

## CHAPTER 6

### ZONING FOR UNINCORPORATED AREAS

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### SEC. 6-1. TITLE

This Chapter shall be known and may be referred to as the Scott County Zoning Ordinance or the Zoning Ordinance.

### SEC. 6-2. SCOPE AND PURPOSE

Except as may be hereinafter specified, no land, building, structure, or premises, hereafter shall be used and no structure may be located, constructed, extended, converted, structurally altered or otherwise developed without full compliance with the terms of this Chapter.

This Ordinance is hereby amended to carry out the objectives and policies of the SCOTT COUNTY DEVELOPMENT PLAN, 1980, Chapter 352, Land Preservation and Use, Iowa Code, 1993, and Section 335.5, County Zoning Commission, Iowa Code, (1993). The more specific purposes of this Chapter are to implement the DEVELOPMENT PLAN and are designed to preserve the availability of agricultural land; to promote the protection of soil from wind and water erosion; to encourage efficient urban development patterns; to promote energy conservation and the reasonable access to solar energy; to protect the health, safety, and comfort of the general welfare; to conserve property values and protect property rights; to conserve and protect our other natural resources; and to encourage the most appropriate use of land throughout the County.

### SEC. 6-3. SPECIAL EXEMPTIONS

A. Except to the extent required to implement Section 6.18, no regulation adopted under the provisions of this Chapter shall be construed to apply to farm land, farm houses, farm barns, farm outbuildings, or other buildings or structures which are primarily adapted, by reason of nature and area for use for agricultural purposes, while so used by the farmer.

(1) Agricultural buildings and land uses are not exempt from complying with any Federal, State, or Local regulations concerning developing, depositing, or excavating in or on the designated Scott County flood plain.

(2) It shall be the responsibility of any person or group claiming that certain property is entitled to exemption on the basis of this Section to demonstrate that the

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property and buildings are primarily adapted and used for agricultural purposes by the farmer.

- B. A special exemption applies to certain matters regulated by the Iowa Utility Board. The exemption from complying with the ordinance applies to franchised electric transmission and gas/commodity pipe lines and associated structures and equipment. Exempted franchised utilities are urged to comply voluntarily with the zoning requirements and Scott County Land Use Policies. This exemption does not include communications towers for telephone, cellular, and cable television companies, and other public and private towers as referenced in Section 6-8 D-(1) herein below.

### SEC. 6-4. INTERPRETATION OF STANDARDS

In the interpretation and application, the provisions of this Chapter shall be held to be minimum requirements. Where this Chapter imposes a greater restriction than is imposed or required by other provisions of law or by other rules, regulations, or restrictive covenants, the provisions of this Chapter shall control.

However, wherever this Chapter conflicts with the terms, regulations and restrictions of the Iowa Open Meeting Law, Chapter 21, 1993 Code of Iowa, as amended, the open meeting law shall control.

### SEC. 6-5. DEFINITIONS

For the purpose of this Chapter, certain terms and words are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural, and the plural number includes the singular; the words "shall", "must", and "will" are mandatory, the word "may" is permissive; the word "person" includes an individual, firm association, organization, partnership, trust, company, or corporation; the words "used" or "occupied" include the words "intended", "designed", or "arranged to be used or occupied".

1. ACCESSORY BUILDING: A structure which is secondary or subordinate to the principal use or building on the same lot or tract. Examples include private garages, storage sheds, large satellite antennas, and swimming pools.

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2. ACCESSORY USE: An activity which is secondary or subordinate to the principal use or building on the same lot or tract. Examples include gardens, parking lots, animal exercise areas, driveways, private recreation areas commonly found on similar type land uses in rural Scott County.
3. ADULT: As used in this Chapter, refers to persons who have attained the age of at least eighteen (18) years.
4. ADULT BOOKSTORE: An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting or describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", (as defined below) or an establishment with a segment or section devoted to the sale or display of such material.
5. ADULT MOTION PICTURE THEATER: An enclosed building with a capacity of fifty (50) or more persons used predominately for presenting motion pictures, slides, or photographic reproductions distinguished or characterized by an emphasis on matters depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", (as defined below) for observation by persons compensating the business therein.
6. ADULT MINI-MOTION PICTURE THEATER: An enclosed building with a capacity for less than fifty (50) persons used for presenting motion pictures, slides, or photographic reproductions distinguished or characterized by an emphasis on matters depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", (as defined below) for observation by persons compensating the business therein.
7. AGRICULTURE: See Farm.
8. BASEMENT: A story having more than one-half (1/2) of its height below the average grade surrounding the building. A basement is not counted as a story for height regulation purposes. See also "lowest floor" definition for flood plain requirements.

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9. BED AND BREAKFAST HOME: A private residence which provides lodging and meals for transient guests, in which the host or hostess resides and in which no more than four guest families are lodged at the same time and which, while it may advertise and accept reservations, does not hold itself out to the public to be a restaurant, hotel or motel, does not require reservations and serves food only to overnight guests.
10. BILLBOARD: Any structure or portion of a building used for the display of advertising of a business or attraction which is not carried on or manufactured in or upon the premises upon which said billboard is located. This includes painted exterior walls with pictures, words, or logos.
11. BUFFER AREA: A strip of land established to protect one type of land use from another incompatible use. The strip may be of variable width and includes fences, screen plantings, or earthen mounds to buffer the adjoining property from noise, traffic, or visual nuisances.
12. BUILDING: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, or property, including mobile homes, but not including signs or billboards.
13. BUILDING, HEIGHT OF: The vertical distance from the average natural grade to the highest point of coping of a flat roof, or the deck line of a mansard roof, or the average height of highest gable of a pitch or hip roof.
14. BUILDING OFFICIAL: The individual designated by the Board of Supervisors to review and inspect new construction and enforce the Scott County Uniform Construction Codes.
15. BULK STORAGE PLANT: That portion of property where hazardous or flammable liquids or gases are received by pipeline, tank cars, or tank vehicles, and are stored in bulk above the ground for the purpose of distributing such liquids or gases, where the aggregate capacity of all storage on the property exceeds twelve thousand (12,000) gallons.
16. BUSINESS OR COMMERCIAL: When used in this Chapter, the term refers to the engaging in the purchase, sale, or exchange of retail goods or services, or the operation of "for profit" offices, recreational or amusement enterprises.
17. CELLAR: A portion of a building below the lowest floor which is not used for habitation. It may be a crawl space or storage space, if it complies with the Scott County

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Construction Codes. A cellar is not counted as a story for height regulation purposes. See also "lowest floor" definition for flood plain requirements.

18. CHANNEL: A natural or artificial watercourse of perceptible extent, with a definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow is that water which is flowing within the limits of a defined channel.
19. CLINICS: A building or buildings used by physicians, lawyers, dentists, osteopaths, chiropractors, and all professions for out-patient care of persons requiring such professional service; does not include veterinary clinics.
20. COMPOSTING: The controlled, biological decomposition of selected solid organic waste materials under aerobic conditions resulting in an innocuous final product.
21. CORN SUITABILITY RATING (CSR): An index for ranking the productivity of soils and their suitability for row-crop production in Iowa. The CSR system rates soils from five (5) to one hundred (100), with one hundred (100) reserved for those soils a) located in areas of the most favorable weather conditions in Iowa, b) that have high yield potential, and c) that can be continuously rowcropped. (A detailed description of the CSR system, including methodology and CSR estimates for various soil types, may be found in Special Report Number 66, "Productivity Levels of Some Iowa Soils", April, 1971, published by the Agricultural and Home Economics Experiment Station and Cooperative Extension Service, Iowa State University.)
22. DAY NURSERY, NURSERY SCHOOL, OR DAY CARE (PUBLIC): Any agency, institution, establishment, or place which provides supplemental parental care and/or educational work, other

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than lodging overnight, for seven (7) or more children of pre-school age for compensation.

23. DEVELOPMENT: Any man-made change to alter the existing land use of a parcel of land including and not limited to buildings, structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
24. DIRECTOR: The individual designated by the Board of Supervisors as the Head of the Department of Planning and Development or his/her designee who has responsibility for County zoning matters.
25. DISTRICT: A section or sections of Scott County within which the regulations governing the use of buildings and premises or the height and area of building and premises are uniform.
26. DRIVEWAY: A private road providing access for vehicles and pedestrians to the principal building or use.
27. DWELLING UNIT: Any building or portion thereof having one or more habitable rooms which are designed to be occupied by one family with facilities for living, sleeping, cooking, eating, and sanitation. The dwelling unit shall be constructed in compliance with the Scott County Construction Codes or the U.S. Department of Housing and Urban Development Code under authority of 42 U.S.C., Sec. 5403, Federal Manufactured Home Construction and Safety Standards, whichever is applicable.

A dwelling unit shall have a floor area of at least 640 square feet, minimum width of 20 feet at least 75% of its narrowest dimension unless otherwise noted in this Chapter, be placed on permanent foundation, have a perimeter foundation of masonry construction (load or non-load), and be taxed as real property.

28. DWELLING, SINGLE-FAMILY: A building designed for or occupied exclusively for residence purposes by one (1) family.
29. DWELLING, TWO-FAMILY (DUPLEX): One or two buildings designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each.
30. DWELLING, MULTIPLE-FAMILY: A building or buildings designed for or occupied by more than two (2) families, with separate housekeeping and cooking facilities for each. Building may be under one (1) title owner, or a separate title of

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ownership for each dwelling unit.

31. EARTHEN BERM: An embankment of earth created by adding the material to the location. The berm is then graded and landscaped to act as a visual barrier and natural area which is pleasing to see. Usually associated with a buffer area.
32. EASEMENT: A grant of one or more of the property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.
33. FACTORY-BUILT HOME: Applicable only within designated floodplain districts, it includes any structure, designed for residential use, which is wholly, or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of floodplain regulations, factory-built homes include mobile homes, manufactured homes and modular homes and also include park trailers, travel trailers, and other similar vehicles on a site for greater than 180 consecutive days.
34. FACTORY-BUILT PARK AND SUBDIVISION: Applicable only within designated flood plain districts, a parcel (or contiguous parcels) of land divided into two or more factory-built home lots for rent, lease, or sale.
35. FAMILY: One (1) or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage, or adoption, no such family shall contain over four (4) persons.
36. FARM: A tract of land owned or rented by a farmer, primarily adapted for agricultural purposes, forty (40) acres or greater in size and assessed as agricultural property by the Scott County Assessor. Tracts of land owned or rented by a farmer, less than forty (40) acres in size, assessed as agricultural property by the Scott County Assessor and claimed as exempt from Zoning regulations as being primarily adapted for agricultural purposes shall be reviewed by making application to the Zoning Board of Adjustment

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In accordance with the Board's Procedures for Appeals of Interpretation. The Board of Adjustment shall make a determination on whether the level of existing or proposed agricultural activity on the property can be considered "primarily adapted for agricultural purposes" and therefore exempt from Zoning and Building Code regulations.

- 36a FARMING (Agriculture): The science or art of producing agricultural products which involves cultivating the soil and producing crops for food, fiber, fuel or consumer products, or the raising of livestock for food or other consumer products. Farming does not include residential gardening or raising of livestock for recreational or hobby purposes. (See definition of "livestock", "kennel, commercial", "kennel, private", "stable, private" and "stable, public")
- 36b FARM BUILDING: An enclosed building or other structures primarily adapted and used for agricultural purposes located on a farm and used by a farmer.
- 36c FARM HOUSE: A single family residence located on a farm, assessed as agricultural property and occupied by a farmer.
- 37. FARMER: A person or persons actively engaged in farming and deriving taxable income from such activity or someone who is retired from farming when it relates to the land the farmer formerly farmed.
- 38. FARMSTEAD: The farm house, associated farm buildings, and adjacent service areas of a farm.
- 39. FLOOD: A general and/or temporary rise in stream flow or flood stage that results in water overflowing its banks and inundating normally dry land areas adjacent to the channel, or from the unusual and rapid accumulation of runoff or surface waters from any source.
- 40. FLOOD ELEVATION: The elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the ten (10)-year flood elevation is the elevation of flood waters related to the occurrence of the ten (10)-year flood.

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41. FLOOD INSURANCE RATE MAP (F.I.R.M.): The official map prepared by the Federal Emergency Management Administration (FEMA) as a part of the Flood Insurance Study of a community, delineating both the special flood hazard areas and the risk premium zones applicable to such areas.
42. FLOOD INSURANCE STUDY: A study initiated, funded, and published by FEMA for the purpose of evaluating in detail the existence and severity of flood hazards; providing the County with the necessary information for adopting a flood plain zoning ordinance; and establishing actuarial flood insurance rates.
43. FLOOD PLAIN: Any land area susceptible to being inundated by water as a result of a flood. Also referred to as Special Flood Hazard Area (SFHA).
44. FLOOD PLAIN MANAGEMENT: The operation of an overall program of correction and preventive measures for reducing flood damage and promoting the wise use of floodplains, including but not limited to, emergency preparedness plans, flood control works, floodproofing, and floodplain management regulations.
45. FLOODPROOFING: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
46. FLOODWAY: The channel of a river or other watercourse and the adjacent land areas, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not result in substantially higher flood levels and flow velocities.
47. FLOODWAY FRINGE: That area of the flood plain, outside of the floodway, that can be filled, leveled or otherwise obstructed without causing substantially higher flood levels or flow velocities.
48. GARAGE, PRIVATE: An enclosed structure intended for the parking of the private motor vehicles of the families residing upon the premises. One (1) commercial vehicle per family.
49. GARAGE, PUBLIC: Any building on premises, except those used as private or storage garages, used for equipping, refueling, servicing, parking, repairing, selling, or storing motor-driven vehicles.
50. GARAGE, STORAGE: Any building or premises, including a mini-storage garage, used for storing motor-driven vehicles (other than commercial vehicles), recreational vehicles and trailers, boats, furniture, or other miscellaneous personal property, excluding such

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things as automobile fuels and oils or other hazardous or volatile substances, pursuant to previous arrangements.

51. GRADE: The average level of the finished surface of the ground five feet from the exterior walls of the building.
52. GROUP HOUSING: A building or place where lodging or boarding is provided for compensation or not; for five (5) or more individuals, but not open to transient guests as would be found in a motel/hotel. Normally associated with a charitable organization or government financed program to assist unique groups of people.
53. HEALTH CARE FACILITY: An establishment for provisions of care to persons suffering from illness, injury or disability and includes hospitals, custodial homes, nursing homes, convalescent homes, extended care facilities, and similar facilities.
54. HEALTH CLUB: A non-medical service establishment intended to maintain or improve the physical condition of paying customers. Contains exercise and game equipment and facilities, steam baths, saunas, hot tubs, or similar equipment or facilities.
55. HOME OCCUPATION: A secondary use carried on entirely within the residence by a member of the family residing on the premises where there is no evidence of such occupation being conducted on the premises by virtue of exterior displays, or outdoor storage, excessive noise, obnoxious odors, electrical disturbances, or considerable vehicular traffic.
56. HOME INDUSTRY: A secondary use of a light industrial or commercial nature carried on entirely within the residence and/or accessory building by a member of the family residing on the premises where there is no evidence of such occupation being conducted on the premises by virtue of exterior displays or outdoor storage, excessive noises, obnoxious odors, electrical disturbances, or significant increase in vehicular activity and complies with restrictions of Section 6-7.Q.
57. HOTEL: An establishment which is open to any number of transient guests. It usually provides sleeping quarters and private baths, maid service, and services and facilities to assist the traveling public. In some cases, it may provide long-term housing to the public.
58. INCINERATION: The processing and burning of waste for the purpose of volume and weight reduction in facilities designed for such use.
59. INDUSTRY, HEAVY: When used in this chapter, term refers to a use engaged in the basic processing and manufacturing of material or products predominately from extracted or new materials, or a use engaged in the storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing

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processes that potentially involve hazardous or commonly recognized offensive conditions.

60. INDUSTRY, LIGHT: When used in this chapter, term refers to a use engaged in the manufacture, predominantly from previous prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging and a use engaged in warehousing, distribution, wholesale trade, and catalogue sales.
61. INSTITUTION: A building or use occupied or run by a government agency, non-profit organization, or institution of higher learning to serve the social, educational, charitable, and/or religious needs of the public.
62. JUNK OR SALVAGE YARD: 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.

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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.

63. JUNK VEHICLE: 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.
64. KENNEL, COMMERCIAL: Any establishment where four or more dogs, cats, or other animals normally allowed outdoors, six months or older, are kept for breeding, boarding, grooming, selling, or training services in return for a consideration.
65. KENNEL, PRIVATE: A non-commercial kennel at a private residence where four (4) or more dogs, cats, or both, are kept for the hobby of the householder, as opposed to a commercial kennel. The keeper of a hobby kennel may keep up to ten adult dogs or cats per year and may raise and sell not more than fifteen (15) offspring during any calendar year without becoming a commercial kennel.
66. LIVESTOCK: Cattle, horses, sheep, swine, poultry, or any other animal or fowl which are produced primarily for commercial purposes.
67. LIVESTOCK TRANSFER STATION: A business which temporarily holds hogs, cattle, or other livestock being transferred from farmer/producer to slaughter facility. The business shall not in the normal course of operations keep livestock overnight, shall not be an auction yard, slaughter house, or retail outlet, and shall comply with all regulations of the Iowa Department of Natural Resources.
68. LOT: For the creation of future splits of land, a lot is a parcel of land at least sufficient in size to meet minimum zoning requirements for use, coverage, and area to provide such yards and other open space as are herein required. Such lot shall have frontage on a public street or private street and may consist of:

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- (a) A single lot of record;
- (b) A portion of a lot of record;
- (c) A combination of completed and/or portions of lots of record; or
- (d) A parcel of land described by metes and bounds, if created and recorded in the Recorder's Office prior to July 1, 1990; or
- (e) A parcel described by a landowner and rented to an individual, family, or corporation for residential or recreational purposes (such as river camp lots or mobile home lots).

If lots are combined or divided to form such a lot as described above, any residual lot or parcel created must meet the requirements of this Chapter.

- 69. LOT AREA: Total horizontal area within lot lines.
- 70. LOT, CORNER: A lot abutting upon two (2) or more streets at their intersection.
- 71. LOT DEPTH: The mean horizontal distance between the front and rear lot lines.
- 72. LOT, DOUBLE-FRONTAGE: A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot. The yard opposite the direction the front of the house is facing may have accessory buildings and structures, but still must meet the front yard setbacks.
- 73. LOT, INTERIOR: A lot other than a corner lot.
- 74. LOT LINES: The lines bounding a lot, including the road right-of-way line along all frontage. The front lot line separates the lot from the street right of way or road easement on which the lot fronts. In the case of a corner or double frontage lot all lot lines adjacent to street right of way or road easement shall be considered front lot lines. The rear lot line is opposite and most distant from the front lot line. In the case of an irregularly shaped

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lot, the rear lot line shall be the imaginary line parallel to and most distant from the front lot line at the point where the lot width is not less than ten feet. In the case of a corner lot, the rear lot line would be one of the lines parallel to one of the front lot lines and designated when a building permit is issued. A side lot line is any lot line that is neither a front nor a rear lot line. (Also see definition of Yard, Front, Rear, Side.)

75. LOT OF RECORD: A lot line for which the contract of purchase or deed has been recorded in the Office of the Recorder of Scott County, Iowa prior to the effective date of this Chapter (April 2, 1981). As applied to the Subdivision Ordinance, the effective date is January 1, 1978.
76. LOT WIDTH: The width of a lot measured at the building line and at right angles to its depth.
77. LOWEST FLOORS: The floor of the lowest enclosed area in a building except when the following criteria are met:
- (a) The enclosed area is designed to flood to equalize hydrostatic pressure during flood with walls or openings that satisfy the provisions of the "FF" District; and
  - (b) The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking, and storage; and
  - (c) Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the 100-year flood level; and
  - (d) The enclosed area is not a "basement" as defined in #9 definition.

In cases where the lowest enclosed area satisfies criteria a, b, c, and d above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

78. MESSAGE ESTABLISHMENT: Any establishment having a fixed place of business where massages are administered for any form of consideration or gratuity; including, but not limited to massage parlors, health clubs, sauna baths, and steam baths. Refer to Chapter 15 for details.
79. MANUFACTURED HOME: A factory-built structure, which is manufactured or constructed under the authority of 42 U.S.C., Sec. 5403 and is to be used as a place for human habitation as defined by a dwelling unit, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have

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permanently attached to its body or frame any wheels or axles. Any factory-built structure used for human habitation which does not meet all the above requirements is considered a mobile home and shall be regulated as a mobile home.

80. MOBILE HOME: Any vehicle, not registered as a motor vehicle in Iowa, used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designated, constructed, or reconstructed, as will permit the vehicle to be used as a place for human habitation by one (1) or more persons. A mobile home is not a manufactured home unless it has been converted to comply with the requirements as a manufactured home.
81. MOBILE HOME PARK: Any site, lot, or tract of land upon which two (2) or more occupied mobile homes are harbored, either free of charge, or for revenue purposes, and as regulated by Chapter 435, 1993 Code of Iowa.
82. MOTEL: An establishment which is open to any number of transient guests. It usually provided sleeping quarters and private baths, maid service, and services and facilities to assist the traveling public. In some cases, it may provide long-term housing to the public.
83. NEW CONSTRUCTION: Those structures or development for which the start of construction began on or after June 1, 1977 -the effective date of the Flood Insurance Rate Map.
84. NON-CONFORMING USE: Any building or land lawfully used at the time of the effective date of this Ordinance which does not conform after the effective date of this Chapter (April 2, 1981) with the use regulations of the District in which it is situated.

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85. ONE HUNDRED (100) YEAR FLOOD: A flood which has the magnitude of occurring once every one hundred (100) years. There is a one in one hundred chance each year for such a flood.
86. OVERLAY DISTRICT: A district which acts in conjunction with the underlying Zoning District or Districts. Development within the overlay district must conform to the requirements of both zones or the more restrictive of the two (2).
87. PARKING SPACE: A permanently surfaced area of not less than one hundred eighty (180) square feet plus necessary maneuvering space for the parking of a motorized vehicle. For handicapped parking, the space will not be less than required by State of Iowa Administrative rules.
88. PERMANENT FOUNDATION: A site-built or site-assembled system of stabilizing devices when running gear assembly is removed. It must be capable of transferring design dead loads and live loads required by Federal regulations, and other design loads unique to local home sites, wind, seismic, soil, and water side conditions that may be imposed on the structure. The foundation shall be to a depth of not less than forty-two inches (42") below grade and constructed of materials approved by Sections 25 or 26 of the Uniform Building Code, dated 1988, or any subsequent edition.
89. PRINCIPAL USE: The main use of land or structure as distinguished from an accessory use.
90. RECYCLING CENTER: A site where commercial, domestic and yard wastes are sorted, packed, baled, composted, and/or processed for reuse.
91. RIGHT-OF-WAY: The land area secured or reserved by a governmental agency giving it or the public the right to travel on, over, and under the area.
92. ROADSIDE STAND: A temporary structure, unenclosed, and so designed and constructed that the structure is easily portable and can be readily moved. Used for the sale of farm products, primarily produced on the premises.
93. SANITARY LANDFILL: A site where solid wastes are disposed of by utilizing the principles of engineering to confine the solid waste to the smallest practical volume and to cover it with a layer of earth so that no nuisance or hazard to the public health is created.
94. SEXUAL ACTIVITY ESTABLISHMENT (ADULT RELAXATION CENTER): An establishment used for the display of live presentations distinguished or characterized by an emphasis on matter depicting or describing or relating to specified sexual activities or specified anatomical areas. Provided that the provisions of this section shall not apply to a theater, concert hall, art center, museum, or

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- similar establishment,  
which is primarily devoted to the arts or theatrical performances,  
and which is not primarily devoted to presentations distinguished or  
characterized by an emphasis on matter depicting or describing or  
relating to specified sexual activities or specified anatomical  
areas.
95. SIGN: Any word(s), lettering, figures, emblems, pictures, trade names, or trade marks used by an individual, firm, or association, a corporation, a profession, a business, a service, a community, a church, or school and visible from any public street or right-of-way and designed to attract attention for commercial or non-profit purposes. This is not be to construed to include directional signs erected or required by governmental bodies, legal notices, signs bearing only property numbers or names of occupants on premises.
96. SOD FARM: An agricultural use of land and building where the primary use of the land is growing, harvesting, and selling of sod on the wholesale market.
97. SOLID WASTE DISPOSAL SITE: A site where commercial, industrial, and domestic wastes are buried (sanitary landfill) or incinerated, or converted into energy for a waste-to-energy facility in accordance with state and local disposal regulations and standards.
98. SOLID WASTE TRANSFER STATION: A site where commercial, domestic, and yard wastes are temporarily collected, sorted, and compacted prior to transporting to a solid waste disposal site or recycling center.

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99. SPECIFIED SEXUAL ACTIVITIES: As used in this Chapter, defined as: (a) human genitals in a state of sexual stimulation or arousal; (b) acts of human masturbation, sexual intercourse or sodomy; (c) fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts.
100. SPECIFIED ANATOMIC AREAS: As used in this Chapter, defined as: (a) less than completely and opaquely covered (1) human genitals, pubic region; (2) buttocks; and (3) female breasts below a point immediately above the top of the areola; and (b) human male genitals in a discernible turgid state, even if completely and opaquely covered.
101. STABLE, PRIVATE: A building or structure with four (4) enclosed walls used or intended to be used for housing horses belonging to the owner of the property, only for non-commercial purposes.
102. STABLE, PUBLIC AND RIDING ACADEMY: A building or structure used or intended to be used for the housing only of horses on a fee basis. Riding instruction may be given in connection with the public stable or riding academy.
103. START OF NEW CONSTRUCTION: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, re-construction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on the site, such as the pouring of slab or footings, the installation of piers, the construction of columns, or any work beyond the stage of excavation, or the placement of a factory-built home on a foundation.
104. STORY: That portion of a building included between the surface of any floor and the surface of the floor above it, or if there be no floor above it, then the space between the floor and the ceiling or roof next above it.
105. STREET: All land between right-of-way lines dedicated to a governmental unit or perpetually restricted to transportation. The definition includes the terms road, street, and highway, no matter how named, whether public or private, but does not include private driveways from a street to a house.
106. STRUCTURAL ALTERATIONS: Any replacement or change in the type of construction or in the supporting members of the building, such as bearing walls or partitions, columns, beams or girders, beyond ordinary repairs and maintenance.
107. STRUCTURE: Anything constructed or erected with a fixed location on the ground, attached to the ground, or which is attached to something having a permanent location on the ground, including, but

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not limited to buildings which require building permits, factory-built homes, billboards, or poster panels, storage tanks, or similar uses.

108. SUBDIVISION: The accumulative effect of dividing an original lot, tract, or parcel of land, as of January 1, 1978, into three (3) or more lots for the purpose of immediate or future sale or transfer for development purposes. The term includes a re-subdivision or re-platting. When appropriate to the context, the word may relate to the process of subdividing or the land subdivided.
109. SUBSTANTIAL DAMAGE: Flood damage sustained by a structure where the cost of restoring the structure to its prior condition would equal or exceed fifty (50) percent of the assessed value of the structure before the damage occurred.
110. SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the assessed value of the structure before the improvement or repair is started. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration affects the external dimensions of the structure. The term does not include, however, any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe conditions for the existing use.
111. TIRE LOT (Waste): A site where waste tires have accumulated for storage, recycling, or processing. The presence of more than five (5) vehicular tires on a subdivision lot or non-farm tract outside of a building, not mounted on vehicle(s), constitutes a tire lot.
112. TRAVEL TRAILER: A recreational vehicle, with or without motive power, designed as a temporary dwelling, not exceeding eight (8) feet in width and forty (40) feet in length, exclusive of separate towing unit. Such vehicles are customarily and ordinarily used for travel or recreational purposes and not used for permanent habitation.
113. TRAVEL TRAILER PARK (CAMP): An area licensed and used or offered for use in whole or in part, with or without charge, for the parking of occupied travel trailers, pickup campers, converted buses, motor homes, tent trailers, tents, or similar devices used for temporary, portable housing. Unoccupied mobile homes, travel trailers, and similar devices may be stored in the Park, but only in an area marked for storage. No repair, maintenance, sales, or servicing of such devices are allowed in the Park.
114. URBAN DEVELOPMENT: All forms of non-farm development including structures and land uses of a residential, commercial, industrial, and recreational nature.

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115. YARD: An open space on the same lot with a building, unoccupied and unobstructed by any portion of the structure from the ground upward, except as otherwise provided in this Chapter. In measuring a yard for the purpose of determining the width, length, or depth, the least distance between the lot line and the nearest permitted building shall be used.
116. YARD, FRONT: A yard extending across the full width of the lot and measured between the platted street right-of-way line or roadway easement line the the principal building.
117. YARD, REAR: A yard extending across the full width of the lot and measured between the rear lot line and the building or any projections other than steps, unenclosed balconies, or unenclosed porches. On interior lots, the rear yard is opposite the front yard. On corner lots, the rear yard is designated at the time a building permit is issued and is one of the yards opposite one of the front yards (See definition of Lot Lines, rear).
118. YARD, SIDE: A yard extending from the front yard to the rear yard and measured between the side lot lines and the nearest principle building.
119. ZERO LOT LINE: A development technique which permits the principal building to be sited on one (1) or more lot lines. The intent is to allow more open area on the lot; and where several buildings are built close together, to lower the

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installation expense of utilities. Such technique is permitted only through the site plan review process.

120. ZONING ADMINISTRATOR: The individual assigned by the Board of Supervisors in accordance with Chapter 335, Iowa Code, with the sole responsibility to administer the Scott County Revised Zoning Ordinance in accordance with Chapter 6, County Code and Chapter 335, Iowa Code. This person may delegate some zoning enforcement responsibilities to other county employees with Supervisor approval.

### SEC. 6-6. ESTABLISHMENT OF DISTRICTS AND DISTRICT BOUNDARIES

- A. Establishment of Districts: In order to carry out the purpose and intent of this Chapter and the Development Plan, the unincorporated area of Scott County, Iowa is hereby divided into Zoning District classifications, which supersede all earlier versions of the Official Zoning Map and established districts:

"A-P" Agricultural-Preservation District  
"A-G" Agricultural-General District  
"R-1" Single-Family Residential District  
"R-2" Multi-Family Residential District  
"C-1" Neighborhood Commercial District  
"C-2" Commercial and Light Industrial District  
"M" Heavy Manufacturing District

In addition to the above listed Districts, the designated flood plain areas within the unincorporated areas of Scott County, Iowa are hereby divided into three (3) overlay districts known as:

"FW" Floodway Overlay District  
"FF" Floodway Fringe Overlay District  
"GF" General Flood Plain Overlay District

- B. District Boundaries and Official Zoning Map: With the exception of the Flood Plain Overlay Districts, the boundaries of these Districts are indicated upon the Official Zoning Map of Scott County, Iowa; which map is made a part of this Chapter by reference. The Official Zoning Map of Scott County, Iowa, and all the notations, references and other matters shown thereon shall be as much a part of this Chapter as if the notations, references, and other matters set forth by said map were all fully described herein. The Official Zoning Map shall be on file in the Office of the Scott County Zoning Administrator and shall bear the signature of the Chairman of the Board of Supervisors, attested by the County Auditor, under the certification that this is the Official Zoning Map of the Scott County Zoning Ordinance. It shall be the responsibility of the Zoning Administrator to see that the Zoning Map is kept current at all times.

If in accordance with the provisions of this Chapter, changes are made in the district boundaries or other matters portrayed on the

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Official Zoning Map, the ordinance number and date shall be recorded by the Zoning Administrator on the Official Zoning Map.

- C. Interpretation of District Boundaries: In cases where the exact location of a district boundary (other than a Flood Plain Overlay District) is unclear as shown on the Official Zoning Map in the office of the Zoning Administrator, the boundaries indicated as approximately following streets and highways shall be construed to follow such center line; that boundaries indicated as approximately following platted lot lines or city limit boundaries; that boundaries indicated as following the center lines of rivers, streams, and creeks shall be construed to follow such center lines; that boundaries indicated as following railroad lines shall be construed to be midway between the main tracks, and that boundaries indicated as following section lines, quarter-section lines, or quarter-quarter section lines shall be construed as following such lines. Distances not specifically indicated on the Official Zoning Map shall be determined by scaling the distance on the Map.
- D. Flood Plain Overlay Map: The boundaries of the flood plain overlay districts shall be the same as shown on the Flood Boundary and Floodway Map, which was issued by the Federal Insurance Administration, dated June 1, 1977 (Revised January 6, 1993) and adopted by the Board of Supervisors. These maps are hereby adopted by reference as the Official Flood Identification Maps, together with the accompanying Flood Insurance Study and all explanatory material therein. These maps shall have the same force and effect as if they were all fully set forth or described herein. Subsequent amendments to these maps and the Flood Insurance Study shall be adopted automatically.

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The flood plain overlay districts shall include the corresponding designated areas identified on the Flood Boundary and Floodway Map as indicated below:

- "FW" The designated Floodway on Flood Boundary and Floodway Map.
- "FF" The designated Floodway Fringe on Flood Boundary and Floodway Map.
- "GF" The areas shown on Flood Boundary and Floodway Map as being within the approximate 100-year flood boundary, but for which the floodway and floodway fringe and base flood elevation were not determined by the Flood Insurance Study.

The maps available for review in the office of the Scott County Department of Planning and Development.

- E. Interpretation of Flood Plain Map Boundaries: The boundaries of the Floodway (FW), Floodway Fringe (FF), and General Flood Plain (GF) Overlay Districts shall be determined by scaling distances on the Official Flood Identification Maps. Where interpretation is needed to determine the exact location of the boundaries of the districts as shown on the maps, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Zoning Administrator shall make the necessary interpretation. The regulatory flood elevation for the point in question, as reported in the Flood Insurance Study, shall be the governing factor in locating the district boundary on the land. Any person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board of Adjustment, as provided in Section 6-27, and to submit his own technical evidence if he/she so desires. Any person contesting the regulatory flood elevation data in the Flood Insurance Study shall submit technical evidence to the Iowa Department of Natural Resources for review. The findings of the Iowa Department of Natural Resources shall be the final determination as to the regulatory flood protection elevation for that location.

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### SEC. 6-7. GENERAL REGULATIONS AND PROVISIONS

- A. Disincorporation and Severance: Any additions to the unincorporated areas of the County resulting from the disincorporation of a municipality or a severance of a part of a municipality shall be automatically classified as in the "A-G" Agricultural-General District until otherwise classified by the rezoning process.
- B. Agricultural Soils Protection: In compliance with the Scott County Development Plan, it is the intent of this Chapter that the "R-1", "R-2", "C-1", "C-2", and "M" Zoning Districts not be established through rezoning in the "A-P" District.
- (1) The "A-P" District was developed using the Land Use Policies in Section IV of the Development Plan. It is intended to protect highly productive soils and the agricultural way of life. The County bases its soils information on the draft modern soil survey map, dated 1990, compiled by the U.S. Soil Conservation Service for Scott County. After analysis of the soil survey with cooperation from the Scott County Soil Conservation Commission, the County Board of Supervisors has established a Corn Suitability Rating (CSR) of sixty (60) or greater per quarter section of land for protection from urban development, if it meets other critical land use policies.
- (2) An application for rezoning of "A-P" District land will result in an in-depth study of the soils characteristics and CSR for the land in the application, plus the surrounding quarter section of land, by the Planning and Development staff. The Planning and Zoning Commission and the Board of Supervisors will use the soil analysis, land use policies analysis and public comment to make a decision on the rezoning request.
- C. Splitting the Farmstead from Farm: When a valid farmer decides to sell off the original farmstead, the farmstead shall be platted in accordance with Chapter 354, 1993 Iowa Code. The platted lot shall be no larger than necessary to include the typical farm buildings and accessory work area. Once the farmstead is split off, neither the new lot nor the remaining farmland of the farmer, may be subsequently

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platted into small lots for any use other than farming, unless the land is first rezoned for that proposed land use.

D. Environmentally Sensitive Area Protection: It is the intent of this Chapter that environmentally sensitive areas be protected from irreparable damage caused by urban development. Such areas include steep slopes, wetlands, flood plains, aquifers (and aquifer recharge areas), unstable building sites, natural woods and prairies, and unique natural features. These sites will be identified in the future, as specific information is accurately established. In the meantime, as new subdivisions, commercial and industrial proposals are filed with the Zoning Administrator, such sites will be individually analyzed to identify and protect such sensitive areas. Developers of such sites shall take necessary steps to protect such areas from degradation.

E. Road or Public Way Vacation: Whenever any road, street, or other public way is vacated by official action of the Board of Supervisors of Scott County, the Zoning District adjoining each side of such road or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

F. Application of District Regulations: As described in Section 6-2, all buildings, structures, and uses of land, shall comply with this Chapter unless a specific variance or exemption within this Chapter allows for such non-conformity.

(1) No building or other structure shall hereafter be erected, or altered to exceed the height, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, or to have narrower or smaller rear yards, front yards, side yards, or other open spaces as herein required for the Zoning District in which the building or structure is located.

(2) No yard or lot existing at the time of passage of this Chapter shall be reduced in dimension or area below the minimum requirements set forth herein, without first applying and receiving a variance. Yards or lots

created after the effective date of this Chapter shall meet at least the minimum requirements established by this Chapter.

G. 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 lot or tract of land.

(1) For a legal temporary mobile home on a farmstead or residential lot, it is not necessary to locate the two (2) homes on separate

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lots.

- (2) More than one (1) industrial, commercial, multi-family dwelling or institutional principal building may be erected on a single lot or tract, but the setbacks and open spaces required in Section 6-22, TABLE A shall not be reduced for any principal building. Accessory buildings for such developments may be located no closer than fifteen (15) feet from the rear lot line.
- H. Basement or Cellar: A basement or cellar shall not be used as a separate business or dwelling unless it complies with the exit, ventilation, and lighting requirements of the Scott County Construction Codes.
- I. Subdivision Required: Every owner of any lot or tract of land as of January 1, 1978, who shall subdivide the same into three (3) or more parts, shall have the plat of such subdivision approved by the Board of Supervisors as provided in the Scott County Subdivision Ordinance. All replats of existing lots in subdivisions shall comply with the procedures and standards of the Subdivision Ordinance.
- J. Visual Clearance: In all Districts, no fence, hedge, vegetation, wall, sign, earth, or other obstruction shall be permitted which obstructs the clear view of approaching vehicles three-and-one-half (3-1/2) feet above the traveled portion of a public or private roadway or street. In subdivisions, the visual clearance shall be determined by the area within a triangle formed by the center of the intersection or the axis point of a road bend in excess of seventy (70) degrees and points one hundred (100) feet from the center of the intersection where measured along the centerlines of the road. The triangle for County roads, intersections, or road bends (arterials, collectors, local), which have adjacent residences, shall be from the center of the intersection or axis point one hundred fifty (150) feet along the centerlines of the intersecting roads, except those areas which have been obtained by the Secondary Roads Department for a clear vision area.
- K. Corner Lots: The front yard regulation shall apply to each street side of corner lots.
- L. Buildings on Through Lots: Through lots extending from street to street are double-frontage lots. Buildings will be situated so as to provide the required front yard set back on both streets. Accessory buildings may be located in the side yard or the yard opposite to the direction the house is facing, so long as they are not closer than fifty (5) feet from the right-of-way line.
- M. Water Supply and Sewage Disposal: Every residence, business, trade, or industry hereafter established, shall provide water supply and sewage disposal facilities which conform with the administrative rules of the Iowa Department of Health, the Well and Sewage

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Regulations of the Scott County Board of Health, and the Subdivision Ordinance.

- N. Pending Applications for Building Permits: Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use of any building or part thereof, for which approvals and required building permits have been granted before the enactment of this Chapter, the construction of which conforms with such plans shall have been started prior to the effective date of this Chapter, and completion thereof carried on in a normal manner and not discontinued for reasons other than those beyond the builder's control.
- O. Fences and Walls: Fences and walls will only be allowed on lots or tracts of land which do not obstruct traffic visibility. Any non-farm fence or wall exceeding six feet in height shall obtain a building permit. A fence is prohibited in the road right-of-way.
- (1) In an "A-P", "A-G", "R-1", or "R-2" District or any lot or tract allowed for residential purposes, fences and walls are permitted within the limits of the side and rear yards to a maximum of six (6) feet in height. In a front yard a fence not exceeding three-and-one-half (3-1/2) feet in height is permitted unless it obstructs the visibility clearances of any adjacent driveway or street. In all cases, fences shall be constructed with the best side facing the neighboring land user.
  - (2) In a "C-1", "C-2", or "M" District, fences and walls are permitted within the limits of the side and rear yards. In new developments, solid material fences will be constructed to surround outside storage of parts, supplies, refuse, and the like. No fences may be constructed which obstruct the visibility of road intersections as noted in paragraph J above. In all cases, fences shall be constructed with the best side facing the neighboring land user.
  - (3) Any exterior swimming pool with the design capacity of more than 5,000 gallons shall obtain a building permit and have a continuous barrier of building and/or protective fence of at least five (5) feet in height. All gates shall have an interior self-closing latch.
- P. Accessory Buildings: Accessory buildings may only be built in the side or rear yards and must meet the setback requirements of Section 6-22. On lots where the principal building is set back greater than one hundred (100) feet from the front lot line, an accessory building may be constructed in the front yard, provided a minimum one hundred (100) foot front yard setback is maintained. No accessory building shall be constructed upon a lot until the construction of the principal building has commenced.
- (1) Mobile homes may not be used for accessory buildings.

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- (2) Satellite antennas exceeding three (3) feet in diameter require a building permit. In "R-1", "R-2", and "CAD" Zoning Districts, satellite antennas may not be located in the front yard, may not exceed the height of the peak of the house unless the building inspector determines there is no alternative, and limited to one (1) per lot or tract. Existing satellite antennas, as of the adoption date of this amendment, are exempted from this restriction.
- (3) An accessory building may be built on the adjoining subdivision lot or tract, if both parcels are owned by the same individual, family, or firm, and the owner signs and records a "Restrictive Covenant and Agreement
- (4) Not to Sever" in cooperation with the Department of Planning and Development.

Q. Home Occupations and Home Industries: If the zoning districts permit it as an accessory use, these uses are allowed as defined in Section 6-5.56 and 6-5.57 for the current occupants only if in compliance with the following procedure and restrictions:

- (1) The home business person must apply in writing to the Director for approval of his/her home occupation or industry. The applicant shall provide information showing how the proposed business will comply with all of the restrictions stated within this sub-section. The application shall be accompanied by a non-refundable filing fee: home occupation - \$25; home industry - \$50. If the application complies with the restriction of this subsection, the Director will confirm the approval in writing to the applicant. For a home industry, the Director will also notify in writing landowners within 500 feet of the business facility of the approved home industry. The approval will not require renewal unless: 1) a new family/occupant intends to run the business, 2) the business person intends to substantially change the home occupation or home industry, or 3) the business has ceased operations for more than 12 consecutive months. Legal existing home occupations and industries are not required to apply for approval.
- (2) The intent is to allow businesses if they do not conflict or distract from adjacent landowners' enjoyment of their land or cause unnecessary damage to public roads. Therefore, the home occupation or home industry must be conducted entirely within the home if it is a home occupation or the home and/or accessory building if it is a home industry, so there is no evidence of such business being conducted on the premises due to outdoor displays or storage, excessive noise, obnoxious odors, electrical disturbances, or considerable increase in vehicular traffic. Home industries are allowed in "A-P" and "A-G" and may

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include assembly, processing, fabrication, sale and repair of cars, light trucks, agriculture equipment and household appliances, warehousing and distribution, lawn service, contractors' equipment storage, and sales of products prepared on site. All hazardous wastes, by-products, and emissions must be stored and/or disposed of in conformance with Federal, State, and local regulations. The home industry facility must be located more than 500 feet from the nearest neighbor's residence, business or farming operation. Junk material and unassembled parts and equipment may be stored in the rear yard of a home industry if it is entirely enclosed with solid fence material, no larger than 1000 square feet in floor space, and not visible from adjoining properties or roads.

- (3) The business shall provide no more than four (4) designated, yet inconspicuous parking spaces on the premises outside the road right-of-way. An application may be denied if the type of vehicular activity using the County or private roads leading to the site will cause increased dust problems or damage to the road(s), as determined by the County Engineer and the County Zoning Administrator.
  - (4) One advertising sign is permitted on the premises with the following requirements:
    - (a) Not larger than six (6) square feet; and
    - (b) Placed flat against any one side of the building; or
    - (c) Posted within two (2) feet and parallel with the building; or
    - (d) Posted no closer than fifty (50) feet of the road right-of-way if the building is located behind the fifty (50) foot building setback line; and
    - (e) Is not illuminated.
  - (5) For home occupations, no more than one (1) non-resident assistant is allowed. For home industries, the limit shall be four (4) non-resident employees, whether full or part-time. In addition, only four (4) employee vehicles are allowed on the site at one time and all on-site work must occur inside the home or accessory building.
  - (6) No more than twenty-five percent (25%) of the floor area of the residence can be devoted to the business in the home. For a home industry, no more than 2,400 square feet of accessory building can be devoted to the business.
- R. Buildings Moved onto Property: Prior to transporting a building having a size in excess of 120 square feet onto a lot or tract of land, the property owner or contractor must obtain a building permit. After the building arrives on the property, the building permit holder must place the building on a permanent approved foundation within sixty (60) days, in accordance with the Scott

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County Construction Codes.

- S. Grading Plans Required: Prior to disturbing more than one acre of land for non-agricultural purposes, the owner/contractor will apply and receive approval from the Director. Such purposes include grading land to prepare land for future non-agricultural uses; clearing trees, bushes, and ground cover from conservation and rough lands; constructing non-public roads to future areas of development; preparing a site for a pond (not for agricultural operations); and other such urban developments that don't fall in to the category of future residential subdivision or future commercial site preparation.

The grading plan must be designed to keep annual soil loss to less than 5 tons per acre and retain 80% of the sediment on-site. The plan must be submitted to and receive approval from the Department with the technical advice of the Natural Resources Conservation Service. If no plan is received prior to disturbing the land, it will be treated as a zoning violation. The owner/contractor would have seven (7) days to comply, when notified of the violation. If more than 5 acres will be disturbed, the applicant must receive approval by obtaining the Department of Natural Resources Stormwater Discharge Permit #2 prior to commencing. A copy of the plan must be filed with the Department. Extraction operations are exempt from these regulations, but must comply with State Administrative rules.

### SEC. 6-8. "A-P" AGRICULTURAL-PRESERVATION DISTRICT

- A. General Intent: The "A-P" District is intended and designed to serve the agricultural community and protect agricultural land from encroachment of urban development. This District is not intended to be used for non-farm residential, commercial, industrial, or governmental buildings or uses, especially away from existing urban development and adequately paved roads.

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B. Principal Permitted Uses: Property and buildings in an "A-P" Agricultural-Preservation District shall be used for the following purposes:

- (1) Farms and farmhouses.
- (2) Specialized farms where livestock, such as hogs, cattle, horses, poultry, pigeons, rabbits, and other common farm animals are bred and/or raised, but not including the feeding or disposal of community or collected garbage. This activity does not include commercial feedlot operations.
- (3) Specialized horticultural operations, including truck gardens, orchards, and wholesale nurseries.
- (4) Forests, wildlife preserves, and conservation areas.
- (5) Stables (private) providing that any such structure built to accommodate horses must be located in the rear yard (if there is also a residence) and at least fifty (50) feet from all property lines.
- (6) Franchised electric transmission and gas/commodity pipe lines and associated structures and equipment. All structures of the utilities which exceed 35 feet should be located where disruption of agricultural and residential/commercial activity is minimized. The base of towers should be located at least the distance of the height of the tower from any existing, adjacent neighbor's structures.
- (7) Sod farms.
- (8) Single-family home on platted lots in existing subdivision and auditor's plats, or on existing parcels of less than fifteen (15) acres which have been recorded in the Scott County Recorder's Office, as of April 2, 1981 (the adoption date of this chapter).
- (9) Public parks.

C. Accessory Permitted Uses:

- (1) Accessory buildings and uses customarily incident to any of the uses in paragraph B above. 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-

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farm debris covering more than 200 square feet of area 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).

- (2) Home occupations and home industries.
  - (3) Unlighted accessory signs not larger than three hundred (300) square feet when approved by the Zoning Administrator and meeting the standards of Section 6-24 SIGNS AND BILLBOARD REGULATIONS. Accessory signs may be allowed when approved by the Board of Adjustment for Special Permitted Uses listed in Paragraph "D" below.
  - (4) Seed and feed dealerships, provided however, there is no evidence of showroom or other commercial activity. A sign no larger than twenty (20) square feet in area may be located on the building storing the feed and seed.
  - (5) Roadside stands offering for sale only products grown on the premises from any of the above uses. Such stands shall be removed during any season or period when they are not being used.
  - (6) Private Kennel.
- D. Special Permitted Uses: The following special uses may be permitted upon review by the Board of Adjustment in accordance with the provisions contained in Section 6-27.
- (1) Communications towers, such as commercial microwave, telephone, cellular, radio and television towers, or those towers owned or operated by a public utility, government, or private enterprise not otherwise regulated by the Iowa Utility Board.

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- (2) Sites for music events, sports events, commercial exhibitions and carnivals lasting no more than three continuous days per event and no more than six events per year.
- (3) County maintenance building only if no "A-G" land is available in the maintainer district.
- (4) Extraction, primary material processing and removal of coal, stone, gravel, sand, clay, topsoil, or ores on more than two (2) acres of land. Such mining or extraction shall be in compliance with Chapter 83A, 1993 Code of Iowa, if applicable. The Board of Adjustment will look to determine how the operation will minimize fugitive dust, protect hazardous areas from neighborhood children, protect farmground with a CSR above 68 for future agricultural production, and locate only where County roads are adequate to handle the increased truck traffic. The applicant will submit a soil erosion control plan. Additional restrictions may apply if a permanent body of water is created.  
If the extraction of materials other than topsoil does not create a permanent water body, topsoil shall be stockpiled and returned to reclaim the land for future crop production once the operation ceases for more than one (1) year. Primary material processing shall not take place closer than one thousand (1000) feet from an existing residential district or neighboring residence. Secondary material processing where raw material is sorted, graded, or mixed to make a commercial product is allowed only in "M" Heavy Manufacturing District.
- (5) Fox and mink farms where the breeding and rearing shed is at least six hundred sixty (660) feet from the closest neighbor's residence or residential zoning district.
- (6) Public stable where the building and exercise yard is at least six hundred sixty (660) feet from the closest neighbor's residence or residential zoning district.
- (7) Bed and Breakfast homes.
- (8) Education facilities (public and private schools) on less than five (5) acres of land.
- (9) Solid Waste Transfer Station, provided the operation occurs on less than five (5) acres, is screened from the public, and is operated in conjunction with the Scott Area Solid Waste Management Commission.
- (10) Private, non-commercial airstrip and helicopter landing zone, provided there are no obstructions to flight, the airstrip is no longer than 2,000 feet, and the use is compatible to neighboring land uses.

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- (11) One attached dwelling unit on 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.
- (12) Commercial Kennels and veterinary businesses, but not nearer than six hundred sixty (660) feet from any zoned residential district, incorporated boundary line or dwelling other than the lessee or owner of the site.

### SEC. 6-9. "A-G" AGRICULTURAL-GENERAL DISTRICT

- A. General Intent: The "A-G" Agricultural-General District is intended to serve the agricultural community and act as a holding zone until a compatible urban development proposal is approved through special use permits or rezoning. This District is not intended for new rural subdivisions, but does allow for a limited number of neighborhood and agricultural businesses.
- B. Principal Permitted Uses: Property and buildings in the "A-G" Agricultural-General District shall be used for the following purposes:
  - (1) Any use permitted in the "A-P" Agricultural-Preservation District using the same restrictions.
  - (2) Church or other places of worship, including parish house, Sunday school building and bulletin boards.
  - (3) Cemeteries, mausoleums, and crematories shall be at least two hundred (200) feet distance from adjacent property and street and highway lines.
  - (4) Parks, playgrounds, golf courses, both public and private, service organizations, and recreational uses including, but not limited to, Boy and Girl Scout Camps and church camps.
  - (5) Schools, both public and private educational institutions; preschool and day care facilities operating no more than 6 A.M. to 8 P.M. daily; providing that a single-family dwelling also may be co-located for use by the landowner or custodian.
  - (6) Institutions of a religious, charitable, philanthropic or similar nature.
  - (7) City and County buildings and facilities.

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### C. Accessory Permitted Uses:

- (1) Accessory buildings and uses customarily incident to any of the uses in paragraph "B" above. 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 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).
- (2) Other accessory uses as allowed in "A-P" District.
- (3) Private kennel.

### D. Special Permitted Uses: The following special uses may be permitted in the "A-G" District upon review by the Board of Adjustment in accordance with the provisions contained in Section 6-27.

- (1) Any special use permitted in an "A-P" District.
- (2) Agricultural and neighborhood commercial businesses, provided a buffer zone of at least fifty (50) feet is established between the commercial building's associated work area, and the property lines. Such buffer areas will include any combination of earthen berms, trees, shrubs and bushes, and solid fences to develop compatibility with the adjoining property owners. No more than one (1) acre of cultivated farm land can be converted to the new commercial use.
- (3) Temporary asphalt and concrete mixing plants, where applicant can show that the plant will be temporary, will be completely removed when vacated, will serve a clear public need, and will not disturb the adjoining property owners.
- (4) Commercial kennels and veterinary businesses, but not nearer than six hundred sixty (660) feet from any zoned residential district, incorporated boundary line or dwelling other than the lessee or owner of the site.
- (5) Mobile Home and Travel Trailer Parks.
- (6) Composting facility. The site must meet Iowa Department of Natural Resources standards and administrative rules. Must not pollute the land, air, or water.

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### SEC. 6-10. "A-F" AGRICULTURAL SERVICE FLOATING ZONE

- A. General Intent: The "A-F" Agricultural Service Floating Zone is intended and designed to serve the agriculture community by allowing agriculture commercial development, which is not compatible within built-up urban areas, to locate in certain unincorporated areas. The zone allows Agriculture Service Outlets within the existing zones "A-P", "A-G", "C-2", and "M". The site plan approval will occur at the same time as the rezoning. Any land rezoned to "A-F" shall be located on or adjacent to a paved road and away from residential development and environmentally sensitive areas.
- B. Principal Permitted Uses: Property and buildings in the "A-F" Agriculture Service Floating Zone shall be used for the following purposes.
- (1) Agriculture feed mixing and blending, seed sales, and grain handling operations.
  - (2) Retail outlet for fertilizer and pesticides including mixing, blending, and storage.
  - (3) Storage and distribution of anhydrous ammonia.
  - (4) Large animal veterinary businesses.
  - (5) Livestock transfer station.
  - (6) Livestock sale and auction barn.
- C. Accessory Permitted Uses:
- (1) Accessory buildings and uses customarily incident to any of the uses in paragraph "B" above. Pole barns, garages, agriculture service vehicles and trailers are allowed. Accessory uses not allowed include, but are not limited to, the following uses: tire lots on non-farm parcels; the accumulation of domestic junk such as vehicular parts, trailers, building material, broken appliances, and other sorts of non-farm debris covering more than 200 square feet of area six (6) feet high outside of buildings.
  - (2) Storage and sale of liquid petroleum products and LP gas for agriculture equipment and vehicles.
  - (3) Home for owner/manager occupied business.
- D. Special Permitted Uses: None.
- E. Criteria for Land to be Rezoned "A-F":

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- (1) The facility shall be defined as including the buildings, improvements, maneuvering and parking area, and storage area which are graveled or paved. The facility must be located on a tract of ground where the main entrance to the facility is on or within 660 feet of a paved public road.
- (2) The entrance to the facility must have at least 1,000 feet line of sight in both directions on the public road. The County Engineer will approve the location of the main entrance in accordance with the Iowa Department of Transportation standards and specifics and Appendix I of the Scott County Subdivision Ordinance.
- (3) The separation spacing between the facility and any property line shall be at least 50 feet. The separation spacing to the closest neighbor's home and accessory buildings shall be at least 400 feet at time of application. The separation spacing to a current or future residential zoning district shall be at least 400 feet. Separation may be greater, if required by State or federal regulations, or to meet a unique local land use requiring special protection.
- (4) The facility must not be located in a floodplain, within 200 feet of any river, stream, creek, pond, or lake or 400 feet of another environmentally sensitive area, park, preserve.
- (5) Minimum lot size shall be five (5) acres.
- (6) Facility shall be surrounded by an adequate security system to deny public access to potentially hazardous areas.
- (7) Advertising signs shall not be larger than 100 square feet.
- (8) Underground storage shall not be allowed on site.

### F. Procedure for Rezoning Parcel of Land to "A-F":

In order for the "A-F" District to be placed on a zoning map, a three step procedure must be followed:

- (1) Developer/landowner must apply to the Planning and Zoning Commission for approval of a specific development plan involving one of the principal permitted uses listed in paragraph "B" above. The Planning and Zoning Commission will hold a rezoning public hearing before making a recommendation to the Board of Supervisors.
- (2) Developer must apply for all State and federal required permits for the proposed development and provide copies of the application to the staff for review.

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- (3) The Board of Supervisors will receive the Commission's recommendation plus information received during the Commission public hearing process and will hold a rezoning public hearing in accordance with Section 6-31.B.(3) ZONING AMENDMENTS AND REZONINGS. Based on the Commission recommendation, County staff comments, a review of the required State permit applications, and comments from the applicant and the public, the Board may approve or deny the application. If approved, the site plan approval conditions will be included with the ordinance changing the zoning. Final County approval is contingent on State permit approval.

If the applicant's application is adopted by the Board, the department staff shall update the zoning map to show the specific location of the "A-F" district (including the separation spacing). Once the amendment is published, the new "A-F" district supersedes the prior zoning classification.

### G. Procedures for Reuse of Land Zoned "A-F":

- (1) If the business is sold or transferred to another business that will carry on the same business, no "A-F" zoning rehearing is required.
- (2) If the proposed new business increases the size of the facility or "A-F" zone, or increases the level of business activity substantially or changes the use to another "A-F" principal permitted use, or increases the services and products being offered that will affect the size of the facility or potential nuisance or hazard on adjacent property owners, the current and future owners must apply to amend the "A-F" approval in its entirety. The applicants must follow the three steps listed in Paragraph F above.
- (3) If the proposed new business does not comply with the "A-F" zoning district classification, the Director will inform the current and future owners in writing that the "A-F" zone will be voided. If the proposed use complies with the former zoning district, no additional applications are required. If it requires a rezoning to a new district, the owners must apply for rezoning. The owners have 15 days to appeal the Director's decision to the Board of Adjustment. There will be no forms or fees for returning the zoning back to its former classification.

### SEC. 6-11. "R-1" SINGLE-FAMILY RESIDENTIAL DISTRICT

- A. General Intent: The "R-1" District is intended and designed to provide for the development of both low and medium density single-family subdivisions in the rural areas. All such subdivisions shall comply with the Scott County Subdivision Ordinance. This District is not intended for commercial uses. Any land rezoned to "R-1" shall be located on adequately constructed and paved County/State

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roads.

### B. Principal Permitted Uses:

- (1) Single-family dwellings. If maximum average density exceeds one (1) dwelling unit per 30,000 sq. foot area, the Planning and Zoning Commission may approve the special site plan during the subdivision review process.
- (2) Farms and farmhouses.
- (3) Developmentally disabled group homes in compliance with Section 335.25, 1993 Code of Iowa.
- (4) Public parks and conservation areas.

### C. Accessory Permitted Uses:

- (1) Accessory buildings and uses customarily incident to any of the uses in paragraph "B" above. 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 100 square feet of area 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).
- (2) Stable (private) providing it has stalls and feed for every horse and is located at least fifty (50) feet from a property line. The stable and exercise area must be located on a lot of at least one (1) acre, be located in the rear yard, and be screened from adjoining residential lots.
- (3) Farm animals and poultry on residential lots, but only if controlled, not to exceed one (1) feeder cattle per acre, one (1) mature dairy cow per 1.4 acres, two and a half (2-1/2) swine (over 55 lbs.) per acre, ten (10) sheep or lambs per acre, and fifty-five (55) turkeys and chickens per acre, or any combination that does not exceed the above animal unit multiplier. Such accessory uses must be operated to meet County Health standards. More restrictive deed restrictions supersede the above standard.
- (4) Accessory utility services and equipment for use by adjacent properties.
- (5) Home occupations.

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(6) Private kennels.

D. Special Permitted Uses: The following special uses may be permitted in the "R-1" District upon review by the Board of Adjustment in accordance with the provisions contained in Section 6-27.

- (1) Two-family dwelling units on at least thirty thousand (30,000) square feet lot. In existing subdivisions, maximum one (1) duplex per ten (10) single-family dwelling units. In new subdivision, two-family dwelling units will be approved by the subdivision review process wherein the Board of Adjustment is not involved.
- (2) Schools, public and private educational institutions, plus a single-family dwelling for the custodian.
- (3) Churches or other places of worship, including parish house, Sunday school building, and bulletin boards.
- (4) Public recreational and open space, but not to include commercial recreation.
- (5) Roadside stands offering for sale only products grown on the premises. Such stands shall be removed during any season or period when they are not in use.
- (6) Gas and electric substations and telephone exchanges.
- (7) Preschools and day care facilities in the home, operating no more than from 6 A.M. to 8 P.M. daily. Permit renewed annually.
- (8) Bed and Breakfast homes.

### SEC. 6-12. "R-2" MULTI-FAMILY RESIDENTIAL DISTRICT

A. General Intent: The "R-2" District is intended and designed to provide areas for mixed residential development, including single-family, two-family, and multiple-family dwellings. All such proposed developments will require site plan review the same as proposed subdivisions. It is intended that this District will be permitted only where common water supply and sewage collection and disposal systems are available. Multiple family dwellings will only be permitted on adequately paved roads where fire protection is readily available.

B. Principal Permitted Uses: Only the use of structures or land listed in this section shall be permitted in the "R-2" District.

- (1) Single-family dwellings with a minimum lot area of ten thousand (10,000) square feet.

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- (2) Two-family dwellings, with a minimum lot area of twenty thousand (20,000) square feet.
- (3) Multiple-family dwellings with a minimum lot area of one (1) acre. Maximum average density shall not exceed eight (8) dwelling units per acre.
- (4) Farms, but not including livestock or poultry feedlots or confinement areas.
- (5) Boarding and rooming houses, but not to include motels and hotels, with a minimum lot area of one (1) acre.
- (6) Health Care Facility with a minimum lot area of one (1) acre.
- (7) Group housing.

### C. Accessory Permitted Uses:

- (1) Accessory buildings and uses customarily incident to any of the uses in paragraph "B" above. 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 100 square feet of area six (6) feet high outside of buildings; and 2 or more junk vehicles for any dwelling unit.
- (2) Accessory utility services and equipment.
- (3) Home occupations.
- (4) Private kennel.

### D. Special Permitted Uses: The following special uses may be permitted in the "R-2" District upon review by the Board of Adjustment in accordance with the provisions contained in Section 6-27.

- (1) Any special permitted use allowed in "R-1" District using the same restrictions.
- (2) Mobile homes, but only in mobile home parks created in accordance with the provisions in Section 6-28.

## SEC. 6-13. "C-1" NEIGHBORHOOD COMMERCIAL DISTRICT

- ### A. General Intent: The "C-1" District is intended to provide for the normal business and commercial uses required to serve the local needs of the unincorporated areas of the County and along adequately

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constructed paved County/State roads.

B. Principal Permitted Uses: Only the use of structure or land listed in this section shall be permitted in "C-1" District.

(1) Any principal permitted use in and as regulated by the "R-1" and "R-2" Districts except single-family and two-family dwellings.

(2) Dwelling units are permitted when physically a part of a retail, office or service establishment. The minimum lot size which has a dwelling is one (1) acre.

(3) Retail business, service establishments or recreational uses such as the following:

- a. Agricultural retail/service outlets.
- b. Antique/used furniture shops.
- c. Art shop and galleries including art classes.
- d. Barber shop or beauty parlor.
- e. Banks, satellite
- f. Book, flower, and gift shops.
- g. Bowling alley.
- h. Car wash.
- i. Clinics (medical, dental and similar type).
- j. Clothing retail and service.
- k. Confectionery stores, dairy stores, including ice cream or snack bars. (See Special Permitted Uses below).
- l. Convenience stores.
- m. Day nurseries.
- n. Delicatessens.
- o. Drug stores. (See Special Permitted Uses below).
- p. Gas/service station, but does not include a repair garage or a body shop.
- q. Grocery stores. (See Special Permitted Uses below).
- r. Laundromats, and coin-operated dry cleaning establishments. (See Special Permitted Uses below).
- s. Lawn mower repair shop.
- t. Massage establishment, as regulated by the Scott County Massage Establishment Ordinance.
- u. Miniature golf and similar small recreational establishments.
- v. Offices serving four (4) or fewer businesses or governmental agencies.
- w. Restaurants and fast-food outlets. (See Special Permitted Uses below).
- x. Small appliance sales and service. (See Special Permitted Uses below).
- y. Taverns.
- z. Theater.
- aa. Variety store.

(4) Gas and electric substations and telephone exchanges.

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(5) Advertising signs and billboards. See Section 6-23 for complete regulation.

C. Accessory Permitted Uses: Accessory buildings and uses customarily incident to any allowed use within the District.

D. Special Permitted Uses:

(1) Mobile home and travel trailer parks may be permitted upon review by the Board of Adjustment in the provisions contained in Section 6-27 and 6-28.

(2) Any commercial establishment which has a drive-up window or drive-up facility. The Board of Adjustment will review the application to determine adequate area available, traffic flow, parking, buffer area, and general compatibility.

(3) Bed and Breakfast homes.

### SEC. 6-14. "C-PV" COMMERCIAL - PARK VIEW DISTRICT

A. General Intent: The "C-PV" District is intended and designed to be used only in the Park View Development in areas designated Commercial or Office on the official colored master plan of 1966 entitled "Park View Scott County, Iowa" or any amendment thereto. The district is intended to serve the commercial, retail, office, and service needs of Park View residents and its environs. It is not intended for light industrial or residential uses. The types and design criteria of allowable commercial and office uses necessitate higher standards than the rest of rural Scott County, because of the higher density urban development and the need to protect adjacent property owners/operators.

B. Principal Permitted Uses: Property and building in the "C-PV" District shall be used for the following purposes:

(1) Agricultural Retail-Service Outlets.

(2) Antique/Used Furniture Shops.

(3) Appliance Store.

(4) Art Shop and Galleries (including classes).

(5) Auto Parts Store.

(6) Bakery (retail sales only).

(7) Barber Shop or Beauty Parlor.

(8) Banks, Satellite.

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- (9) Bicycle Store (sales, rental, and repair).
- (10) Billiard Parlors and Pool Halls.
- (11) Book Binding.
- (12) Book, Flower, and Gift Shops.
- (13) Bowling Alley, Indoor Recreation.
- (14) Camera Store.
- (15) Car/Service Station (no repair or body shop).
- (16) Car Wash.
- (17) Carpet Store.
- (18) Catering Establishment.
- (19) Clinics (medical, dental, or similar).
- (20) Clothes Dry Cleaning.
- (21) Clothing Retail and Service.
- (22) Confectionery Store, Dairy Store (including ice cream).
- (23) Convenience Stores.
- (24) Dance Studios.
- (25) Day Nurseries.
- (26) Delicatessens.
- (27) Department Store.
- (28) Drug Store.
- (29) Employment Agencies.
- (30) Furniture Store.
- (31) Grocery Store.
- (32) Hardware Stores.
- (33) Health Clubs, Gymnasiums.
- (34) Hotels and Motels.

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- (35) Insurance Agency.
- (36) Landscaping Nursery.
- (37) Laundromat or Coin Operated Dry Cleaning.
- (38) Lawn Mower Repair Shop.
- (39) Liquor Stores.
- (40) Locksmith.
- (41) Massage Establishment.
- (42) Mail Order House.
- (43) Meat Market.
- (44) Music Store or School.
- (45) Miniature Golf and Small Recreational Est.
- (46) Mini-Storage Warehouse.
- (47) Office Supply Store (computers).
- (48) Offices (business and professional).
- (49) Pet Shop, Including Aquariums.
- (50) Photographic Studio.
- (51) Plumbing, Heating, or Electrical Retail Outlet.
- (52) Real Estate Office.
- (53) Restaurants and Fast-food Outlets.
- (54) Shoe Store.
- (55) Sporting Goods Store.
- (56) Small Appliance Sales and Service.
- (57) Taverns.
- (58) Theatre.
- (59) Toy Store.
- (60) Travel Agency.

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61) Variety Store.

(62) Video Store.

(63) Wholesale Businesses, Warehouses, and other Light Industrial uses are not allowed.

C. Accessory Permitted Uses: Accessory buildings and uses customarily incident to any allowed use within the district.

D. Special Permitted Uses: None.

### SEC. 6-15. "C-2" COMMERCIAL AND LIGHT INDUSTRIAL DISTRICT

A. General Intent: The "C-2" District is intended and designed to accommodate auto and truck oriented commercial and industrial establishments intended to serve the general needs of the County and the highway traveling public and along adequately constructed paved county/state roads.

B. Principal Permitted Uses: Property and buildings in the "C-2" District shall be used for the following purposes:

(1) Any principal permitted use in the "C-1" District using the same restrictions. No new detached residential development allowed.

(2) Adult bookstores, adult video stores, adult motion pictures theaters, adult mini motion picture theaters, and sexual activity establishments.

a. Location: These uses shall not be located within one thousand (1000) feet of each other; not within one thousand (1000) feet of any public or parochial school, licensed day care facility, church, public park or residential district; not within five hundred (500) feet of any existing dwelling.

b. Restrictions: Sexual activity establishments shall not allow touching as defined in specified sexual activities between employees and between employees and patrons. All building openings, entries, windows, etc., for any of the above uses, shall be located, covered, or screened in such a manner to prevent a view into the interior from any public or semi-public areas and such display shall be considered as signs. Any of the above activities which do not conform to the provisions set forth in this subparagraph shall be considered in violation of the Zoning Ordinance.

(3) Amusement parks, both indoor and outdoor, such as arcades, bowling alleys, carnival rides, go-cart tracks, and miniature golf.

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- (4) Animal hospital, veterinary clinic or commercial kennel if animals are kept inside the building. If animals are allowed outside, the business must use sound deadening structures or vegetation to buffer the sound and be located no closer than two hundred (200) feet from any zoned residential district, incorporated boundary line, or dwelling other than the lessee or owner of the business.
- (5) Automobile, motorcycle, trailer and farm implement establishments for display, hire or sales including sales lots), including as incidental to these major uses all repair work in connection with their own and customers' vehicles. In addition, this paragraph shall not be construed to include automobile, tractor, or machinery wrecking and rebuilding and used parts yards.
- (6) Ballrooms and dance halls.
- (7) Billiard parlors and pool halls.
- (8) Bookbinding.
- (9) Bottling plant, ice manufacturing and cold storage plants.
- (10) Carpenter and cabinet shop, lumber yards, building material sales yard, retail, sheet metal shop, sign construction and painting shop, storage warehouse or business, and wholesale warehouse or business, but not including any manufacturing or fabricating for wholesaling operations.
- (11) Catering establishments.
- (12) Clothes dry cleaning and/or dyeing establishments using flammable cleaning fluids with a flash point higher than one hundred (100) degrees Fahrenheit.
- (13) Commercial campgrounds.
- (14) Department store.
- (15) Drive-in eating and drinking establishment; drive-in theaters including entertainment and dancing, provided that principal building is distant at least one hundred (100) feet from any "R" District.
- (16) Employment Agencies.
- (17) Exterminator sales.
- (18) Funeral homes.
- (19) Gun clubs.

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- (20) Hardware stores.
- (21) Hatcheries (poultry).
- (22) Health care facilities.
- (23) Health clubs, gymnasiums.
- (24) Hotels and motels.
- (25) Laundries.
- (26) Liquor stores.
- (27) Livestock transfer station, provided the business is located on at least five (5) acres of ground.
- (28) Machine shop.
- (29) Manufacture or treatment of products clearly incidental to the conduct of a retail business conducted on the premises.

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- (30) Milk distributing station other than a retail business conducted on the premises.
- (31) Mini-storage warehouses.
- (32) Monument sales yard.
- (33) Offices, business and professional.
- (34) Office supply stores.
- (35) Pet shop, including aquariums.
- (36) Plumbing, heating, or electrical contractor shop.
- (37) Printing and/or publishing houses.
- (38) Restaurants.
- (39) Sales auction (automotive or furniture and appliances).
- (40) Signs and billboards as regulated in Section 6-24.
- (41) Sports complexes (commercial or non-commercial).
- (42) Taverns and restaurants, provided that principal building is at least one hundred (100) feet from any "R" Residential District or neighboring residences.
- (43) Tire dealers and service, provided that waste tires are stored inside a building or completely screened by a solid material fence and provided that the waste tires are removed at least monthly.
- (44) Tire shop, including vulcanizing and retreading.
- (45) Truck stops.
- (46) Used auto sales lots or any similar use.
- (47) Welding or other metal working shops.
- (48) Wholesale warehouses.

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### C. Accessory Permitted Uses:

- (1) Accessory uses permitted in the "C-1" Neighborhood Commercial District.
- (2) Accessory uses and structures customarily incidental to any permitted principal use; including dwelling units physically attached to a retail, office, or service establishment. The minimum lot size which has a dwelling is one (1) acre.

### D. Special Permitted Uses: Any special permitted use allowed in and regulated by the Special Permitted Uses of "C-1" District.

## SEC. 6-16. "M" HEAVY MANUFACTURING DISTRICT

### A. General Intent: The "M" District is intended and designed to provide areas of the County for activities and uses of a heavy industrial character. Since this is the least restrictive of any District, almost any use is permissible which does not conflict with other ordinances or regulations of Scott County or the State of Iowa. However, no new or existing building should be constructed or remodeled for residential or human care purposes. Heavy industrial should be located along adequately constructed paved roads capable of handling the increased traffic load.

### B. Principal Permitted Uses: A building or premises may be used or occupied for a variety of purposes, provided the regulations listed in the following subsections are met:

- (1) Use permitted in the "C-2" District; provided that no building permit shall be issued for any dwelling, school, hospital, clinic, or other institution for human care except where incidental to a permitted principal or special use.
- (2) All remaining uses will require approval from the Board of Adjustment as a special use.

### C. Accessory Permitted Uses: Accessory uses and structures customarily incidental to any permitted principal or special use, except dwelling units and institutions providing human care treatment.

### D. Special Permitted Uses: The following uses and other similar uses, not otherwise prohibited by law, may be permitted to be established or reconstructed, structurally altered, enlarged or moved upon review by the Board of Adjustment in accordance with the provisions contained in Section 6-27.

- (1) Airport or commercial landing fields, for commercial and private aircraft and helicopters.

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- (2) Asphalt plants.
- (3) Automobile, truck, recreation vehicle, and farm equipment manufacture and assembly.
- (4) Bakeries (wholesale).
- (5) Bulk storage plant.
- (6) Coal, coke, wood, and other raw material storage yards.
- (7) Concrete mixing and concrete products manufacturing.
- (8) Contractors' equipment storage yard or plant, or rental of equipment commonly used by contractors.
- (9) Cooperage works.
- (10) Creamery, bottling, ice manufacturing and cold storage plant.
- (11) Enameling, lacquering, or japanning.
- (12) Extraction and processing of stone, sand, gravel, dirt, clay, and similar materials which require a fixed plant.
- (13) Foundry casting lightweight nonferrous metals or electric foundry not causing noxious fumes or odors.
- (14) Hide-trading.
- (15) Junk, salvage, or scrap metal yards. Junk, metal or rags, storage or baling, where the premises upon which such activities are conducted are wholly enclosed within a building, wall or solid fence, not enclosed within a building, wall or solid fence, not less than six (6) feet in height, completely obscuring the activity. Existing legal junk yards may continue operation, but must meet certain screening requirements within six (6) months of the effective date of this Chapter. Such junk yards must comply with the fifty (50) foot setback requirements for all junk and scrap metal and must screen such material from the County road with solid material fence which screens all such junk and scrap metal. Such fence shall be a minimum six (6) feet high. If such junk yards do not comply within the six (6) months, the land owner will be in violation of the Zoning Ordinance and will be enjoined from further junking until compliance occurs. Such injunction will become permanent, and all junk must be removed if compliance does not occur within nine (9) months of the effective date of this Chapter.
- (16) Laboratories, experimental, film or testing.
- (17) Livestock sale and auction barn.

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- (18) Manufacture and wholesale storage of acids.
- (19) Manufacture of cosmetics, pharmaceuticals, and food products.
- (20) Manufacture or assembly of electrical appliances, devices and motors.
- (21) Manufacture of insulation.
- (22) Manufacture of pottery or other similar ceramic products, using only previously pulverized clay.
- (23) Manufacture and wholesale storage of fertilizers.
- (24) Petroleum, liquid or gaseous, or its products, refining and wholesale storage.
- (25) Recycling Center, where activity is completely enclosed within the building(s) or in a walled or solid fenced area not less than six (6) feet in height which totally blocks the activity from public view. Front yard fence or wall must be set back fifty (50) feet from front property line.
- (26) Rendering or its products, refining and wholesale storage.
- (27) Signs, manufacture and repair of electric, metallic, billboard sized signs.
- (28) Slaughter houses, meat packing and processing plants, and stock yards.
- (29) Tire lot, where activity is conducted completely within the building(s) or in a walled or solid fenced area not less than eight (8) feet in height which blocks the activity from public view. Tires stored outside cannot exceed 2,000 tires per pile with a twenty (20) foot fire break between piles and/or buildings.

### E. Required Conditions on "M" Special Uses:

- (1) The best practical means known for the disposal of refuse matter or water carried waste, the abatement of obnoxious or offensive odors, smoke, dust, gas, noise, or similar nuisance shall be employed.
- (2) All buildings and accessory buildings or structures shall be located at least two hundred (200) feet from and "R-1" or "R-2" District boundary and not less than one hundred (100) feet from any District except a "C-2" District.
- (3) All uses which require heavy truck usage shall only be located

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on adequately constructed paved roads which avoid residential areas.

- (4) Adequate safeguards shall be taken to fence or screen an on-site hazard from the public.
- (5) The proposed location, design, construction and operation shall not diminish or impair established property values in adjoining or surrounding property.

### SEC. 6-17. "LF" SOLID WASTE DISPOSAL SITES

- A. General Intent: The "LF" District is intended and designed to meet the preponderance of policies and guidelines of the comprehensive Scott County Landfill Siting Policies as adopted in 1993 and any amendments thereto. The area rezoned to "LF" will be large enough to meet the needs for landfilling and waste recovery, plus a buffer area. Specific conditions for construction, operation, and closing the facility will be developed during the solid waste disposal siting process, as described in Section 6-29.
- B. Principal Permitted Uses: Property and buildings in a "LF" Solid Waste Disposal Sites District shall be used for the following purposes:
  - (1) Current land and building uses as of May 1, 1993, if legal in the current zoning district.
  - (2) Solid Waste Disposal Sites, if approved in accordance with Section 6-29.
  - (3) Conservation and wildlife habitat.
- C. Accessory Permitted Uses: Accessory buildings and uses customarily incidental to any of the uses in paragraph "B" above.

### SEC. 6-18 GENERAL PROVISIONS OF THE FLOODWAY, FLOODWAY FRINGE, AND GENERAL FLOODPLAIN OVERLAY DISTRICTS

- A. Permit Required: No person, firm, or corporation shall initiate any development or cause the same to be done in any Flood Plain Overlay District without first obtaining a permit for such development. The Administrative Officer shall review all permit applications to determine if the standards of the Flood Plain Overlay Districts will be met and to insure that all necessary permits will be obtained from Federal, State, and Local governmental agencies.
  - (1) Application for Permit - Application for a Flood Plain Development Permit shall be on forms supplied by the Administrator and shall include the following information:

- a. Description of the work to be covered by the permit for
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which application is to be made.

- b. Description of the land on which the proposed work is to be done (i.e., lot, block, tract, street address or similar description) that will readily identify and locate the work to be done.
  - c. Identification of the use or occupancy for which the proposed work is intended.
  - d. Elevation of the 100-year flood.
  - e. Elevation (in relation to the National Geodetic Vertical Datum) of the lowest floor including basement) of buildings or of the level to which a building is to be floodproofed.
  - f. For buildings being improved or rebuilt, the estimated cost of improvements and assessed value of the building prior to the improvements.
  - g. Such other information as the Administrator deems reasonably necessary for the purpose of this ordinance.
- (2) Filing Fee - When an application for a flood plain permit is submitted, a filing fee of \$30 shall be paid.
- (3) Action on Permit Application - The Administrator shall, within a reasonable time, make a determination as to whether the proposed flood plain development meets the applicable provisions and standards of this ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for variances except as directed by the Board of Adjustment.
- (4) Construction and Use to be Provided in Application and Plans - Flood Plain Development Permits issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement or construction at variance with that authorized shall be deemed a violation of this Ordinance. The applicant shall submit an "as built" Certificate of Elevation by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of the Ordinance, prior to the use or occupancy of any structure.

B. Notification or Alteration or Relocation of Watercourse: The Administrative Officer shall notify adjacent communities or counties and the Iowa Department of Natural Resources prior to any proposed

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alteration or relocation of a watercourse.

- C. **Warning and Disclaimer of Liability:** The degree of flood protection required by the standards of the Flood Plain Overlay Districts is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. These standards and provisions do not imply that areas outside the Floodway, Floodway Fringe, or General Flood Plain Overlay Districts will be free from flooding or flood damage. These provisions shall not create liability on the part of Scott County or any officer or employee thereof for any flood damage that may result from reliance on these provisions or any administrative decision lawfully made thereunder.

### SEC. 6-19 "FW" FLOODWAY OVERLAY DISTRICT

- A. **General Intent:** It is the intent of the "FW" Overlay District that the identified area is designated to carry flood waters and should be protected from developmental encroachment which would increase the flood levels or cause unnecessary threats to personal property or allow unnecessary threats to personal safety. Buildings and structures which impede the free flow of flood waters will not be allowed.
- B. **Development Standards:** All uses in the "FW" Overlay District shall comply with the underlying Zoning District requirements and the provisions of Section 6-18. In addition, the following standards shall be met:
- (1) No use shall cause any increase in the 100 year flood level. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
  - (2) All proposed uses and construction shall be consistent with the need to minimize flood damage, and use construction materials and utility equipment that are resistant to flood damage.
  - (3) No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch, or any other drainage facility or system.
  - (4) Structures, buildings and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the Floodway Fringe District and shall be constructed or aligned to present the minimum possible resistance to flood flows.
  - (5) Buildings, if permitted, shall have a low flood damage potential and shall not be for human habitation.

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- (6) Storage of materials or equipment that are buoyant, flammable, explosive, or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the Floodway District within the time available after flood warning.
- (7) Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Iowa Department of Natural Resources.
- (8) Any fill allowed in floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.
- (9) Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.
- (10) No dwellings, including factory-built homes, shall be permitted.

### SEC. 6-20 "FF" FLOODWAY FRINGE OVERLAY DISTRICT

- A. General Intent: The intent of the "FF" Overlay District is to require special site planning and construction standards to minimize the threats to personal safety and damage to property caused by flooding.
- B. Development Standards: All uses in the "FF" Overlay District shall comply with the underlying Zoning District requirements and the provisions of Section 6-18. In addition, the following standards shall be met:
  - (1) All structures shall i) be adequately anchored to prevent flotation, ii) be constructed with materials and utility equipment resistant to flood damage, and iii) be constructed by methods and practices that minimize flood damage.
  - (2) Residential Buildings: All new, substantially improved, or substantially damaged residential structures shall have the lowest floor, including basements, elevated a minimum of one (1) foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than one (1) foot above the 100-year flood level and extend at such elevation at least eighteen (18) feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed, subject to favorable consideration by the Administrative Officer, where existing topography, street grades, or other factors preclude elevating by fill. In such

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cases the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.

All new residential buildings shall be provided with a means of access which will be passable by emergency vehicles during the 100-year flood.

- (3) Non-residential buildings - All new and substantially improved, or substantially damaged non-residential buildings shall have the first floor (including basement) elevated a minimum of one (1) foot above the 100-year flood level, or together with attendant utility and sanitary systems, be floodproofed to that level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood. A record of certification indicating the specific elevation (in relation to National Geodetic Vertical Datum) to which any structures are floodproofed shall be maintained by the Administrative Officer.
- (4) The exemption of detached garages, sheds, and similar structures from the 100-year flood elevation requirements may result in the increased premium rates for insurance coverage of the structure and contents. However, these detached garages, sheds, and similar accessory-type structures are exempt from the 100-year flood elevation requirements when:
  - a. The structure shall not be used for human habitation.
  - b. The structure shall be designed to have low flood damage potential.
  - c. The structure shall be constructed and placed on the building site as to offer minimum resistance to the flow of floodwaters.
  - d. The structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
  - e. The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one (1) foot above the 100-year flood level.
- (5) All new and substantially improved structures:
  - a. Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be

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certified by a registered professional engineer or meet or exceed the flooding minimum criteria:

1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  2. The bottom of all openings shall be no higher than one foot above grade.
  3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- b. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
  - c. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (6) Factory-built homes shall be anchored to resist flotation, collapse, or lateral movement according to the State Building Code and shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the 100-year flood level. All new or replacement factory-built homes shall comply with these requirements.
- (7) Utility and Sanitary Systems:
- a. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities shall be provided with a level of flood protection equal to or greater than one (1) foot above the 100-year flood elevation.
  - b. On site waste disposal systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.
  - c. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities shall be provided with a level of protection equal to or greater than one (1)

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foot above the 100-year flood elevation.

- d. Utilities such as gas and electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.
- (8) No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch, or other drainage facility or system.
- (9) Subdivisions, including factory-built home parks and subdivisions, shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals shall meet the applicable performance standards. Subdivision proposals intended for residential development shall provide all lots with a means of vehicular access during occurrence of the 100-year flood.
- (10) Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the 100-year flood level. Other material and equipment must either be similarly elevated or i) not be subject to major flood damage and be anchored to prevent movement due to flood waters, or ii) be readily removable from the area within the time available after flood warning.
- (11) Flood control structural works such as levees, floodwalls, etc., shall provide, at a minimum, protection from a 100-year flood with a minimum of three (3) feet of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Iowa Department of Natural Resources.

### SEC. 6-21 "GF" GENERAL FLOOD PLAIN OVERLAY DISTRICT

- A. General Intent: The "GF" Overlay District reflects those areas which would be inundated during a 100-year flood, but for which specific flood elevations and floodway and floodway fringe limits have not been established. It is the intent of the "GF" Overlay District to impose the development standards of the FW and FF Overlay Districts after a determination is made to identify the floodway and floodway fringe areas on an individual project basis. Where 100-year flood data has not been provided in the Flood Insurance Study, the applicant for a Flood Plain Development Permit shall contact the Iowa Department of Natural Resources to compute such data. The Department of Natural Resources shall obtain, review and reasonably utilize any base flood elevation and floodway data

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available from a Federal, State, or other source, as criteria for reviewing new construction, substantial improvements, or other development in the General Flood Plain Overlay District.

- (1) All uses or portions thereof to be located in the floodway as determined by the Iowa Department of Natural Resources shall meet the applicable standards of the "FW" Overlay District.
- (2) All uses or portions thereof to be located in the floodway fringe as determined by the Iowa Department of Natural Resources shall meet the standards of the "FF" Overlay District.

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### SEC. 6-22 AREA AND HEIGHT REGULATIONS FOR ALL DISTRICTS

- A. Table A: Except as provided elsewhere in this Chapter, the regulations for area and height as set forth in TABLE A, and the size and width of lots and yards shall not be less, nor the building height more than stipulated for the respective Districts.
- B. Intensity of Use: (Lots of record with less than minimum requirements as stipulated in TABLE A.) Any lot of record at the time of effective date of this Chapter having less area, less lot width, or less setback spacing than herein required, may be used only for the purpose allowed by the zoning district, even though it does not meet the requirements of TABLE A. In no case, shall the front yard setback be less than twenty-five (25) feet, the side yard setback be less than five (5) feet, nor the rear yard less than ten (10) feet for the principal or accessory structures.
- C. Residential Subdivision Lot Area Requirements: In "R-1" and "R-2" Districts, individual dwelling units may be built on lots having a minimum of thirty thousand (30,000) square feet excluding land within road rights-of-way or public access easements. For proposed subdivisions of four (4) lots or greater, the lot size may be reduced below thirty thousand (30,000) square feet as long as the average number of dwellings per acre does not exceed three (3), provided the sewer and water treatment meet Department of Health standards. Such area requirement restrictions in proposed subdivisions will be approved only through the subdivision review process.
- D. Street Frontage Required: Any lot or tract used only for residential purposes shall have at least twenty (20) feet of frontage on a public road or private road designed for the proposed building or structure.
- E. Front Yard Building Line: No portion of the principal building may extend into the front yard setback, except projections, such as eave overhangs, steps, exterior balconies, and awnings. Porches and decks that are open and unenclosed may encroach into the front yard setback no more than twenty percent (20%) of the total setback distance.
- F. Accessory and Multi-Family Buildings' and Side Yard: Accessory buildings shall have the same minimum side yard setbacks as is required for the principal building, structure, or use. Also, any building with two (2) or more dwelling units shall be considered one (1) building occupying one (1) lot for side yard setbacks requirements.

#### TABLE A

#### PRINCIPAL BUILDING AREA & HEIGHT REQUIREMENTS

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District	(Minimum) Lot Area	(Minimum) Lot Width	----- Yard Front	(Minimums) Side	----- Rear	(Maximum Height) Stories	Feet
"A-P"	30,000 sq ft	130'	50'	10'	40'	2	35
"A-G"	30,000 sq ft	130'	50'	10'	40'	2	35
"R-1"	30,000 sq ft	100'	50'	10'	40'	2	35
Park View Residential	8,000 sq ft	80'	25'	5'	15'	3	35
Special by Site Plan	3 dwelling units per acre	60'	25'	10'	10'	2	35
"R-2"	10,000 sq ft 20,000 sq ft 1 acre	100'	50'	Bldg Eave Height	40'	3-1/2	45
Special by Site Plan	8 dwelling units per acre ave	75'	50'	Bldg Eave Height	10'	3-1/2	45
"C-1"	30,000 sq ft (No public sewer/water)	130'	30'	10'	30'	2	35
	20,000 sq ft	100'	25'	10'	25'	2	35
"C-PV"	Existing lots as of 1/1/91	Existing	25'	20'	20'	3	35
	New lots created as of 1/1/91 20,000 sq ft	130'	30'	10'	30'	3	35
"C-2"	2 acre (No public sewer/water)	150'	50'	30'	40'	4	55
	30,000 sq ft (If public sewer or water provided)	130'	30'	10'	30'	2	35
	20,000 sq ft (If both public sewer/water provided)	100'	25'	10'	25'	2	35
"M"	5 acre	150'	50'	50'	40'	4	55

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- G. Zero Lot Line: In a "R-1" or "R-2" Residential District, a building having one or two dwelling units 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 two (2) dwelling units, if applicable. The front and rear yard setbacks shall be maintained, and the side yard opposite the zero lot line shall be no less than forty (40) feet. 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 resubdivision 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 6-25.
- H. Accessory Buildings' Rear Yard: Accessory buildings or structures may be built in a principal building's required rear yard, but such buildings or structures shall not be nearer than ten (10) feet to any rear lot line.
- I. Height Variances for Certain Buildings: The height of communication towers shall be reviewed in conjunction with the Special Use Permit and approved using the criteria established in Section 6-27.
- J. Bulk and Solar Access: The area, setback, and height requirements of TABLE A are not be to construed to allow a building or structure on a lot or tract to block the access to the sky and sun on adjoining property. Each residential property shall have sufficient solar access to meet at least half of the energy requirements of the principal building, structure, or use.

### SEC. 6-23 VEHICULAR PARKING AND LOADING PROVISIONS

- A. Vehicle Parking: No building or structure shall be erected or altered or land used for any purpose which will cause customers, employees, or residents to park their vehicles of transportation on the road and highway right-of-way. Space for parking such vehicles shall be provided and maintained on the same lot or tract of land.

(1) Proposed vehicle parking in "R-2", "C-1", "C-2", "M" and other non-conforming commercial, recreational, and industrial land uses will be reviewed according to the guidelines in sub-paragraph (2) below by the Planning and Zoning Commission during the Site Plan Review. For other non-farm land uses and Special Permitted Uses, refer to the guidelines in sub-paragraph (2) below. For single-

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family and two-family dwellings, three (3) parking spaces are required per unit.

- (2) Off-street parking facilities shall be provided for the parking of private passenger automobiles and trucks of occupants, patrons, or employees of the principal use served using the following guidelines:
  - a. Multiple-family dwellings - two (2) spaces for each family or dwelling.
  - b. Hotels, motels, boarding houses, and other short and long-term lodging - one (1) space per bedroom and one (1) space for every three (3) employees.
  - c. Nursing, convalescent, and retirement homes - one (1) space for every three (3) bedrooms. (Could increase if residents are projected to have greater parking needs.)
  - d. Retail sales and service stores over two thousand (2000) square feet gross floor area - parking lot size equal to the gross floor area with ten (10) spaces minimum.
  - e. Retail sales and service stores under two thousand (2000) square feet gross floor area - parking lot size two hundred (200) percent of gross floor area.
  - f. Manufacturing and Warehousing - two (2) spaces for every three (3) employees on the maximum work shift, plus two (2) minimum customer parking spaces, with six (5) spaces minimum per business on the property.

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- g. Churches, schools - one (1) space for every five (5) seats in the auditorium and one (1) space per staff member.
  - h. Restaurants, taverns, and night clubs - one (1) space for every three (3) seating spaces.
- B. Additional Parking Requirements: Every parcel of land hereafter used for public or employee parking shall be developed and maintained in accordance with the following requirements:
- (1) No part of any parking area shall be closer than five (5) feet to any established road right-of-way line or outside boundary line. In case the parking lot adjoins an "R" District or any residence, the parking area shall be no closer than fifteen (15) feet to the boundary line and a buffer area shall be created to screen the proposed use from the existing residential use. Hedges, tree lines, solid fences, walls, and embankments at least six (6) feet above the average ground elevation will be required in the buffer area, except where necessary to maintain intersection visibility (see Section 6-7 (J)).
  - (2) All required off-street parking areas shall be surfaced in a manner approved by the County Engineer, so as to provide a durable and dustless surface. All commercial or more intensive land uses will have a paved parking area with material similar to the adjacent County road surface and constructed to meet the expected traffic. They shall be graded and drained to dispose of all surface water accumulated within the area, and shall be arranged and marked to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles. All additional storm water runoff created because of the parking lot will be detained on premises in a manner acceptable to the County Engineer.
  - (3) Any lighting used to illuminate any off-street parking area shall be arranged to reflect the light away from adjoining premises used for residential purposes and shall be directed so as to avoid glare and confusion for moving vehicular traffic.
- C. Off-Street Loading Requirements: In any District in connection with every building or structure used for non-farm and non-residential purposes, there shall be provided and maintained on the same lot as the principal use at least one (1) off-street loading space for every ten thousand (10,000)

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square feet or part thereof of gross floor area. Any proposed loading area requires approval of the Planning and Zoning Commission during the Site Plan Review.

- (1) Each loading are will provide maneuvering space for a fifty-five (55) foot long truck and loading space not less than twelve (12) feet wide.
- (2) The same buffer area requirements as described for off-street parking (see sub-paragraph B (1) above) are applicable.

### SEC. 6-24 SIGN AND BILLBOARD REGULATIONS

- A. General Intent: It is the intent of the County not to unduly restrict signs and billboards in the rural area. However, placement and construction of signs and billboards should be compatible with surrounding land uses and preserve property values of surrounding properties, should protect existing businesses which are adequately identified and advertised from a proliferation of signs which reduce the effectiveness of individual signs, should not disrupt agricultural operations or take agricultural operations out of production, should not distract adjoining residences, and should not distract nor reduce visibility for moving vehicular traffic.
- B. Regulation of All Signs: The regulations contained in this Section shall not apply to and regulate signs in all Districts. No sign shall be located, erected, or maintained except in compliance with these regulations. Such signs shall obtain a building permit and zoning approval prior to construction. Existing signs which currently conform with the zoning ordinance may continue as is, even if it is rendered non-conforming by these new regulations. If existing signs are replaced, enlarged, or significantly altered so as not to comply with the general intent of this Section, the proposed sign shall obtain a building permit and conform with these regulations.
  - (1) Exemptions: Miscellaneous traffic signs, legal notices, temporary displays not exceeding sixty (60) days of a patriotic, religious, charitable, or civic character on private property, "For Sale" and "Garage Sale" - type of signs less than six (6) square feet only on days of sale, election campaign signs as regulated by Iowa Code Chapter 306C, and signs within buildings are exempt from this. Changing the message, color, etc. on the face of an existing sign does not require a building permit. See also definition of "Sign" in Section 6-5.

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- (2) Signs Prohibited: No sign other than an official traffic sign shall be placed or encroach into the public or private road right-of-way. No sign shall be erected where it may constitute a traffic hazard by obstructing the vision of drivers or pedestrians, by interfering with any traffic control device, or which may be confused with an official traffic control device by reason of its size, shape, design, or location, content, coloring, or manner of illumination.
- (3) Signs at Intersections: Signs located within one hundred (100) feet of a public or private road intersection shall be erected and maintained so that there is an unobscured visual sight area for vehicle operators or pedestrians. The unobscured area, at a minimum, shall extend from a distance of three-and-one-half (3-1/2) feet to ten (10) feet above traveled portion of the roadway. See Section 6-7.J. "Visual Clearance" for additional restrictions.
- (4) Roof Signs: Roof signs are permitted in all Districts, except "R-1". Roof signs shall not project beyond the roof line of the building. The roof sign may not exceed the District height limit established for the principal structures.
- (5) Accessory Signs: An accessory sign is a sign which directs attention to an establishment, business, profession, commodity, service, premises, person or thing which is located, produced, conducted, sold, or offered on the same lot upon which the sign is located.
- (6) Accessory Sign Size and Location Restrictions: In permitted districts, a wall or free-standing sign shall not exceed three hundred (300) square feet of total surface area per side, if located at least twenty-five (25) feet from the front property line or the distance from the front property line to the principal structure, whichever is less. The front yard setback for free-standing accessory signs may be reduced five (5) feet for every twenty (20) percent reduction from the overall permitted sign area. In no event shall the front yard setback be less than ten (10) feet. The total sign area per side shall be limited to two (2) square feet of sign area for every one (1) linear foot of lot frontage, maximum three hundred (300) square feet, for the free-standing accessory sign. Only one free-standing accessory sign is allowed per lot.

There shall be no side yard setback requirements for accessory signs, except on the side of the lot adjoining

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an "R" District, private residence, school, or church. In that case, the sign may not face the "R" District or land use, unless the sign is ten (10) square feet in surface area or less and not illuminated. For each foot in from the side yard in which the sign is located, the surface area may increase ten (10) percent. At fifty (50) foot side yard setback, the sign may be at the maximum allowed and illuminated.

- (7) Billboards: Billboards are allowed in "C-1", "C-2", and "M" Districts, if they meet the following restrictions: Maximum billboard area shall be 672 square feet of total surface area plus extensions of up to a maximum of 153 square feet "cutout area". Minimum front yard setback will be at least fifty (50) feet. However, the front yard setback may be reduced ten (10) feet for every twenty (20) percent reduction in the permitted billboard area. In no case will the front yard setback be less than ten (10) feet. The minimum spacing between billboards shall be five hundred (500) feet. The maximum height of the billboard, including extensions, is forty-five (45) feet."

There shall be no side yard setback requirements for billboards, except on the side of the lot adjoining an "R" District, private residence, school, or church. In that case, the billboard may not be located closer than three hundred (300) feet from the existing building used for residential, religious, or educational uses.

- (8) Iowa Department of Transportation (IDOT) Approval: Any proposed sign or billboard along a State or Federal highway must be approved by IDOT along with compliance with the regulations of the Zoning Ordinance.
- (9) Lighted Signs or Billboards: All proposals for lighted signs require a review and approval of the Director. Such proposals shall include Site Plan, a sketch of the sign and adjoining areas which may be affected by the sign. Such illumination shall be directed away from the residential land uses, in order to avoid glare and confusion for moving vehicular traffic. The applicant may appeal any decision of the Director to the Board of Adjustment.
- (10) Temporary Signs: Temporary signs are allowed in all zoning districts but are restricted to the following purposes: a) political campaign signs as regulated by State law; b) seasonal signs to advertise the sale of produce grown on the premises; c) for sale or lease of the

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premises or subdivision; and d) construction signs displayed during the construction period on-site while under construction. Such signs shall be restricted in face area to be no larger than twenty (20) square feet and no taller than eight feet above ground level, except that signs advertising individual lots or buildings shall not exceed six (6) square feet in face area. Only one sign is allowed per parcel and shall be set back a minimum of five (5) feet from the property line, but also situated so as not to obscure the visibility of drivers or pedestrians at a street intersection. The temporary sign must be unlit and have no moving parts. When the growing season is over or the property is sold (closing date) or the certificate of occupancy is issued, the temporary sign must be removed within twenty-four (24) hours.

- (11) Future Signs Not in Compliance: Effective at the adoption of this Chapter, any new sign or billboard located in rural Scott County without a building permit and in violation of the Zoning Ordinance, shall be given thirty (30) days to remove the sign or billboard, or to apply for a variance from the Board of Adjustment. If the property owner does not notify the Director of intent within the thirty (30) days, or if the Board of Adjustment denies the variance application, the property owner shall remove said sign within seven (7) days of notice of receipt of violation from the Director.

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### SEC. 6-25 SITE PLAN REVIEW

- A. Purpose: In accordance with the Development Plan of Scott County, it is essential that new developments and substantial improvements to existing developments meet established minimum standards for the design of such developments to protect existing developments, to insure adequate provisions for public/private utilities, such as sewer, water, and roads, and promote the health, safety, and general welfare of the public.
- B. Application: A site plan review is requested whenever a person, firm, corporation or other group wishes to develop a tract of land for multi-family dwelling units, commercial, office, institutional, or industrial use. If the proposed use is a principal permitted use within that Zoning District, the Planning and Zoning Commission will review the site plan. For special permitted uses, the site plan will be reviewed by the Commission after the Special Use Permit has been issued by the Board of Adjustment.
- C. Procedure: The developer shall submit a letter of application and 10 copies of the site plan to the Zoning Administrator, who will determine if all necessary information is provided for review. Once all the required information is received, the Zoning Administrator shall immediately forward copies of the Site Plan to the County Engineer and the County Health Officer for their review and recommendation. A copy of the Site Plan shall also be sent to all adjoining property owners. Also, the Zoning Administrator will schedule a review by the Planning and Zoning Commission at the next regular meeting beyond fifteen (15) days of official receipt.
- (1) The Planning and Zoning Commission shall review the Site Plan proposal at said meetings and receive a site report from the County Engineer, the County Health Officer, the Zoning Administrator and receive comments from the public. The Commission shall make its determination of conditions for approval of the site plan within thirty-five (35) days of the first meeting. If no action is forthcoming within the thirty-five (35) days, the site plan shall be deemed approved and a building permit may be issued.
  - (2) The developer may appeal the conditions of the Planning and Zoning Commission placed on the proposed development by notifying in writing the Board of Supervisors. Such appeal shall be made within thirty (30) days of the Commission's decision and shall specify what relief is requested of the Board of Supervisors. The Board shall

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hear said appeal at a committee of the whole meeting within fifteen (15) days and act upon the appeal at a regular Board meeting within thirty (30) days of appeal receipt.

- (3) A building permit may only be issued after Planning and Zoning Commission approval or decision of the Board of Supervisors on appeal.
- D. Site Plan Review Standards: The standards of site design listed below are intended only as minimum requirements, so that the general development pattern in rural Scott County may be adjusted to a wide variety of circumstances and topography, and to insure reasonable and orderly growth in rural Scott County.
- (1) All proposed developments shall conform to the Land Use Policies of the Development Plan of Scott County; the Scott County Subdivision Ordinance standards and procedure, where applicable; such other County ordinances as may pertain to such developments; and any applicable administrative rules of the Iowa Department of Transportation, Iowa Department of Health, Iowa Department of Natural Resources, and other agencies of the State of Iowa.
  - (2) Entrances, internal roads, and driveways shall be adequately constructed to accommodate the expected traffic. Application shall state the estimated increase in vehicle trips per day by type of vehicle. Entrances and exits on to public streets shall not unduly increase congestion or traffic hazards on the public streets and the proposed site. Applicant may be required to install at applicant's expense turn lanes, street intersection lights, and signs, and other improvements necessary to handle the increased traffic and potential traffic hazards, if required. New or expanded drive entrances require a permit from the Secondary Roads department.
  - (3) The proposed development shall be designed with appropriate regard for topography, surface drainage, natural drainageways and streams, wooded areas, and other naturally sensitive areas which lend themselves to protection from degradation. Applicant may be required to submit engineering studies and plans to state how the applicant will protect the sensitive environment at applicant's expense. A soil erosion control plan is required if more than 25,000 square feet of land is proposed to be disturbed during construction.

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- (4) The proposed development shall be designed with adequate water supply and sewage treatment facilities and storm water drains and structures necessary to protect the public health and welfare by not overloading existing public utilities. Runoff from development shall not be outletted into roadside drainage facilities in excess of the existing runoff prior to development. Applicant may be required to submit engineering plans to show how the applicant will manage storm water runoff to a 25-year rainstorm.
  - (5) The proposed development shall be designed, and the buildings and improvement shall be located within the tract or parcel in such a manner as not to unduly diminish or impair the use and enjoyment of adjoining or surrounding property. And to such end, the developer shall provide for such fences, landscaping and other improvements as are proper and necessary to buffer the proposed use from the existing or surrounding land uses. A landscaping plan plus the agreement to implement the plan is required for any building exceeding 10,000 square feet. Applicant may be required to submit a plan drawn up by a landscaping firm or nursery.
  - (6) The proposed development shall be designed not to unduly increase the public danger of fire, explosion, and other safety hazards on the general public and the persons residing or working in adjoining or surrounding property.
- E. Information on Site Plan: The purpose of the Site Plan is to show the facts needed to enable the Planning and Zoning Commission to determine whether the proposed development meets the requirements of this Chapter and complies with the standards listed in paragraph D above.
- (1) Location map showing relationship to surrounding roads, streams, and public facilities.
  - (2) Scale of Site Plan shall not be more than one (1) inch to equal fifty (50) feet. Scale shall be shown in legend.
  - (3) Name and address of land owner and developer.
  - (4) Date, north marker, name of proposed development.
  - (5) Existing buildings, utilities, railroads, rights-of-way, easements, location, and name of existing roads, stands of trees, and drainage ways.
  - (6) Location and name of adjoining subdivisions, subdivision

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lots therein, and names of the adjoining landowners.

- (7) Existing and proposed contour lines at intervals of two (2) feet, with a minimum of two (2) contours.
  - (8) Zoning district classification; type of water supply and sewage disposal and storm sewer disposal.
  - (9) Other information as necessary to describe how the standards in paragraph D above will be satisfied.
  - (10) Proposed location of buildings, access parking lots, traffic flows, changes in ground-elevation, trees/bushes to be removed and added, signs, lights, waste bins, outdoor storage areas, loading areas, fences/walls, etc.
- F. Fees: When the site plan materials are submitted, the owner/developer shall pay a fee based on the land size of the proposed development: \$100 for a site plan less than five (5) acres; \$150 for a site plan between five (5) and ten (10) acres; and \$200 for a site plan of ten (10) acres or more.

### SEC. 6-26 NON-CONFORMING USES

- A. General Intent: Within the Districts established by this Chapter, or amendments that may later be adopted, there exist lots, structures, buildings, and uses of land which were lawful before this Chapter was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Chapter or future amendments.
- (1) It is the intent of this Chapter to permit these non-conformities to continue until they are removed or abandoned, but not to encourage their survival. It is further the intent of this Chapter that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same District.
  - (2) To avoid undue hardship, nothing in this Chapter shall be deemed to require a change in the plans, construction, or designated use of any building on which construction was lawfully begun prior to the effective date of adoption or amendment of this Chapter and upon which substantial improvements have been made.
  - (3) Any use in existence at the time of adoption of this Chapter which was not an authorized "non-conforming use" under the previous zoning ordinance shall not be authorized to continue as a non-conforming use pursuant to

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this Chapter, or amendments thereto.

- B. Non-Conforming Use of Land: No existing non-conforming use shall be enlarged or increased in numbers, moved to another location on the parcel, nor extended to occupy a greater area of land than was occupied as of adoption date.
- (1) Non-conforming junk yards shall not increase in the area of land used to store junk vehicles and materials nor extend any higher than existed as of adoption date.
  - (2) Non-conforming extraction operations may expand out to the limits of the land owned by the individual or corporation as of April 2, 1981.
  - (3) If any non-conforming use of land ceases for any reason for a period of more than twelve (12) months, the non-conforming use may not resume unless it is in full compliance with the land uses allowed in the current zoning district.
- C. Non-Conforming Use of Structures: No existing structure, except a single family residence, devoted to a use not permitted by this Chapter in the District which it is located shall be enlarged, extended, re-constructed, or structurally altered except in changing the use of the structure to a use permitted in the District in which it is located. This shall not apply to a single family residential use, on a parcel created as a farmstead lot or any parcel less than forty (40) acres in size with an existing single family residence. If no structural alterations are made, any non-conforming use of a structure, building and premises may be changed to another non-conforming use of the same or a more restricted classification. When a non-conforming use of a structure, building, or premises (including mobile homes) is discontinued or abandoned for one (1) year, the structure, building and premises shall not thereafter be used except in conformance with the regulations of the District in which it is located.
- D. Non-Conforming Structures: No non-conforming structure may be enlarged, altered, or moved around on the lot in a way which increases its non-conformity. Should such a structure be destroyed by any means to an extent of sixty (60) percent or more of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Chapter.
- E. Non-Conforming Mobile Homes: No non-conforming mobile home may be replaced with another mobile home.

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- F. Registration of Non-Conforming Uses and Structures: The owner of any use of land or structure in existence at the time of passage of this Chapter and made non-conforming by the changes made in this Chapter, shall apply for a non-conforming use certificate within twelve (12) months after the effective date of this Chapter. If the land owner has not registered the non-conforming use or structure within the twelve (12) month period, the Zoning Administrator shall attempt to notify the land owner by certified mail of this requirement to register and allow thirty (30) days, the land is in violation of the Zoning Ordinance. If the land owner does not receive said notification within eighteen (18) months of the effective date of this Chapter, such non-conforming use or structure shall be deemed legal and allowed to continue under terms of this Section.
- G. Repairs and Maintenance: All non-conforming structures may be repaired for normal maintenance. Nothing in this Chapter shall be deemed to prevent the strengthening or restoring to a safe condition any building declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

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### SEC. 6-27 BOARD OF ADJUSTMENT

- A. Membership: A Board of Adjustment, hereafter referred to in this Section by the word "Board", is hereby established. Such Board shall consist of five (5) members, a majority of whom shall reside within the County, but outside the corporate limits of any city, appointed by the Board of Supervisors. The five (5) members of the Board shall be the same Board members as existed under the previous zoning ordinance. Said Board shall serve out their unexpired terms and are eligible for re-appointment. Thereafter, terms shall be for five (5) years, and vacancies shall be filled for the unexpired term of any member whose position becomes vacant. The Board of Supervisors shall have the power to remove any member of the Board for cause upon written charges and after public hearing.
- B. Rules - Meetings: The Board shall adopt rules in accordance with the provisions of this Chapter and the Iowa Code. The Board shall elect its own chairman at the first meeting of the calendar year, who shall for one year. Meetings will be established by the rules and shall be open to the public. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. Three (3) members present shall constitute a quorum. The Board shall keep minutes of the proceedings showing the vote of each member upon each question, and all such material and related upon each question, and all such material and related documents shall be immediately filed in the Department of Planning and Development and shall be a public record.
- C. Powers, Duties and Considerations: The Board shall have the following powers and it shall be its duty:
- (1) To hear and decide appeals of interpretation where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Chapter or of any supplement or amendment.
    - a. Appeals of interpretation may be taken by any person, or by an officer, department, board or commission of the County aggrieved by such interpretation. Once notified in writing of the decision and its justification, the aggrieved party has fifteen (15) days to appeal to the Board by filling out the appeal form in the Department of Planning and Development. Said appeal shall specify the grounds for appeal. The Zoning Administrator shall forward the appeal and all

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related papers which constitute the record upon which the appeal was taken to the Board of Adjustment.

- b. Appeals to interpretation may relate to Zoning District boundary line location, the use of the building or premises, the applicability of zoning standards to the specific site, and other similar matters.
- (2) To hear and decide an application for Special Permitted Uses as provided for the Zoning Districts for this Chapter.
- a. Applications for Special Permitted Uses shall be to the Board through the Department of Planning and Development on the application form provided. Additionally, the applicant will provide a site plan as prescribed in Section 6-25 and a written explanation of the proposed special use which describes when it would be started and completed, how it will operate, how it will satisfy a need for such a use in that particular location. The Zoning Administrator shall forward the application and all related papers to the Board for their review decisions.
  - b. Before the issuance of a special permit, the Board will hold a public hearing and shall determine the effect of the proposed use upon the character of the neighborhood, the adjoining property values, the adequacy of the County road to handle the additional traffic, the potential traffic hazards, the impact on the water table, the handling of sewage wastes and storm water runoff, the potential of increasing the base flood elevation, and other matters relating to the public safety, public health, and general welfare.
  - c. The Board may place reasonable conditions on the Special Permitted Use as necessary to protect the character of the neighborhood, to maintain the spirit and intent of this Chapter, and to adhere to the Land Use Policies of the Development Plan.
- (3) To authorize, upon appeal, such variance(s) from the terms of this Chapter where because of the unusual circumstances, a literal enforcement of the provisions of this Chapter will result in unnecessary hardship, and so that the spirit of the Chapter be observed and substantial justice done.

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- a. Appeals for a variance may be made by the landowner, potential buyer or developer, or operator/manager of land, who has applied for a building permit and been denied because the proposed development does not comply with the specific regulations of this Chapter. The same appeals process is required for previously constructed structures which were built in violation of this Chapter. Applicant has fifteen (15) days from building permit denial to appeal to the Board by completing the appeal form in the Department of Planning and Development. Said appeal should state the specific variance requested and the reasons for which the appeal should be granted. The Zoning Administrator shall forward the appeal and all related papers which constitute the record upon which this appeal was taken to the Board of Adjustment.
- b. Before deciding on the variance appeal, the Board will hold a public hearing and shall determine if one of the three following instances has occurred:
  1. When a building being occupied by a non-conforming use has been destroyed or damaged to more than sixty-five (65) percent of its value by fire, act of God, explosion, or riot, the Board may permit the reconstruction of such a building, when it is conclusively shown that the public needs require a continuation of the non-conforming uses, and that such continuation would not primarily permit a continuation of a monopoly.
  2. When because of an exceptional situation, topographical condition, surroundings, size, shape or other condition of a specific piece of property of record, the strict application of any provision of this Chapter would result in peculiar and exceptional practical difficulties or particular hardship upon the owner of such property and amount to a practical confiscation, the Board may vary the application of the regulations imposed by this Chapter subject to the restrictions in the following paragraphs.
  3. When the applicant for a variance can show that the hardship is a compelling force and not a perceived one, the hardship was created by this Ordinance and not the applicant, and the strict application of the Ordinance precludes its use for any purpose to which the land is reasonably

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adapted.

- (4) To hear and decide variances to Sections 6-18, 6-19, 6-20, and 6-21 concerning the flood plain districts, variances granted must meet the following applicable standards.
- a. No variance shall be granted for any development within the Floodway District which would result in any increase in the 100-year level. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
  - b. Variances shall only be granted upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense; create nuisances, or cause fraud on or victimization of the public.
  - c. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - d. In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this Ordinance, the applicant shall be notified in writing over the signature of the Administrative Officer that (i) the insurance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage and (ii) such construction increases risks to life and property.
  - e. All variances granted shall have the concurrence or approval of the Iowa Department of Natural Resources.
  - f. In passing upon requests for Flood Plain Variances, the Board shall consider all relevant factors specified in other sections of this Ordinance and:
    1. The danger to life and property due to increased flood heights or velocities caused by encroachments.
    2. The danger that materials may be swept on to

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other lands or downstream to the injury of others.

3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
5. The importance of the services provided by the proposed facility to the community.
6. The requirements of the facility for a flood plain location.
7. The availability of alternative locations not subject to flooding for the proposed use.
8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
9. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
10. The safety of access to the property in times of flood for ordinary and emergency vehicles.
11. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwater expected at the site.
12. Such other factors which are relevant to the purpose of this ordinance.

D. Conditions for Granting Variances: No variation in the application for the provisions of this Chapter shall be made in the instances specified above unless and until the Board shall be satisfied that granting the variance will not:

- (1) Merely serve as a convenience to the applicant and is not necessary to alleviate demonstrable hardship or difficulty so great as to warrant the variance.
- (2) Impair the general purpose and intent of the Development Plan as established by the regulations and provisions contained in this Chapter.

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- (3) Impair an adequate supply of light and air to adjacent property.
  - (4) Increase the hazard from fire and other danger to said property.
  - (5) Diminish the value of land and buildings elsewhere in the County.
  - (6) Increase the congestion and traffic hazards on public roads.
  - (7) Otherwise impair the public health, safety, and general welfare of inhabitants of the County.
- E. Conditions to be Placed on the Granting of Flood Plain Variances: Upon consideration of the factors listed in (4) above, the Board may attach such conditions to the granting of flood plain variances as it deems necessary to further the purpose of this ordinance. Such conditions may include, but not necessarily be limited to:
- (1) Modification of waste disposal and water supply facilities.
  - (2) Limitation on periods of use and operation.
  - (3) Imposition of operational controls, sureties, and deed restrictions.
  - (4) Requirements for construction of channel modification, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purposes of this ordinance.
  - (5) Floodproofing measures. Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board of Adjustment shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.
- F. General Procedures: A person, firm, or corporation may apply for a variance, special permitted use, or interpretation to

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this Chapter for a particular parcel of land within Scott County by filing a request or an appeal with the Zoning Administrator. The applicant(s) must be the landowner and the current or prospective tenant, lessee, or operator of the property, if applicable. Cases filed less than ten (10) days prior to the regular meeting will automatically be set for hearing on the subsequent regular meeting.

- (1) The Zoning Administrator will publicize the public hearing stating the location of the property and a brief description of the nature of the application, and the time and place of the public hearing in the following manner.
  - a. Notify all owners of property located within five hundred (500) feet in all directions from the property in question by common mail at least five (5) days prior to the Board meeting.
  - b. Prominently display an informational sign on the applicant's site.
  - c. Notify the County Engineer and County Health Officer and allow them time to reply, if applicable.
- (2) At the public hearing, any person may appear and testify either in person or by duly authorized person or attorney, or in writing received by noon of the meeting day. For all appeals and applications, the burden of proof rests with the applicant.
- (3) Voting: In exercising the powers of subsection C above, the Board may reverse, affirm, or modify the request, in whole or in part. The concurring vote of three (3) members of the Board shall be necessary to approve an application for a variance or special use permit or reverse the Zoning Administrator's interpretation.

The Board's decision shall affect the property described in the application and does not terminate with the change of ownership unless specifically stated in the Board's decision. As long as subsequent owners continue to use the building or property as stipulated in the Board's decision, a variance or special permitted use is not necessary.

Every decision of a Board case will result in a written decision which specifies the reasons for granting or denying an appeal or application or stipulates the conditions upon which a variance or special permitted use is approved (if applicable).

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- (4) Notification of Board's Decision: The Zoning Administrator shall notify the applicant by written letter of the official decision of the Board within fifteen (15) days of decision.
- (5) Right to Appeal Decision: Any person or persons jointly or separately aggrieved by any decision of the Board under the provisions of this Chapter, or any taxpayer, or any officer, department, board, or commission of the County may present to District Court a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality. Such petition shall be presented to the Court within thirty (30) days after the filing of the decision in the Department of Planning and Development.
- (6) Variations of Flood Plain Elevation Requirements: All variances granted in the designated flood plain shall have the concurrence or approval of the Iowa Department of Natural Resources. The Zoning Administrator shall notify the applicant that the issuance of a variance to locate a structure at an elevation below the 100-year flood level will result in increased premium rates for flood insurance coverage, up to amounts as high as twenty-five dollars (\$25) for one hundred dollars (\$100) insurance coverage, and that such construction below the base flood increases risks to life and property. Such notification shall be maintained with a record of all variance actions.
- (7) Filing Fee: The filing fee for appeals of interpretations is fifty dollars (\$50.00). The filing fee for a variance is one hundred dollars (\$100). In the case of a variance request to approve an existing violation the filing fee may be doubled. The special use permit applicant shall pay a fee based on the land size of the proposed development: \$100 for a site plan less than five (5) acres; \$150 for a site plan between five (5) and ten (10) acres; and \$200 for a site plan of ten (10) acres or more.  
No part of this fee is refundable.
- (8) Time Limit on Board Decision: If the property granted a variance or special use permit is not developed as allowed within two (2) years of Board action, the Board may, after seven (7) days notice in writing to the landowner, initiate action to rescind the variance or special use permit granted. This can occur only after a public hearing at which time the landowner can ask for a time extension.

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### SEC. 6-28. MOBILE HOME PARK AND TRAVEL TRAILER PARK REGULATIONS

General Intent: Mobile Home Parks and Travel Trailer Parks are uses of land which, because of their unique characteristics, cannot be properly classified in any particular District or Districts, without considering, in each case, the impact upon the proposed site, neighboring land, public facilities, and the public need for such Parks in a particular location.

- A. Mobile homes or travel trailers may be occupied and used for dwelling and/or sleeping purposes only if located and placed in Mobile Home Parks or Travel Trailer Parks, in accordance with this Section and Chapter 435, 1993 Code of Iowa. Such Parks may only be allowed in the following Zoning Districts through a special use permit: "A-G", "R-2", "C-1", and "C-2".
- B. Mobile Home Parks are areas containing mobile homes which are structures designed and intended to be used as permanent living facilities. Travel Trailer Parks are areas for the temporary location of travel trailers, motorized vehicles designed and intended for temporary living facilities, and camping tents. "Temporary" is intended to mean that such dwellings may be located in a Travel Trailer Park no more than ninety (90) days, and that at least thirty (30) days pass before reoccupying a space in such Park.
- C. Special Permitted Use: All such proposed Parks shall apply for a Special Use Permit, on forms provided by the Zoning Administrator, before any construction has begun or any mobile homes are placed on the site. The application shall be a written application to the Board of Adjustment and include the following information as a minimum:
  - (1) The name, address, and signature of the applicant, the land owner, and the developer (if different).
  - (2) The location and legal description of the proposed tract for the Park.
  - (3) A brief presentation of why this site should be developed for a Mobile Home or Travel Trailer Park, including facts showing the proposed Park complies with the Development Plan and Land Use Policies.
- D. Filing Fee: The application shall be accompanied by a fee based on the land size of the proposed development: \$100 for a site plan less than five (5) acres; \$150 for a site plan between five (5) and ten (10) acres; \$200 for a site plan between ten (10) and twenty (20) acres; and \$300 for a site plan of twenty (20) acres or more.

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- E. Site Plan Requirements: The application also shall be accompanied by a Site Plan, consisting of eight (8) copies, which will be used by the County and the Board of Adjustment in making its decision. The Site Plan shall be drawn at a scale of one (1) inch to one hundred (100) feet and shall include the following:
- (1) A separate vicinity map showing the Park's relationship to existing streets, adjoining properties, and public facilities.
  - (2) Existing and proposed contour intervals of not more than five (5) feet, provided, however, that a minimum of two (2) contours shall be shown.
  - (3) The location of existing property lines and all such surface features as buildings, railroads, utilities, watercourses, mature trees, and similar items affecting the development. Also, the location of sub-surface features, such as underground utilities and drain tiles.
  - (4) All existing adjacent subdivisions, streets, lots, and tracts of land along with the location of such homes, farm buildings, and other buildings.
  - (5) The proposed location of mobile home/travel trailer sites, streets, traffic flow, access to public streets and roads, layouts for lots and spaces, location of utilities and utility easements, recreation areas, park accessory buildings and facilities.
  - (6) The location and manner of providing street lighting, water supply, sewage treatment, and storm water run-off.
  - (7) The title in large letters of the proposed Park, a north arrow, scale, the Zoning District in which the land is located, and the proposed street names in the Park.
- F. Filing Sequence: Once the application, fee, and Site Plan (8 copies) are properly filed with the Zoning Administrator, the application shall be put on the next regular meeting for the Board of Adjustment, which allows twenty (20) days for review prior to the meeting. One copy will be forwarded to the Board of Health and the County Engineer for review and recommendation at the public hearing.
- (1) The Zoning Administrator will make public notice in the newspaper and send notification to all property owners of record within five hundred (500) feet of the proposed Park

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site.

- (2) The Board of Adjustment, after such public hearing, may grant a Special Use Permit to the applicant to operate a Mobile Home Park or Travel Trailer Park in Scott County. The decision may be postponed until the next regular meeting, if there is not enough information to make a proper decision after the public hearing.
- G. Board Findings: The Board may approve such Park application if it can affirm that the proposed Park is to be located in an eligible Zoning District; that it substantially meets the standards and procedures of this Section, the general intent of the Zoning Ordinance, and the Development Plan; that there are adequate provisions for fire protection and water supply; that the proposed Park will not be detrimental to, nor endanger the public health, safety and general welfare; that it will not be injurious to the use and enjoyment of adjacent property owners for the purposes already permitted; nor will it substantially diminish property values within the neighborhood; and that the proposed Park will not impede the normal and orderly development of the surrounding property for uses permitted in the District. The Board may grant the permit, but include such conditions on the layout and operation of the Park as it deems essential to be consistent with the spirit, purpose, and intent of this Chapter.
- H. Standards: (Applicable to new parks and additions to existing parks)
- (1) Minimum Site: The minimum site for a Mobile Home Park or Travel Trailer Park shall be five (5) acres.
  - (2) Mobile Home Density: A maximum density of eight (8) mobile homes per acre of ground is permitted.
  - (3) Travel Trailer Density: A maximum density of twenty-five (25) travel trailers, vehicles, and/or tents per acre of ground is permitted.
  - (4) Park and Recreation Space: The recreation space shall be based on a factor of one-third (.03) acres per mobile home or travel trailer with a minimum of one (1) acre of useable land designated per Park addition. The factor is based on one (1) acre per one hundred (100) residents. The designated recreation area must, as a minimum, be graded, finished in grass, large enough to locate a softball field, and easily accessible to the Park residents.

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- (5) Roadways, Streets, and Driveways: For roads and streets in mobile home parks, the design standards and procedures for streets as prescribed in the Scott County Subdivision Ordinance, Section 9-17, shall apply. Roads, streets, and driveways, within Travel Trailer Parks shall be suitably graded, dust free, and constructed to provide proper drainage, safe and convenient access to each travel trailer space, and convenient circulation of vehicles. Street layout will be designed to limit the number of access points onto the public road system and to minimize traffic hazards. The roadway surface shall be constructed to maintain a driving area at least twenty (20) feet wide the entire route. If a pavement is desired, it shall first be approved by the County Engineer, who may require any and all forms of background information to assist him in making his decision. Such plans shall be approved before any construction may begin on the Travel Trailer Park.

The applicant shall have all streets inspected throughout the construction process by a registered professional engineer who will certify that the streets meet the above standards.

- (6) Street Lighting: Streets and roadways shall be lighted at night with not less than 200-watt lamps at intervals of one hundred (100) feet where the lamp is located at least fifteen (15) feet above the ground. Equivalent lighting may be approved by the Administrative Officer.
- (7) Off-Street Parking: Off-street parking shall be provided in the Park for the use of Park residents and guests. Parking spaces shall be hard surfaced in Mobile Home Parks and located conveniently to the mobile home lot or space. In Mobile Home Parks, two (2) vehicle parking spaces shall be provided for each lot with a minimum of one (1) parking space on the lot. In Travel Trailer Parks, one (1) vehicle parking space shall be provided for each site and one (1) additional for every three (3) travel trailer spaces.
- (8) Spaces: Individual lots or spaces shall be so arranged that there will be at least a fifteen (15) foot clearance in all directions between mobile homes or travel trailers and any additions thereto or accessory buildings. No porches, canopies, or other additions shall be built onto any mobile home which shall not leave a clearance of fifteen (15) clear feet between such mobile home, including all additions thereto. No mobile home or travel trailer shall be located closer than fifty (50) feet from

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the front property line (or right-of-way), nor closer than twenty (20) feet from any internal street or roadway surface, nor closer than twenty-five (25) feet from any side or rear property line, nor closer than five (5) feet from any interior lot line.

- (9) Building and Other Improvements: Plans and specifications of all Park-owned buildings and other improvements, including sewage, gas, electric and water supply, roadways and sanitary facilities constructed or to be constructed within the Park shall comply with applicable laws of the State of Iowa, including Section 135D of the 1989 Code of Iowa, and with applicable Chapters of this Code.

Buildings and structures shall be limited to one (1) "convenience shopping" store, the residence of the owner/operator, utility and recreation buildings, and accessory buildings and structures for the mobile home park residents. Owner/developer (not the contractor) shall provide for a Iowa State Registered Professional Engineer to design the sanitary sewer and water systems and certify their installation according to the plans. The Engineer will inspect the installation of the sewer and water systems and show proof thereof. Septic tanks and privies for the disposal of sewage for one (1) or more mobile homes or travel trailers are not permitted, unless approved by the Scott County Health Department.

- (10) Ownership of Park: The Park owner may not sell or transfer title of any lot or space in such Park. In the event of any such transfer, the Special Use Permit of the Park shall be automatically revoked, and all mobile homes or travel trailers shall be removed from the premises within thirty (30) days of written notice to do so from the Zoning Administrator. It is the intention hereof that such Parks may be transferred in their entirety, as long as the new Park owner agrees to comply with the Special Use Permit.
- (11) Occupancy: The park may not be occupied until the sewer and water supply have been approved by the County Board of Health or the Iowa Department of Natural Resources (if applicable) and lighting, electricity, and natural gas (if applicable) have been installed and are operational. The internal roadways leading to the lot or space must be constructed. Once the utilities are in place, the Zoning Administrator will do an on-site inspection and provide a Certificate of Compliance for the Park or a phase of the Park.

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- (12) Certificate of Occupancy: Each mobile home requires a building permit and must be inspected before it can be occupied. When the Building Inspector is assured that all mobile home codes have been satisfied, a Certificate of Occupancy will be issued.
- (13) Changes in the Layout of the Park: Any substantial changes in the Park which would change lot sizes numbers, recreation areas, or street patterns first must be approved by the Zoning Administrator. Any new additions to the Park require the applicant to file for a Special Use Permit with the Board of Adjustment, as described in paragraph C above.
- (14) Failure to Construct Park: A Special Permitted Use issued by the Board of Adjustment for such a Park shall become null and void if no substantial beginning has been completed one (1) year after the granting of such Permit. This period may be extended only upon review and written approval of the Zoning Administrator.
- (15) Park Vacation: If a Mobile Home Park or Travel Trailer Park is vacated for more than one (1) year, the Special Use Permit shall become null and void and the property returns to the accepted uses of that Zoning District.
- (16) Temporary Mobile Home Occupancy Permits: Application for a permit to occupy a mobile home for dwelling or sleeping purposes outside of a park upon a lot or premises occupied by a dwelling shall be made at the office of the Zoning Administrator. Such permits may be granted for two purposes: 1) the care of a person by a relative when the mobile home has a HUD seal and is located on the same property as the permanent home, and 2) the temporary residency of a person or family engaged in the construction of a permanent residence on the premises. Said application shall set forth the location of the occupied dwelling where such mobile home is to be used and occupied; the name of the owner or occupant of such mobile home or travel trailer together with his car license number and the license number of such mobile home or travel trailer.

The Office of the Zoning Administrator may issue a permit for the temporary occupancy of a mobile home or travel trailer outside of a Park upon receipt of the application as set forth in the previous paragraph. The permit may be issued for a period specified by the Administrative Officer and not to exceed one (1) year from the date of the granting of the permit; and such permit may be

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extended for good cause in the judgment of the Zoning Administrator.

### SEC. 6-29. SOLID WASTE DISPOSAL SITE REGULATIONS

A. General Provisions: No new solid waste disposal site or extensions to existing legal solid waste disposal site shall be allowed until approved by the Board of Supervisors. Such site and proposed operational procedures shall comply with Iowa Department of Natural Resources rules.

B. Application Procedures:

(1) Applications shall be made in writing signed by the applicant, in accordance with Section 455B.4, Iowa Code, and shall contain the location and legal description of the proposed site. The application must be accompanied by a eight (8) copies of the documents described in Section 455B. and 305A.2., 1993 Code of Iowa.

(2) The Zoning Administrator, upon receipt of the application, documents, and filing fee, shall forward copies of the application to the Planning and Zoning Commission, and a complimentary copy to the Board of Supervisors. The Commission shall conduct a public hearing at least forty-five (45) days and no later than seventy-five (75) days after receipt before making a recommendation to the Board of Supervisors. The applicant shall file a rezoning application no sooner than thirty (30) days prior to the siting public hearing so that the Solid Waste Disposal site and rezoning procedures can be handled concurrently. A public notice of the joint purpose public hearing shall be published in the official newspapers in accordance with Section 331.305, Iowa Code. Property owners of record, as described in Sections 445B. and 305A.3, Iowa Code, shall be notified of the public hearing by ordinary first class mail. The Commission shall forward a recommendation to the Board of Supervisors within thirty (30) days of the hearing.

(3) The Board of Supervisors shall receive the recommendation of the Commission and six (6) additional copies of the application from the applicant and hold a public hearing in conformance with Sections 455B. and 305A.5, Code of Iowa and this Chapter. The Board shall not make a decision until the public has had a 30-day opportunity to comment on the public hearing for site approval and rezoning. The first reading of the rezoning shall be delayed until after the 30-day review period. Before final Board action to approve, approve with conditions, or

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to disapprove, the applicant's proposal shall be made available to the public in writing. The second reading of the ordinance to amend the zoning ordinance and map will be delayed and reflect the decision of the Board. The rezoning shall be denied if the application for site approval is denied.

- (4) The applicant is entitled to one amendment to the original siting application. It will be administered in conformance with Sections 455B. and 305A.6., 1993 Code of Iowa.
- (5) The application fee shall be \$1,000 to start the process. The County shall monitor all reasonable and necessary costs for reviewing the original application and one amendment, if any, including staff costs and other overhead costs. When the costs exceed \$1,000, the applicant will reimburse the County for all reasonable and necessary costs within thirty days of receipt of itemized County claims.

C. Standards for Reviewing: In considering an application for a Solid Waste Disposal Site, the Planning and Zoning Commission and Board of Supervisors will assure themselves that:

- (1) The proposed site is or will be zoned "L-F".
- (2) The proposed site meets the preponderance of the Scott County Landfill Siting Policy Statement and Scott County Land Use Policies.
- (3) The proposed site meets or exceeds all requirements for such sites as regulated by the Iowa Department of Natural Resources.

### SEC. 6-30. COMMUNITY AREA DEVELOPMENT ADMINISTRATION

General Intent: This chapter recognizes the two Community Area Developments (CAD's) created by the earlier edition of the ZONING ORDINANCE. The plans which were approved in conformance with Section 29 of the 1951 Scott County Zoning Ordinance with amendments remain in full force. This section describes the procedures for amending a CAD, but denies any new community area developments in Scott County.

A. Scope: Park View Development, located in Sections 30 and 31, Butler Township; and Village Oaks Development, located in Section 18, Buffalo Township; are re-established as conforming CAD's in rural Scott County. Official County action which created the two CAD's is extended into this ZONING ORDINANCE,

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dated April 2, 1981.

- B. Plans Recognized as Basis for Future Development: All undeveloped portions of the two CAD's shall be developed in accordance with plats, restrictive covenants, and the Statement in Support on file in the Department of Planning and Development. Village Oaks will develop according to the subdivision plats recorded or proposed. Park View will develop according to the colored development plat submitted by the developer and approved by the County in 1966.
- C. Procedure for Amending the CAD Plans: The Commission, developer, or the owners of at least fifty percent (50%) of the area to be changed may file a request with the Administrative Officer. The request shall contain a legal description of the real estate to be amended, a plat showing the existing plan and the requested change in land use, and a statement of how the proposed use complies with the Scott County DEVELOPMENT PLAN and "Land Use Policies". If several land owners are filing the request, they must submit a signed petition stating their address and the amount of land they own. The applicant will provide thirteen (13) copies of the plat on paper no larger than 8-1/2" x 14" and pay a filing fee of \$100 for the first five (5) acres and twenty (\$20) per acre for each whole five (5) acres in excess of five (5) acres. Under no circumstances will the fee be refunded.
- (1) The Zoning Administrator, upon receipt of all required material, shall establish a public hearing date at least eighteen (18) days and not more than thirty (30) days from date of receipt before the Planning and Zoning Commission. The notice of the proposed development plan change shall be conspicuously posted on the land affected by the proposed change and notices mailed to the appropriate Homeowners Association and landowners of record within five hundred (500) feet of said property.
  - (2) The Zoning Administrator shall forward a copy of the application and development proposal to the County Engineer and the County Board of Health for their review and comments prior to the public hearing.
  - (3) The Commission will hold the public hearing on the date published and will consider comments from the applicant, neighboring property owners, County departments, and the general public. The Commission shall act within thirty (30) days of public hearing to recommend approval or disapproval of the application to the Board of Supervisors.

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- (4) The Board of Supervisors shall receive the recommendation and hold a public hearing at the earliest regular meeting date after public notice in the official County newspapers at least four (4) days and not more than twenty (20) days prior to the public hearing. All persons or businesses previously notified shall be renotified of this public hearing. The Board of Supervisors shall consider all information received at the public hearing and then vote to approve or disapprove the proposed plan amendment by adopting a Resolution.
- (5) The Resolution and all associate plats and agreements will be filed in the Planning and Development Department to carry out the amendment. The applicant will also file the plat and the Board's Resolution in the Recorder's office.
- (6) As applicable, the developer will proceed with a subdivision review, in accordance with the Subdivision Ordinance and a Site Plan Review, in accordance with the Zoning Ordinance, Section 6-25.

### SEC. 6-31. ZONING AMENDMENTS AND REZONINGS

- A. General Authority: The Board of Supervisors may from time to time, on its own action or on petition from the Planning and Zoning Commission or an individual or group, after public notice and hearings as provided by law, and after report by the County Planning and Zoning Commission, amend, supplement, or change the boundaries or regulations herein or subsequently established, and such amendment shall not become effective except by the favorable vote of a majority of all the members of the Board of Supervisors.
- B. Procedure: A person, firm, or corporation or the Commission may initiate any amendment or rezoning to this Chapter by filing a request with the Zoning Administrator. Rezoning by anyone other than the Commission requires a signed petition by the owners of at least fifty (50) percent of the area (if more than one property owner) of all the real estate included within the boundaries of said tract to be rezoned. Said petition shall contain a legal description of the real estate for which rezoning is requested, the existing zoning classifications and the requested zoning classification, and a statement of intended use and how such use complies with the Scott County Development Plan and Land Use Policies. Also, the applicant shall provide thirteen (13) copies of a site plan or plat. Rezoning filing fees will be charged for the two stages. For the Planning and Zoning Commission public hearing: \$100 for the first five (5) acres and \$2 for each

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whole acre in excess of five (5) acres. For the Board of Supervisors public hearing: \$100 for the first five (5) acres and \$2 for each whole acre in excess of five (5) acres. Once each filing fee is submitted, no part of the sum may be refunded. Maximum fee for each stage is \$200.

- (1) The Zoning Administrator, upon receipt of all required material, shall establish a rezoning public hearing date at least eighteen (18) days and not more than thirty (30) days from date of filing before the Planning and Zoning Commission. The notice of said rezoning shall be conspicuously posted on the land for which the rezoning is requested and notice mailed to landowners of record within five hundred (500) feet of said property.

Upon receipt of any petition to amend the Zoning Ordinance, the Zoning Administrator shall forward a copy of the petition and a Site Plan to the County Engineer; the County Board of Health; the SCS District Conservationist; the Bi-State Metropolitan Planning Commission; and to the planning staff of the city (if located within two (2) miles of a city with a zoning ordinance). Each department shall review and comment in writing at least one (1) day before the Planning and Zoning Commission holds its public hearing.

- (2) The Commission, after the public hearing, shall act within thirty (30) days to recommend approval or disapproval to the Board of Supervisors. Once the recommendation is made, the applicant has seven (7) days to pay the Board of Supervisors public hearing filing fee. If received, the Zoning Administrator shall forward the rezoning application immediately to the Board of Supervisors. If the filing fee is not received within seven (7) days, the Zoning Administrator shall notify the applicant by common mail that the rezoning process has been terminated.
- (3) The Board of Supervisors shall receive the recommendation and review it prior to a public hearing. The hearing shall be set and the Zoning Administrator is directed to make public notice in the official County newspapers, at least four (4) days and not more than twenty (20) days prior to the public hearing, and to re-notify all property owners of record within five hundred (500) feet of the property for which the rezoning is requested.
- (4) At the public hearing, the Board will hear the applicant's request, the staff review, and comments from the public concerning the zoning amendment or rezoning. The Board may hold the first reading after the public hearing or

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delay any action until the next regular meeting. A second reading and publication in conformance with State law is required before the amendment or rezoning becomes official.

- (5) In case the proposed amendment or rezoning is disapproved by the Planning and Zoning Commission, or a protest be presented, duly signed by the owners of twenty (20) percent or more, either of the area included in such proposed change, or of the area immediately adjacent thereto and within five hundred (500) feet of the boundaries thereof, such rezoning shall not become effective unless three (3) members of the Board of Supervisors cast a favorable vote.
- (6) If the property is rezoned, and the property is not developed for eligible uses in whole or in part within two (2) years from such rezoning, or unless there exists an unexpired building permit for the development thereof at the end of such two (2) years, the Planning and Zoning Commission, may after seven (7) days notice, in writing, to the then recorded owner of said land providing a reasonable opportunity to be heard, initiate and recommend to the Board of Supervisors that said land be rezoned to its previous zoning classification.

### SEC. 6-32. ZONING ADMINISTRATOR

- A. The Board of Supervisors shall appoint a person to be the Zoning Administrator whose duties shall include the responsibility to administer and enforce this Chapter. The Zoning Administrator may be provided with assistance of such other persons as the Board of Supervisors may direct.
- B. Duties: The Zoning Administrator shall enforce the Zoning Ordinance by: 1) reviewing all development proposals to insure compliance with the Zoning District in which the proposal is located, 2) processing all applications for variances, special use permits, and rezonings to insure compliance with the Zoning Ordinance, 3) providing a staff report on all pending cases to the Board of Adjustment, Planning and Zoning Commission, and the Board of Supervisors, 4) insuring that proper procedures are followed for public notices, and that official decisions and minutes are kept of Board of Adjustment and Planning and Zoning Commission meetings, 5) issuing agricultural exemptions, 6) approving Home Occupation and Home Industry Applications, and 7) determining and causing zoning violations to be corrected.
- C. Notice of Writing: If the Zoning Administrator finds any

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provision of this Chapter violated, he shall notify in writing, the person responsible for such violation, indicating the nature of the violation, what provision was violated, and ordering the action necessary to correct it. He shall order illegal use of land to discontinue; or shall take any other action authorized by this Chapter to insure compliance with or to prevent violation of this Chapter.

### SEC. 6-33. OCCUPANCY PERMITS

- A. No land shall be occupied or used, and no building hereafter erected, or structurally altered, shall be occupied or used in whole or in part, for any purpose whatsoever, until a Certificate of Occupancy is issued by the Building Inspector. The Building Inspector shall not issue a Certificate of Occupancy until an inspection is made to insure that the building or part of the building meets the minimum standards of the Scott County Uniform Construction Codes and the proposed use complies with the Zoning District on which the land and/or building is located.
- B. The Building Inspector, upon the finding that a building hereafter erected or structurally altered is occupied or used in whole or in part without obtaining the Certificate of Occupancy, shall immediately notify in writing the occupants and builder (if applicable) or post the alleged violation prominently on said property or building and require compliance with the Scott County Uniform Construction Codes and Zoning Ordinance within seven (7) days of receipt of notice. If compliance is not forthcoming within the seven (7) days following receipt, the building shall be deemed in violation of the Zoning Ordinance and shall immediately be vacated. Each day that a violation is permitted to exist shall constitute a separate offense.

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### SEC. 6-34. MUNICIPAL INFRACTION

- A. Any person, persons, firm, partnerships or corporations, whether acting alone or in concert with any other, who violates this ordinance shall be guilty of a municipal infraction and shall be penalized as set forth in Chapter 29 of the County Code of Scott County, Iowa.
- B. Alternative to immediate legal actions: Within fourteen (14) days of receipt of written notice, the responsible party must either 1) eliminate the zoning violation(s), or 2) apply for a zoning change or variance which will correct the violation.

The Zoning Administrator may delay legal action against the responsible party (parties) if the violator files a request for an Agreement to Abate within fourteen (14) days of receipt of written notice of the violation. This provision is provided to allow additional, reasonable time to comply with the zoning regulations when costs, weather conditions or other unusual circumstances make compliance within fourteen (14) days extremely difficult or nearly impossible. The Planning and Zoning Commission will consider the request to enter into an Agreement to Abate at their next regular meeting.

- C. Agreement to Abate Terms: The Planning and Zoning Commission will consider the request for an Agreement to Abate based upon the degree of difficulty faced by the responsible party (parties) in eliminating the zoning violation. The Agreement to Abate is a voluntary binding agreement which stipulates the violation(s), the expiration date of the special extended abatement period, and what must be done to achieve compliance with the zoning regulation(s). In voluntarily signing this agreement, the violator also agrees to waive the right to appeal the County's determination that a zoning violation exists, and consents and agrees that if the abatement is not eliminated in the extended abatement period, the County or its agents may enter the property and abate the violation. The violator agrees to pay all costs of abatement.

### SEC. 6-35. VALIDITY

Should any section or provision of this Chapter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Chapter as a whole, or any part thereof other than the part so declared to be invalid.

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