



**Planning & Development
Scott County, Iowa**

Chris Mathias, Director

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Administrative Center
600 West Fourth Street
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April 28, 2023

To: Mahesh Sharma, County Administrator
From: Chris Mathias, Planning Director
Re: Public Hearing and First Reading of Proposed Text Amendment to Chapter 6 Pertaining to Accessory Dwelling Units

Staff are proposing amendments to Chapter 6 pertaining to accessory dwelling units (ADUs). Our goal here is to encourage ag. preservation, aging in place, increased housing options, and to respond to the housing crisis. Earlier this year, these proposed changes were discussed at the joint meeting between the Board of Supervisors, Planning & Zoning Commission and Zoning Board of Adjustment. These amendments accomplish a few things. First, they standardize the language and definitions throughout the Zoning Code that pertain to ADUs. Secondly, they will allow each residential lot to have the right to construct an ADU by right, subject to the standards proposed. Finally, although this would be allowing ADUs without a special use permit, there are still many rules that we are proposing to put in place. These amendments will require the property owner to submit a registration with the P & D department before a building permit can be issued for an ADU. The requirement for registration will ensure compliance with setbacks and height standards, that the lot is of sufficient size to accommodate the development, compliance with health dept. rules pertaining to septic and well, and other important issues.

I've attached the memo to the Planning & Zoning Commission which details all of the amendments and rules. I will also be giving a detailed presentation at the Committee of the Whole on May 9th to try and answer any of your questions. We are also asking to hold a public hearing on adopting the ordinance text at the Board Meeting on May 11th, 2023. Here is a summary of how the Planning & Zoning Commission voted on this item, recommending approval at the April 18th, 2023 meeting:

4. Public Hearing – Ordinance Text Amendment

Proposal to create regulations for accessory dwelling units.

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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April 12, 2023

To: Planning & Zoning Commission
From: Chris Mathias, Planning Director
Re: Accessory Dwelling Units Ordinance

Based on the Planning & Zoning Commission's direction, Staff are proposing accessory dwelling unit (ADU) regulations for unincorporated Scott County. As you can see below, Staff have proposed changes to the language that was presented to you at the last commission meeting. These changes have been proposed to address the questions that the Commission had regarding the maximum size of a detached ADU, and the questions on which structure would be considered the principal or accessory structure. The maximum size of a detached ADU is now limited to 800 SF or 50% of the ground floor SF of the principal structure, whichever is greater. Moreover, the principal structure shall remain the first dwelling unit constructed on the property, and the second dwelling unit constructed shall always be the ADU, subject to the square footage limitation proposed. Finally, staff added some language that there should be unobstructed access to a detached ADU for emergency vehicles.

CHANGES PROPOSED TO CHAPTER 6

Add Definition to Section 6-4:

ACCESSORY DWELLING UNIT: a smaller, independent residential dwelling unit located on the same lot as a stand-alone single-family home, containing provisions for sleeping, cooking, and sanitation.

Add Section 6-6 (V) Accessory Dwelling Units:

V. Accessory Dwelling Units: Unless specified elsewhere in the Ordinance, these regulations shall apply to all residential lots regardless of zoning designation.

- (1) One accessory dwelling unit is allowed per residential lot.
- (2) The residential lot must meet the minimum lot size for that zoning district.
- (3) One of the two dwelling units must be occupied by the owner of the lot for as long as the accessory dwelling unit is occupied.
- (4) An accessory dwelling unit may be located within a detached structure or within the same structure as the principal dwelling unit.
 - a. Accessory dwelling units located within a detached structure must meet the maximum height and minimum setback requirements for detached accessory buildings within the applicable zoning district.
 - b. Accessory dwelling units located within the same structure as the principal dwelling units must meet the maximum height and minimum setback requirements for principal structures within the applicable zoning district.
- (5) Adequate off-street parking is required for an accessory dwelling unit.
- (6) Total square footage of accessory dwelling units located within detached structures shall not exceed 50% of the total habitable (i.e. excluding attached garage square footage) ground floor square footage of the principal structure or 800 square feet, whichever is greater.
 - a. The principal structure shall remain the first dwelling unit constructed on the property. (i.e. It is not permitted to construct a second dwelling unit that is larger than the first in order to



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convert the first unit into the Accessory Dwelling Unit; the second dwelling unit constructed shall always be the Accessory Dwelling Unit and subject to the square footage limitation above.)

b. The square footage limitation shall be determined at the point which a building permit is issued for the Accessory Dwelling Unit and shall be based on the current habitable ground floor square footage of the principal structure at that time. Future additions to or reconstruction of the principal structure after the Accessory Dwelling Unit is approved and constructed shall not increase the square footage limitation for the Accessory Dwelling Unit.

(7) Detached structures containing accessory dwelling units must be architecturally compatible with the principal structure and/or zoning district. Architectural compatibility generally includes the following: matching or similar building materials, roofing materials, roof slopes, building eaves, and building fenestration.

(8) The combined number of occupants in the principal structure and the accessory dwelling unit may not exceed the number allowed by the definition of "FAMILY" as defined by the Zoning Ordinance.

(9) The accessory dwelling unit must satisfy the requirements of all construction codes adopted by the County including building, electrical, fire, and plumbing codes.

(10) The County Health Department must approve the sewage and water systems for the accessory dwelling unit prior to the issuance of a building permit.

(11) There shall remain unobstructed access to a detached accessory unit **for emergency vehicles** for as long as the unit is occupied.

(12) Before an accessory dwelling unit is approved for construction and/or occupancy, the property owner must submit a registration agreement to the Planning & Development Department with the following information: A statement agreeing that one of the two dwelling units must be occupied by the owner of the lot for as long as the accessory dwelling unit is occupied, and a statement agreeing to the limits and other standards listed above. Accessory dwelling units constructed or occupied without a registration agreement shall be considered principal structures, which is a violation of Section 6-6 N. One Principal Building to a Lot.

(13) Regulations, restrictions, and limitations applicable to "Community Area Development Residential District (CAD-R)" zoned properties and other properties under the jurisdiction of homeowners' associations may supersede the standards listed above.

OTHER DEFINITIONS/SECTIONS TO EDIT – Revisions in Red

Edit Section 6-6 H Zero Lot Line:

6-6 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 re-subdivision 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. **Accessory Dwelling Units shall not be sited with a zero lot line and must follow the Accessory Dwelling Unit standards set forth in Sec. 6-6 (V) of this Code.**



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Edit Section 6-6 N One Principal Building to a lot:

6-6 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~~ **An Accessory Dwelling Unit approved with a Special Use Permit meeting the requirements of Section 6-6(V) of this Code**, 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.

Edit Section 6-6 U(4b):

6-6 U(4b). No accessory building may contain or be used as a dwelling unit unless ~~a second residence is approved with a Special Use Permit~~ **it is approved as an accessory dwelling unit per Section 6-6(V) of this Code**, or a second residence is created with farmstead split by an approved Plat of Survey.

Delete Section 6-9 D(11):

~~6-9 D(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.~~

There will be a public hearing at the April 18th meeting to consider these proposed changes. If you choose to recommend approval, the proposed ordinance will then go to the Board of Supervisors for the final decision.

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 ACCESSORY DWELLING UNITS FOR UNINCORPORATED SCOTT COUNTY.

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

Section 1. Amend Section 6-5 DEFINITIONS of the Zoning Ordinance for Unincorporated Scott County by adding:

Section 6-5(2) ACCESSORY DWELLING UNIT: a smaller, independent residential dwelling unit located on the same lot as a stand-alone single-family home, containing provisions for sleeping, cooking, and sanitation.

Section 2. Amend the Zoning Ordinance for Unincorporated Scott County by amending Sec. 6-6 H as follows:

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 re-subdivision 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. Accessory Dwelling Units shall not be sited with a zero lot line and must follow the Accessory Dwelling Unit standards set forth in Sec. 6-6 (V) of this Code.

Section 3. Amend the Zoning Ordinance for Unincorporated Scott County by amending Sec. 6-6 N as follows:

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) An Accessory Dwelling Unit meeting the requirements of Section 6-6(V) of this Code, 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.

Section 11. Amend the Zoning Ordinance for Unincorporated Scott County by amending Sec. 6-6 U (4)b as follows:

No accessory building may contain or be used as a dwelling unit unless it is approved as an accessory dwelling unit per Section 6-6(V) of this Code, or a second residence is created with farmstead split by an approved Plat of Survey.

Section 5. Amend the Zoning Ordinance for Unincorporated Scott County by adding Sec. 6-6 V Accessory Dwelling Units as follows:

V. Accessory Dwelling Units: Unless specified elsewhere in the Ordinance, these regulations shall apply to all residential lots regardless of zoning designation.

- (1) One accessory dwelling unit is allowed per residential lot.
- (2) The residential lot must meet the minimum lot size for that zoning district.
- (3) One of the two dwelling units must be occupied by the owner of the lot for as long as the accessory dwelling unit is occupied.
- (4) An accessory dwelling unit may be located within a detached structure or within the same structure as the principal dwelling unit.
 - a. Accessory dwelling units located within a detached structure must meet the maximum height and minimum setback requirements for detached accessory buildings within the applicable zoning district.
 - b. Accessory dwelling units located within the same structure as the principal dwelling units must meet the maximum height and minimum setback requirements for principal structures within the applicable zoning district.
- (5) Adequate off-street parking is required for an accessory dwelling unit.
- (6) Total square footage of accessory dwelling units located within detached structures shall not exceed 50% of the total habitable (i.e. excluding attached garage square footage) ground floor square footage of the principal structure or 800 square feet, whichever is greater.
 - a. The principal structure shall remain the first dwelling unit constructed on the property. (i.e. It is not permitted to construct a second dwelling unit that is larger than the first in order to convert the first unit into the Accessory Dwelling Unit; the second dwelling unit constructed shall always be the Accessory Dwelling Unit and subject to the square footage limitation above.)
 - b. The square footage limitation shall be determined at the point which a building permit is issued for the Accessory Dwelling Unit and shall be based on the current habitable ground floor square footage of the principal structure at that time. Future additions to or reconstruction of the principal structure after the Accessory Dwelling Unit is approved and constructed shall not increase the square footage limitation for the Accessory Dwelling Unit.

(7) Detached structures containing accessory dwelling units must be architecturally compatible with the principal structure and/or zoning district. Architectural compatibility generally includes the following: matching or similar building materials, roofing materials, roof slopes, building eaves, and building fenestration.

(8) The combined number of occupants in the principal structure and the accessory dwelling unit may not exceed the number allowed by the definition of “FAMILY” as defined by the Zoning Ordinance.

(9) The accessory dwelling unit must satisfy the requirements of all construction codes adopted by the County including building, electrical, fire, and plumbing codes.

(10) The County Health Department must approve the sewage and water systems for the accessory dwelling unit prior to the issuance of a building permit.

(11) There shall remain unobstructed access to a detached accessory unit for emergency vehicles for as long as the unit is occupied.

(12) Before an accessory dwelling unit is approved for construction and/or occupancy, the property owner must submit a registration agreement to the Planning & Development Department with the following information: A statement agreeing that one of the two dwelling units must be occupied by the owner of the lot for as long as the accessory dwelling unit is occupied, and a statement agreeing to the limits and other standards listed above. Accessory dwelling units constructed or occupied without a registration agreement shall be considered principal structures, which is a violation of Section 6-6 N. One Principal Building to a Lot.

(13) Regulations, restrictions, and limitations applicable to “Community Area Development Residential District (CAD-R)” zoned properties and other properties under the jurisdiction of homeowners’ associations may supersede the standards listed above.

Section 6. Amend the Zoning Ordinance for Unincorporated Scott County by deleting Sec. 6-9 D(11) in its entirety.

Section 7. The County Auditor is directed to record this ordinance in the County Recorder's Office.

Section 8. 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 9. Repealer. All ordinances or part of ordinances in conflict with the provisions of the Ordinance are hereby repealed.

Section 10. 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 _____