



Chris Mathias, Director

**SCOTT COUNTY
PLANNING AND ZONING COMMISSION
AGENDA
Tuesday, November 1, 2022
5:30 P.M.**

1. **Call to Order**
2. **Minutes:** Approval of the September 20, 2022 meeting minutes.
3. **Final Plat – Major Subdivision:** Application from **Ryan Dolan DBA Edgebrooke Homes** for a Final Plat Review of a Major Subdivision known as Fields Edge Addition. The plat would subdivide an existing 7.7-acre parcel, more or less, and a 1.2-acre parcel, more or less, into eight (8) new lots and one (1) outlot. The property is legally described as Part of SW¼ NW¼ of Section 7, Pleasant Valley Township.
4. **Public Hearing – Ordinance Text Amendment to Create New Zoning District:** “Conservation-Recreation (C-R)” District
5. **Other business:** Additional comments or issues to discuss (Commission members) / Opportunity for public comments
6. **Adjournment**

Public Hearing/Meeting Procedure

- a. Chairman reads public notice of hearing.
- b. Director reviews background of request.
- c. Applicant /Representative provide any additional comments on request.
- d. Public may make comments or ask questions.
- e. Director makes staff recommendation.
- f. Applicant may respond or comment.
- g. Commission members may ask questions.
- h. Chairman closes the public portion of the hearing (No more public comments).
- i. Discussion period for the Commission members.
- j. Commission members make motion to approval, deny, or modify request.
- k. Final vote. Recommendation goes to Board of Supervisors.



**SCOTT COUNTY
PLANNING AND ZONING COMMISSION
Tuesday, September 20, 2022
5:30 P.M.**

MEETING MINUTES

1st Floor Board Room
600 West 4th Street
Davenport, IA 52801

MEMBERS PRESENT: Easton Armstrong, Joan Maxwell, Steve Piatak, Lori Rochau, Carolyn Scheibe, Kurt Steward

MEMBERS ABSENT: Hans Schneklath

STAFF PRESENT: Chris Mathias, Planning & Development Director
Alan Sabat, Planning & Development Specialist

OTHERS PRESENT: None

1. **Call to Order:** Chair Scheibe called the meeting to order at 5:32 P.M.
2. **Minutes:** Consideration of August 2, 2022 meeting minutes. **Steward made a motion to approve. Seconded by Rochau. Vote: All Ayes (6-0)**
3. **Staff Presentation – Ordinance Proposal:** Maxwell, Armstrong, and Piatak all expressed support for the idea of a proposed “Conservation-Recreation (C-R)” zoning district, saying it was good to clarify and delineate wherever they could to make the Zoning code make more sense.
Piatak made a motion to schedule a public hearing on the proposed C-R zoning district text. Seconded by Armstrong. Vote: All Ayes (6-0)
4. **Staff Presentation – Discussion on Regulation of Pipelines:** Mathias said other Iowa zoning officials, the County Attorney’s office, and staff believed the regulation of underground pipelines, carbon-capture or otherwise, that are permitted by the Iowa Utilities Board (IUB) cannot be effectively addressed through zoning. Commissioners discussed how landowners weren’t adequately informed by pipeline companies during lease preparation and that any changes to how those pipelines are regulated need to happen at the IUB.
5. **Adjournment:** With no further public comments and no other business to discuss, **Chair Scheibe** adjourned the meeting at 6:08 P.M.

PLANNING & DEVELOPMENT

600 West Fourth Street

Davenport, Iowa 52801-1106

Email: planning@scottcountyiowa.gov

Office: (563) 326-8643

Fax: (563) 326-8257



Chris Mathias
Director

**NOTICE OF PLANNING AND ZONING COMMISSION
PUBLIC MEETING FOR REVIEW OF A FINAL PLAT OF A MAJOR SUBDIVISION**

Public Notice is hereby given as required by Section 6-31 of the County Code (Zoning Ordinance), that the Scott County Planning and Zoning Commission will hold a public meeting for a proposed final plat of a major subdivision on **Tuesday, November 1, 2022 at 5:30 PM**. The meeting will be held in the **1st Floor Board Room of the Scott County Administrative Center, 600 West 4th Street, Davenport, Iowa 52801**.

The Planning and Zoning Commission will consider an application from **Ryan Dolan DBA Edgebrooke Homes** for a Final Plat review of a Major Subdivision known as Fields Edge Addition. The plat would subdivide an existing 7.7 acre parcel, more or less, and a 1.2 acre parcel, more or less, into eight (8) new lots and one (1) outlot. The property is zoned Residential Single-Family (R-1) for approximately 635' feet due east from the Criswell Street roadway easement, and the remainder is zoned Agricultural-General (A-G). Outlot A is platted in the A-G zoned section of this property and is to be used for storm water retention. Each lot would retain one (1) development right for a single-family dwelling. All lots would have access via a private road built to county standards, located to the east of Criswell Street. The property is legally described as Part of SW¼ NW¼ of Section 7 in Pleasant Valley Township.

If you have questions or comments regarding this meeting or the proposed plat please call, write or email the Planning and Development Department, 600 West Fourth Street, Davenport, Iowa 52801, (563) 326-8643, planning@scottcountyiowa.gov or attend the meeting.

FINAL PLAT OF FIELDS EDGE ADDITION SCOTT COUNTY, IOWA

OWNER - DEVELOPER
EDGEBROOKE HOMES LLC
P.O. BOX 944
BETTENDORF, IOWA 52722
PHONE NO: (563) 449 - 2061
ATTN: RYAN DOLAN

GENERAL NOTES

- IRON MONUMENTS FOUND SHOWN THUS (5/8" IRON PIN).
- IRON MONUMENTS FOUND SHOWN THUS (1/2" IRON PIN).
- IRON MONUMENTS SET SHOWN THUS (5/8" X 30" IRON PIN W/ CAP NO. 7222).

BEING PART OF THE NORTHWEST QUARTER OF SECTION 7
TOWNSHIP 78 NORTH, RANGE 5 EAST OF THE 5th P.M.

DISTANCES SHOWN IN FEET AND DECIMAL PARTS THEREOF.

SUBDIVISION CONTAINS 9.17 ACRES, MORE OR LESS.

BEARINGS SHOWN HEREON ARE BASED ON THE IOWA STATE PLANE COORDINATE SOUTH ZONE, NAD 83 (2011).

BLANKET UNDERGROUND EASEMENTS GRANTED FOR ALL PRIMARY AND SECONDARY ELECTRIC CABLES, PAD MOUNTED TRANSFORMERS, ELECTRIC TRANSFORMERS, PRIMARY CABLES, GAS SERVICE, WATER SERVICE, SEWER LATERAL, TELEPHONE SERVICE AND CABLE T.V. SERVICE TO INDIVIDUAL STRUCTURES AND STREET LIGHTS.

ALL STREET RIGHT OF WAYS ARE DEDICATED TO THE PUBLIC FOR STREET PURPOSES. MAINTENANCE OF CRISWELL STREET REMAINS THE RESPONSIBILITY OF SCOTT COUNTY, AND/OR, THE CITY OF BETTENDORF. MAINTENANCE OF 185TH AVENUE WILL BE THE RESPONSIBILITY OF A HOMEOWNERS' ASSOCIATION.

LOTS ARE ZONED R-1 (SINGLE - FAMILY RESIDENTIAL DISTRICT) SCOTT COUNTY ZONING.

ALL IMPROVEMENTS TO BE INSTALLED IN ACCORDANCE WITH THE LATEST STANDARD SPECIFICATIONS OF SCOTT COUNTY, IOWA.

SEWER WILL BE PROVIDED BY A PRIVATE WASTE DISPOSAL SYSTEM ON EACH LOT CONSISTING OF AN ABSORPTION SYSTEM UNLESS A SAND FILTER IS APPROVED BY THE SCOTT COUNTY HEALTH DEPARTMENT.

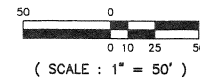
LOTS 1 AND 8 SHALL NOT HAVE DIRECT ACCESS TO CRISWELL STREET.

OUTLOT A IS DESIGNATED AS A STORM SEWER, DRAINAGE AND STORM WATER DETENTION BASIN EASEMENT AND SHALL BE OWNED AND MAINTAINED BY A HOMEOWNER'S ASSOCIATION.

THE HOMEOWNERS' ASSOCIATION AND CONTRACTORS WORKING UNDER THEIR AUTHORITY HAVE ACCESS AND RIGHTS TO PERFORM WORK WITHIN THE 185TH STREET RIGHT OF WAY AND DRAINAGE/SEWER EASEMENTS.

THE HOMEOWNERS' ASSOCIATION HAS EASEMENT OVER THE TURNAROUND AREAS TO MAINTAIN THE PAVEMENT AND DRAINAGE.

LEANN WINGER
SHERRY SCOTT



NORTHWEST CORNER
NORTHWEST CORNER
SECTION 7-78-5
(FOUND 5/8" IRON PIN)
(FILE NO. 2011-216)

LEANN WINGER
SHERRY SCOTT

CENTURY HEIGHTS PHASE III LC

FOX HOLLOW LLC

HARRIS ODAMA LIVING TRUST

P.O.B.
SOUTHWEST CORNER
NORTHWEST CORNER
SECTION 7-78-5
(FOUND 5/8" IRON PIN)
(FILE NO. 2006-8403)

WILDERNESS
POINTE
FIRST ADDITION
OUTLOT L

WILEY E. KETNER

CENTURYLINK IOWA-AMERICAN WATER CO. MEDIACOM METRONET

BY _____ BY _____ BY _____ BY _____
DATE _____ DATE _____ DATE _____ DATE _____

MIDAMERICAN ENERGY COMPANY PLAN & ZONE COMMISSION CITY OF BETTENDORF, IOWA

BY _____ BY _____ BY _____
DATE _____ DATE _____ ATTEST _____
APPROVED SUBJECT TO ENCUMBRANCES OF RECORD BY
MIDAMERICAN ENERGY COMPANY DATE _____

CURVE NUMBER	RADIUS	DELTA	ARC	CHORD	CHORD BEARING	TANGENT
1	15.00'	89°-51'-05"	23.52'	21.19'	N.46°-56'-40"W.	14.96'
2	15.00'	90°-08'-55"	23.60'	21.24'	N.43°-03'-20"E.	15.04'

LOT AREAS			
NO.	SQUARE FEET	NO.	SQUARE FEET
1	30,000	6	31,425
2	30,170	7	31,700
3	32,555	8	31,930
4	32,835	-	-
5	30,000	A	99,170

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Iowa.

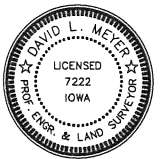
Signature: _____
David L. Meyer, P.E. & L.S., License Number 7222

Date: **MARCH 28, 2022**

My license renewal date is December 31, 2022

THIS SHEET ONLY

Pages or sheets covered by this seal:



REVISED MAY 2, 2022

PREPARED BY

KLINGNER & ASSOCIATES, P.C.

4111 EAST 60th STREET
DAVENPORT, IOWA 52807
PHONE NUMBER: (563) 359 - 1348

Prepared By & Return To: Vollertsen, Britt & Gorsline, P.C., 5119 Utica Ridge Road, Davenport,
IA 52807

**DECLARATION
OF
RESTRICTIVE AND PROTECTIVE COVENANTS
FOR
FIELDS EDGE ADDITION TO SCOTT COUNTY, IOWA**

Grantor:
Edgebrooke Homes, LLC

Grantee:
The Public

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FIELDS EDGE ADDITION

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**DECLARATION
OF
RESTRICTIVE AND PROTECTIVE COVENANTS
FOR
FIELDS EDGE ADDITION, SCOTT COUNTY, IOWA**

The undersigned, Edgebrooke Homes, LLC, an Iowa limited liability company ("Declarant"), as owner and proprietor of all of the real estate comprising FIELDS EDGE ADDITION TO SCOTT COUNTY, IOWA, do hereby establish the following Restrictive and Protective Covenants which shall be Covenants running with the land, to-wit:

ARTICLE I: DEFINITIONS

1. "Association" shall mean and refer to the Fields Edge Addition Homeowners Association, an Iowa nonprofit corporation, its successors and assigns.
2. "Properties" shall mean and refer to that certain real property herein before described, and such additions thereto as may hereafter be brought within the jurisdiction of the Association.
3. "Lot" shall mean and refer to any numbered plot of land shown upon any recorded subdivision map of plat of the Properties.
4. "Common Areas" shall mean the following:
 - (a) Outlot A as shown on the Plat and designated as a storm sewer, drainage and storm water detention basin easement and shall be owned and maintained by the Association; and
 - (b) 185th Avenue as shown on the Plat as being maintained by the Association.
5. "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of a fee simple title to any Lot that is a part of Properties, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation. The Owners shall hold membership in the Association.
6. "Declarant" shall mean Edgebrooke Homes, LLC, its successors and assigns.
7. "Developer" shall mean the same as "Declarant".
8. "Member" shall mean and refer to every person or entity who holds membership in the Association.

9. "Single Family" An individual, or two (2) or more persons related by blood, marriage or adoption, or a group of not more than three (3) persons (excluding servants) not related by blood, marriage or adoption, living together as a single head of house as a single housekeeping unit in a Dwelling Unit, but not including sororities, fraternities, or other similar organizations, and as may be further defined in Scott County's zoning ordinance. Relationship by the blood shall include relationship by the half-blood. More than two (2) couples residing in a dwelling shall not constitute a Single Family.
10. "Structure" shall mean anything erected or constructed the use of which requires more or less permanent location on or in the ground, or attached to something having a permanent location on or in the ground, and as may be further defined in Scott County's zoning ordinance.
11. "Building" or "Dwelling" shall mean any Structure having a roof, supported by columns or walls, and intended for shelter, housing, or enclosure of any person or persons, and as may be further defined in the Scott County's zoning ordinance.

ARTICLE II: BUILDING RESTRICTIONS

1. Land Use and Building Type. The Properties shall be used for private Single-Family residences only and no building, except as specifically authorized elsewhere in these covenants, shall be erected or maintained therein. Each Dwelling shall have attached garages containing no less than two and nor more than five parking spaces as approved in writing by the Architectural Committee hereinafter described.
2. Dwelling Quality. It is the intention and purpose of these covenants to assure that all dwellings shall be of quality design, workmanship, and materials. No building or fence shall be erected, placed or altered on any Lot until the construction plan and specifications and the plan showing the location of the structure have been approved by the Architectural Committee as to materials, harmony of exterior design with existing structures, location with respect to privacy, landscaping, and the finished grade elevations. Only decorative wrought iron or aluminum ornamental fencing will be considered. No wood or chain link fences will be allowed.
3. Location on Lot. No Building shall be located on a Lot in violation of the zoning regulations of Scott County, Iowa and all Buildings must be consistent with this Declaration and the requirements of the Plat. Any variance approved by the zoning authorities must also be approved by the Architectural Committee. Building location and elevation shall be submitted for review and approval of the Architectural Committee.
4. Subdividing Lots. No Lot within said addition may be subdivided or replatted except by the developer/owner.

5. Driveways. Access driveways and other paved areas for vehicular use on a Lot shall have a base of compacted gravel crushed stone or other approved base material, and shall have a wearing surface of Portland cement concrete or other permanent hard surfaces as approved by the Architectural Committee. Plans and specifications for driveways, culverts, pavement edging or markers shall be approved in writing by the Architectural Committee.
6. Landscaping. All lawn seeding or sodding and shrubbery is required for front and side yards and shall be completed by the end of the first growing season after a permit has been obtained for the occupancy of any Dwelling built in the Properties. Landscape plans shall be approved in writing by the Architectural Committee.
7. Sewer. Sewer will be provided by a private waste disposal system on each Lot consisting of an absorption system unless a sand filter is approved by the Scott County Health Department as described on the Plat.

ARTICLE III: SPECIFIC USE, USE RESTRICTIONS, RULES AND REGULATIONS

1. Type of Use. Each Lot shall only be used for Single Family dwelling purposes. No activity shall be carried on upon any Lot which would constitute a nuisance of an unreasonable disturbance to persons occupying adjacent Lots.
2. Building and Lot Maintenance. Each Owner shall maintain and keep his/her own Dwelling and Lot in good clean order and repair.
3. Home Occupations, Nuisances, and Livestock. No home occupation or profession shall be conducted in any Dwelling with the exception of the Owner's personal home office so long as such home office is not used for meeting clients or customers. No noxious or offensive activity shall be carried on in or upon any Lot, nor shall anything be done thereon which may be, or may become, an annoyance or nuisance to the neighborhood. No livestock, poultry, or more than two dogs or two cats over four months of age, shall be kept or maintained on any Lot or in any Dwelling. No burning of leaves is permitted except as or if allowed by law. The Owner of any Lot, vacant or improved, shall keep his Lot free of weeds and debris. No commercial vehicles, trucks, boats, trailers, campers, tractors or other similar equipment shall be openly parked on any street, driveway, or outside storage area for more than 48 hours. Outside non-temporary storage of automobiles or other bulky items shall not be permitted. The terms "commercial vehicles" shall include all automobiles, station wagons, trucks, and vehicular equipment which shall bear signs or have printed on the same reference to any commercial undertaking or enterprises. The violation of the parking regulations set forth in this paragraph shall be deemed a nuisance. All personal vehicles shall be parked in property owner's driveway or garage-not on public street.

4. Nameplates and Hospitality Light Standards, Television or Radio Antennae and Towers, Laundry Drying Facilities, Flag Poles, or Real Estate Signs. There shall not be more than one nameplate on each Lot. A nameplate shall not be more than 144 square inches in area and contain the name of the occupant and/or the address of the dwelling. No radio antennae, tower, or laundry drying equipment shall be erected or used outdoors unless approved in writing by the Architectural Committee. A maximum 30" T.V. dish will be allowed but must be behind the Dwelling and the location approved prior to installation. Flag poles are permitted, provided the pole is not more than 20 feet in height and within 20 feet of the Dwelling. Permanent basketball hoops must be attached to the home or installed in a cement base immediately adjacent to the driveway within 15 feet of the garage. Portable basketball hoops must be within 20 feet of the garage and stored out of sight (no laying on driveway) during non-use (winter months). No Jungle Gym or children's play equipment may be placed on Lot without written permission of Architectural Committee.
5. Tennis Courts, Gazebos & Pools. No swimming pool, tennis Court, or gazebo shall be constructed unless first approved by the Architectural Committee. All lawn ornaments shall be approved by the Architectural Committee. Any swimming pool must be constructed below the ground elevation. Tennis courts and swimming pools shall be screened from any street or adjoining Lot by an approved fence, evergreen hedge, or other visual barrier first approved in writing by the Architectural Committee. A gazebo or swimming pool must be built not closer than fifteen (15) feet to any side and/or rear Lot lines and must not be built in a front yard area. All plots and plans must first be approved by the Architectural Committee before construction commences.
6. Exterior Lighting. All Lot owners shall install all exterior lighting on any structure or Lot within said addition in such a manner that the lights reflect downward and are shielded such that no direct rays of light from the light source are transmitted onto other Lots or Dwellings within the Properties. The following exterior lights are not permitted within the Properties:
 - (a) Mercury vapor lights.
 - (b) Insect control lights or devices.

Each Lot in in the Properties shall have a yard light furnished and installed by the builder of the Dwelling. Maintenance of said light will be responsibility of the Lot Owner. It shall be required that furnished yard lights be operating from dusk to dawn. Maintenance of each yard light shall be the responsibility of each Lot Owner.

7. Firewood. Firewood may be stored on any Lot only in such manner which in no way becomes unsightly to the immediate surrounding Lot owners and must be stored in the back-yard area.

8. Temporary Structures. No trailer, basement of any uncompleted building, tent, shack, garage, barn, and no temporary building or structure of any kind shall be used at any time for a residence either temporary or permanent. Temporary buildings or structures used during the construction of a dwelling shall be on the same Lot as the dwelling, and such buildings or structures shall be removed upon the completion of construction.
9. Mailboxes. Mailboxes shall match and be consistent with the approved design and first approved by the Architectural Committee.
10. Architectural Controls. It is understood and agreed that the purpose of architectural controls is to secure an attractive, harmonious residential development having continuing appeal. No construction of a building, fence, wall or other structure shall be commenced, nor shall any addition, change, or alteration thereto be made (except "interior" alterations) until the construction plans and specifications showing the nature, kind, shape, height, materials, color scheme, and proposed location on said Lot, together with the grading plan and location plan for the proposed improvement, have been submitted to and approved in writing by an architectural Committee which shall initially consist of the Declarant only, and/or its designated representative until all Lots are sold. Once all Lots are sold, the Fields Edge Addition Homeowners Association shall designate three (3) members to be the Architectural Committee. The Architectural Committee hereby retains the right, in their absolute discretion, to refuse any such construction plans and specifications (including materials and color scheme), location grading plan, or landscape plan, which are not suitable nor desirable in the opinion of the Architectural Committee for aesthetic or other reasons; and in so passing upon such construction plans and specifications, location grading plan, or landscape plan, the Architectural Committee shall have the right to take into consideration the suitability of the proposed plan with the surroundings and the effect of the plan on the compatibility with other plans permitted in Fields Edge Addition. All plans, specifications and materials pertinent to any proposed construction shall be submitted to the Architectural Committee in writing. A report in writing setting forth the decisions of the Architectural Committee and its reason shall be transmitted to the applicant by the Architectural Committee within 60 days after the date of filing the plans, specifications, and other materials by the applicant. The Architectural Committee, following the submission, will aid and assist the prospective residents or their agents and will make every attempt to cooperate reasonably with the wishes of a Lot owner. Lot Owners are encouraged to submit preliminary sketches for "informed comment" prior to the submittal of architectural drawings and specifications for full review. In the event that the Architectural Committee fails to act within 60 days after submission, the final plans, specifications, and material as required in these covenants, approval shall not be required, and the related requirements of this paragraph shall be deemed to have been complied with. Upon approval of final plans, specifications and material as required in these covenants, approval shall not be required, and the related requirements of this paragraph shall be deemed to have been complied with. Upon approval of the final plans, specifications, and material, all exterior construction, painting, staining, and other finishing shall be completed within one year of approval. In no event

shall the failure of the Architectural Committee or any other person or persons to enforce any of the covenants herein set forth as to a particular violation be deemed to be a waiver of the right to do so as to any subsequent violation.

11. Noise. No Owner may make or permit any noise in such a way as to disturb other Owners. If noise is disturbing other Owners, the noise must be immediately stopped on request. Owners are reminded that everybody lives in close proximity to each other and a harmonious environment is in the best interests of all the residents.

ARTICLE IV: ASSOCIATION MEMBERSHIP AND VOTING RIGHTS

1. Every person or entity who is an Owner of a fee or undivided fee interest in any Lot which is subject to covenants of record to assessment by the Association, including contract Sellers, shall be a member of the Association. The foregoing is not intended to include persons or entities who hold an interest merely as security for the performance of an obligation. Membership shall be appurtenant to and may not be separated from Ownership of any Lot which is subject to assessment by the Association. Ownership of such Lot shall be the sole qualification for membership.
2. The Association shall have two classes of voting membership as follows:
 - i. CLASS A. Class A Members shall be all Owners with the exception of the Declarant. Class A Members shall be entitled to one vote for each Lot in which they hold the interest required for membership by this Article. When more than one person or entity holds such interest in any Lot, all such persons or entities shall be Members. The vote for such Lot shall be exercised as they among themselves determine, but in no event shall more than one vote to be cast with respect to any Lot, and no fractional votes shall be cast with respect to any Lot.
 - ii. CLASS B. The Class B Member shall be the Declarant. The Class B Member shall be entitled to 8 votes for each Lot in the Properties in which the Declarant holds the interest required for membership required by this Article, provided that the Class B membership shall cease and be converted to Class A membership when the total votes outstanding in the Class A membership exceed the total votes outstanding in the Class B membership.
3. Declarant Providing Services on Behalf of the Association. Until the Declarant forms the Association and turns the Association over to the Owners, the timing of which shall be determined by Declarant in Declarant's sole discretion, Declarant will contract for and/or provide the Association services described in this Declaration. To perform these duties Declarant may charge at their discretion and is entitled to a management fee that is customary for such services in this geographic area. All the assessment fees collected by

Declarant are to cover Declarant's expenses and costs for providing such services outlined in this Declaration. Therefore, at the time the Association is turned over to the Owners by Declarant, Declarant shall not owe the Association any additional assessments or fees collected by Declarant prior to the time the Association is turned over to Owners. Effective as of the date the Association is turned over to the Lot Owners, the Association shall be obligated to begin collecting assessments to cover the Association's obligations under this Declaration.

ARTICLE V: FIELDS EDGE ADDITION ROAD SYSTEM

1. Roads and Streets. The Lots within Fields Edge Addition shall be subject to, and participate in the programs relating to roads, streets, and common facilities as described below:
 - (a) The Association shall maintain 185th Avenue as a Common Area.
 - (b) Each individual Single-Family Lot Owner shall own, operate and maintain his or her own driveway that provides access from the streets shown on the Final Plat of Fields Edge Addition.
 - (c) As shown on the Plat, maintenance of Criswell Street remains the responsibility of Scott County.
 - (d) Lot 1 and Lot 8 shall not have direct access to Criswell Street.

ARTICLE VI: COMMON AREAS

1. Common Areas. Outlot A, and 185th Avenue are Common Areas that shall all be maintained by the Association consistent with these Covenants.

ARTICLE VII: NUISANCE SUIT WAIVER

1. Waiver. The owner of each lot waives the right to file nuisance suits against agricultural operations.

ARTICLE VIII: COVENANT FOR ASSESSMENTS

1. Creation of the Lien and Personal Obligation of Assessments. The Declarant, for each Improved Lot owned within the Properties hereby covenants, and each Owner of any improved Lot by acceptance of a Deed therefor, whether or not it shall be so expressed in such Deed, is deemed to covenant and agree to pay to the Association Annual Assessments and Special Assessments, such assessments to be established and collected from time to time as hereinafter provided. The Annual Assessments are to be the source of funds for operation, insurance, maintenance, and repair of the Common Areas, while the Special Assessments are to be the source of funds for replacement or enhancement

of the Common Areas. The term "Improved Lot" shall mean any Lot having a building erected thereon and ready for occupancy as shown solely by the issuance of an occupancy permit for such building by Scott County, Iowa. The Annual and Special Assessments, together with interest, costs and reasonable attorney's fees for collection thereof, shall be a charge on the land and shall be a continuing lien upon the property against which each such assessment is made. Each assessment together with interest, costs and reasonable attorney's fees for collection, shall also be the personal obligation of the person or entity who was Owner of such property at the time the assessment fell due. The personal obligation for delinquent assessments shall not pass to the person's or entity's successors in title unless expressly assumed by them. Any Lots owned by Declarant shall not be subject to any assessments under this Declaration.

2. Purpose of Assessments. The assessments levied by the Association shall be used exclusively to for the operation, insurance, maintenance, repair, and replacement of Outlot A and the features of Outlot A and for maintenance, repair, and/or replacement of 185th Avenue as described in this Declaration and any other item for which the Association assumes responsibility.
3. Special Assessments. In addition to the annual assessments authorized above, the Association may levy a special assessment for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair, or replacement of a capital improvement for the Common Areas as described on the Plat and this Declaration, including fixtures and personal property related thereto. Such special assessments may be made provided that any such assessment shall have the assent of two-thirds (2/3) of the votes of Owners who are voting in person or by proxy at a meeting duly called for this purpose.
4. Notice and Quorum for Any Action for Special Assessments. Written notice of any meeting called for the purpose of taking any action authorized under Section 3 shall be sent to Owners not less than fifteen (15) days nor more than thirty (30) days in advance of the meeting. At the first such meeting called, the presence of Owners or of proxies entitled to cast fifty percent (50%) of all the votes shall constitute a quorum. If the required quorum is not present, another meeting may be called subject to the same notice requirement, and the required quorum at the subsequent meeting shall be one-half (½) of the required quorum at the preceding meeting. No such subsequent meeting shall be held more than sixty (60) days following the preceding meeting.
5. Imposition of Assessments. The Board of Directors of the Association shall, by majority vote, fix the amount and payment terms of and levy the Annual Assessments and any Special Assessments.
6. Uniform Rate of Assessment. Both Annual and Special Assessments must be fixed at a uniform rate for all Improved Lots.

7. Initial Annual Assessment. An Annual Assessment fee will be billed to each Owner. The initial Annual Assessment Fee will be \$_____. This fee will be evaluated by April 1st each year and any change will be so noted in the yearly bill - due and payable by May 1st each year. A late fee of \$30 per month will be assessed to any homeowner if not paid in full by May 1st.
8. Date of Commencement of Annual Assessments. The Annual Assessments provided for herein shall commence as to all Improved Lots on the first day of the month following the initial conveyance of any such Improved Lot. The first Annual Assessment shall be paid for and adjusted according to the number of months remaining in the calendar year. The Association shall, upon demand, and for a reasonable charge, furnish a certificate signed by an officer of the Association setting forth whether the assessments on a particular Lot are current or delinquent. Such certificate shall be conclusive evidence of payment of any assessment therein stated to have been paid.
9. Effect of Non-Payment of Assessments and Remedies of the Association. Any payment not paid within 30 days after the due date shall bear interest from the date of delinquency at the rate of 7 percent (7%) per annum. Such a delinquency of any payment shall give the Association the right to declare the remainder of the entire Annual Assessment for that year immediately due and payable. The Association may bring any action at law against the Owner personally obligated to pay the same, or foreclose the lien against the Lot by an action in equity. In any such action, interest, costs and reasonable attorney's fee shall be added to the amount of the delinquent assessment and collected as part of said judgment. In the event of such foreclosure, if the Association waives any and all rights to a deficiency judgment against the Owner, the period for redemption as provided by the statutes of the State of Iowa shall be reduced to six months from the date of foreclosure sale. Any Lot ultimately acquired by the Association through Sheriff's Deed after such a foreclosure shall be sold by the Association within a reasonable time either at public or private sale, and any surplus remaining after the payment of all assessments, interest costs and attorney's fees shall be paid over to the former Owner of said Lot. No Owner may waive or otherwise escape liability for the assessments provided for herein by abandonment of his, her, their, or its Lot.
10. Subordination of the Lien to Mortgages. The lien of the assessments provided for herein shall be subordinate to the lien of any first mortgage placed upon any Lot. Sale or transfer of any Lot shall not affect the assessment lien. However, the sale or transfer of any Lot pursuant to mortgage foreclosure or any proceeding in lieu thereof, shall extinguish the lien only of such assessments as to payments which become due prior to such sale, or transfer, provided that such sale or transfer shall not extinguish the personal obligation of the prior Owner or his, her, their, or its heirs, successors or assigns, for payment of such assessment. No sale or transfer shall relieve such Lot from liability for any assessments thereafter becoming due or from the lien thereof.

ARTICLE IX: GENERAL PROVISIONS

1. Enforcement. Declarant, the Association, or any Owner, shall have the right to enforce by any proceeding at law or in equity in all restrictions, conditions, covenants, or reservations now or hereafter imposed by the provisions of this Declaration. The Association shall have the sole right to enforce, by proceedings at law or in equity, the liens and charges now or hereafter imposed by the provisions of this Declaration. Failure by the Association or by any Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

2. Severability. Invalidation of any one of these covenants or restrictions by Judgment or Court Order shall in no way affect any other provisions which shall remain in full force and effect.

3. Duration. The covenants and restrictions of this Declaration shall run with and bind the land for a term of 21 years from the date this Declaration is recorded, after which time the same may be extended by a verified claim signed by one member of the Association who renews said Restrictive Covenants pursuant to Iowa Code Section 614.24, or as may be amended from time to time.

4. Amendment by Declarant. The Declarant reserves the right to revise and amend the Articles of this Declaration until the last Lot in Fields Edge Addition is sold.

5. Amendment by Owners. The Articles of this Declaration may be amended during the first 21-year period by an instrument signed by not less than Owners of 90% of the Lots and thereafter by an instrument signed by not less than Owners of 75% of the Lots.

Wherefore, these Covenants, Conditions, and Restrictions are entered into on this _____ day of _____, _____.

Dated this ____ day of _____, _____.

Edgebrooke Homes, LLC

By _____
Ryan Dolan, Managing Member

STATE OF IOWA, SCOTT COUNTY, SS:

On this ____ day of _____, _____, before me, a Notary Public in and for said county, personally appeared Ryan Dolan to me personally known, who being by me duly sworn did say that he is the Managing Member of said Edgebrooke Homes, LLC, a limited liability company and that said instrument was signed on behalf of said Edgebrooke Homes, LLC, by authority its managers and the said Ryan Dolan, Managing Member, acknowledged the execution of said instrument to be the voluntary act and deed of said Edgebrook Homes, LLC as voluntarily executed.

Notary Public

Silas, Alan

From: Hoskins, Jack
Sent: Wednesday, April 20, 2022 3:43 PM
To: Mathias, Christopher (Chris)
Subject: RE: Fields Edge Final Plat

Chris,

Sorry I was off unexpectedly for a couple days and I meant to get back to you on this. You are correct that we have already looked over this subdivision and if nothing has changed, we would have no more comments for you. The percolation tests will be required on each lot individually, prior to the installation of the septic system. And you are also correct that erosion control would most likely fall within secondary roads purview. Let me know if you have any further questions.

Jack

Jack Hoskins
Environmental Health Specialist
600 W 4th St
Davenport, IA 52801

Office: (563)326-8618 xt 8813

Fax: (563)326-8774

jack.hoskins@scottcountyiowa.gov |

<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.scottcountyiowa.gov%2Fhealth&data=05%7C01%7CChris.Mathias%40scottcountyiowa.gov%7C2ff4c309b4174e3631ad08da230e6623%7C2317bbe54bd247819c146f4c871487bb%7C1%7C0%7C637860841991967967%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQljoiv2luMzliLCJBTil6lk1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&odata=M4%2FjpPL3eXZEFIYWY%2Ffluidx%2Fq2liPZj9aanMonzDAs%3D&reserved=0>

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-----Original Message-----

From: Mathias, Christopher (Chris) <Chris.Mathias@scottcountyiowa.gov>

Sent: Tuesday, April 12, 2022 10:11 AM

To: Hoskins, Jack <Jack.Hoskins@scottcountyiowa.gov>; Swartz, Andrew <Andrew.Swartz@scottcountyiowa.gov>

Subject: Fields Edge Final Plat

We received the final plat for this Ryan Dolan subdivision known as Fields Edge. The Health Dept would have reviewed the preliminary plat back in 2020 as it was approved by the Board of Supervisors in September of 2020.

1) Would you like a full size copy of the plat?

- 2) I see that these are all at the minimum lot size. Because the preliminary plat has already been approved, we're basically just reviewing this plat to make sure it conforms with the preliminary plat. I won't be commenting on the small lot size as the preliminary plat has already been approved.
- 3) That being said, I think how septic systems and back up septic systems will fit on these lots is still a relevant issue/question. We just have to remember that because the preliminary plat is already approved were limited in what kind of subdivision re-design we can ask for.
- 4) Our checklist asks for a percolation test. Is that done for each separate lot? I think I need some education on what exactly that is.
- 5) I'm assuming the erosion and sediment control plan will come through my department or secondary roads and not the health dept, but that is also mentioned as a required item.

-----Original Message-----

From: Mathias, Christopher (Chris)
Sent: Tuesday, April 12, 2022 10:05 AM
To: Kersten, Angela <Angela.Kersten@scottcountyiowa.gov>
Cc: Pennock, Elliott R <Elliott.Pennock@scottcountyiowa.gov>
Subject: Fields Edge Final Plat

Hi Angie,

We received the final plat for Fields Edge. This is a Ryan Dolan subdivision that came through for the preliminary plat before I started with the County. The Board of Supervisors approved the Preliminary plat back in September of 2020. Please provide your comments. I will be on vacation from tomorrow through Tuesday of next week.

A couple things:

- 1) Do you want a full size copy of the plat for review? - Figured you might considering the relative size of this subdivision compared to what we usually get.
- 2) Dedication of streets: This is the first one I've done here at the County with public roads being dedicated. In their notes, they mention that Criswell will be maintained by the County but 185th Street will be maintained by an HOA.
- 3) For a final plat we ask for some additional materials and I'm curious if any of these have been provided to you yet: Detailed Engineering Design Plan Specs, Erosion and Sediment Control Plan, Percolation Test, Performance Bond and Approved Cost Estimate. I would also want to confirm with you that we need these for this subdivision.

-----Original Message-----

From: PD-mfp@scottcountyiowa.com <PD-mfp@scottcountyiowa.com>
Sent: Monday, April 11, 2022 3:27 PM
To: Mathias, Christopher (Chris) <Chris.Mathias@scottcountyiowa.gov>
Subject:

TASKalfa 3553ci
[00:17:c8:8d:80:65]

Silas, Alan

From: Beswick, Taylor <tbeswick@bettendorf.org>
Sent: Thursday, September 15, 2022 12:55 PM
To: Mathias, Christopher (Chris)
Subject: [EXTERNAL] RE: [External Email] RE: [External Email] Fields Edge Addition - Preliminary Plat Approval by Scott County BOS
Attachments: 135-22 Resolution approving Final Plat of Fields Edge Addition.pdf

CAUTION: Be skeptical of links and attachments!

Yes sir. City Council approved it back in May.

Taylor Beswick
City Planner
563.344.4079

From: Mathias, Christopher (Chris) [mailto:Chris.Mathias@scottcountyiowa.gov]
Sent: Thursday, September 15, 2022 12:52 PM
To: Beswick, Taylor <tbeswick@bettendorf.org>
Subject: RE: [External Email] RE: [External Email] Fields Edge Addition - Preliminary Plat Approval by Scott County BOS

So the Dolans have finally got us everything we need so that I can take this back to the P & Z. P & Z meeting will be 10/4. I think you told me that Bettendorf already considered the final plat, no?

From: Beswick, Taylor <tbeswick@bettendorf.org>
Sent: Monday, March 28, 2022 12:17 PM
To: Mathias, Christopher (Chris) <Chris.Mathias@scottcountyiowa.gov>; dmeyer@klinger.com
Cc: Fuhrman, Lisa <lfuhrman@bettendorf.org>; Hunt, Mark <mhunt@bettendorf.org>
Subject: [External Email] RE: [External Email] Fields Edge Addition - Preliminary Plat Approval by Scott County BOS

CAUTION: This email originated from outside of Scott County! Do not click links, open attachments or reply, unless you recognize the sender's email address and know the content is safe!

I wanted to point out two unique conditions from this preliminary plat (highlighted in yellow).

From the P&Z Meeting:

Maxwell made a motion to add a condition requiring staff and the applicant to examine adding in the covenants a regulation revoking the right to protest annexation into the City of Bettendorf. Schneckloth seconded.

Piatak made a motion to approve the Final Plat with seven (7) conditions:

1. The private covenants include provisions for the ownership and maintenance of the proposed outlet;
2. The private covenants include provision for road maintenance of the private road;
3. The private covenants include provision for road maintenance of the shared private driveway between owners of lot 3 and lot 4;
4. The County Engineer review and approve all street construction plans following preliminary plat approval and prior to construction;
5. The applicant submit weekly erosion control performance reports to the County Engineer;
6. The temporary hammerhead turnaround be constructed with an approved hard surface; and

7. Staff and the applicant examine adding in the covenants a regulation revoking the right to protest annexation into the City of Bettendorf.

From BOS COW Meeting:

- Knobbe said he concurs and applauds Huey and staff for meeting with Bettendorf staff.
- Huey said Bettendorf staff supports long term planning and possible annexations.
- Croken asked what other services in these kinds of developments are funded by the County.
- Huey said they are police and fire protection services, the subdivision is responsible for private solid waste services and Iowa American Water will serve this subdivision.
- Maxwell said he concerned with the dirt fill solutions on the property and echoes Knobbe's annexation statement.
- Beck said this is adjacent to Bettendorf which has very strident requirements and he applaud Huey for him looking at annexation.

From the BOS Meeting:

Maxwell said he spoke with Planning and Zoning Commission members, who passed this unanimously but with provisions and he wants those provisions left in place.
BE IT RESOLVED: 1) As the local governing body responsible for the approval of subdivision plats within its rural jurisdiction, the Scott County Board of Supervisors has on this 17th day of September, 2020 considered the Preliminary Plat of Field's Edge Addition, a nine (9) lot residential subdivision, in part of the SW¼NW¼ of Section 7, 78 North, Range 5 East of the 5th Principal Meridian (Pleasant Valley Township), Scott County, Iowa, and having found the same made in substantial accordance with the provisions of Chapter 354, Code of Iowa, and the Scott County Subdivision Ordinance, does hereby approve the preliminary plat of said subdivision with the conditions that:
1. The private covenants include provisions for the ownership and maintenance of the proposed outlot; 2. The private covenants include provision for road maintenance of the private road; 3. The private covenants include provision for road maintenance of the shared private driveway between owners of lot 3 and lot 4; 4. The County Engineer review and approve all street construction plans following preliminary plat approval and prior to construction; 5. The applicant submit weekly erosion control performance reports to the County Engineer; 6. The temporary hammerhead turnaround be constructed with an approved hard surface; and 7. The applicant and staff examine the possibility of including in the private covenants, a condition waiving the right to protest annexation into the City of Bettendorf. 2) This resolution shall take effect immediately.
Moved by Maxwell, seconded by Croken that the following resolution be approved. All Ayes.

From: Mathias, Christopher (Chris) [<mailto:Chris.Mathias@scottcountyiowa.gov>]

Sent: Monday, March 28, 2022 11:53 AM

To: Beswick, Taylor <tbeswick@bettendorf.org>; dmeyer@klinger.com

Cc: Fuhrman, Lisa <lfuhrman@bettendorf.org>

Subject: RE: [External Email] Fields Edge Addition - Preliminary Plat Approval by Scott County BOS

Looks like it was finally approved at the September Board meeting that same year. Just need to find minutes to confirm.

From: Beswick, Taylor <tbeswick@bettendorf.org>

Sent: Monday, March 28, 2022 11:28 AM

To: dmeyer@klinger.com

Cc: Mathias, Christopher (Chris) <Chris.Mathias@scottcountyiowa.gov>; Fuhrman, Lisa <lfuhrman@bettendorf.org>

Subject: [External Email] Fields Edge Addition - Preliminary Plat Approval by Scott County BOS

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Dave,

Attached are the July 23, 2020 Scott County Board of Supervisors minutes approving the Preliminary Plat of Field's Edge Addition in Pleasant Valley.

Bettendorf is ready to review the Final Plat. Deadline for the April 20 P&Z meeting is tomorrow.

Thanks!

Taylor Beswick
City Planner
563.344.4079



Silas, Alan

From: Kersten, Angela
Sent: Thursday, September 15, 2022 7:20 AM
To: Mathias, Christopher (Chris)
Subject: RE: fields edge

Good Morning Chris,

1. Yes. We have the plans.
2. Yes. We have the Erosion and Sediment Control Plan.
3. I believe the Health Department works with the developer to obtain the percolation tests. I think they would have done this prior to building the roads, but I'm not positive.
4. This subdivision will not require a performance bond and cost estimate, because Dolan chose to build the roads prior to approval of the final plat. We only get a performance bond from them if they wait to build the roads after approval of the final plat. The bond ensures that the roads will be built to county standards.

Sincerely,

ANGIE KERSTEN, P.E.

County Engineer | Scott County Secondary Roads Department
950 E. Blackhawk Trail, Eldridge, IA 52748 | P. 563-326-8640 | F. 563-328-4173
E. Angela.Kersten@scottcountyiowa.gov | W. www.scottcountyiowa.gov

From: Mathias, Christopher (Chris) <Chris.Mathias@scottcountyiowa.gov>
Sent: Wednesday, September 14, 2022 4:29 PM
To: Kersten, Angela <Angela.Kersten@scottcountyiowa.gov>
Subject: fields edge

Hi Angie,

This is my first time doing a major subdivision here at the County. So I went through the plat checklist one more time and had a question on a few items that are required with a final plat. I listed all of the items below. I'm assuming we already have items 1 and 2 from our previous discussions. Maybe they've already been sent to me but wasn't sure. I'm guessing 3 does not involve you. How about #4? I'm assuming we don't have it yet but just wanted to make sure before I requested it. Do we have a value for the roads and utilities that we can use to get the appropriate performance bond amount?

- 1) Detailed Engineering Design Plan Specifications (see Appendix 1, Sec V, Ch. 9)
 - a. Plan and profiles of all dedicated streets
 - b. Proposed location, size, and grade of all utilities to be placed underground
- 2) Erosion and Sediment Control Plan
- 3) Percolation Test
- 4) Performance Bond and Approved Cost Estimate (if applicable)

Christopher J. Mathias, AICP
Director, Scott County Planning & Development
P: 563 326-8212

E: chris.mathias@scottcountyiowa.gov

A: 600 W. 4th St., Davenport, IA 52801

PLANNING & DEVELOPMENT

600 West Fourth Street

Davenport, Iowa 52801-1106

Office: (563) 326-8643 Fax: (563) 326-8257

Email: planning@scottcountyiowa.gov



Chris Mathias,
Director

**NOTICE OF PLANNING AND ZONING COMMISSION PUBLIC HEARING FOR AMENDMENTS TO
THE ZONING ORDINANCE**

Public Notice is hereby given as required by Section 6-31 of the County Code (Zoning Ordinance), that the Scott County Planning and Zoning Commission will hold a public hearing for a proposed amendment to said ordinance to create a new zoning district at a public meeting on **Tuesday, November 1, 2022 at 5:30 PM**. The meeting will be held in the **1st Floor Board Room of the Scott County Administrative Center, 600 West 4th Street, Davenport, Iowa 52801**.

The Planning and Zoning Commission will consider an addition to the ordinance text that creates a new district and associated regulations for public and private park uses to be known as the "Conservation-Recreation (C-R)" District. The regulations will allow only public park uses (parks owned by government entities) as Principal Permitted Uses. Private park use proposals will be evaluated on a case-by-case basis, and will require ordinance text amendments to add each private park use to the Special Permitted Use section. A copy of the draft ordinance text is available for public viewing by contacting the Planning and Development Department, visiting during normal office hours, or visiting the Department webpage at www.scottcountyiowa.gov/planning.

If you have any questions or comments regarding this meeting or proposal, please call or write the Planning and Development Department, Scott County Administrative Center, 600 West Fourth Street, Davenport, Iowa 52801, (563) 326-8643, planning@scottcountyiowa.gov, or attend the meeting.



ADD Definitions

PRIVATE PARK: an area of land in a mostly natural state, set aside for the enjoyment of the public, having facilities for rest and recreation, owned and managed by a private entity

PUBLIC PARK: an area of land in a mostly natural state, set aside for the enjoyment of the public, having facilities for rest and recreation, owned and managed by a government entity

6.21. “C-R” Conservation-Recreation District

A. General Intent: The Conservation-Recreation District is intended and designed to provide opportunities for residents and visitors to enjoy the natural resources and environmentally-sensitive areas in the County. The standards are intended to define and conserve selected natural resource areas by either minimizing impact to them or allowing for responsible recreational uses within them.

B. Principal Permitted Uses: Land, buildings, or other infrastructure may be used for any of the following:

1) Public County-, State-, and federally-owned and managed parks, which are limited specifically to the areas identified and delineated on the official Scott County Parks map, as well as the State- and federally-owned public parks* in Butler, Lincoln, Princeton, and Sheridan Townships. Public parks are identified as the following:

- a. Allens Grove Public Use Area
- b. Buena Vista Public Use Area
- c. Buffalo Bill Cody Homestead
- d. Cameron Timber Preserve
- e. Crow Creek Wildlife Management Area*
- f. Gambriel Public Access Area*
- g. Glynn's Creek Golf Course
- h. Lost Grove Lake Wildlife Management Area*
- i. Princeton Wildlife Management Area*
- j. Scott County Park

- k. Walnut Grove Pioneer Village
- l. Wapsi River Environmental Education Center
- m. West Lake Park

The establishment of any new public parks not included in this section would trigger a rezoning subject to the standard rezoning procedures contained in Section 6-31 (Zoning Amendment Procedures), beginning with the Planning and Zoning Commission holding a public hearing for rezoning before making a recommendation to the Board of Supervisors. New public parks shall be identified and added to this section upon rezoning approval. No new private parks shall be added to this section.

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

D. Special Permitted Uses: None.

E. Minimum Lot Area, Lot Width, Setback, and Maximum Height Requirements:

1. For Principal Permitted Uses, the lot area, building and structure setbacks and heights of buildings, structures, or other infrastructure shall be determined and approved administratively by the Zoning Administrator.
2. For Special Permitted Uses, the lot area, building and structure setbacks and heights of buildings, structures, or other infrastructure will be determined and approved through the established special use permitting procedures (Section 6-30).