

PLANNING & DEVELOPMENT

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



Item #5
10/30/18

Timothy Huey
Director

To: Mahesh Sharma, County Administrator

From: Timothy Huey, Planning Director

Date: October 22, 2018

Re: Approval of the first of two readings of an ordinance to amend permitted and prohibited accessory uses in the Park View Community Area Development Residential District

Scott County Zoning Ordinances defines and limits the amount of junk that can accumulate and the number of junk vehicles that can be visible on agricultural and residential property. Of course these regulations would not apply to farm land that was shown to be primarily adapted for agricultural use and therefore exempt from zoning.

The ordinance defines a junk vehicle as:

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 been incapable of operating under its own power for more than 30 days.

The ordinance defines a junk yard as:

Any site where commercial or domestic metals, wood, appliances, 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 wrecking sites.

But it regulates the accumulation of junk and junk vehicles by including in the definition:

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.

In both Ag and Residential zoning districts the first accessory use states:

(1) *Accessory buildings and uses customarily incident to any of the uses in paragraph B above (Permitted Uses). Pole barns and garages are allowed. Only one commercial vehicle of the occupant may be parked on the premises unless it is used primarily to maintain the property. Accessory uses not allowed include, but are not limited to, the following uses: tire lots on non-farm parcels or subdivision lots; the accumulation of domestic junk such as vehicular parts, trailers, building materials,*

broken appliances, and other sorts of non-farm debris covering more than 200 square feet of area (100 sq.ft. in residential) six (6) feet high outside of buildings; and 2 or more junk vehicles on subdivision lots or 3 or more junk vehicles on parcels of non-farm land (see definition section).

The Park View Owners Association (PVOA) has submitted this 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.

The proposed amendments also include stricter limits on domestic pets and farm animals, restrictions on the heights of weeds and grass and to not allow home businesses to be conducted in either a detached or attached garage.

As staff indicated in the discussion with the Planning Commission on these proposed changes, it would be staff's recommendation that the first contact with property owners would 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.

The Planning Commission unanimously recommended approval of the request from the Park View Owners' Association to amend Section 6-14 of the Zoning Ordinance for Unincorporated Scott County to address permitted and prohibited accessory uses in the "Community Area Development Residential (CAD-R)" zoning district, including junk, junk vehicles, kennels, home occupations and tall grasses and weeds.

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