

## PLANNING & DEVELOPMENT

600 West Fourth Street

Davenport, Iowa 52801-1106

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Office: (563) 326-8643

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Item #5  
10/16/18

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Timothy Huey  
Director

To: Planning & Zoning Commission

From: Timothy Huey, Planning & Development Director

Date: September 27, 2018

**Re: Application to amend permitted and prohibited accessory uses in the Community Area Development Residential District**

The Park View Owners Association (PVOA) has submitted an application for a text amendment to the CAD-R zoning district regulations which apply to the residential areas of Park View. The restrictive covenants that were in effect in Park View from its inception have expired. The PVOA has been unsuccessful in getting approval to put those covenants back in place. As an alternative, they have submitted this application to amend the residential zoning regulations for Park View. Currently those regulations are very similar to the R-1 regulations that cover the subdivisions in the rest of unincorporated Scott County with the exception of the required setbacks, minimum lot size and lot width; which are reduced in Park View. Because the residential areas of Park View are covered by separate zoning regulations, it is well suited to consider stricter regulations that would only apply to the two CADs (Village Oaks being the other) and not generally in all Scott County R-1 districts. Of course many rural subdivisions also have restrictive covenants that are also stricter than county R-1 regulations which the HOAs for those subdivisions enforce.

Staff has discussed these amendments with the PVOA and have indicated that we would cooperate with the Association on the enforcement of these regulations. It would be staff's recommendation that the first contact with property owners be from the PVOA if there was an apparent violation of these regulations. Hopefully, in many if not most of the cases, that would result in the property owner bringing the property into compliance. For those recalcitrant owners with chronic violations, staff would proceed with enforcement action up to and including citations and fines. Staff has always had the goal of using such enforcement actions to bring the property into compliance. Our standard observation when adjacent property owners file a complaint is that, even if we enforce the zoning regulations, we cannot turn people into good neighbors. But our primary interest is getting property into compliance and not assessing fines.

The one requirement that was in the expired Park View covenants that staff did not recommend be included in the zoning amendments was the requirement that each residence have an exterior yard light.

Representatives from the PVOA have indicated they will attend this public hearing to answer any questions and present their reasons for this application.

## SEC 6-14“CAD-R” COMMUNITY AREA DEVELOPMENT RESIDENTIAL DISTRICT

### CURRENT

#### 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 65.60. Junk Vehicle). Any accessory commercial use which is not approved as a home business as outlined in Section 6. V, is not permitted.
- (2) Home occupations in compliance with the requirements of Section. 6-6-V.
- (3) Private kennels.

### PROPOSED

#### 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 the visible presence of any junk vehicle on a residential lot not stored entirely within an enclosed garage shall also be considered a prohibited accessory use (See Section 6-5.60. Junk 'Vehicle) Grasses and/or weeds that are in excess of 10 inches and are not a native or landscaped planting shall be considered a prohibited accessory use. 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 conducted entirely within the dwelling (not in attached or detached garage) and in compliance with all other requirements of Section 6-6.V.
- (4) Not more than four domestic pets of any species. No public or private kennels for domestic animals nor any domestic livestock are permitted.

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Timothy Huey, Director

Zoning Text Amendment Application

Date 8 / 27 / 2018

Applicant:

Park View Owners' Association

17 Lincoln Ave.

Eldridge, IA 52748

Statement of proposed text amendment: Cite Section of Zoning Ordinance to be amended and requested changes:

Edit to 6-14 "CAD-R" Community Area Development Residential District

C. Accessory Permitted Uses (1)

Remove the words 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. Add period (.) after debris.

How will such an amendment Comply With the Scott County Comp Plan and Land Use Policies?

This change would comply with the Scott County Comp Plan, County Goals.

Ensure a decent home and suitable living environment for all families, present and future, living in Scott County. This change would ban junk piles in Park View.

Michael L. Wright PRES.

Signature

MICHAEL L. WRIGHT

Name of Applicant (printed)

4-TERRACE PK CT

Mailing Address

ELDRIDGE, IA 52748

City / State / Zip

563-343-9894

Phone

Signature

Name of co-applicant

Mailing Address

City / State / Zip

Phone

Received by US  
Zoning Staff

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Timothy Huey, Director

**Zoning Text Amendment Application**

Date 8 / 27 / 2018

Applicant:

Park View Owners' Association

17 Lincoln Ave.

Eldridge, IA 52748

Statement of proposed text amendment: Cite Section of Zoning Ordinance to be amended and requested changes:

Edit to 6-14 "CAD-R" Community Area Development Residential District

C. Accessory Permitted Uses (1)

Remove the words *Two (2) or more* and replace with *Any*

How will such an amendment Comply With the Scott County Comp Plan and Land Use Policies?

This change would comply with the Scott County Comp Plan, County Goals.

Ensure a decent home and suitable living environment for all families, present and future, living in Scott County. This change would ban junk vehicles from Park View.

Michael L. Wright Pres.  
Signature

MICHAEL L. WRIGHT

Name of Applicant (printed)

4-TERRACE PK CT

Mailing Address

ELDRIDGE IA 52748

City / State / Zip

563-343-9894

Phone

Signature

Name of co-applicant

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Timothy Huey, Director

Zoning Text Amendment Application

Date 8 / 27 / 2018

Applicant:

Park View Owners' Association

17 Lincoln Ave.

Eldridge, IA 52748

Statement of proposed text amendment: Cite Section of Zoning Ordinance to be amended and requested changes:

Edit to 6-14 "CAD-R" Community Area Development Residential District

C. Accessory Permitted Uses Remove (3) Private kennels

How will such an amendment Comply With the Scott County Comp Plan and Land Use Policies?

This change would comply with the Scott County Comp Plan, County Goals.

Ensure a decent home and suitable living environment for all families, present and future, living in Scott County. This change would limit the number of domestic animals in each home.

Michael L Wright Pres.  
Signature

MICHAEL L WRIGHT  
Name of Applicant (printed)

4 - TERRACE PK CT  
Mailing Address

ELDRIDGE, IA 52748  
City / State / Zip

563-343-9894  
Phone

Signature

Name of co-applicant

Mailing Address

City / State / Zip

Phone

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Timothy Huey, Director

**Zoning Text Amendment Application**

Date 8 / 27 / 2018

**Applicant:**

Park View Owners' Association

17 Lincoln Ave.

Eldridge, IA 52748

Statement of proposed text amendment: Cite Section of Zoning Ordinance to be amended and requested changes:

ADD to 6-14 "CAD-R" Community Area Development Residential District

C. Accessory Permitted Uses (1)

Grasses and/or weeds that are in excess of 10 inches and are not a native planting shall be considered a prohibited accessory use.

How will such an amendment Comply With the Scott County Comp Plan and Land Use Policies?

This change would comply with the Scott County Comp Plan, County Goals.

Ensure a decent home and suitable living environment for all families, present and future, living in Scott County. This change would encourage proper lawn maintenance.

Michael L. Wright Pres.  
Signature  
MICHAEL L. WRIGHT  
Name of Applicant (printed)  
4-TERRACE DR CT  
Mailing Address  
ELDRIDGE, IA 52748  
City / State / Zip  
563-343-9894  
Phone

Signature

Name of co-applicant

Mailing Address

City / State / Zip

Phone

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Zoning Staff 7/10

SCOTT COUNTY ORDINANCE NO. 18-\_\_\_\_\_

AN ORDINANCE TO AMEND A PORTION OF SECTION 6-14.C. ACCESSORY PERMITTED USES IN THE “COMMUNITY AREA DEVELOPMENT RESIDENTIAL DISTRICT (CAD-R)” OF THE ZONING ORDINANCE FOR UNINCORPORATED SCOTT COUNTY

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

**Section 1.** Amend Section 6-14 “Community Area Development Residential District (CAD-R)” of the Zoning Ordinance for Unincorporated Scott County

**C. Accessory Permitted Uses** by repealing and replacing with:

- (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 the visible presence of any junk vehicle on a residential lot not stored entirely within an enclosed garage shall also be considered a prohibited accessory use (See Section 6-5.60. Junk Vehicle). Grasses and/or weeds that are in excess of 10 inches and are not a native or landscaped planting shall be considered a prohibited accessory use. 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 conducted entirely within the dwelling (not in attached or detached garage) and in compliance with all other requirements of Section 6-6.V.,
- (3) Not more than four domestic pets of any species. No public or private kennels for domestic animals nor any domestic livestock are permitted.

**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 the 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 part of ordinances in conflict with the provisions of the 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 \_\_\_\_\_ 2018.

\_\_\_\_\_  
Tony Knobbe, Chair  
Scott County Board of Supervisors

\_\_\_\_\_  
Roxanna Moritz, County Auditor