



**Planning & Development
Scott County, Iowa**

Chris Mathias, Director

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Administrative Center
600 West Fourth Street
Davenport, Iowa 52801-1106

April 28, 2023

To: Mahesh Sharma, County Administrator
From: Chris Mathias, Planning Director
Re: Public Hearing and First Reading of Proposed Text Amendment to raise the minimum lot size for residential lots.

Staff are proposing amendments to Chapter 6 pertaining to raising the minimum lot size for single family residential lots. We have heard from the Planning & Zoning Commission as well as the County Health Dept. about concerns that septic systems cannot be properly sited on single family lots. While there may be room for the initial septic system, the Health dept. has expressed concern that many lots will not have room for a back up septic system when the first septic system fails. We have also seen subdivisions where virtually every lot is built to the current minimum lot size of 30,000 SF. In some cases, these subdivisions end up with utility or drainage easements that are too narrow to actually work for their intended purpose or a subdivision that is not properly designed.

I've attached two memos to the Planning & Zoning Commission which provide details on how we came to our decision. You will see that Staff did look to see what other County governments in the region had for a minimum lot size. We also are proposing to keep the 30,000 SF minimum lot size if the subdivision is served by off-site sewer and water service. However, all residential lots with on-site septic and wall would now require a minimum lot size of 60,000 SF. I will be at the Committee of the Whole on May 9th to present and answer your questions on this matter. We are also asking to hold a public hearing on adopting the ordinance text at the Board Meeting on May 11th. Here is a summary of how the Planning & Zoning Commission voted on this item, recommending approval at the April 18th, 2023 meeting:

3. Public Hearing – Ordinance Text Amendment

Proposal to increase the minimum lot size for the Agricultural-Preservation (A-P), Agricultural-General (A-G), and Single-Family Residential (R-1) Zoning District from 30,000 square feet to 60,000 square feet.

The Commission voted (6-0) to recommend approval of the ordinance text amendment in accordance with staff's recommendation. No members of the public spoke for or against the proposal.

- **Vote (recommend approval of ordinance text amendment): 6-0, All Ayes**

Members Present: Armstrong, Maxwell, Rochau, Scheibe, Schnekloth, Steward
Members Absent: Piatak



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March 17, 2023

To: Planning & Zoning Commission
From: Chris Mathias, Planning Director
Re: Minimum Lot Size

Staff have been considering a change to the minimum lot size requirement for the R-1 (Single Family Residential) zoning district, as well possibly other zoning districts in unincorporated Scott County. Currently, there is a 30,000 square foot (SF) minimum lot size in R-1. This small lot size can lead to subdivisions that are poorly designed, have access issues or drainage easements that don't provide adequate maintenance access. Another concern from Staff and members of the Planning & Zoning Commission has been the lack of area available for a septic system. There is also the added issue that septic systems eventually need to be replaced and there should be room for a backup septic system.

While the 30,000 SF minimum lot size might seem large to some more urban jurisdictions and areas with little to no individual septic tanks on lots, for Scott County's jurisdiction it is too small. The Planning & Zoning Commission has seen subdivisions over the years where many of the lots are barely over the minimum size. This has resulted in subdivisions with drainage and utility easements that cannot be accessed in reality. Storm water issues that are identified cannot be corrected without proper access for whomever needs to access the location. These subdivision proposals have also had access issues when it comes to flag lots and shared driveways.

The biggest issue for both Planning and Health Dept. staff has been the lack of adequate space for a conventional septic system. Certain developers have gone into proposed subdivisions and done grading work that removes all of the top soil. This top soil layer is the most ideal soil for a conventional septic system to function. After the good soil is removed and the site is left with clay and lower quality soils, sometimes the only septic solution is a sand filter system. The sand filter option requires water to flow away from the septic over ground. If a lot is already too small and contains a large house this can leave little room for a septic and especially for the sand filter option which could result in water leaving the site and spilling onto neighboring properties.

Here is a look at what other County Governments are requiring for Minimum Lot Size:

County	Min. Lot Size	Notes:
Clinton	2 acres	9600 SF in R-2 (no individual septic and well)
Johnson	1/4 acre	With Additional Residential Districts that limit to 2 acres, 3 acres, 5 acres, 10 acres and 20 acres
Linn	1 acre	For lots served by private on-site septic systems
Muscatine	1 acre	
Rock Island	20,000 SF	



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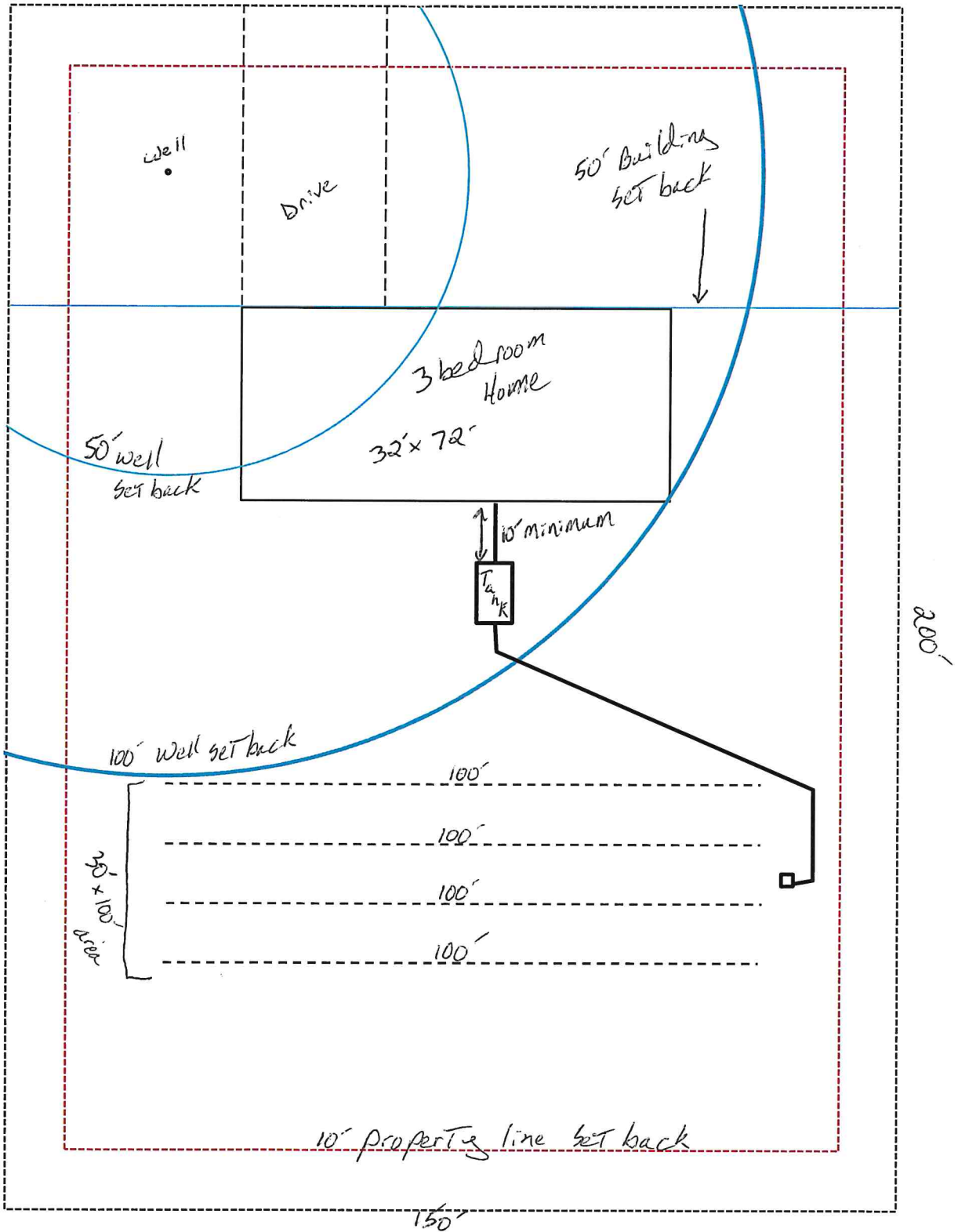
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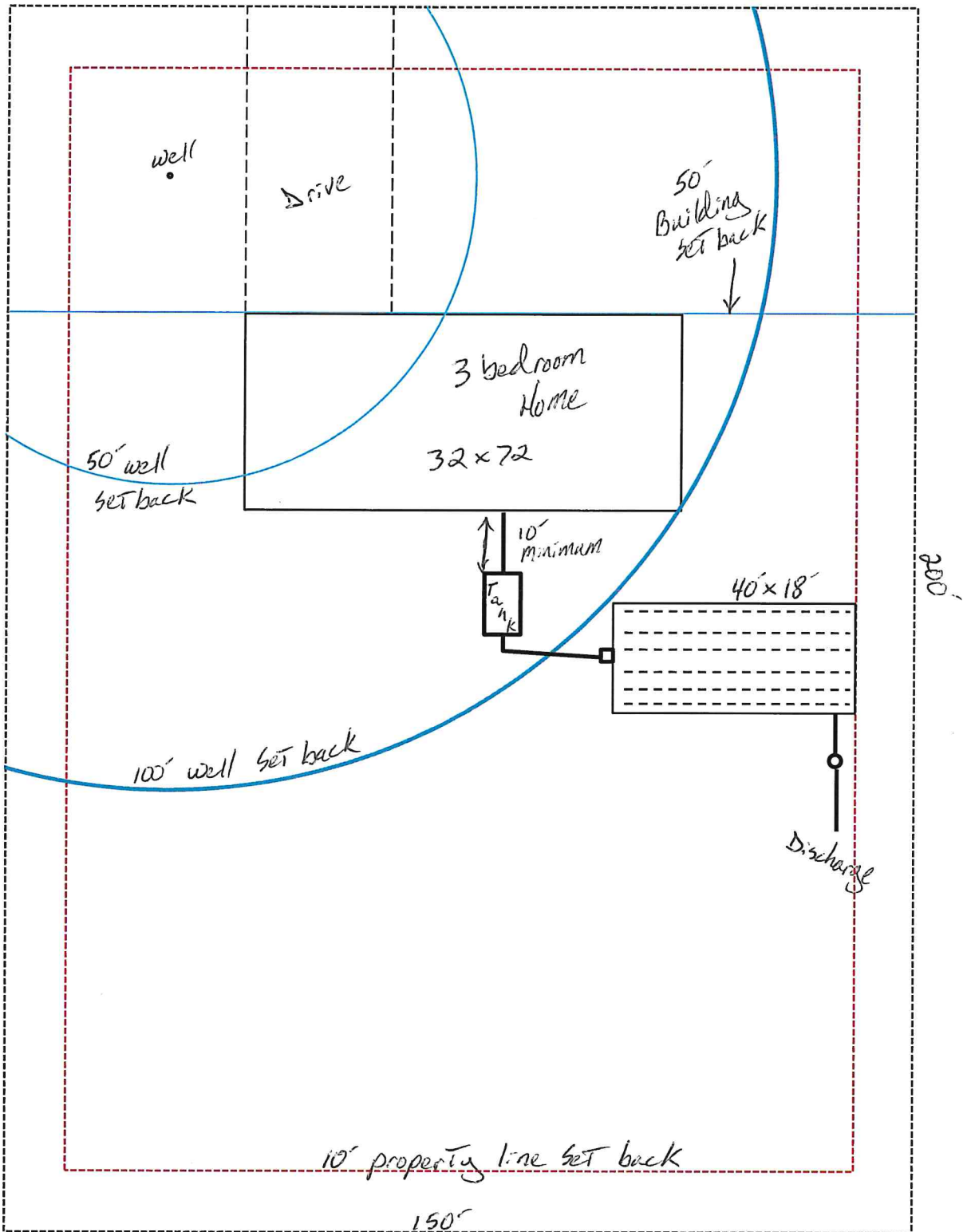
Staff also reached out to the County Health Dept. to discuss the typical size and layout of septic systems that they see throughout the County. Jack Hoskins prepared some diagrams showing septic system type and size in relation to a typical house size and lot layout. These diagrams are attached to this memo. You can see that they expect a typical conventional septic system of roughly 3,000 SF for a 3 bedroom home and up to 6,000 SF for a 5 bedroom home. The sand filter systems are used when the soil quality or lot size does not allow for a conventional system. Sand filter systems are typically 800 SF for a 3 bedroom and 1200 SF for a 5 bedroom home. However, the sand filter does discharge water from the system. If there isn't enough room to properly site the sand filter system away from the property line, it could lead to more water runoff onto neighboring properties.

We can see some common ideas when we analyze how other County jurisdictions are managing minimum lot size and on-site septic systems. Most counties have either multiple residential zones to accommodate neighborhoods that could be on different points of the spectrum between rural or urban, or they differentiate between lots with an on-site septic system and lots served by water and sewer off-site. For example, Johnson County has at least 6 different residential zones with minimum lot sizes ranging from $\frac{1}{4}$ acre to 20 acres. Linn County takes a different approach and has a higher minimum lot size for "lots served by private on-site septic systems."

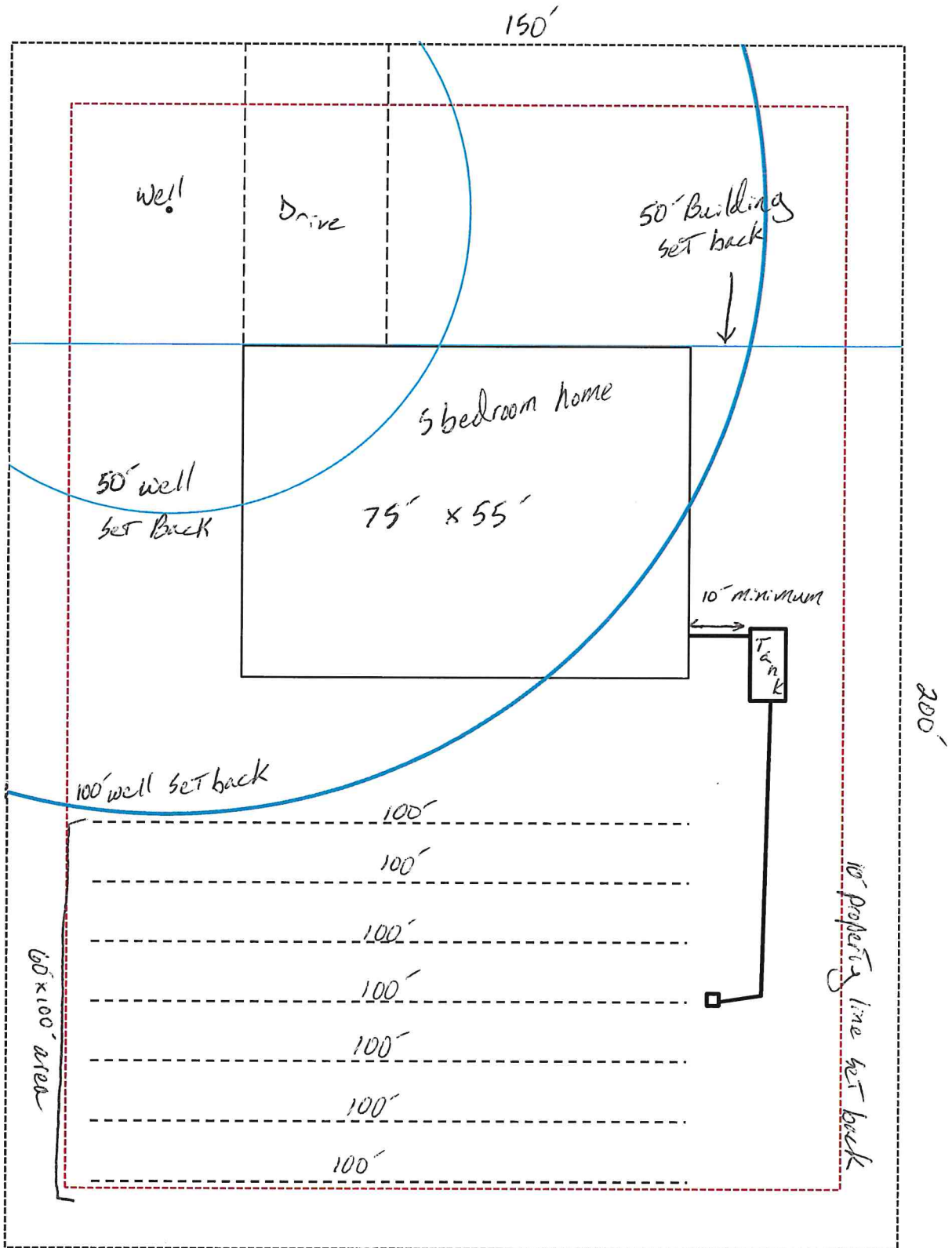
Creating 5 different residential zoning districts to handle this problem would not be a practical solution for Scott County at the moment. However, raising the minimum lot size in the A-P, A-G and R-1 zoning districts for proposed subdivisions that will be served by on-site septic systems should be considered. The 30,000 minimum Lot size could stay in place for subdivisions with off-site common sewer collection with no septic systems on-site. Staff believes that lots with on-site septic systems should really be of a minimum lot size of no less than 1 - 2 acres. Going to 1 acre would only add 13,560 SF to the current minimum lot size and it seems like this might not be enough to really address the issues. Staff believes that going to a minimum lot size of 60,000 SF for lots in the A-P, A-G and R-1 districts, with on-site septic systems is a prudent decision to make. This would double the current minimum lot size for these type of subdivisions.



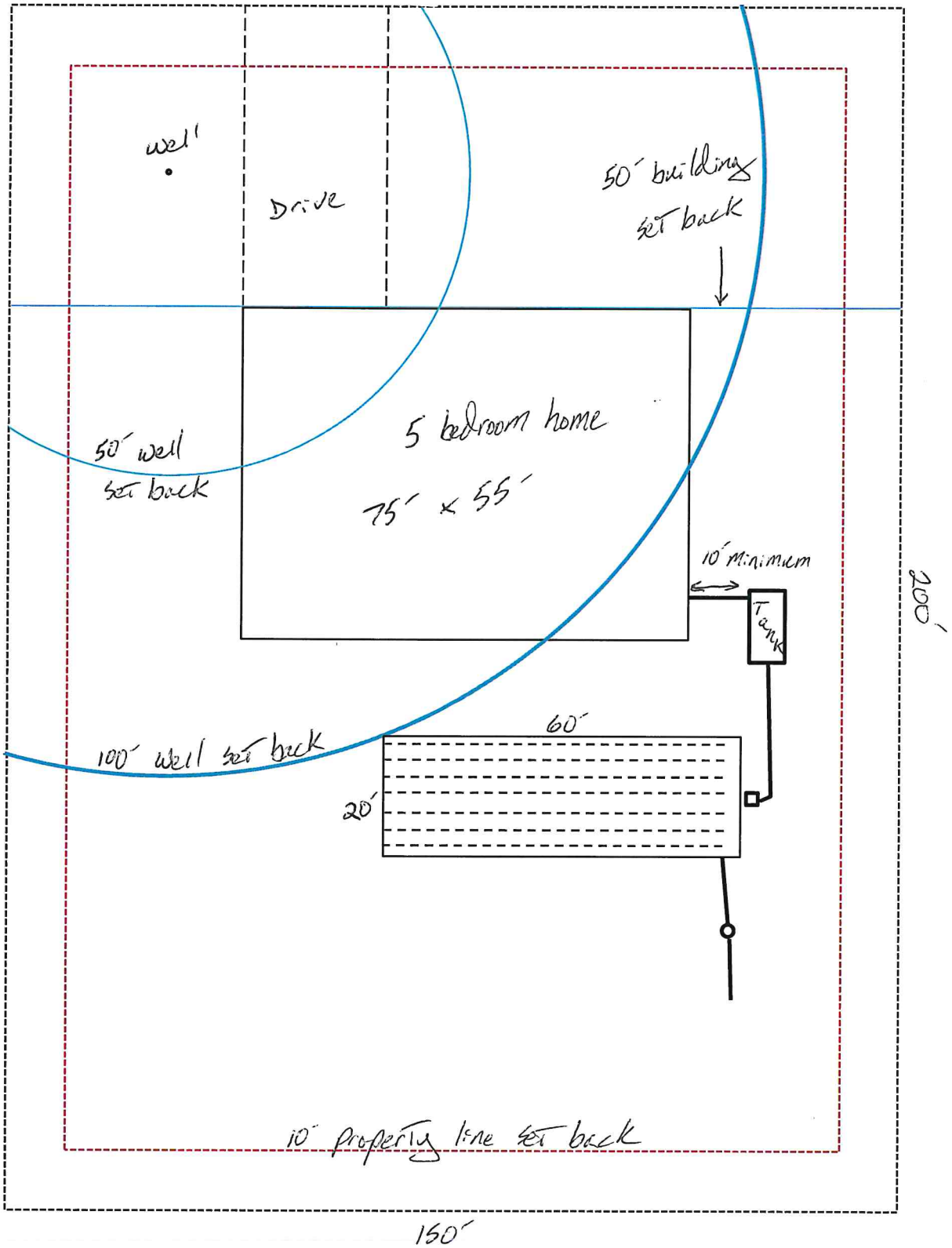
- 3 bedroom home
- Minimum sized lot
- Minimum sized conventional system



- 3 bedroom home
- minimum sized lot
- minimum sized sand filter



- 5 bedroom home
- Minimum sized lot
- Minimum sized conventional system



- 5 bedroom home
- Minimum sized lot
- Minimum sized Sand Filter



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April 12, 2023

To: Planning & Zoning Commission
From: Chris Mathias, Planning Director
Re: Minimum Lot Size

Based on the Planning & Zoning Commission’s direction, Staff are proposing the following text amendments to change the minimum lot size for the A-P, A-G and R-1 zoning districts. As you can see below, these changes will amend the tables in Sections in sections 6-9, 6-10 and 6-12. The minimum lot size would stay at 30,000 square feet for subdivisions that do not require on-site water and sewage systems. For subdivisions that do require on-site water and septic systems, the minimum lot size would be raised to 60,000 square feet.

A public hearing is scheduled for April 18th, 2023 at the Planning & Zoning Commission meeting to consider these changes. Chapter 6 of the Code or Ordinances would be amended as follows:

EDIT

6-9 E. Minimum Lot Area, Lot Width, Setback & Maximum Height Requirements

PRINCIPAL BUILDING	Lot Width	Front Yard	Side Yard	Rear Yard	Max Stories	Max Height
LOT AREA	100 ft	50 ft	10 ft	40 ft	2 ½	35 ft
NO SEWER OR WATER						
3060,000 SF						
LOT AREA	100 ft	50 ft	10 ft	40 ft	2 ½	35 ft
W/ SEWER OR WATER						
30,000 sq ft						

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6-10 E. Minimum Lot Area, Lot Width, Setback & Maximum Height Requirements

PRINCIPAL BUILDING	Lot Width	Front Yard	Side Yard	Rear Yard	Max Stories	Max Height
LOT AREA	100 ft	50 ft	10 ft	40 ft	2 ½	35 ft
NO SEWER OR WATER						
3060,000 SF						
LOT AREA	100 ft	50 ft	10 ft	40 ft	2 ½	35 ft
W/ SEWER OR WATER						
30,000 sq ft						

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6-12 E. Minimum Lot Area, Lot Width, Setback & Maximum Height Requirements

PRINCIPAL BUILDING	Lot Width	Front Yard	Side Yard	Rear Yard	Max Stories	Max Height
LOT AREA NO SEWER OR WATER 3060 000 SF	100 ft	50 ft	10 ft	40 ft	2 ½	35 ft
LOT AREA W/ SEWER OR WATER 30,000 sq ft	100 ft	50 ft	10 ft	40 ft	2 ½	35 ft

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Prepared by: Scott County Planning & Development, 600 West Fourth Street, Davenport Iowa

SCOTT COUNTY ORDINANCE NO. 23 - _____

AN ORDINANCE TO AMEND PORTIONS OF THE ZONING ORDINANCE PERTAINING TO INCREASING THE MINIMUM LOT SIZE FOR RESIDENTIAL LOTS IN UNINCORPORATED SCOTT COUNTY.

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

Section 1. Amend Section 6-9 E of the Zoning Ordinance for Unincorporated Scott County as follows:

PRINCIPAL BUILDING	Lot Width	Front Yard	Side Yard	Rear Yard	Max Stories	Max Height
LOT AREA NO SEWER OR WATER 60,000 SF	100 ft	50 ft	10 ft	40 ft	2 ½	35 ft
LOT AREA W/ SEWER OR WATER 30,000 sq ft	100 ft	50 ft	10 ft	40 ft	2 ½	35 ft
ACCESSORY BUILDINGS	Lot Width	Front Yard	Side Yard	Rear Yard	Max Stories	Max Height
LOT AREA N/A	N/A	50 ft	10 ft	10 ft	2	35 ft

Section 2. Amend Section 6-10 E of the Zoning Ordinance for Unincorporated Scott County as follows:

PRINCIPAL BUILDING	Lot Width	Front Yard	Side Yard	Rear Yard	Max Stories	Max Height
LOT AREA NO SEWER OR WATER 60,000 SF	100 ft	50 ft	10 ft	40 ft	2 ½	35 ft
LOT AREA W/ SEWER OR WATER 30,000 sq ft	100 ft	50 ft	10 ft	40 ft	2 ½	35 ft
ACCESSORY BUILDINGS	Lot Width	Front Yard	Side Yard	Rear Yard	Max Stories	Max Height
LOT AREA N/A	N/A	50 ft	10 ft	10 ft	2	35 ft

Section 3. Amend Section 6-12 E of the Zoning Ordinance for Unincorporated Scott County as follows:

PRINCIPAL BUILDING	Lot Width	Front Yard	Side Yard	Rear Yard	Max Stories	Max Height
LOT AREA NO SEWER OR WATER 60,000 SF	100 ft	50 ft	10 ft	40 ft	2 ½	35 ft
LOT AREA W/ SEWER OR WATER 30,000 sq ft	100 ft	50 ft	10 ft	40 ft	2 ½	35 ft

ACCESSORY BUILDINGS	Lot Width	Front Yard	Side Yard	Rear Yard	Max Stories	Max Height
LOT AREA N/A	N/A	50 ft	10 ft	10 ft	2	35 ft

Section 4. The County Auditor is directed to record this ordinance in the County Recorder's Office.

Section 5. 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 6. Repealer. All ordinances or part of ordinances in conflict with the provisions of the Ordinance are hereby repealed.

Section 7. Effective Date. This Ordinance shall be in full force and effect after its final passage and publication as by law provided.

Public Hearing / First Consideration _____,

Second Consideration _____,

Third Consideration _____,

 Ken Beck, Chair
 Scott County Board of Supervisors

Attested by: _____

Kerri Tompkins, County Auditor

Published on _____