

PLANNING & DEVELOPMENT

500 West Fourth Street
Davenport, Iowa 52801-1106
E-mail: planning@scottcountyiowa.com
Office: (563) 326-8643 Fax: (563) 326-8257



Timothy Huey
Director

To: Mahesh Sharma, County Administrator

From: Timothy Huey, Planning Director

Date: August 2, 2016

Re: Approval of first of two readings of a proposed Zoning Ordinance Text Amendment to Section 6-15.D of the Scott County Zoning Ordinance the Special Permitted Use regulations of the Community Area Development Park View Commercial "CAD-PVC".

The Board held a public hearing on the proposed zoning text amendment submitted by Patrick and Lora Dierickx on July 28th. The applicants and representatives from the Park View Owners Association attended and spoke at the hearing. The applicants intend to establish a single-family residence in the unoccupied church located at 11 Grove Road. The property is currently zoned CAD-PVC, which does not allow single-family dwellings as a Principal or Special Permitted Use. The CAD-PVC regulations specifically state it is not intended for residential or industrial uses. In fact the district regulations also do not allow churches. This amendment would allow single-family dwellings as Special Permitted Uses in CAD-PVC. If the property was ever proposed to be converted back to a church it would first require a text amendment similar to the current request. If a commercial use was proposed at some point in the future it would merely require a site plan review by the Planning Commission and compliance with commercial building codes.

The Planning Commission unanimously (6-0) recommended approval of this request in accordance with staff's recommendation. The applicants were present to answer questions from the Commission. However no representatives from the PVOA were at the Commission's public hearing to express objections as they did at the Board's public hearing.

If this text amendment is approved the applicants would still need to have a Special Use Permit approved by the Zoning Board of Adjustment before it could be converted to a single-family residence. Approval of such a permit would not change the commercial zoning of the property. The ZBOA would also be able to place reasonable conditions on any approval to address the concerns of the PVOA. The ZBOA would also be able to determine such a permit could not be approved for cause.

SCOTT COUNTY ORDINANCE NO. 16-_____

AN ORDINANCE TO AMEND A PORTION OF SECTION 6-15.D. “COMMUNITY AREA DEVELOPMENT PARK VIEW COMMERCIAL DISTRICT “CAD-PVC” SPECIAL PERMITTED USES OF THE ZONING ORDINANCE FOR UNINCORPORATED SCOTT COUNTY

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

Section 1. Amend Section 6-15 “COMMUNITY AREA DEVELOPMENT PARK VIEW COMMERCIAL DISTRICT “CAD-PVC”

D. Special Permitted Uses by adding “(1) Single-family dwellings.”

Section 2. The County Auditor is directed to record this ordinance in the County Recorder's office.

Section 3. Severability Clause. If any of the provisions of this Ordinance are for any reason illegal or void then the lawful provisions of this Ordinance, which are separate from said unlawful provisions, shall be and remain in full force and effect, the same as if the Ordinance contained no illegal or void provisions.

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

Section 5. Effective Date. This Ordinance shall be in full force and effect after its final passage and publication as by law provided.

Approved this _____ day of _____ 2016.

Jim Hancock, Chairman
Scott County Board of Supervisors

Roxanna Moritz, County Auditor