 6-25. Under no other circumstances is a travel trailer to be used for occupancy or residence purposes when located outside of an approved Mobile Home or Travel Trailer Park unless a temporary mobile home permit has been approved for that particular location.
- P. **Basement or Cellar:** A basement or cellar shall not be used for business or dwelling purposes unless it complies with the egress, ventilation, lighting and other applicable requirements of the Scott County Construction Codes.
- Q. **Subdivision Required:** Any unplatted tract of land recorded as of January 1, 1978 that is repeatedly or simultaneously subdivided into three (3) or more parts shall have the plat of such subdivision approved by the Board of Supervisors as provided in the Scott County Subdivision Ordinance.
- R. **Water Supply and Sewage Disposal:** Every residence, business, trade, or industry hereafter established, shall provide water supply and sewage disposal facilities which conform with the administrative rules of the Iowa Department of Health, the Well and Sewage Regulations of the Scott County Board of Health, and the Subdivision Ordinance.
- S. **Visual Clearance:** In all Districts, no fence, hedge, vegetation, wall, sign, earth, or other obstruction shall be permitted which obstructs the clear view of approaching vehicles between three-and-one-half (3½') feet and fifteen (15') feet above the traveled portion of a public or private roadway or street. In subdivisions, the visual clearance shall be determined by the area within a triangle formed by the center of the intersection or the axis point of a road bend in excess of seventy (70) degrees and points one hundred (100) feet from the center of the intersection where measured along the centerlines of the road. The triangle for County roads, intersections, or road bends (arterials, collectors, local), which have adjacent residences, shall be from the center of the intersection or axis point one hundred fifty (150) feet along the centerlines of the intersecting roads, except those areas which have been obtained by the Secondary Roads Department for a clear vision area.
- T. **Fences and Walls:** Fences and walls will only be allowed which do not obstruct traffic visibility. Any non-farm fence or wall exceeding six feet in height shall obtain a building permit. Fences are prohibited in a road right-of-way. No fence may be constructed which obstructs the visibility of adjacent driveways, streets or road intersections. Any proposed fence which exceeds the height limits identified below shall be reviewed in accordance with the provisions and criteria for a Special Use permit established in Section 6-30
- (1) In an "A-P", "A-G", "R-1", CAD-R, or "R-2" District, fences and walls are permitted within the limits of the side and rear yards to a maximum of six (6) feet in height. In a front yard a fence not exceeding three-and-one-half (3½) feet in height is permitted, unless it obstructs the visibility clearances of any adjacent driveway or street. .
 - (2) In a "A-CSF", "CAD-PVC", "C-1", "C-2", "I", or "I-F" District, fences and walls are permitted within the limits of the side and rear yards to a maximum height of ten (10) feet.



In a front yard a fence not exceeding three-and-one-half (3½) feet in height is permitted, unless it obstructs the visibility clearances of any adjacent driveway or street. In new developments, solid material fences will be constructed to surround outside storage of parts, supplies, refuse, and the like. No fences may be constructed which obstruct the visibility of road intersections

- (3) In all cases, fences shall be constructed with the best side facing the neighboring land user. Best side is generally intended to mean paneling or other coverage of the fence framing members. Such coverage which occurs at a minimum on one-half of the side facing the neighboring property owner shall be considered in compliance with this "best side" requirement.
- (4) Any exterior swimming pool with a design capacity of more than 5,000 gallons and a depth of greater than eighteen (18) inches shall obtain a building permit and have a continuous barrier, wall or fence of at least four (4) feet in height. All gates shall have an interior self-closing latch.

U. Accessory Buildings: Unless specified elsewhere in the Ordinance, these regulations shall apply to all accessory buildings in all zoning districts. Any accessory building shall meet the standards for permitted accessory uses for zoning district in which it lies, in addition to complying with the provisions of this Section.

- (1) Any accessory building shall be located in a side or rear yard, and meet the setback requirements listed in the applicable district regulations. An accessory building(s) may be located in a front yard in cases where the accessory building meets or exceeds the minimum required front yard setback for principal buildings on the property. The provision allowing accessory buildings in front yards shall also apply to corner and double frontage lots with multiple front yards.
 - (a) Corner Lots: The above provision applies to corner lots – an accessory building may be allowed in any defined front yard of a corner lot so long as it meets or exceeds the required front yard setback for the principal building on the lot.
 - (b) Double Frontage Lots: As defined, a double frontage lot may have an accessory building(s) in the front yard as long as it meets or exceeds the required front yard setback for the principal building on the lot.
- (2) Setback Requirements: The minimum required side and rear yard setback distance for accessory buildings shall be equal to the minimum required side yard setback for the principal building, structure, or use. For any lot of record or lot having less area, lot width or other required area dimensions, or less setback spacing than herein required at the time of effective date of this Ordinance, the minimum required rear and side yard setback distance for accessory buildings shall be no less than (5) feet.
- (3) Area Coverage Restrictions: In complying with the accessory building regulations of this Section and Ordinance, no accessory building(s) or structure(s) shall occupy more than twenty percent (20%) of a property's total rear yard area.
- (4) Additional Accessory Building Regulations:
 - (a) Mobile homes may not be classified or used as accessory buildings.
 - (b) No accessory building may contain or be used as a dwelling unit unless a second

residence is approved with a Special Use Permit or a second residence is created with farmstead split by an approved Plat of Survey.

- (c) Satellite antennas exceeding three (3) feet in diameter require a building permit. In residentially zoned areas (R-1, R-2, and CAD-R), satellite antennas of any size may not be located in a front yard, may not exceed the height of the peak of the house unless the building inspector determines there is no alternative, and limited to one (1) per lot or tract. Existing satellite antennas, as of the adoption date of this amendment, are exempted from this restriction.
- (d) An accessory building may be built on the adjoining subdivision lot or tract, if both parcels are owned by the same individual, family, or firm, and the owner signs and records a "Restrictive Covenant and Agreement Not to Sever" in cooperation with the Department of Planning and Development.
- (e) Any exterior swimming pool with a design capacity of greater than 5,000 gallons and a depth of greater than eighteen (18) inches shall be considered an accessory building and meet setback requirements.

V. Home Occupations and Home Industries: In A-P, A-G, R-1, R-2 and CAD-R home based businesses are permitted as an accessory use. Home Occupations and Home Industries as defined in Section 6-5 are allowed if in compliance with the following procedures and restrictions and other provisions of the regulations of the District in which such home based businesses are located. Proposed Home Occupations and Home Industries that exceed these conditions and restrictions shall be reviewed and may be approved in accordance with the provisions and criteria for a Special Use permit established in Section 6-30.

- (1) The home business person shall apply in writing to the Zoning Administrator for approval of his/her home occupation or industry. The applicant shall provide information showing how the proposed business will comply with all of the restrictions stated within this subsection. If the application complies with the restrictions of this subsection, the Zoning Administrator will confirm the approval in writing to the applicant. For a home industry, the Zoning Administrator will also notify in writing landowners within 500 feet of the business facility of the approved home industry.
- (2) The intent of these regulations is to allow businesses if they do not conflict or distract from adjacent landowners' use of their land or cause unnecessary damage to public roads. Therefore, the home occupation or home industry must be conducted entirely within the home if it is a home occupation or the home and/or accessory building if it is a home industry, so there is no evidence, apart from permitted signage, of such business being conducted on the premises due to visible storage of materials, excessive noise, obnoxious odors, electrical disturbances, or considerable increase in vehicular traffic. Home industries are allowed in "A-P" and "A-G" and may include assembly, processing, fabrication, sale and repair of cars, light trucks, agriculture equipment and household appliances, warehousing and distribution, lawn service, contractors' equipment storage, and sales of products prepared on site. All hazardous wastes, by-products, and emissions must be stored and/or disposed of in conformance with Federal, State, and local regulations. The home industry facility must be located more than 500 feet from the nearest neighbor's residence, business or farming operation. Junk material and unassembled parts and



equipment may be stored in the rear yard of a home industry if it is entirely enclosed with solid fence material, no larger than 1000 square feet in area, and not visible from adjoining properties or roads.

- (3) The business shall provide no more than four (4) designated, yet inconspicuous parking spaces on the premises outside the road right-of-way. An application may be denied if the type of vehicular traffic using the County or private roads leading to the site will cause increased dust problems or damage to the road(s), as determined by the County Engineer and the Zoning Administrator.
- (4) One advertising sign is permitted on the premises with the following requirements. The sign shall be:
 - (a) Not larger than six (6) square feet in area for each sign face; and
 - (b) Placed flat against any one side of the building; or
 - (c) Posted within ten (10) feet of the building; or
 - (d) Posted no closer than fifty (50) feet from the road right-of-way if the building is located behind the fifty (50) foot building setback line; and
 - (e) Not illuminated.
- (5) For home occupations, no more than one (1) non-resident employee is allowed. For home industries, the limit shall be four (4) non-resident employees, whether full or part-time. In addition, only four (4) employee vehicles are allowed on the site at one time and all on-site work must occur inside the home or accessory building(s).
- (6) No more than twenty-five percent (25%) of the floor area of the residence may be devoted to the business in the home. For a home industry, no more than 2,400 square feet of accessory building may be devoted to the business.

6-7 NON-CONFORMING USES

General Intent: Within the districts established by this Ordinance or amendments that may later be adopted, there may exist lots, structures and uses of land and structures which were lawful before this Ordinance was passed or amended but which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendments. It is the intent of this Ordinance to allow nonconforming uses to continue until their normal expiration, but subject to the nonconforming performance standards, also to encourage their removal.

- A. A nonconforming use of land, a nonconforming use of a structure, or a nonconforming use of land and a structure in combination shall not be extended or enlarged after the date of the passage of this Ordinance, except for single family dwellings. A non-conforming use may continue so long as it remains otherwise lawful, subject to the following provisions:
 - (1) No such nonconforming use, except single family dwellings, shall be enlarged nor increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
 - (2) No such nonconforming use, except single family dwellings, shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use.



- (3) If any such nonconforming use of land ceases for any reason for a period of more than one (1) year, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
 - (4) No existing nonconforming use of a structure devoted to a use not permitted by this Ordinance in the District in which it is located, except a single-family residence, may be enlarged, extended, re-constructed, structurally altered, or re-established except in changing the use of the structure to a use permitted in the District in which it is located.
 - (a) The exception for single-family dwellings includes such dwellings located on farmstead parcels in agricultural zoning districts.
 - (b) The exception for single-family dwellings allows for the enlargement, extension, re-construction, alteration, and re-establishment of the use, but does not exempt any such structures from Section 6-7.B (following) regarding any nonconformity in physical location of such structures on a lot.
- B. A nonconforming structure, by reason of restrictions on setbacks, area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, shall not be extended or enlarged, except as herein provided, after the date of the passage of this Ordinance. Such structure may be continued for as long as it remains otherwise lawful, subject to the following provisions:
- (1) No such structure may be enlarged, altered, or moved in a way that increases its nonconformity.
 - (2) Should such structure be destroyed by any means to an extent of more than fifty percent (50%) of its assessed value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
 - (3) Nothing in this Ordinance shall prohibit the maintenance and repair of nonconforming structures to keep such a structure in sound and safe condition, provided that no structural enlargement, extension, alteration or change shall be made to increase the degree of nonconformity, and so long as the cost of the cumulative improvements of any such maintenance and repairs do not exceed fifty percent (50%) of the structure's assessed value.
- C. Nonconforming Lots of Record
- (1) In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership.
 - (2) If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the land involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or sold which does



not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot width or area below the requirements stated in this Ordinance.

6-8. ESTABLISHMENT OF DISTRICTS AND DISTRICT BOUNDARIES

A. Establishment of Districts: In order to carry out the purpose and intent of this Ordinance and the Comprehensive Plan, the unincorporated area of Scott County, Iowa is hereby divided into Zoning District classifications, which supersede all earlier versions of the Official Zoning Map and established districts:

- "A-P" Agricultural-Preservation District
- "A-G" Agricultural-General District
- "ACS-F" Agriculture Commercial Service Floating District
- "R-1" Single-Family Residential District
- "R-2" Multi-Family Residential District
- "CAD-R" Community Area Development Residential District
- "CAD-PVC" Community Area Development Park View Commercial District
- "C-1" Neighborhood Commercial District
- "C-2" Commercial and Light Industrial District
- "I" Industrial District
- "I-F" Industrial Floating District
- "SW-F" Solid Waste Disposal Site Floating District
- "FW" Floodway Overlay District
- "FF" Floodway Fringe Overlay District
- "GF" General Floodplain Overlay District

B. District Boundaries and Official Zoning Map: With the exception of the Flood Plain Overlay Districts, the boundaries of these Districts are indicated upon the Official Zoning Map of Scott County, Iowa; which map is made a part of this Ordinance by reference. The Official Zoning Map of Scott County, Iowa, and all the notations, references and other matters shown thereon shall be as much a part of this Ordinance as if the notations, references, and other matters set forth by said map were all fully described herein. The Official Zoning Map is known as the Digital Official Zoning Map, and shall be kept in the Scott County Information Technology database. The Map and amendments to it are kept current and on file in the office of the Scott County Zoning Administrator.

If in accordance with the provisions of this Ordinance, changes are made in the district boundaries or other matters portrayed on the Official Zoning Map, the ordinance number and date shall be recorded by the Zoning Administrator.

C. Interpretation of District Boundaries: In cases where the exact location of a district boundary (other than a Flood Plain Overlay District) is unclear as shown on the Official Zoning Map in the office of the Zoning Administrator, the boundaries indicated as approximately following streets and highways shall be construed to follow such center line; that boundaries indicated as approximately following platted lot lines or city limit boundaries; that boundaries indicated as following the center lines of rivers, streams, and creeks shall be construed to follow such center lines; that boundaries indicated as following railroad lines shall be construed to be midway between the main tracks, and that boundaries indicated as following section lines, quarter-section lines, or quarter-quarter section lines shall be construed as following such lines. Distances not



specifically indicated on the Official Zoning Map shall be determined by scaling the distance on the Map.

- D. Flood Plain Overlay Map: The boundaries of the flood plain overlay districts shall be the same as shown on the Flood Insurance Rate Maps, which were issued by the Federal Emergency Management Agency. The Flood Insurance Rate Maps (FIRM) for Scott County and Incorporated Areas, dated February 18, 2011, which were prepared as part of the Scott County Flood Insurance Study, are hereby adopted by reference and declared to be the Official Flood Plain Zoning Map for unincorporated Scott County. The flood profiles and all explanatory material contained with the Flood Insurance Study are declared to be part of this ordinance. These maps are hereby adopted by reference as the Official Flood Identification Maps, together with the accompanying Flood Insurance Study and all explanatory material therein. These maps shall have the same force and effect as if they were all fully set forth or described herein. Subsequent amendments to these maps and Flood Insurance Study shall be adopted through the procedures established herein.

The flood plain overlay districts shall include the corresponding designated areas identified on the Flood Boundary and Floodway Map as indicated below:

- "FW" The designated Floodway on Flood Boundary and Floodway Map.
- "FF" The designated Floodway Fringe on Flood Boundary and Floodway Map.
- "GF" The areas shown on Flood Boundary and Floodway Map as being within the approximate 100-year flood boundary, but for which the floodway and floodway fringe and base flood elevation were not determined by the Flood Insurance Study. The maps are available for review in the office of the Scott County Department of Planning and Development.

- E. Interpretation of Flood Plain Map Boundaries: The boundaries of the Floodway (FW), Floodway Fringe (FF), and General Flood Plain (GF) Overlay Districts shall be determined by scaling distances on the Official Flood Identification Maps.

Where interpretation is needed to determine the exact location of the boundaries of the districts as shown on the maps, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Zoning Administrator shall make the necessary interpretation. The regulatory flood elevation for the point in question, as reported in the Flood Insurance Study, shall be the governing factor in locating the district boundary on the land. Any person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board of Adjustment, as provided in Section 6-30, and to submit his own technical evidence if he/she so desires. Any person contesting the regulatory flood elevation data in the Flood Insurance Study shall submit technical evidence to the Iowa Department of Natural Resources for review. The findings of the Iowa Department of Natural Resources shall be the final determination as to the regulatory flood protection elevation for that location.

ZONING DISTRICT REGULATIONS

6-9."A-P" AGRICULTURAL-PRESERVATION DISTRICT

- A. General Intent: The "A-P" Agricultural-Preservation District is intended and designed to protect agricultural operations and preserve agricultural land from encroachment of urban development. This District is not intended for residential uses or rural subdivisions, except as provided through a valid farmstead split; nor for commercial or industrial uses, except as provided through the



provision for overlay districts.

B. Principal Permitted Uses:

- (1) Farms, farming, and farmhouses as defined in Section 6-5 Definitions. Generally farms, farm buildings, and farm houses, which are primarily adapted for agricultural purposes, are exempt from county zoning regulations (See Section 6-4 Farm Exemptions).
- (2) Horticultural operations, including sod farms, tree nurseries, and wholesale plant nurseries.
- (3) Public and private parks, forests, wildlife preserves, and conservation areas.
- (4) Private horse stables providing that any such structure built to accommodate horses must be located in a side or rear yard if there is also a principal residence on the property.
- (5) Franchised electric transmission and gas/commodity pipe lines and associated structures and equipment, including substations. All structures of the utilities which exceed 35 feet shall be located where disruption of agricultural, residential or commercial activity is minimized. The base of towers shall be located at least the distance of the height of the tower from any existing, and adjacent neighboring structure(s).
- (6) Single-family homes on platted lots in existing subdivisions and auditor's plats, or on parcels of less than fifteen (15) acres in size, any of which have been recorded in the Scott County Recorder's Office, as of April 2, 1981, or a valid farmstead split from the surrounding farmland under the provisions of Section 6-6.B. Splitting the Farmstead from Farm.

C. Accessory Permitted Uses:

- (1) Accessory uses customarily incidental to any principal use within this District. Only one commercial vehicle may be parked and/or stored on the property unless it is used in conjunction with an approved home business. Accessory uses not permitted include, but are not limited to, the following uses: the visible accumulation of domestic junk such as vehicular parts, tires, trailers, or salvaged building materials, broken or junk appliances, and other sorts of junk, salvage or debris covering more than 200 square feet of area (cumulative for individual properties). In staying within the allowable 200 square feet, no individual junk, salvage, or debris pile shall exceed six (6) feet in height. Two (2) or more junk vehicles on subdivision lots or three (3) or more junk vehicles on farmstead parcels shall also be a prohibited accessory use (See Section 6-5.61. Junk Vehicle). Any accessory commercial use which is not approved as a home business as outlined in Section 6-6.V. is not permitted.
- (2) Home occupations and home industries in compliance with the requirement of Section 6-6.V.
- (3) Roadside stands offering for sale primarily products grown on the premises. Such stands shall be removed during any season or period when they are not being used.
- (4) Private kennel.

- (5) Small wind generators with rated capacity of not more than 100 kilowatts and associated structures and equipment with the following restrictions:
 - (a) 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;
 - (b) The maximum height of the wind turbine generator shall be 80 feet;
 - (c) The ground clearance for the rotors or blades shall be no less than fifteen (15) feet or one-third (1/3) the height of the tower whichever is greater;
 - (d) The maximum noise level produced by the wind generator shall be no more than 50 decibels as measured at the property line.
 - (e) The wind turbine shall not cause vibration perceptible beyond the property on which it is located nor interfere with television, microwave, navigational or radio transmission;
 - (f) The wind turbine shall be constructed in accordance with plans prepared and stamped by registered professional engineer.

D. Special Permitted Uses: The following special uses may be permitted upon review by the Board of Adjustment in accordance with the provisions contained in Section 6-30.

- (1) Communication towers and antennas, with the Board of Adjustment considering the following:
 - (a) Any equipment cabinet or building shall be adequately screened from nearby residential uses;
 - (b) Co-location shall be preferred over new tower construction;
 - (c) The tower shall be removed when the use of the tower has ceased for one (1) year or greater.
 - (d) When the party establishing the use does not own the property on which it is to be constructed or installed, the applicant shall provide a signed lease agreement, which shall include provisions for decommissioning and removal of the tower and equipment at the end of the lease term or when the tower is no longer in use;
 - (e) The applicant shall provide documentation of compliance with any applicable regulations of the National Environmental Policy Act (NEPA), National Historic Preservation Act (NHPA), and/or the Federal Aviation Administration (FAA).
- (2) Sites for music events, sports events, commercial exhibitions and carnivals lasting no more than three continuous days per event and no more than six events per year.
- (3) County or municipal facilities.
- (4) Temporary asphalt and concrete mixing plants, where applicant can show that the plant will be temporary, will be completely removed when operations cease, will serve a clear public need, and will not disturb the adjoining property owners.
- (5) Extraction, primary material processing and removal of coal, stone, gravel, sand, clay, topsoil, or ores on more than two (2) acres of land. Such mining or extraction shall be in compliance with Chapter 208, 2015 Code of Iowa, if applicable. The Board of Adjustment will look to determine how the operation will minimize fugitive dust, protect hazardous areas from neighborhood children, protect farm ground with a CSR above 68 for future



agricultural production, and locate only where County roads are adequate to handle the increased truck traffic. The applicant will submit a soil erosion control plan. Additional restrictions may apply if a permanent body of water is created. If the extraction of materials other than topsoil does not create a permanent water body, topsoil shall be stockpiled and returned to reclaim the land for future crop production once the operation ceases for more than one (1) year. Primary material processing shall not take place closer than 1,000 feet from an existing residential district or neighboring residence. Secondary material processing where raw material is sorted, graded, or mixed to make a commercial product is only allowed in an "I" Industrial District.

- (6) Public stables where the building and exercise yard is at least five hundred (500) feet from the closest neighboring residence or residential zoning district.
- (7) Bed and breakfast homes.
- (8) Education facilities (public and private schools) on less than five (5) acres of land.
- (9) Solid waste transfer station provided the operation occurs on less than five (5) acres, is screened from the public, and is operated in conjunction with the Scott Area Solid Waste Management Commission.
- (10) Private, non-commercial airstrips and helicopter landing zones, provided there are no obstructions to flight, the airstrip is no longer than 2,000 feet, and the use is compatible to neighboring land uses.
- (11) One attached or detached dwelling unit subordinate to the existing dwelling unit, provided that the new dwelling unit meets all building and fire codes and zoning area and setback requirements, that there is unobstructed access to the new dwelling unit for emergency vehicles, and that the County Health Department approves the sewage and water systems.
- (12) Commercial kennels and veterinary businesses but not nearer than five hundred (500) feet from any zoned residential district, incorporated boundary line or dwelling other than the lessee or owner of the site.
- (13) Home occupations and home industries that exceed the requirement of Section 6-6.V. and reviewed under the procedures and criteria of Section 6-30.C. (2)
- (14) Large wind generators with rated capacity of more than 100 kilowatts and associated structures and equipment with the following restrictions:
 - (a) 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.
 - (b) The maximum height of the wind turbine generator shall be 199 feet;
 - (c) The ground clearance for the rotors or blades shall be no less than 25 feet or 1/3 the height of the tower whichever is greater
 - (d) The maximum noise level produced by the wind generator shall be no more than 50 decibels as measured at the property line.
 - (e) The wind turbine shall not cause vibration perceptible beyond the property on which it is located nor interfere with television, microwave, navigational or radio



- transmission;
- (f) Shall be constructed in accordance with plans prepared and stamped by a registered professional engineer.

E. Minimum Lot Area, Lot Width, Setback, & Maximum Height Requirements

Principal Building

Lot Area	Lot Width	Front Yard	Side yard	Rear Yard	Max Stories	Max Height
30,000 sq ft	100 ft	50 ft	10 ft	40 ft	2½	35 ft

Accessory Buildings

Lot Area	Lot Width	Front Yard	Side yard	Rear Yard	Max Stories	Max Height
N/A	N/A	50 ft	10 ft	10 ft	2	35 ft

6-10. "A-G" AGRICULTURAL-GENERAL DISTRICT

A. General Intent: The "A-G" Agricultural-General District is intended to act as a holding zone to protect agricultural operations and preserve agricultural land until a compatible development proposal is approved through special use permits or rezoning. This District is not intended for residential uses or rural subdivisions, except as provided through a valid farmstead split. This District does allow for a limited number of public and private uses, such as churches and schools, as permitted uses. It also allows some commercial or industrial uses as provided through the provision for overlay districts.

B. Principal Permitted Uses:

- (1) Any use permitted in the "A-P" Agricultural-Preservation District.
- (2) Religious, charitable, philanthropic facilities including churches or other places of worship, parish houses, Sunday school buildings and bulletin boards.
- (3) Cemeteries.
- (4) Parks, playgrounds, golf courses, both public and private, recreational facilities for private, non-profit service organizations including, but not limited to, Boy and Girl Scout Camps and church camps.
- (5) Schools, both public and private educational institutions; preschool and day care facilities operating no more than 6 A.M. to 8 P.M. daily; providing that a single-family dwelling also may be co-located for use by the landowner or custodian.
- (6) Governmental buildings and facilities.

C. Accessory Permitted Uses:

- (1) Accessory uses customarily incidental to any principal use within this District, and also including any accessory uses permitted in an "A-P" District using the same restrictions.



D. Special Permitted Uses: The following special uses may be permitted in the "A-G" District upon review by the Board of Adjustment in accordance with the provisions contained in Section 6-30.

- (1) Any special use permitted in an "A-P" District.
- (2) Travel Trailer Parks established in accordance with Section 6-26.

E. Minimum Lot Area, Lot Width, Setback, & Maximum Height Requirements

Principal Building

Lot Area	Lot Width	Front Yard	Side yard	Rear Yard	Max Stories	Max Height
30,000 sq ft	100 ft	50 ft	10 ft	40 ft	2½	35 ft

Accessory Buildings

Lot Area	Lot Width	Front Yard	Side yard	Rear Yard	Max Stories	Max Height
N/A	N/A	50 ft	10 ft	10 ft	2	35 ft

6-11. "ACS-F" AGRICULTURAL COMMERCIAL SERVICE FLOATING DISTRICT

A. General Intent: The "ACS-F" Agriculture Commercial Service Floating District is intended and designed to serve the agriculture community by allowing agriculture commercial service development to locate in certain unincorporated areas. The site plan approval will occur in conjunction with the rezoning review and approval. The standards, criteria and conditions of approval will be applied, as deemed appropriate and applicable, during the rezoning review and approval process.

Any existing land zoned "A-F" Agriculture Service Floating Zone at the time and date of adoption of this Ordinance shall be classified as "ACS-F" Agriculture Commercial Service Floating District on the Official Zoning Map and may continue as the established use. Any re-occupancy, change in use or new development of such property would be subject to the review in accordance with the requirements of the "ACS-F" Agriculture Commercial Service Floating District.

B. Principal Permitted Uses:

- (1) Agriculture feed mixing and blending, seed sales, and grain handling operations.
- (2) Retail outlet for fertilizer and pesticides including mixing, blending and storage.
- (3) Storage and distribution of anhydrous ammonia.
- (4) Large animal veterinary businesses.
- (5) Livestock transfer station.
- (6) Livestock sale and auction barn.
- (7) Ag commodities and logistics businesses involving the local transportation of grain, feed, fertilizer, livestock, and other agricultural commodities.



- (8) Other agricultural commercial service uses which are determined by the Planning and Zoning Commission to be of a similar and compatible nature to the above uses.

C. Accessory Permitted Uses:

- (1) Accessory uses which are incidental, and determined by the Planning and Zoning Commission to be of a similar and compatible nature to the approved permitted use.

D. Special Permitted Uses: None.

E. Criteria for Land to be Rezoned "ACS-F":

- (1) The proposed facility shall be defined as including the buildings, improvements, maneuvering and parking area, and storage area which are graveled or paved. The facility must be located on a tract of ground where the main entrance to the facility is on or within 660 feet of a paved public road.
- (2) The entrance to the facility must have at least 1,000 feet line of sight in both directions on the public road. The County Engineer will approve the location of the main entrance in accordance with the Iowa Department of Transportation standards and specifics and Appendix I of the Scott County Subdivision Ordinance.
- (3) The separation spacing between the facility and any property line shall be at least 50 feet. The separation spacing to the closest neighbor's home and accessory buildings shall be at least 400 feet at time of application. The separation spacing to a residential zoning district shall be at least 400 feet.
- (4) The facility must not be located in a designated 100-year floodplain or within 200 feet of any river, stream, creek, pond, or lake or 400 feet of another environmentally sensitive area, park, or preserve.
- (5) The minimum lot size shall be one (1) acre.
- (6) Facility shall be surrounded by an adequate security system to deny public access to potentially hazardous areas.
- (7) Advertising signs shall not be larger than 100 square feet.
- (8) Underground storage shall not be allowed on site.

F. Procedure for Rezoning Parcel of Land to "ACS-F".

- (1) Developer/landowner shall apply to the Planning and Zoning Commission for approval of a specific development plan involving one of the principal permitted uses listed in paragraph "B" above. The Planning and Zoning Commission will hold a rezoning public hearing before making a recommendation to the Board of Supervisors.
- (2) Developer shall apply for and secure all required State and federal permits for the proposed



development and provide copies of the application to the staff for review.

- (3) The Board of Supervisors will receive the Commission's recommendation plus information received during the Commission public hearing process and will hold a rezoning public hearing in accordance with Section 6-31.B.(3) Zoning Amendment Procedures. Based on the Commission recommendation, County staff comments, a review of the required State permit applications, and comments from the applicant and the public, the Board may approve or deny the application. If approved, the conditions of site plan approval will be included with the ordinance changing the zoning.

If the applicant's application is adopted by the Board of Supervisors, the Zoning Administrator shall update the zoning map to show the specific location of the "ACS-F" district (including the separation spacing).

G. Minimum Lot Area, Lot Width, Setback, & Maximum Height Requirements

Principal Building

Lot Area	Lot Width	Front Yard	Side yard	Rear Yard	Max Stories	Max Height
1 acre	200 ft	50 ft	50 ft	50 ft	2	35 ft

Accessory Buildings

Lot Area	Lot Width	Front Yard	Side yard	Rear Yard	Max Stories	Max Height
N/A	N/A	50 ft	50 ft	50 ft	2	35 ft

6-12. "R-1" SINGLE-FAMILY RESIDENTIAL DISTRICT

A. General Intent: The "R-1" Single-Family District is intended and designed to provide for the development of both low and medium density single-family subdivisions in the rural areas. All such subdivisions shall comply with the Scott County Subdivision Ordinance. This District is not intended for commercial uses. Any land rezoned to "R-1" shall be located on adequately constructed and paved County/State roads.

B. Principal Permitted Uses:

- (1) Detached single-family dwellings. For lots of record the dwelling unit is subject to the setback regulations for lots of record in Section 6-6.E.
- (2) Farms, farming and farmhouses (See Section 6-5 Definitions). Generally farms, farm buildings and farmhouses, which are primarily adapted for agricultural purposes, are exempt from County zoning regulations. (See Section 6-4 Agricultural Exemptions).
- (2) Developmentally disabled group homes in compliance with Chapter 335.25 Code of Iowa (2015).
- (4) Public and private parks and public and private conservation areas, but not to include commercial recreational uses.

C. Accessory Permitted Uses:



- (1) Accessory uses customarily incidental to any of the permitted uses in this District. Only one commercial vehicle may be parked and/or stored on the property unless it is used in conjunction with an approved home business. Accessory uses not permitted include, but are not limited to, the following uses: the visible accumulation of domestic junk such as vehicular parts, tires, trailers, salvaged building materials, broken or junk appliances, and other sorts of junk, salvage or debris covering more than 100 square feet of area (cumulative for individual properties). In staying within the allowable 100 square feet, no individual junk, salvage or debris pile shall exceed six (6) feet in height. Two (2) or more junk vehicles on subdivision lots shall also be considered a prohibited accessory use (See Section 6-5.61. Junk Vehicle). Any accessory commercial use which is not approved as a home business as outlined in Section 6-6.V. is not permitted.
 - (2) Stables (private) providing they have stalls and feed for every horse and are located at least fifty (50) feet from a property line. The stable and exercise area must be located on a lot of at least one (1) acre, be located in the rear yard, and be screened from adjoining residential lots.
 - (3) Farm animals and poultry on residential lots, but only if adequately fenced or controlled, not to exceed one (1) feeder cattle per acre, one (1) mature dairy cow per 1.4 acres, two and a half (2-1/2) swine (over 55 lbs.) per acre, ten (10) sheep or lambs per acre, and fifty-five (55) turkeys and chickens per acre, or any combination that does not exceed the above animal unit multiplier. Such accessory uses must be operated to meet County Health standards. More restrictive deed restrictions supersede the above standard.
 - (4) Accessory utility services and equipment for use by adjacent properties.
 - (5) Home occupations in compliance with the requirements of Section 6-6.V.
 - (6) Private kennels.
- D. Special Permitted Uses: The following special uses may be permitted in the "R-1" District upon review by the Board of Adjustment in accordance with the provisions contained in Section 6-30.
- (1) Two-family dwelling units with a minimum lot size of thirty thousand (30,000) square feet.
 - (2) Townhouse dwelling units with a minimum lot size of fifteen thousand (15,000) square feet per unit.
 - (3) Schools, public and private educational institutions, plus a single-family dwelling, being subordinate to, and inhabited by an official from the educational use.
 - (4) Churches or other places of worship, including parish house, Sunday school building, and bulletin boards.
 - (5) Roadside stands for seasonal sale of fruits and vegetables grown on the premises. Such stands shall be removed or secured during any season or period when they are not in use.
 - (6) Franchised utility substations, including any mechanical buildings.



- (7) Preschools and day care facilities in the home, operating only between the hours from 6 A.M. to 8 P.M. daily.
- (8) Bed and breakfast homes.
- (9) Home occupations that exceed the requirements of Section 6-6.V. and reviewed under the criteria of Section 6-30.C.(2).
- (10) Small wind generators with the rated capacity of not more than 100 kilowatts and associated structures and equipment with the following restrictions:
 - (a) 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.
 - (b) The maximum height of the wind turbine generator shall be 80 feet;
 - (c) The ground clearance for the rotors or blades shall be no less than fifteen (15) feet or one-third (1/3) the height of the tower whichever is greater
 - (d) The maximum noise level produced by the wind generator shall be no more than 50 decibels as measured at the property line.
 - (e) The wind turbine shall not cause vibration perceptible beyond the property on which it is located nor interfere with television, microwave, navigational or radio transmission;
 - (f) Shall be constructed in accordance with plans prepared and stamped by a registered professional engineer.

E. Minimum Lot Area, Lot Width, Setback, & Maximum Height Requirements

Principal Building

Lot Area	Lot Width	Front Yard	Side yard	Rear Yard	Max Stories	Max Height
30,000 sq ft	100 ft	50 ft	10 ft	40 ft	2½	35 ft

Accessory Buildings

Lot Area	Lot Width	Front Yard	Side yard	Rear Yard	Max Stories	Max Height
N/A	N/A	50 ft	10 ft	10 ft	2	35 ft

6-13. "R-2" MULTI-FAMILY RESIDENTIAL DISTRICT

A. General Intent: The "R-2" Multi-Family Residential District is intended and designed to provide areas for mixed residential development, including single-family, two-family, and multiple-family dwellings. Any proposed two-family and multiple-family developments will require site plan review in conjunction with the subdivision review. It is intended that this District will be permitted only where common water supply and sewage collection and disposal systems are available. Multiple family dwellings will only be permitted on adequately paved roads where fire protection is readily available.

B. Principal Permitted Uses:

- (1) Single-family dwellings.
- (2) Two-family dwellings.



- (3) Multiple-family dwellings.
- (4) Farms, farming and farmhouses as defined in Section 6-5 Definitions. Generally farms, farm buildings and farmhouses, which are primarily adapted for agricultural purposes, are exempt from County zoning regulations. (See Section 6-4 Agricultural Exemptions).
- (5) Group housing with a minimum lot area of one (1) acre.
- (6) Health Care Facility, to include nursing homes and elder care facilities, with a minimum lot area of one (1) acre.

C. Accessory Permitted Uses:

- (1) Accessory uses customarily incidental to any principal use within this District, and also including any accessory uses permitted in an "R-1" District using the same restrictions.

D. Special Permitted Uses: The following special uses may be permitted in the "R-2" District upon review by the Board of Adjustment in accordance with the provisions contained in Section 6-30.

- (1) Any special permitted use allowed in "R-1" District using the same restrictions.
- (2) Mobile Home Parks established in accordance with Section 6-25.
- (3) Travel Trailer Parks established in accordance with Section 6-26.

E. Minimum Lot Area, Lot Width, Setback, & Maximum Height Requirements

Principal Building

Lot Area	Lot Width	Front Yard	Side yard	Rear Yard	Max Stories	Max Height
1 or 2 family 10,000 sq ft	100 ft	25 ft	10 ft	20 ft	2½	35 ft
Per unit Multi-family 10,000 sq ft Plus 5,000 sq ft	200 ft	25 ft	15 ft	25 ft	3	45 ft
Per unit						

Accessory Buildings

Lot Area	Lot Width	Front Yard	Side yard	Rear Yard	Max Stories	Max Height
N/A	N/A	50 ft	10 ft	10 ft	2	35 ft

6-14. "CAD-R" COMMUNITY AREA DEVELOPMENT RESIDENTIAL DISTRICT

A. General Intent: The "CAD-R" Community Area Development Residential District is intended and designed to establish the regulations covering the residential areas of the two established CADs in Scott County, Village Oaks and Park View. In the areas shown as "Townhouses" and "Apartments" on the official colored master plan of 1966 entitled "Park View Scott County, Iowa" or any amendment thereto, the permitted uses, accessory uses and special permitted uses shall be



the same as the “R-2” District, unless specified differently elsewhere in the Ordinance.

B. Principal Permitted Uses:

- (1) Single-family dwellings as shown on the approved Park View CAD Plan, 1966, as amended.
- (2) Townhouses and Apartments as shown on the approved Park View CAD Plan, 1966, as amended.
- (3) Churches and Schools as shown on the approved Park View CAD Plan, 1966, as amended.
- (4) Parks and Open Space as shown on the approved Park View CAD Plan, 1966, as amended.

C. Accessory Permitted Uses:

- (1) Accessory uses customarily incidental to any of the permitted uses in this District. Only one commercial vehicle may be parked and/or stored on the property unless it is used in conjunction with an approved home business. Accessory uses not permitted include, but are not limited to, the following uses: the visible accumulation of domestic junk such as vehicular parts, tires, trailers, salvaged building materials, broken or junk appliances, and other sorts of junk, salvage or debris covering more than 100 square feet of area (cumulative for individual properties). In staying within the allowable 100 square feet, no individual junk, salvage or debris pile shall exceed six (6) feet in height. Two (2) or more junk vehicles on subdivision lots shall also be considered a prohibited accessory use (See Section 6-5.60. Junk Vehicle). Any accessory commercial use which is not approved as a home business as outlined in Section 6-6.V. is not permitted.
- (2) Home occupations in compliance with the requirements of Section 6-6.V.
- (3) Private kennels.

D. Special Permitted Uses: The following special uses may be permitted in any established "CAD-R" District upon review by the Board of Adjustment in accordance with the provisions contained in Section 6-30.

- (1) Home occupations that exceed the requirements of Section 6-6.V. and reviewed under the criteria of Section 6-30.C.(2)

E. Minimum Lot Area, Lot Width, Setback, & Maximum Height Requirements

Principal Building

Park View

Lot Area	Lot Width	Front Yard	Side yard	Rear Yard	Max Stories	Max Height
8,000 sq ft	80 ft	25 ft	5 ft	15 ft	2½	35 ft

Village Oaks

Lot Area	Lot Width	Front Yard	Side yard	Rear Yard	Max Stories	Max Height
30,000 sq ft	100 ft	50 ft	10 ft	40 ft	2½	35 ft



Accessory Buildings

Park View

Lot Area	Lot Width	Front Yard	Side yard	Rear Yard	Max Stories	Max Height
N/A	N/A	25 ft	5 ft	5 ft	2	35 ft

Village Oaks

Lot Area	Lot Width	Front Yard	Side yard	Rear Yard	Max Stories	Max Height
N/A	N/A	50 ft	10 ft	10 ft	2	35 ft

6-15. "CAD-PVC" COMMUNITY AREA DEVELOPMENT PARKVIEW COMMERCIAL DISTRICT

A. General Intent: The "CAD-PVC" Community Area Development Park View Commercial District is intended and designed to establish the regulations in areas designated "Commercial," "Office," or "Shopping Center" on the official colored master plan of 1966 entitled "Park View Scott County, Iowa" or any amendment thereto. The district is intended to serve the commercial, retail, office, and service needs of Park View residents and rural Scott County. It is not intended for light industrial or residential uses.

B. Principal Permitted Uses:

- (1) Neighborhood retail commercial services, including but not limited to:
 - a. Retail sales and service businesses, including convenience stores with fuel sales, car washes, but no vehicle repair, painting or auto body work;
 - b. Restaurants and drinking establishments;
 - 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.
- (2) Schools, public and private educational institutions, preschools and day care facilities.
- (3) Churches or other places of worship, including parish house, Sunday school building, and bulletin boards.

C. Accessory Permitted Uses: Accessory uses customarily incidental to any allowed use within the district.

D. Special Permitted Uses: None.

E. Minimum Lot Area, Lot Width, Setback, & Maximum Height Requirements

Principal Building

Lot Area	Lot Width	Front Yard	Side yard	Rear Yard	Max Stories	Max Height
20,000 sq ft	130 ft	25 ft	5 ft	15 ft	3	35 ft



Accessory Buildings

Lot Area	Lot Width	Front Yard	Side yard	Rear Yard	Max Stories	Max Height
N/A	N/A	25 ft	5 ft	5 ft	2	35 ft

6-16. "C-1" NEIGHBORHOOD COMMERCIAL DISTRICT

A. General Intent: The "C-1" Neighborhood Commercial District is intended and designed to provide for areas for office/commercial, commercial/service and retail businesses that serve the local community and are generally limited in size and scope. Such Districts will only be permitted on adequately constructed paved County/State roads.

B. Principal Permitted Uses:

- (1) Farms, farming and farmhouses as defined in Section 6-5 Definitions. Generally farms, farm buildings and farmhouses, which are primarily adapted for agricultural purposes, are exempt from County zoning regulations. (See Section 6-4 Agricultural Exemptions).
- (2) Dwelling units which are physically a part of, and subordinate to, a retail, office or service establishment, and which meet all County Health Department requirements.
- (3) Neighborhood Retail Commercial Uses, in buildings not exceeding 5,000 square feet of floor area and without outdoor storage of materials, including but not limited to:
 - a. Retail sales and service businesses, including convenience stores with fuel sales, car washes, but no vehicle repair, painting or auto body work;
 - b. Restaurants and drinking establishments;
 - 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.
- (4) Franchised utility substations, including any mechanical buildings.

C. Accessory Permitted Uses: Accessory uses customarily incidental to any allowed use within the District.

D. Special Permitted Uses:

- (1) Schools, public and private educational institutions, and preschools and day care facilities
- (2) Churches or other places of worship, including parish house, Sunday school building, and bulletin boards
- (3) Bed and Breakfast homes.



E. Minimum Lot Area, Lot Width, Setback, & Maximum Height Requirements

Principal Building

Lot Area	Lot Width	Front Yard	Side yard	Rear Yard	Max Stories	Max Height
No sewer or water						
1 acre	130 ft	25 ft	10 ft	20 ft	3	35 ft

W/sewer or water

20,000 sq ft	80 ft	25 ft	10 ft	20 ft	3	35 ft
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Accessory Buildings

Lot Area	Lot Width	Front Yard	Side yard	Rear Yard	Max Stories	Max Height
N/A	N/A	25 ft	10 ft	10 ft	2	35 ft

6-17. "C-2" COMMERCIAL AND LIGHT INDUSTRIAL DISTRICT

A. General Intent: The "C-2" Commercial and Light industrial District is intended and designed to provide areas for general commercial, highway commercial and light industrial uses intended to serve the needs of the County and the Quad Cities in areas along adequately constructed paved County/State roads.

B. Principal Permitted Uses:

- (1) Any principal permitted use in the "C-1" District using the same restrictions.
- (2) Retail and wholesale commercial sales and service businesses including outdoor storage of materials and equipment, with all outdoor storage screened from any adjacent road and residences.
- (3) Financial institutions such as banks and savings and loan offices.
- (4) Professional, administrative, service and general business offices.
- (5) Medical office, clinics and health care related facilities.
- (6) New and used vehicle sales and service including service and body shops but not including parts salvage or vehicle dismantling.
- (7) Truck stops, truck terminals and trucking companies.
- (8) Restaurants, drinking establishments and night clubs.
- (9) Hotel-motel and tourist related service businesses.
- (10) Indoor and outdoor recreational and entertainment businesses.
- (11) Adult bookstores, adult video stores, adult motion pictures theaters, and sexual activity establishments subject to the following conditions:



- a. Location: These uses shall not be located within one thousand (1000) feet of each other; not within one thousand (1000) feet of any public or private school, licensed day care facility, church, public park or residential district and not within five hundred (500) feet of any existing dwelling.
 - b. Restrictions: Sexual activity establishments shall not allow touching as defined in specified sexual activities between employees and between employees and patrons. All building openings, entries, windows, etc., for any of the above uses, shall be located, covered, or screened in such a manner to prevent a view into the interior from any public or semi-public areas and such display shall be considered as signs. Any of the above activities which do not conform to the provisions set forth in this subparagraph shall be considered in violation of this Ordinance.
- (12) Light industrial uses conducted entirely within an enclosed building and 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.

C. Accessory Permitted Uses:

- (1) Accessory uses customarily incidental to any permitted principal use within this District; including dwelling units physically attached and subordinate to such use, and which meet all County Health Department requirements.

D. Special Permitted Uses:

- (1) Airport or commercial landing fields, for commercial and private aircraft and helicopters
- (2) Communication towers and antennas, with the Board of Adjustment considering the following:
 - (a) Any equipment cabinet or building shall be adequately screened from nearby residential uses;
 - (b) Co-location shall be preferred over new tower construction;
 - (c) The tower shall be removed when the use of the tower has ceased for one (1) year or greater.
 - (d) When the party establishing the use does not own the property on which it is to be constructed or installed, the applicant shall provide a signed lease agreement, which shall include provisions for decommissioning and removal of the tower and equipment at the end of the lease term or when the tower is no longer in use;
 - (e) The applicant shall provide documentation of compliance with any applicable



regulations of the National Environmental Policy Act (NEPA), National Historic Preservation Act (NHPA), and/or the Federal Aviation Administration (FAA).

- (4) Mobile Home Parks established in accordance with Section 6-25.
- (5) Travel Trailer Parks established in accordance with Section 6-26.

E. Minimum Lot Area, Lot Width, Setback, & Maximum Height Requirements

Principal Building

Lot Area	Lot Width	Front Yard	Side yard	Rear Yard	Max Stories	Max Height
No sewer or water						
2 acre	130 ft	50 ft	10 ft	20 ft	3	45 ft
W/sewer or water						
1 acre	130 ft	50 ft	10 ft	20 ft	3	45 ft
W/sewer & water						
20,000 sq ft	100 ft	25 ft	10 ft	20 ft	3	45 ft

Accessory Buildings

Lot Area	Lot Width	Front Yard	Side yard	Rear Yard	Max Stories	Max Height
N/A	N/A	50 ft	10 ft	10 ft	2	35 ft

6-18. "I" INDUSTRIAL DISTRICT

A. General Intent: The "I" Industrial District is intended and designed to provide areas for industrial and/or commercial development of a more intense character. Prior to establishment of any such district adequate information shall be submitted regarding the effect of the proposed use on the adjoining property and area, the adequacy of the County road system to handle the anticipated traffic, any potential traffic hazards, the handling of sewage wastes and storm water runoff, the potential of increasing the base flood elevation, and other matters relating to the public safety, public health, and general welfare. This district is intended to accommodate industrial uses other than those requiring an Industrial Floating Zone, and is intended to be established through the rezoning of existing commercial, industrial, or Agricultural General ("A-G") holding zone districts, excluding the Park View Commercial District ("CAD-PV"). It is not intended that this district be established through the rezoning of any existing residential district.

Any existing land zoned "M" Heavy Manufacturing at the time and date of adoption of this Ordinance shall be classified as "I" Industrial District on the Official Zoning Map and may continue as the established use. Any re-occupancy, change in use or new development of such property would be subject to the review and approval of a site plan in accordance with the regulations of Section 6-29 Site Plan Review.

B. Principal Permitted Uses: A building or premises may be used or occupied for a variety of purposes; provided the regulations listed in the following subsections are met:

- (1) Any permitted use in the "C-2" District.



- (2) Asphalt plants.
 - (3) Bulk tank storage plant facilities and other raw materials storage yards exceeding ten (10) acres in size.
 - (4) Concrete mixing and concrete products manufacturing.
 - (5) Secondary and tertiary processing of stone, sand, gravel, dirt, clay, and similar materials which require a fixed plant.
 - (6) Manufacture and assembly operations that are not conducted entirely within an enclosed building, that generate noise, smoke, odors and/or dust and that involve significant areas of outdoor storage of materials or finished products.
 - (7) Metal foundries
 - (8) Junk, salvage, or scrap metal yards. Junk, metal or rags, storage or baling, where the premises upon which such activities are conducted are wholly enclosed within a building, wall or solid fence not less than six (6) feet in height, completely obscuring the activity. Existing legal junk yards may continue operation, but must meet certain screening requirements within six (6) months of the effective date of this Ordinance. Such junk yards must comply with the fifty (50) foot setback requirements for all junk and scrap metal and must screen such material from the County road with solid material fence which screens all such junk and scrap metal. Such fence shall be a minimum six (6) feet high.
 - (9) Manufacture and wholesale storage of fertilizers exceeding ten (10) acres in size.
 - (10) Petroleum, liquid or gaseous, or its products, refining and wholesale storage.
 - (11) Meat packing, meat processing and rendering facilities or refining and wholesale storage.
 - (12) Other uses, subject to site plan review which are determined by the Planning and Zoning Commission to be of a similar and as intense in nature as the above uses.
- C. Accessory Permitted Uses: Accessory uses and structures customarily incidental to any permitted principal use.
- D. Special Permitted Uses: Any special permitted uses allowed in C-2.
- E. Required Conditions for Permitted and Accessory Uses in an "I" Zoning District:
- (1) The best reasonable means for the disposal of refuse matter or water carried waste, the abatement of obnoxious or offensive odors, smoke, dust, gas, noise, or similar nuisance shall be employed.
 - (2) All buildings and accessory buildings or structures shall be located at least one hundred (100') feet from an "R-1" or "R-2" District boundary and not less than fifty (50') feet from



any District except a "C-2" District.

- (3) All uses which require heavy truck usage shall only be located on adequately constructed paved roads which avoid residential areas.
- (4) Adequate safeguards shall be taken to fence or screen any on-site hazard from the public.
- (5) All stormwater drainage shall meet all applicable local, state and Federal regulations and all existing agricultural drainage tiles and underground drainage system shall be maintained and remain unimpeded.
- (6) The proposed location, design, construction and operation shall not diminish or impair established property values in adjoining or surrounding property.

F. Minimum Lot Area, Lot Width, Setback, & Maximum Height Requirements

Principal Building

Lot Area	Lot Width	Front Yard	Side yard	Rear Yard	Max Stories	Max Height
No sewer or water						
2 acre	150 ft	50 ft	20 ft	20 ft	3	TBD
W/sewer or water						
1 acre	150 ft	50 ft	20 ft	20 ft	3	TBD*
W/sewer & water						
20,000 sq ft	100 ft	25 ft	10 ft	20 ft	3	TBD*

Accessory Buildings

Lot Area	Lot Width	Front Yard	Side yard	Rear Yard	Max Stories	Max Height
N/A	N/A	50 ft	10 ft	10 ft	2	TBD*

*All building & structure heights to be determined and established with site plan review and approval.

6-19. "I-F" INDUSTRIAL FLOATING DISTRICT

A. General Intent: The "I-F" Industrial Floating District is intended and designed to provide areas for very large scale industrial and commercial development of a more intense character than is allowed in other commercial, or light industrial zoning districts. The District is also intended to accommodate very large scale industrial/commercial uses requiring considerable amounts of contiguous land for operation and buffering, and which by their nature represent a substantial and significant economic development opportunity for Scott County and the region. Such very large scale industrial/commercial uses can be considered for review and approval through the rezoning of property within existing commercial, industrial, or agricultural zoning districts. The adopted industrial development objectives of the Scott County Comprehensive Plan identify the conditions under which the creation of such an "I-F" District can be approved for a very large scale industrial/commercial development.

Prior to establishment of any such floating district adequate information shall be submitted regarding the effects of the proposed use upon the local and regional economy, the impact on the



adjoining property and area, the adequacy of the road system to handle the anticipated traffic, any potential traffic hazards, the handling of sewage wastes and storm water runoff, the potential of increasing the base flood elevation, and other matters relating to the public safety, public health, and general welfare. The site plan approval will occur in conjunction with the rezoning review and approval. The standards, criteria and conditions of approval will be applied, as deemed appropriate and applicable, during the rezoning review and approval process.

B. Principal Permitted Uses: Land or buildings may be used for any of the following, in so far as the regulations contained in Sections D, E, and F are met.

(1) Any use permitted in the "I" District that due to its size and scale requires an "I-F" zoning classification.

C. Accessory Permitted Uses: Accessory uses and structures customarily incidental to any permitted principal use.

D. Special Permitted Uses: None

E. The Planning Commission and Board of Supervisors shall consider the following characteristics of any land being petitioned for a rezoning to an "I" Floating District:

(a) Present use

(b) Corn suitability rating (CSR)

(c) Access/proximity of existing transportation networks, sewer or water connections, or other needed infrastructure; as well as the feasibility of extending such facilities, if necessary

(d) Particular suitability or adaptability of the land to accommodate the proposed use

F. Required Conditions for rezoning land to "I-F" Industrial Floating District:

(1) No portion of the site proposed to be developed, including but not limited to buildings, storage areas, and transportation facilities, may be located in a mapped 100-year or 500-year floodplain.

(2) The potential impacts on any environmentally sensitive areas, such as lakes, ponds, streams, rivers and wetlands, steep slopes, aquifers and recharge areas, unstable building sites, natural wooded areas, prairie and other wildlife habitats, shall be identified and considered for reasonable mitigation. The Planning Commission may recommend, and the Board of Supervisors may approve, off-site mitigation of environmentally sensitive areas as opposed to their preservation.

(3) The best reasonable means known for the disposal of refuse matter or water carried waste, the abatement of obnoxious or offensive odors, smoke, dust, gas, noise, or similar nuisance shall be employed.

(4) All buildings and accessory buildings or structures shall be located at least five hundred



(500) feet from an "R-1" or "R-2" District boundary and not less than one hundred (100) feet from any other District except a "C-2" or "I" District.

- (5) All uses which require heavy truck usage shall only be located on adequately constructed paved roads which avoid residential areas.
- (6) Adequate safeguards shall be taken to fence or screen an on-site hazard from the public.
- (7) The proposed location, design, construction and operation shall consider the impact on the property values of adjoining or surrounding property.
- (8) Any development plan must provide documentation that the project will not negatively affect the operation of existing agricultural drainage tiles on adjacent properties.

G. Procedure for Rezoning Land to "I-F" Industrial Floating

- (1) Developer/landowner must apply to the Planning and Zoning Commission for approval of a specific development plan involving one of the principal permitted uses listed in paragraph "B" above. The development plan must include a site plan for the development in accordance with Section 6-29 Site Plan Regulations. The standard rezoning procedures contained in Section 6-31 Zoning Amendment Procedures shall be followed, beginning with the Planning and Zoning Commission holding a rezoning public hearing before making a recommendation to the Board of Supervisors.
- (2) Developer must apply for all State and federal required permits for the proposed development and provide copies of the application for review.
- (3) The Board of Supervisors will receive the Commission's recommendation plus information received during the Commission public hearing process and will hold a public hearing in accordance with Section 6-31 Zoning Amendment Procedures. Based on the Commission recommendation, County staff comments, a review of the required State permit applications, and comments from the applicant and the public, the Board may approve or deny the application. If approved, the site plan approval conditions will be included with the ordinance changing the zoning. Final County approval is contingent on State and/or Federal permit approval as may be required
- (4) If the applicant's application is adopted by the Board, the department staff shall update the zoning map to show the specific location of the "I-F" district (including the separation spacing).

H. Minimum Lot Area, Lot Width, Setback, & Maximum Height Requirements: The lot area, building and structure setbacks and heights of buildings and structures will be determined and approved through the established procedures.

6-20. "SW-F" SOLID WASTE DISPOSAL SITE FLOATING DISTRICT

A. General Intent: The "SW-F" Solid Waste Disposal Site Floating District is intended and designed to meet a preponderance of the policies and guidelines of the comprehensive Scott County Landfill Siting Policies as adopted in 1993 and any amendments thereto. The area rezoned to "SW-F" will



be large enough to meet the needs for landfilling and waste recovery, plus a buffer area. Specific conditions for construction, operation, and closing the facility will be developed during the solid waste disposal siting process, as prescribed in the General Provisions section of this District below.

- B. Principal Permitted Uses: Property and building in a “SW-F” Solid Waste Disposal Sites District shall be used for the following purposes:
- (1) Current land and building uses as of May 1, 1993, if legal in the current zoning district.
 - (2) Solid Waste Disposal Sites, if approved in accordance with the General Provisions section of this District.
 - (3) Conservation and wildlife habitat.
- C. Accessory Permitted Uses: Accessory buildings and uses customarily incidental to any of the uses in paragraph "B" above.
- D. General Provisions: No new solid waste disposal site or extensions to existing legal solid waste disposal site shall be allowed until approved by the Board of Supervisors. Such site and proposed operational procedures shall comply with Iowa Department of Natural Resources rules.
- E. Application Procedures:
- (1) Applications shall be made in writing signed by the applicant, in accordance with Section 455B., Iowa Code, and shall contain the location and legal description of the proposed site. The application must be accompanied by eight (8) copies of the documents described in Section 455B.305A.2., 2015 Code of Iowa.
 - (2) The Zoning Administrator, upon receipt of the application, documents, and filing fee, shall forward copies of the application to the Planning and Zoning Commission, and a complimentary copy to the Board of Supervisors. The Commission shall conduct a public hearing at least forty-five (45) days and no later than seventy-five (75) days after receipt before making a recommendation to the Board of Supervisors. The applicant shall file a rezoning application no sooner than thirty (30) days prior to the public hearing so that the Solid Waste Disposal site and rezoning procedures can be handled concurrently. A public notice of the joint purpose public hearing shall be published in the official newspapers in accordance with Section 331.305, Iowa Code. Property owners of record, as described in Sections 455B.305A.3, Iowa Code, shall be notified of the public hearing by ordinary first class mail. The Commission shall forward a recommendation to the Board of Supervisors within thirty (30) days of the hearing.
 - (3) The Board of Supervisors shall receive the recommendation of the Commission and six (6) additional copies of the application from the applicant and hold a public hearing in conformance with Sections 455B.305A.5, Code of Iowa and this Ordinance. The Board shall not make a decision until the public has had a 30-day opportunity to comment on the public hearing for site approval and rezoning. The first reading of the rezoning shall be delayed until after the 30-day review period. Before final Board action to approve, approve with conditions, or to disapprove, the applicant's proposal shall be made available



to the public in writing. The second reading of the ordinance to amend the zoning ordinance and map will be delayed and reflect the decision of the Board. The rezoning shall be denied if the application for site approval is denied.

- (4) The applicant is entitled to one amendment to the original application. It will be administered in conformance with Sections 455B.305A.6., 1993 Code of Iowa.
- (5) The application fee shall be \$1,000 to start the process. The County shall monitor all reasonable and necessary costs for reviewing the original application and one amendment, if any, including staff costs and other overhead costs. When the costs exceed \$1,000, the applicant will reimburse the County for all reasonable and necessary costs within thirty days of receipt of itemized County claims.

F. Standards for Reviewing: In considering an application for a Solid Waste Disposal Site, the Planning and Zoning Commission and Board of Supervisors will assure themselves that:

- (1) The proposed site is or will be zoned “SW-F”.
- (2) The proposed site meets the preponderance of the Scott County Landfill Siting Policy Statement and Scott County Land Use Policies.
- (3) The proposed site meets or exceeds all requirements for such sites as regulated by the Iowa Department of Natural Resources.

G. Minimum Lot Area, Lot Width, Setback, & Maximum Height Requirements: The lot area, building and structure setbacks and heights of buildings and structures will be determined and approved through the established procedures.

6-21 GENERAL PROVISIONS OF THE FLOODWAY, FLOODWAY FRINGE, AND GENERAL FLOODPLAIN OVERLAY DISTRICTS

A. Permit Required: No person, firm, or corporation shall initiate any development or cause the same to be done in any Flood Plain Overlay District without first obtaining a permit for such development. The Administrative Officer shall review all permit applications to determine if the standards of the Flood Plain Overlay Districts will be met and to insure that all necessary permits will be obtained from Federal, State, and Local governmental agencies.

- (1) Application for Permit - Application for a Flood Plain Development Permit shall be on forms supplied by the Administrator and shall include the following information:
 - (a) Description of the work to be covered by the permit for which application is to be made.
 - (b) Description of the land on which the proposed work is to be done (i.e., lot, block, tract, street address or similar description) that will readily identify and locate the work to be done.
 - (c) Identification of the use or occupancy for which the proposed work is intended.

- (d) Elevation of the 100-year flood.
 - (e) Elevation (in relation to the National Geodetic Vertical Datum) of the lowest floor including basement) of buildings or of the level to which a building is to be floodproofed.
 - (f) For buildings being improved or rebuilt, the estimated cost of improvements and assessed value of the building prior to the improvements.
 - (g) Such other information as the Administrator deems reasonably necessary for the purpose of this ordinance.
- (2) Filing Fee - All applications shall pay a fee based on the fee schedule approved by the Board of Supervisors.
- (3) Action on Permit Application - The Administrator shall, within a reasonable time, make a determination as to whether the proposed flood plain development meets the applicable provisions and standards of this ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for variances except as directed by the Board of Adjustment.
- (4) Construction and Use to be Provided in Application and Plans - Flood Plain Development Permits issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement or construction at variance with that authorized shall be deemed a violation of this Ordinance. The applicant shall submit an "as built" Certificate of Elevation by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of the Ordinance, prior to the use or occupancy of any structure.
- B. Notification or Alteration or Relocation of Watercourse: The Director/Zoning Administrator shall notify adjacent communities or counties and the Iowa Department of Natural Resources prior to any proposed alteration or relocation of a watercourse.
- C. Warning and Disclaimer of Liability: The degree of flood protection required by the standards of the Flood Plain Overlay Districts is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. These standards and provisions do not imply that areas outside the Floodway, Floodway Fringe, or General Flood Plain Overlay Districts will be free from flooding or flood damage. These provisions shall not create liability on the part of Scott County or any officer or employee thereof for any flood damage that may result from reliance on these provisions or any administrative decision lawfully made thereunder.
- D. Abrogation and Greater Restrictions: it is not intended by this Ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restriction. However where this Ordinance imposes greater restrictions, the provision of this Ordinance shall prevail. All other ordinances



inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

6-22. "FW" FLOODWAY OVERLAY DISTRICT

- A. General Intent: It is the intent of the "FW" Floodway Overlay District that the identified area is designated to carry flood waters and should be protected from developmental encroachment which would increase the flood levels or cause unnecessary threats to personal property or allow unnecessary threats to personal safety. Buildings and structures which impede the free flow of flood waters will not be allowed.

- B. Development Standards: All uses in the "FW" Overlay District shall comply with the underlying Zoning District requirements and the provisions of Section 6-18. In addition, the following standards shall be met:
 - (1) No use shall cause any increase in the 100 year flood level. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
 - (2) All proposed uses and construction shall be consistent with the need to minimize flood damage, and use construction materials and utility equipment that are resistant to flood damage.
 - (3) No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch, or any other drainage facility or system.
 - (4) Structures, buildings and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the Floodway Fringe District and shall be constructed or aligned to present the minimum possible resistance to flood flows.
 - (5) Buildings, if permitted, shall have a low flood damage potential and shall not be for human habitation.
 - (6) Storage of materials or equipment that are buoyant, flammable, explosive, or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the Floodway District within the time available after flood warning.
 - (7) Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Iowa Department of Natural Resources.
 - (8) Any fill allowed in floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.
 - (9) Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.



- (10) No dwellings, including factory-built homes, shall be permitted.

6-23. "FF" FLOODWAY FRINGE OVERLAY DISTRICT

- A. General Intent: The intent of the "FF" Floodway Fringe Overlay District is to require special site planning and construction standards to minimize the threats to personal safety and damage to property caused by flooding.
- B. Development Standards: All uses in the "FF" Floodway Fringe Overlay District shall comply with the underlying Zoning District requirements and the provisions of Section 6-18. In addition, the following standards shall be met:
 - (1) All structures shall i) be adequately anchored to prevent flotation, ii) be constructed with materials and utility equipment resistant to flood damage, and iii) be constructed by methods and practices that minimize flood damage.
 - (2) Residential Buildings: All new, substantially improved, or substantially damaged residential structures shall have the lowest floor, including basements, elevated a minimum of one (1) foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than one (1) foot above the 100-year flood level and extend at such elevation at least eighteen (18) feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed, subject to favorable consideration by the Director/Zoning Administrator, where existing topography, street grades, or other factors preclude elevating by fill. In such cases the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding. All new residential buildings shall be provided with a means of access which will be passable by emergency vehicles during the 100-year flood.
 - (3). Non-residential buildings - All new and substantially improved, or substantially damaged non-residential buildings shall have the first floor (including basement) elevated a minimum of one (1) foot above the 100-year flood level, or together with attendant utility and sanitary systems, be floodproofed to that level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood. A record of certification indicating the specific elevation (in relation to National Geodetic Vertical Datum) to which any structures are floodproofed shall be maintained by the Administrative Officer.
 - (4) The exemption of detached garages, sheds, and similar structures from the 100-year flood elevation requirements may result in the increased premium rates for insurance coverage of the structure and contents. However, these detached garages, sheds, and similar accessory-type structures are exempt from the 100-year flood elevation requirements when:
 - (a) The structure shall not be used for human habitation.
 - (b) The structure shall be designed to have low flood damage potential.
 - (c) The structure shall be constructed and placed on the building site as to offer minimum resistance to the flow of floodwaters.

- (d) The structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
 - (e) The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one (1) foot above the 100-year flood level.
- (5) All new and substantially improved structures:
- (a) Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the flooding minimum criteria:
 - i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - ii. The bottom of all openings shall be no higher than one foot above grade.
 - iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - (b) New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - (c) New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (6) Factory-built homes shall be anchored to resist flotation, collapse, or lateral movement according to the State Building Code and shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the 100-year flood level. All new or replacement factory-built homes shall comply with these requirements.
- (a) Recreational vehicles are exempt from the requirements of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied;
 - i. The recreational vehicle shall be located on the site for less than 180 consecutive days, and
 - ii. The recreational vehicles must be fully licensed and ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security device and has no permanently attached additions.
 - (b) The recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of this Ordinance regarding anchoring and elevation of factory built homes
- (7) Utility and Sanitary Systems:
- (a) All new and replacement sanitary sewage systems shall be designed to minimize or

- eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities shall be provided with a level of flood protection equal to or greater than one (1) foot above the 100-year flood elevation.
- (b) On site waste disposal systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.
 - (c) New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities shall be provided with a level of protection equal to or greater than one (1) foot above the 100-year flood elevation.
 - (d) Utilities such as gas and electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.
- (8) No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch, or other drainage facility or system.
- (9) Subdivisions, including factory-built home parks and subdivisions, shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals shall meet the applicable performance standards. Subdivision proposals intended for residential development shall provide all lots with a means of vehicular access during occurrence of the 100-year flood.
- (10) Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the 100-year flood level. Other material and equipment must either be similarly elevated or i) not be subject to major flood damage and be anchored to prevent movement due to flood waters, or ii) be readily removable from the area within the time available after flood warning.
- (11) Flood control structural works such as levees, floodwalls, etc., shall provide, at a minimum, protection from a 100-year flood with a minimum of three (3) feet of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Iowa Department of Natural Resources.

6-24. "GF" GENERAL FLOOD PLAIN OVERLAY DISTRICT

- A. General Intent: The "GF" General Floodplain Overlay District reflects those areas which would be inundated during a 100-year flood, but for which specific flood elevations and floodway and floodway fringe limits have not been established. It is the intent of the "GF" Overlay District to impose the development standards of the FW and FF Overlay Districts after a determination is made to identify the floodway and floodway fringe areas on an individual project basis. Where 100-year flood data has not been provided in the Flood Insurance Study, the applicant for a Flood Plain Development Permit shall contact the Iowa Department of Natural Resources to compute such data. The Department of Natural Resources shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, as criteria for reviewing new construction, substantial improvements, or other development in the General Flood Plain Overlay District.



- (1) All uses or portions thereof to be located in the floodway as determined by the Iowa Department of Natural Resources shall meet the applicable standards of the "FW" Overlay District.
- (2) All uses or portions thereof to be located in the floodway fringe as determined by the Iowa Department of Natural Resources shall meet the standards of the "FF" Overlay District.

6-25. MOBILE HOME PARK REGULATIONS

A. General Intent: Mobile Home Parks are uses of land which because of their unique characteristics are classified as a Special Use in the particular District or Districts identified so that in each case the impact upon the proposed site, neighboring land, public facilities, and the public need for such Parks in a particular location can be evaluated.

- (1) Mobile homes may be occupied and used for dwelling purposes only if located in an approved Mobile Home Park in accordance with this Ordinance and Chapter 435, 2015 Code of Iowa. Such Parks may only be allowed in the following Zoning Districts through approval of a Special Use permit: "R-2", and "C-2".
- (2) Mobile Home Parks are areas containing mobile homes which are structures designed and intended to be used as permanent living facilities. Mobile Home Parks may contain a limited number of travel trailers as defined in this Ordinance, intended to serve as temporary living facilities. Any travel trailer may locate in an approved Mobile Home Park not to exceed 180 days per calendar year. The allowance for travel trailers does not include tents or tent camping within any Mobile Home Park. At any one time, a Mobile Home Park must have the majority (51% or more) of its occupied spaces containing Mobile Homes as defined in this Ordinance. Failure to comply with this majority requirement shall be grounds for revocation of the Special Use permit.
- (3) Special Permitted Use: Any proposed Mobile Home Park shall apply for a Special Use permit, on forms provided by the Zoning Administrator, before any construction has begun or any mobile homes are placed on the site. The application shall be a written application to the Zoning Board of Adjustment and include the following information as a minimum:
 - (a) The name, address, and signature of the applicant, the land owner, and the developer (if different).
 - (b) The location and legal description of the proposed tract for the Park.
 - (c) A brief description of why this site should be developed for a Mobile Home Park, including facts showing the proposed Park complies with the Comprehensive Plan and Land Use Policies.

B. Filing Fee: All applications shall pay a fee based on the fee schedule approved by the Board of Supervisors.

C. Site Plan Requirements: The application also shall be accompanied by a Site Plan, consisting of eight (8) copies, which will be used by the County and the Zoning Board of Adjustment in making its decision. The Site Plan shall be drawn at a reasonable and legible scale and shall include the following:



- (1) A separate vicinity map showing the Park's relationship to existing streets, adjoining properties, and public facilities.
- (2) Existing and proposed contour intervals of not more than five (5) feet, provided, however, that a minimum of two (2) contours shall be shown.
- (3) The location of existing property lines and other pertinent information including but not limited to: Surface features, buildings, roads, railroads, utilities, watercourses, mature trees, and similar items affecting the development. Also, the location of sub-surface features, such as underground utilities and drain tiles.
- (4) All existing adjacent subdivisions, streets, lots, and tracts of land along with the location of such homes, farm buildings, and other buildings.
- (5) The proposed location of mobile home/travel trailer sites, streets, traffic flow, street lighting, access to public streets and roads, layouts for lots and spaces, location of utilities and utility easements, recreation areas, park accessory buildings and facilities.
- (6) The location and manner of providing water supply and sewage treatment which meets Iowa DNR and Scott County Health Department regulations.
- (7) A grading plan including detailed information complying with Iowa DNR and local Scott County regulations for handling storm water run-off.
- (8) The title in large letters of the proposed Park, a north arrow, scale, the Zoning District in which the land is located, and the proposed street names in the Park.

D. Filing Sequence: Once the application, fee, and Site Plan (8 copies) are properly filed with the Zoning Administrator, the application shall be put on the next regular meeting for the Zoning Board of Adjustment, which allows twenty (20) days for review prior to the meeting. One copy will be forwarded to the Board of Health and the County Engineer for review and recommendation at the public hearing.

- (1) The Zoning Administrator will make public notice in the newspaper and send notification to all property owners of record within five hundred (500) feet of the proposed Park site.
- (2) The Zoning Board of Adjustment, after such public hearing, may grant a Special Use Permit to the applicant to operate a Mobile Home Park in Scott County. The decision may be postponed until the next regular meeting, if there is not enough information to make a proper decision after the public hearing.

E. Board Findings: The Board may approve such Park application if it can affirm that the proposed Park is to be located in an eligible Zoning District; that it substantially meets the standards and procedures of this Section, the general intent of the Zoning Ordinance, and the Comprehensive Plan; that there are adequate provisions for fire protection and water supply; that the proposed Park will not be detrimental to, nor endanger the public health, safety and general welfare; that it will not be injurious to the use and enjoyment of adjacent property owners for the purposes already permitted; nor will it substantially diminish property values within the neighborhood; and that the proposed Park will not impede the normal and orderly development of the surrounding

property for uses permitted in the District. The Board may grant the permit, but include such conditions on the layout and operation of the Park as it deems essential to be consistent with the spirit, purpose, and intent of this Ordinance.

F. Standards: (Applicable to new parks and additions to existing parks)

- (1) Minimum Site: The minimum site for a Mobile Home Park shall be five (5) acres.
- (2) Mobile Home Density: A maximum density of eight (8) mobile homes per acre of ground is permitted.
- (3) Open Space: Common open space shall be provided and based on a factor of three hundredths (0.03) acres per mobile home with a minimum of one (1) acre of useable land designated per Park addition.
- (4) Roadways, Streets, and Driveways: For roads and streets in mobile home parks, the design standards and procedures for streets as prescribed in the Scott County Subdivision Ordinance, Section 9-17, shall apply. The applicant shall have all streets inspected throughout the construction process by a registered professional engineer who will certify that the streets meet the above standards.
- (5) Street Lighting: Adequate street lighting shall be provided as necessary, and reviewed at the time the Special Use permit is considered.
- (6) Off-Street Parking: Off-street parking shall be provided in the Park for the use of Park residents and guests. Parking spaces shall be hard surfaced in Mobile Home Parks and located conveniently to the mobile home lot or space. In Mobile Home Parks, two (2) vehicle parking spaces shall be provided for each lot with a minimum of one (1) parking space on the lot.
- (7) Spaces: Individual lots or spaces shall be so arranged that there will be at least a fifteen (15) foot clearance between units, including any additions. No mobile home shall be located closer than fifty (50) feet from the front property line (or right-of-way), nor closer than twenty (20) feet from any internal street or roadway surface, nor closer than twenty-five (25) feet from any side or rear property line, nor closer than five (5) feet from any interior lot line.
- (8) Building and Other Improvements: Plans and specifications of all Park-owned buildings and other improvements, including sewage, gas, electric and water supply, roadways and sanitary facilities constructed or to be constructed within the Park shall comply with applicable laws of the State of Iowa, including Section 435 of the 2015 Code of Iowa, and with applicable Chapters of this Code.

Buildings and structures shall be limited to one (1) "convenience shopping" store, the residence of the owner/operator, utility and recreation buildings, and accessory buildings and structures for the mobile home park residents. The applicant shall provide for an Iowa State Registered Professional Engineer to design the sanitary sewer and water systems and certify their installation according to the plans. The Professional Engineer will inspect the installation of the sewer and water systems and show proof thereof. Wastewater treatment



systems for individual mobile homes are not permitted, unless approved by the Scott County Health Department.

- (9) **Ownership of Park:** The Park owner may not sell or transfer title of any lot or space in such Park. In the event of any such transfer, the Special Use permit of the Park shall be automatically revoked, and all units shall be removed from the premises within thirty (30) days of written notice to do so from the Zoning Administrator. It is the intention hereof that such Parks may be transferred in their entirety, as long as the new Park owner agrees to comply with the Special Use permit.
- (10) **Occupancy:** The Park may not be occupied until the sewer and water supply have been approved by the County Board of Health or the Iowa Department of Natural Resources (if applicable) and appropriate utilities have been installed and are operational. The internal roadways leading to the lot or space must be constructed. Once the utilities are in place, the Zoning Administrator will do an on-site inspection and provide a Certificate of Compliance for the Park or a phase of the Park.
- (11) **Certificate of Occupancy:** Each mobile home requires a building permit and must be inspected before it can be occupied. .
- (12) **Changes in the Layout of the Park:** Any substantial changes in the Park which would change lot sizes numbers, recreation areas, or street patterns first must be approved by the Zoning Administrator. Any new additions to the Park require the applicant to file for an amended Special Use permit with the Zoning Board of Adjustment.
- (13) **Failure to Construct Park:** A Special Use permit issued by the Zoning Board of Adjustment for such a Park shall become null and void if no substantial development has been completed one (1) year after the granting of such permit. This period may be extended only upon review and written approval of the Zoning Administrator.
- (14) **Park Vacation:** If a Mobile Home Park is vacated for more than one (1) year, the Special Use permit shall become null and void.
- (15) **Temporary Mobile Home Occupancy Permits:** Application for a permit to occupy a mobile home for dwelling or sleeping purposes outside of a park upon a lot or premises occupied by a dwelling shall be made at the office of the Zoning Administrator. Such permits may be granted for two purposes: 1) the care of a person by a relative when the mobile home has a HUD seal and is located on the same property as the permanent home, and 2) the temporary residency of a person or family engaged in the construction of a permanent residence on the premises. Said application shall set forth the location of the occupied dwelling where such mobile home is to be used and occupied; the name of the owner or occupant of such mobile home or travel trailer together with his car license number and the license number of such mobile home or travel trailer.

The Office of the Zoning Administrator may issue a permit for the temporary occupancy of a mobile home or travel trailer outside of a Park upon receipt of the application as set forth in the previous paragraph. The permit may be issued for a period specified by the Administrative Officer and not to exceed one (1) year from the date of the granting of the permit; and such permit may be extended for good cause in the judgment of the Zoning



Administrator.

6-26. TRAVEL TRAILER PARK REGULATIONS

- A. General Intent: Travel Trailer Parks are uses of land which because of their unique characteristics are classified as a Special Use in the particular District or Districts identified so that in each case the impact upon the proposed site, neighboring land, public facilities, and the public need for such Parks in a particular location can be evaluated.
- (1) Travel trailers may be occupied and used for temporary dwelling purposes only if located in an approved Travel Trailer Park or in an approved Mobile Home Park as addressed herein. Such Travel Trailer Parks may only be allowed in the following Zoning Districts through the approval of a Special Use permit: "A-G", "R-2", and "C-2".
 - (2) Trailer Parks are areas for the temporary location of travel trailers, as defined in this Ordinance and briefly here defined as motorized vehicles designed and intended for temporary living facilities. "Temporary" is intended to mean that such dwellings may be located in a Travel Trailer Park for no more than thirty (30) consecutive days, and for no more than 104 days in a calendar year (figure assumes location of a travel trailer for every weekend in a calendar year). Travel Trailer Parks may contain a limited number of tent/tent camping sites. Such tent sites are subject to the same maximum location requirements as travel trailers; no more than 30 consecutive days, and no more than 104 days in a calendar year. The location of a site built home, mobile home, or any other permanent or semi-permanent dwelling or structure other than a travel trailer or camping tent is prohibited.
 - (3) Special Permitted Use: Any proposed Travel Trailer Parks shall apply for a Special Use permit, on forms provided by the Zoning Administrator, before any construction has begun or any mobile homes are placed on the site. The application shall be a written application to the Zoning Board of Adjustment and include the following information as a minimum:
 - (a) The name, address, and signature of the applicant, the land owner, and the developer (if different).
 - (b) The location and legal description of the proposed tract for the Park.
 - (c) A brief description of why this site should be developed for a Travel Trailer Park, including facts showing how the proposed Park complies with the Comprehensive Plan and Land Use Policies.
- B. Filing Fee: All applications shall pay a fee based on the fee schedule approved by the Board of Supervisors
- C. Site Plan Requirements: The application also shall be accompanied by a Site Plan, consisting of eight (8) copies, which will be used by the County and the Zoning Board of Adjustment in making its decision. The Site Plan shall be drawn at a reasonable and legible scale and shall include the following:
- (1) A separate vicinity map showing the Park's relationship to existing streets, adjoining properties, and public facilities.
 - (2) Existing and proposed contour intervals of not more than five (5) feet, provided, however,

that a minimum of two (2) contours shall be shown.

- (3) The location of existing property lines and other pertinent information including but not limited to: Surface features, buildings, roads, railroads, utilities, watercourses, mature trees, and similar items affecting the development. Also, the location of sub-surface features, such as underground utilities and drain tiles.
- (4) All existing adjacent subdivisions, streets, lots, and tracts of land along with the location of such homes, farm buildings, and other buildings.
- (5) The proposed location of travel trailer sites, streets, traffic flow, street lighting, access to public streets and roads, layouts for lots and spaces, location of utilities and utility easements, recreation areas, park accessory buildings and facilities.
- (6) The location and manner of providing water supply and sewage treatment which meets Iowa DNR and Scott County Health Department regulations.
- (7) A grading plan including detailed information complying with Iowa DNR and local Scott County regulations for handling storm water run-off.
- (8) The title in large letters of the proposed Park, a north arrow, scale, the Zoning District in which the land is located, and the proposed street names in the Park.

D. Filing Sequence: Once the application, fee, and Site Plan (8 copies) are properly filed with the Zoning Administrator, the application shall be put on the next regular meeting for the Zoning Board of Adjustment, which allows twenty (20) days for review prior to the meeting. One copy will be forwarded to the Board of Health and the County Engineer for review and recommendation at the public hearing.

- (1) The Zoning Administrator will make public notice in the newspaper and send notification to all property owners of record within five hundred (500) feet of the proposed Park site.
- (2) The Zoning Board of Adjustment, after such public hearing, may grant a Special Use permit to the applicant to operate a Travel Trailer Park in Scott County. The decision may be postponed until the next regular meeting, if there is not enough information to make a proper decision after the public hearing.

E. Board Findings: The Board may approve such Park application if it can affirm that the proposed Park is to be located in an eligible Zoning District; that it substantially meets the standards and procedures of this Section, the general intent of the Zoning Ordinance, and the Comprehensive Plan; that there are adequate provisions for fire protection and water supply; that the proposed Park will not be detrimental to, nor endanger the public health, safety and general welfare; that it will not be injurious to the use and enjoyment of adjacent property owners for the purposes already permitted; nor will it substantially diminish property values within the neighborhood; and that the proposed Park will not impede the normal and orderly development of the surrounding property for uses permitted in the District. The Board may grant the permit, but include such conditions on the layout and operation of the Park as it deems essential to be consistent with the spirit, purpose, and intent of this Ordinance.

F. Standards: (Applicable to new parks and additions to existing parks)

- (1) Minimum Site: The minimum site for a Travel Trailer Park shall be five (5) acres.
- (2) Travel Trailer Density: A maximum density of fifteen (15) travel trailers per acre, and twenty-five (25) tents per acre, of ground is permitted.
- (3) Open Space: Common open space shall be provided and based on a factor of three hundredths (0.03) acres per travel trailer space, and the same factor per every two (2) tent spaces (if applicable), with a minimum of one (1) acre of useable land designated per Park addition.
- (4) Roadways, Streets, and Driveways: Roads, streets, and driveways, within Travel Trailer Parks shall be suitably graded, dust free, and constructed to provide proper drainage, safe and convenient access to each travel trailer space, and convenient circulation of vehicles. Street layout will be designed to limit the number of access points onto the public road system and to minimize traffic hazards. The roadway surface shall be constructed to maintain a driving area at least twenty (20) feet wide the entire route. If a pavement is desired, it shall first be approved by the County Engineer, who may require any and all forms of background information to assist him in making his decision. Such plans shall be approved before any construction may begin on the Travel Trailer Park.
- (5) Street Lighting: Adequate street lighting shall be provided as deemed necessary, and reviewed at the time the Special Use permit is considered.
- (6) Off-Street Parking: Off-street parking shall be provided in the Park for the use of Park residents and guests. In Travel Trailer Parks, one (1) vehicle parking space shall be provided for each site and one (1) additional for every three (3) travel trailer spaces, the same for every tent space (if applicable).
- (7) Spaces: Individual lots or spaces shall be so arranged that there will be at least a fifteen (15) foot clearance between travel trailers. No permanent structures, such as porches, canopies, or other additions shall be built onto any travel trailer. No travel trailer shall be located closer than fifty (50) feet from the front property line (or right-of-way), nor closer than twenty (20) feet from any internal street or roadway surface, nor closer than twenty-five (25) feet from any side or rear property line, nor closer than five (5) feet from any interior lot line.
- (8) Building and Other Improvements: Plans and specifications of all Park-owned buildings and other improvements, including sewage, gas, electric and water supply, roadways and sanitary facilities constructed or to be constructed within the Park shall comply with applicable laws of the State of Iowa and with applicable Chapters of this Code.

Buildings and structures shall be limited to one (1) "convenience shopping" store, the residence of the owner/operator, utility and recreation buildings, and accessory buildings and structures for maintenance of the Park. The applicant shall provide for an Iowa State Registered Professional Engineer to design the sanitary sewer and water systems and certify their installation according to the plans. The Engineer will inspect the installation of the sewer and water systems and show proof thereof.



- (9) Ownership of Park: The Park owner may not sell or transfer title of any lot or space in such Park. In the event of any such transfer, the Special Use Permit of the Park shall be automatically revoked, and all travel trailers shall be removed from the premises within thirty (30) days of written notice to do so from the Zoning Administrator. It is the intention hereof that such Parks may be transferred in their entirety, as long as the new Park owner agrees to comply with the Special Use permit.
- (10) Occupancy: The Park may not be occupied until the sewer and water supply have been approved by the County Board of Health or the Iowa Department of Natural Resources (if applicable) and lighting, electricity, and natural gas (if applicable) have been installed and are operational. The internal roadways leading to the lot or space must be constructed. Once the utilities are in place, the Zoning Administrator will do an on-site inspection and provide a Certificate of Compliance for the Park or a phase of the Park.
- (11) Changes in the Layout of the Park: Any substantial changes in the Park which would change lot sizes, numbers, recreation areas, or street patterns first must be approved by the Zoning Administrator. Any new additions to the Park require the applicant to file for an amended Special Use permit with the Zoning Board of Adjustment, following the same procedures established in this Ordinance.
- (12) Failure to Construct Park: A Special Use permit issued by the Zoning Board of Adjustment for such a Park shall become null and void if no substantial development has been completed one (1) year after the granting of such permit. This period may be extended only upon review and written approval of the Zoning Administrator.
- (13) Park Vacation: If a Travel Trailer Park is vacated for more than one (1) year, the Special Use permit shall become null and void.

6-27. OFF STREET VEHICULAR PARKING REQUIREMENTS

A. Off street parking required: All new construction r, re-development or change of use of property subject to the requirements of Section 6-29 Site Plan Review shall be required to provide off street parking and circulation areas in accordance with the requirements set forth as follows:

- (1) Off street parking spaces shall be provided using the following guidelines:
 - (a) Single and two family dwellings 3 per unit
 - (b) Townhouses and Apartments 2 per unit
 - (c) Senior Residential facilities 1 per unit
 - (d) Churches and assembly facilities 1 per every 3 persons of occupancy load
 - (e) General Commercial Uses 1 per every 500 sq ft gross floor area
 - (f) Outdoor Recreational facilities 1 per every 3 persons of design capacity
 - (g) Retail Sales under 5, 000 sq ft 1 per every 500 sq ft gross floor area
Floor area
 - (h) Retail Sales over 5,000 sq ft 1 per every 750 sq ft gross floor area
Floor area
 - (i) Office Uses 1 per every 500 sq ft gross floor area
 - (j) Restaurants and on premise 1 per every 250 sq ft gross floor area
Liquor sales



- (k) Industrial Uses 1 per every 750 sq ft gross floor area
- (l) Warehousing 1 per every 1,000 sq ft gross floor area
- (m) Other Uses not specifically Identified 1 per every 3 persons of occupancy load

(2) Additional parking and circulation areas: All areas used for parking and circulation in excess of the above minimum required shall be constructed in accordance with the requirements of these regulations.

(3) Accessible parking spaces required: Accessible parking spaces shall be provided in accordance with the requirements of the current edition of the American with Disabilities Act Accessibility Guidelines

(4) Construction and design standards: Parking and circulation areas shall be designed and constructed in accordance with the Iowa Statewide Urban Design and Specifications (SUDAS) Chapter 12 Parking Lots Sections 1-6.

(5) Completion or surety required: Prior to the issuance of Certificate of Occupancy all improvements required in accordance with this section must be completed or a performance bond be posted in an amount equal to 125% of the cost estimate of the required improvements to assure completion of the improvements within one (1) year of occupancy..

B. Storm water management: Stormwater runoff from parking and circulation areas shall be controlled in a manner approved by the County Engineer and designed and constructed in accordance with the Iowa Statewide Urban Design and Specifications (SUDAS) Chapter 12 Parking Lots Sections 1-6. Stormwater detention facilities sufficient to capture the runoff of a one hundred (100) year storm shall be placed on the property. The release rate of storm water out of the detention facility shall be restricted so as not to exceed the volume produced by a five (5) year storm when measured at the pre-developed flow rates. The velocity of the water leaving the property shall be reduced so as not to cause erosion. A drainage easement is required where storm water from a property crosses an adjacent property to reach a natural stream or public drainage facility. Enclosed storm sewers require County Engineer approval. If an acceptable pervious paving system is used the requirement to provide onsite stormwater detention can be eliminated.

C. Exceptions: Any exceptions or modifications to the requirements of the parking regulations shall be reviewed using the criteria established for the review of a Special Use permit by making application to the Zoning Board of Adjustment under the procedures and criteria of Section 6-30 C (2) Special Permitted Uses.

6-28. SIGN AND BILLBOARD REGULATIONS

A. General Intent: It is the intent of Scott County to establish effective sign regulation which recognizes public, as well as, private interests and investments in our environment; while regulating the number, size and location of signs; relating signs to the individual use, site and structure; prohibiting unsafe signs; causing the removal of abandoned and nonconforming signs; and to promote and protect the health, safety, welfare, aesthetics, convenience and enjoyment of the residents and visitors of Scott County.

It is also the intent of this Title to promote more effective and equitable sign placement and design compatible with the surroundings and appropriate to the type of activity to which the sign pertains; to encourage greater consideration of influencing factors and thoughtful design of signs; to promote economic and business development; to protect property values; to not disrupt agricultural operations or take agricultural operations out of production; reduce distractions and obstructions which may contribute to traffic hazards and/or accidents; and to enhance and protect the agricultural land, physical appearance and natural beauty of Scott County.

- B. Regulation of All Signs: The regulations contained in this Section shall apply to and regulate signs in all Districts. No sign shall be located, erected, or maintained except in compliance with these regulations. Signs, identified in this Section as requiring a permit, shall obtain a building permit and zoning approval prior to construction. Existing signs which currently conform with the zoning ordinance may continue as is, even if it is rendered non-conforming by these new regulations. If existing signs are replaced, enlarged, or significantly altered so as not to comply with the general intent of this Section, the proposed sign shall obtain a building permit and conform with these regulations.
- (1) Exemptions: Official traffic or directional signs, warning signs, address signs, information or identification signs erected and maintained by the state, county or any city; subdivision identification signs, historic site markers or plaques and any other sign required or approved by a governmental body are not subject to this Ordinance and do not require a building permit.
 - (2) Signs Prohibited: No sign other than an official traffic sign shall be placed or encroach into the public or private road right-of-way. No sign shall be erected where it may constitute a traffic hazard by obstructing the vision of drivers or pedestrians, by interfering with any traffic control device, or which may be confused with an official traffic control device by reason of its size, shape, design, or location, content, coloring, or manner of illumination.
 - (3) Signs at Intersections: Signs located within one hundred (100) feet of a public or private road intersection shall be erected and maintained so that there is an unobscured visual sight area for vehicle operators or pedestrians. The unobscured area, at a minimum, shall extend from a distance of three-and-one-half (3-1/2) feet to fifteen (15) feet above the traveled portion of the roadway. See Section 6-6.T. "Visual Clearance" for additional restrictions.
 - (4) On Premise Wall Signs: All signs affixed to the walls, facia, windows or doors of the principal building on the property shall not require a building permit, but shall be limited to no more than 25 per cent coverage per building side. Signage drawn or painted directly on a wall or building surface is permitted, and subject to the 25 per cent coverage requirement per building side.
 - (5) On Premise Roof Signs: Roof signs are permitted in all Districts, except any residential district. Roof signs shall not project more than six (6) feet beyond the roof line of the building, and may not exceed the District height limit established for principal structures. The width of any roof sign shall not project out beyond any wall or side of the building on which it is placed. A roof sign may project or cantilever by no more than six (6) feet over the plane of the building wall or side which it faces; and in such cases an engineered design shall accompany the building permit. Roof signs require a building permit but shall not be included in the cumulative total area of on premise accessory signage permitted.
 - (6) On Premise Accessory Signs: A free-standing pedestal, ground, monument, or other detached sign which directs attention to an establishment, business, profession, commodity, service, premises, person or thing which is located, produced, conducted, sold,

- or offered on the same lot upon which the sign is located. The cumulative total of all detached accessory signs on a property shall not exceed 500 square feet of sign area, including all sides of sign faces, with no single sign face exceeding 250 square feet
- (7) **Accessory Sign Size and Location Restrictions:** In permitted districts, an accessory sign shall not exceed 250 square feet of total surface area per side, if set back at least twenty-five (25) feet from the closest portion of the sign face and the front property line or the distance from the front property line to the principal structure, whichever is less. The front yard setback for free-standing accessory signs may be reduced five (5) feet for every twenty (20) percent reduction from the overall permitted sign area. In no event shall the front yard setback be less than five (5) feet. The total sign area per side shall be limited to two (2) square feet of sign area for every one (1) linear foot of lot frontage, maximum 250 square feet per face, for a free-standing accessory sign. Permitted free-standing accessory sign area is cumulative and the sum total of all detached accessory signs on a property shall not exceed 500 ft² of sign area, including all sides of sign faces, [with no more than 250 square feet of total surface area per side allowed per lot].
- There shall be no side yard setback requirements for accessory signs, except on the side of the lot adjoining an "R" District, private residence, school, or church. In that case, the sign may not face the "R" District or land use, unless the sign is ten (10) square feet in surface area or less and not illuminated. For each foot in from the side yard in which the sign is located, the surface area may increase ten (10) percent. At fifty (50) foot side yard setback, the sign may be at the maximum size allowed and illuminated.
- (8) **Off-Premise signs (Billboards):** Billboards are allowed in "CAD-PV" "C-1", "C-2", "I", and "I-F" Districts, if they meet the following restrictions: Maximum billboard area shall be 800 square feet of total surface area per side. Minimum front yard setback from the closest portion of the sign face to the road right of way or easement is fifty (50) feet. However, the front yard setback may be reduced ten (10) feet for every twenty (20) percent reduction in the permitted billboard area. In no case will the front yard setback be less than ten (10) feet. The minimum spacing between billboard structures shall be five hundred (500) feet, except that a billboard structure may have faces on opposite sides of the structure if only one face can be seen at one time. The maximum height of the billboard, including extensions, is forty-five (45) feet. There shall be no side yard setback requirements for billboards, except on the side of the lot adjoining an "R" District, private residence, school, or church. In that case, the billboard may not be located closer than three hundred (300) feet from the existing building used for residential, religious, or educational uses.
- (9) **Iowa Department of Transportation (IDOT) Approval:** Any proposed sign or billboard along a State or Federal highway must be approved by IDOT along with compliance with the regulations of the Zoning Ordinance.
- (10) **Electronic message signs and lighted signs:** On premise accessory signs shall be limited to no more than 50% of the sign face being used for display of electronic lighted messages. An on premise accessory sign may be entirely constructed as an electronic message sign, but in such a case the sign is limited to no more than 125 square feet of total surface area per side and only one fully electronic message sign may be installed per lot. Such displays shall be limited to scrolled messages or static display with frame effects that dissolve or fade in transition. Full animation, flashing or video display signs are not permitted. Off premise signs (billboards) may have 100% of the sign face being used for display of electronic lighted messages. Such displays shall be limited to static display with frame effects that hold for a minimum of eight seconds and cut to transition to next frame within one second. Full animation, flashing or video display signs are not permitted.

- (11) Temporary Signs: Temporary signs are allowed in all zoning districts, and are signs which are temporary in nature due to their inherent design and placement. “Temporary” is considered to be a period of time not to exceed 180 days. Temporary signs may be constructed out of materials such as cardboard, foam core, plastic or plywood, and lack a permanent foundation or footing design, and structural frame. Temporary signs may refer to temporary events, products, and/or services. Some signs may depict ideas or subject matters not inherently temporary, but such signage is nonetheless subject to temporary signage regulations if not permitted as an on premise or off premise advertising sign and/or if its design and placement is temporary in nature. Temporary signs cannot be electronic message signs, and they must be unlit and have no moving parts. As defined, temporary signs are permitted for no longer than 180 days. Temporary signs shall not be placed or encroach into the public or private road right-of-way, shall not exceed six (6) feet in height, and shall not exceed 25 square feet of total surface area per side. Multiple temporary signs per lot are allowed; if multiple signs are sited on a single lot, the cumulative allowable sign area is 25 square feet including all sides of sign faces.
 - (12) Permit required: A sign permit is required prior to the installation of any on premise accessory pedestal, ground or roof sign and any off premise sign or billboard. The sign permit fee shall be determined in accordance with the fee schedule of the Scott County International Construction Code.
 - (13) Future Signs Not in Compliance: Effective at the adoption of this Ordinance, any new sign or billboard erected in unincorporated Scott County without a building permit and in violation of the Zoning Ordinance shall be given thirty (30) days to remove the sign or billboard, or to apply for a variance from the Board of Adjustment. If the property owner does submit a variance application to the Zoning Administrator within the thirty (30) days, or if the Board of Adjustment denies the variance application, the property owner shall remove said sign within seven (7) days of notice of receipt of violation from the Zoning Administrator.
- C. Illumination Standards: All proposals for electronic and lighted signs require review and approval of the Zoning Administrator. Such proposals shall include site plan, a sketch of the sign and adjoining areas which may be affected by the sign. All lighting shall be directed away from adjacent residential land uses and roadways, in order to avoid glare upon adjacent properties and vehicular traffic. The applicant may appeal any decision of the Zoning Administrator to the Board of Adjustment.
- (1) Signs utilizing external lighting must be located so that light does not extended beyond the illuminated sign face and create light spillage onto adjacent properties, residences, and rights-of-way.

6-29. SITE PLAN REVIEW

- A. Purpose: In accordance with the Comprehensive Plan of Scott County, it is essential that new developments and substantial improvements to existing developments or the change in use or re-occupancy of existing developments meet established minimum standards for the design and improvement of such developments, to insure adequate provisions for public/private utilities; such as sewer, water, and roads, and to promote the health, safety, and general welfare of the public.
- B. Application: Prior to issuance of building permit for any new development, substantial improvement to any existing development, change in use of any existing development or the re-

occupancy of a building that has been vacant for one (1) year or greater, approval of a Site Plan Review by the Planning and Zoning Commission is required. A site plan review is required whenever a person, firm, corporation or other group wishes to develop, re-develop, or re-occupy a tract of land for multi-family dwelling units, commercial, office, institutional, or industrial use. If the proposed use is a principal permitted use within that Zoning District, the Planning and Zoning Commission will review the site plan. For special permitted uses, the site plan will be reviewed by the Commission and the Special Use permit will be reviewed by the Zoning Board of Adjustment.

C. Procedure: The developer shall submit a letter of application and 10 copies of the site plan to the Zoning Administrator, who will determine if all necessary information is provided for review. Once all the required information is received, the Zoning Administrator shall forward copies of the Site Plan to the County Engineer and the County Health Officer for their review and recommendation. A copy of the Site Plan shall also be sent to all adjoining property owners. The Zoning Administrator will schedule a review by the Planning and Zoning Commission at the next regular meeting beyond fifteen (15) days of official receipt.

(1) The Planning and Zoning Commission shall review the Site Plan proposal at said meetings and receive a site report from the County Engineer, the County Health Officer, the Zoning Administrator and receive comments from the public. The Commission shall make its determination of conditions for approval of the site plan within thirty-five (35) days of the first meeting. If no action is forthcoming within the thirty-five (35) days, the site plan shall be deemed approved and a building permit may be issued.

(2) The developer may appeal the conditions of the Planning and Zoning Commission placed on the proposed development by notifying in writing the Board of Supervisors. Such appeal shall be made within thirty (30) days of the Commission's decision and shall specify what relief is requested of the Board of Supervisors. The Board shall hear said appeal at a committee of the whole meeting within fifteen (15) days and act upon the appeal at a regular Board meeting within thirty (30) days of appeal receipt.

(3) A building permit may only be issued after Planning and Zoning Commission approval or decision of the Board of Supervisors on appeal.

D. Site Plan Review Standards: The standards of site design listed below are intended only as minimum requirements, so that the general development pattern in rural Scott County may be adjusted to a wide variety of circumstances and topography, and to insure reasonable and orderly growth in rural Scott County.

(1) All proposed developments shall conform to the Land Use Policies of the 2008 Comprehensive Plan of Scott County, as amended; the Scott County Zoning and Subdivision Ordinances standards and procedures, where applicable; such other County ordinances as may pertain to such developments; and any applicable administrative rules of the Iowa Department of Transportation, Iowa Department of Health, Iowa Department of Natural Resources, and other agencies of the State of Iowa.

(2) All parking shall be provided in accordance with the provisions of Section 6-23 Vehicular Parking and Loading Provisions. Prior to issuance of a building permit a performance bond shall be posted with the Scott County Planning and Development Department to

secure all required parking and circulation area improvements in accordance with the requirements of the County Engineer.

- (3) The proposed development shall be designed with appropriate regard for topography, surface drainage, natural drainage ways and streams, wooded areas, and other naturally sensitive areas which lend themselves to protection from degradation. Applicant may be required to submit engineering studies and plans to state how the applicant will protect the sensitive environment at applicant's expense. A soil erosion control plan is required if more than one (1) acre of land is proposed to be disturbed during construction.
- (4) The proposed development shall be designed with adequate water supply and sewage treatment facilities and storm water drains and structures necessary to protect the public health and welfare by not overloading existing public utilities. Runoff from development shall not be outletted into roadside drainage facilities in excess of the existing runoff prior to development. Applicant may be required to submit engineering plans to show how the applicant will manage storm water runoff to a 25-year rainstorm.
- (5) The proposed development shall be designed, and the buildings and improvement shall be located within the tract or parcel in such a manner as not to unduly diminish or impair the use and enjoyment of adjoining or surrounding property. And to such end, the developer shall provide for such fences, landscaping and other improvements as are deemed proper and necessary to buffer the proposed use from the existing or surrounding land uses. A landscaping plan plus the agreement to implement the plan is required for any building exceeding 10,000 square feet. Applicant may be required to submit a plan drawn up by a landscaping firm or nursery.
- (6) The proposed development shall be designed not to unduly increase the public danger of fire, explosion, and other safety hazards on the general public and the persons residing or working in adjoining or surrounding property.

E. Information on Site Plan: The purpose of the Site Plan is to show the facts needed to enable the Planning and Zoning Commission to determine whether the proposed development meets the requirements of this Ordinance and complies with the standards listed in paragraph D above.

- (1) Location map showing relationship to surrounding roads, streams, and public facilities.
- (2) Scale of Site Plan shall not be more than one (1) inch to equal fifty (50) feet. Scale shall be shown in legend.
- (3) Name and address of land owner and developer.
- (4) Date, north marker, name of proposed development.
- (5) Existing buildings, utilities, railroads, rights-of-way, easements, location, and name of existing roads, stands of trees, and drainage ways.
- (6) Location and name of adjoining subdivisions, subdivision lots therein, and names of the adjoining landowners.

- (7) Existing and proposed contour lines at intervals of two (2) feet, with a minimum of two (2) contours.
 - (8) Zoning district classification; type of water supply and sewage disposal and storm water management.
 - (9) Other information as deemed necessary to describe how the standards in paragraph D above will be satisfied.
 - (10) Proposed location of buildings, access to parking lots, traffic flows, changes in ground-elevation, landscaping to be removed and added, signs, lights, waste bins, outdoor storage areas, loading areas, fences/walls, etc.
- F. Fees: When the site plan materials are submitted, the owner/developer shall pay a fee based on the fee schedule approved by the Board of Supervisors.

6-30. ZONING BOARD OF ADJUSTMENT PROCEDURES

- A. Membership: A Zoning Board of Adjustment, hereafter referred to in this Section by the word "Board", is hereby established. Such Board shall consist of five (5) members, a majority of whom shall reside within the County, but outside the corporate limits of any city, appointed by the Board of Supervisors. The five (5) members of the Board shall be the same Board members as existed under the previous zoning ordinance. Said Board shall serve out their unexpired terms and are eligible for re-appointment. Terms shall be for five (5) years, and vacancies shall be filled for the unexpired term of any member whose position becomes vacant. The Board of Supervisors shall have the power to remove any member of the Board for cause upon written charges and after a public hearing.
- B. Rules - Meetings: The Board shall adopt rules in accordance with the provisions of this Ordinance and the Iowa Code. The Board shall elect its own chairman at the first meeting of the calendar year, who shall serve for the calendar year. Meetings will be established by the rules and shall be open to the public. The chair, or in the chair's absence, the vice chair, shall conduct the meetings. Three (3) members present shall constitute a quorum. The Board shall keep minutes of the proceedings showing the vote of each member upon each question, and all such material and related upon each question, and all such material and related documents shall be immediately filed in the Department of Planning and Development and shall be a public record.
- C. Powers, Duties and Considerations: The Board shall have the following powers and it shall be its duty:
- (1) To hear and decide appeals of interpretation where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Ordinance or of any supplement or amendment.
 - (a) Appeals of interpretation may be taken by any person, or by an officer, department, board or commission of the County aggrieved by such interpretation. Once notified in writing of the decision and its justification, the aggrieved party has fifteen (15) days to appeal to the Board by filing an appeal in writing with the Department of Planning and Development. Said appeal shall specify the grounds for appeal. The

Zoning Administrator shall forward the appeal and all related papers which constitute the record upon which the appeal was taken to the Board of Adjustment.

- (b) Appeals to interpretation may relate to Zoning District boundary line location, the use of the building or premises, the applicability of zoning standards to the specific site, and other similar matters.
- (2) To hear and decide an application for Special Permitted Uses as provided for the Zoning Districts for this Ordinance.
- (a) Applications for Special Permitted Uses shall be submitted to the Board through the Department of Planning and Development on the application form provided. The applicant will provide a site plan as prescribed in Section 6-25 and a written explanation of the proposed special use which describes when it would be started and completed, how it will operate, how it will satisfy a need for such a use in that particular location. The Zoning Administrator shall forward the application and all related papers to the Board for their review decisions.
 - (b) Before the issuance of a special permit, the Board will hold a public hearing and shall determine the effect of the proposed use upon the character of the neighborhood, the adjoining property values, the adequacy of the County road to handle any additional traffic, the potential traffic hazards, the impact on the water table, the handling of sewage wastes and storm water runoff, the potential of increasing the base flood elevation, and other matters relating to the public safety, public health, and general welfare.
 - (c) The Board may place reasonable conditions on the Special Permitted Use as necessary to protect the character of the neighborhood, to maintain the spirit and intent of this Ordinance, and to adhere to the Land Use Policies of the 2008 Comprehensive Plan, as amended.
- (3) To authorize, upon appeal, such variance(s) from the terms of this Ordinance where because of the unusual circumstances, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, and so that the spirit of the Ordinance be observed and substantial justice done.
- (a) Appeals for a variance may be made by the landowner, potential buyer or developer, or operator/manager of land, who has applied for a building permit and been denied because the proposed development does not comply with the specific regulations of this Ordinance. The same appeals process is required for previously constructed structures which were built in violation of this Ordinance. Applicant has fifteen (15) days from building permit denial to appeal to the Board by completing the appeal form in the Department of Planning and Development. Said appeal should state the specific variance requested and the reasons for which the appeal should be granted. The Zoning Administrator shall forward the appeal and all related papers which constitute the record upon which this appeal was taken to the Board of Adjustment.
 - (b) Before deciding on the variance appeal, the Board will hold a public hearing and

shall determine if one of the two following conditions has occurred:

- i. When because of an exceptional situation, topographical condition, surroundings, size, shape or other condition of a specific piece of property of record, the strict application of any provision of this Ordinance would result in peculiar and exceptional practical difficulties or particular hardship upon the owner of such property and amount to a practical confiscation, the Board may vary the application of the regulations imposed by this Ordinance subject to the restrictions in the following paragraphs.
 - ii. When the applicant for a variance can show that the hardship is a compelling force and not a perceived one, the hardship was created by this Ordinance and not the applicant, and the strict application of the Ordinance precludes its use for any purpose to which the land is reasonably adapted.
- (4) To hear and decide variances to Sections 6-21, 6-22, 6-23, and 6-24 concerning the flood plain districts, variances granted must meet the following applicable standards.
- (a) No variance shall be granted for any development within the Floodway District which would result in any increase in the 100-year flood level. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
 - (b) Variances shall only be granted upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense; create nuisances, or cause fraud on or victimization of the public.
 - (c) Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (d) In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this Ordinance, the applicant shall be notified in writing over the signature of the Zoning Administrator that (i) the insurance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage and (ii) such construction increases risks to life and property.
 - (e) All variances granted shall have the concurrence or approval of the Iowa Department of Natural Resources.
 - (f) In passing upon requests for Flood Plain Variances, the Board shall consider all relevant factors specified in other sections of this Ordinance and:
 - i. The danger to life and property due to increased flood heights or velocities caused by encroachments.

- ii. The danger that materials may be swept on to other lands or downstream to the injury of others.
- iii. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
- iv. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- v. The importance of the services provided by the proposed facility to the community.
- vi. The requirements of the facility for a flood plain location.
- vii. The availability of alternative locations not subject to flooding for the proposed use.
- viii. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- ix. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
- x. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- xi. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwater expected at the site.
- xii. Such other factors which are relevant to the purpose of this ordinance.

D. Conditions for Granting Variances: No variation in the application for the provisions of this Ordinance shall be made in the instances specified above unless and until the Board shall be satisfied that granting the variance will not:

- (1) Merely serve as a convenience to the applicant and is necessary to alleviate demonstrable hardship or difficulty so great as to warrant the variance.
- (2) Impair the general purpose and intent of the Development Plan as established by the regulations and provisions contained in this Ordinance.
- (3) Impair an adequate supply of light and air to adjacent property.
- (4) Increase the hazard from fire and other danger to said property.
- (5) Diminish the value of land and buildings elsewhere in the County.
- (6) Increase the congestion and traffic hazards on public roads.



- (7) Otherwise impair the public health, safety, and general welfare of inhabitants of the County.

E. Conditions to be Placed on the Granting of Flood Plain Variances: Upon consideration of the factors listed in C.(4) above, the Board may attach such conditions to the granting of flood plain variances as it deems necessary to further the purpose of this ordinance. Such conditions may include, but not necessarily be limited to:

- (1) Modification of waste disposal and water supply facilities.
- (2) Limitation on periods of use and operation.
- (3) Imposition of operational controls, sureties, and deed restrictions.
- (4) Requirements for construction of channel modification, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purposes of this ordinance.
- (5) Floodproofing measures. Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board of Adjustment shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

F. General Procedures: A person, firm, or corporation may apply for a variance, special permitted use, or appeal of interpretation to this Ordinance for a particular parcel of land within Scott County by filing an appeal with the Zoning Administrator. The applicant(s) may be the landowner, the current or prospective tenant, lessee, or operator of the property, if applicable. If the applicant is not the landowner, the landowner must co-sign the application. Cases must be filed a minimum of ten (10) days prior to the Board meeting.

- (1) The Zoning Administrator will prepare notice of the public hearing stating the location of the property and a brief description of the nature of the application, and the time and place of the public hearing in the following manner.
 - (a) Notify all owners of property located within five hundred (500) feet in all directions from the property in question by common mail at least five (5) days prior to the Board meeting.
 - (b) Prominently display an informational sign on the applicant's site.
 - (c) Notify the County Engineer and County Health Officer and allow them time to reply, if applicable.
- (2) At the public hearing, any person may appear and testify either in person or by duly authorized person or attorney, or in writing received by noon of the meeting day. For all appeals and applications, the burden of proof rests with the applicant.

- (3) Voting: In exercising the powers of subsection C above, the Board may reverse, affirm, or modify the request, in whole or in part. The concurring vote of three (3) members of the Board shall be necessary to approve an application for a variance or special use permit or reverse the Zoning Administrator's interpretation.

The Board's decision shall affect the property described in the application and does not terminate with the change of ownership unless specifically stated in the Board's decision. As long as subsequent owners continue to use the building or property as stipulated in the Board's decision, additional review or application is not necessary.

Every decision of a Board case will result in a written decision which specifies the reasons for granting or denying an appeal or application or stipulates the conditions upon which a variance or special permitted use is approved (if applicable).

- (4) Notification of Board's Decision: The Zoning Administrator shall notify the applicant by written letter of the official decision of the Board within fifteen (15) days of decision.
- (5) Right to Appeal Decision: Any person or persons jointly or separately aggrieved by any decision of the Board under the provisions of this Ordinance, or any taxpayer, or any officer, department, board, or commission of the County may present to District Court a petition, duly verified, setting forth that such decision is illegal or in error, in whole or in part, specifying the grounds of illegality or error. Such petition shall be presented to the Court within thirty (30) days after the decision by the Board.
- (6) Variations of Flood Plain Elevation Requirements: All variances granted in the designated flood plain shall have the concurrence or approval of the Iowa Department of Natural Resources. The Zoning Administrator shall notify the applicant that the issuance of a variance to locate a structure at an elevation below the 100-year flood level will result in increased premium rates for flood insurance coverage, up to amounts as high as twenty-five dollars (\$25) for one hundred dollars (\$100) insurance coverage, and that such construction below the base flood increases risks to life and property. Such notification shall be maintained with a record of all variance actions.
- (7) Filing Fee: All applications shall pay a fee based on the fee schedule approved by the Board of Supervisors.
- (8) Time Limit on Board Decision: If the property granted a variance or special use permit is not developed as allowed within two (2) years of Board action, the Board may, after seven (7) days' notice in writing to the landowner, initiate action to rescind the variance or special use permit granted. This can occur only after a public hearing before the Board at a regular meeting.

6-31. ZONING AMENDMENT PROCEDURES

- A. General Authority: The Board of Supervisors may from time to time, on its own action or on petition from the Planning and Zoning Commission or an individual or group, after public notice and hearings as provided by law, and after report by the County Planning and Zoning Commission, amend, supplement, or change the boundaries or regulations herein or subsequently



established, and such amendment shall not become effective except by the favorable vote of a majority of all the members of the Board of Supervisors.

- B. Procedure: A person, firm, or corporation or the Commission may initiate any zoning text or map amendment of this Ordinance by filing a request with the Zoning Administrator. A Zoning Map amendment by anyone other than the Commission requires a signed petition by the owners of at least fifty (50) percent of the area of all the real estate included within the boundaries of the area to be rezoned. Said petition shall contain a legal description of the real estate for which rezoning is requested, the existing zoning classifications and the requested zoning classification, and a statement of intended use and how such use complies with the Land Use Policies of the 2008 Comprehensive Plan of Scott County, as amended; and the Scott County Zoning Ordinance standards and procedures, as deemed applicable. Also, the applicant shall provide thirteen (13) copies of a site plan or plat. Rezoning filing fees will be charged for the two stages based on the fee schedule approved by the Board of Supervisors.
- (1) The Zoning Administrator, upon receipt of all required material, shall establish a rezoning public hearing date at least eighteen (18) days and not more than thirty (30) days from date of filing before the Planning and Zoning Commission. The notice of said rezoning shall be conspicuously posted on the land for which the rezoning is requested and notice mailed to landowners of record within five hundred (500) feet of said property.
 - (2) Upon receipt of any petition to amend the Zoning Ordinance, the Zoning Administrator shall forward a copy of the petition and a Site Plan to the County Engineer; the County Board of Health; the SCS District Conservationist; the Bi-State Metropolitan Planning Commission; and to the planning staff of the city (if located within two (2) miles of a city with a zoning ordinance). The materials will be submitted to each department with a request to review and comment in writing prior to the Planning and Zoning Commission holding its public hearing.
 - (3) The Commission, after the public hearing, shall act within thirty (30) days to recommend approval or disapproval to the Board of Supervisors. Once the recommendation is made, the applicant has seven (7) days to submit the Board of Supervisors public hearing filing fee. If received, the Zoning Administrator shall forward the petition to the Board of Supervisors to be on a Board meeting agenda within thirty (30) days of receipt. If the filing fee is not received within seven (7) days, the Zoning Administrator shall notify the applicant by common mail that the rezoning process has been terminated.
 - (4) The Board of Supervisors shall receive the recommendation of the Commission and review it prior to a public hearing. The Zoning Administrator shall publish public notice in an official County newspaper, at least four (4) days and not more than twenty (20) days prior to the public hearing, and to re-notify all property owners of record within five hundred (500) feet of the property for which the rezoning is requested.
 - (5) At the public hearing, the Board will hear the applicant's request, the Commission's recommendation, and comments from the public concerning the zoning text or map amendment. The Board may hold the first reading after the public hearing or delay any action until the next regular meeting. A second reading and publication in conformance with State law is required before the text or map amendment is effective.

- (6) In case the proposed amendment or rezoning is disapproved by the Planning and Zoning Commission, or a protest be presented, duly signed by the owners of twenty (20) percent or more, either of the area included in such proposed change, or of the area immediately adjacent thereto and within five hundred (500) feet of the boundaries thereof, such rezoning shall not become effective unless four (4) members of the Board of Supervisors cast a favorable vote.
- (7) If the property is rezoned, and the property is not developed for eligible uses in whole or in part within two (2) years from such rezoning, or unless there exists an unexpired building permit for the development thereof at the end of such two (2) years, the Planning and Zoning Commission, may notify the current owner(s) of the area rezoned the Commission will initiate action to rezone the property to its previous zoning classification following these established procedures.

6-32. COMMUNITY AREA DEVELOPMENT ADMINISTRATION

- A. **General Intent:** This Ordinance recognizes the two Community Area Developments (CAD's) created by an earlier edition of the Zoning Ordinance, Village Oaks and Park View. The plans which were approved in conformance with Section 29 of the 1951 Scott County Zoning Ordinance with amendments remain in effect. This section describes the procedures for amending a CAD, but does not permit the creation of any new community area developments in Scott County.
- B. **Scope:** Park View Development, located in portions of Sections 30 and 31, Butler Township; and Village Oaks Development, located in a portion of Section 18, Buffalo Township; are conforming CAD's in unincorporated Scott County.
- C. **Plans Recognized as Basis for Future Development:** All undeveloped portions of the two CAD's shall be developed in accordance with plats, restrictive covenants, and the Statement in Support on file in the Department of Planning and Development. Village Oaks will develop according to the recorded subdivision plats. Park View will develop according to the colored development plan approved by the County in 1966 and as amended in accordance with the procedures established in the Revised Zoning Ordinance adopted April 2, 1981.
- D. **Zoning District Regulations applicable to approved CAD Areas:** This ordinance has two zoning districts applicable to these two existing CAD Areas. "CAD-R" Community Area Development Residential District applies to the residential areas of both Village Oaks and Park View, "CAD-PVC" Community Area Development Park View Commercial District only applies to the commercial areas of Park View.
- E. **Procedure for Amending the CAD Plans:** The Commission, developer, or the owners of at least fifty percent (50%) of the area to be changed may file a request with the Zoning Administrator . The request shall contain a legal description of the real estate to be amended, a plat showing the existing plan and the requested change in land use, and a statement of how the proposed use complies with the Scott County Comprehensive Plan and the adopted Land Use Policies. If several land owners are filing the request, they must submit a signed petition stating their address and the amount of land they own.
 - (1) The Zoning Administrator, upon receipt of all required material, shall establish a public hearing date at least eighteen (18) days and not more than thirty (30) days from date of

receipt before the Planning and Zoning Commission. The notice of the proposed development plan change shall be conspicuously posted on the land affected by the proposed change and notices mailed to the appropriate Homeowners Association and landowners of record within five hundred (500) feet of said property.

- (2) The Zoning Administrator shall forward a copy of the application and development proposal to the County Engineer and the County Board of Health for their review and comments prior to the public hearing.
- (3) The Commission will hold the public hearing on the date published and will consider comments from the applicant, neighboring property owners, County departments, and the general public. The Commission shall act within thirty (30) days of public hearing to recommend approval or disapproval of the application to the Board of Supervisors.
- (4) The Board of Supervisors shall receive the recommendation and hold a public hearing on the earliest regular meeting date after public notice in the official County newspapers at least four (4) days and not more than twenty (20) days prior to the public hearing. All persons or businesses previously notified shall be renotified of this public hearing. The Board of Supervisors shall consider all information received at the public hearing and then vote to approve or disapprove the proposed plan amendment by adopting a Resolution.
- (5) The Resolution and all associate plats and agreements will be filed in the Planning and Development Department to carry out the amendment. The applicant will also file the plat and the Board's Resolution in the Recorder's office.
- (6) As applicable, the developer will proceed with a subdivision review, in accordance with the Subdivision Ordinance and a Site Plan Review, in accordance with the Zoning Ordinance, Section 6-29.

6-33. ZONING ADMINISTRATOR DUTIES

- A. The Board of Supervisors shall appoint a person to be the Zoning Administrator whose duties shall include the responsibility to administer and enforce this Ordinance. The Zoning Administrator may be provided with assistance of such other persons as the Board of Supervisors may direct.
- B. Duties: The Zoning Administrator duties shall include but not be limited to:
 - (1) Reviewing all development proposals to insure compliance with the Zoning District in which the proposal is located,
 - (2) Processing all applications for variances, special use permits, and zoning text and map amendments to insure compliance with this Ordinance,
 - (3) Providing a staff report on all pending cases to the Board of Adjustment, Planning and Zoning Commission, and the Board of Supervisors,
 - (4) Insuring that proper procedures are followed for public notices, and that official decisions and minutes are kept of Board of Adjustment and Planning and Zoning Commission meetings,
 - (5) Reviewing applications for agricultural exemptions and providing a written determination to the applicant,

- (6) Reviewing applications for Home Occupation and Home Industry permits and providing a written determination to the applicant, and
 - (7) Making determinations and taking appropriate action on zoning violations.
- C. Notice of Writing: If the Zoning Administrator finds any provision of this Ordinance violated, the Zoning Administrator shall notify in writing, the person responsible for such violation, indicating the nature of the violation, what provision was violated, and ordering the action necessary to correct it. The Zoning Administrator shall order illegal use of land to discontinue; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of this Ordinance.

6-34. OCCUPANCY PERMITS

- A. No land shall be occupied or used, and no building hereafter erected, or structurally altered, shall be occupied or used in whole or in part, for any purpose whatsoever, until a Certificate of Occupancy is issued by the Building Official. The Building Official shall not issue a Certificate of Occupancy until an inspection is made to insure that the building or part of the building meets the minimum standards of the Scott County International Construction Codes and the proposed use complies with the Zoning District on which the land and/or building is located.
- B. The Building Official, upon the finding that a building hereafter erected or structurally altered is occupied or used in whole or in part without obtaining the Certificate of Occupancy, shall immediately notify in writing the occupants and builder (if applicable) or post the alleged violation prominently on said property or building and require compliance with the Scott County Uniform Construction Codes and Zoning Ordinance within seven (7) days of receipt of notice. If compliance is not forthcoming within the seven (7) days following receipt, the building shall be deemed in violation of the Zoning Ordinance and shall immediately be vacated. Each day that a violation is permitted to exist shall constitute a separate offense.

6-35. MUNICIPAL INFRACTION

- A. Any person, persons, firm, partnerships or corporations, whether acting alone or in concert with any other, who violates this ordinance shall be guilty of a municipal infraction and shall be penalized as set forth in Chapter 29 of the County Code of Scott County, Iowa.
- B. Alternative to immediate legal actions: Within fourteen (14) days of receipt of written notice, the responsible party must either 1) eliminate the zoning violation(s), or 2) apply for a zoning change or variance which will correct the violation.

The Zoning Administrator may delay legal action against the responsible party (parties) if the violator files a request for an Agreement to Abate within fourteen (14) days of receipt of written notice of the violation. This provision is provided to allow additional, reasonable time to comply with the zoning regulations when costs, weather conditions or other unusual circumstances make compliance within fourteen (14) days extremely difficult or nearly impossible. The Planning and Zoning Commission will consider the request to enter into an Agreement to Abate at their next regular meeting.

- C. Agreement to Abate Terms: The Planning and Zoning Commission will consider the request for an Agreement to Abate based upon the degree of difficulty faced by the responsible party (parties) in eliminating the zoning violation. The Agreement to Abate is a voluntary binding agreement which stipulates the violation(s), the expiration date of the special extended abatement period, and what must be done to achieve compliance with the zoning regulation(s). In voluntarily signing this agreement, the violator also agrees to waive the right to appeal the County's determination that a zoning violation exists, and consents and agrees that if the abatement is not eliminated in the extended abatement period, the County or its agents may enter the property and abate the violation. The violator agrees to pay all costs of abatement.

6-36. VALIDITY AND SEVERABILITY

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be invalid.