

ZONING

ORDINANCE

— FOR UNINCORPORATED —

SCOTT COUNTY

Adopted May 6, 2016



6-17. "C-2" COMMERCIAL AND LIGHT INDUSTRIAL DISTRICT

A. General Intent: The "C-2" Commercial and Light industrial District is intended and designed to provide areas for general commercial, highway commercial and light industrial uses intended to serve the needs of the County and the Quad Cities in areas along adequately constructed paved County/State roads.

B. Principal Permitted Uses:

- (1) Any principal permitted use in the "C-1" District using the same restrictions.
- (2) Retail and wholesale commercial sales and service businesses including outdoor storage of materials and equipment, with all outdoor storage screened from any adjacent road and residences.
- (3) Financial institutions such as banks and savings and loan offices.
- (4) Professional, administrative, service and general business offices.
- (5) Medical office, clinics and health care related facilities.
- (6) New and used vehicle sales and service including service and body shops but not including parts salvage or vehicle dismantling.
- (7) Truck stops, truck terminals and trucking companies.
- (8) Restaurants, drinking establishments and night clubs.
- (9) Hotel-motel and tourist related service businesses.
- (10) Indoor and outdoor recreational and entertainment businesses.
- (11) Adult bookstores, adult video stores, adult motion pictures theaters, and sexual activity establishments subject to the following conditions:
 - 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 private school, licensed day care facility, church, public park or residential district and 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 this Ordinance.
- (12) Light industrial uses conducted entirely within an enclosed building and no excessive noise, dust and smoke beyond the property and all outdoor storage screened from any adjacent road and residences.

- (13) Contractor office, storage and sales with all outdoor storage of equipment and materials screened from any adjacent road and residences.
- (14) Warehouse, storage, rental business and services with all outdoor storage screened from any adjacent road and residences.
- (15) Other uses, subject to site plan review which are determined by the Planning and Zoning Commission to be of a similar and compatible nature to the above uses.

C. Accessory Permitted Uses:

- (1) Accessory uses customarily incidental to any permitted principal use within this District; including dwelling units physically attached and subordinate to such use, and which meet all County Health Department requirements.

D. Special Permitted Uses:

- (1) Airport or commercial landing fields, for commercial and private aircraft and helicopters
- (2) Communication towers and antennas, with the Board of Adjustment considering the following:
 - a. Any equipment cabinet or building shall be adequately screened from nearby residential uses;
 - b. Co-location shall be preferred over new tower construction;
 - c. The tower shall be removed when the use of the tower has ceased for one (1) year or greater.
 - d. When the party establishing the use does not own the property on which it is to be constructed or installed, the applicant shall provide a signed lease agreement, which shall include provisions for decommissioning and removal of the tower and equipment at the end of the lease term or when the tower is no longer in use;
 - e. The applicant shall provide documentation of compliance with any applicable regulations of the National Environmental Policy Act (NEPA), National Historic Preservation Act (NHPA), and/or the Federal Aviation Administration (FAA).
- (4) Mobile Home Parks established in accordance with Section 6-25.
- (5) Travel Trailer Parks established in accordance with Section 6-26.

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

PRINCIPAL BUILDING	Lot Width	Front Yard	Side Yard	Rear Yard	Max Stories	Max Height
NO SEWER OR WATER 2 acre	130 ft	50 ft	10 ft	20 ft	3	45 ft
WITH SEWER OR WATER 1 acre	130 ft	50 ft	10 ft	20 ft	3	45 ft
WITH SEWER & WATER 20,000 sq ft	100 ft	25 ft	10 ft	20 ft	3	45 ft

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

6-18. "I" INDUSTRIAL DISTRICT

- A. General Intent:** The "I" Industrial District is intended and designed to provide areas for industrial and/or commercial development of a more intense character. Prior to establishment of any such district adequate information shall be submitted regarding the effect of the proposed use on the adjoining property and area, the adequacy of the County road system to handle the anticipated traffic, any potential traffic hazards, 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. This district is intended to accommodate industrial uses other than those requiring an Industrial Floating Zone, and is intended to be established through the rezoning of existing commercial, industrial, or Agricultural General ("A-G") holding zone districts, excluding the Park View Commercial District ("CAD-PV"). It is not intended that this district be established through the rezoning of any existing residential district. Any existing land zoned "M" Heavy Manufacturing at the time and date of adoption of this Ordinance shall be classified as "I" Industrial District on the Official Zoning Map and may continue as the established use. Any re-occupancy, change in use or new development of such property would be subject to the review and approval of a site plan in accordance with the regulations of Section 6-29 Site Plan Review.
- 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) Any permitted use in the "C-2" District.
 - (2) Asphalt plants.
 - (3) Bulk tank storage plant facilities and other raw materials storage yards exceeding ten (10) acres in size.
 - (4) Concrete mixing and concrete products manufacturing.
 - (5) Secondary and tertiary processing of stone, sand, gravel, dirt, clay, and similar materials which require a fixed plant
 - (6) Manufacture and assembly operations that are not conducted entirely within an enclosed building, that generate noise, smoke, odors and/or dust and that involve significant areas of outdoor storage of materials or finished products.
 - (7) Metal foundries
 - (8) 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 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 Ordinance. 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.

- (9) Manufacture and wholesale storage of fertilizers exceeding ten (10) acres in size.
- (10) Petroleum, liquid or gaseous, or its products, refining and wholesale storage.
- (11) Meat packing, meat processing and rendering facilities or refining and wholesale storage.
- (12) Other uses, subject to site plan review which are determined by the Planning and Zoning Commission to be of a similar and as intense in nature as the above uses.

C. Accessory Permitted Uses: Accessory uses and structures customarily incidental to any permitted principal use.

D. Special Permitted Uses: Any special permitted uses allowed in C-2.

E. Required Conditions for Permitted and Accessory Uses in an "I" Zoning District:

- (1) The best reasonable means 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 one hundred (100') feet from an "R-1" or "R-2" District boundary and not less than fifty (50') feet from any District except a "C-2" District.
- (3) All uses which require heavy truck usage shall only be located on adequately constructed paved roads which avoid residential areas.
- (4) Adequate safeguards shall be taken to fence or screen any on-site hazard from the public.
- (5) All storm-water drainage shall meet all applicable local, state and Federal regulations and all existing agricultural drainage tiles and underground drainage system shall be maintained and remain unimpeded.
- (6) The proposed location, design, construction and operation shall not diminish or impair established property values in adjoining or surrounding property.

F. Minimum Lot Area, Lot Width, Setback, & Maximum Height Requirements

PRINCIPAL BUILDING	Lot Width	Front Yard	Side Yard	Rear Yard	Max Stories	Max Height
NO SEWER OR WATER 2 acre	150 ft	50 ft	20 ft	20 ft	3	TBD*
WITH SEWER OR WATER 1 acre	150 ft	50 ft	20 ft	20 ft	3	TBD*
WITH SEWER & WATER 20,000 sq ft	100 ft	25 ft	10 ft	20 ft	3	TBD*

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

6-19. "I-F" INDUSTRIAL FLOATING DISTRICT

- A. General Intent:** The "I-F" Industrial Floating District is intended and designed to provide areas for very large scale industrial and commercial development of a more intense character than is allowed in other commercial, or light industrial zoning districts. The District is also intended to accommodate very large scale industrial/commercial uses requiring considerable amounts of contiguous land for operation and buffering, and which by their nature represent a substantial and significant economic development opportunity for Scott County and the region. Such very large scale industrial/commercial uses can be considered for review and approval through the rezoning of property within existing commercial, industrial, or agricultural zoning districts. The adopted industrial development objectives of the Scott County Comprehensive Plan identify the conditions under which the creation of such an "I-F" District can be approved for a very large scale industrial/commercial development.

Prior to establishment of any such floating district adequate information shall be submitted regarding the effects of the proposed use upon the local and regional economy, the impact on the adjoining property and area, the adequacy of the road system to handle the anticipated traffic, any potential traffic hazards, 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. The site plan approval will occur in conjunction with the rezoning review and approval. The standards, criteria and conditions of approval will be applied, as deemed appropriate and applicable, during the rezoning review and approval process.

- B. Principal Permitted Uses:** Land or buildings may be used for any of the following, in so far as the regulations contained in Sections D, E, and F are met.

(1) Any use permitted in the "I" District that due to its size and scale requires an "I-F" zoning classification.

- C. Accessory Permitted Uses:** Accessory uses and structures customarily incidental to any permitted principal use.

- D. Special Permitted Uses:** None

- E. The Planning and Zoning Commission and Board of Supervisors shall consider the following characteristics of any land being petitioned for a rezoning to an "I" Floating District:**

a. Present use

b. Corn suitability rating (CSR)

c. Access/proximity of existing transportation networks, sewer or water connections, or other needed infrastructure; as well as the feasibility of extending such facilities, if necessary

d. Particular suitability or adaptability of the land to accommodate the proposed use

- F. Required Conditions for rezoning land to "I-F" Industrial Floating District:**

(1) No portion of the site proposed to be developed, including but not limited to buildings, storage areas, and transportation facilities, may be located in a mapped 100-year or 500-year floodplain.

(2) The potential impacts on any environmentally sensitive areas, such as lakes, ponds, streams, rivers and wetlands, steep

slopes, aquifers and recharge areas, unstable building sites, natural wooded areas, prairie and other wildlife habitats, shall be identified and considered for reasonable mitigation. The Planning Commission may recommend, and the Board of Supervisors may approve, off-site mitigation of environmentally sensitive areas as opposed to their preservation.

- (3) The best reasonable 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.
- (4) All buildings and accessory buildings or structures shall be located at least five hundred (500) feet from an "R-1" or "R-2" District boundary and not less than one hundred (100) feet from any other District except a "C-2" or "I" District.
- (5) All uses which require heavy truck usage shall only be located on adequately constructed paved roads which avoid residential areas.
- (6) Adequate safeguards shall be taken to fence or screen an on-site hazard from the public.
- (7) The proposed location, design, construction and operation shall consider the impact on the property values of adjoining or surrounding property.
- (8) Any development plan must provide documentation that the project will not negatively affect the operation of existing agricultural drainage tiles on adjacent properties.

G. Procedure for Rezoning Land to "I-F" Industrial Floating

- (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 development plan must include a site plan for the development in accordance with Section 6-29 Site Plan Regulations. The standard rezoning procedures contained in Section 6-31 Zoning Amendment Procedures shall be followed, beginning with the Planning and Zoning Commission holding 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 for review.
- (3) The Board of Supervisors will receive the Commission's recommendation plus information received during the Commission public hearing process and will hold a public hearing in accordance with Section 6-31 Zoning Amendment Procedures. 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 and/or Federal permit approval as may be required
- (4) 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 "I-F" district (including the separation spacing).

H. Minimum Lot Area, Lot Width, Setback, & Maximum Height Requirements: The lot area, building and structure setbacks and heights of buildings and structures will be determined and approved through the established procedures.

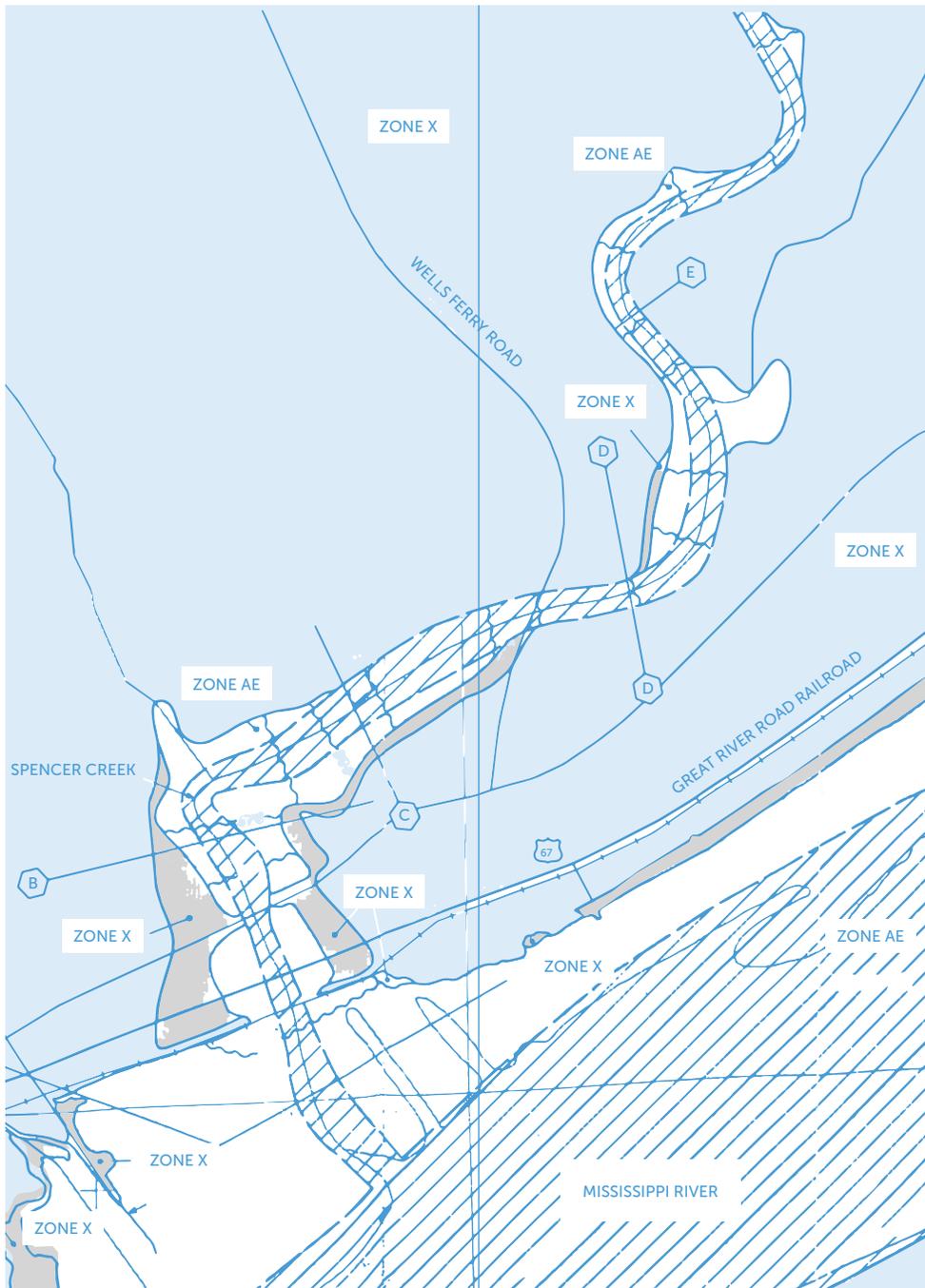
6-20. "SW-F" SOLID WASTE DISPOSAL SITE FLOATING DISTRICT

- A. General Intent:** The "SW-F" Solid Waste Disposal Site Floating District is intended and designed to meet a preponderance of the policies and guidelines of the comprehensive Scott County Landfill Siting Policies as adopted in 1993 and any amendments thereto. The area rezoned to "SW-F" 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 prescribed in the General Provisions section of this District below.
- B. Principal Permitted Uses:** Property and building in a "SW-F" 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 the General Provisions section of this District.
 - (3) Conservation and wildlife habitat.
- C. Accessory Permitted Uses:** Accessory buildings and uses customarily incidental to any of the uses in paragraph "B" above.
- D. 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.
- E. Application Procedures:**
- (1) Applications shall be made in writing signed by the applicant, in accordance with Section 455B., Iowa Code, and shall contain the location and legal description of the proposed site. The application must be accompanied by eight (8) copies of the documents described in Section 455B.305A.2., 2015 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 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 455B.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.305A.5, Code of Iowa and this Ordinance. 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 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 application. It will be administered in conformance with Sections 455B.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.
- F. 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 "SW-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.
- G. Minimum Lot Area, Lot Width, Setback, & Maximum Height Requirements:** The lot area, building and structure setbacks and heights of buildings and structures will be determined and approved through the established procedures.

6-21. 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 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.



SPECIAL FLOOD HAZARD AREAS

Subject to inundation by the 1% annual chance flood.

ZONE A

No Base Flood Elevations determined.

ZONE AE

Base Flood Elevations determined.

FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS

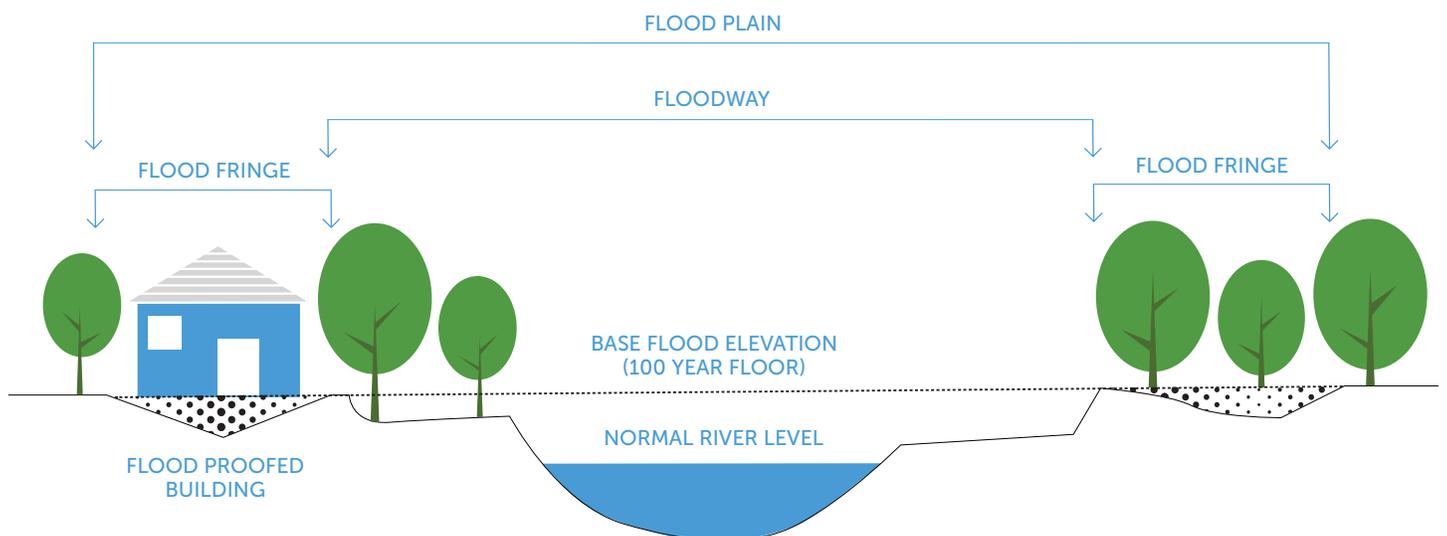
ZONE X

Areas of 0.2% annual chance flood; areas of 1% annual flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

OTHER FLOOD AREAS

ZONE X

Areas determined to be outside the 0.2% annual chance floodplain.



- 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 - All applications shall pay a fee based on the fee schedule approved by the Board of Supervisors.
 - (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 Director/Zoning Administrator shall notify adjacent communities or counties and the Iowa Department of Natural Resources prior to any proposed 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.
- D. Abrogation and Greater Restrictions:** it is not intended by this Ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restriction. However where this Ordinance imposes greater restrictions, the provision of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

6-22. "FW" FLOODWAY OVERLAY DISTRICT

- A. General Intent:** It is the intent of the "FW" Floodway 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.
- (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.

6-23. "FF" FLOODWAY FRINGE OVERLAY DISTRICT

A. General Intent: The intent of the "FF" Floodway Fringe 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" Floodway Fringe 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 Director/Zoning Administrator, where existing topography, street grades, or other factors preclude elevating by fill. In such 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 certified by a registered professional engineer or meet or exceed the flooding minimum criteria:
 - i. 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.
 - ii. The bottom of all openings shall be no higher than one foot above grade.
 - iii. 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.

- a. Recreational vehicles are exempt from the requirements of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied;
 - i. The recreational vehicle shall be located on the site for less than 180 consecutive days, and
 - ii. The recreational vehicles must be fully licensed and ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security device and has no permanently attached additions.
- b. The recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of this Ordinance regarding anchoring and elevation of factory built homes

(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) 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.

6-24. "GF" GENERAL FLOOD PLAIN OVERLAY DISTRICT

- A. General Intent:** The "GF" General Floodplain 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 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.

6-25. MOBILE HOME PARK REGULATIONS

- A. General Intent:** Mobile Home Parks are uses of land which because of their unique characteristics are classified as a Special Use in the particular District or Districts identified so that in each case the impact upon the proposed site, neighboring land, public facilities, and the public need for such Parks in a particular location can be evaluated.
- (1) Mobile homes may be occupied and used for dwelling purposes only if located in an approved Mobile Home Park in accordance with this Ordinance and Chapter 435, 2015 Code of Iowa. Such Parks may only be allowed in the following Zoning Districts through approval of a Special Use permit: "R-2", and "C-2".
 - (2) Mobile Home Parks are areas containing mobile homes which are structures designed and intended to be used as permanent living facilities. Mobile Home Parks may contain a limited number of travel trailers as defined in this Ordinance, intended to serve as temporary living facilities. Any travel trailer may locate in an approved Mobile Home Park not to exceed 180 days per calendar year. The allowance for travel trailers does not include tents or tent camping within any Mobile Home Park. At any one time, a Mobile Home Park must have the majority (51% or more) of its occupied spaces containing Mobile Homes as defined in this Ordinance. Failure to comply with this majority requirement shall be grounds for revocation of the Special Use permit.
 - (3) **Special Permitted Use:** Any proposed Mobile Home Park 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 Zoning Board of Adjustment and include the following information as a minimum:
 - a. The name, address, and signature of the applicant, the land owner, and the developer (if different).
 - b. The location and legal description of the proposed tract for the Park.
 - c. A brief description of why this site should be developed for a Mobile Home Park, including facts showing the proposed Park complies with the Comprehensive Plan and Land Use Policies.
- B. Filing Fee:** All applications shall pay a fee based on the fee schedule approved by the Board of Supervisors.
- C. 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 Zoning Board of Adjustment in making its decision. The Site Plan shall be drawn at a reasonable and legible scale 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 other pertinent information including but not limited to: Surface features, buildings, roads, 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, street lighting, 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 water supply and sewage treatment which meets Iowa DNR and Scott County Health Department regulations.
- (7) A grading plan including detailed information complying with Iowa DNR and local Scott County regulations for handling storm water run-off.
- (8) 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.

D. 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 Zoning 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 site.
- (2) The Zoning Board of Adjustment, after such public hearing, may grant a Special Use Permit to the applicant to operate a Mobile Home 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.

E. 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 Comprehensive 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 Ordinance.

F. Standards: (Applicable to new parks and additions to existing parks)

- (1) **Minimum Site:** The minimum site for a Mobile Home 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) **Open Space:** Common open space shall be provided and based on a factor of three hundredths (0.03) acres per mobile home with a minimum of one (1) acre of useable land designated per Park addition.
- (4) **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. 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.
- (5) **Street Lighting:** Adequate street lighting shall be provided as necessary, and reviewed at the time the Special Use permit is considered.
- (6) **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.
- (7) **Spaces:** Individual lots or spaces shall be so arranged that there will be at least a fifteen (15) foot clearance between units, including any additions. No mobile home shall be located closer than fifty (50) feet from 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.
- (8) **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 435 of the 2015 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. The applicant shall provide for an Iowa State Registered Professional Engineer to design the sanitary sewer and water systems and certify their installation according to the plans. The Professional Engineer will inspect the installation of the sewer and water systems and show proof thereof. Wastewater treatment systems for individual mobile homes are not permitted, unless approved by the Scott County Health Department.

- (9) **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 units 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.
- (10) **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 appropriate utilities 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.

- (11) Certificate of Occupancy: Each mobile home requires a building permit and must be inspected before it can be occupied.
- (12) 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 an amended Special Use permit with the Zoning Board of Adjustment.
- (13) Failure to Construct Park: A Special Use permit issued by the Zoning Board of Adjustment for such a Park shall become null and void if no substantial development 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.
- (14) Park Vacation: If a Mobile Home Park is vacated for more than one (1) year, the Special Use permit shall become null and void.
- (15) 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 extended for good cause in the judgment of the Zoning Administrator.

6-26. TRAVEL TRAILER PARK REGULATIONS

- A. **General Intent:** Travel Trailer Parks are uses of land which because of their unique characteristics are classified as a Special Use in the particular District or Districts identified so that in each case the impact upon the proposed site, neighboring land, public facilities, and the public need for such Parks in a particular location can be evaluated.
 - (1) Travel trailers may be occupied and used for temporary dwelling purposes only if located in an approved Travel Trailer Park or in an approved Mobile Home Park as addressed herein. Such Travel Trailer Parks may only be allowed in the following Zoning Districts through the approval of a Special Use permit: "A-G", "R-2", and "C-2".
 - (2) Trailer Parks are areas for the temporary location of travel trailers, as defined in this Ordinance and briefly here defined as motorized vehicles designed and intended for temporary living facilities. "Temporary" is intended to mean that such dwellings may be located in a Travel Trailer Park for no more than thirty (30) consecutive days, and for no more than 104 days in a calendar year (figure assumes location of a travel trailer for every weekend in a calendar year). Travel Trailer Parks may contain a limited number of tent/tent camping sites. Such tent sites are subject to the same maximum location requirements as travel trailers; no more than 30 consecutive days, and no more than 104 days in a calendar year. The location of a site built home, mobile home, or any other permanent or semi-permanent dwelling or structure other than a travel trailer or camping tent is prohibited.
 - (3) Special Permitted Use: Any proposed Travel Trailer 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 Zoning Board of Adjustment and include the following information as a minimum:
 - a. The name, address, and signature of the applicant, the land owner, and the developer (if different).

- b. The location and legal description of the proposed tract for the Park.
- c. A brief description of why this site should be developed for a Travel Trailer Park, including facts showing how the proposed Park complies with the Comprehensive Plan and Land Use Policies.

B. Filing Fee: All applications shall pay a fee based on the fee schedule approved by the Board of Supervisors

C. 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 Zoning Board of Adjustment in making its decision. The Site Plan shall be drawn at a reasonable and legible scale 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 other pertinent information including but not limited to: Surface features, buildings, roads, 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 travel trailer sites, streets, traffic flow, street lighting, 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 water supply and sewage treatment which meets Iowa DNR and Scott County Health Department regulations.
- (7) A grading plan including detailed information complying with Iowa DNR and local Scott County regulations for handling storm water run-off.
- (8) 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.

D. 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 Zoning 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 site.
- (2) The Zoning Board of Adjustment, after such public hearing, may grant a Special Use permit to the applicant to operate a 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.

E. 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 Comprehensive 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 Ordinance.

F. Standards: (Applicable to new parks and additions to existing parks)

- (1) **Minimum Site:** The minimum site for a Travel Trailer Park shall be five (5) acres.
- (2) **Travel Trailer Density:** A maximum density of fifteen (15) travel trailers per acre, and twenty-five (25) tents per acre, of ground is permitted.
- (3) **Open Space:** Common open space shall be provided and based on a factor of three hundredths (0.03) acres per travel trailer space, and the same factor per every two (2) tent spaces (if applicable), with a minimum of one (1) acre of useable land designated per Park addition.
- (4) **Roadways, Streets, and Driveways:** 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.
- (5) **Street Lighting:** Adequate street lighting shall be provided as deemed necessary, and reviewed at the time the Special Use permit is considered.
- (6) **Off-Street Parking:** Off-street parking shall be provided in the Park for the use of Park residents and guests. 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, the same for every tent space (if applicable).
- (7) **Spaces:** Individual lots or spaces shall be so arranged that there will be at least a fifteen (15) foot clearance between travel trailers. No permanent structures, such as porches, canopies, or other additions shall be built onto any travel trailer. No travel trailer shall be located closer than fifty (50) feet from 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.
- (8) **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 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 maintenance of the Park. The applicant shall provide for an 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.

- (9) **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

- (2) Additional parking and circulation areas: All areas used for parking and circulation in excess of the above minimum required shall be constructed in accordance with the requirements of these regulations.
 - (3) Accessible parking spaces required: Accessible parking spaces shall be provided in accordance with the requirements of the current edition of the Americans with Disabilities Act Accessibility Guidelines
 - (4) Construction and design standards: Parking and circulation areas shall be designed and constructed in accordance with the Iowa Statewide Urban Design and Specifications (SUDAS) Chapter 12 Parking Lots Sections 1-6.
 - (5) Completion or surety required: Prior to the issuance of Certificate of Occupancy all improvements required in accordance with this section must be completed or a performance bond be posted in an amount equal to 125% of the cost estimate of the required improvements to assure completion of the improvements within one (1) year of occupancy..
- B. Storm water management:** Stormwater runoff from parking and circulation areas shall be controlled in a manner approved by the County Engineer and designed and constructed in accordance with the Iowa Statewide Urban Design and Specifications (SUDAS) Chapter 12 Parking Lots Sections 1-6. Stormwater detention facilities sufficient to capture the runoff of a one hundred (100) year storm shall be placed on the property. The release rate of storm water out of the detention facility shall be restricted so as not to exceed the volume produced by a five (5) year storm when measured at the pre-developed flow rates. The velocity of the water leaving the property shall be reduced so as not to cause erosion. A drainage easement is required where storm water from a property crosses an adjacent property to reach a natural stream or public drainage facility. Enclosed storm sewers require County Engineer approval. If an acceptable pervious paving system is used the requirement to provide onsite stormwater detention can be eliminated.
- C. Exceptions:** Any exceptions or modifications to the requirements of the parking regulations shall be reviewed using the criteria established for the review of a Special Use permit by making application to the Zoning Board of Adjustment under the procedures and criteria of Section 6-30 C (2) Special Permitted Uses.

6-28. SIGN AND BILLBOARD REGULATIONS

- A. General Intent:** It is the intent of Scott County to establish effective sign regulation which recognizes public, as well as, private interests and investments in our environment; while regulating the number, size and location of signs; relating signs to the individual use, site and structure; prohibiting unsafe signs; causing the removal of abandoned and nonconforming signs; and to promote and protect the health, safety, welfare, aesthetics, convenience and enjoyment of the residents and visitors of Scott County.

It is also the intent of this Title to promote more effective and equitable sign placement and design compatible with the surroundings and appropriate to the type of activity to which the sign pertains; to encourage greater consideration of influencing factors and thoughtful design of signs; to promote economic and business development; to protect property values; to not disrupt agricultural operations or take agricultural operations out of production; reduce distractions and obstructions which may contribute to traffic hazards and/or accidents; and to enhance and protect the agricultural land, physical appearance and natural beauty of Scott County.

- B. Regulation of All Signs:** The regulations contained in this Section shall apply to and regulate signs in all Districts. No sign shall be located, erected, or maintained except in compliance with these regulations. Signs, identified in this Section as requiring a permit, 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: Official traffic or directional signs, warning signs, address signs, information or identification signs erected and maintained by the state, county or any city; subdivision identification signs, historic site markers or plaques and any

other sign required or approved by a governmental body are not subject to this Ordinance and do not require a building permit.

- (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 fifteen (15) feet above the traveled portion of the roadway. See Section 6-6.T. "Visual Clearance" for additional restrictions.
- (4) **On Premise Wall Signs:** All signs affixed to the walls, facia, windows or doors of the principal building on the property shall not require a building permit, but shall be limited to no more than 25 per cent coverage per building side. Signage drawn or painted directly on a wall or building surface is permitted, and subject to the 25 per cent coverage requirement per building side.
- (5) **On Premise Roof Signs:** Roof signs are permitted in all Districts, except any residential district. Roof signs shall not project more than six (6) feet beyond the roof line of the building, and may not exceed the District height limit established for principal structures. The width of any roof sign shall not project out beyond any wall or side of the building on which it is placed. A roof sign may project or cantilever by no more than six (6) feet over the plane of the building wall or side which it faces; and in such cases an engineered design shall accompany the building permit. Roof signs require a building permit but shall not be included in the cumulative total area of on premise accessory signage permitted.
- (6) **On Premise Accessory Signs:** A free-standing pedestal, ground, monument, or other detached 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. The cumulative total of all detached accessory signs on a property shall not exceed 500 square feet of sign area, including all sides of sign faces, with no single sign face exceeding 250 square feet
- (7) **Accessory Sign Size and Location Restrictions:** In permitted districts, an accessory sign shall not exceed 250 square feet of total surface area per side, if set back at least twenty-five (25) feet from the closest portion of the sign face and 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 five (5) 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 250 square feet per face, for a free-standing accessory sign. Permitted free-standing accessory sign area is cumulative and the sum total of all detached accessory signs on a property shall not exceed 500 ft² of sign area, including all sides of sign faces, [with no more than 250 square feet of total surface area per side allowed per lot].
There shall be no side yard setback requirements for accessory signs, except on the side of the lot adjoining 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 size allowed and illuminated.
- (8) **Off-Premise signs (Billboards):** Billboards are allowed in "CAD-PV" "C-1", "C-2", "I", and "I-F" Districts, if they meet the following restrictions: Maximum billboard area shall be 800 square feet of total surface area per side. Minimum front yard setback from the closest portion of the sign face to the road right of way or easement is 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 billboard structures shall be five hundred (500) feet, except that a billboard structure may have faces on opposite sides of the structure if only one face can be seen at one time. 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.
- (9) **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.

- (10) **Electronic message signs and lighted signs:** On premise accessory signs shall be limited to no more than 50% of the sign face being used for display of electronic lighted messages. An on premise accessory sign may be entirely constructed as an electronic message sign, but in such a case the sign is limited to no more than 125 square feet of total surface area per side and only one fully electronic message sign may be installed per lot. Such displays shall be limited to scrolled messages or static display with frame effects that dissolve or fade in transition. Full animation, flashing or video display signs are not permitted. Off premise signs (billboards) may have 100% of the sign face being used for display of electronic lighted messages. Such displays shall be limited to static display with frame effects that hold for a minimum of eight seconds and cut to transition to next frame within one second. Full animation, flashing or video display signs are not permitted.
 - (11) **Temporary Signs:** Temporary signs are allowed in all zoning districts, and are signs which are temporary in nature due to their inherent design and placement. "Temporary" is considered to be a period of time not to exceed 180 days. Temporary signs may be constructed out of materials such as cardboard, foam core, plastic or plywood, and lack a permanent foundation or footing design, and structural frame. Temporary signs may refer to temporary events, products, and/or services. Some signs may depict ideas or subject matters not inherently temporary, but such signage is nonetheless subject to temporary signage regulations if not permitted as an on premise or off premise advertising sign and/or if its design and placement is temporary in nature. Temporary signs cannot be electronic message signs, and they must be unlit and have no moving parts. As defined, temporary signs are permitted for no longer than 180 days. Temporary signs shall not be placed or encroach into the public or private road right-of-way, shall not exceed six (6) feet in height, and shall not exceed 25 square feet of total surface area per side. Multiple temporary signs per lot are allowed; if multiple signs are sited on a single lot, the cumulative allowable sign area is 25 square feet including all sides of sign faces.
 - (12) **Permit required:** A sign permit is required prior to the installation of any on premise accessory pedestal, ground or roof sign and any off premise sign or billboard. The sign permit fee shall be determined in accordance with the fee schedule of the Scott County International Construction Code.
 - (13) **Future Signs Not in Compliance:** Effective at the adoption of this Ordinance, any new sign or billboard erected in unincorporated 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 submit a variance application to the Zoning Administrator 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 Zoning Administrator.
- C. Illumination Standards:** All proposals for electronic and lighted signs require review and approval of the Zoning Administrator. Such proposals shall include site plan, a sketch of the sign and adjoining areas which may be affected by the sign. All lighting shall be directed away from adjacent residential land uses and roadways, in order to avoid glare upon adjacent properties and vehicular traffic. The applicant may appeal any decision of the Zoning Administrator to the Board of Adjustment.
- (1) Signs utilizing external lighting must be located so that light does not extend beyond the illuminated sign face and create light spillage onto adjacent properties, residences, and rights-of-way.

6-29. SITE PLAN REVIEW

- A. Purpose:** In accordance with the Comprehensive Plan of Scott County, it is essential that new developments and substantial improvements to existing developments or the change in use or re-occupancy of existing developments meet established minimum standards for the design and improvement of such developments, to insure adequate provisions for public/private utilities; such as sewer, water, and roads, and to promote the health, safety, and general welfare of the public.
- B. Application:** Prior to issuance of building permit for any new development, substantial improvement to any existing development, change in use of any existing development or the re-occupancy of a building that has been vacant for one (1) year or greater, approval of a Site Plan Review by the Planning and Zoning Commission is required. A site plan review is required whenever a person, firm, corporation or other group wishes to develop, re-develop, or re-occupy 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 and the Special Use permit will be reviewed by the Zoning 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 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. 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 forth coming 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 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 2008 Comprehensive Plan of Scott County, as amended; the Scott County Zoning and Subdivision Ordinances standards and procedures, 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) All parking shall be provided in accordance with the provisions of Section 6-23 Vehicular Parking and Loading Provisions. Prior to issuance of a building permit a performance bond shall be posted with the Scott County Planning and Development

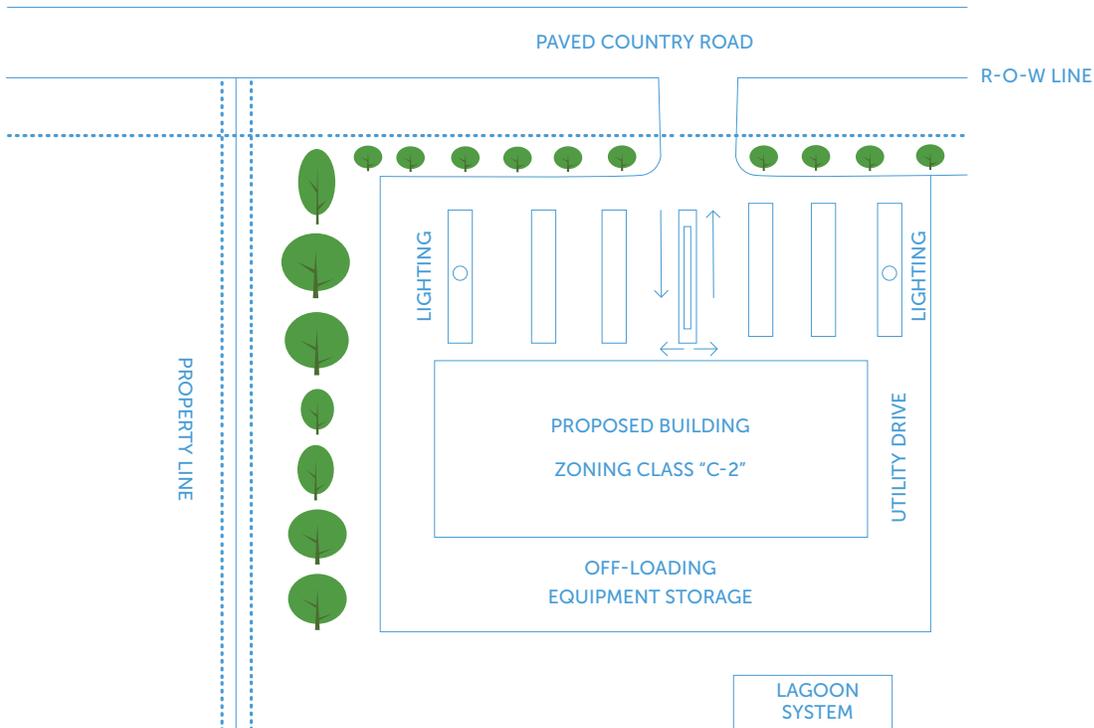
Department to secure all required parking and circulation area improvements in accordance with the requirements of the County Engineer.

- (3) The proposed development shall be designed with appropriate regard for topography, surface drainage, natural drainage ways 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 one (1) acre of land is proposed to be disturbed during construction.
- (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 deemed 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 Ordinance 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 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 water management.
- (9) Other information as deemed necessary to describe how the standards in paragraph D above will be satisfied.

- (10) Proposed location of buildings, access to parking lots, traffic flows, changes in ground-elevation, landscaping 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 fee schedule approved by the Board of Supervisors.

6-30. ZONING BOARD OF ADJUSTMENT PROCEDURES

- A. **Membership:** A Zoning 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. 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 a public hearing.
- B. **Rules - Meetings:** The Board shall adopt rules in accordance with the provisions of this Ordinance and the Iowa Code. The Board shall elect its own chairman at the first meeting of the calendar year, who shall serve for the calendar year. Meetings will be established by the rules and shall be open to the public. The chair, or in the chair's absence, the vice chair, shall conduct the meetings. 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 Ordinance 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 filing an appeal in writing with the Department of Planning and Development. Said appeal shall specify the grounds for appeal. The Zoning Administrator shall forward the appeal and all 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 Ordinance.
- a. Applications for Special Permitted Uses shall be submitted to the Board through the Department of Planning and Development on the application form provided. 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 any 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 Ordinance, and to adhere to the Land Use Policies of the 2008 Comprehensive Plan, as amended.
- (3) To authorize, upon appeal, such variance(s) from the terms of this Ordinance where because of the unusual circumstances, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, and so that the spirit of the Ordinance be observed and substantial justice done.
- 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 Ordinance. The same appeals process is required for previously constructed structures which were built in violation of this Ordinance. 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 two following conditions has occurred:
 - i. 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 Ordinance 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 Ordinance subject to the restrictions in the following paragraphs.
 - ii. 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 adapted.

- (4) To hear and decide variances to Sections 6-21, 6-22, 6-23, and 6-24 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 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.
 - 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 Zoning Administrator 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 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:
 - i. The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - ii. The danger that materials may be swept on to other lands or downstream to the injury of others.
 - iii. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
 - iv. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - v. The importance of the services provided by the proposed facility to the community.
 - vi. The requirements of the facility for a flood plain location.
 - vii. The availability of alternative locations not subject to flooding for the proposed use.
 - viii. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - ix. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
 - x. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - xi. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwater expected

at the site.

- xii. 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 Ordinance 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 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 Ordinance.
- (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 C.(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 appeal of interpretation to this Ordinance for a particular parcel of land within Scott County by filing an appeal with the Zoning Administrator. The applicant(s) may be the landowner, the current or prospective tenant, lessee, or operator of the property, if applicable. If the applicant is not the landowner, the landowner must co-sign the application. Cases must be filed a minimum of ten (10) days prior to the Board meeting.

- (1) The Zoning Administrator will prepare notice of 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, additional review or application 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).

- (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 Ordinance, 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 or in error, in whole or in part, specifying the grounds of illegality or error. Such petition shall be presented to the Court within thirty (30) days after the decision by the Board.
- (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: All applications shall pay a fee based on the fee schedule approved by the Board of Supervisors.
- (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 before the Board at a regular meeting.

6-31. ZONING AMENDMENT PROCEDURES

- 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 zoning text or map amendment of this Ordinance by filing a request with the Zoning Administrator. A Zoning Map amendment by anyone other than the Commission requires a signed petition by the owners of at least fifty (50) percent of the area of all the real estate included within the boundaries of the area 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 Land Use Policies of the 2008 Comprehensive Plan of Scott County, as amended; and the Scott County Zoning Ordinance standards and procedures, as deemed applicable. Also, the applicant shall provide thirteen (13) copies of a site plan or plat. Rezoning filing fees will be charged for the two stages based on the fee schedule approved by the Board of Supervisors.
- (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.
 - (2) 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). The materials will be submitted to each department with a request to review and comment in writing prior to the Planning and Zoning Commission holding its public hearing.
 - (3) 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 submit the Board of Supervisors public hearing filing fee. If received, the Zoning Administrator shall forward the petition to the Board of Supervisors to be on a Board meeting agenda within thirty (30) days of receipt. 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.
 - (4) The Board of Supervisors shall receive the recommendation of the Commission and review it prior to a public hearing. The Zoning Administrator shall publish public notice in an official County newspaper, 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.
 - (5) At the public hearing, the Board will hear the applicant's request, the Commission's recommendation, and comments from the public concerning the zoning text or map amendment. The Board may hold the first reading after the public hearing or delay any action until the next regular meeting. A second reading and publication in conformance with State law is required before the text or map amendment is effective.
 - (6) 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 four (4) members of the Board of Supervisors cast a favorable vote.

- (7) 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 notify the current owner(s) of the area rezoned the Commission will initiate action to rezone the property to its previous zoning classification following these established procedures.

6-32. COMMUNITY AREA DEVELOPMENT ADMINISTRATION

- A. General Intent:** This Ordinance recognizes the two Community Area Developments (CAD's) created by an earlier edition of the Zoning Ordinance, Village Oaks and Park View. The plans which were approved in conformance with Section 29 of the 1951 Scott County Zoning Ordinance with amendments remain in effect. This section describes the procedures for amending a CAD, but does not permit the creation of any new community area developments in Scott County.
- B. Scope:** Park View Development, located in portions of Sections 30 and 31, Butler Township; and Village Oaks Development, located in a portion of Section 18, Buffalo Township; are conforming CAD's in unincorporated Scott County.
- C. 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 recorded subdivision plats. Park View will develop according to the colored development plan approved by the County in 1966 and as amended in accordance with the procedures established in the Revised Zoning Ordinance adopted April 2, 1981.
- D. Zoning District Regulations applicable to approved CAD Areas:** This ordinance has two zoning districts applicable to these two existing CAD Areas. "CAD-R" Community Area Development Residential District applies to the residential areas of both Village Oaks and Park View, "CAD-PVC" Community Area Development Park View Commercial District only applies to the commercial areas of Park View.
- E. 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 Zoning Administrator . 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 Comprehensive Plan and the adopted 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.
- (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.
 - (4) The Board of Supervisors shall receive the recommendation and hold a public hearing on 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 6-29.

6-33. ZONING ADMINISTRATOR DUTIES

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 Ordinance. The Zoning Administrator may be provided with assistance of such other persons as the Board of Supervisors may direct.

B. Duties: The Zoning Administrator duties shall include but not be limited to:

- (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 zoning text and map amendments to insure compliance with this 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) Reviewing applications for agricultural exemptions and providing a written determination to the applicant,
- (6) Reviewing applications for Home Occupation and Home Industry permits and providing a written determination to the applicant, and
- (7) Making determinations and taking appropriate action on zoning violations.

C. Notice of Writing: If the Zoning Administrator finds any provision of this Ordinance violated, the Zoning Administrator 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. The Zoning Administrator shall order illegal use of land to discontinue; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of this Ordinance.

6-34. 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 Official. The Building Official 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 International Construction Codes and the proposed use complies with the Zoning District on which the land and/or building is located.
- B. The Building Official, 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.

6-35. 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.

6-36. VALIDITY AND SEVERABILITY

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

ZONING TERMS

GLOSSARY

BUILDING, HEIGHT OF:	The vertical distance from the average natural grade to the highest point 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.
EASEMENT:	A grant of one or more of the property rights by the owner to, or for the use by, the public, adjacent property owner, a corporation, or another person or entity
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).
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.
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.
LOT AREA:	Total horizontal area within lot lines.
LOT, CORNER:	A lot abutting upon two (2) or more streets at their intersection.
LOT DEPTH:	The mean horizontal distance between the front and rear lot lines.
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.
LOT, INTERIOR:	A lot other than a corner lot or double frontage lot.
LOT LINES:	The lines bounding a lot, including the adjacent road right-of-way or easement line along the 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 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.)
LOT WIDTH:	The width of a lot measured at the building line and at right angles to its depth OFF-STREET PARKING layout design requirements.
PUBLIC MEETING PROCEDURES:	flowchart for the review and approval of zoning applications.
SIGN:	On Premise: pedestal, ground, wall signs. Off-Premise: Billboards
SITE PLAN REVIEW	IS required whenever a tract of land is converted 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.

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 Ordinance. 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.

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 and the principal building.

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).

YARD, SIDE:

A yard extending from the front yard to the rear yard and measured between the side lot lines and the nearest principal building

ZONING BOARD OF ADJUSTMENT

PROCESSES FLOW CHART



Special Use Permits

Requires detailed site plan and written description of intended use

Special Use Permit decisions are based on the following considerations:

- (1) Character of the neighborhood
- (2) Adjoining property values
- (3) Adequacy of the County road to handle the additional traffic
- (4) Potential traffic hazards
- (5) Impact on the water table
- (6) Handling of sewage wastes and stormwater runoff
- (7) Potential of increasing the base flood elevation
- (8) Public safety, health, and general welfare

Variance Requests

Should be submitted within 15 days of a building permit denial

Variances should fall under one of the following:

- (1) If a building occupied by a non-conforming use has been damaged more than 65% of its value, and a public need is shown for continuation of the non-conforming use
- (2) If an exceptional situation or topographical condition creates a hardship that denies reasonable use of the property
- (3) If the hardship is not self-inflicted or solely financial

Appeals of Interpretation

Should be submitted within 15 days of denial of request

Petitions to appeal Board decisions to District Court must be submitted to the Court within 30 days.

PLANNING & ZONING COMMISSION

PROCESSES FLOW CHART

APPLICANT FILES APPLICATION

STAFF REVIEW

Staff reviews the petition for compliance with Scott County's Land Use Policies, consults County Health, Secondary Roads, Bi-State Planning Commission, the Soil Conservation Service, and, for rezoning, the planning staff of any City located within two miles of the area.

NEIGHBORHOOD PRESS NOTIFICATION

Staff notifies local press and neighboring property owners within 500 feet about the request and public hearing date. Sign is placed on property.

RECOMMENDATION

Staff makes recommendation based on comments received from County Health, Secondary Roads, Bi-State Planning Commission, the Soil Conservation Service, the planning staff of any City located within two miles of the area to be rezoned, and any received from the public.

1ST PUBLIC HEARING

Commission holds public hearing. Staff, applicant, and the public are given time to speak. Commission provides recommendation to Board of Supervisors.

2ND PUBLIC HEARING

Board of Supervisors holds public hearing taking into account Commission and staff recommendations and makes a decision.

Rezoning

A petition must be signed by at least 50% of property owners within the area to be rezoned

Site Plan Review

Prior to issuance of building permit for any new development, substantial improvement to any existing development, change in use of any existing development or the re-occupancy of a building that has been vacant for one (1) year or greater, approval of a Site Plan Review is required. A site plan review is required whenever a person, firm, corporation or other group wishes to develop, re-develop, or re-occupy a tract of land for multi-family dwelling units, commercial, office, institutional, or industrial use.

Sketch Plan Review

(1) Major Subdivision

- a. Subdivisions of 5 or more lots, or any size plat requiring any new street or extension or public facilities or other public improvements
- b. Requires soil and erosion control plan

(2) Minor Subdivision

- a. Subdivisions of four or less lots fronting on an existing street, no involving new streets, extension of municipal facilities, creation of public improvements, and not adversely affecting the remainder of the parcel or adjoining property

Both require a preliminary plat and a final plat review by the Commission and final plat approval by the Board of Supervisors

ZONING TERMS

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