ROCK RAPIDS

our river flowing, our community growing



2014

Zoning Ordinance

& Subdivision Regulations

Prepared with Planning Assistance from
NorthWest Iowa Planning & Development Commission
Spencer, Iowa

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CITY OF ROCK RAPIDS

ZONING ORDINANCE

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Zoning Ordinance 2014
List of Supplements

No.	Subject	Effective Date	Page Insert
669	Re-Zoning	11-04-15	25-A
670	Re-Zoning	11-04-15	25-B
671	Animal Care (Renumbered)	09-02-15	63-A
672	Re-Zoning (Renumbered)	09-23-15	25-C
678	Re-Zoning	11-02-16	25-D
683	Zoning Amendment	12-07-16	47-A
686	Re-Zoning	02-01-14	25-E
689	Re-Zoning	07-05-17	25-F
693	Re-Zoning	01-17-18	25-G
700	Re-Zoning	09-19-18	25-H
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707	Re-Zoning	12-25-20	25-L
711	Re-Zoning	11-04-20	25-M
720	Re-Zoning	12-12-22	25-N
729	Re-zoning	10-22-25	25-O
737	Re-Zoning	07-01-26	25-0
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REPLACES ORDINANCE NO. 621, ADOPTED MAY 10, 2005
2005 ROCK RAPIDS ZONING ORDINANCE
AND AMENDMENTS THERETO

CITY OF ROCK RAPIDS, IOWA
ZONING ORDINANCE

AN ORDINANCE to regulate and restrict the location and use of buildings, structures, and land for trade, industry, residence, and other purposes; to regulate and restrict the height of buildings and structures, the number and size of buildings and other structures; to establish the size of yards and other open spaces; to establish minimum lot areas; to regulate the density of population and the percentage of lot that may be occupied; to require off-street parking; to regulate the location, size, and number of signs; to divide the city into districts for such purposes; to provide for the administration and enforcement of its provisions; to confirm the Board of Adjustment; and to prescribe penalties for the violation of its provisions, all in accordance with Chapter 414, Code of Iowa.

WHEREAS, the City Council of the City of Rock Rapids, Iowa deems it necessary to prevent and to lessen congestion in the streets and highways; to secure safety from fire, flood, panic and other dangers; to protect the public health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; to conserve the value of buildings, to promote the conservation of energy resources; to promote reasonable access to solar and wind energy resources; and encourage the most appropriate use of land throughout the city, all in accordance with the City of Rock Rapid's Comprehensive Plan,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCK RAPIDS, IOWA:

ARTICLE I
Basic Provisions

Article 1: Basic Provisions

Section 1.1. Short Title
Section 1.2. Jurisdiction
Section 1.3. Repeal and Saving Clause
Section 1.4. Validity and Severability Clause
Section 1.5. Interpretation of Regulations
Section 1.6. Purpose
Section 1.7. Comprehensive Plan Relationship

Section 1.1. SHORT TITLE.

This ordinance shall be known and may be cited and referenced as "The Rock Rapids, Zoning Ordinance".

Section 1.2. JURISDICTION.

In accordance with the provisions of Chapter 414, Code of Iowa, and amendatory acts thereto; this ordinance is adopted by the City of Rock Rapids, Iowa governing the zoning of all lands within the corporate limits of the city.

Section 1.3. REPEAL AND SAVINGS CLAUSE.

Effective on the effective date of this ordinance, the Rock Rapids Zoning Ordinance enacted May 2005 and amendments thereto is hereby repealed. The repeal of said ordinance shall not have the effect to release or relinquish any penalty, forfeiture or liability incurred under said ordinance or any part thereof, and such ordinance and all parts thereof shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture or liability.

Section 1.4. VALIDITY AND SEVERABILITY CLAUSE.

Should any section or provision of this ordinance be declared by a court of competent jurisdiction shall declare any part of this ordinance to be invalid, such ruling shall not affect the validity or any other provisions of the ordinance as a whole or any part thereof not specifically included in said ruling. If any court of competent jurisdiction shall declare invalid the application of any provision of this ordinance to a particular land, parcel, lot, district, use, building or structure, such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building or structure not specifically included in said ruling.

Section 1.5. INTERPRETATION OF REGULATIONS.

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements. Where any condition imposed by any provision of this ordinance upon the use of any lot, building or structure is either more restrictive than any comparable condition imposed by any other provision of this ordinance or by the provision of an ordinance adopted under any other law, or by the provision of any statute, the provision which is more restrictive or which imposes a higher standard or requirement shall govern.

This ordinance is not intended to abrogate or annul any easement, covenant or other private agreement provided that where any provision of this ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant or other private agreement, the provision of this ordinance shall govern.

Section 1.6. PURPOSE.

The various zoning districts, created by this ordinance and the various articles and sections of this ordinance, are adopted for the purpose among others of:

1. Carry out the intent and spirit of the Rock Rapids Comprehensive Plan;
2. Promoting the public health, safety, morals, comfort, general welfare, and preserving the natural resources, scenic and historically significant areas of the city;
3. Helping to achieve greater efficiency and economy of land development by promoting the grouping of those activities which have similar needs and are compatible;
4. Encouraging classification of land use and distribution of land development within the city that will facilitate adequate and economic provision of transportation, communication, water supply, drainage, sanitation, education, recreation, and other public requirements;
5. Helping to insure all residential, commercial, and industrial structures as well as other types of structures will be accessible to firefighting and other emergency equipment;
6. Promoting the development of residential neighborhoods in which each dwelling is assured the provision of light, air, and open spaces;
7. Prohibit the formation or expression of nonconforming uses of land, buildings, and structures which adversely affect the character and value of desirable development in each district;
8. Helping to prevent and minimize the effect of nuisance producing activities;
9. Conserving the taxable value of the land and buildings throughout the city;
10. Defining the powers and duties of the city government, Board of Adjustment and the zoning administrator/code enforcement.

Section 1.7. COMPREHENSIVE PLAN RELATIONSHIP.

These regulations are designed to implement various elements of the comprehensive land use plan as required by Iowa Code. Any amendment to the district regulations or map shall conform to the comprehensive land use plan adopted by the city council.

ARTICLE II
Definitions

Article 2: Definitions
Section 2.1. General Zoning Definitions
Section 2.2. Specific Land Use Definitions

Section 2.1. GENERAL ZONING DEFINITIONS.

For the purpose of interpreting this ordinance certain words, terms and expressions shall be interpreted as follows.

- Words used in the present tense shall include the future tense;
- Singular shall include the plural and the plural includes the singular;
- The word "may" is discretionary and the word "shall" is always mandatory;
- The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual;
- The words "used" or "occupied" include the words intended, designed or arranged to be occupied;
- The word "lot" includes the words plot or parcel and all other words or phrases used to denote an individual building site that complies with the minimum provisions of this ordinance.
- The word "includes" means including but not limited to.

1. ACCESSORY BUILDING: Any building that is subordinate to the principal building on the lot, not attached thereto and used for purposes customarily incidental to those of the principal building. Private detached garages are considered accessory buildings.

2. ACCESSORY USE (OR STRUCTURE): A structure or use which is subordinate to and serves a principal building or use; is subordinate in area, extent, or purpose to the principal building or use served; contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use; and is located on the same zoning lot as the principal building or use.

3. ADDITION: Any construction which increases the site coverage, height, length, width, or gross floor area of a building or structure.

4. ALLEY: A public or private thoroughfare that affords only a secondary means of access to abutting properties.

5. ALTERATION (STRUCTURAL): Any change in the supporting members of a building, such as bearing walls, partitions, columns, beams, or girders. The enlargement of the size or height of a building shall be construed to be a structural alteration.

6. APARTMENT: A room or set of rooms occupied as a dwelling unit which is part of a multi-family structure; containing cooking and housekeeping facilities for each dwelling unit.

7. ATTACHED: Having one or more solid walls in common with a principal building, or joined to a principal building by a solid covered roof, porch or passageway.

8. BASEMENT: That portion of a building that is either partly or completely below grade. *(Building Officials and Code Administrators (BOCA) Basic/National Building Code)*.

9. BLOCK: That property abutting on one side of a street and lying within the two (2) nearest intercepting or intersecting streets or lying within the nearest intercepting or intersecting streets and unsubdivided acreage or railroad right-of-way.

10. BUILDABLE AREA: The building footprint established by the setback distances from the front, side and rear property lines as provided in this ordinance.

11. BUILDING: A roofed structure supported by posts, columns, supports, walls or other structure and intended for the shelter, support, and enclosure of persons, animals, or property of any kind. When separated by fire rated division walls from the ground up without openings, each portion of such structure is deemed a separate building. The connection of two buildings by means of an open porch, breezeway, passageway, carport, or other such structures with a roof shall make them one building.

12. BUILDING HEIGHT: The vertical distance measured in a straight line from curb level to the highest point of the roof. Where a building is situated on ground above the curb level or where no curb grade is established, such height shall be measured from the ground adjacent to the main door entrance (typically the side of the building or structure that is addressed).

13. BUILDING LINE: The setback distance from the front property line, rear lot line, and width of side lot lines as provided in this ordinance.

14. BUILDING, PRINCIPAL: The building in which the primary use of the lot or parcel, on which it is located, is conducted.

15. BUILDING WALL: The wall of the principal building forming a part of the main structure. The foundation walls of enclosed porches, decks, steps, walks, and retaining walls or similar structures shall not be considered building walls under the provisions of this ordinance.

16. BUSINESS USE (or COMMERCIAL USE): Engaging in the purchase, sale or exchange of goods or services, or the operation of offices for profit.

17. CARPORT: Space for the parking, housing or storage of vehicles and enclosed on not more than two sides by affixed or semi-permanent walls. Those structures identified as hoop buildings, portable or foldable buildings, tent buildings or fully enclosed steel buildings shall not be considered a carport for purposes of this ordinance. Carports attached to the principal building are considered a part of the principal building, and shall be of similar appearance or materials to the principal building. Freestanding carports are considered an accessory building.

18. CITY: The City of Rock Rapids, Iowa.

19. COMMISSION (OR PLANNING AND ZONING COMMISSION): The Rock Rapids Planning and Zoning Commission.

20. CONTIGUOUS: Being in actual contact or touching along a boundary or at a single point. Contiguous properties are touching or connected in an unbroken sequence. Similar to the definition of adjoining which also means touching or bounding at a point or line. For purposes of this definition, contiguous shall also apply to two or more properties separated by an alley.

21. COUNCIL: The City Council of the City of Rock Rapids, Iowa.

22. COUNTY: Lyon County, Iowa

23. COURT (or COURTYARD): An open, unobstructed and unoccupied space other than a yard bounded on two (2) or more sides by walls or a building on the same lot.

24. CURB LEVEL: The established curb grade adjacent to a lot.

25. DECK: A non-roofed structure open on two (2) or more sides projecting from the wall of a building. Decks with a finished floor height of more than twelve inches (12") above the average grade of the ground at the parameter of the deck shall be subject to required yard setbacks.

26. DETACHED: Fully separated from any other building or structure.

27. DOMESTICATED ANIMALS: Those animals that have been tamed and made fit to live in a human environment. Those animals considered pets such as dogs, cats, birds, or other tamed animals which serve some purpose for its owners or others.

28. DRIVEWAY: A surfaced area providing vehicular access between a street and an off-street parking or loading area, or parking structure (i.e. garage or carport).

29. DWELLING: Any building or portion thereof which is designed or used exclusively for residential purposes but not including a tent, cabin, trailer, or factory-built home which is not located within a manufactured home subdivision or mobile home park. However, a dwelling shall include any factory-built home constructed to comply with the Iowa State Building Code for modular factory built structures.

30. DWELLING, SINGLE-FAMILY: A detached building that is arranged, designed for or intended to be occupied as the residence of only one (1) single family; and having no party wall in common with an adjacent residence or building.

31. DWELLING, TWO-FAMILY: A detached building that is arranged, designed for, or occupied by two (2) families with separate housekeeping and cooking facilities for each.

32. DWELLING, MULTI-FAMILY: Any residence or dwelling used by, designed for, or intended to be occupied as the residence of three (3) or more families with separate housekeeping and cooking facilities for each.

33. DWELLING UNIT: A room or group of rooms which are arranged, designed or used as living quarters for the occupancy of one (1) family and containing independent cooking facilities.

34. EASEMENT: A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.

35. ENCROACHMENT: Any obstruction of, or an illegal or unauthorized intrusion in a delineated floodway, right-of-way or adjacent lands.

36. ENGINEER, CITY: A duly qualified individual or firm designated by the city council.

37. ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by developers, public utilities or governmental agencies of underground or overhead gas, electrical, telecommunication, water or wastewater transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in conjunction with and necessary for the furnishing of adequate services by such public utilities, governmental agencies and/or for the public health, safety or general welfare, but not including buildings or conditional uses as established by this ordinance.

38. FAÇADE: The exterior walls of a building exposed to public view or a wall viewed by persons not within the building.

39. FACTORY BUILT-STRUCTURE: Is any structure, building, component, assembly or system which is made or assembled in manufacturing facilities, on or off the building site, for installation or assembly and installation, on the building site. Factory-built structures may also mean, at the option of the manufacturer, any structure or building made or assembled in manufacturing facilities away from the building site, for installation or assembly on the building site.

40. FAMILY: A person living alone, or group of persons related to the second degree of collateral consanguinity by blood, marriage, adoption, guardianship, or otherwise duly authorized custodial relationship as verified by official public records such as drivers licenses, birth or marriage certificates living together as a single dwelling unit and sharing common living, sleeping, cooking, and eating facilities; but does not include a group of more than five (5) unrelated persons living together by joint agreement or occupying a dwelling unit on a nonprofit cost sharing basis.

41. FENCE: Any artificially constructed barrier of approved fencing material or combination of materials erected to enclose or screen areas of land.

42. FLOOR AREA: The square feet of floor space within the outside line of walls, including the total of all space on all floors of a building. Floor area shall not include porches, garages, or space in a basement that is not finished living space.

43. FRONTAGE: All the property on one side of a street between two (2) intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, than all of the property abutting one side between an intersecting street and the dead-end of the street. The front of a double fronted lot shall face the street upon which the lot will be addressed.

44. GARAGE: A building or portion of a building in which one or more motor vehicles are housed or stored by the occupants of the premises or the leasing of space as provided herein, but in which no business services or industry connected with motor vehicles is carried on other than leasing of space.

45. GRADE: The lowest horizontal elevation of a finished surface of the ground, paving, or sidewalk at a point where the height is to be measured.

46. HOME OCCUPATION: An accessory business, occupation or profession conducted entirely within a dwelling unit or associated accessory buildings by the inhabitants thereof; and such use is clearly incidental and secondary to the residential use and complies with provisions of Section 15.5 of this ordinance.

47. HOUSE TRAILER: See Mobile Home.

48. HOUSEHOLD: A family living together in a dwelling unit with common access to all living and eating areas and all facilities within the dwelling unit.

49. IMPERVIOUS SURFACE (OR COVERAGE): Any material that prevents absorption of stormwater into the ground.

50. INCIDENTAL: Subordinate and minor in significance and bearing a reasonable relationship with the primary use.

51. INDUSTRY: Those fields of economic activity including forestry, fishing, hunting, mining, construction, manufacturing, transportation, communication, electric, gas, and sanitary services, distribution, assembly, packaging and wholesale trade activities.

52. JUNK (OR SALVAGE): All old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel or other old scrap ferrous materials; old or discarded glass, tin ware, plastic or old or discarded household goods or hardware. Neatly stacked firewood located on a side yard or a rear yard is not considered junk.

53. JUNK VEHICLE OR JUNK MACHINERY: Any vehicle or other machines providing means of transportation or portions thereof not in running condition and/or not licensed for the current year as provided by law and not legally placed in storage with the Treasurer of Lyon County, or any other non-operating vehicle or machinery situated within any yard of any lot or parcel and located in open view to the public for a period of more than thirty (30) days which, because of its defective or obsolete condition, or rotted, rusted or loose parts or in any other way constitutes a threat to the public health, welfare or safety.

54. JUNKYARD (or SALVAGE YARD): Any open area of any lot or parcel where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, kept, stored or handled, including scrap metals or scrap materials, or the abandonment or dismantling or "wrecking" of machinery, motor vehicles or other vehicles, or parts thereof. Junkyards include but not limited to wrecking yards, used lumber yards, auto salvage yards and places utilized or intended for the storage of salvaged and structural steel materials and equipment; but not including those areas where such uses occur entirely within a completely enclosed building. A solid waste transfer station, recycling center or sanitary landfill is not considered a junk yard or salvage yard for purposes of this ordinance.

55. LAND USE: A description of how land is occupied or utilized.

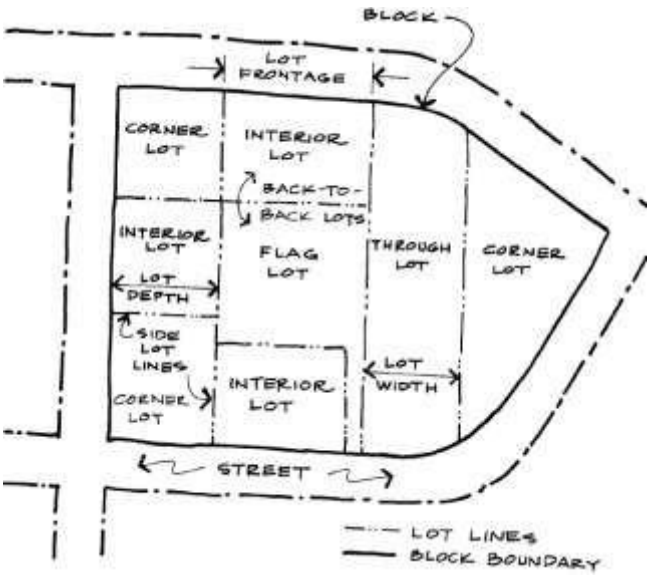
56. LANDSCAPED: An area devoted to or developed predominantly with plant materials or natural features including lawn, gardens, trees, shrubs, and other plant materials; and also including accessory outdoor landscape elements such as pools, fountains, water features, paved or decorated surfaces of rock, stone, brick, block or similar material (excluding driveways, parking, or storage areas), provided that the use of brick, stone or other inorganic materials shall not predominate over the use of natural materials.

57. LOADING SPACE: An area used for loading or unloading of goods from a vehicle in connection with the use of the site on which such space is located.

58. LOT: A parcel of land established by plat, subdivision or as otherwise permitted by law which may be owned, used, developed, or built upon and having its frontage upon one or more streets or on an officially approved place.

59. LOT AREA: The horizontal area bounded by the front, side and rear lot or property lines.

60. LOT (or BUILDING) COVERAGE: The area of a lot covered by roofed areas of buildings or ground level paving, but excluding incidental gutters.



61. LOT, CORNER: A lot fronting on two (2) intersecting streets.

62. LOT, INTERIOR: A lot other than a corner lot.

63. LOT: THROUGH: An interior lot having frontage on two parallel or approximately parallel streets; also known as a double frontage lot.

64. LOT DEPTH: The distance between the front and rear lot lines. In case of an irregular shaped lot, the mean distance shall be the lot depth.

65. LOT WIDTH: The distance measured perpendicular between the side lot lines. In the case of an irregular shaped lot, the mean width shall be the lot width.

66. LOT LINES: The property lines bounding a lot.

67. LOT LINE, FRONT: In the case of an interior lot abutting on only one street, the front lot line is the street line (the right-of-way line) of such lot. In the case of any other lot, it may be such street line as elected by the owner to be the front lot line for purposes of this ordinance, except that on corner lots the front lot line is considered the line adjacent to the street upon which the lot has its least dimension.

68. LOT LINE, REAR: That boundary line which is opposite and most distant from the front lot line.

69. LOT LINE, SIDE: Any boundary lines not a front line or a rear lot line.

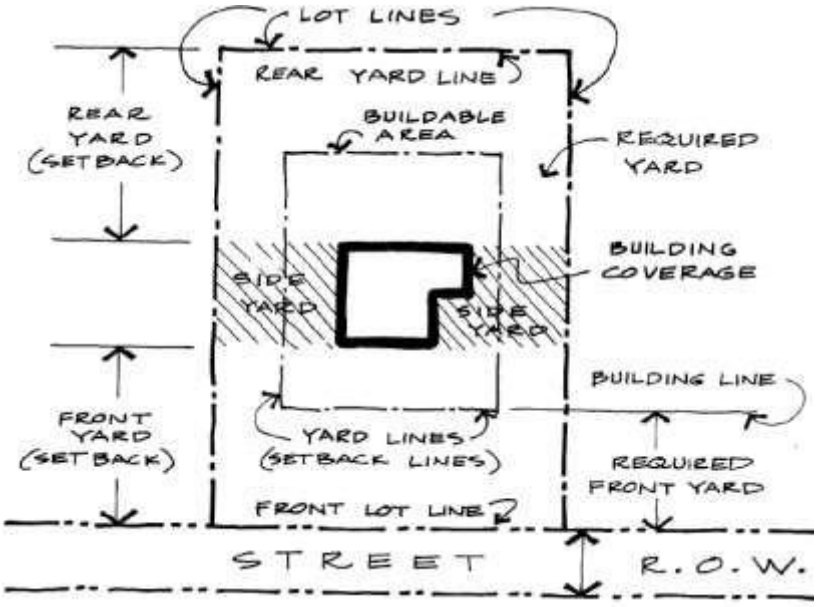


Image Source: The New Illustrated Book of Development Definitions
Harvey S. Moskowitz & Carl G. Lindbloom

70. LOT OF RECORD: A lot which is a part of a legal subdivision of the City of Rock Rapids, Iowa, the plat of which has been recorded in the office of the County Recorder of Lyon County, Iowa, or a lot or parcel of land, the deed or valid contract of sale of which was recorded in the office of the County Recorder of Lyon County, Iowa, prior to the effective date of this ordinance.

71. MANUFACTURED HOME: A factory-built structure built under authority of 42 U.S.C. Sec. 5403, Federal Manufactured Home Construction and Safety Standards, that is required by law to display a seal from the United States Department of Housing and Urban Development, and was constructed on or after June 15, 1976 certifying that it is in compliance with the Federal Manufactured Housing Construction Act of 1974. *(Code of Iowa, Sec. 435.1)*

72. MANUFACTURED HOME COMMUNITY: The same as land-leased community defined in Sections 335.30A and 414.28A *Code of Iowa*. *(Code of Iowa, Sec. 435.1)* Any site or tract of land upon which two (2) or more occupied manufactured homes are parked and connected to utilities, either free of charge or for revenue purposes, and shall include any building, structures, or enclosure used or intended for use as part of the equipment of such manufactured home

community. A manufactured home community or mobile home park shall not be construed to include manufactured or mobile homes, buildings, tents, or other structures temporarily maintained by any individual, educational institution, or company on their own premises and used exclusively to house their own labor or students. The manufactured home community or a mobile home park must be classified as to whether it is a "residential" or "recreational" manufactured home community or mobile home park or both. The manufactured home community or mobile home parks residential landlord and tenant Act, Chapter 562B, *Code of Iowa*, only applies to "residential" manufactured home community or mobile home park. *(Code of Iowa, Sec. 435.1)*

73. MANUFACTURED HOME CONVERTED TO REAL ESTATE: An unencumbered manufactured home which has been attached to a permanent foundation on real estate owned by the manufactured home owner, which has had the vehicular frame destroyed, rendering it impossible to reconvert to a mobile manufactured home. If a manufactured home is placed in a manufactured home community or a mobile home park, the home must be titled and is subject to the manufactured or mobile home square foot tax. If a manufactured home is placed outside a manufactured home community or a mobile home park, the home must be titled and is to be assessed and taxed as real estate. *(Code of Iowa, Sec. 435.1)*

74. MANUFACTURED HOME SUBDIVISION: A subdivision designed according to the Rock Rapids Subdivision Regulations Ordinance, and designed only for the location of manufactured homes on lots owned by the manufactured home owner.

75. MOBILE HOME: Any vehicle without motive power used or so manufactured or constructed as to permit it being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but also includes any such vehicle with motive power not registered as a motor vehicle in Iowa. Mobile homes are built on a chassis and is transportable in one or more sections. For this reason, many states consider it a motor vehicle requiring a VIN (Vehicle Identification Number). On some unit, the serial number is also the VIN number. A mobile home is not built to a mandatory building code, contains no state or federal seals, and was built before June 15, 1976. *(Code of Iowa, Sec. 435.1).*

76. MOBILE HOME PARK: Any site, lot, field or tract of land upon which three (3) or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated either free of charge or as a for-profit enterprise with water, sewer, or septic, and electrical services available. *(Code of Iowa, Sec. 435.1)*

77. MODULAR HOME: A factory-built structure which is manufactured or constructed to be used as a place of human habitation and is constructed to comply with the Iowa State Building Code for modular factory-built structures, as adopted pursuant to Section 103A.7 Code of Iowa, and must display the seal issued by the state building code commissioner. If a modular home is placed in a manufactured housing community or mobile home park, the home is subject to the annual tax as required by Section 435.22 Code of Iowa. If a modular home is placed outside a manufactured housing community or mobile home park, the home shall be considered real property and assessed and taxed as real estate. *(Code of Iowa, Sec. 435.1)*

78. NONCONFORMING USE: A lawful use of any land, building, or structure, other than a sign, that does not conform with currently applicable use regulations, but which complied with use regulations in effect at the time the use was established.

79. NONCONFORMING STRUCTURE (OR BUILDING): A structure or building in size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to the zoning regulations codified in this chapter, but which fails to conform to present requirements of the zoning district.

80. NUISANCE: Anything improper, offensive and injurious.

81. OCCUPANCY (or OCCUPIED): The residing of an individual or individuals overnight in a dwelling unit or the storage or use of equipment, merchandise, or machinery in any public, commercial, or industrial building. Change of occupancy is not intended to include change of tenants or proprietors.

82. OPEN SPACE: Any parcel or area of land essentially unimproved and set aside, designated or reserved for the use or enjoyment of the owners, occupants, neighbors or the general public. Such open space is not occupied by structures or impervious surfaces.

83. PARKING FACILITY: An area on a lot or within a building, or both, including one or more parking spaces together with driveways, aisles, turning and maneuvering areas, clearance, and similar features, and meeting the requirements established by this ordinance. The term "parking facility" shall include parking lots, garages, and parking structures.

84. PARKING SPACE: An area, enclosed or unenclosed, having not less than two hundred (200) square feet, and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles. By definition, driveways for one and two family structures may be considered parking spaces.

85. PERMANENT FOUNDATION (for manufactured housing or mobile homes): A permanent frost-free foundation system meets the support and anchorage requirements as recommended by the manufacturer or required by the State Building Code.

86. PLANNED UNIT DEVELOPMENT (PUD): An area of minimum contiguous size, specified in this chapter, developed according to plan as a single entity and containing one or more structures or land uses with appurtenant or adjacent common areas.

87. PORCH, OPEN: A roofed structure, open on two (2) or more sides, projecting from the front, side or rear wall of the building. An open porch may be enclosed after securing a building permit.

88. PROHIBITED USE: Any use that is not permitted in a zoning district.

89. PROPERTY: A lot, parcel, or tract of land together with the buildings and structures thereon.

90. PUBLIC NOTICE: The publication of the time and place of any public hearing for zoning purposes being not less than seven (7) days or not more than twenty (20) days prior to the date of said hearing in one newspaper of general circulation in the city.

91. PUBLIC PLACE: An open or unoccupied public space more than twenty (20) feet in width which is permanently reserved for the purpose of access to abutting property.

92. RECREATIONAL VEHICLE: A vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational or sporting purposes; but not intended for permanent human occupancy. The term recreational vehicle shall include, but shall not be limited to, travel trailers, campers, camping trailers, motor

coach homes, converted trucks and buses, and boats and boat trailers, snowmobiles, off-road vehicles, ATVs, jet skis, etc.

93. RECREATIONAL VEHICLE PARK: Any area providing spaces for two or more travel trailers, motor homes, camping trailers or tent sites for temporary occupancy for revenue purposes.

94. RESIDENTIAL CONVENIENCE SERVICE: A use or activity of a commercial nature conducted as an accessory use to multiple family residential or mobile home park residential use, and intended solely for the convenience of residents thereof.

95. RESIDENTIAL PURPOSES: The intent to use and/or the use of a room or group of rooms for the sleeping, living and housekeeping activities for the same person or the same group of persons on a permanent or semi-permanent bases of an intended tenure of one month or more.

96. ROAD OR STREET LINE: The dividing line between a lot, tract, or parcel of land and the right-of-way line of a contiguous road, street, or alley.

97. SIGN: An identification, description, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land and which directs attention to a product, place, activity, persons, institution or business.

98. SETBACK: The required distance between any lot line and the supporting walls or structures of any building or deck more than 12” above the average grade.

99. SETBACK LINE: A line within a lot parallel to and measured from a corresponding lot line, forming the boundary of a required yard and governing the placement of structures on the lot.

100. SIGHT TRIANGLE: An area forming a triangle bounded by the street right of way lines or property lines of a corner lot and a straight line joining points on the right-of-way lines twenty five feet (25’) from the point of intersection of the right of way or property lines.

101. SITE DEVELOPMENT REGULATIONS: The combinations of controls that establish the maximum size of a building and its location on the lot. Components of site development regulations include: size and height of building; location of exterior walls at all levels with respect to lot lines, streets, or other buildings; building coverage; gross floor area of building in relation to the lot area; open space; and amount of lot area provided per dwelling unit.

102. SITE PLAN: A plan, prepared to scale, showing accurately and with complete dimensions, all of the buildings, structures and uses, and principal site development features including parking, access, and landscaping and screening proposed for a specific parcel of land.

103. SPOT ZONING: Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the comprehensive plan.

104. STORY: That portion of a building, included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

105. STREET, LINE: The dividing line between a lot and a public street, alley or place.

106. STEET, FRONT: The street or public place upon which a plot abuts. If a plot abuts upon more than one street or public place it shall mean the street designated as the front street in the owner’s application for a building permit.

107. STREET, PUBLIC: A public thoroughfare which affords the principal means of access to the abutting property.

108. STRUCTURE: Anything which is built, constructed, moved, located or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things structures include buildings, mobile homes, manufactured home, billboards, decks, poster panels, and carports. Attached uncovered steps and planters are not considered structures.

109. SUBSTANDARD LOT (or NONCONFORMING LOT): A lot of record that does not comply with currently applicable minimum area, width, or depth requirements for the district in which it is located, but which complied with applicable requirements when it was placed on record prior to the enactment of this ordinance.

110. TEMPORARY STRUCTURE: A structure without foundation or footings, or permanently attached to the ground, and is removed when the designated time period, activity or use has ceased.

111. TOWNHOUSE LOT: That portion of the total development site of a townhouse residential use intended for separate ownership as the location of a single townhouse and associated private yard area.

112. USE: The conduct of an activity or the performance of a function or operation, on a site or in a building or facility.
    a. Principal Use: Any use which is the primary function of a household, lot or structure.
    b. Permitted Use: Any use permitted as a matter of right when conducted in accordance with the regulations established by this ordinance, of which fulfills the primary function of a household, establishment, institution, or other entity.
    c. Conditional Use: A use allowable solely on a discretionary and conditional basis subject to a conditional use permit, and to all other regulations established by this ordinance.
    d. Accessory Use: A use or activity located on the same lot and of a nature customarily incidental and subordinate to the specific principal use or building on the same site.

113. UTILITY: A utility owned and operated by any governmental body or franchised by any governmental body.

114. VACANCY: Any unoccupied land, structure, or part thereof available or suitable for occupancy.

115. VALUATION: The one hundred percent (100%) valuation of a building or structure, as determined by the County Assessor.

116. VARIANCE: A relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions and peculiarity of the property and not the result of the actions of the applicant, a literal enforcement of the zoning ordinance would result in unnecessary and undue hardship.

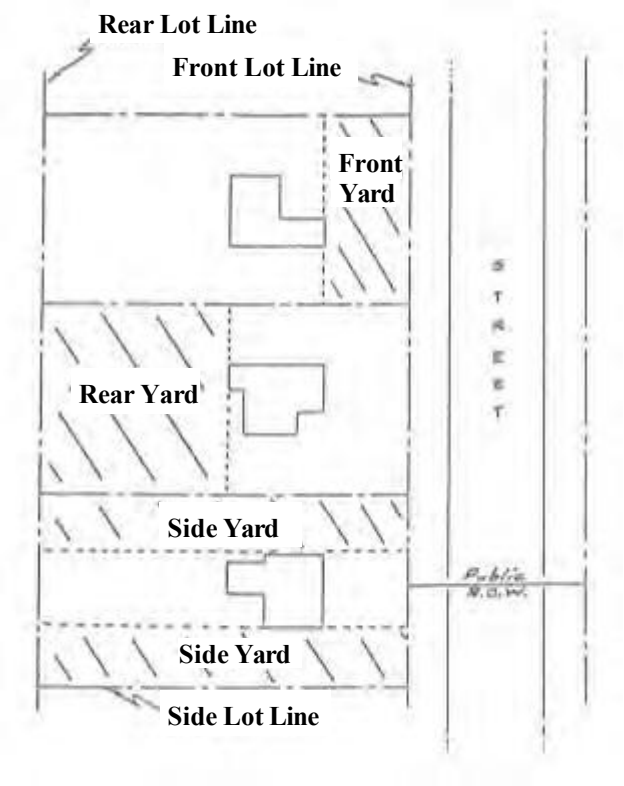
117. YARD: An open space on the same lot adjoining a lot line, containing buildings, structures, landscaping and other such uses and facilities as may be permitted in this ordinance.

    a. Front Yard: An area of yard extending across the full width of the lot and measured between the front lot line and the nearest principal building wall. In the case of corner lots, the front yard shall be considered as the yard adjacent to the street upon which the lot has been addressed.

b. Interior Yard: Any area of yard, not adjacent to a street, which is determined on the basis of an interior lot line.

c. Rear Yard: An area of yard extending across the full width of a lot and measured between the rear lot line and the nearest principal building wall, but excluding any area located within the street side yard of a corner lot. On both corner lots and interior lots the opposite end of the lot from the front yard shall be considered the rear yard.

d. Side Yard: An area of yard extending the depth of a lot from the front yard to the rear yard and measured between the side lot line and the nearest principal building wall. In the case of a corner lot, the street side yard shall extend from the front yard to the rear lot line.



118. ZERO LOT LINE: A development concept wherein a wall, typically a side wall, of the building is located directly on or immediately adjacent to the property line of the real property.

119. ZONING: The delineation of districts and the establishment of regulations governing the use, placement, spacing, and size of land and buildings.

120. ZONING ADMINISTRATOR: The individual appointed by the City Council of Rock Rapids to administer and enforce compliance with the provisions of this ordinance and to issue zoning permits.

121. ZONING PERMIT: A permit issued and enforced by the Zoning Administrator, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building; acknowledging the proposed use, building, or structure complies with the provisions of the zoning ordinance, conditional use or authorized variance.

122. ZONING DISTRICT: A designated land classification, within which all sites are subject to a unified group of use and site development regulations set forth in this Zoning Ordinance.

123. ZONING LOT: A tract of land, parcel or multiple contiguous parcels of land under single ownership that is large enough to meet the minimum zoning requirements of its zoning district and can provide such yards and other open spaces that are required by the site development regulations.

124. ZONING MAP: The map delineating the boundaries of zoning districts which, along with the zoning text, comprises the zoning ordinance.

Section 2.2. SPECIFIC LAND USE DEFINITIONS.

The purpose of land use definitions is to provide a consistent set of terms encompassing and defining those land uses permitted by right or conditional use in the zoning districts, and to provide a procedure for determination of the applicable land use definition of any activity not clearly within any defined land use definition. In event of any question as to the appropriate land use definition of any existing or proposed use or activity, the Zoning Administrator shall have the authority to determine the definition, subject to the right of appeal pursuant to Section 19.8. In making such determinations, the Zoning Administrator shall consider the characteristics of the land use in question, and consider any functional, product, service, or physical requirements common with similar uses cited as examples of land use definitions.

2.2.1. AGRICULTURAL & CONSERVATION LAND USE DEFINITIONS:

Agricultural and conservation uses include on-site production of plant and animal products by agricultural methods and purposes related to agriculture, dairying, pasturage, horticulture, floriculture, viticulture, and animal husbandry. Conservation uses include environmentally sensitive areas or uniqueness that may be designated or protected from other development or activities that alter the ecological integrity, balance or character of the area.

1. *Animal Production*: The care and breeding of domestic animals, cattle, swine, poultry, horses, sheep, goats or other similar animals.
2. *Commercial Feedlot*: The feeding or raising of livestock, fowl, poultry or other animals in confined feed lots, dry lots, pens, cages or buildings on a commercial basis.
3. *Critical Area*: A critical area is a natural feature in need of preservation from encroaching land uses. Such areas may include but not limited to sensitive or prime agricultural soils, areas of excessive slope, natural marshes, fens, sloughs, woodlands, and floodplains.
4. *Crop Production*: The raising and harvesting of tree crops, row crops or field crops on an agricultural or commercial basis, including incidental packing and processing.
5. *Farm*: An area or use used for the growing of the usual farm products and commodities such as vegetables, fruits, seed crops, crops and grains and their storage on the premises. The term "farm" includes the operating of such an area for one (1) or more of the above uses including the necessary accessory uses for treating or storing produce, provided accessory uses are secondary to normal farming activities. The terms “Farm” or “Farming” does not mean commercial animal feeding or confined animal operations.
6. *Farm Dwelling, Principal:* A dwelling located on a farm and occupied by the owner or operator of the farm or renter.
7. *Farm Dwelling, Support Housing*: The occupancy of living accommodations by one (1) agricultural employee and their family on the same property as the principal permitted residence, without regard to duration, which occurs exclusively in association with the performance of agricultural labor on the same property as the support housing.
8. *Horticulture*: The growing of horticultural and floricultural, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes, but excluding retail sales. Typical uses include wholesale plant nurseries and greenhouses.
9. *Produce Sales*: The offering for sale of agricultural products produced on the premises. Typical uses include, but not limited to, roadside fruit and vegetable stands.

10. *Stables*: Boarding, breeding or raising of horses not owned by the occupants of the premises or riding of horses by other than the occupants of the premises or their non-paying guests. Typical uses include but not limited to boarding stables or public stables.
11. *Undeveloped or Unimproved Land:* Land in its natural state before development.
12. *Water Control Structures, Irrigation or Retention Basins*: Man-made structures intended to direct and/or control the water flow, drainage and percolation rate to aid in the prevention of flooding or direct water away from developments or agricultural land.
13. *Wildlife Management Area/Preserv*e: Areas designated for the protection and sustaining of wildlife habitat in which human activities are limited and the natural environment is protected.

2.2.2. *RESIDENTIAL LAND USE DEFINITIONS:*

Residential uses include living accommodations on primarily non-transient basis or institutional living, but excluding those providing forced residence such as prisons or detention centers.

1. *Condominium Residential*: The use of a site for three (3) or more dwelling units intended for separate ownership, together with common area serving all dwelling units; whereas the structure, common areas and facilities are owned by all of the owners on a proportional, undivided basis.
2. *Family Home (as per Chapter 414.22 Iowa Code):* A community based residential home licensed as a residential care facility under Chapter 135C of the *Iowa Code* or as a child foster care facility under Chapter 237 of the *Iowa Code* to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight (8) persons with a developmental disability or brain injury and any necessary support personnel. However, family home does not mean an individual foster care family home licensed under Chapter 237.
3. *Group Residential*: The residential occupancy of living accommodations by groups of more than five (5) persons not defined as a family on a weekly or longer basis. Typical uses include but not limited to fraternity or sorority houses, dormitories, or residence halls.
4. *Mobile Home or Manufactured Housing*: The residential occupancy of mobile homes or manufactured housing as dwellings on a weekly or longer basis. Mobile or manufactured housing is created and assembled in a factory and can be classified as temporary or permanently built. Mobile or manufactured homes are designed to be moved from one place to another with ease.
5. *Multiple Family Residential*: The use of a site for three (3) or more dwelling units within one or more buildings.
6. *Relocated Residential*: An existing, previously built residential structure, intended for occupancy, which has been moved into the community from a location outside of Rock Rapids, or an existing residential structure which has been relocated from another location from within the community to a new residential site. A relocated residential structure does not include the moving of a new manufactured, modular or mobile home into the city.
7. *Residential Healthcare Facilities*: Includes residential care services, intermediate care facility or skilled nursing home.
    a. *Residential Care Services*: A use, other than a hospital or convalescent facility, providing care for ambulatory persons in a residential environment, including overnight occupancy or extended care.

b. *Assisted Living Facility*: Residences for primarily senior or retired persons that provide dwelling units, housekeeping services, meals, personal care, and supervision of self-administered medication. Assisted living facilities may also provide other services such as recreational activities, financial services, and transportation and these facilities are sometimes combined with other types of housing such as congregate housing or senior housing.

c. *Nursing or Convalescent Home*: A building or structure having accommodations and where care is provided for invalid, infirmed, aged, convalescent, or physically disabled or injured persons, not of the immediate family are received, kept and provided with food, and shelter for compensation. This shall not include insane, mental, inebriate or contagious cases.

8. *Single Family Residential*: The use of a site for only one (1) dwelling unit.

9. *Townhouse Residential*: The use of a site for three (3) or more dwelling units constructed with common or adjacent walls; each located on a separate parcel within the total development site.

10. *Two Family Residential (also duplex or twin home)*: The use of a site for two (2) dwelling units within a single building on a single lot or parcel.

2.2.3. *COMMERCIAL LAND USE DEFINITIONS:*

Commercial use types include the sale, rental, service, and distribution of goods; and the provision of services other than those classified as industrial or civic uses.

1. *Administrative and Business Offices*: Offices of private firms or organizations primarily used for the provision of executive, management, or administrative services. Typical uses include but not limited to administrative offices including real estate, insurance, property management, investment, personnel, travel, secretarial, telemarketing, photocopy, etc.

2. *Agricultural Sales and Services*: Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, pesticides and similar goods or services with incidental storage on lots other than where the service is rendered. Typical uses include but not limited to nurseries, hay, feed and grain stores, and tree service firms.

3. *Automotive Rentals:* Rental of automobiles, noncommercial trucks, trailers, and recreational vehicles. Typical uses include but not limited to auto rental agencies, trailer rental agencies, and taxicab parking and dispatching.

4. *Automotive Repair Services:* Repair of automobiles, noncommercial truck, motorcycles, motor homes, recreational vehicles or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include but not limited to new and used car dealerships, motorcycle, boat, trailer, and recreational vehicle dealerships.

5. *Automotive Sales:* Sales or rental of automobiles, noncommercial truck, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include but not limited to new and used car dealerships, motorcycle dealerships, and boat, trailer, and recreational vehicle dealerships.

6. *Automotive Washing:* Washing and cleaning of automobiles, related light equipment, and trucks. Typical uses include but not limited to auto laundries, car washes, or truck washes. Does not include large truck cleanouts or wash outs.

7. *Building Maintenance Services:* Establishments primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include but not limited to janitorial, landscape maintenance, or window cleaning services.

8. *Business Support Services:* Establishments or places of business primarily engaged in the sale, rental or repair of equipment and supplies used by office, professional and service establishments; but excludes automotive, construction and farm equipment. Typical uses include but not limited to office equipment supply firms, small business machine repair, or hotel equipment and supply.
9. *Business or Trade School*: A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.
10. *Cocktail Lounge*: A use engaged in the preparation and retail sales of alcoholic beverages for consumption on premises, including taverns, bars, cocktail lounges, and similar uses.
11. *Commercial Auction Yards and Barns*: A place or structure where primarily, but not exclusively, livestock, fowl, poultry or other animals are offered for sale for profit to persons who bid in competition with each other.
12. *Commercial Off-Street Parking:* Parking of motor vehicles on a temporary basis within privately owned off-street parking facility, other than accessory to a principal use. Uses include commercial parking lots or parking garages.
13. *Commercial Recreation*: Establishments or places primarily engaged in the provision of sports, entertainment, or recreation for participants or spectators. The following are commercial recreation use types:
    a. *Indoor Entertainment and Recreation*: Uses conducted within an enclosed building. Typical uses include but not limited to bowling alleys, ice and roller skating rinks, arcades, motion picture theatres, meeting halls, dance halls.
    b. *Outdoor Entertainment and Recreation*: Uses conducted in open or partially enclosed or screened facilities. Typical uses include but not limited to sporting arena, swimming pools, tennis courts, racquetball courts, racing facilities, go-kart track, amusement part, drive-in theater, or driving range.
14. *Communications Services*: Establishments primarily engaged in the provision of broadcasting and information relay services accomplished through the use of electronic and telephonic mechanisms but exclude those classified as Major Utility Facilities. Typical uses include but not limited to telecommunication services; radio, television, cellular and other similar antennas, towers, or structures; and fiber optic lines and transmission facilities.
15. *Condominium or Business Storage Unit*: A building or series of buildings in which the storage units or floor area is owned independently, each unit maintains a separate entrance, and the entire structure and property is owned by all of the owners on a proportional, undivided basis or by single or business ownership. These storage units are designed for individually owned indoor storage of recreational vehicles, boats, watercrafts, snowmobiles, motorcycles, automobiles, antiques, toys, trailers, or other similar uses.
16. *Construction Sales and Services*: Establishments or places of business primarily engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale, from the premises, of materials used in construction of building or other structures other than retail sale of paint, fixtures and hardware; but excludes those classified as one of the Automotive and Equipment Services use types. Typical uses include but not limited to building materials stores, tool and equipment rental or sales, or building contractors.
17. *Consumer Repair Services*: Establishments primarily engaged in repair services to individuals or households rather than firms, but excluding automotive and equipment uses. Typical uses include

but not limited to appliance repair, watch/jewelry repair, or musical instrument repair.

18. *Convenience Storage*: Storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding use as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include but not limited to mini-warehousing.
19. *Convenience Store*: An establishment engaged in the retail sale of food and household products, including gasoline. The repair, storage or servicing of vehicles shall be prohibited.
20. *Equipment Repair Services:* Repair of trucks, tractors, construction equipment, agricultural implements, and heavy equipment. Typical uses include but not limited to truck repair, tractor and farm implement repair services, and machine shops, but exclude dismantling or salvage.
21. *Equipment Sales:* Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include but not limited to truck dealerships, construction equipment dealerships, farm implement dealerships and mobile home sales.
22. *Financial Services*: Establishments primarily engaged in the provision of financial and banking services. Typical uses include but not limited to banks, savings and loan institutions, loan and lending activities, and similar services.
23. *Funeral Services*: Establishments engaged in undertaking services such as preparing the human dead for burial, arranging, and managing funerals. Typical uses include but not limited to funeral homes, crematoriums or mortuaries.
24. *General Retail Sales*: Sale or rental of commonly used goods, and merchandise for personal or household use, but excludes those classified more specifically in this section inclusive. Typical uses include but not limited to department stores, apparel stores, furniture stores, grocery stores, meat lockers, specialty unprepared food stores, or establishments providing the following products or services: household cleaning and maintenance products; drugs, cards, and stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys and handcrafted items; apparel, jewelry, fabrics, and like items; cameras, photography services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, carpeting and floor covering, interior decorating services, office supplies; bicycles; and automotive parts and accessories.
25. *Golf Course*: Land area and buildings containing golf course, club house, restaurant and lounge, swimming pool and tennis courts.
26. *Hospital Services*: A facility providing medical, psychiatric, or surgical services for sick or injured persons primarily on an inpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors.
27. *Kennel, Commercial*: A commercial establishment in which more than four (4) dogs and cats or other domesticated household pets over the age of six months are housed, groomed, bred, boarded, trained, or sold all for a fee or compensation. Typical uses include but not limited to boarding kennels, pet motels, or dog training centers.
28. *Laundry Sales*: Establishments primarily engaged in the provision of laundering, dry cleaning, or dyeing services other that those classified as Personal Services. Typical uses include but not limited to bulk laundry and cleaning facilities, diaper services, or linen supply services.

29. *Liquor Sales*: Establishments or places of business engaged in retail sale for consumption off the premises of alcoholic beverages. Typical uses include but not limited to liquor stores, bottle shops, or any licensed sales for off-site consumption.
30. *Maintenance and Service Facilities*: A facility supporting maintenance, repair, equipment servicing, materials storage, and similar activities, including equipment service centers and similar uses having characteristics of commercial services, contracting or industrial activities.
31. *Medical Clinics/Offices*: A use providing consultation, diagnosis, therapeutic, preventative, or corrective personal treatment services by doctors, dentists, medical and dental laboratories, and similar practitioners of medical and healing arts licensed for practice by the State of Iowa.
32. *Personal Improvement Services*: Establishments primarily engaged in the provision of informational, instructional, personal improvement and similar services of nonprofessional nature. Typical uses include but not limited to photography studios, driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.
33. *Personal Services*: Establishments or places of business primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include but not limited to beauty and barbershops, tailor, shoe repair, and laundromat or apparel services.
34. *Pet Services*: Retail sales and grooming of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include but not limited to pet stores, animal bathing facilities, or pet grooming shops.
35. *Professional Office*: Any building or part thereof used by one (1) or more persons engaged in the practice of law, accounting, architecture, medicine, engineering and other occupations customarily considered a profession.
36. *Restaurant:* A use engaged in the preparation and retail sales of food and beverages, including sale of alcoholic beverages when conducted as an accessory producing less than fifty percent (50%) of the gross income. A restaurant may include live entertainment. Typical uses include but not limited to restaurants, bar & grills, sandwich shops, cafes, coffee shops and other similar food services establishments.
37. *Service Station:* Any building or premises used for the retail sale of automotive fuels, oils and other items customarily associated with the sale of such products, but not for the purpose of making other than minor repairs. When the dispensing or retail sale is incidental to the conduct of a commercial garage, the premises shall be classified as an automotive repair service.
38. *Vehicle Storage:* Long term storage of operating or non-operating vehicles, including but not limited to automobiles, trucks, heavy equipment, motorcycles, boats, recreation vehicles and any other motor powered vehicles. Typical uses include but not limited to storage of private parking lots, paid long term storage lots, lots marketing the sale of the aforementioned vehicles, tow-a-ways or impound yards, but excludes dismantling or salvage.
39. *Veterinary Services*: Veterinary services for animals. Typical uses include but not limited to pet clinics, dog and cat hospitals, and veterinary hospitals.
40. *Visitor Habitation*: Establishments primarily engaged in the provision of lodging on a temporary basis with incidental food, drink and other sales and services intended for the convenience of guests. The following are visitor habitation use types:

a. *Campground*: Facilities or an area providing spaces for two (2) or more travel trailers, recreational vehicles, camping trailers, or tent sites for temporary occupancy with necessary incidental services, sanitation and recreation facilities to serve the traveling public. Typical uses include but not limited to campgrounds or recreational vehicle parks.

b. *Hotel-Motel*: A building or group of buildings containing guest rooms primarily intended for temporary occupancy to transient guests for compensation and provides parking for the guests. Other such accessory uses associated with a hotel-motel may include a swimming pool, restaurant, conference rooms, management office and quarters for the personnel.

c. *Bed & Breakfast*: A private, owner-occupied housing unit, or portion thereof that provides up to six (6) sleeping rooms for rent to the general public. In any residential district, meals shall only be served to those taking lodging in the facility and the owners and employees of the operation. Individual units which are designed to be rented shall contain no cooking facilities.

d. *Boarding House*: A building, other than a hotel or motel, where for compensation, meals and lodging are provided for more than three (3) persons not defined as a family.

41. *Wind Turbine*: Any device such as a wind charger, windmill, or wind generator which converts wind energy to a form of useable energy.

2.2.4. *INDUSTRIAL LAND USE DEFINITIONS:*

Industrial use types include the on-site extraction or production of goods by methods not agricultural, and storage and distribution of products.

1. *Biotechnology Production and/or Manufacturing*: Facilities, warehouses, and production or assembly plants engaged in the active production, manufacturing, packaging, and distribution of products generally associated with the fields of animal or human biotechnology.

2. *Bulk Stations:* Distributing stations commonly known as bulk or tank stations used for the storage and distribution of flammable liquids or liquefied petroleum products where the aggregate capacity of all storage tanks is more than twelve thousand (12,000) gallons.

3. *Custom Manufacturing*: Establishments primarily engaged in the on-site production of goods by hand manufacturing which involves the use of hand tools or mechanical equipment and the incidental direct sale to consumers of only those goods produced on-site. Typical uses include but not limited to ceramic studios, candle making shops or custom jewelry.

4. *Fertilizer or Chemical Storage or Processing*: Those uses which promote the sale, storage, transfer or processing of agricultural, industrial or other chemicals used primarily as fertilizers for agricultural purposes.

5. *Fuel Storage*: The storage of any fuel source in above ground or below ground tanks for purposes of distribution, storage, or for sale. Such uses may include, but are not limited to gasoline storage facilities, companies that sell or store propane, or natural gas storage sites.

6. *Heavy Industry*: A use engaged in the processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes utilizing flammable or explosive materials; or storage or manufacturing processes which potentially involve hazardous or commonly recognized offensive conditions.

7. *Light Industry*: A use engaged in the manufacture, predominantly from previously prepared materials, including the processing, fabrication, assembly, treatment, and packaging of such

products, and incidental storage, sales, and distribution of such products, but excluding heavy industrial processing.

8. *Railroad Facilities*: Including but not limited to rail yards, equipment servicing facilities, loading and unloading facilities and rail terminal facilities.
9. *Renewable Energy/Renewable Resources Industries*: Those industries or businesses engaged in use of products that are sustainable in the environment or in harnessing or capturing of renewable resources for energy purposes. Typical uses include but are not limited to biofuels, biomass, wind energy, solar energy, hydro power, and geothermal.
10. *Research and Production Services:* Establishments primarily engaged in research of an industrial or scientific nature, including animal or human products testing. Typical uses include but are not limited to animal or human research laboratories, research and development firms, or animal or human pharmaceutical research labs.
11. *Resource Extraction*: A use involving the on-site extraction of surface mineral products or natural resources. Typical extractive uses are, but not limited to quarries, borrow pits, sand and gravel operations, oil and gas extraction, and mining operations.
12. *Sanitary Landfill*: An area of land designated for the disposal of garbage, refuse, waste, rubbish, and other solid or semisolid materials, of which are buried between layers of earth.
13. *Scrap and Salvage Services*: Places of business primarily engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse. Typical uses include but not limited to automotive scrap or storage yards, junk or salvage yards.
14. *Stockyards*: Stockyard services involving the temporary keeping of livestock for slaughter, market or shipping. Typical uses include but not limited to animal stockyards.
15. *Warehousing and Distribution*: Establishments or places of business primarily engaged in wholesaling, storage, distribution and handling of materials and equipment other than live animals and plants. The following are warehousing use types:
    a. *Limited Warehousing and Distribution*: Wholesaling, storage and warehousing services within enclosed structures. Typical uses include but not limited to wholesale distributors, storage warehouses or moving and storage firms.
    b. *General Warehousing and Distribution*: Open-air storage, distribution and handling of materials and equipment. Typical uses include but not limited to grain elevators or open storage yards.

2.2.5. *CIVIC & PUBLIC LAND USE DEFINITIONS:*

Civic use types include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other uses strongly vested with public or social importance.

1. *Aviation Facilities*: Landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft.
2. *Cemetery*: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbiums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.
3. *Club or Lodge*: A use providing meeting, recreational, or social facilities for private or non-profit associations, primarily for use by members and guests.

4. *Cultural Services*: A library, museum, art gallery, or similar nonprofit use affording display, preservation or exhibition of objects of permanent interest in the arts and sciences.
5. *Daycare Center*: A facility, or use of a building or portion thereof, for daytime care of seven (7) or more individuals, or as indicated by the State of Iowa. This term may include day care centers for children or adults, and similar uses.
6. *Detention Facilities*: Any use providing housing and care for individuals confined by law.
7. *Government/Public Services*: Offices, administrative, clerical, governmental, or public services that deal directly with the citizen. Typical uses include but not limited to federal, state, county, and city offices, postal facilities, or other organizations directly benefiting the general public.
8. *Local Utility Services*: Essential services which are necessary to support principal development and involve only minor structures such as lines and poles.
9. *Major Utility Facilities*: Generating plants, electrical switching facilities and primary substations, refuse collection or disposal facilities, water and wastewater treatment plants and similar facilities of public use, and firms having potentially significant impact upon surrounding uses.
10. *Military Installations*: Military facilities of federal or state governments.
11. *Park and Recreation Services*: Publicly owned and operated parks, playgrounds, open spaces, and swimming pools.
12. *Pre-Kindergarten, Preschool, or Nursery School*: Any private agency, institution, establishment or place which provides, for compensation, supplemental parental care and/or educational work, other than overnight lodging, for six (6) or more unrelated children of pre-school age.
13. *Educational Facilities*: A public, private, or parochial school offering educational instruction.
14. *Public Assembly*: Publicly owned or operated facilities for major public assembly, recreation, sports, amusement or entertainment, including civic or community auditoriums, sports stadiums, convention facilities, fairgrounds, and exhibition facilities.
15. *Religious Assembly*: A use located in a permanent building and providing regular organized religious worship and religious education incidental thereto, excluding primary or secondary educational facilities.
16. *Safety Services*: Facilities for public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.
17. *Treatment Services*: A use providing counseling, guidance, recuperative, or similar services to persons requiring rehabilitation assistance as a result of mental illness alcoholism, detention, drug addiction, or similar condition on a residential or daytime basis.

ARTICLE III
Zoning Districts Established

Article 3: Zoning Districts Established
Section 3.1. Zoning Districts
Section 3.2. Boundaries and Official Map
Section 3.3. Interpretations of Districts Boundaries
Section 3.4. Road or Public Right-of-Way Vacation
Section 3.5. Annexed Territory
Section 3.6. General Regulations

Section 3.1. ZONING DISTRICTS.

The City Council shall cause to be prepared and approved, an official zoning districts map showing the various districts, which may be changed or corrected from time to time as recommended by the Planning and Zoning Commission and enacted by the City Council. For the purpose and intent of this ordinance the City of Rock Rapids, Iowa is hereby divided into zoning districts or zones as follows:

Agricultural District	A-1
Single Family Residential District	R-1
Multiple Family Residential District	R-2
Mobile/Manufactured Housing District	R-3
Downtown Commercial	C-1
General Commercial District	C-2
Highway Commercial District	C-3
Light Industrial District	I-1
Heavy Industrial District	I-2

Section 3.2. BOUNDARIES AND OFFICIAL MAP.

The boundaries of these districts are indicated and established as shown upon maps designated as the official zoning map of Rock Rapids, Iowa, which, with all the notations, designations, references, and other matters shown thereon, shall be as much a part of this zoning ordinance as if fully described and set forth herein. Amendments, supplements, or changes of the boundaries of districts as shown on the official zoning map shall be made by ordinance amending the Rock Rapids Zoning Ordinance. The amending ordinance shall refer to the official zoning map and shall set out the identification of the area affected by legal description and identify the zoning district as the same exists and the new district designation applicable to said property. Said ordinance shall, after adoption and publication, be recorded by the City Clerk as other ordinances and a certified copy thereof be attached to the official zoning map. Such amendatory ordinance shall, however, not repeal or reenact said map, but only amend it.

The official zoning districts map shall be on file in a convenient place in the office of the City Clerk and all references hereafter to the official map shall mean the map just referred to said map by this reference being made a part of this zoning ordinance. In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of use or the nature or number of changes and additions, the city council may, by resolution, adopt a new official zoning map that shall supersede the prior official zoning map. The new official zoning map may correct drafting or

other errors or omissions in the prior official zoning map, but no such corrections shall have the effect of amending the original official zoning ordinance or any subsequent amendments thereof. The map shall be kept up to date by the Zoning Administrator and will be placed in the City Council chambers at City Hall. A similar map shall be prepared and placed in a convenient part of the office of the Lyon County Recorder for reference at any time.

Section 3.3. INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists as to a district's boundaries as shown on the official zoning map, the following rules shall apply.

1. Boundaries indicated as approximately following the center lines of streets, highways, alleys or other public right-of-ways shall be construed to follow such center lines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following section lines, quarter section lines, or quarter-quarter section lines shall be construed as following such lines;
4. Boundaries indicated as approximately following city limits shall be construed as following such city limits;
5. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main set of tracks, or at the centerline of a single set of tracks.
6. Boundaries indicated as following the center line of streams, rivers, canals, or other bodies of water shall be construed as following such center lines;
7. Boundaries indicated as parallel to or extensions of features indicated in subsections 1-6 above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
8. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsection 1-7 above, the board of adjustment shall interpret the district boundaries.

Section 3.4. ROAD OR PUBLIC RIGHT-OF-WAY VACATION.

Whenever any road, street, or other public right-of-way is vacated by the official action of the city council, the zoning district(s) adjoining each side of such road or public right-of-way shall automatically extend to the center of such vacation and all area included in such vacation shall then and there forth be subject to all appropriate regulations of the extended district.

Section 3.5. ZONING OF ANNEXED AREAS.

Any land annexed to the City of Rock Rapids after the effective date of this ordinance shall be automatically assume assigned the (A-1) Agriculture District. All territory shall remain such zoning classification until such a time the annexed land may be reviewed by the Planning and Zoning Commission and recommend to the City Council to approve a zoning classification that best depicts the city's zoning classification based on the current use of the land.

ORDINANCE NO. 669

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP UNDER ARTICLE III, SECTION 3.2 OF THE CITY OF ROCK RAPIDS 2014 ZONING ORDINANCE BY RE-ZONING A PART OF ORIGINAL TOWN ADDITION TO THE CITY OF ROCK RAPIDS, LYON COUNTY, IOWA, AS MORE PARTICULARLY DESCRIBED ON THE ATTACHED EXHIBIT "A", FROM AN "R-2" MULTIPLE FAMILY RESIDENTIAL TO "C-2" GENERAL COMMERCIAL DISTRICT.

BE IT ORDAINED by the Council of the City of Rock Rapids, Iowa:

SECTION 1. That the Official Zoning Map as established under Article III, Section 3.2 of the City of Rock Rapids 2014 Zoning Ordinance be amended by re-zoning a part of Original Town Addition to the City of Rock Rapids, Lyon County, Iowa, as described in Exhibit "A", which is attached and by this reference made a part hereof, from an "R-2" Multiple Family Residential to "C-2" General Commercial District.

EXHIBIT "A"

Lots 1 and 2 in Block 7 of Original Town Addition to the City of Rock Rapids, Lyon County, Iowa.

SECTION 2. REPEALER. All Ordinances or parts of Ordinances in conflict with the provision of this Ordinance are hereby repealed.

SECTION 3. WHEN EFFECTIVE. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED by the Council this 26th day of October, 2015.

Jason Chase, Mayor

ATTEST: Jordan Kordahl, Clerk

I, Jordan Kordahl, Clerk of the City of Rock Rapids, Lyon County, Iowa, hereby certify that the foregoing Ordinance was published on the 4th day of November, 2015 in the *Lyon County Reporter,* a weekly newspaper in Rock Rapids, Lyon County, Iowa.

Dated this 4th day of November, 2015.

Jordan Kordahl, Clerk

ORDINANCE NO. 670

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP UNDER ARTICLE III, SECTION 3.2 OF THE CITY OF ROCK RAPIDS 2014 ZONING ORDINANCE BY RE-ZONING A PART OF ORIGINAL TOWN ADDITION TO THE CITY OF ROCK RAPIDS, LYON COUNTY, IOWA, AS MORE PARTICULARLY DESCRIBED ON THE ATTACHED EXHIBIT "A", FROM AN "R-2" MULTIPLE FAMILY RESIDENTIAL TO "C-3" HIGHWAY COMMERCIAL DISTRICT.

BE IT ORDAINED by the Council of the City of Rock Rapids, Iowa:

SECTION 1. That the Official Zoning Map as established under Article III, Section 3.2 of the City of Rock Rapids 2014 Zoning Ordinance be amended by re-zoning a part of Original Town Addition to the City of Rock Rapids, Lyon County, Iowa, as described in Exhibit "A", which is attached and by this reference made a part hereof, from an "R-2" Multiple Family Residential to "C-3" Highway Commercial District.

EXHIBIT "A"

West 75 feet of Lots 1 and 2 in Block 9 of Original Town Addition to the City of Rock Rapids, Lyon County, Iowa.

SECTION 2. REPEALER. All Ordinances or parts of Ordinances in conflict with the provision of this Ordinance are hereby repealed.

SECTION 3. WHEN EFFECTIVE. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED by the Council this 26th day of October, 2015.

Jason Chase, Mayor

ATTEST: Jordan Kordahl, Clerk

I, Jordan Kordahl, Clerk of the City of Rock Rapids, Lyon County, Iowa, hereby certify that the foregoing Ordinance was published on the 4th day of November, 2015 in the *Lyon County Reporter,* a weekly newspaper in Rock Rapids, Lyon County, Iowa.

Dated this 4th day of November, 2015.

Jordan Kordahl, Clerk

ORDINANCE NO. 668 (Renumbered to Ordinance No. 672)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP UNDER ARTICLE III, SECTION 3.2 OF THE CITY OF ROCK RAPIDS 2014 ZONING ORDINANCE BY RE-ZONING A PART OF BERKHOLTZ ADDITION TO THE CITY OF ROCK RAPIDS, LYON COUNTY, IOWA, AS MORE PARTICULARLY DESCRIBED ON THE ATTACHED EXHIBIT "A", FROM AN "I-1" LIGHT INDUSTRIAL TO "C-2" GENERAL COMMERCIAL DISTRICT.

BE IT ORDAINED by the Council of the City of Rock Rapids, Iowa:

SECTION 1. That the Official Zoning Map as established under Article III, Section 3.2 of the City of Rock Rapids 2014 Zoning Ordinance be amended by re-zoning a part of Berkholtz Addition to the City of Rock Rapids, Lyon County, Iowa, as described in Exhibit "A", which is attached and by this reference made a part hereof, from an "I-1" Light Industrial to "C-2" General Commercial District.

EXHIBIT "A"

Lots 4 and 5 Except the West 20 feet, Block 4, Berkholtz Addition to the City of Rock Rapids, Lyon County, Iowa.

SECTION 2. REPEALER. All Ordinances or parts of Ordinances in conflict with the provision of this Ordinance are hereby repealed.

SECTION 3. WHEN EFFECTIVE. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED by the Council this 14th day of September, 2015.

Jason Chase, Mayor

ATTEST: Jordan Kordahl, Clerk

I, Jordan Kordahl, Clerk of the City of Rock Rapids, Lyon County, Iowa, hereby certify that the foregoing Ordinance was published on the 23rd day of September, 2015 in the *Lyon County Reporter,* a weekly newspaper in Rock Rapids, Lyon County, Iowa.

Dated this 23rd day of September, 2015.

Jordan Kordahl, Clerk

ORDINANCE NO. 678

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP UNDER ARTICLE III, SECTION 3.2 OF THE CITY OF ROCK RAPIDS 2014 ZONING ORDINANCE BY RE-ZONING A PART OF EAST ROCK RAPIDS OUTLOTS IN THE CITY OF ROCK RAPIDS, LYON COUNTY, IOWA, AS MORE PARTICULARLY DESCRIBED ON THE ATTACHED EXHIBIT "A", FROM AN "R-2" MULTIPLE FAMILY RESIDENTIAL TO "C-2" GENERAL COMMERCIAL DISTRICT.

BE IT ORDAINED by the Council of the City of Rock Rapids, Iowa:

SECTION 1. That the Official Zoning Map as established under Article III, Section 3.2 of the City of Rock Rapids 2014 Zoning Ordinance be amended by re-zoning a part of East Rock Rapids Outlots in the City of Rock Rapids, Lyon County, Iowa, as described in Exhibit "A", which is attached and by this reference made a part hereof, from an "R-2" Multiple Family Residential to "C-2" General Commercial District.

EXHIBIT "A"

Outlot 12 Except the East 90 feet of the North 100 feet, East Rock Rapids Outlots;

The West 85 feet of Outlot 18, East Rock Rapids Outlots;

The East 90 feet of Outlot 12 except the North 33 feet and the South 131 feet, East Rock Rapids Outlots.

SECTION 2. REPEALER. All Ordinances or parts of Ordinances in conflict with the provision of this Ordinance are hereby repealed.

SECTION 3. WHEN EFFECTIVE. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED by the Council this 24th day of October, 2016.

Jason Chase, Mayor

ATTEST: Jordan Kordahl, Clerk

I, Jordan Kordahl, Clerk of the City of Rock Rapids, Lyon County, Iowa, hereby certify that the foregoing Ordinance was published on the 2nd day of November, 2016 in the *Lyon County Reporter,* a weekly newspaper in Rock Rapids, Lyon County, Iowa.

Dated this 2nd day of November, 2016.

Jordan Kordahl, Clerk

ORDINANCE NO. 686

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP UNDER ARTICLE III, SECTION 3.2 OF THE CITY OF ROCK RAPIDS 2014 ZONING ORDINANCE BY RE-ZONING A PART OF EAST ROCK RAPIDS ADDITION TO THE CITY OF ROCK RAPIDS, LYON COUNTY, IOWA, AS MORE PARTICULARLY DESCRIBED ON THE ATTACHED EXHIBIT "A", FROM A "C-3" HIGHWAY COMMERCIAL DISTRICT TO "R-2" MULTIPLE FAMILY RESIDENTIAL DISTRICT.

BE IT ORDAINED by the Council of the City of Rock Rapids, Iowa:

SECTION 1. That the Official Zoning Map as established under Article III, Section 3.2 of the City of Rock Rapids 2014 Zoning Ordinance be amended by re-zoning a part of East Rock Rapids Addition to the City of Rock Rapids, Lyon County, Iowa, as described in Exhibit "A", which is attached and by this reference made a part hereof, from a "C-3" Highway Commercial District to "R-2" Multiple Family Residential District.

EXHIBIT "A"

West Half (W1/2) of Lot 2 and all of Lot 3 South of Hiway in Block 4, East Rock Rapids Addition to the City of Rock Rapids, Lyon County, Iowa.

SECTION 2. REPEALER. All Ordinances or parts of Ordinances in conflict with the provision of this Ordinance are hereby repealed.

SECTION 3. WHEN EFFECTIVE. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED by the Council this 23rd day of January, 2017.

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Jason Chase, Mayor

ATTEST:

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Jordan Kordahl, Clerk

I, Jordan Kordahl, Clerk of the City of Rock Rapids, Lyon County, Iowa, hereby certify that the foregoing Ordinance was published on the 1st day of February, 2017 in the *Lyon County Reporter,* a weekly newspaper in Rock Rapids, Lyon County, Iowa.

Dated this 1st day of February, 2017.

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Jordan Kordahl, Clerk

ORDINANCE NO. 689

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP UNDER ARTICLE III, SECTION 3.2 OF THE CITY OF ROCK RAPIDS 2014 ZONING ORDINANCE BY RE-ZONING CERTAIN REAL ESTATE, LOCATED IN THE PROPOSED SUNSET COURT ADDITION TO THE CITY OF ROCK RAPIDS, LYON COUNTY, IOWA, AS MORE PARTICULARLY DESCRIBED ON THE ATTACHED EXHIBIT "A", FROM AN "A-1" AGRICULTURAL DISTRICT TO AN "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT.

BE IT ORDAINED by the Council of the City of Rock Rapids, Iowa:

SECTION 1. That the Official Zoning Map as established under Article III, Section 3.2 of the City of Rock Rapids 2014 Zoning Ordinance be amended by re-zoning certain real estate, located in the proposed Sunset Court Addition to the City of Rock Rapids, Lyon County, Iowa, as described in Exhibit "A", which is attached and by this reference made a part hereof, from an "A-1" Agricultural District to an "R-1" Single Family Residential District.

EXHIBIT "A"

That Part of Lot 1 in the Northeast Quarter (NE 1/4) of Section Five (5), Township 99 North, Range 45 West of the 5th P.M., Lyon County, Iowa, described as follows:

Commencing at the East Quarter Corner of said Section 5; thence North 87'36'29" West on the south line of said NE1/4 for a distance of 589.00 feet to the southeast corner of said Lot 1 in the Ne1/4 (the Plot of Survey of said Lot 1 in the Ne1/4 is recorded in Plat Book 4, page 68 in the Lyon County Recorder's Office) and to the Point of Beginning; thence continuing North 87'36'29" West on said south line and on the south line of said Lot 1 in the NE1/4 for a distance of 336.00 feet; thence North 03'18'56" East for a distance of 425.99 feet to the north line of said Lot 1 in the NE1/4; thence South 87'34'59" East on said north line for a distance of 336.00 feet to the northeast corner of said Lot 1 in the NE1/4; thence South 03'18'56" West on the east line of said Lot 1 in the NE1/4 for a distance of 425.85 feet to the Point of Beginning, containing 3.28 acres (143,091 square feet).

SECTION 2. REPEALER. All Ordinances or parts of Ordinances in conflict with the provision of this Ordinance are hereby repealed.

SECTION 3. WHEN EFFECTIVE. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED by the Council this 26th day of June, 2017.

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Jason Chase, Mayor

ATTEST:

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Jordan Kordahl, Clerk

ORDINANCE NO. 693

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP UNDER ARTICLE III, SECTION 3.2 OF THE CITY OF ROCK RAPIDS 2014 ZONING ORDINANCE BY RE-ZONING CERTAIN REAL ESTATE, LOCATED IN ORIGINAL TOWN ADDITION TO THE CITY OF ROCK RAPIDS, LYON COUNTY, IOWA, AS MORE PARTICULARLY DESCRIBED ON THE ATTACHED EXHIBIT "A", FROM AN "R-2" MULTIPLE FAMILY RESIDENTIAL DISTRICT TO A "C-3" HIGHWAY COMMERCIAL DISTRICT.

BE IT ORDAINED by the Council of the City of Rock Rapids, Iowa:

SECTION 1. That the Official Zoning Map as established under Article III, Section 3.2 of the City of Rock Rapids 2014 Zoning Ordinance be amended by re-zoning certain real estate, located in the Original Town Addition to the City of Rock Rapids, Lyon County, Iowa, as described in Exhibit "A", which is attached and by this reference made a part hereof, from an "R-2" Multiple Family Residential District to a "C-3" Highway Commercial District.

EXHIBIT "A"

Lots Three (3), Four (4), Five (5) and Six (6) in Block Eight (8) of Original Town Addition to the City of Rock Rapids, Lyon County, Iowa.

SECTION 2. REPEALER. All Ordinances or parts of Ordinances in conflict with the provision of this Ordinance are hereby repealed.

SECTION 3. WHEN EFFECTIVE. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED by the Council this 8th day of January, 2018.

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Jason Chase, Mayor

ATTEST:

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Jordan Kordahl, Clerk

I, Jordan Kordahl, Clerk of the City of Rock Rapids, Lyon County, Iowa, hereby certify that the foregoing Ordinance was published on the 17th day of January, 2018 in the *Lyon County Reporter,* a weekly newspaper in Rock Rapids, Lyon County, Iowa.

Dated this 17th day of January, 2018.

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Jordan Kordahl, Clerk

ORDINANCE NO. 700

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP UNDER ARTICLE III, SECTION 3.2 OF THE CITY OF ROCK RAPIDS 2014 ZONING ORDINANCE BY RE-ZONING CERTAIN REAL ESTATE, LOCATED IN PARCEL C IN THE SE 1/4 OF 5-99-45, LYON COUNTY, IOWA, AS MORE PARTICULARLY DESCRIBED ON THE ATTACHED EXHIBIT "A", FROM AN "A-1" AGRICULTURE DISTRICT TO A "C-3" HIGHWAY COMMERCIAL DISTRICT.

BE IT ORDAINED by the Council of the City of Rock Rapids, Iowa:

SECTION 1. That the Official Zoning Map as established under Article III, Section 3.2 of the City of Rock Rapids 2014 Zoning Ordinance be amended by re-zoning certain real estate, located in the City of Rock Rapids, Lyon County, Iowa, as described in Exhibit "A", which is attached and by this reference made a part hereof, from an "A-1" Agriculture District to a "C-3" Highway Commercial District.

EXHIBIT "A"

Parcel C in the Southeast Quarter (SE 1/4) of Section Five (5) Township Ninety-nine (99) North Range Forty-five (45) West of the 5th P.M., Lyon County, Iowa, as shown by Plat recorded in Plat Book "14" at Page 49, EXCEPT the North 5 acres thereof. (10.4 acres)

SECTION 2. REPEALER. All Ordinances or parts of Ordinances in conflict with the provision of this Ordinance are hereby repealed.

SECTION 3. WHEN EFFECTIVE. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED by the Council this 10th day of September, 2018.

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Jason Chase, Mayor

ATTEST:

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Jordan Kordahl, Clerk

I, Jordan Kordahl, Clerk of the City of Rock Rapids, Lyon County, Iowa, hereby certify that the foregoing Ordinance was published on the 19th day of September, 2018 in the *Lyon County Reporter,* a weekly newspaper in Rock Rapids, Lyon County, Iowa.

Dated this 19th day of September, 2018.

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Jordan Kordahl, Clerk

ORDINANCE NO. 701

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP UNDER ARTICLE III, SECTION 3.2 OF THE CITY OF ROCK RAPIDS 2014 ZONING ORDINANCE BY RE-ZONING CERTAIN REAL ESTATE, LOCATED IN HAWKINS 3RD ADDITION TO THE CITY OF ROCK RAPIDS, LYON COUNTY, IOWA, AS MORE PARTICULARLY DESCRIBED ON THE ATTACHED EXHIBIT "A", FROM AN "A-1" AGRICULTURE DISTRICT TO AN "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT.

BE IT ORDAINED by the Council of the City of Rock Rapids, Iowa:

SECTION 1. That the Official Zoning Map as established under Article III, Section 3.2 of the City of Rock Rapids 2014 Zoning Ordinance be amended by re-zoning certain real estate, located in Hawkins 3rd Addition to the City of Rock Rapids, Lyon County, Iowa, as described in Exhibit "A", which is attached and by this reference made a part hereof, from an "A-1" Agriculture District to an "R-1" Single Family Residential District.

EXHIBIT "A"

That part of Parcel D in the Southeast Quarter (SE1/4) of Section Five (5), Township 99 North, Range 45 West of the 5th P.M., Lyon County, Iowa, (the Plat of Survey of said Parcel D being recorded in Plat Book 14, Page 49, Lyon County Recorder's Office), described as follows:

Commencing at the South Quarter Corner of said Section 5; thence North 03°07'08" East along the west line of said SE1/4 and along the west line of Hawkins Second Addition to the City of Rock Rapids, Iowa (The Subdivision Plat of said Hawkins Second Addition being recorded in Plat Book 17, Page 55 Lyon County Recorder's Office), for a distance of 904.23 feet to the Northwest Corner of said Hawkins Second Addition and to the Point of Beginning; thence continuing North 03°07'08" East along the west line of said SE1/4 for a distance of 579.90 feet; thence South 87°29'58" East for a distance of 469.80 feet; thence South 31°05'50" East for a distance of 421.15 feet; thence South 61°52'03" East for a distance of 66.00 feet to the beginning of a non-tangent curve, concave southeasterly, having a radius of 367.00 feet; thence northeasterly along arc of said curve to the right for an arc distance of 56.22 feet, (said curve subtended by a chord which bears North 32°31'16" East with a chord length of 56.17 feet) to the beginning of a non-tangent curve, concave northeasterly, having a radius of 207.00 feet; thence southeasterly along arc of said curve to the left for an arc distance of 102.53 feet (said curve subtended by a chord which bears South 65°48'12" East with a chord length of 101.48 feet); thence South 02°30'02" West for a distance of 151.77 feet; thence North 87°29'58" West for a distance of 38.31 feet; thence South 03°07'09" West for a distance of 243.96 feet; thence South 86°52'52" East for a distance of 29.98 feet; thence South 03°07'08" West for a distance of 440.00 feet; thence North 86°52'52" West for a distance of 30.00'; thence South 03°38'26" West for a distance of 171.09 feet to the south line of said Parcel D; thence North 86°21'44" West along the south line of said Parcel D and along the present existing north right-of-way line of 160th Street for a distance of 334.46 feet to the Southeast Corner of said Hawkins Second Addition thence North 03°07'08" East along

the east line of said Hawkins Second Addition for a distance of 844.23 feet to the Northeast Corner of said Hawkins Second Addition; thence North 86°21'34" West along the north line of said Hawkins Second Addition for a distance of 516.0 feet to the Point of Beginning, containing 16.31 acres.

SECTION 2. REPEALER. All Ordinances or parts of Ordinances in conflict with the provision of this Ordinance are hereby repealed.

SECTION 3. WHEN EFFECTIVE. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED by the Council this 10th day of September, 2018.

_____
Jason Chase, Mayor

ATTEST:

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Jordan Kordahl, Clerk

I, Jordan Kordahl, Clerk of the City of Rock Rapids, Lyon County, Iowa, hereby certify that the foregoing Ordinance was published on the 19th day of September, 2018 in the *Lyon County Reporter,* a weekly newspaper in Rock Rapids, Lyon County, Iowa.

Dated this 19th day of September, 2018.

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Jordan Kordahl, Clerk

ORDINANCE NO. 702

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP UNDER ARTICLE III, SECTION 3.2 OF THE CITY OF ROCK RAPIDS 2014 ZONING ORDINANCE BY RE-ZONING CERTAIN REAL ESTATE, LOCATED IN HAWKINS 4TH ADDITION TO THE CITY OF ROCK RAPIDS, LYON COUNTY, IOWA, AS MORE PARTICULARLY DESCRIBED ON THE ATTACHED EXHIBIT "A", FROM AN "A-1" AGRICULTURE DISTRICT TO A "C-3" HIGHWAY COMMERCIAL DISTRICT.

BE IT ORDAINED by the Council of the City of Rock Rapids, Iowa:

SECTION 1. That the Official Zoning Map as established under Article III, Section 3.2 of the City of Rock Rapids 2014 Zoning Ordinance be amended by re-zoning certain real estate, located in Hawkins 4th Addition to the City of Rock Rapids, Lyon County, Iowa, as described in Exhibit "A", which is attached and by this reference made a part hereof, from an "A-1" Agriculture District to a "C-3" Highway Commercial District.

EXHIBIT "A"

That Part of Parcel D in the Southeast Quarter (SE1/4) of Section Five (5), Township 99 North, Range 45 West of the 5th P.M., Lyon County, Iowa (the Plat of Survey of said Parcel D is recorded in Plat Book 14, Page 49 in the Lyon County Recorder's Office), containing 24.49 acres.

SECTION 2. REPEALER. All Ordinances or parts of Ordinances in conflict with the provision of this Ordinance are hereby repealed.

SECTION 3. WHEN EFFECTIVE. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED by the Council this 10th day of September, 2018.

_____
Jason Chase, Mayor

ATTEST:

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Jordan Kordahl, Clerk

I, Jordan Kordahl, Clerk of the City of Rock Rapids, Lyon County, Iowa, hereby certify that the foregoing Ordinance was published on the 19th day of September, 2018 in the *Lyon County Reporter,* a weekly newspaper in Rock Rapids, Lyon County, Iowa.

Dated this 19th day of September, 2018.

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Jordan Kordahl, Clerk

ORDINANCE NO. 703

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP UNDER ARTICLE III, SECTION 3.2 OF THE CITY OF ROCK RAPIDS 2014 ZONING ORDINANCE BY RE-ZONING CERTAIN REAL ESTATE, LOCATED IN SUNSET COURT ADDITION TO THE CITY OF ROCK RAPIDS, LYON COUNTY, IOWA, AS MORE PARTICULARLY DESCRIBED ON THE ATTACHED EXHIBIT "A", FROM AN "A-1" AGRICULTURE DISTRICT TO AN "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT.

BE IT ORDAINED by the Council of the City of Rock Rapids, Iowa:

SECTION 1. That the Official Zoning Map as established under Article III, Section 3.2 of the City of Rock Rapids 2014 Zoning Ordinance be amended by re-zoning certain real estate, located in Sunset Court Addition to the City of Rock Rapids, Lyon County, Iowa, as described in Exhibit "A", which is attached and by this reference made a part hereof, from an "A-1" Agriculture District to an "R-1" Single Family Residential District.

EXHIBIT "A"

That Part of Lot 1 in the Northeast Quarter (NE 1/4) of Section Five (5), Township 99 North, Range 45 West of the 5th P.M., Lyon County, Iowa, described as follows:

Commencing at the East Quarter Corner of said Section 5; thence North 87'36'29" West on the south line of said NE1/4 for a distance of 589.00 feet to the southeast corner of said Lot 1 in the Ne1/4 (the Plot of Survey of said Lot 1 in the Ne1/4 is recorded in Plat Book 4, page 68 in the Lyon County Recorder's Office) and to the Point of Beginning; thence continuing North 87'36'29" West on said south line and on the south line of said Lot 1 in the NE1/4 for a distance of 336.00 feet; thence North 03'18'56" East for a distance of 425.99 feet to the north line of said Lot 1 in the NE1/4; thence South 87'34'59" East on said north line for a distance of 336.00 feet to the northeast corner of said Lot 1 in the NE1/4; thence South 03'18'56" West on the east line of said Lot 1 in the NE1/4 for a distance of 425.85 feet to the Point of Beginning, containing 3.28 acres (143,091 square feet).

SECTION 2. REPEALER. All Ordinances or parts of Ordinances in conflict with the provision of this Ordinance are hereby repealed.

SECTION 3. WHEN EFFECTIVE. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED by the Council this 10th day of September, 2018.

_____

Jason Chase, Mayor

ATTEST:

_____
Jordan Kordahl, Clerk

I, Jordan Kordahl, Clerk of the City of Rock Rapids, Lyon County, Iowa, hereby certify that the foregoing Ordinance was published on the 19th day of September, 2018 in the *Lyon County Reporter,* a weekly newspaper in Rock Rapids, Lyon County, Iowa.

Dated this 19th day of September, 2018.

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Jordan Kordahl, Clerk

ORDINANCE NO. 707

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP UNDER ARTICLE III, SECTION 3.2 OF THE CITY OF ROCK RAPIDS 2014 ZONING ORDINANCE BY RE-ZONING CERTAIN REAL ESTATE, LOCATED IN PROPOSED HAWKINS 5TH ADDITION TO THE CITY OF ROCK RAPIDS, LYON COUNTY, IOWA, AS MORE PARTICULARLY DESCRIBED ON THE ATTACHED EXHIBIT "A", FROM AN "A-1" AGRICULTURE DISTRICT TO AN "R-2" MULTIPLE FAMILY RESIDENTIAL DISTRICT.

BE IT ORDAINED by the Council of the City of Rock Rapids, Iowa:

SECTION 1. That the Official Zoning Map as established under Article III, Section 3.2 of the City of Rock Rapids 2014 Zoning Ordinance be amended by re-zoning certain real estate, located in (proposed) Hawkins 5th Addition to the City of Rock Rapids, Lyon County, Iowa, as described in Exhibit "A", which is attached and by this reference made a part hereof, from an "A-1" Agriculture District to an "R-2" Multiple Family Residential District.

EXHIBIT "A"

That Part of the Lot 3 in Parcel D in the Southeast Quarter (XE1/4) of Section Five (5), Township 99 North, Range 45 West of the 5th P.M., Lyon County, Iowa, described as follows:

Commencing at the Center of said Section 5; thence South 03°07'08" West on the west line of said SE1/4 for a distance of 1,126.79 feet to the Northwest Corner of Hawkin's Third Addition to the City of Rock Rapids (said Addition is recorded in Plat Book 17, Page 96); thence South 87°29'58" East on the north line of said Addition for a distance of 469.80 feet to an angle point on said north line and to the perimeter of said Lot 3 in Parcel D and to the Point of Beginning; thence South 31°05'50" East on said perimeter of Lot 3 in Parcel D for a distance of 421.15 feet to an angle point on said perimeter of Lot 3 in Parcel D; thence South 61°52'03" East on said perimeter of Lot 3 in Parcel D for a distance of 66.00 feet to the beginning of a non-tangent curve, concave Southeast having a radius of 367.00 feet; thence Northeasterly on said perimeter of Lot 3 in Parcel D and on the arc of said curve to the right for an arc distance of 56.22 feet (said curve subtended by a chord which bears North 32°31'16" East with a chord distance of 56.17 feet) to the beginning of a non-tangent curve, concave Northeast having a radius of 207.00 feet; thence Southeasterly on said perimeter of Lot 3 in Parcel D and on the arc of said curve to the left for an arc distance of 102.53 feet (said curve subtended by a chord which bears South 65°48'12" East with a chord distance of 101.48 feet); thence South 02°30'02" West on said perimeter of Lot 3 in Parcel D for a distance of 151.77 feet to the Southeast Corner of Lot 2, Block 4 of said Hawkin's Third Addition; thence South 87°29'58" East for a distance of 357.69 feet to the perimeter of Lot 3 in Parcel D; thence North 03°07'08" East on said perimeter of Lot 3 in Parcel D for a distance of 229.55 feet to the beginning of a non-tangent curve, concave North having a radius of 745.00 feet; thence Easterly on said perimeter of Lot 3 in Parcel D and on the arc of said curve to the left for an arc distance of 42.41 feet (said curve subtended by a chord which bears North 81°41'34" East with a chord distance of 42.40 feet); thence North 80°03'43" East on said perimeter of

Lot 3 in Parcel D for a distance of 69.69 feet to the beginning of a tangent curve, concave South, having a radius of 635.00 feet; thence Easterly on said perimeter of Lot 3 in Parcel D and on the arc of said curve to the right for an arc distance of 249.40 feet (said curve subtended by a chord which bears South 88°41'11" East with a chord distance of 247.80 feet); thence North 15°34'20" East for a distance of 37.00 feet to the beginning of a tangent curve, concave East, having a radius of 533.00 feet; thence Northerly on the arc of said curve to the right for an arc distance of 90.04 feet (said curve subtended by a chord which bears North 20°24'43" East with a chord distance of 89.94 feet); thence North 48°37'54" West for a distance of 185.73 feet; thence South 60°46'48" West for a distance of 134.64 feet; thence South 77°35'45" West for a distance of 213.87 feet; thence North 87°29'58" West for a distance of 151.36 feet; thence North 02°30'02" East for a distance of 216.00 feet; thence South 87°29'58" East for a distance of 10.00 feet; thence North 02°30'02" East for a distance of 150.00 feet to said perimeter of Lot 3 in Parcel D; thence North 87°29'58" West on said perimeter of Lot 3 in Parcel D for a distance of 561.42 feet; thence South 02°30'02" West on said perimeter of Lot 3 in Parcel D for a distance of 216.00 feet to the Point of Beginning, containing 10.29 acres.

SUBJECT TO EASEMENTS, IF ANY, OF RECORD OR APPARENT.

SECTION 2. REPEALER. All Ordinances or parts of Ordinances in conflict with the provision of this Ordinance are hereby repealed.

SECTION 3. WHEN EFFECTIVE. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED by the Council this 16th day of December, 2019.

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Jason Chase, Mayor

ATTEST:

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Jordan Kordahl, Clerk

I, Jordan Kordahl, Clerk of the City of Rock Rapids, Lyon County, Iowa, hereby certify that the foregoing Ordinance was published on the 25th day of December, 2019 in the *Lyon County Reporter,* a weekly newspaper in Rock Rapids, Lyon County, Iowa.

Dated this 25th day of December, 2019.

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Jordan Kordahl, Clerk

ORDINANCE NO. 711

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP UNDER ARTICLE III, SECTION 3.2 OF THE CITY OF ROCK RAPIDS 2014 ZONING ORDINANCE BY RE-ZONING CERTAIN REAL ESTATE, LOCATED IN VAN GELDER ADDITION TO THE CITY OF ROCK RAPIDS, LYON COUNTY, IOWA, AS MORE PARTICULARLY DESCRIBED ON THE ATTACHED EXHIBIT "A", FROM AN "A-1" AGRICULTURE DISTRICT TO AN "I-2" HEAVY INDUSTRIAL DISTRICT.

BE IT ORDAINED by the Council of the City of Rock Rapids, Iowa:

SECTION 1. That the Official Zoning Map as established under Article III, Section 3.2 of the City of Rock Rapids 2014 Zoning Ordinance be amended by re-zoning certain real estate, located in Van Gelder Addition to the City of Rock Rapids, Lyon County, Iowa, as described in Exhibit "A", which is attached and by this reference made a part hereof, from "A-1" Agriculture District to "I-2" Heavy Industrial District.

EXHIBIT "A"

Parcel E in the Southwest Quarter (SW1/4) of Section Three (3), Township 99 North, Range 45 West of the 5th P.M., Lyon County, Iowa (the Plat of Survey of said Parcel E being recorded in Plat Book 20, Page 105, Lyon County Recorder's Office), more particularly described as follows:

Beginning at the Southwest Corner of said Section 3; thence North 01°10'41" East on the west line of said SW1/4 for a distance of 1,500.00 feet; thence South 89°26'03" East for a distance of 435.62 feet; thence South 01°10'41" West for a distance of 1,500.00 feet to the south line of said SW1/4; thence North 89°26'03" West on said south line for a distance of 435.62 feet to the Point of Beginning, containing 15.00 acres, inclusive of 2.00 acres of public road right-of-way on the south and west sides thereof.

SUBJECT TO EASEMENTS, IF ANY, OF RECORD OR APPARENT.

SECTION 2. REPEALER. All Ordinances or parts of Ordinances in conflict with the provision of this Ordinance are hereby repealed.

SECTION 3. WHEN EFFECTIVE. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED by the Council this 26th day of October, 2020.

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Jason Chase, Mayor

ATTEST:

Jordan Kordahl, Clerk

I, Jordan Kordahl, Clerk of the City of Rock Rapids, Lyon County, Iowa, hereby certify that the foregoing Ordinance was published on the 4th day of November, 2020 in the *Lyon County Reporter,* a weekly newspaper in Rock Rapids, Lyon County, Iowa.

Dated this 4th day of November, 2020.

Jordan Kordahl, Clerk

ORDINANCE NO. 712 B. Alcoholic beverages may be served at sidewalk café s pursuant to a valid liquor control license, and in accordance with state and local alcoholic beverage control laws, provided the following additional requirements are met:

i. Patron entrance to and egress from the sidewalk café shall be controlled by staff of the establishment, who shall continuously monitor the sidewalk café during times alcoholic beverages are being sold or consumed;

ii. No alcoholic beverages may be sold or served to outside patrons later than 11:00 p.m.;

C. Patrons shall not be permitted to consume any alcoholic beverages within the sidewalk café that were not purchased on the premises;

D. If the sidewalk café is an offset sidewalk café per subsection (2)(b), the establishment shall ensure that no patron loiters in the clear path of pedestrian travel while in possession of an alcoholic beverage. Patrons may be in possession of an alcoholic beverage in the clear path of pedestrian travel only for the purpose of moving to the sidewalk café from the adjoining indoor restaurant or vice versa; and

E. Alcoholic beverages shall not be served or dispensed at the sidewalk café of any establishment where minors are prohibited, except that establishments permitted to have minors on the premises only during certain hours of the day may serve alcohol at their sidewalk café only during those hours. An establishment which is not permitted to have minors on the premises at any time may request, and the city council may grant, an exception to this requirement on a case-by-case basis. The city council shall consider the site conditions, the compliance history of the establishment and its staff, staff training, and any other factors it deems relevant to ensuring the safe and responsible use of city sidewalks. The city council may impose special conditions in addition to those indicated in this section on any sidewalk café granted an exception to dispense alcohol.

4. Number of sidewalk cafés. An indoor restaurant shall be permitted to operate only one sidewalk café, and each sidewalk café shall be confined to a single location on the sidewalk. The city may limit the number of permits issued for sidewalk cafés if necessary to maintain adequate pedestrian flow and access to buildings, to safeguard pedestrian and traffic safety, to preserve the aesthetic quality of the surrounding area, or for any other valid public purpose.

5. Sidewalk clearances. There shall be a minimum of four feet of sidewalk width clear of obstructions. No part of the sidewalk café or its accessory elements shall obstruct any entrance to or exit from any adjacent structure. No sidewalk café shall be situated within eight feet of any designated bus stop, or within 20 feet of a street intersection, or within eight feet of a fire hydrant or fire sprinkler post indicator valve.

6. Tables and chairs, location and requirements of furniture. All tables and chairs comprising a sidewalk café shall be set within the area designated on the sidewalk café permit application and it shall be the responsibility of the permit holder to ensure tables, chairs,

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF ROCK RAPIDS, IOWA BY AMENDING TITLE IV, CHAPTER 3, ARTICLE 22, ADDING A NEW SECTION - SECTION 22.26 SIDEWALK CAFÉS.

WHEREAS, the City has determined it is in the best interest of the businesses and public to allow outdoor sidewalk cafés in certain areas with appropriate restrictions.

NOW, BE IT ORDAINED by the City Council of the City of Rock Rapids, Iowa:

Section 1. The Municipal Code of Rock Rapids, Iowa is hereby amended adopting a new Section 22.26 as follows:

22.26. SIDEWALK CAFÉS. The purpose of this section is to set forth the conditions and requirements under which a sidewalk café, as defined, may be permitted to operate by sidewalk café permit on a public sidewalk within the city.

1. "Sidewalk café" is any group of tables and/or chairs, and its authorized decorative and accessory devices, situated and maintained upon the public sidewalk for use in connection with ordering, purchasing and consuming food and beverages sold to the public from, or in, an adjoining indoor restaurant and/or bar. For the purposes of this section, an indoor business selling food or alcohol for consumption on the premises shall be considered an adjoining indoor restaurant and/or bar. This provision shall not include areas not located on the public sidewalk.

2. Where permissible. A sidewalk café shall be permitted as follows: A. In

zoning districts which allow indoor restaurants, and

B. Adjacent to an indoor restaurant and/or bar, which shall be construed being immediately contiguous to and abutting the indoor restaurant on the public sidewalk; or being offset from the indoor restaurant, where at least a four-foot clear path of pedestrian travel exists between the indoor restaurant and the sidewalk café; and

C. Where the café's operation is incidental to and a part of the operation of its adjacent indoor restaurant and/or bar; and

D. Provided the area in which the sidewalk café is located extends no farther along the sidewalk's length than the actual sidewalk frontage of the operating indoor restaurant, and all other applicable provisions of this subsection are fulfilled.

3. Restrictions on smoking and alcoholic beverages. Permittees shall enforce the following prohibitions or restrictions:

A. Smoking tobacco or using an electronic smoking device at a sidewalk café is prohibited.

and other sidewalk café furniture do not encroach upon any part of the sidewalk not designated on the permit holder's sidewalk café permit.

All outdoor dining furniture, including tables, chairs, umbrellas, barriers, and authorized accessory items, shall be readily movable. "Readily movable" shall mean that no object as stated above, which is part of the sidewalk café, shall be cemented, nailed, bolted, power riveted, screwed-in or affixed, even in a temporary manner, to either the sidewalk on which the sidewalk café is placed, to the building, or to any other structure which the sidewalk café abuts. Umbrellas must be secured with a minimum base of not less than sixty (60) pounds.

Accessory devices for the comfort of patrons, such as air conditioners or fans may be used at a sidewalk café, provided, however, that any such devices, cables, or wiring are installed and operated in a safe and responsible manner in compliance with applicable codes. Devices with a heating element may be permitted with the approval of the fire inspector.

Sidewalk café components, such as tables and chairs, shall be constructed of commercial quality materials marketed for the use(s) in which they are employed in the sidewalk café. No components of a sidewalk café may be constructed primarily of plastic, plastic resin, or fabric; however, sidewalk café components made of dimensional pieces of high-density polyethylene (HDPE), and umbrellas made of fabric are acceptable.

Any signs shall be in compliance with the City of Rock Rapids sign ordinance.

Within one hour of the close of the sidewalk café for the night, and on days when the sidewalk café is not in operation, tables, chairs, barriers, accessory devices, and all other elements used in the operation of an outdoor café shall be either:

A. Removed from the sidewalk and stored indoors, or

B. Orderly secured by means of chains or cables and locks, or other secure means in a manner that prevents the use of the sidewalk café elements to cause injury to persons or property. Secured elements shall be arranged in such a manner as to not obstruct maintenance of the sidewalk.

7. Delineating sidewalk café area. The sidewalk café shall be delineated by barriers at least thirty-six (36) inches in height separating patrons from the pedestrian traffic on the sidewalk and, if applicable, roadway traffic. Barriers may consist of ropes, chains, planters, fencing, or other sturdy material that physically separates the sidewalk café from the adjoining right-of-way. Barriers separating a sidewalk café from roadway traffic must be secured to other barriers or weighted to prevent their encroachment into driving or parking lanes. Barriers shall comply with detectability requirements as set forth in the current version of the Americans with Disabilities Act Accessibility Guidelines. Barriers shall be set within area designated for the sidewalk café, to ensure a minimum of four feet of sidewalk width clear of obstructions.

8. Food and beverages. A sidewalk café shall serve only food and beverages prepared, or stocked for sale, at the adjoining indoor restaurant and/or bar. The outdoor preparation of food is prohibited at sidewalk cafés. Sidewalk café patrons may obtain food and beverages from within the adjoining indoor restaurant and/or bar, or staff from the adjoining indoor restaurant and/or bar may provide table service. The presetting of sidewalk café tables with utensils, glasses, napkins, condiments, and the like is prohibited. All tables shall be bused promptly, and soiled tableware shall be taken inside for cleaning. No soiled tableware shall be kept in an outdoor busing station. Public street furniture and waste receptacles shall not be used in the operation of a sidewalk café. Restrooms for the café shall be provided in the adjoining indoor restaurant, and the café seating shall be counted in determining the restroom requirements of the indoor restaurant and/or bar. Trash and refuse storage for the sidewalk café shall not be permitted within the outdoor dining area, or on adjacent sidewalk areas, and the permittee shall remove all trash and litter as it accumulates. All exterior surfaces within the sidewalk café, including tables, chairs, barriers, and the sidewalk surface, shall consist of materials that are easily cleaned, and shall at all times be kept in a clean and safe condition.

9. Days and hours of operation. Sidewalk cafés may operate on days whenever fair weather would enhance outdoor dining during said given year that the sidewalk café permit was issued. The hours of operation are limited to between 7:00 a.m. and 11:00 p.m. The city administrator or designee, and any duly sworn peace officer shall have the power to prohibit the operation of a sidewalk café or require the service of alcohol to cease at any time because of anticipated or actual problems or conflicts in the use of the sidewalk area. Such problems and conflicts may arise from, but are not limited to, scheduled festivals and similar events, parades or marches, repairs to the street or sidewalk, or from demonstrations or emergencies occurring in the area. To the extent possible, the permittee shall be given prior written notice of any time period during which the operation of the sidewalk café will be prohibited by the city, but any failure to give prior written notice shall not affect the right and power of the city to prohibit the café's operation at any particular time.

10. Permit Required. A sidewalk café may only operate with a valid permit from the City.

A. Findings and conditions. In connection with granting approval for any sidewalk café permit, the city administrator shall make findings that the proposed operation meets the limitations of this subsection, and the city administrator may impose such conditions in granting approval as are needed to assure that the proposed operation will meet the operating requirements and conditions set forth in this article, and to assure that the public safety and welfare will be protected.

B. Term and renewal. A sidewalk café permit shall be approved by the city administrator or designee for a maximum period of one year. Thereafter, the city administrator or designee, if an extension application is filed prior to any expiration date of the sidewalk café permit, may extend the permit for additional periods, not to exceed one year each, following review and approval of the café's operations. The city administrator or designee may make any renewal of a sidewalk café permit subject to additional and revised conditions and requirements. Any renewal granted by the city administrator shall not exceed a period of one year. All applications shall

be filed with the city office, which shall refer them to the city administrator or designee. The City shall maintain the records of permits issued, denied, or revoked.

11. Insurance. An insurance certificate naming the City of Rock Rapids, its officers, and employees as an additional insured with comprehensive general liability limits in the amount of $500,000.00 combined single limit shall be in full force and effect during the life of a sidewalk café permit. The coverage shall be at least as broad as the ISO Form Number CG000 1 covering commercial general liability written on an occurrence basis only. A copy of the current insurance certificate shall be maintained on file with the City. Each sidewalk café permit holder shall be required to indemnify, defend and hold harmless the city, its officers, agents, attorneys and employees from and against any claim of loss, liability or damage by any person arising as a result of the applicant's operation of the sidewalk café.

12. Revocation. The city administrator may revoke or deny a sidewalk café permit at any time, without advance notice, for any of the following reasons:

A. It is determined by the chief of police or fire chief that public safety requires such revocation or denial;

B. The application is incomplete;

C. The application is determined to be fraudulent, to include a misrepresentation, or to contain a false statement;

D. The applicant has had a license or permit revoked by the city for any reason within the preceding two years;

E. The permittee has an outstanding arrest warrant in this or any other jurisdiction or is a fugitive from this or any other jurisdiction;

F. The permittee's insurance has been canceled;

G. The permittee violates any administrative rules or policies authorized by this division;

H. The permittee violates any provision of this section, other city ordinances, or state or federal laws;

I. It is determined that a need exists to evaluate or ensure the safety of the community as it pertains to sidewalk cafés.

13. Appeal process. Any party aggrieved by the city administrator's decision to deny, revoke, suspend, or issue a sidewalk café permit may appeal the determination to the city council if, within 20 working days after the decision, the party files a written notice of appeal with the city clerk. In such event, a hearing shall be held by the city council no later than its next regularly scheduled meeting, assuming the appeal is filed in time to allow notice of said appeal in accordance with Chapter 21 of the Iowa Code (as amended). Upon such hearing, the city council may, based upon the standards enumerated herein, reverse, affirm or modify in any regard the city administrator's decision. The city council's decision is the final decision.

14. Public sidewalks adjacent to the Highway 9/75 traveled portion are under the joint jurisdiction of the City of Rock Rapids and the Iowa Department of Transportation. All commercial use of public sidewalk rights-of-way on said streets shall comply with the requirements of the Iowa Department of Transportation as well as the City of Rock Rapids.

Section 2. Repealer. All ordinances or part of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. Severability Clause. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. When Effective. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and approved this 22nd day of March, 2021.

_____
Jason Chase, Mayor

ATTEST:

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Jordan Kordahl, Clerk

I, Jordan Kordahl, Clerk of the City of Rock Rapids, Lyon County, Iowa, hereby certify that the foregoing Ordinance was published on the 31st day of March, 2021 in the *Lyon County Reporter,* a weekly newspaper in Rock Rapids, Lyon County, Iowa.

Dated this 31st day of March, 2021.

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Jordan Kordahl, Clerk

ORDINANCE NO. 729

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP UNDER ARTICLE III, SECTION 3.2 OF THE CITY OF ROCK RAPIDS 2014 ZONING ORDINANCE BY RE-ZONING CERTAIN REAL ESTATE, LOCATED IN HAIRPIN SECOND ADDITION TO THE CITY OF ROCK RAPIDS, LYON COUNTY, IOWA, AS MORE PARTICULARLY DESCRIBED ON THE ATTACHED EXHIBIT "A", FROM AN "A-1" AGRICULTURE DISTRICT TO AN "C-2" GENERAL COMMERCIAL DISTRICT.

BE IT ORDAINED by the Council of the City of Rock Rapids, Iowa:

SECTION 1. That the Official Zoning Map as established under Article III, Section 3.2 of the City of Rock Rapids 2014 Zoning Ordinance be amended by re-zoning certain real estate, located in Hairpin Second Addition to the City of Rock Rapids, Lyon County, Iowa, as described in Exhibit "A", which is attached and by this reference made a part hereof, from "A-1" Agriculture District to "C-2" General Commercial District.

EXHIBIT "A"

All of Parcel P and a part of Parcel O in the Northwest1/4 Quarter (NW1/4) of Section Thirty-three (Sec. 33), Township 100 North, Range 45 West of the 5th P.M., Lyon County, Iowa (the Plat of Survey of said Parcel O being recorded in Plat Book 20, Page 120 and the Plat of Survey of said Parcel P and Lot 3 in Parcel O being recorded in Book 2023, Page 1937), more particularly described as follows:

Commencing at the Northwest Corner of said Section 33; thence South 01°18'55" West along the west line of said NW1/4 for a distance of 855.63 feet to the Southwest Corner of said Lot 3 in Parcel O and to the Point of Beginning; thence continuing South 01°18'55" West along said west line and along the west line of said Parcel O for a distance of 706.91 feet to the Northwest Corner of Lot 2 in said Parcel O (the Plat of Survey of said Lot 2 in Parcel O being recorded in Plat Book 21, Page 117); thence South 88°41'05" East along the north line of said Lot 2 in Parcel O for a distance of 389.16 feet to the Northeast Corner of said Lot 2 in Parcel O; thence North 13°53'46" West along the east line of said Parcel O for a distance of 230.80 feet to the Southwest Corner of said Parcel P; thence South 88°02'22" East along the south line of said Parcel P for a distance of 103.96 feet to the Southeast Corner of said Parcel P; thence North 13°53'56" West along the east line of said Parcel P for a distance of 502.99 feet to the Northeast Corner of said Parcel P; thence North 88°41'05" West along the north line of said Parcel P and along the south line of said Lot 3 in Parcel O for a distance of 300.56 feet to the Point of Beginning, containing 5.91 acres, inclusive of 0.80 acres of public road right-of-way along the west side thereof.

SUBJECT TO EASEMENTS, IF ANY, OF RECORD OR APPARENT.

SECTION 2. REPEALER. All Ordinances or parts of Ordinances in conflict with the provision of this Ordinance are hereby repealed.

SECTION 3. WHEN EFFECTIVE. This Ordinance shall be in effect October 22, 2025, after its final passage, approval and publication as provided by law.

PASSED AND APPROVED by the Council this 13th day of October, 2025.

_____
Jason Chase, Mayor

ATTEST:

Melissa Van Holland, Clerk

I, Melissa Van Holland, Clerk of the City of Rock Rapids, Lyon County, Iowa, hereby certify that the foregoing Ordinance was published on the 22nd day of October, 2025 in the *Lyon County Reporter,* a weekly newspaper in Rock Rapids, Lyon County, Iowa.

Dated this 22nd day of October, 2025.

Melissa Van Holland, Clerk

ORDINANCE NO. 737

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP UNDER ARTICLE III, SECTION 3.2 OF THE CITY OF ROCK RAPIDS 2014 ZONING ORDINANCE BY RE-ZONING CERTAIN REAL ESTATE, LOCATED IN THE PETERSON ADDITION TO THE CITY OF ROCK RAPIDS, LYON COUNTY, IOWA, AS MORE PARTICULARLY DESCRIBED ON THE ATTACHED EXHIBIT "A", FROM AN "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO AN "C-3" GENERAL COMMERCIAL DISTRICT.

BE IT ORDAINED by the Council of the City of Rock Rapids, Iowa:

SECTION 1. That the Official Zoning Map as established under Article III, Section 3.2 of the City of Rock Rapids 2014 Zoning Ordinance be amended by re-zoning certain real estate, located in Peterson Addition to the City of Rock Rapids, Lyon County, Iowa, as described in Exhibit "A", which is attached and by this reference made a part hereof, from "R-1" Single Family Residential District to "C-3" Highway Commercial District.

EXHIBIT "A"

Lot 28 Peterson Addition (706 S. 9th Avenue) to the
City of Rock Rapids, Lyon County, Iowa 51246

SECTION 2. REPEALER. All Ordinances or parts of Ordinances in conflict with the provision of this Ordinance are hereby repealed.

SECTION 3. WHEN EFFECTIVE. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED by the Council this 22nd day of June, 2026.

Jason Chase, Mayor

ATTEST:

Melissa Van Holland, Clerk

I, Melissa Van Holland, Clerk of the City of Rock Rapids, Lyon County, Iowa, hereby certify that the foregoing Ordinance was published on the 1st day of July, 2026 in the *Lyon County Reporter,* a weekly newspaper in Rock Rapids, Lyon County, Iowa.

Dated this 1st day of July, 2026.

Melissa Van Holland, Clerk

Section 3.6. GENERAL REGULATIONS.
Except as herein provided:

1. No buildings or structures or parts thereof shall be erected, constructed, reconstructed, remodeled, converted, structurally altered, enlarged, extended, raised, moved or used; nor shall any land or building be used except in conformity with the regulations herein prescribed for the district in which the building or land is located. Furthermore, no construction or activity of any kind may start until a zoning permit has been is issued by the Zoning Administrator as provided herein.

2. The principal building on a lot shall front on a street or public place.

3. No yard or lot area existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum required by this ordinance, except in conformity with the area regulations herein established for the district in which such building in located. No yard, part of a yard, off-street parking or loading space, or other open space provided about any building, structure or use for the purpose of complying with the provisions of this ordinance shall be considered as providing a yard, off-street parking or loading space, or open space required under this ordinance for any other building, structure, or use.

4. The depths of front yards or rear yards and width of side yards shall be measured from the lot line to the nearest point of the adjacent building under consideration.

5. No lot shall hereafter be so reduced in area that any required yard, court or other open space will be smaller than is prescribed in this ordinance for the district in which it is located.

6. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one principal building on one lot except for a planned unit development or unless otherwise provided in this ordinance.

8. Any portion of a building covered by a roof shall be considered a part of the building.

9. No permit shall be issued for a dwelling in any residential zone if the lot upon which said building is to be erected has less than fifty feet (50') front yard width, except on regular original platted lots as on record.

ARTICLE IV
Agriculture District (A-1)

Article 4: Agriculture District

Section 4.1. Intent
Section 4.2. Principal Permitted Uses
Section 4.3. Conditional Uses
Section 4.4. Permitted Accessory Uses
Section 4.5. Site Development Regulations
Section 4.6. Off-Street Parking
Section 4.7. Sign Regulations
Section 4.8. Zoning Permits Required

Section 4.1. INTENT.

The intent of the Agricultural District is to preserve land best suited for agriculture (especially prime agricultural soils) from the encroachment of incompatible uses and to preserve, in agricultural use, land suited to eventual development in other uses pending proper timing for economical and practical provisions of streets, utilities and other community facilities which may be provided or programmed as to ensure the orderly and beneficial conversion of these lands to nonagricultural use.

Section 4.2. PRINCIPAL PERMITTED USES.

Within the (A-1) Agricultural District, unless otherwise provided, only the following buildings, structures and uses shall be permitted by right.

Agriculture/Conservation Uses	Residential Uses	Civic Uses
Animal Production Critical Area Crop production Farm Farm Dwelling, Principal Farm Dwelling, Support Housing Horticulture Produce Sales Undeveloped or Unimproved Land Water Control/Irrigation/Retention Wildlife Management Area/Preserve	Single Family Residential	Cemetery Educational Facilities Local Utility Services Government/Public Services Parks and Recreation Services Religious Assembly

Section 4.3. CONDITIONAL USES.

The following uses may be permitted in the (A-1) Agricultural District subject to specific conditions and requirements as outlined and approved by the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

Agriculture/Conservation Uses	Residential Uses	Civic Uses
Stables	Relocated Residential *When it is the owner or renter of a farm or associated with agricultural purposes.* Two Family Residential	Aviation Facilities Major Utility Facilities

Commercial Uses	Industrial Uses
Campground Communication Services Kennel, Commercial Veterinary Services Wind Energy Device	Fuel Storage Resource Extraction

Industrial conditional uses and major utility facilities shall be conducted in a manner and method approved by the Iowa State Health Department and the Iowa Department of Natural Resources, Environmental Quality Division.

Section 4.4. PERMITTED ACCESSORY USES.

Principal permitted or conditional uses shall be deemed to include accessory uses and activities identified by these regulations and such other accessory uses that are necessarily and customarily associated with and are appropriate, incidental, and subordinate to such principal uses. Accessory uses shall be subject to the same regulations as apply to principal uses in each district, except as otherwise provided in these regulations.

1. Essential services
2. Private garage or carport
3. Barns and other agricultural related buildings
4. Private parking lots
5. Radio, television, satellite dish, and other similar receiving antennas *(for personal use)*
6. Personal utility sheds, garden buildings or greenhouses not used for commercial purposes
7. Roadside stands for the sale of agricultural products or other products produced on the premises
8. Kennel, private
9. Home occupations in compliance with Section 15.5.
10. Temporary buildings for uses incidental to construction, in which buildings shall be removed upon completion or abandonment of construction, and in compliance with Section 15.3.
11. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures, and in compliance with Section 15.1.

Section 4.5. SITE DEVELOPMENT REGULATIONS.
The following minimum requirements shall be provided for light and open space around permitted and conditional uses and structures in the (A-1) Agricultural District, and subject to the Supplemental District Regulations.

Lot Size or Area -	1 acre - minimum lot area
Lot Width -	100 feet - minimum lot width
Front Yard -	50 feet - minimum required setback
Street Side Yard (Corner Lot) -	50 feet – minimum required setback
Side Yard -	25 feet - minimum required setback
Rear Yard -	50 feet - minimum required setback
Height -	35 feet maximum height for dwellings and non-agricultural buildings and structures. No limitation for agricultural buildings provided that no structure shall be permitted to extend into approach zones, clear zones or other restricted air space required for the protection of any public airport.
Residential Density -	Not more than one (1) principal residential dwelling unit per lot, and not more than one (1) agricultural support housing per lot.

No minimum requirements for local utility facilities and essential services, except that buildings other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

All residential dwelling units must be constructed in compliance with the Residential Dwelling Standards identified in Section 15.6.

Section 4.6. OFF-STREET PARKING.
Off-street parking and loading requirements shall be required for activities in the (A-1) Agricultural District in accordance with the provisions of Article XVI of this ordinance.

Section 4.7. SIGN REGULATIONS.
Sign regulations shall be required for activities in the (A-1) Agricultural District in accordance with the provisions of Article XVII of the ordinance.

Section 4.8. ZONING PERMITS REQUIRED.
Zoning permits shall be required in accordance with the provisions of Section 19.2 of this ordinance.

ARTICLE V
Single Family Residential District (R-1)

Section 5: Single Family Residential District

Section 5.1. Intent
Section 5.2. Principal Permitted Uses
Section 5.3. Conditional Uses
Section 5.4 Permitted Accessory Uses
Section 5.5. Site Development Regulations
Section 5.6. Off-Street Parking
Section 5.7. Sign Regulations
Section 5.8. Zoning Permits Required

Section 5.1. INTENT.

The intent of the Single Family Residential District is to provide for low density residential development with a limited number of civic, institutional and recreational facilities permitted.

Section 5.2. PRINCIPAL PERMITTED USES.

Within the (R-1) Single Family Residential District, unless otherwise provided, only the following buildings, structures and uses shall be permitted by right.

Residential Uses	Civic Uses
Single Family Residential Two Family Residential Family Home	Government/Public Services Local Utility Services Park and Recreation Services Educational Facilities Religious Assembly

Section 5.3. CONDITIONAL USES.

The following uses and structures may be permitted in the (R-1) Single Family Residential District subject to specific conditions and requirements as outlined and approved by the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

Residential Uses	Civic Uses	Commercial Uses
Nursing or Convalescent Home Relocated Residential Residential Care Services	Daycare Center Major Utility Facilities Pre-Kindergarten, Preschool or Nursery School Safety Services	Bed & Breakfast Inn Communication Services Golf Course Hospital Services

Section 5.4. PERMITTED ACCESSORY USES.

Principal permitted or conditional uses shall be deemed to include accessory uses and activities identified by these regulations and such other accessory uses that are necessarily and customarily associated with and are appropriate, incidental, and subordinate to such principal uses. Accessory uses shall be subject to the same regulations as apply to principal uses in each district, except as otherwise provided in these regulations.

1. Essential Services (as defined in Section 2.1)
2. Private detached garages and/or carports on any one residential lot of record not to exceed a total of 900 square feet.
3. Personal recreational activities and facilities on the same lot as the principal use and intended to be used by the occupants of the principal use and their guests. Such facilities may include but not limited to permanent swimming pools or tennis courts.
4. Playhouses, patios, cabanas, porches, gazebos, decks, carports, breezeways and incidental household storage buildings.
5. Private greenhouses, not operated for commercial purposes
6. Radio, television, satellite dish, and other similar receiving antennas for residential purposes.
7. Home occupations in compliance with Article 15.5.
8. Keeping of dogs, cats, and similar small animals as household pets or in private use kennels.
9. Temporary buildings for uses incidental to construction, in which buildings shall be removed upon completion or abandonment of construction, and in compliance with Section 15.3.
10. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures, and in compliance with Section 15.1.

Section 5.5. SITE DEVELOPMENT REGULATIONS.

The following minimum requirements shall be provided for light and open space around permitted and conditional uses and structures in the (R-1) Single Family Residential District, and subject to the Supplemental District Regulations.

Lot Size or Area -	Single Family 6,000 square feet - minimum lot area All other uses 10,000 square feet – minimum lot area
Lot Width -	60 feet - minimum lot width, except at entry points off cul-de-sacs.
Front Yard -	25 feet - minimum required setback
Street Side Yard (Corner Lot) -	25 feet – minimum required setback
Side Yard -	5 feet - minimum required setback
Rear Yard -	25 feet - minimum required setback
Height -	35 feet maximum height Except that no structure shall be permitted to extend into approach zones, clear zones or other restricted air space required for the protection of any airport.

Residential Density -	Not more than one (1) dwelling unit per lot, except for two family or duplex residential.
Maximum Lot Coverage -	35% maximum ground coverage or 65% minimum open space, including ground level paving and accessory buildings

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

All residential dwelling units must be constructed in compliance with the Minimum Requirements for Residential Structures regulations outlined in Section 18.9. Manufactured or mobile homes placed in designated residential subdivisions must be converted to real property in conformance with section 135D.26 of the Code of Iowa.

When a two family dwelling can be divided by a common party wall, the front, rear, and side yard requirements shall apply to the total building and not be required for each individual housing unit.

Section 5.6. OFF-STREET PARKING.
Off-street parking and loading requirements shall be required for activities in the (R-1) Single Family Residential District in accordance with the provisions of Article XVI of this ordinance.

Section 5.7. SIGN REGULATIONS.
Sign regulations shall be required for activities in the (R-1) Single Family Residential District in accordance with the provisions of Article XVII of this ordinance.

Section 5.8. ZONING PERMITS REQUIRED.
Zoning permits shall be required in accordance with the provisions of Section 19.2 of this ordinance.

ARTICLE VI
Multiple Family Residential District (R-2)

Section 6: Multiple Family Residential District

Section 6.1. Intent
Section 6.2. Principal Permitted Uses
Section 6.3. Conditional Uses
Section 6.4 Permitted Accessory Uses
Section 6.5. Site Development Regulations
Section 6.6. Off-Street Parking
Section 6.7. Sign Regulations
Section 6.8. Zoning Permits Required

Section 6.1. INTENT.

The intent of the Multiple Family Residential District is to provide for a variety of multi-family living areas where public utilities and services are available and to encourage a suitable living environment through the promotion of public health, safety and welfare; in addition to providing for those areas within the community which are compatible in character and density with the multiple family residential environment.

Section 6.2. PRINCIPAL PERMITTED USES.

Within the (R-2) Multiple Family Residential District, unless otherwise provided, only the following buildings, structures and uses shall be permitted by right.

Residential Uses	Civic Uses	Commercial Uses
Assisted Living Facilities Condominium Residential Family Home Group Residential Multiple Family Residential Nursing or Convalescent Home Residential Care Services Single Family Residential Townhouse Residential Two Family Residential	Daycare Center Governmental/Public Services Local Utility Services Park and Recreation Services Pre-Kindergarten, Preschool or Nursery School Educational Facilities Religious Assembly	Bed & Breakfast Inn

Section 6.3. CONDITIONAL USES.

The following uses and structures may be permitted in the (R-2) Multiple Family Residential District subject to specific conditions and requirements as outlined and approved by the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

Residential Uses	Civic Uses	Commercial Uses
Relocated Residential	Club or Lodge Major Utility Facilities Safety Services	Boarding House Communication Services Hospital Services Medical Clinic/Offices

Section 6.4. PERMITTED ACCESSORY USES.

Principal permitted or conditional uses shall be deemed to include accessory uses and activities identified by these regulations and such other accessory uses that are necessarily and customarily associated with and are appropriate, incidental, and subordinate to such principal uses. Accessory uses shall be subject to the same regulations as apply to principal uses in each district, except as otherwise provided in these regulations.

1. Essential Services (as defined in Section 2.1)
2. Private detached garages and/or carports on any one residential lot of record not to exceed a total of 900 square feet.
3. Personal recreational activities and facilities on the same lot as the principal use and intended to be used by the occupants of the principal use and their guests. Such facilities may include but not limited to permanent swimming pools or tennis courts.
4. Residential convenience services (only as an accessory to multiple family housing, mobile home park or manufactured housing community uses, and intended solely for the convenience of residents thereof) may be permitted by conditional use issued by the Board of Adjustment and including but not limited to café, health club, barbershop/stylist, post office substation, or other appropriate and incidental uses as determined by the Board.
5. Clubhouse, swimming pool or other guest facilities when used in combination with a homeowners association, condominium, subdivision, or manufactured home community.
6. Playhouses, patios, cabanas, porches, gazebos, decks, carports, breezeways and incidental household storage buildings.
7. Private greenhouses, not operated for commercial purposes
8. Radio, television, satellite dish, and other similar receiving antennas for residential purposes.
9. Home occupations in compliance with Article 15.5.
10. Keeping of dogs, cats, and similar small animals as household pets or in private use kennels.
11. Temporary buildings for uses incidental to construction, in which buildings shall be removed upon completion or abandonment of construction, and in compliance with Section 15.3.
12. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures, and in compliance with Section 15.1.

Section 6.5. SITE DEVELOPMENT REGULATIONS.

The following minimum requirements shall be provided for light and open space around permitted and conditional uses and structures in the (R-2) Multiple Family Residential District, and subject to the Supplemental District Regulations.

Lot Size or Area -	Single Family 6,000 sq.ft. - minimum lot area Two Family 8,000 square feet - minimum lot area Multi Family 10,000 square feet – minimum lot plus 2,000 sq.ft. for each unit in excess of three (3) All other uses 10,000 square feet – minimum lot area
Lot Width -	60 feet - minimum lot width, except at entry points off cul-de-sacs.
Front Yard -	25 feet - minimum required setback
Street Side Yard (Corner Lot) -	25 feet – minimum required setback
Side Yard -	5 feet - minimum required setback
Rear Yard -	15 feet - minimum required setback
Height -	50 feet maximum height Except that no structure shall be permitted to extend into approach zones, clear zones or other restricted air space required for the protection of any airport.
Maximum Lot Coverage -	55% maximum ground coverage or 45% minimum open space, including ground level paving and accessory buildings

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

All residential dwelling units must be constructed in compliance with the Minimum Requirements for Residential Structures regulations outlined in Section 18.9. Manufactured or mobile homes placed in designated residential subdivisions must be converted to real property in conformance with section 135D.26 of the Code of Iowa.

When any two family, multiple family residential, townhouse or condominium dwelling can be divided by a common party wall, the front, rear, and side yard requirements shall apply to the total building and not be required for each individual housing unit.

Section 6.6. OFF-STREET PARKING.

Off-street parking and loading requirements shall be required for activities in the (R-2) Multiple Family Residential District in accordance with the provisions of Article XVI of this ordinance.

Section 6.7. SIGN REGULATIONS.

Sign regulations shall be required for activities in the (R-2) Multiple Family Residential District in accordance with the provisions of Article XVII of this ordinance.

Section 6.8. ZONING PERMITS REQUIRED.

Zoning permits shall be required in accordance with the provisions of Section 19.2 of this ordinance.

ARTICLE VII
Mobile/Manufactured Housing District (R-3)

Article 7: Mobile/Manufactured Housing District

Section 7.1. Intent
Section 7.2. Mobile/Manufactured/Modular Homes Defined
Section 7.3. Principal Permitted Uses
Section 7.4. Conditional Uses
Section 7.5. Permitted Accessory Uses
Section 7.6. Site Development Regulations
Section 7.7. Mobile or Manufactured Home Park Requirements
Section 7.8. Additional Mobile or Manufactured Housing Requirements
Section 7.9. Nonconforming Mobile Home or Mobile Home Parks
Section 7.10. Zoning Permits Required

Section 7.1. INTENT.

The intent of the Mobile/Manufactured Housing District is to regulate the location and placement of mobile or manufactured housing units and the placement of these units within designated mobile or manufactured housing parks or subdivisions within the City of Rock Rapids. Furthermore, this Article provides for the continuation of residential areas currently developed as mobile or manufactured home parks which by reason of their design and/or location are compatible with surrounding areas where similar residential development seems likely to occur.

Section 7.2. MOBILE/MANUFACTURED/MODULAR HOMES DEFINED.

Factory-built (Modular) houses. A modular house is a structure built at a factory and inspected for compliance with either the Uniform Building Code, the Uniform Plumbing Code, the Uniform Mechanical Code, and the National Electrical Code or the one and two-family dwelling code, each with certain amendments as adopted as the Iowa State Building Code and mandatory for all such structures placed in Iowa. Compliance is evidenced by a seal issued by the state building code commissioner and attached to the house and accompanied by a copy of the manufacturer's certificate of compliance. A certified modular house shall be permitted anywhere a site-built or pre-fabricated site-erected building is permitted whether meeting the same code requirements or not. A modular house may be placed on a parcel of lot if its placement as to yards and set back and minimum square footage meets the criteria that would apply to a site-built dwelling on the same lot. A modular house is not a mobile home or manufactured house.

Mobile Homes (including Manufactured Home). A manufactured (mobile) home is a structure built in a factory to the construction and safety standards established under the authority of 42 U.S.C., section 5403. Where it is proposed to place such a home outside a mobile home park it shall be converted to real estate under the provisions of section 135D.26 of the Iowa Code. A mobile home located outside a mobile home park when so provided by a city ordinance, shall have a minimum width of twenty-four (24) feet on its shortest side, and the structure shall meet minimum front, rear, and side yard requirements of the lot in its residential or other permitted zone. The foundation of such mobile home shall be placed on a permanent full foundation of solid concrete blocks set in mortar, or on a poured concrete foundation. A mobile home not in place outside a mobile home park on the effective date of this section and not complying with the standards required for mobile homes since July 1976 under the State Building Code shall not be permitted to be converted to real estate under section 135D.26 of the Iowa Code. Only mobile homes complying with the standards

of safety and construction required since 1976, with a medallion and certificate of compliance may be placed outside a mobile home park after the effective date of this section.

Section 7.3. PRINCIPAL PERMITTED USES.
Within the (R-3) Mobile/Manufactured Housing District, unless otherwise provided only the following buildings, structures and uses shall be permitted by right.

Residential Uses	Civic Uses
Mobile or Manufactured Housing Single Family Residential	Local Utility Services Park and Recreation Services

Section 7.4. CONDITIONAL USES.
The following uses and structures may be permitted in the (R-3) Mobile/Manufactured Housing District subject to specific conditions and requirements as outlined and approved by the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

Residential Uses	Civic Uses	Commercial Uses
Relocated Residential *(either single family or mobile or manufactured housing previously located in another park or site)*	Daycare Center Educational Facilities Major Utility Facilities Pre-Kindergarten, Preschool or Nursery School Religious Assembly	Communication Services

Section 7.5. PERMITTED ACCESSORY USES.
Principal permitted or conditional uses shall be deemed to include accessory uses and activities identified by these regulations and such other accessory uses that are necessarily and customarily associated with and are appropriate, incidental, and subordinate to such principal uses. Accessory uses shall be subject to the same regulations as apply to principal uses in each district, except as otherwise provided in these regulations.

1. Essential Services (as defined in Section 2.1)
2. Private detached garages and/or carports on any one residential lot of record not to exceed a total of 900 square feet.
3. Clubhouse, swimming pool or other guest facilities when used in combination with a homeowners association, condominium, subdivision, or manufactured home community.
4. Personal recreational activities and facilities on the same lot as the principal use and intended to be used by the occupants of the principal use and their guests. Such facilities may include but not limited to permanent swimming pools or tennis courts.

5. Residential convenience services (only as an accessory to multiple family housing, mobile home park or manufactured housing community uses, and intended solely for the convenience of residents thereof) may be permitted by conditional use issued by the Board of Adjustment and including but not limited to café, health club, barbershop/stylist, post office substation, or other appropriate and incidental uses as determined by the Board.
6. Playhouses, patios, cabanas, porches, gazebos, decks, carports, breezeways and incidental household storage buildings.
7. Private greenhouses, not operated for commercial purposes
8. Radio, television, satellite dish, and other similar receiving antennas for residential purposes.
9. Home occupations in compliance with Article 15.5.
10. Keeping of dogs, cats, and similar small animals as household pets or in private use kennels.
11. Temporary buildings for uses incidental to construction, in which buildings shall be removed upon completion or abandonment of construction, and in compliance with Section 15.3.
12. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures, and in compliance with Section 15.1.

Section 7.6. SITE DEVELOPMENT REGULATIONS.

The following minimum requirements shall be provided for light and open space around permitted and conditional uses and structures in the (R-3) Mobile/Manufactured Housing District, and subject to the Supplemental District Regulations.

Mobile or Manufactured Home Lot Requirements:

Lot Area -	4,000 square feet - minimum lot area
Lot Width -	40 feet – minimum lot width
Front Yard -	25 feet - minimum required front yard, unless the mobile home borders the park boundary in which case the front yard is not required
Street Side Yard (Corner Lot) -	25 feet – minimum required setback
Side Yard -	5 feet - minimum required side yard, unless the mobile home borders the park boundary in which case the side yard is not required
Rear Yard -	15 feet - minimum required rear yard, unless the mobile home borders the park boundary in which case the rear yard is not required
Maximum Height:	35 feet maximum height Except that no structure shall be permitted to extend into approach zones, clear zones or other restricted air space required for the protection of any airport
Residential Density:	Not more than one (1) dwelling per mobile home lot

Maximum Lot Coverage:	75% maximum ground coverage or 25% minimum open space, including ground level paving and accessory buildings

Mobile or Manufactured Park Requirements:

Park Area:	Two (2) acres – minimum park area
Park Width:	200 feet - minimum park width
Park Boundary:	25 feet – minimum required setback for dwellings
Maximum Height:	35 feet for principal buildings 15 feet for accessory buildings

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

Furthermore, mobile home lots and parks shall be developed in conformance with the following Mobile and Manufactured Home Park Requirements outlined in the section below.

Section 7.7. MOBILE OR MANUFACTURED HOME PARK REQUIREMENTS.

Each mobile or manufactured home park shall be developed in accordance with the following requirements:

1. *Development Plan:* The following information shall be shown on the development plan or submitted in writing with it:
   a. The name of the proposed mobile home or manufactured housing park;
   b. Names, addresses and telephone numbers of the developer or representative;
   c. Location of mobile home or manufactured housing park, giving subdivision and lot numbers;
   d. A map of the entire area scheduled for development, if the proposed development is a portion of a larger holding intended for subsequent development;
   e. Location map showing the relationship of the proposed development and adjacent tracts;
   f. Present land use and existing zoning of the proposed development and adjacent tracts;
   g. Interior streets, streets, street names, right-of-way and roadway widths;
   h. All lot lines and open spaces with dimensions shown;
   i. Delineation of all improvements required in this section.
   j. Location, dimensions, capacity, and design for the mobile home park's tornado/storm shelter, if such a facility is provided.

2. *Permitted accessory uses and requirements thereof*:
   a. Accessory buildings or structures under park management supervision shall be used only as office space, storage, laundry facilities, recreation facilities, garage storage or other necessary service for park residents' use only. No accessory building or structure shall exceed fifteen feet (15') in height.
   b. A mobile or manufactured housing unit may be displayed and offered for sale, provided the mobile or manufactured home is situated on a permanent pad within the development.
   c. Accessory structures may be no closer than 5 feet to any lot line.

d. One (1) identification sign is permitted in conjunction with the final site plan approval. In no case shall such sign be larger than sixty (60) square feet in surface area nor have any moving parts or stand higher than ten feet (10') from the ground to the top of the sign. Such sign shall be no closer to the public right-of-way line than five feet (5').

e. No more than one (1) entry and/or one (1) exit sign at each access drive onto the public right-of-way, approved in conjunction with the final site plan approval of the mobile home park. In no case shall the sign be larger than two (2) square feet in surface area, nor have any moving parts, nor stand higher than five (5) feet from the ground to the top of the sign.

3. *Required Development Standards:*

a. Each mobile home within such park shall contain a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities and plumbing and electrical connections designed for attachment to appropriate external systems and so attached.

b. For the purpose of this section, yard width shall be determined by measurement from the mobile home face (side) to its mobile home site boundary from which every point shall not be less than the minimum width herein provided. The rear yard shall be the yard opposite and having the farthest distance as measured from the street or public way. Open patios shall be disregarded in determining yard widths. Enclosed all weather patios and carports shall be included in determining yard widths.

c. The boundaries of each mobile home lot shall be clearly marked on the ground by permanent steel or iron rods driven into the ground with the top of said rods flush with the finish lot grade. Location of limits in the ground shall be the same as shown on approved plans.

d. Each mobile home site shall be provided with a stand consistent with customary industry standards. Alternative pad and support mechanisms may be approved by the Planning and Zoning Commission upon request and if accompanied by sketches or other documentation.

e. Each mobile home shall be anchored to the ground as provided in 661 IAC Chapter 16.626(103A).

f. If a pier or post foundation is provided uniform skirting of each mobile home base shall be required within thirty (30) days after initial placement. A permanent type material and construction compatible with the design and color of the mobile home shall be installed to enclose the open space between the bottom of the mobile home floor and the grade level of the mobile home stand, and shall be constructed to provide substantial resistance to heavy winds. Skirting shall be maintained in an attractive manner consistent with the exterior of the mobile home and to preserve the appearance of the mobile home park. Sufficient screened ventilating area shall be installed in the skirting to supply the combustion requirements of heating units and ventilating of the mobile home. Provisions shall be made for easy removal of a section large enough to permit access or inspection of the enclosed area under the mobile home, and for repair of sewer and water riser connections.

g. Storage of goods and articles underneath any mobile home shall be strictly prohibited.

h. Storm drainage facilities shall be constructed to protect those who reside in the mobile home park as well as the property owners adjacent to the park. Adequate provisions shall be made to handle all surface drainage and storm water runoff as determined by the City Engineer.

i. Any fuel storage shall be in accordance with applicable Federal, State & local regulations.

j. All roads, driveways and motor vehicle parking spaces shall be paved and constructed so as to handle anticipated peak loads, and adequately drained and lighted for safety and ease of movement of pedestrians and vehicles. Streets and roads within a mobile/manufactured home park shall be equipped with speed bumps or other traffic slowing devices located at the entrance and exit to such park; and at other places within such mobile/manufactured park as desired or determined to be in the best interest of the residents of such park.

k. All mobile home parks shall be provided with safe and convenient vehicular access from abutting public and private streets or roads to each mobile home site. Alignment and gradient shall be properly adapted to topography. Access to mobile home parks shall be designed to minimize congestion and hazards at the entrance or exit and allow free movement of traffic on adjacent streets.

l. When a cul-de-sac is provided, the radius of such roadway loop shall be a minimum of one hundred feet (100'), curb face to curb face, with the drive length a maximum of three hundred feet (300').

m. One (1) off-street parking space shall be provided within one hundred and fifty feet (150') of each mobile home site. In such park there shall be provided additional parking spaces for additional storage of all recreational type vehicles and visitor parking.

n. All parks shall be furnished with lighting units spaced and equipped with approved fixtures, placed at mounting heights that will provide adequate illumination for safe movement of pedestrians and vehicles at night.

o. All streets intended for general public use shall be dedicated as a public right-of-way and subject to such improvements as may be required by the City of Rock Rapids.

p. A written emergency plan submitted to the city and posted on site to advise all of the park residents of safety measures.

All mobile home parks shall conform to the above requirements in addition to all current city specifications and standards.

Section 7.8. ADDITIONAL MOBILE OR MANUFACTURED HOUSING REQUIREMENTS.

In addition to the above stated required development standards stated in Section 7.7 above, each mobile or manufactured home park shall be developed in accordance with the following additional requirements:

1. The rental of mobile or manufactured homes shall be in accordance with the laws and statutes identified in 562B of the Iowa Code, Manufactured Home Communities or Mobile Home Parks Residential Landlord and Tenant Law.
2. All dwellings shall follow the standards for Fire Safety Criteria for Manufactured Home Installations, Sites and Communities as stated in the NFPA 501A (2009) or amendments thereto.
3. All factory built structures, including mobile and manufactured housing units, shall comply with the provisions of Chapter 661.16 of the Iowa State Building Code – Factory-Built Structures.

4. All factory built structure, including mobile and manufactured housing units shall comply with the anchorage and support provisions outlined in Chapter 661.322 of the Iowa State Building Code – Manufactured Housing Support and Anchorage Systems.

Section 7.9. NONCONFORMING MOBILE HOMES OR MOBILE HOME PARKS.

Mobile or manufactured homes and mobile home parks existing at the time of the adoption of this ordinance will be governed as follows:

1. All mobile home parks lawfully established and located within the City of Alta prior to the adoption of the ordinance which may become a part of the city as a result of annexation and are being used in a manner or for purposes otherwise lawful but which do not conform to the provisions of this article shall be deemed to be a lawfully vested nonconforming use. As such, the nonconforming mobile home park may continue to operate in the manner and to the extent that it lawfully existed at the time of annexation.
2. Any existing mobile home park may hereafter be expanded or enlarged provided such expansion in the new area is done in conformity with the provisions of this article.
3. All existing, nonconforming mobile homes or manufactured housing units which are subsequently sold to a new owner, as well as all mobile home units installed on a mobile home space subsequent to the enactment of the ordinance shall conform to the anchoring and skirting requirements of Section 7.7(3) parts d. e. and f., prior to being occupied.
4. Any nonconforming mobile or manufactured home, not considered real estate, or any mobile home park or manufactured housing subdivision which is hereafter abandoned, unused or unoccupied for a period of one (1) year or more shall not again be used as such until it is brought into compliance with the provisions of this article. The City Council may, in its sole discretion, grant an extension of time beyond the one year requirement provided the Council receives a written request from the owner stating reasons for the time extension.
5. Any nonconforming mobile or manufactured home, not considered real estate, or any mobile home park or manufactured housing subdivision which is hereafter damaged by any means to an extent exceeding sixty (60) percent or more of its replacement cost at the time of destruction, exclusive of foundations shall not be restored or reconstructed to its prior use until it is brought into compliance with the provisions of this article.
6. Nothing in this section shall prohibit the maintenance and repair of nonconforming mobile or manufactured homes or any mobile home park or manufactured housing subdivision to keep such facilities in sound and safe condition, provided no enlargement, extension, alteration or change shall be made to increase the degree of nonconformity.

Section 7.10. ZONING PERMITS REQUIRED.

Zoning permits shall be required in accordance with the provisions of Section 19.2 of this ordinance.

ARTICLE VIII
Downtown Commercial (C-1)

Article 8: Downtown Commercial District

Section 8.1. Intent
Section 8.2. Principal Permitted Uses
Section 8.3. Conditional Uses
Section 8.4. Permitted Accessory Uses
Section 8.5. Site Development Regulations
Section 8.6. Off-Street Parking
Section 8.7. Sign Regulations
Section 8.8. Zoning Permits Required

Section 8.1. INTENT.

The intent of the Downtown Commercial District is intended to accommodate the major business and office concentration in the city's central business district. It is characterized further by a variety of stores and related activities that occupy the central commercial area of the city. This district is intended to be the single central business district of the city and no other use shall be utilized other than contiguously with the currently established C-1 District.

Section 8.2. PRINCIPAL PERMITTED USES.

Within the (C-1) Downtown Commercial District, unless otherwise provided, only the following buildings, structures and uses shall be permitted by right.

Commercial Uses		**Civic Uses**
Administrative/Business Offices Automotive Washing Building Maintenance Services Business Support Services Business or Trade School Cocktail Lounge Commercial Off-Street Parking Consumer Repair Services Convenience Store Financial Services Funeral Services General Retail Sales	Hotel-Motel Indoor Entertainment and Recreation Laundry Sales Liquor Sales Medical Clinics/Offices Personal Improvement Services Personal Services Pet Services Professional Offices Restaurant Service Station	Club or Lodge Cultural Services Government/Public Services Detention Facilities Local Utility Services Park and Recreation Services Safety Services
		Industrial Uses
		Custom Manufacturing
		Residential Uses
		Group Residential Multiple Family Residential *(only upper floors and/or above commercial uses)*

Section 8.3. CONDITIONAL USES.
The following uses and structures may be permitted in the (C-1) Downtown Commercial District subject to specific conditions and requirements as outlined and approved by the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

Commercial Uses	Civic Uses	Industrial Uses
Automotive Rentals Automotive Sales Automotive Repair Services Bed & Breakfast Inn Communication Services Condominium Storage Unit Construction Sales & Service Convenience Storage Maintenance/Service Facilities Vehicle Storage Veterinary Services	Daycare Center Educational Facilities Hospital Services Public Assembly Religious Assembly	Limited Warehousing and Distribution

Section 8.4. PERMITTED ACCESSORY USES.
Principal permitted or conditional uses shall be deemed to include accessory uses and activities identified by these regulations and such other accessory uses that are necessarily and customarily associated with and are appropriate, incidental, and subordinate to such principal uses. Accessory uses shall be subject to the same regulations as apply to principal uses in each district, except as otherwise provided in these regulations.

1. Essential Services
2. Private garages or carports
3. Any other commercial use type not listed as a permitted use in the same district, and complies with all the following criteria.
   a. Operated primarily for convenience of employees, clients or customers of the principal use.
   b. Occupies less than 10 percent of the total floor area of the principal use.
   c. Located and operated as an integral part of the principal use; not as a separate business use.
4. Temporary buildings for uses incidental to construction, in which buildings shall be removed upon completion or abandonment of construction, and in compliance with Section 15.3.
5. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures, and in compliance with Section 15.1.

Section 8.5. SITE DEVELOPMENT REGULATIONS.
The following minimum requirements shall be provided for light and open space around permitted and conditional uses and structures in the (C-1) Downtown Commercial District, and subject to the Supplemental District Regulations.

Lot Area -	No minimum required
Lot Width -	No minimum required
Front Yard -	No minimum required
Side Yard -	No minimum required
Street Side Yard (Corner Lot) -	No minimum required
Rear Yard -	No minimum required
Height -	75 feet maximum for principal buildings unless adjacent to a residential district or dwelling, then 50 feet max. Except that no structure shall be permitted to extend into approach zones, clear zones or other restricted air space required for the protection of any airport. 30 feet maximum height for accessory buildings
Maximum Lot Coverage:	100% maximum ground coverage permitted

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

Section 8.6. OFF-STREET PARKING.
Off-street parking requirements shall be required for activities in the (C-1) Downtown Commercial District in accordance with the provisions of Article XVI of this ordinance.

Section 8.7. SIGN REGULATIONS.
Sign regulations shall be required for activities in the (C-1) Downtown Commercial District in accordance with the provisions of Article XVII of the ordinance.

Section 8.8. ZONING PERMITS REQUIRED.
Zoning permits shall be required in accordance with the provisions of Section 19.2 of this ordinance.

ARTICLE IX
General Commercial District (C-2)

Article 9: General Commercial District

Section 9.1. Intent
Section 9.2. Principal Permitted Uses
Section 9.3. Conditional Uses
Section 9.4. Permitted Accessory Uses
Section 9.5. Bulk Regulations
Section 9.6. Off-Street Parking and Loading Spaces
Section 9.7. Sign Regulations
Section 9.8. Zoning Permits Required

Section 9.1. INTENT.

The intent of the General Commercial District is to provide for a commercial areas consisting of a variety of retail stores and related activities and services to serve the general shopping needs of the trade area and to permit those uses that will strengthen local businesses and support the area trade, commerce, community services, governmental and cultural activities.

Section 9.2. PRINCIPAL PERMITTED USES.

Within the (C-2) General Commercial District, unless otherwise provided, only the following buildings, structures and uses shall be permitted by right.

Commercial Uses		Civic Uses
Administrative/Business Offices	Financial Services	Club or Lodge
Agricultural Sales & Services	Funeral Services	Cultural Services
Automotive Rentals	General Retail Sales	Daycare Center
Automotive Repair Services	Hotel-Motel	Government/Public Services
Automotive Sales	Indoor Entertainment and Recreation	Local Utility Services
Automotive Washing	Laundry Services	Park and Recreation Services
Building Maintenance Services	Liquor Sales	Safety Services
Business Support Services	Maintenance/Service Facilities	**Industrial Uses**
Business or Trade School	Medical Clinics/Offices	
Cocktail Lounge	Personal Improvement Services	Custom Manufacturing
Commercial Off-Street Parking	Personal Services	Limited Warehousing and Distribution
Construction Sales & Services	Pet Services	
Consumer Repair Services	Professional Offices	
Convenience Store	Restaurant	
Equipment Sales or Repair	Veterinary Services	

Section 9.3. CONDITIONAL USES.
The following uses and structures may be permitted in the (C-2) General Commercial District subject to specific conditions and requirements as outlined and approved by the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

Commercial Uses	Civic Uses	Residential Uses
Bed & Breakfast Inn Communication Services Condominium Storage Unit Convenience Storage Outdoor Entertainment and Recreation Vehicle Storage	Detention Facilities Hospital Services Public Assembly Educational Facilities Religious Assembly Treatment Services	Residential Care Services Assisted Living Facility Nursing or Convalescent Home **Industrial Uses** Light Industry General Warehousing and Distribution

Section 9.4. PERMITTED ACCESSORY USES.
Principal permitted or conditional uses shall be deemed to include accessory uses and activities identified by these regulations and such other accessory uses that are necessarily and customarily associated with and are appropriate, incidental, and subordinate to such principal uses. Accessory uses shall be subject to the same regulations as apply to principal uses in each district, except as otherwise provided in these regulations.

1. Essential Services
2. Private garages or carports
3. Water retention ponds and stormwater basins.
4. Any other commercial use type not listed as a permitted use in the same district, and complies with all the following criteria.
   a. Operated primarily for convenience of employees, clients or customers of the principal use.
   b. Occupies less than 10 percent of the total floor area of the principal use.
   c. Located and operated as an integral part of the principal use; not as a separate business use.
5. Temporary buildings for uses incidental to construction, in which buildings shall be removed upon completion or abandonment of construction, and in compliance with Section 15.3.
6. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures, and in compliance with Section 15.1.

Section 9.5. SITE DEVELOPMENT REGULATIONS.
The following minimum requirements shall be provided for light and open space around permitted and conditional uses and structures in the (C-2) General Commercial District, and subject to the Supplemental District Regulations.

ORDINANCE NO. 683

AN ORDINANCE AMENDING THE ROCK RAPIDS ZONING ORDINANCE BY ADDING A NEW SUBSECTION 7 TO ARTICLE IX GENERAL COMMERCIAL DISTRICT (C-2), SECTION 9.4 PERMITTED ACCESSORY USES.

BE IT ORDAINED, by the City Council of the City of Rock Rapids, Iowa:

Section 1. The Rock Rapids Zoning Ordinance is hereby amended by adding a new Article IX, Section 9.4 concerning Permitted Accessory Uses within a General Commercial (C-2) district, as follows:

> "7. A single dwelling unit attached to a convenience storage use with a minimum of 10 storage units, with the dwelling unit no larger than 1,000 square feet to be occupied by a caretaker."

Section 2. Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 3. Severability. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. Effective Date. This Ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED AND APPROVED by the Council this 28th day of November, 2016.

Jason Chase, Mayor

ATTEST: Jordan Kordahl, City Clerk

I, Jordan Kordahl, Clerk of the City of Rock Rapids, Lyon County, Iowa, do hereby certify that the foregoing Ordinance was published on the 7th day of December, 2016 in the Lyon County Reporter, a weekly newspaper in Rock Rapids, Lyon County, Iowa.

Dated this 7th day of December, 2016.

Jordan Kordahl, City Clerk

Lot Area -	5,000 square feet - minimum lot area
Lot Width -	50 feet - minimum lot width
Front Yard -	25 feet - minimum front yard setback
Street Side Yard (Corner Lot) -	25 feet - minimum street side yard setback
Side Yard -	5 feet - minimum side yard setback
Rear Yard -	20 feet - minimum rear yard setback
Height -	45 feet maximum height for principal buildings 30 feet maximum height for accessory buildings Except that no structure shall be permitted to extend into approach zones, clear zones or other restricted air space required for the protection of any airport
Maximum Lot Coverage:	75% maximum ground coverage or 25% minimum open space, including ground level paving and accessory buildings

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

Section 9.6. OFF-STREET PARKING.
Off-street parking requirements shall be required for activities in the (C-2) General Commercial District in accordance with the provisions of Article XVI of this ordinance.

Section 9.7. SIGN REGULATIONS.
Sign regulations shall be required for activities in the (C-2) General Commercial District in accordance with the provisions of Article XVII of the ordinance.

Section 9.8. ZONING PERMITS REQUIRED.
Zoning permits shall be required in accordance with the provisions of Section 19.2 of this ordinance.

ARTICLE X
Highway Commercial District (C-3)

Article 10: Highway Commercial District

Section 10.1. Intent
Section 10.2. Principal Permitted Uses
Section 10.3. Conditional Uses
Section 10.4. Permitted Accessory Uses
Section 10.5. Site Development Regulations
Section 10.6. Additional Regulations
Section 10.7. Off-Street Parking
Section 10.8. Sign Regulations
Section 10.9. Zoning Permits Required

Section 10.1. INTENT.

The Highway Commercial District is predominately for commercial, service and selected industrial activities of a service nature that typically have operating and traffic generation characteristics requiring location on a major traffic way. Site development regulations and performance standards are intended to ensure off-street parking, adequate setbacks, clear vision, safe ingress and egress, and access to and from all uses.

Section 10.2. PRINCIPAL PERMITTED USES.

Within the (C-3) Highway Commercial District, unless otherwise provided, only the following buildings, structures and uses shall be permitted by right.

Commercial Uses		
Administrative/Business Offices	Construction Sales and Services	Laundry Services
Agricultural Sales & Services	Consumer Repair Services	Liquor Sales
Automotive Rentals	Convenience Store	Maintenance & Service Facilities
Automotive Sales	Convenience Storage	Medical Clinics and Offices
Automotive Repair Services	Equipment Sales and Repair	Personal Improvement Services
Automotive Washing	Financial Services	Personal Services
Bed & Breakfast Inn	Funeral Services	Pet Services
Building Maintenance Services	General Retail Sales	Professional Office
Business Support Services	Golf Course	Restaurant (Convenience)
Business or Trade School	Hospital Services	Restaurant (General)
Cocktail Lounge	Hotel-Motel	Service Station
Commercial Off-Street Parking	Indoor Entertainment and Recreation	Vehicle Storage
Condominium Storage Units		Veterinary Services

Civic Uses	Industrial Uses	Agricultural Uses
Administrative Services Club or Lodge Local Utility Services Park and Recreation Services Religious Assembly Safety Services	Custom Manufacturing Limited Warehousing and Distribution	Horticulture Crop Production

Section 10.3. CONDITIONAL USES.
The following uses and structures may be permitted in the (C-3) Highway Commercial District subject to specific conditions and requirements as outlined and approved by the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

Commercial Uses	Civic Uses	Industrial Uses
Campground Commercial Kennel Communication Services Outdoor Entertainment and Recreation	Cemetery Daycare Center Educational Facilities Major Utility Facilities Public Assembly Educational Facilities Treatment Services	Scrap and Salvage Services Research and Production Services **Residential Uses** Single Family Residential Two Family Residential Multiple Family Residential Group Residential

Section 10.4. PERMITTED ACCESSORY USES.
Principal permitted or conditional uses shall be deemed to include accessory uses and activities identified by these regulations and such other accessory uses that are necessarily and customarily associated with and are appropriate, incidental, and subordinate to such principal uses. Accessory uses shall be subject to the same regulations as apply to principal uses in each district, except as otherwise provided in these regulations.

1. Essential Services
2. Private garages or carports
3. Water retention ponds and stormwater basins
4. Any other commercial use type not listed as a permitted use in the same district, and complies with all the following criteria
   a. Operated primarily for convenience of employees, clients or customers of the principal use
   b. Occupies less than 10 percent of the total floor area of the principal use

c. Located and operated as an integral part of the principal use; not as a separate business use

5. Temporary buildings for uses incidental to construction, in which buildings shall be removed upon completion or abandonment of construction, and in compliance with Section 15.3
6. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures, and in compliance with Section 15.1

Section 10.5. SITE DEVELOPMENT REGULATIONS.

The following minimum requirements shall be provided for light and open space around permitted and conditional uses and structures in the (C-3) Highway Commercial District, and subject to the Supplemental District Regulations.

Lot Area -	5,000 square feet - minimum lot area
Lot Width -	50 feet - minimum lot width
Front Yard -	25 feet - minimum front yard setback
Street Side Yard (Corner Lot) -	25 feet - minimum street side yard setback
Side Yard -	5 feet - minimum side yard setback
Rear Yard -	20 feet - minimum rear yard setback
Height -	60 feet maximum height for principal buildings, but limited to 35 feet if the site borders any residential zoned district. 30 feet maximum height for accessory buildings. Except that no structure shall be permitted to extend into approach zones, clear zones or other restricted air space required for the protection of any airport
Maximum Lot Coverage:	100% maximum ground coverage permitted including ground level paving and accessory buildings

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

Section 10.6. ADDITIONAL REGULATIONS.

Residential uses in the Highway Commercial District shall be subject to the following site development regulations in lieu of any corresponding regulations in Section 10.5.

Front Yard -	25 feet - minimum front yard setback
Side Yard -	12.5 feet - minimum side yard setback
Street Side Yard (Corner Lot) -	25 feet – minimum street side yard setback
Rear Yard -	25 feet - minimum rear yard setback

Height -	35 feet maximum height
Residential Density -	2,000 sq.ft. minimum site area per dwelling unit
Maximum Lot Coverage:	50% maximum ground coverage or 50% minimum open space, including ground level paving and accessory buildings

Section 10.7. OFF-STREET PARKING.
Off-street parking requirements shall be required for activities in the (C-3) Highway Commercial District in accordance with the provisions of Article XVI of this ordinance.

Section 10.8. SIGN REGULATIONS.
Sign regulations shall be required for activities in the (C-3) Highway Commercial District in accordance with the provisions of Article XVII of the ordinance.

Section 10.9. ZONING PERMITS REQUIRED.
Zoning permits shall be required in accordance with the provisions of Section 19.2 of this ordinance.

ARTICLE XI
Light Industrial District (I-1)

Article 11 Light Industrial District

Section 11.1. Intent
Section 11.2. Principal Permitted Uses
Section 11.3. Conditional Uses
Section 11.4. Permitted Accessory Uses
Section 11.5. Site Development Regulations
Section 11.6. Off-Street Parking
Section 11.7. Sign Regulations
Section 11.8. Zoning Permits Required

Section 11.1. INTENT.

The intent of the Light Industrial District is to provide for a wide range of business uses and structures that have high standards of performance and can locate near certain residential and business uses. The district regulations are designed to permit the development of certain manufacturing or industrial operations which on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the community as a whole by reasons of noise, dust, smoke, odor, traffic, physical appearance or similar factors. All industrial operations must be in an enclosed building, although screened storage yards may be located outside. No residential uses are permitted in this district.

Section 11.2. PRINCIPAL PERMITTED USES.

Within the (I-1) Light Industrial District, unless otherwise provided, only the following buildings, structures and uses shall be permitted by right.

Industrial Uses	Commercial Uses	Civic Uses
Custom Manufacturing Light Industry Railroad Facilities Research and Production Services Limited Warehousing and Distribution General Warehousing and Distribution	Administrative/Business Offices Agricultural Sales & Services Automotive Rentals Automotive Sales Automotive Repair Services Automotive Washing Building Maintenance Services Business Support Services Business or Trade School Commercial Off-Street Parking Construction Sales and Services Convenience Storage Condominium Storage Units Convenience Store Maintenance/Service Facilities Professional Office	Club or Lodge Government/Public Services Local Utility Services Parks and Recreation Services Safety Services

Section 11.3. CONDITIONAL USES.
The following uses and structures may be permitted in the (I-1) Light Industrial District subject to specific conditions and requirements as outlined and approved by the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

Industrial Uses	Commercial Uses	Civic Uses
Heavy Industry Resource Extraction	Commercial Kennel Communication Services Equipment Sales and Repair Outdoor Entertainment and Recreation Scrap and Salvage Services Vehicle Storage Veterinary Services	Aviation Facilities Major Utility Service Public Assembly

Section 11.4. PERMITTED ACCESSORY USES.
Principal permitted or conditional uses shall be deemed to include accessory uses and activities identified by these regulations and such other accessory uses that are necessarily and customarily associated with and are appropriate, incidental, and subordinate to such principal uses. Accessory uses shall be subject to the same regulations as apply to principal uses in each district, except as otherwise provided in these regulations.

1. Essential Services
2. Private garages or carports
3. Water retention ponds and stormwater basins.
4. Any other industrial or commercial use types not a permitted use in the same district, and complies with all the following criteria.
   a. Operated primarily for convenience of employees, clients or customers of the principal use.
   b. Occupies less than 25 percent of the total floor area of the principal use.
   c. Located and operated as an integral part of the principal use; not as a separate business use.
5. Temporary buildings for uses incidental to construction, in which buildings shall be removed upon completion or abandonment of construction, and in compliance with Section 15.3.
6. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures, and in compliance with Section 15.1.

Section 11.5. SITE DEVELOPMENT REGULATIONS.
The following minimum requirements shall be provided for light and open space around permitted and conditional uses and structures in the (I-1) Light Industrial District, and subject to the Supplemental District Regulations.

Lot Area - 10,000 square feet - minimum lot area

Lot Width - 100 feet - minimum lot width

Front Yard -	25 feet - minimum front yard setback
Street Side Yard (Corner Lot) -	25 feet - minimum street side yard setback
Side Yard -	10 feet - minimum side yard setback
Rear Yard -	20 feet - minimum rear yard setback
Height -	75 feet maximum height for principal buildings 30 feet maximum height for accessory buildings Except that no structure shall be permitted to extend into approach zones, clear zones or other restricted air space required for the protection of any airport
Maximum Lot Coverage:	60% maximum ground coverage or 40% minimum open space, including ground level paving and accessory buildings

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

Section 11.6. OFF-STREET PARKING.
Off-street parking requirements shall be required for activities in the (I-1) Light Industrial District in accordance with the provisions of Article XVI of this ordinance.

Section 11.7. SIGN REGULATIONS.
Sign regulations shall be required for activities in the (I-1) Light Industrial District in accordance with the provisions of Article XVII of the ordinance.

Section 11.8. ZONING PERMITS REQUIRED.
Zoning permits shall be required in accordance with the provisions of Section 19.2 of this ordinance.

ARTICLE XII
Heavy Industrial District (I-2)

Article 12: Heavy Industrial District

Section 12.1. Intent
Section 12.2. Principal Permitted Uses
Section 12.3. Conditional Uses
Section 12.4. Permitted Accessory Uses
Section 12.5. Bulk Regulations
Section 12.6. Additional Regulations
Section 12.7. Off-Street Parking and Loading Spaces
Section 12.8. Sign Regulations
Section 12.9. Zoning Permits Required

Section 12.1. INTENT.

The intent of the Heavy Industrial District is to provide areas for activities and uses of a heavy industrial character. In the best interest of the city, certain uses in the I-2 district shall be subject to conditional approval or denial to insure that proper safeguards are taken. No residential uses are permitted within this district.

Section 12.2. PRINCIPAL PERMITTED USES.

Within the (I-2) Heavy Industrial District, unless otherwise provided, only the following buildings, structures and uses shall be permitted by right; except those uses which by reason of the emission of odor, dust, fumes, smoke, noise and other obnoxious characteristics would be injurious to the public's health, safety, water quality and general welfare of the city.

Industrial Uses	Commercial Uses	Civic Uses
Biotechnology Production and/or Manufacturing	Administrative/Business Offices	Aviation Facilities
Custom Manufacturing	Agricultural Sales & Services	Government/Public Services
Light Industry	Automotive Repair Services	Local Utility Services
Heavy Industry	Automotive Washing	Major Utility Services
Railroad Facilities	Building Maintenance Services	Park and Recreation Services
Renewable Energy/Renewable Resources	Business Support Services	Safety Services
Research/Production Services	Commercial Off-Street Parking	
Resource Extraction	Commercial Kennel	
Limited Warehousing and Distribution	Construction Sales and Services	
General Warehousing and Distribution	Convenience Storage	
	Condominium Storage Units	
	Equipment Sales and Repair	
	Maintenance & Service Facilities	
	Professional Office	
	Vehicle Storage	
	Veterinary Services	

Section 12.3. CONDITIONAL USES.
The following uses and structures may be permitted in the (I-2) Heavy Industrial District subject to specific conditions and requirements as outlined and approved by the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

Industrial Uses	Commercial Uses	Civic Uses
Bulk Stations Fertilizer or Chemical Storage or Processing Fuel Storage Sanitary Landfill Scrap and Salvage Services Stockyards	Adult Entertainment Businesses Communication Services Outdoor Entertainment and Recreation	Public Assembly

Limited commercial/retail uses may be permitted by conditional use within the Heavy Industrial District (I-2) when intended to serve the needs of a business' tenants/employees only.

Section 12.4. PERMITTED ACCESSORY USES.
Principal permitted or conditional uses shall be deemed to include accessory uses and activities identified by these regulations and such other accessory uses that are necessarily and customarily associated with and are appropriate, incidental, and subordinate to such principal uses. Accessory uses shall be subject to the same regulations as apply to principal uses in each district, except as otherwise provided in these regulations.

1. Essential Services
2. Private garages or carports
3. Water retention ponds and stormwater basins.
4. Any other industrial or commercial use types not a permitted use in the same district, and complies with all the following criteria.
   a. Operated primarily for convenience of employees, clients or customers of the principal use.
   b. Occupies less than 25 percent of the total floor area of the principal use.
   c. Located and operated as an integral part of the principal use; not as a separate business use.
5. Temporary buildings for uses incidental to construction, in which buildings shall be removed upon completion or abandonment of construction, and in compliance with Section 15.3.
6. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures, and in compliance with Section 15.1.

Section 12.5. SITE DEVELOPMENT REGULATIONS.
The following minimum requirements shall be provided for light and open space around permitted and conditional uses and structures in the (I-2) Heavy Industrial District, and subject to the Supplemental District Regulations.

Lot Area -	20,000 square feet - minimum lot area
Lot Width -	100 feet - minimum lot width
Front Yard -	50 feet - minimum front yard setback
Street Side Yard (Corner Lot) -	50 feet – minimum street side yard setback
Side Yard -	10 feet - minimum side yard setback, unless adjacent to a residential district or dwelling unit, then 50 feet.
Rear Yard -	20 feet - minimum rear yard setback, unless adjacent to a residential district or dwelling unit, then 50 feet.
Height -	75 feet maximum height for principal buildings 40 feet maximum height for accessory buildings Except that no structure shall be permitted to extend into approach zones, clear zones or other restricted air space required for the protection of any airport
Maximum Lot Coverage:	40% maximum ground coverage or 60% minimum open space, including ground level paving and accessory buildings

All heavy industrial principal buildings and all industrial accessory buildings or structures shall be located at least fifty feet (50') from any residential district boundary or dwelling unit, except in the instance where such heavy industrial property is separated by a natural or man-made buffer such as a railroad right-of-way, roadway, creek, lake or other natural feature. In such instances where a buffer exists, then the standard minimum yard setback requirements shall apply. No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements. Nonconforming uses of residential structures may be permitted to be enlarged, extended, reconstructed or structurally altered if such non-conforming residential structure is beyond one hundred feet (100') from the property line of an existing industrial facility.

Section 12.6. OFF-STREET PARKING.
Off-street parking requirements shall be required for activities in the (I-2) Heavy Industrial District in accordance with the provisions of Article XVI of this ordinance.

Section 12.7. SIGN REGULATIONS.
Sign regulations shall be required for activities in the (I-2) Heavy Industrial District in accordance with the provisions of Article XVII of the ordinance.

Section 12.8. ZONING PERMITS REQUIRED.
Zoning permits shall be required in accordance with the provisions of Section 19.2 of this ordinance.

ROCK RAPIDS, IOWA "QUICK REFERENCE GUIDE"
ZONING DISTRICT SITE DEVELOPMENT REGULATIONS

Zoning District	Maximum Height	Minimum Lot Area	Minimum Lot Width	Required Front Yard	Required Side Yard	Required Rear Yard	Street Side Yard (corner lot)
AG Agriculture	35 ft. (dwellings) None for ag uses	1 acre	100 ft.	50 ft.	25 ft.	50 ft.	50 ft.
R-1 Single Family Residential	35 ft.	6,000 SF 10,000 OU	60 ft.	25 ft.	5 ft.	25 ft.	25 ft.
R-2 Multiple Family Residential	50 ft.	6,000 SF 8,000 TF 10,000 MF	60 ft.	25 ft.	5 ft.	15 ft.	25 ft.
R-3 Mobile/Manufactured Residential	35 ft.	4,000 sq.ft. per mobile home site	40 ft.	25 ft.	5 ft.	15 ft.	15 ft.
C-1 Downtown Commercial	75 ft. PU 30 ft. AU	No Minimum	No minimum	none	none	none	none
C-2 General Commercial	45 ft. PU 30 ft. AU	5,000 sq.ft.	50 ft.	25 ft.	5 ft.	20 ft.	25 ft.
C-3 Highway Commercial	60 ft. PU 30 ft. AU	5,000 sq.ft.	50 ft.	25 ft.	5 ft.	20 ft.	25 ft.
I-1 Light Industrial	75 ft. PU 30 ft. AU	10,000 sq.ft.	100 ft.	25 ft.	10 ft.	20 ft.	25 ft.
I-2 Heavy Industrial	75 ft. PU 40 ft. AU	20,000 sq.ft.	100 ft.	50 ft.	10 ft. 50 ft. if next to residential use or district	20 ft. 50ft. if next to residential use or district	50 ft.

Note: SF = Single Family, TF = Two Family, MF = Multiple Family, OU = Other Uses, PU = Principal Uses, AU = Accessory Uses; sq. ft. = square feet

ARTICLE XIII
Site Plans

Article 13: Site Plans

Section 13.1. Intent
Section 13.2. Scale
Section 13.3. Legal Information
Section 13.4. Site Plan

Section 13.1. INTENT.

Site plans are required for review and approval for construction of any principal use or conditional use in any district or elsewhere by this ordinance, and shall comply with and illustrate the following. Accessory uses, buildings and structures, interior remodeling projects, and those exterior projects that do not change the size, cubic content or building footprint are exempt from site plan requirements. Although site plans according to these provisions are not required for such accessory uses or other remodeling or interior projects, it does not imply that such uses are exempt from the zoning permit process and any site drawings or plans required of the zoning permit application.

Section 13.2. SCALE.

Site plans shall be drawn at a scale that legibly shows and accurately depicts the proposed improvements, but not less than 1" = 100'. Five (5) copies of the site plan shall be submitted with the zoning permit application.

Section 13.3. LEGAL INFORMATION.

The site plan shall include the following legal information:

1. Owner's name, date of application and legal description of said property to be improved.
2. Applicant's name, requested land use and zoning.
3. If the applicant is other than the legal owner, the applicant's interest shall be indicated and the legal owners' authority to appeal shall be submitted in a certified legal form.

Section 13.4. SITE PLAN.

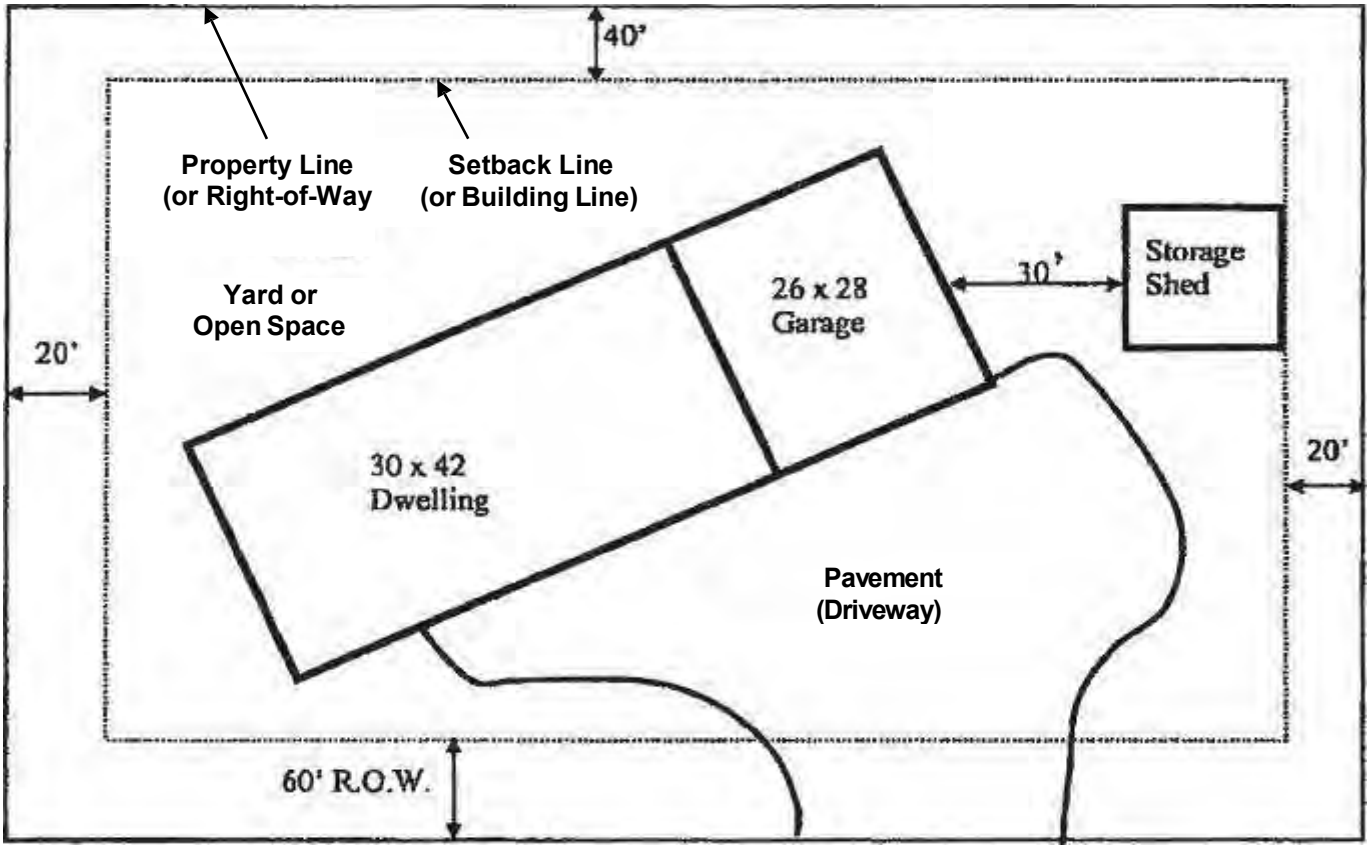
The site plan shall include and clearly illustrate, but not be limited to, the following:

1. Property boundary lines, dimensions and total area.
2. The availability and location of existing utilities.
4. The square feet of all proposed buildings.
5. If substantial topographic change is proposed, contour lines at intervals of not more than one foot (1') may be requested by city staff.
6. Existing buildings, rights-of-way, street improvements, easements, or drainage ways.
7. Parking areas, number of parking spaces proposed and type of surfacing to be used.
7. Erosion or sediment control plan, and proposed storm water management to be used
8. Type of structure proposed
9. Number and size of dwelling units, if applicable
10. Buffers, landscaping, permanent retaining walls and other information deemed necessary to illustrate compliance with the requirements of this ordinance
11. Walkways, lighting, fences, signs, monuments and other man-made features

12. Traffic considerations and any other considerations pertinent to the proposed use may be requested by city staff

A preliminary site plan may be submitted for preliminary or tentative land use approval, providing, however, that a final site plan shall be submitted, reviewed and approved as being in compliance with the provisions of this ordinance. Such separate plans shall be in substantial agreement with one another as to both design and quantities. A survey of property may be ordered by the Zoning Administrator if the current lot lines are in question or in doubt of location. In the event of an ordered survey, all four or more lot pins that are required for a lot must be located by a certified land surveyor and clearly marked. No construction permit will be issued until all required action has been taken.

Sample Site Plan



ARTICLE XIV
Supplemental District Regulations

Article 14: Supplemental District Regulations

Section 14.1. Purpose
Section 14.2. Governmental Bodies
Section 14.3. Lot of Record
Section 14.4. Administrative Services
Section 14.5. Animal Care within City Limits
Section 14.6. Relocated Residential Dwellings
Section 14.7. Townhouse/Condominium Regulations
Section 14.8. Multiple Principal Structures per Lot
Section 14.9. Yard Regulations
Section 14.10. Steps, Decks and Patios
Section 14.11. Fences and Hedges
Section 14.12. Buildings to Have Access
Section 14.13. Use of Public Right-of-Way
Section 14.14. Lot Frontage Continuity
Section 14.15. Height Exemptions

Section 14.1. PURPOSE.

The regulations set forth in this Article qualify, supplement and/or modify the zoning district regulations set forth elsewhere in this ordinance. In event of any conflict in provisions, the more restrictive provision shall apply unless specifically indicated to the contrary.

Section 14.2. GOVERNMENTAL BODIES.

All municipal, county and state agencies, subdivisions or governmental units must comply with all the zoning regulations of the City of Rock Rapids, Iowa as set forth in the City Code. All such agencies, governmental units and subdivisions thereof, must follow the same procedure in applying for any zoning permit, variance or any other request where the zoning laws of the City of Rock Rapids, Iowa are applicable.

Section 14.3. LOT OF RECORD.

Any lot of record at the time of passage of this ordinance having less lot area or lot width than herein required may be used for any use where such uses are permitted as provided in this ordinance. Only one principal building shall be permitted on one lot of record. Any lot of record at the time of passage of this ordinance shall maintain the required front, side, and rear yards on each side of the principal building or structure. However, where two (2) or more contiguous and adjoining substandard or nonconforming lots are held in common ownership, they can be combined into one (1) zoning lot and thereafter maintained in common ownership; and be considered by the city joined together for the purpose of forming an effective and conforming zoning lot. The combining of contiguous substandard lots for purposes of zoning conformance does not automatically mean the property is rezoned. If two or more contiguous lots are within different zoning districts, a rezoning request may be necessary to accommodate proposed uses.

Section 14.4. ADMINISTRATIVE SERVICES.

When located in any residential district, administrative services shall be limited to activities and services of direct benefit to residents of the neighborhood, and shall be conducted in a manner compatible with permitted residential uses in the same residential district. The use shall not involve

vehicle dispatching or maintenance activities except as consistent with services provided to residents of the neighborhood.

Section 14.5. ANIMAL CARE WITHIN CITY LIMITS.

The raising of typical agricultural animals shall be limited to tracts of one (1) acre or more; and a minimum distance of three hundred feet (300') from any dwelling adjoining said tract must be maintained. Domesticated animals and typical house pets may be kept within the city limits of Rock Rapids.

Section 14.6. RELOCATED RESIDENTIAL DWELLINGS.

Relocated residential dwellings shall submit a route plan and photographs of the building to be moved with a conditional use application. All relocated residential dwellings shall be permitted as conditional use issued by the Board of Adjustment. Upon review of the information submitted, the Board shall consider the aesthetic appearance of such relocated dwelling and how the residence fits into the character and appearance of the existing dwellings and neighborhood. A conditional use permit must be obtained from the city prior to moving a building or structure into Rock Rapids.

Section 14.7. TOWNHOUSE/CONDOMINIUM REGULATIONS.

Townhouse and condominium uses shall be subject to the following additional regulations:

1. Each townhouse shall be located on an individual lot with a minimum width of twenty feet.
2. There shall be at least three connected units in each development.
3. Each townhouse or condominium lot shall include a private yard meeting the minimum district requirements for usable open space. A wall or solid fence, not less than five feet in height, shall be required on side lot lines where a required private yard adjoins such lot lines.
4. No driveway serving an individual townhouse or condominium only, and is located in the front yard of a townhouse or condominium lot shall exceed 50 percent of the lot width. A common driveway serving more than one unit may occupy more than 50 percent of the width of a lot, provided that said driveway shall not have more than two points of vehicular access to a public street, and shall not occupy more than 50 percent of the total required street yard area of all units served.

Section 14.8. MULTIPLE PRINCIPAL STRUCTURES PER LOT.

More than one principal structure not intended to be a single family residential structure may be erected on a single lot, except within the R-1 and R-3 districts. Multiple principal structures per lot are subject to the following conditions.

1. No principal building shall be located closer than twenty-five feet (25') in relation to another principal building on the same lot, or on an adjacent lot, so as to cause danger from fire;
2. All principal buildings on the lot shall be served by access ways suitable for police, fire, and emergency vehicles, upon review and approval of the Rock Rapids public safety officials.
3. All of the multiple principal buildings on the same lot shall be accessible via pedestrian walkways connected to the required parking and emergency accesses, and to each building.

Section 14.9. YARD REGULATIONS.

1. *Projecting Overhang or Structure*. The ordinary horizontal projection from buildings including

ORDINANCE NO. 667 (Renumbered to Ordinance **No.** 671)

AN ORDINANCE AMENDING ARTICLE XIV OF THE ROCK RAPIDS ZONING AND SUBDIVISION ORDINANCE BY AMENDING ARTICLE XIV, SECTION 14.5: ANIMAL CARE WITHIN CITY LIMITS.

BE IT ORDAINED, by the City Council of the City of Rock Rapids, Iowa that Article XIV, Section 14.5 of the Rock Rapids Zoning and Subdivision Ordinance is hereby amended by deleting the current Section 14.5 "Animal Care Within City Limits" and adding a new Section 14.5 "Animal Care Within City Limits" as follows:

SECTION 14.5. ANIMAL CARE WITHIN CITY LIMITS.

The keeping or raising of typical livestock animals shall be limited to tracts of one (1) acre or more; and a minimum distance of 300 feet (300') from any neighboring dwelling must be maintained. For the purposes of the Section, "livestock" means those animals belonging to the bovine, caprine, equine, ovine, porcupine species, ostriches, rheas and emu; farm deer as defined in Section 170.1 of the Code of Iowa; or poultry. Common names for "livestock" shall mean, but are not limited to: cows or cattle, sheep, swine, pigs, chickens, roosters, turkeys, horses, ducks, geese or emus.

Domestic animals may be kept within the City limits of Rock Rapids. For the purposes of this Section, "domestic animals" shall include, but is not limited to, an animal that is typically an accessory to occupancy in a principal dwelling such as a dog, cat, or rabbit that is tame and domesticated and is not considered dangerous by an Ordinance of the City of Rock Rapids. Domestic animals of smaller nature include gerbils, hamsters, guinea pigs, mice, non-livestock birds, non-venomous or non-constrictor snakes, ferrets and other similar animals maintained as pets and not for breeding purposes, inside a dwelling. This Section does not apply to the keeping of animals at a veterinary facility that are receiving veterinary care, a City approved zoo, or property owned by a public school used for educational purposes.

Passed and approved this 24th day of August, 2015.

Jason Chase, Mayor

ATTEST: Jordan Kordahl, City Clerk

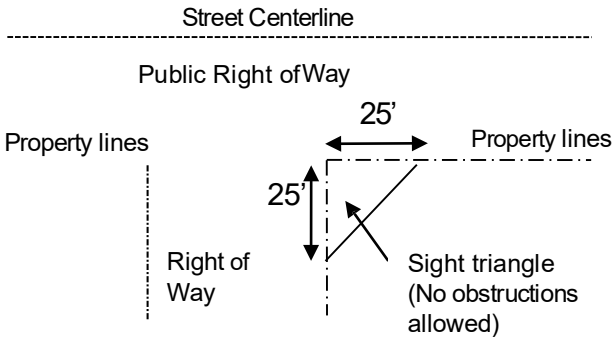
I, Jordan Kordahl, Clerk of the City of Rock Rapids, Lyon County, Iowa, do hereby certify that the foregoing Ordinance was published on the 2nd day of September, 2015 in the Lyon County Reporter, a weekly newspaper in Rock Rapids, Lyon County, Iowa.

Dated this 2nd day of September, 2015.

Jordan Kordahl, City Clerk

eaves, sills, fascia, cornices or other similar architectural and ornamental features, except for gutters, may project or extend not more than two feet (2') into any required yard.

2. *Utilities*. Nothing in this ordinance shall have the effect of prohibiting utility service lines.
3. *Through Lots.* Buildings on through lots, extending from street to street shall provide the required front yard on both streets.
4. *Corner Lots*. The required side yard on the street side of a corner lot shall be the same as the required front yard on such street, and no accessory building shall project beyond the required front yard on either street.
5. *Line of Site Visibility (at intersections)*.
   On a corner lot in any district, except the (C-1) Downtown Commercial District, nothing shall be erected, placed, planted or allowed to grow in such a manner that will obstruct vision between a height of two feet (2') and ten feet (10') above the ground within the triangular area formed, by connecting a point at the corner of the lot adjoining two streets and extending that line twenty-five feet (25') in each direction from the lot corner as measured along the property line. *(See diagram)*



Section 14.10. STEPS, DECKS AND PATIOS.

Steps providing access to the ground level of a dwelling may encroach no more than three feet (3') into the side yard, except that in no instance shall steps be permitted to encroach closer than five feet (5') of any side lot line. Steps are permitted to encroach no more than five feet (5') into any required front or rear yard.

Deck floors higher than twelve inches (12") above the average grade of the ground shall conform to required yard setbacks. An open unenclosed deck may project into a front yard for a distance not exceeding ten feet (10'). No covered patios, or other similar type covered structures may project into the required front yard or street fronted side yard on a corner lot.

Uncovered patios or other concrete slab structures constructed on the ground, or less than twelve inches (12") above the average grade of the ground, shall be allowed to be constructed within the required front, side, or rear yards. Concrete slab structure built on the ground or uncovered patios shall be permitted up to the side or rear lot lines. Furthermore, within front yard areas of residential zoned properties, uncovered patios or concrete slab structures, other than a driveway, shall not extend more than ten feet (10') beyond both sides of a driveway intended to be used for accessory or auxiliary parking spaces. This shall not exclude a sidewalk to the front door.

Section 14.11. FENCE REGULATIONS.

Fence Locations

Fences in interior side and rear (not along street) yards shall be set back at least two feet (2') from the property line unless written permission is granted from the adjoining property owner. (Exception: No setback required in commercial and agricultural zoned districts when building

setback would not be required.) Other fences can be located on or inside the property line. It is the owner's responsibility to locate property lines prior to installing a fence. The city is not responsible for repair or replacement of fence placed over any easement if the city shall need to remove fence in the exercise of its rights under the easement.

No fences are allowed within the "sight triangle". In accordance with Section 14.6(4), a fence cannot obscure clear view of traffic at intersections or driveways or create a safety hazard to pedestrians or vehicular traffic in the "sight triangle", an area forming a triangle bounded by the street right of way lines or property lines of a corner lot and a straight line joining points on the right-of-way lines twenty five feet (25') from the point of intersection of the right of way or property lines.

Fence Height

1. Front Yard: Fence in the front yard shall not exceed 4' in height. However, an ornamental metal fence may be erected to a height of 6 feet. Such ornamental fence may include piers constructed of masonry, wood or other approved material, provided the fence is at least 50% open overall. An ornamental metal fence may also be constructed atop a masonry wall provided the combined height of the wall and fence does not exceed 6' and the portion of the wall/fence structure above 4' is at least 50% open.
2. Street Side Yard: A fence located along a street side property line shall not exceed 4 feet in height. However, if set back at least 5 feet from the property line, fence can be 6 feet in height. An ornamental fence can be 6' in height if it is at least 50% open or the top 2 feet of 6' fence is 50% open.
3. Side Yard: A fence located in a side yard (not along a street) may be erected to a height of 6'.
4. Rear Yard: A fence located in the rear yard (not along a street) may be erected to a height of 6'.

Fence General Regulations

1. *Facing*. The finished surfaces of any fence shall face toward adjacent properties and street frontage.
2. *Snow Fence*. Temporary snow fences are exempt from city regulations provided that no traffic hazard is created; sight visibility triangle is not infringed upon and is allowed only between October 15 and April 15.
3. *Garden Fence*. Garden fences are exempt from city regulations subject to the following provisions: (a) that no traffic hazard is created; (b) that sight visibility triangle is not infringed upon; (c) that no garden fence shall exceed 4 feet in height; (d) that no garden fence shall be allowed in the front yard or the side street yard; and (e) that all garden fences shall be set back not less than 2 feet from interior property lines.
4. *Prohibited Fence*. Spiked fences and sharp picket fences are prohibited. Chicken wire is prohibited except for use as garden fence. Security fences are prohibited in residential districts. Electric fences (except for use as garden fence) and barbed wire fences are allowed in "A"-Agriculture District only.
5. *Fencing Materials*. Fences shall not be constructed of corrugated tin, metal, or fiberglass; sheet metal or fiberglass, or non-treated wood products. Fences may be constructed from treated wood products; non-decomposing natural wood products such as cedar, redwood, etc.; chain

link; molded plastic or wrought iron. The Planning and Zoning Commission may approve other materials as presented. All fences shall be subject to a completed zoning permit.

6. *Maintenance*. All fences shall be maintained in good repair. Any fence that is potentially dangerous or in disrepair shall be removed or repaired.
7. *Access*. Fences in side and rear yards shall have at least one (1) access point, to allow for access for public safety and utility purposes.
8. *Conflicts over Fences*. Disputes between two adjacent property owners concerning fences and/or plantings, trees, bushes or hedges obstructing views, sunlight or air shall be considered a civil matter between parties and shall be resolved in a court of law as a civil proceeding.

Section 14.12. BUILDINGS TO HAVE ACCESS.

Every building or principal use hereafter erected or structurally altered shall be located on a lot or parcel having frontage on a public street or road; or shall be on a lot or parcel having deeded access or easement to a public street or road.

Section 14.13. USE OF PUBLIC RIGHT-OF-WAYS.

No portion of the public road, street or alley right-of-way shall be used or occupied by an abutting use of land or structure for storage or display purposes, or to provide any parking or loading space required by this ordinance.

Section 14.14. LOT FRONTAGE CONTINUITY.

Where fifty percent (50%) or more of a block frontage within two hundred feet (200') of either side of a building lot is improved with buildings, then no part of any new building shall project beyond a line joining the two adjacent corners of the buildings on either side thereof. Where there is a building on only one side, then no part of any new building shall project beyond a line projected from the corresponding corner of the nearest building. Except no building shall be required to provide a front yard greater than 50 feet. When less than fifty percent (50%) of the frontage within two hundred feet (200') of either side of a building lot is improved with buildings, the required minimum yard setbacks shall be observed.

Section 14.15. HEIGHT EXEMPTIONS.

Height regulations shall not apply to television and radio towers, church spires, belfries, monuments, farm buildings, tanks, water towers, fire towers, stage towers or scenery lofts, cooling towers, grain elevators, ornamental towers and spires, chimneys, elevator bulkheads, drilling rigs, conveyors, flagpoles, wind generators or other wind powered electrical devices and other pertinent mechanical apparatuses which may be erected to any height not in conflict with any other applicable regulations. These additional structures or accessories may be erected to any height, provided however, all building, structures or towers exceeding height requirements shall not be permitted to extend into approach zones, clear zones or other restricted air space required for the protection of the flying public. Furthermore, any building or structure receiving a height exemption from the regulations of this ordinance shall review such proposed height in accordance with the Rock Rapids 2013 Airport Land Use and Height Overlay Zoning Ordinance intended for the Rock Rapids Municipal Airport. Although the airport is located just north of the northern Rock Rapids city limits, the Airport Overlay Zone covers a majority of the developed portion of the city.

ARTICLE XV
General Regulations

Article 15: General Regulations

Section 15.1. Accessory Buildings
Section 15.2. Portable Accessory Buildings & Storage Structures
Section 15.3. Temporary Buildings and Uses
Section 15.4. Recreational Vehicles
Section 15.5. Home Occupations
Section 15.6. Residential Dwelling Standards
Section 15.7. Adult Entertainment Regulations
Section 15.8. Wind Energy Devices
Section 15.9. Communication Towers
Section 15.10. Minor Modification to District Regulations (Minor Variance)

Section 15.1. ACCESSORY BUILDINGS.

These additional use regulations are applicable in all zoning districts in addition to those guidelines set forth in the zoning district regulations. In event of any conflict in provisions, the more restrictive provision shall apply unless specifically indicated to the contrary. Accessory buildings and uses customarily incidental to that of the principal building or use may be erected, placed, constructed, moved, or established as permitted; provided they comply with the following.

1. Private detached garages shall be permitted on a lot as an accessory building, but shall be no larger than nine hundred (900) square feet. Accessory buildings larger than 900 sq.ft. must receive approval from the Board of Adjustment after a hearing and based upon factors such as the property is large enough to contain substantially larger accessory buildings.
2. Accessory buildings that are structurally part of or attached to the principal building shall conform to the site development regulations of the lot. In this instance, attached shall be considered a shared roof line or a shared common wall.
3. No detached accessory building or accessory structure is permitted within the front yard.
4. No detached accessory building in any residential district shall occupy more than thirty percent (30%) of the rear yard area. Residential accessory buildings shall be limited to a maximum of three (3) total buildings, including a garage. However, in the instance of small rear yards this regulation shall not prohibit the construction of at least one garage not to exceed six hundred (600) square feet gross building area and at least one accessory storage building not to exceed one hundred twenty (120) square feet gross building area.
5. No detached accessory building on a corner lot may be placed in any rear or side yard nearer to a public street right-of-way than the principal building on the same lot.
6. A detached accessory building located entirely within the rear yard of a principal building shall be located no less than two (2) feet from the side or rear lot lines.
7. If a garage door faces an alley there must be a fifteen feet (15') minimum setback.
8. If any portion of a detached accessory building is within a side yard of the principal building it shall not be located nearer to a side lot line than the permitted distance for the principal building on the same lot.
9. Accessory buildings shall not be used for residential dwellings purposes.

10. Accessory buildings shall not be erected, placed, located or constructed on any required, permanent, temporary or utility easement.
11. No accessory building shall be used without occupancy of the principal building.
12. Accessory buildings shall not exceed twenty feet (20') in height in residential districts and twenty-five feet (25') in height in commercial or industrial districts, but in no circumstance shall the height of the accessory building exceed the height of the principal building or structure on the property.
13. Any accessory building, constructed on property where there is no principal building but is accessory to a principal use shall have similar exterior appearance as does the principal building on adjacent properties.
14. Accessory buildings, including siding and roofing materials, shall not be constructed from galvanized metal. Any accessory building in a residential district shall be designed and constructed with an architecture style and use of materials compatible with the character and appearance of other residential uses within the neighborhood.

Section 15.2. PORTBALE ACCESSORY BUILDINGS AND STORAGE STRUCTURES.

1. "Storage Structure" shall mean one of the following definitions:
   Membrane storage structure: A temporary structure consisting of a frame covered with a plastic, fabric, canvas, aluminum or other non-permanent material, which is used to provide temporary storage for vehicles, boats, recreational vehicles or other personal property. The term also applies to structures commonly known as hoop buildings or tent garages; but shall not apply to carports permanently or physically attached to the ground or other structure or temporary tents and canopies used for special events such as weddings or graduations.

   On-demand or on-site storage structure: Any portable or permanent storage container, storage pod, storage unit, receptacle or other portable structure that is used for the storage of personal or commercial property, which is located outside an enclosed building. The term does not include normal sheds, garages, outbuildings or membrane storage structures.

2. The term "storage structure" shall not apply to a truck trailer or semi-trailer while it is actively being used for the transportation of materials, inventory or equipment and is temporarily located adjacent to a loading dock. A storage structure may be used as a construction site trailer but only during construction on the site.

3. *All Residential zoning districts*.
   Temporary membrane storage structures are not permitted on any residential properties. A permanent membrane storage structure with a hard roof (such as a carport structure) may be permitted on any property if the structure is permanently attached to the ground, concrete driveway or hard surface, or permanently attached to a principal or accessory structure. A temporary portable on-demand or on-site storage structure may be kept within the yard areas on any residential property for a maximum of 30 days for purposes of packing, shipping or moving materials from a permanent structure.

4. *All Commercial, Industrial and other zoning districts.*
   A permanent or temporary storage structure for other than residential purposes is permitted but shall be located on the property within the permitted rear or side yard areas so as not to obstruct

any drive access or block required off-street parking spaces. Where a business or industry is located on a through lot or corner lot, any on-site storage structure must be screened appropriately from adjoining properties or streets. Membrane storage structures may be permitted for temporary storage or seasonal promotion or sale of products.

Section 15.3. TEMPORARY BUILDINGS AND USES.

Provisions authorizing temporary uses are intended to permit occasional, temporary uses when consistent with the purposes of this ordinance and when compatible with other nearby uses.

1. *Temporary Use Types:* The following types of temporary uses may be authorized by the Zoning Administrator, subject to specific limitations herein and such additional conditions as may be established by the Zoning Administrator.
   a. Contractor's office, storage yard and equipment parking and servicing on the site of an active construction project, in which case such temporary building(s) shall be removed within thirty (30) days after completion or abandonment of the construction work.
   b. Temporary residential occupancy on the site of an active construction project.
   c. Religious, patriotic, or historic assemblies, displays, or exhibits.
   d. Outdoor special sales, including swap meets, flea markets, parking lot sales, or similar activities, limited to locations in commercial or industrial districts and operated for no more than three (3) days in the same week or seven (7) days in the same month.
   e. Circuses, carnivals, rodeos, fairs, or similar transient amusement or recreational activities not closer than 200 feet to an existing residential dwelling.
   f. Outdoor art and craft shows and exhibits.
   g. Christmas tree sales lots
   h. Temporary use of trailer units or similar portable structures for nonresidential uses, and limited to a maximum period of 6 months per calendar year.
   i. Seasonal retail sales of agricultural or horticultural products raised or produced off the premises, when located not closer than 200 feet to an existing dwelling.
   j. Temporary signs related to temporary uses.
   k. Additional similar uses determined to be temporary by the Zoning Administrator.

2. *Required Conditions of Temporary Use:* Each site occupied by a temporary use shall be left free of debris, litter, or other evidence of temporary use upon completion or removal of the use. The Zoning Administrator may establish such additional conditions as deemed necessary to ensure land use compatibility and to minimize potential impacts on nearby uses, including but not limited to time and frequency of operation, temporary arrangements for parking and traffic circulation, requirements for screening or enclosure, and guarantees for site restoration and cleanup following temporary use.

3. *Determination and Authorization:* The Zoning Administrator may authorize a temporary use only when, in their judgment, the temporary use will not impair the normal, safe, and effective operation of a permanent use on the same site; will be compatible with nearby uses in the general vicinity and will not create traffic hazards or otherwise interrupt or interfere with the normal conduct of uses in the vicinity. Any temporary use authorized pursuant to these provisions shall not be exempted or relieved from compliance with any other ordinance, law, permit, or license applicable to such use.

Section 15.4. RECREATIONAL VEHICLES.

For the purposes of this section, the term "recreational vehicles" shall mean a vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational or sporting purposes. Such vehicles include, but are not limited to, travel trailers, campers, camping trailers, motor coach homes, and converted trucks and busses. Recreational vehicles shall also include boats, personal watercraft, snowmobiles, and other recreational based vehicles.

1. Recreational vehicles are permitted within designated campgrounds, recreational vehicle parks, and other typical recreational areas.
2. Outside of the aforementioned areas, recreational vehicles shall not be parked or stored within the front yard of a lot in any residential district. Recreational vehicles may be parked or stored within the side yard or rear yard of a residential lot or within an enclosed garage.
3. Recreational vehicles parked or stored on any lot shall not be used for permanent human occupancy. In residential zoning districts, recreational vehicles shall only allow human habitation for not more than fourteen (14) days in a calendar year.

Section 15.5. HOME OCCUPATIONS.

Home occupations as an accessory to residential uses are subject to the following limitations.

1. The use must be clearly incidental and secondary to the use of the dwelling unit and in such a manner as not to give an outward appearance nor manifest any characteristics of a business in the ordinary meaning of the term.
2. The home occupation shall be conducted entirely within a dwelling unit that is the bona fide residence of the practitioner(s), or entirely within an attached or detached accessory building (not to include a carport, driveway, yard or any outside area).
3. The home occupation is carried on by a member of the primary residence where the home occupation is located and does not employ more than one (1) unrelated person living outside of the residence.
4. The home occupation shall not generate customer related vehicular traffic substantially in excess of the normal anticipated residential neighborhood traffic.
5. No equipment or materials associated with the home occupation shall be displayed or stored where visible from anywhere off the premises.
6. The home occupation may be advertised by signs on the premises, provided the signs are attached to the building and do not exceed four (4) square feet in area.
7. The occupation shall not produce any offensive noise, vibration, smoke, dust, odors, heat, fumes, electrical interference, waste run-off or excessive parking rendering such building or premises objectionable or detrimental to the residential character of the neighborhood.
8. Daycare services, as a home occupation, are permitted according to state regulations.
9. The following businesses or occupations shall not be permitted as home occupations: animal hospitals, animal breeding, clinics, hospitals, contractor's yards, junk yards, restaurants, rental outlets, or vehicle repair shops.

Section 15.6. RESIDENTIAL DWELLING STANDARDS.

All structures intended for residential occupancy placed, erected, assembled or constructed after the effective date of this section shall meet and comply with the following requirements:

1. *Structure Size*. Every residential structure, including all site-built dwellings factory built (modular) houses, and mobile homes located outside of mobile home park and converted to real estate shall have a minimum width of twenty-four feet (24') on its shortest side, exclusive of attached garages, porches, or other attached accessory structures. A structure may include porches, sunrooms, garages and wings of lesser dimensions and area, so long as the main body meets the minimum requirements.
2. *Minimum Floor Area*. A minimum floor area of not less than eight hundred (800) square feet.
3. *Foundation*. All residential structures shall have a continuous and complete frost protected perimeter foundation, except that a perimeter foundation shall not be required for a mobile or manufactured home if a perimeter foundation in incompatible with the structural design of the building. For such a mobile or manufactured home, a permanent foundation may be a pier footing foundation system designed and constructed to be compatible with the structure and the conditions of the site. Foundation materials may be masonry, poured concrete, wood or metal and must extend below the normal frost line or be an approved frost-free permanent foundation. The structure must be permanently attached to the foundation.
4. *Exterior Materials*. Smooth, unfinished or corrugated sheet metal (including galvanized) or sheet fiberglass shall not be used for exterior wall or roof covering. This shall not preclude the use of customarily recognized metal siding, roofing or shingles such as "standing seam", embossed or textured metal.
5. *Roof Pitch*. All dwelling units that have a pitched roof shall have a minimum roof pitch of 3:12. This requirement shall not apply to mobile or manufactured housing if the structure complies with 42 U.S.C., Section 5403.
6. *Wheels, Axles or Towing Device*. No residential structure shall have attached wheels, axles, or a towing device.
7. *Exemption*. The provisions of this section shall not apply to mobile homes or manufactured housing placed in a mobile home park or subdivision in compliance with the remaining regulations in this ordinance.

Section 15.7. ADULT ENTERTAINMENT BUSINESSES.

The City of Rock Rapids finds adult entertainment businesses require special consideration in order to protect and preserve the health, safety, and welfare of the patrons of such establishments as well as the citizens of the community. Such adult entertainment businesses, because of their very nature, have a detrimental effect on both existing uses surrounding them and adjacent residential areas. Adult entertainment businesses often times have serious objectionable operational characteristics, thereby contributing to blight and downgrading the quality of life in the adjacent area. The concern over sexually-transmitted diseases is a legitimate health concern of Rock Rapids citizens that demands reasonable regulation of adult entertainment businesses in order to protect the health and well-being of the community. The community wants to prevent such adverse effects and thereby protect the health, safety, and welfare of its residents; protect residents from increased crime; preserve the quality of life; preserve the property values and character of

the surrounding area and deter the spread of blight. It is not the intent of these regulations to suppress any free speech activities protected by the First Amendment, but to address the secondary effects of adult entertainment businesses as well as the problems associated with such establishments.

1. *Adult Entertainment Defined*. Adult entertainment businesses consisting of, including, or having the characteristics of any or all of the following.
   a. *Adult Entertainment*: Any exhibition of any motion picture, live performance, display, or dance of any type, which has as its dominant theme or is distinguished or characterized by an emphasis on any actual or simulated specified sexual activities or specified anatomical areas as defined below.
   b. *Adult Entertainment Business*: Any establishment, including bookstores, novelty store, video stores, cabarets, nightclubs, bar, restaurants, motels, hotels, picture theatres or any other building or place of establishment offering adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined below. It further means any premises that feature topless dancers, go-go dancers, strippers, male or female impersonators, or other similar entertainers for observation by patrons. Adult entertainment establishments further mean those places to which are arranged so as to provide booths, cubicles, rooms, compartments, or stalls separate from the common area for the purposes of viewing adult-oriented motion pictures, or adult entertainment dancing.
   c. *Operators*: Any person, partnership, or corporation operating, conducting, maintaining or owning any adult entertainment business.
   d. *Specified Anatomical Areas*: Less than completely and opaquely covered female or male genitals or buttocks, and the fully exposed female breasts.
   e. *Specified Sexual Activities*: Simulated or actual acts of:
      (i) Showing of specified anatomical areas in a state of sexual stimulation or arousal.
      (ii) Actual or simulated acts of sexual intercourse, sodomy, or sado-masochism.
      (iii) Fondling or erotic touching of specified anatomical areas.

2. *Locational Requirements and Restrictions*.
   An adult entertainment business shall be permitted within the City of Rock Rapids only in the I-2 Heavy Industrial zoning district upon receipt of a site plan in accordance with Article XIII and a conditional use permit in accordance with the procedures set forth in Article XXII; and only if it meets all of the location requirements set forth below. Distances provided hereafter shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property upon which the proposed adult entertainment business is to be located, to the nearest point of the parcel of property or zoning district from which the proposed adult entertainment business is to be separated.
   a. Adult entertainment businesses shall be prohibited in or within one thousand (1,000) feet of the borders of a residential district.
   b. Adult entertainment businesses shall be prohibited within one thousand (1,000) feet of any church, synagogue, mosque, temple, or other place of religious worship.

c. Adult entertainment businesses shall be prohibited within one thousand (1,000) feet of any public or private school.

d. Adult entertainment businesses shall be prohibited within one thousand (1,000) feet of any public park or playground.

e. Adult entertainment businesses shall be prohibited within one thousand (1,000) feet of any other adult entertainment business.

3. *Development Design Standards*.
It shall be unlawful for an owner of an adult entertainment business to allow merchandise or activities to be visible from a point outside the business. Furthermore, adult entertainment businesses shall not allow the exterior portion to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representation of any manner depicting specified anatomical areas or specified sexual activities. In addition to the sign regulations identified elsewhere in these zoning regulations, the display surfaces of the sign shall not contain any flashing lights or photographs, silhouettes, drawings, or pictorial representations of any manner, except for the name of the enterprise.

4. *Responsibilities of the Operator*.
Every act or omission by an employee constituting a violation of the provisions of this ordinance shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge, or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.

5. *Minors*.
It shall be unlawful to allow a person who is younger than eighteen (18) years of age to enter or be on the premises of an adult entertainment business at any time the establishment is open for business. The operator is responsible for monitoring public entrances at all times during regular business hours.

Section 15.8. WIND ENERGY DEVICES.

The purpose of this section is to oversee the permitting of wind energy devices and to preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of wind energy systems.

1. *Definitions*.
   a. Commercial Wind Energy Device – any wind energy device with a nameplate capacity of more than 100kw of which its primary intent is to generate electrical power to be sold to utility or power companies.

   b. Owner/Developer - the individual or entity that intends to own and operate the wind energy system in accordance with this ordinance.

   c. Rotor Diameter - the cross sectional dimension of the circle swept by the rotating blades.

   d. Total Height - the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.

e. Tower - a monopole, freestanding, or guyed structure that supports a wind generator.

f. Wind Energy Device – any equipment that converts and then stores or transfers energy from the wind into usable forms of energy. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, wire, inverter, batteries or other components used in the system. The term wind energy device often refers to and includes wind towers, wind turbines, wind generators, windmills or wind energy conversion systems.

g. Meteorological Tower - any meteorological, measuring or surveying equipment erected on or attached to any tower, monopole, or guyed structure to verify the wind and weather resources found within a certain area. Meteorological towers are also subject to permitting on both temporary and permanent structures.

h. Small Wind Energy Device - a wind energy system that is used to generate electricity and has a nameplate capacity of 100kw or less. Wind energy devices with a generating capacity of 20kw or less may be used for residential or personal use. A wind energy device with a generating capacity between 20kw and 100kw is considered small wind energy for commercial/industrial applications. A wind energy device is considered "small" only if it supplies electrical power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supply by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company in accordance with Section 199, Chapter 15.11 (5) of the Iowa Administrative Code.

2. *Wind Energy Location and Height Requirements*.

Commercial wind energy devices shall not be permitted within any defined residential zoned district. Commercial wind energy devices shall be limited to a total height of 250 feet within 1,320 feet of any residential zoned district. Both commercial and small wind energy devices shall be exempted from height limitations identified in this ordinance, except that no commercial or small wind energy device, meteorological tower or other associated structures shall be permitted to extend into any one of the airport overlay zones as identified in and regulated by the Rock Rapids Airport Zoning Ordinance. All such commercial wind energy devices shall comply with provisions of the city's Airport Zoning Ordinance.

3. *Wind Energy Setback Requirements*.

Commercial wind energy devices shall be set back a distance equal to 110% of its total height from any public right of way, overhead utility lines or adjacent property lines not under the same ownership unless written consent is granted by the property owner or entity with jurisdiction over the street, utilities or adjacent properties. With that stated, those wind energy devices that are located on land adjacent to property under the same ownership may have the property line setback requirement waived; however, the setbacks still apply to overhead utility lines and public right-of-ways. A greater setback may be required to minimize shadow flicker, nuisance noise, and other possible documented effects to humans living in these dwellings.

Small wind energy devices located on a freestanding pole or other structure must maintain a setback distance equal to 110% of its total height from any public street or road right-of-way, overhead utility lines or adjacent property lines not under the same ownership unless written permission is granted by the property owner or entity with jurisdiction over the street, utilities or adjacent properties.

4. *Wind Energy Placement or Spacing*.
Commercial wind energy device spacing will vary depending on common industry practice and manufacturer specifications. The owner/developer shall consider the public interest and the natural environment, and maintain the intent and purpose of this ordinance.

Small wind energy devices designed for residential or personal use shall be erected on either a freestanding pole or tower. In all residential zoned districts, no small wind energy device or accessory structures shall be permitted within the front yard.

5. *Utility notification and interconnection*.
Commercial wind energy devices that connect to the electric utility shall comply with all local, state and federal regulations regarding the connection of energy generation facilities.

Small wind energy devices shall not be installed until evidence has been given that the utility company has authorized interconnection of the small wind device to its electric distribution or transmission, under an agreement approved by and subject to regulation adopted by the Iowa Utilities Board. Small wind energy devices not connected to a public utility system shall be exempt from this requirement.

6. *Electrical Wires*. All electrical wires associated with any wind energy device, other than wires necessary to the operation of the wind turbine itself shall be located underground. In the instance of commercial wind energy projects, transmission lines or high capacity electrical lines from substations transferring cumulative energy resources from a wind energy project shall not be required to be placed underground.

7. *Lighting*. Any wind energy device shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.

8. *Appearance, Color, and Finish*. Any wind energy device shall remain painted or finished the color or finish applied by the manufacturer, unless approved in the conditional use permit.

9. *Signs*. All signs shall be prohibited other than the manufacturer or installer's identification sign and appropriate warning signs.

10. *Sound*. Sound produced by any wind energy devices under normal operating conditions, as measured at the property line shall not produce sound at a level that would constitute a nuisance. Industry standards support that wind energy noise should not exceed 50dba at a distance of 1,250 feet. Sound levels, however, may be exceeded during short term events out of anyone's control, such as utility outages and/or severe wind storms.

11. *Electromagnetic Interference*. Any wind energy device shall be designed and constructed so as not to cause radio and television interference. If it is determined that the wind energy device is causing electromagnetic interference, the owner shall take the necessary corrective action to eliminate this interference including relocation or removal of the facilities.

12. *Conditional Use Permit*.
Commercial wind energy devices, wind energy towers or meteorological towers erected in any zoning district may be granted as a conditional use and approved by the Board of Adjustment after a public hearing. The Zoning Administrator shall perform an assessment of the issues raised as a

result of erecting wind energy devices and issuing conditional use permits in the zoning district prior to any public hearing and any action by the Board of Adjustment.

Small wind energy devices designed, marketed and sold explicitly for personal or private residential or business applications, which has a nameplate capacity of 100kw or less shall be considered a conditional use in all zoning districts.

13. *Wind Energy Permit Requirements*.
A zoning compliance permit shall be required for the installation of any wind energy device. The application for zoning permit will be accompanied by a detailed site plan for the wind energy device. A site plan and other such plans and manufacturer's specifications shall show the dimensions, arrangements, descriptive data, site layout and other information essential to an understanding of the use and construction of the proposed wind energy device. A site plan shall include the following at a minimum:

- Location of the proposed wind energy device(s)
- Wind energy device specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed)
- Tower foundation blueprints or drawings and tower blueprint or drawing
- Site layout, including location of property lines, wind turbines, electrical wires, connection points with electrical grid, and related accessory structures.
- Documentation of land ownership or legal control of the property.
- FAA Permit Application, if applicable.

14. *Notification*. The owner/developer shall be responsible for obtaining and submitting to Rock Rapids a listing of the names and last known addresses of the owners of all property within 200 feet of the parameter of the total project development site containing wind energy device(s). Prior to the public hearing for such conditional use permit, notice shall be given by ordinary mail to all adjacent property owners and those within 200 feet of the proposed wind energy site.

15. *Review and Approval*. Within 60 days of receiving the permit application for a wind energy device, the Board of Adjustment shall schedule a public hearing regarding the conditional use permit. Notice shall be given to the public no less than 7 days and no more than 20 days prior to the public hearing by publication in the official city newspaper. Approval of the conditional use permit for a wind energy device shall be valid for a period no longer than two (2) years from the date of such permit, unless construction has commenced or the Board of Adjustment specifically grants a longer period of time for the building permit. The approval and issuance of a conditional use permit for the construction or installation of any wind energy device, under this ordinance, shall not relieve any permittee, applicant or owner from compliance with all legal requirements nor relieve the permittee, applicant or owner of any liability for damage or loss resulting from the placement, construction or maintenance of such wind energy device. The City assumes no liability whatsoever by virtue of the issuance of a conditional use permit for wind energy devices.

16. *Mitigation of Damages*. In the event there are any damages that occur during construction or maintenance of any wind energy device, the owner/developer shall be fully responsible to mitigate and correct any damages to public streets or infrastructure.

17. *Discontinuance or Abandonment*. Any wind turbine that is out-of-service for a continuous 1 year period will be deemed to have been abandoned and discontinued for use. At such time the wind turbine is determined to be abandoned the owner shall remove the wind turbine at the owner's expense within 6 months of receipt of notice. If the owner fails to remove the wind turbine, the Zoning Administrator may pursue legal action to have the wind turbine removed at the owner's expense and such costs will be assessed against the property.

Section 15.9. COMMUNICATION TOWERS.

The purpose of this section is to provide for the regulation of contractors engaged in the construction, erection, placement or location of freestanding communications towers in the City of Rock Rapids. These regulations do not apply to television, satellite dish, or other communication antennas attached to a structure or accessory building and primarily used for personal or residential enjoyment.

1. Communication towers shall be permitted under a conditional use permit in every zoning district within the city. The conditional use application shall include drawings, plans and other necessary documents describing the intent, layout, and construction or installation.

2. "Communication Tower" means a structure, tower, antenna or other facility primarily engaged in the provision of broadcasting and information relay services accomplished through the use of electronic, cellular or other mechanisms but exclude those classified as Major Utility Facilities. Typical uses include but not limited to telecommunication towers, radio, cellular and other receiving towers, antennas or structures and amateur radio communications including voluntary and noncommercial communication services.

3. The construction and maintenance of a communication tower shall be permitted to the owner of the tower as specified in the conditional use permit only upon compliance with all applicable ordinances of the City of Rock Rapids. The permit shall be of indefinite duration and remain in effect so long as the tower remains in compliance with applicable city ordinances. A conditional use permit for communication towers may be revoked upon notice to the owner and following opportunity for a public hearing before the Board of Adjustment, for a violation of any applicable city ordinance, state or federal statute or regulation.

4. The issuance of a conditional use permit for construction or installation of communication towers shall not relieve any permittee, applicant or owner from compliance with all legal requirements or from liability for damage or loss resulting from the placement, construction or maintenance of the tower. The City of Rock Rapids assumes no liability whatsoever by virtue of the issuance of a conditional use permit for a communications tower.

5. The minimum distance from the base of the tower to the nearest property line of the tower site shall not be less than one hundred ten percent (110%) of the tower height, except that no setback shall be less than any required yard setbacks in the zoning district.

6. Communication towers shall be exempted from height limitations identified in this ordinance, except that no communication or media tower or other associated structures shall be permitted to extend into any one of the airport overlay zones as identified in and regulated by the Rock Rapids Airport Zoning Ordinance. All such communication towers shall comply with provisions of the city's Airport Zoning Ordinance. In all instances the height of a

communication tower shall be measured from the base of the tower or structure of which it is attached, to the tip of the structure, antenna or tower being measured.

7. The communication tower base shall be designed or constructed to provide a secure environment and unauthorized access to the tower base.
8. All towers shall be maintained and operated in compliance with the standards adopted by the Federal Communications Commission concerning electromagnetic field emissions.
9. The city shall not restrict or deny the use of amateur radio antennas or towers for the personal enjoyment and use of the owner(s) and shall comply with Title 47 of the Code of Federal Regulations, Part 97 (FCC rules for amateur radio).
10. In order to avoid unnecessary duplication of communications towers, businesses engaged in wireless communication requiring the use of communications towers are required to utilize joint or multiple use of all existing and proposed towers. An application for a conditional use permit for a communication tower shall include verification that the applicant has considered the use of existing towers and include a detailed explanation establishing that the use of an existing tower is economically or technically not feasible. Each owner of a tower placed and constructed pursuant to a conditional use permit issued under this ordinance shall, to the extent technically feasible, lease tower capacity to other wireless communication providers at commercially reasonable rates and terms.
11. Abandoned or decommissioned communication towers shall be removed within twelve months of the discontinuance of such use, and it shall be the responsibility of the property owner to have such tower properly removed or dismantled.

Section 15.10. MINOR MODIFICAITON TO DISTRICT REGULATIONS (MINOR VARIANCE)

The Zoning Administrator is responsible for reviewing applications and approving or denying minor modifications from the requirements of the zoning district regulations. The intent behind minor modifications is to allow minor area, lot, setback and height exceptions for principal and accessory buildings and structures only in specific circumstances in which the stated ordinance regulations would provide a clear hardship on the property or owner. A minor modification shall only be made for the following circumstances:

- Reduction of required residential front, rear and side yard setbacks without limit as required to provide handicapped access ramps to a dwelling or building;
- Reduction of front, rear, and side yard setbacks without limit to allow reconstruction of a historically accurate structure.
- Construct an addition to a principal structure, in residential districts, that would cause existing detached accessory structures to become nonconforming.

The application for a minor modification shall be submitted on a variance application provided by the city. Within fourteen (14) days of receipt of a completed application for a minor modification, the Zoning Administrator shall issue a decision to approve, approve with conditions or deny the minor modification. The denial of a minor modification shall not prevent the applicant from seeking approval of a variance for the same project from the Board of Adjustment pursuant to Section 21.6 of this ordinance.

ARTICLE XVI
Off Street Parking

Article 16: Off Street Parking
Section 16.1. Intent
Section 16.2. General Parking Area and Surface Requirements
Section 16.3. Off Street Parking Requirements
Section 16.4. Computation of Parking Spaces
Section 16.5. Location and Type of Parking
Section 16.6. Off Street Loading Requirements

Section 16.1. INTENT.

It is the intent of this article to prevent traffic congestion and to provide for proper traffic safety. After the effective date of this ordinance, in all districts except the Downtown Commercial (C-1) District, there shall be provided at the time any new building or structure is erected, off street parking spaces in accordance with the requirements set forth herein. The requirements of this article are minimum standards, and where review of the site plan and intended land use indicate the requirements are inadequate a greater requirement may be required by this ordinance.

Section 16.2. GENERAL PARKING AREA AND SURFACE REQUIREMENTS.

All off-street parking areas shall comply with the following minimum area and surface requirements.

1. The provisions of this section shall not apply to the Downtown Commercial District (C-1).
2. A "parking space" shall be not less than 200 square feet.
3. Parking spaces shall be surfaced with portland cement, concrete, asphaltic concrete, compacted gravel or equivalent hard surface.
4. Enclosed parking areas or garages shall qualify to meet the minimum parking space requirements under this Section.
5. Requirements as to number and size of parking space in this section are minimum requirements only and shall not be construed as limitations.
6. Owners of two (2) or more uses or parcels of land may agree to jointly use the same parking spaces provided satisfactory legal evidence is presented to establish such a joint use.
7. Willful failure to maintain and provide parking spaces as required under this Section shall be deemed a violation of this ordinance and subject to the penalty in Section 20.1.

Section 16.3. OFF STREET PARKING REQUIRMENTS.

At the time of construction, alteration, moving or enlargement of a structure or building, or change in the use of the land; off-street parking spaces and loading areas shall be provided, constructed, and maintained for all uses as follows, except within the (C-1) Downtown Commercial District.

1. Single Family Residential: 2 spaces
2. Two Family Residential (Duplex): 2 spaces per dwelling unit
3. Multi-Family Residential: 2 spaces per dwelling unit
   (includes condo, apartments and townhouses)

4. Mobile/Manufactured Home Residential:	1 space per mobile/manufactured home and 1 space per unit for a visitor parking area
5. Hotel/Motel and Bed & Breakfast:	1 space per guest room and five (5) additional spaces
6. Group Residential:	1 space for each two (2) bedrooms
7. Hospital/Healthcare facilities:	1 space for each four (4) patient beds, plus 1 space for each two (2) employees on the largest shift
8. Convalescent Services: *(includes nursing home/assisted living)*	1 space for each eight (8) patient beds, plus 1 space for each employee on the largest shift
9. Public Assembly/Religious Assembly: *(includes churches, auditoriums, movie, theaters, community center, etc.)*	1 space for each six (6) seats of seating capacity or 1 space per 500 sq.ft. of gross floor area, whichever is greater
10. Bowling Alleys:	4 spaces per alley
11. General Retail Sales/ Professional Office:	1 space per 400 sq. ft. of gross floor area
12. Other Sales and Services: *(includes auto sales, farm implements and other uses that occupy larger amounts of space than identified in Part 11 above)*	1 space per 600 sq. ft. of gross floor area
13. Restaurants/Café's/Lounges/Bars:	1 space for each four (4) seats plus 1 space for each two (2) employees or 1 space per 300 ft. of gross floor area, whichever is greater
14. Educational Facilities: *(includes preschools/nurseries/daycares)*	1 space per regular employee and 1 space for every six (6) occupants in the largest facility for group assembly.
15. Industry/Manufacturing/Warehouse:	1 space for every three (3) employees on the largest shift.
16. Campgrounds, camp site or RV parks	One (1) space per one (1) camping or RV site
17. All Other Uses:	All other buildings having a gross floor area of more than two thousand (2,000) square feet shall provide one (1) off-street parking space for each one thousand (1,000) square feet of floor space on the same lot as the principal building.

Section 16.4. COMPUTATION OF PARKING SPACES.

1. In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the number of parking spaces to be provided will be equal to that of a similar use mentioned in Section 16.3 above or determined by the Zoning Administrator.

2. Where fractional spaces occur, the parking spaces required shall be increased to be the next whole number.
3. Whenever a building or use existing prior to the effective date of the ordinance is changed or enlarged to the extent of fifty percent (50%) or more in floor area, or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.
4. In the event several uses occupy a single building or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.

Section 16.5. LOCATION AND PARKING SETBACKS.

All parking spaces required by this ordinance shall be located on ~~or~~ the same zoning lot as the building or use served. Except, where an increase in the number of spaces is required due to a change or enlargement of use or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located and maintained no more than three hundred feet (300') from the use being served.

1. All yard areas, except the front yard for single family residential properties, may be used for off street parking. That portion of the driveway lying within any front yard may be used to satisfy the off street parking requirements of this ordinance.
2. All required off-street parking areas of more than five (5) spaces shall be surfaced with asphalt, concrete, or other such hard surfaced materials as approved by the Zoning Administrator so as to provide a durable parking surface. Parking areas shall be graded and drained to dispose of surface water on the lot, and shall be arranged and marked to provide for orderly ingress and egress.
3. Any lighting used to illuminate off-street parking areas shall be arranged to reflect light away from adjacent lots and uses of land.
4. In cases when commercial or other non-residential parking lots adjoin a residential district, parking areas shall be at least five feet (5') from the property line and effectively screened by the use of a fence, hedge, or other similar methods.

Section 16.6. OFF STREET LOADING REQUIREMENTS.

At the time of construction, alteration, or enlargement of any building, or part thereof hereafter erected, having a gross floor area of ten thousand (10,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided on the same lot at least one (1) permanently maintained off-street loading space plus one (1) additional loading space for each twenty thousand (20,000) square feet or major fraction thereof of gross floor area, so used, in excess of ten thousand (10,000) square feet. Such loading space may occupy all or any part of any required side or rear yard or open space, except where adjoining a residential district. If the loading space is adjacent to a residential district, it shall be set back at least ten feet (10') and effectively screened from view. All loading, unloading and parking must be conducted on private property and cannot be conducted on the public right-of-way, except for designated or approved delivery, parcel or moving vehicles intended for temporary unloading.

ARTICLE XVII
Sign Regulations

Article 17: Sign Regulations

Section 17.1. Intent
Section 17.2. Definitions
Section 17.3. Exempt Signs
Section 17.4. Sign Requirements
Section 17.5. Conditional Uses for Signs
Section 17.6. General Sign Regulations
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Section 17.8. Unsafe Signs and Removal of Signs
Section 17.9. Nonconforming Signs

Section 17.1. INTENT.

The purpose of this section is to provide that signs shall be safely constructed and kept in a safe condition, and that signs shall not be located so as to cause a safety hazard. This article is established to protect and promote health, safety, general welfare and order within the City of Rock Rapids through the establishment of uniform standards, regulations and procedures governing the type, number, size, structure, location, height, lighting, erection, use or display of devices, signs, or symbols serving as a visual media to persons situated within or upon public rights-of-way or private properties. Hereafter, no sign shall be erected, re-erected, constructed, altered or maintained, except as provided by this code and after a permit has been issued by the Zoning Administrator, except a permit shall not be required for temporary or exempt signs.

Section 17.2. DEFINITIONS.

For use in this section, the following terms are defined. Where terms are not defined, they shall have their ordinarily accepted meanings within the context in which they are used. Words in the singular include the plural and the plural the singular.

1. *Abandoned Sign*: A sign no longer correctly directing any person, advertises a bona fide business, lessor, owner, product, or activity conducted on the premises of such sign.
2. *Billboard (Off-Premises Sign)*: As used in this ordinance, billboards include all structures, regardless of the material used in the construction of the same that are erected, maintained or used for public display of posters, painted signs, or wall signs, whether the structure be placed on the wall or painted itself, pictures or other pictorial reading material which advertise a business or attraction which is not carried on, manufactured, grown or sold on the premises where said signs or billboards are located.
3. *Curb Line*: is the line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curb line shall be established by the city engineer.
4. *Display Surface*: is the area made available by the sign structure for the purpose of displaying the advertising message.
5. *Erect*: To build, construct, attach, hang, suspend or affix, and shall also include the painting of wall signs.
6. *Facing (or surface)*: The surface of the sign upon, against or through which the message is displayed or illustrated on the sign.

7. *Marquee*: is a permanent roofed structure attached to and supported by the building and projecting over public property.
8. *Person*: Any person, firm, partnership, association, corporation, company or organization of any kind.
9. *Projection*: is the distance by which a sign extends over public property or beyond the building line.
10. *Sign*: Includes, but is not limited to, every billboard, ground sign, wall sign, roof sign, illuminated sign, projecting sign or temporary sign; and shall include any announcement, declaration, demonstration, display, illustration or insignia used to advertise or promote the interests of any person when the same is placed out of doors in view of the general public.

a. *Address Sign*: A sign identifying street address only, whether written or numerical form.
b. *Awning Sign*: A device made of cloth, metal, or other material affixed to and projecting from a building in such a manner that the device is either permanently fixed or so erected as to allow it to be raised or retracted and return to a flat position against the building when not in use. Awning signs shall not encroach more than four (4) feet out in front of a building. Permanent awnings may be lighted (from the backside); however, awning signs shall not have any flashing, strobe, or otherwise intermittent light emitting from the awning sign.
c. *Campaign Sign*: A temporary sign promoting the candidacy of a person running for a governmental office, or promoting an issue to be voted upon at a governmental election.
d. *Construction Sign*: A sign placed at construction site identifying the project or the name of the architect, engineer, contractor, financier or other involved parties.
e. *Combination Sign*: A sign incorporating any combination of the features of pole, projecting and roof signs.
f. *Directional Sign*: A sign erected on public or private property which bears the address and name of a business, institution, church, or other use or activity plus directional arrows or information on location.
g. *Electric Sign*: is any sign containing electrical wiring, but not including signs illuminated by an exterior light source.
h. *Flashing Sign*: Any illuminated sign that has artificial light or color that is not maintained at a constant intensity or color when such sign is in use. A sign providing public service information, such as time, weather, date, temperature or similar information shall not be considered a flashing sign.
i. *Free Standing Sign*: Any sign or sign structure, not securely attached to the ground or to any other structure. This shall not include trailer signs as defined in this section
j. *Governmental Sign*: A sign which is erected by a governmental unit.
k. *Ground Sign*: Any sign supported by uprights, poles or braces placed upon the ground and not attached to any building.
l. *Illuminated Sign*: Any sign having character, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper.

m. *Information Sign*: Any sign giving information to employees, visitors or delivery vehicles, but containing no advertising or identification.

n. *Joint Identification Sign*: A free-standing sign which identifies a subdivision, a multiple residential complex consisting of three (3) or more structures, a shopping center consisting of three (3) or more separate business concerns, an industrial area, an office complex consisting of three (3) or more structures or any combination of the above.

o. *Non-Conforming Sign*: A sign which lawfully existed at the time of the passage of this ordinance but which does not conform to the regulations of this ordinance.

p. *Pole Sign*: A sign wholly supported by a sign structure in the ground.

q. *Projecting Sign*: A sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.

r. *Real Estate Sign*: A business sign placed upon a property advertising that particular property for sale, for lease or for rent.

s. *Roof Sign*: A sign erected upon or above a roof or parapet of a building or structure.

t. *Swinging Sign*: A sign installed on an arm or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.

u. *Temporary Sign*: Any sign, banner, pendant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, intended to be displayed for a limited period of time only.

v. *Trailer Sign*: Any sign mounted on a vehicle normally licensed by the State of Iowa as a trailer and used for advertising or promotional purposes.

w. *Wall Sign*: All flat signs of solid face construction which are placed against a building or other structure and attached to the exterior front, rear or side wall of any building or other structure. Such signs may extend no more than twelve (12) inches from the surface of the building or structure to which they are attached.

11. *Sign Structure*: Any structure that supports or is capable of supporting a sign as defined in this ordinance. A sign structure may be a single pole and may or may not be an integral part of the building.

12. *Structural Trim*: The molding, battens, cappings, nailing strips, latticing and platforms which are attached to the sign structure.

13. *Street Line*: The place where the public sidewalk begins and the private property line ends.

Section 17.3. EXEMPT SIGNS.

The provisions and regulations of this ordinance shall not apply to the following signs, provided, however, said signs shall be subject to the removal of signs procedures outlined in Section 17.8.

1. Official notices authorized by a court, public body or public safety official.
2. Memorial signs or tablets, names of buildings, and cornerstones when made an integral part of the building or structure.
3. Any flag or flagpoles a government or a noncommercial institution, such as a school.

4. Religious symbols and seasonal decorations within the appropriate public holiday season.
5. Real estate signs are permitted in any district, advertising the sale, lease or rental of premises or buildings on which they are located. They shall not exceeding eight (8) square feet in area which advertise the sale, rental or lease of the premises upon which said signs are located only. In any commercial or industrial districts, signs shall not exceed sixteen (16) square feet. Only two (2) real estate sign may be allowed per zoning lot.
6. Address signs identifying street address only, whether in written or numerical form.
7. Construction signs denoting the architect, engineer, contractor, future use or other individuals or firms involved with the project when placed upon work under construction, and not exceeding thirty two (32) square feet in area. Such signs shall be confined to the site of the construction, alteration or repair and shall be removed when construction is completed or abandoned.
8. Political signs as allowed by Section 306C.22, Code of Iowa and campaign signs as allowed by Section 68A.406-yard signs, Code of Iowa. Campaign signs shall remain for no longer than forty-five (45) days prior and seven (7) days after the election for which they were intended and shall be removed by the owner of the property on which they are located. All campaign signs shall be confined to private property and shall not be attached to trees, utilities or rocks.
9. Traffic or other municipal signs, legal notices, danger, and such emergency or non-advertising signs as may be approved by the city council or authorized by federal or state governments.
10. Professional name plates or directory signs which identifies the business, owners, manager, or resident occupant and sets forth the occupation or other address information but contains no advertising. There may be one directory sign per zoning lot not to exceed four (4) square feet of area per business or occupant and attached to the principal building.
11. Temporary and/or seasonal signs including portable or moveable signs, search lights, banners, pendants, and similar devices shall be allowed in addition to the sign limitations of this ordinance for continuous periods not to exceed thirty (30) consecutive days.

Section 17.4. SIGN REQUIREMENTS.

1. On-Site Agriculture (AG) and Residential Districts (R-1, R-2 & R-3). Signs pertaining to principal uses are allowed in agriculture and residential districts subject to the following regulations.
   a. Off-premises signs are not permitted.
   b. No sign may be lighted that impairs the vision of the driver of any motor vehicle.
   c. Signs shall not encroach or extend over public right-of-way.
   d. No sign may obscure or physically interfere with a traffic control sign, signal or device.
   e. Bulletin boards and announcement signs shall be permitted in the R-1, R-2 and R-3 districts on the premises of charitable, educational, religious and public institutions but may not exceed thirty two (32) square feet in size, and must be a minimum of fifteen feet (15') from all street lines. The height of such signs shall not exceed six feet (6').

f. On-site signs for non-residential or business uses in any residential district shall be permitted not exceeding sixteen (16) square feet and not closer than fifteen feet (15') from the street property line.

g. Home occupation signs shall be permitted pursuant to Section 15.5 of this ordinance.

h. All flashing, internally illuminated or audible signs are prohibited in all residential districts.

2. Commercial and Industrial Districts (C-1, C-2, C-3, I-1 & I-2). Signs pertaining to principal uses are allowed in commercial and industrial districts subject to the following regulations.

a. Off-site or off-premises signs are permitted in the C-2, C-3, and I-1 districts and are not permitted in the C-1 or I-2 districts. Off-premises signs shall comply with the setbacks of the districts in which they are located. Other bulk regulations do not apply. Off-premises signs are governed by state and federal regulations along highways.

b. On-site and off-site signs shall be permitted in the C-1 (downtown commercial) district. Wall signs in the CBD district may project over a public right-of-way. No wall sign shall be permitted to extend more than 12 inches beyond the front face or integral part of the building, including canopies, and shall not be attached to a wall at a height of less than ten feet (10') above the sidewalk or grade level immediately below the lowest point of said sign.

c. No sign may be lighted that impairs the vision of the driver or obstruct the view of any highway or railroad so as to render dangerous the use of a highway.

d. No sign may imitate or resemble a traffic control sign, signal or device.

e. No sign may obscure or physically interfere with a traffic control sign, signal or device.

f. Signs shall be limited to those (a) identifying uses conducted within the building; (b) necessary for directional purposes; (c) used to advertise the sale or lease of real property on buildings on which displayed; (d) identifying a commercial enterprise by name or symbol.

g. The area of any sign in the C-1, C-2, C-3, I-1 and I-2 districts shall not exceed sixty (60) square feet if the sign projects more than twelve inches (12") beyond the surface of that portion of the building, structure or pole to which it is attached and shall not exceed two hundred forty (240) square feet if the sign projects less than twelve inches (12") beyond the surface of that portion of the building, structure or pole to which it is attached.

h. For the purposes of this section, the sign area allowed shall be determined for free standing letters by taking the area enclosed within the smallest rectangle needed to completely encompass each word or insignia of the sign. The sign area allowed shall be determined for signs with other than freestanding letters by taking the total area of the facing or the total area within the outer edge of any existent border of the sign, exclusive of the sign structure.

i. Wall-mounted projecting signs shall project out from a wall or face of a building no more than six feet (6') nor project above the roofline more than four feet (4').

Section 17.5. CONDITIONAL USES FOR SIGNS.

Any sign type may be granted conditional use status after review by the Board of Adjustment and subject to any conditions deemed by the board to be appropriate.

Section 17.6. GENERAL SIGN REGULATIONS.

1. *Interference.* No sign or attachment thereto shall be erected, placed or maintained by any person on rocks, fences, or trees; nor in such a manner as to interfere with the effective use of firefighting equipment or personnel, or any electric light, power, telephone, telegraph, TV cable, or other buried fiber optic wires or supports thereof. No sign shall be erected, located or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.
2. *Wall Sign Limitation on Placement and Area.* No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached and any one wall sign shall not exceed an area of two hundred forty (240) square feet.
3. *Signs not to constitute a traffic hazard.* No sign or other advertising structure as regulated by this ordinance shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view of**,** or be confused with any authorized traffic sign, signal or device; or which makes use of the words, "STOP", "LOOK", "DRIVE-IN", "DANGER", or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic. No sign or other advertising structure as regulated by this ordinance shall have posts, guides or supports located within any street or alley.
4. *Signs for public use, warning or traffic awareness.* Nothing in this chapter shall be construed as prohibiting the use of the regular road marking or traffic regulating signs, or the regular warning signs on electric poles, or signs warning the public where street excavation or repairing or other construction constituting a public hazard is in progress.
5. *Illumination.* All externally illuminated signs shall be constructed so as to direct the source of light away from adjacent properties or public streets. Goose neck reflectors and lights shall be permitted on ground signs, roof signs and wall signs, provided, however, the reflectors shall be provided with proper glass lenses concentrating the illumination upon the area of the sign as to prevent glare upon the street or adjacent property.
6. *Signs in Right-of Way.* No signs other than government signs shall be erected or temporarily placed within any public rights-of-way except as may be specifically provided herein.
7. *Sign Setback Line.* No ground sign shall be nearer the street than five (5) feet from the property line.
8. *Projection above Sidewalk and Setback Line.* No wall sign shall be permitted to extend more than twelve inches 12" beyond the building line. All signs, except wall-mounted signs, located over public rights-of-way or any public or private access route (sidewalk, mall, etc.) shall be located a minimum of ten feet (10') above grade level. No sign or part thereof shall be erected or maintained so as to prevent or deter ingress or egress from any building.
9. *Back to Back Signs.* If a free-standing sign or sign structure is constructed so that the faces are not back to back, the angle shall not exceed thirty (30°) degrees. If the angle is greater than 30°, the total area of both sides added together shall be the calculated sign area.
10. *Face of Sign Shall be Smooth*. All signs or other advertising structures that are constructed on street lines, or within five (5) feet thereof, shall have a smooth surface and no nails, tacks or

wires shall be permitted to protrude there from, except electrical reflectors and devices which may extend over the top and in front of the advertising structures.

11. *Letters, etc., to be Secured.* All letters, figures, characters or representations in cut-out or irregular form, maintained in conjunction with, attached to, or superimposed upon any sign shall be safely and securely built or attached to the sign structure.
12. *Premises to be Kept Free of Weeds, etc.* All ground signs and the premises surrounding the same shall be maintained by the owner thereof in a clean, sanitary and inoffensive condition, and free and clear of all obnoxious substances, rubbish and weeds.
13. *Animated Signs.* Animated signs may be allowed as a conditional use requiring a hearing before the Board of Adjustment.
14. *Electronic Message Board Signs*. Electronic message board signs that display time and temperature or provide changing and scrolling messages are permitted provided such signs do not flash or change text at rapid intermittent rates.

Section 17.7. SIGN PERMITS.

It shall be unlawful for any person to erect, alter, or relocate within the city any sign or other advertising structure as defined in this ordinance, without first obtaining a sign permit and making payment of the fee required by this Section.

1. *Application for Sign Permit*. The permit application shall contain information on location of the proposed sign structure or building of which the sign is to be attached, the names and addresses of the sign owner and of the sign erector, position of the sign in relation to nearby buildings, drawings showing the design, size, method of construction or attachment to a building and location of the sign, and such other information as the Zoning Administrator may require ensuring compliance with this ordinance and all other ordinances of the city. All sign permits shall indicate or show the inscription or text of what the sign will say or show. Signs located along a State primary highway a State sign permit will also need to be included with the application.
2. *Sign Fees*. Fees for sign permits will be established by resolution of the City Council.
3. *Nullification*. A sign permit will become null and void if the work authorized under a sign permit has not been completed within six (6) months after date of issuance of said permit.
4. *Permit Issued*. It shall be the duty of the Zoning Administrator, upon the filing of an application for a sign permit to examine such plans and other data and the premises upon which it is proposed to erect the sign or other advertising structure, and if it shall appear the proposed structure is in compliance with all the requirements of this ordinance and all other ordinances of the City of Rock Rapids, Iowa, the sign permit shall be issued.
5. *Permit Revocation*. Any permit holder who fails to comply with a valid order of the Zoning Administrator within the allotted time period, or who fails to pay reasonable removal or repair expenses shall have the permit as to such sign or signs revoked, and another permit for the erection or maintenance of such sign or signs shall not be issued to said permit holder for a period of one (1) year from the date of revocation.

Section 17.8. UNSAFE SIGNS AND REMOVAL OF SIGNS.

All signs and sign structures shall be properly maintained and kept in a safe, orderly condition. Signs shall also maintain a neat and orderly appearance in which the sign is easily read. All parts and supports of signs shall be properly painted. Any sign or sign structure that is rotted, unsafe, deteriorated, defaced, or otherwise altered, shall be repainted, repaired, or replaced by the property owner or authorized agent. If the Zoning Administrator shall find that any sign or other advertising structure regulated hereunder is unsafe or insecure or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this ordinance, written notice shall be given to the permit holder. Such notice shall include a statement explaining the alleged violations and deficiencies, an order to repair or remove said sign, and an explanation of the consequences of failure to comply with said order. If the permit holder fails to remove or alter said sign so as to comply with the order within thirty (30) days after such notice, said sign or other advertising structure may be removed or altered to comply by the Zoning Administrator at the expense of the permit holder or owner of the property on which it is located. The permit holder may appeal the order of the Zoning Administrator to the Board of Adjustment, and if such an appeal is on file, the thirty (30) day compliance period shall be extended following the Board of Adjustment's decision on the matter. If, however, the Zoning Administrator finds that any sign or other advertising structure poses a serious and immediate threat to the health or safety of any person, an order to remove such sign summarily and without notice shall be submitted to the permit holder.

Obsolete signs which no longer advertise a bona fine business, an activity, business product or service which is no longer produced or conducted on the premises shall be taken down and removed within ninety (90) days from date of written notice provided by the Zoning Administrator. If after the expiration of the ninety (90) day period, and upon failure to comply with such notice within the timeframe specified in such order, the sign has not been removed, the Zoning Administrator is hereby authorized to cause the sign to be removed and any expenses may be charged back to the property owner of the building or structure of which sign was attached.

Section 17.9. NONCONFORMING SIGNS.

Whenever a business, person, enterprise or institution for which existing signage does not conform to the requirements of this Article, seeks to structurally alter or enlarge an existing sign, or erect or install a new sign, the provisions of this section shall apply as follows:

1. The alteration, enlargement, installation or erection of signage shall not increase the degree of nonconformity.
2. If the value of alterations to a nonconforming sign equals or exceeds 25 percent of its replacement value such sign shall be made to conform to all provisions of this Article.
3. The provisions of item 1 and 2 of this section do not apply to temporary signs. Temporary signs that do not comply with the requirements of this Article shall be removed within 90 days after notification of the sign's nonconformity.

ARTICLE XVIII
Nonconforming Uses

Article 18: Nonconforming Uses

Section 18.1. Intent
Section 18.2. Nonconforming Uses of Land
Section 18.3. Nonconforming Buildings and Structures
Section 18.4. Repairs or Replacing Damaged Buildings and Structures
Section 18.5. Change of Tenancy or Ownership

Section 18.1. INTENT.

It is the intent of this ordinance to permit legal nonconforming lots, structures, or uses to continue until they are removed but not to encourage their continuance. It is recognized that there currently exists or will be created by the adoption of this ordinance, structures and uses of land and structures within the various zoning districts of this ordinance or amendments thereto which were lawful prior to the adoption of this ordinance, but which would be prohibited, regulated, or restricted under provisions of this zoning ordinance. These nonconformities will be allowed to continue to exist until they are discontinued, but are declared by this ordinance to be incompatible with permitted uses in the zoning districts involved. To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance.

Section 18.2. NONCONFORMING USES OF LAND.

Where at the effective date of adoption or amendment of this ordinance, existing structures or premises devoted to a use of land not permitted by this ordinance in the district in which such structure or premise is located shall not be enlarged, extended, reconstructed, substituted, or structurally altered, except when required by law, unless:

1. The use is changed to a use permitted in the district in which such structure or premises are located.
2. A nonconforming use may be changed to another nonconforming use of the same or more restrictive classification, provided no structural alterations are made.
3. Any nonconforming use may be extended throughout any parts of a building that is manifestly arranged or designed for such use, and which exists at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.
4. Any building or land classified as nonconforming use and in which the business is discontinued or land is vacant for a period of one (1) year, it shall thereafter conform to such use of the present regulations for the zoning district in which it is located.
5. Any nonconforming lot of record, in accordance with the provisions outlined in Section 14.3, which does not meet the minimum lot size or area shall be allowed to build any use permitted within the district if such use maintain the required front, side, and rear yard on each side of the principal use building or structure.

Section 18.3. NONCONFORMING BUILDINGS AND STRUCTURES.

Where a lawful use of a building or structure exists at the effective date of adoption or amendment of this ordinance that would not be permitted in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. Nonconforming building and structures may be structurally altered or enlarged in conformity with the lot area, lot width, yard, and height requirements (Bulk Regulations) of the district in which such building or structure is located. Such construction shall be limited to buildings on lots of record in the same ownership prior to the effective date of this ordinance. The structural alteration or enlargement of structures shall not change the nature of the nonconforming use, nor increase the level of nonconformity that existed prior to the effective date of this ordinance.
2. Where nonconforming status applies to a building or structure and land in combination, removal or destruction of the building or structure shall eliminate the nonconforming status of the land.
3. No such nonconforming building or structure shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance.

Section 18.4. REPAIRS OR REPLACING DAMAGED BUILDINGS AND STRUCTURES.

In case a nonconforming building or structure is damaged by fire, flood, windstorm, explosion, war, riot, or any of natural disaster or act of God or public enemy to the extent of more than fifty percent (50%), it may not be repaired, restored or reconstructed in like manner as it existed before said damage. If the extent of damage is less than fifty percent (50%) of the replacement value of the building the existing owner of record may have such structure or building repaired, restored or reconstructed and used as before, provided such repair, restoration or reconstruction is confined to the existing foundation or to the size of the building prior to its damage or destruction. Under no circumstances shall a nonconforming building or structure be restored or reconstructed unless the same is restored or reconstructed after damage within twelve (12) months from the date of such damage, and under no circumstances shall any nonconforming building or structure which is repaired, restored or reconstructed be enlarged from its size prior to the damage. Nothing in this ordinance shall be deemed to prevent the existing owner of record from strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety upon orders of such official.

Section 18.5. CHANGE OF TENANCY OR OWNERSHIP.

There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, of structures, or of structures and land in combination without affecting the conformity or nonconforming status of such land, use or structure.

ARTICLE XIX
Zoning Enforcement

Article 19: Zoning Enforcement

Section 19.1. Zoning Administrator
Section 19.2. Zoning Permit Required
Section 19.3. Zoning Compliance
Section 19.4. Application for Zoning Permit
Section 19.5. Construction and Use to be as provided in Application, Plans and Permit
Section 19.6. Fees
Section 19.7. Conditional Uses
Section 19.8. Administrative Appeals

Section 19.1. ZONING ADMINISTRATOR.

The City Council shall appoint a Zoning Administrator. It shall be the duty of said administrator to enforce this ordinance. Such Administrator may be a person holding other appointive office in the city or in another governmental agency. Once the Zoning Administrator is appointed that appointment becomes perpetual until such further decision and notification is made. Additionally, termination of the Zoning Administrator and/or certain duties or responsibilities shall also be upon consideration and discretion of the City Council.

Section 19.2. ZONING PERMIT REQUIRED.

No land shall be occupied or used, and no buildings, structures or signs hereafter erected, moved or structurally altered and no building shall be occupied in whole or in part for any purpose whatsoever, until a permit is issued by the Zoning Administrator, stating that the building and use or sign complies with the provisions of this ordinance. Zoning permits shall be issued in conformance with the provisions of this ordinance, or upon written order from the Board of Adjustment, but shall be null and void if the purpose for which the permit is issued if not commenced within one (1) year from date of issuance.

Section 19.3. ZONING COMPLIANCE.

If the Zoning Administrator shall find that any of the provisions of this ordinance are being violated, they shall notify in writing the person responsible for such violations indicating the nature of the violation and ordering the action necessary to correct it. The Zoning Administrator shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done, or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of its provisions.

Furthermore, in addition to all other remedies provided herein, the City Council in the event they determine a structure, including tents and mobile homes, which are erected, constructed, reconstructed, altered, converted, maintained or used, or any use of land or premises which is begun, maintained, changed or abandoned to be in violation of any provisions of this ordinance, may following the expiration of thirty (30) days after notice of intent to proceed under this section is given to the owner of record or said land or premises at the last address shown on the records of said City, undertake to correct the violation and to access the land or premises for the cost thereof, which said assessment shall become a lien upon said land and shall be collected in the same manner as city taxes in accordance with the law in such case made and provided.

Section 19.4. APPLICATION FOR ZONING PERMIT.

Application for a zoning permit shall be made in writing upon a form furnished by the Zoning Administrator. The application shall state the name and address of the owner of the building and the owner of the land upon which it is to be erected, enlarged, altered or moved. There shall be submitted with all applications for a permit one (1) copy of a site plan, prepared in accordance with Article XIII. In the case of moving an existing building, the application shall be accompanied by a photo of the structure to be moved. Other buildings projects including sheds, outbuildings, decks, patios, fences and other yard structures, although not required to submit a site plan, shall still file a zoning permit and appropriate drawings or sketches to ensure setback distances and compliance with other provisions of this ordinance. Furthermore, each application for a sign permit shall be accompanied by a sketch or drawing showing the dimensions of the sign, the size, the shape and location of where the sign is to be erected, and such other information as may be necessary to provide for the enforcement of this ordinance.

If the information shown on the site plan is in compliance with the above requirements and all other provisions of this ordinance, the Zoning Administrator shall issue a zoning permit upon payment of the required permit fee. Any permit granted under this section shall be null and void unless the development proposed is initiated or construction has begun within one (1) year from the date of the granting of the permit. The Zoning Administrator shall make every effort to notify the holder of a permit of the liability for voiding action before voidance is actually declared. The Zoning Administrator may suspend or revoke a permit issued in error on a basis of incorrect information supplied by the applicant or the applicant's agent or in violation of any of the ordinances or regulations of the city. All zoning permits shall be kept on file in the office of the Zoning Administrator, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or sign affected. Zoning permits shall be issued or denied, with reasons stating thereof, to applicants within ten (10) days after the application is made.

Section 19.5. CONSTRUCTION & USE TO BE AS APPROVED IN APPLICATION, PLANS & PERMIT.

Zoning and sign permits issued on the basis of plans and applications, approved by the Zoning Administrator, authorize only that use, arrangement and construction. Use, arrangement and construction other than that authorized shall be deemed a violation of this ordinance and punishable as provided in Section 20.1. Furthermore, any building or structure, including tents and mobile homes, which are erected, constructed, reconstructed, altered, converted, maintained or changed in violation of any provisions of this ordinance is prohibited and hereby declared to be a nuisance per se.

Section 19.6. FEES.

The City Council shall establish zoning fees, by resolution, to be applicable to applications, permits and appeals pursuant to the zoning ordinance and not subject to the text amendment procedure. Before receiving a zoning permit, the applicant or the applicant's agent shall pay to the city the permit fee as provided by resolution of the City Council. Tax levying governmental agencies shall be exempted from paying said fees. Fees for zoning permits issued after the construction has begun or moved, in the case of house moving, shall be double the original fee.

Section 19.7. CONDITIONAL USES.
A zoning permit for a conditional use may be issued by the Zoning Administrator after review by and upon approval of or by order of the Board of Adjustment.

Section 19.8. ADMINISTRATIVE APPEALS.
This procedure is intended to afford review of administrative actions taken pursuant to the zoning ordinance where such actions may be in error. Appeals to the Board of Adjustment may be taken by any person aggrieved, or by any officer, department, or board of the city affected by any administrative decision of the Zoning Administrator. Such appeal shall be taken within thirty (30) days by filing with the Zoning Administrator a notice of appeal, which shall specify the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. The appeal shall be accompanied by a fee prescribed by the City Council. An appeal from the action of the Zoning Administrator shall stay all proceedings in furtherance of such action unless the Zoning Administrator certifies to the Board, after the notice of appeal shall have been filed, that by reason of the facts stated in the certificate a stay would cause imminent peril to life or property. In the event the Zoning Administrator shall make and file such certificate, the action shall not be stayed otherwise than by a court of record, upon application of the party aggrieved by the action of the Zoning Administrator, and after notice to him and upon due cause shown.

The Board of Adjustment shall hold a public hearing on the appeal. The Board of Adjustment shall act on the appeal within thirty (30) days following the closing of the public hearing. In exercising the powers set out in this section, the Board may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appeal from, and may take such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator from whose action the appeal was taken. The Board shall notify the appellant of its decision. The concurring vote of three (3) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which it is required to pass under these provisions.

ARTICLE XX
Violation and Penalty

Article 20: Violation and Penalty
Section 20.1. Violation and Penalty
Section 20.2. Restraining Order

Section 20.1. VIOLATION AND PENALTY

Unless provided elsewhere in this ordinance or the city's Code or Ordinances, any person, firm, corporation, or agent in charge of such building or land who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement any of the provisions of this ordinance or any amendment thereof; or who shall build or alter any building in violation of any detailed statement or approved plan with the exception of those provisions specifically provided under State law as a felony, an aggravated misdemeanor, or a serious misdemeanor; or a simple misdemeanor under Chapters 687 through 747 of the Code of Iowa, is a municipal infraction and punishable by civil penalty as provided herein *(Code of Iowa, Sec. 331.307[3])*. Each day that a violation continues to exist constitutes a separate violation.

A municipal infraction for a zoning violation in Rock Rapids, Iowa is punishable under the following civil penalties: *(Code of Iowa, Sec. 331.307[1])*

First offense – no less than $100 and not to exceed $750.00, plus court costs
Second and repeat offenses – no less than $100 and not to exceed $1,000.00, plus court costs

The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violation, may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

Section 20.2. RESTAINING ORDER

The City Council, Planning and Zoning Commission, Zoning Administrator, Board of Adjustment, City Attorney, or any owners or owners of real estate within the district in which such building, structure or land is situated may institute injunction, mandamus, abatement or any other appropriate action, actions or proceedings to prevent, enjoin, abate or remove any said unlawful erection, construction, maintenance or use. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

ARTICLE XXI
Board of Adjustment

Article 21: Board of Adjustment
Section 21.1. Conformation of the Board of Adjustment
Section 21.2. Proceedings of the Board of Adjustment
Section 21.3. Hearings, Appeals & Notice
Section 21.4. Stay of Proceedings
Section 21.5. Powers and Duties
Section 21.6. Variances
Section 21.7. Decisions of the Board of Adjustment
Section 21.8. Appeals from the Board of Adjustment

Section 21.1. CONFIRMATION OF THE EXISTING BOARD OF ADJUSTMENT.

The members of the existing Board of Adjustment are hereby confirmed to continue their appointed terms of office. The Board shall consist of five (5) members, each to be appointed by the Mayor, subject to approval by the City Council, for a term of five (5) years. Except that when the board is first created, one (1) member shall be appointed for a term of four (4) years; one (1) for three (3); one (1) for two (2); and one (1) for a term of one (1) year. Vacancies shall be filled in the same manner, for the unexpired term of the member whose office becomes vacant. One (1) member shall be a member of the city's Planning and Zoning Commission. The members of the Board shall serve without pay and be removable only for cause, upon written charges, after a public hearing. Absence by any member for three (3) consecutive meetings without prior excuse from the Chairman of the Board of Adjustment shall be deemed as sufficient cause for removal.

Section 21.2. PROCEEDINGS OF THE BOARD OF ADJUSTMENT.

The Board of Adjustment shall, from time to time, subject to approval of the City Council adopt such rules and regulations as it may deem necessary to carry into effect the provisions of this ordinance. The Board shall elect its own chairperson and vice-chairperson. Such chairperson, or in the chair's absence, the vice-chairperson, may administer oaths and compel the attendance of witnesses. Meetings of the Board shall be held at the call of the chairperson and at such other times as the Board may determine. There shall be a fixed place of meeting and all meetings shall be open to the public in accordance with the provisions of Chapter 28A, Code of Iowa. The Board shall give advance public notice of the time and place of each meeting, by notifying the communications media or in some other way that gives reasonable notice to the public. The presence of three (3) members shall constitute a quorum, even in the instance of absentee members or during conflicts of interest. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. It shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the City Clerk and shall be a public record.

Subject to the approval of the City Council, the Board may employ such clerical and technical assistance as may be needed to carry on its work. It shall have the power to call upon any city official or department for assistance in the performance of its duties, and it shall be the duty of any such official or department to render such assistance as may be reasonably expected.

Section 21.3. HEARINGS, APPEALS AND NOTICE.

Appeals may be taken to the Board of Adjustment by any person or persons aggrieved, or by any public officer, department, board, bureau, corporation or others affected by any decision of the Zoning Administrator. Such appeal shall be taken within thirty (30) days by filing with the Zoning Administrator and with the City Clerk a notice of appeal, and specifying the grounds thereof. The Zoning Administrator shall then transmit to the Board all papers constituting the record upon which the action appealed from was taken. The concurring vote of three (3) members of the entire Board shall be necessary to approve, modify, or reverse any decision or action of the Zoning Administrator. The Board of Adjustment shall meet within thirty (30) days to conduct a hearing of appeals, give due notice to interested parties, and render a decision on the application or appeal. At the hearing any party may appear in person, or by agent or by attorney. The Board of Adjustment shall make written findings of fact and conclusions of law, separately stated, on all issues presented in any adjudicatory proceeding. A fee to be determined by resolution of the City Council shall be paid to city at the time the notice of appeal is filed.

Section 21.4. STAY OF PROCEEDINGS.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board, after filing the notice of appeal with them, that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order granted by a court of record, upon notice to the Zoning Administrator and on due cause shown. The final disposition of any appeal shall be in the form of a resolution by the Board, either reversing, modifying or confirming the decision of the Zoning Administrator.

Section 21.5. POWERS AND DUTIES.

The Board of Adjustment shall have the following powers and duties:

1. Administrative Review: To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination of the Zoning Administrator in the enforcement of this ordinance.
2. Conditional Use: To hear and decide only such exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of this ordinance, and as provided for in Article XXII, Conditional Uses.
3. Variances: To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, a property owner can show by reason of exceptional shallowness, narrowness, topography, shape or other peculiar situation affecting a lot of record existing at the time of passage of this ordinance, that the strict application of its regulations would actually prohibit the use of such property in a manner similar to that of other property in the district and result in an unnecessary hardship. To authorize in specific cases, such variance from terms of this chapter as will not be contrary to public interest, where the Board shall be satisfied, by the evidence heard before it, that the granting of such variation will alleviate a hardship approaching confiscation, as distinguished from a special privilege sought by the owner; provided, however, that no variation granted under this section shall be a direct and obvious amendment to the boundaries of any district.
4. Other such Powers and Duties as granted, including but not limited to:

a. To permit the extension of a use district where the boundary line of such district divides a lot in single ownership, as shown of record or by existing contract of purchase, at the time of passage of this ordinance.

b. Where the street or lot layout on the ground actually varies from the street and lot lines as shown on the zoning map, the Board shall interpret the map and the provisions of this ordinance in such a way as to carry out the intent and purpose of the ordinance in that district.

c. To permit the extension or enlargement by no more than ten percent (10%), of an existing building or use in a district restricted against such use, where such extension or enlargement is necessary incident to the trade, business or industry existing at the time of adoption of this ordinance.

d. To permit the non-conforming use of a building to be changed to another non-conforming use of a more restricted classification.

e. To permit the reconstruction and use as before, of a non-conforming building or structure, damaged by fire, explosion, wind, act of God or public enemy, to an extent of more than sixty percent (60%) of its fair market value.

f. To extend the time limit, where a building permit was issued by the Zoning Administrator; and where no construction work has been started for one (1) year.

g. In exercising the above-mentioned powers, the Board may reverse or affirm, wholly or in part, or may modify or add stipulations or conditions to the decision or action appealed from, and may make such order, requirement, decision, or determination as ought to be made, with all of the powers of the Zoning Administrator.

Section 21.6. VARIANCES.

This procedure is intended to provide relief from the terms of the zoning ordinance when, because of special circumstances applicable to the property, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification, and to ensure that any adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the district in which such property is situated. A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until:

1. A written application for a variance shall be filed with the Zoning Administrator. The application shall include the following:
   a. Name and address of the owner and applicant. If the applicant is not the property owner, a statement that the applicant is the authorized agent of the owner.
   b. Address and legal description of the property.
   c. A statement describing the variance requested and the reasons why it complies with the criteria for variances provided in this section.
   d. The application shall be accompanied by a fee established by the City Council
   e. Site plan, as prepared in accordance with Article XIII, if requested by the Zoning Administrator. In addition to the site plan requirements of Article XIII, such variance permit site plan shall also address the following:

i. Existing and proposed location and arrangement of uses on the site, and on abutting sites within fifty feet (50').
ii. Existing and proposed site improvements, buildings, and other structures on the site, and any off-site improvements necessitated by the proposed use. Building elevations shall be sufficient to indicate the general height, bulk, scale and architectural character.
iii. Existing and proposed topography, grading landscaping, and screening, irrigation facilities, and erosion control measures.
iv. Existing and proposed parking, traffic and pedestrian circulation features, and both on-site and off-site improvements related to or necessitated by the proposed use.
v. The Zoning Administrator may request additional information necessary to enable a complete analysis and evaluation of the variance request.

2. The Zoning Administrator shall review and prepare a report on the application. The report shall be filed with the Board of Adjustment and available to the applicant at least seven (7) days prior to the public hearing.

~~3. Notice of public hearing shall be given by publication of a legal notice in a newspaper of general circulation no less than seven (7) days and no more than twenty (20) days prior to the date of the hearing. One publication day shall be sufficient. Notice shall be given by ordinary mail to the applicant at least seven (7) days prior to the date of the hearing. Notice of public hearing shall be given by ordinary mail to the owner of each property within two hundred feet (200') of the subject property at least seven (7) days prior to the date of the hearing. In the event that there is more than one property owner for any parcel of property, it shall be sufficient to notify only one owner of each parcel by ordinary mail. Each such notice, whether by mail, or publication, shall include appropriate information pertaining to the general nature of the application or decision, and identifying the applicant, the subject property, the time and place of the meeting or hearing, and the address and telephone number of the office from which additional information may be obtained.~~

ORDINANCE NO. 738

AN ORDINANCE AMENDING THE CITY OF ROCK RAPIDS ZONING ORDINANCE & SUBDIVISION REGULATIONS BY AMENDING ARTICLE XXI: BOARD OF ADJUSTMENT, SECTION 21.6(3) BY DELETING IT IN ITS ENTIRETY AND REPLACING IT WITH THE BELOW.

BE IT ORDAINED by the City Council of the City of Rock Rapids, Iowa:

Section 1. The Zoning Ordinance & Subdivision Regulations of Rock Rapids, Iowa, is hereby amended to delete Article XXI, Section 21.6(3) in its entirety and replace Article XXI, Section 21.6(3) as follows:

3. Notice of public hearing shall be given by publication of a legal notice in a newspaper of general circulation no less than four (4) days and no more than twenty (20) days prior to the date of the hearing. One publication day shall be sufficient. Notice shall be given by ordinary mail to the applicant at least four (4) days prior to the date of the hearing. Notice of public hearing shall be given by ordinary mail to the owner of each property within two hundred

feet (200') of the subject property at least four (4) days prior to the date of the hearing. In the event that there is more than one property owner for any parcel of property, it shall be sufficient to notify only one owner of each parcel by ordinary mail. Each such notice, whether by mail, or publication, shall include appropriate information pertaining to the general nature of the application or decision, and identifying the applicant, the subject property, the time and place of the meeting or hearing, and the address and telephone number of the office from which additional information may be obtained.

Section 2. Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 3. Severability. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. Effective Date. This Ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED AND APPROVED by the Council this 13th day of July, 2026.

Jason Chase, Mayor

ATTEST:

Melissa Van Holland, Clerk

I, Melissa Van Holland, Clerk of the City of Rock Rapids, Lyon County, Iowa, hereby certify that the foregoing Ordinance was published on the 22nd day of July, 2026 in the Lyon County Reporter, a weekly newspaper in Rock Rapids, Lyon County, Iowa.

Dated this 22nd day of July, 2026.

Melissa Van Holland, Clerk

4. The public hearing shall be held. Any party may appear in person or by agent or attorney.
5. Before making any findings in a specific case, the Board shall give careful consideration to the following.
   a. The variance is not contrary to the nature, intent and general objectives of the Zoning Ordinance and the comprehensive or master plan of the city.
   b. That in granting the request, there will be no reasonable precedent for others to follow, which would make future enforcement of the Zoning Ordinance more difficult; and that no

injustice, injury or discrimination will result to other property owners in not granting them the same or similar privileges.

c. That need for the variance is based upon the peculiar conditions of the property only, and not the individual; and that granting of a variance is to be given only in extreme cases when refusal to do so would result in a peculiar unnecessary hardship on a property owner, without appropriate injury to the neighborhood.

d. That peculiar unnecessary hardship to the individual is distinguished from general loss or disadvantage frequently suffered by several owners in a district due to zoning where such zoning is justified by gain in the general welfare.

e. That in granting the request, the Board shall determine the proposed change will not impair an adequate supply of light and air to existing property; or increase congestion in the public streets; or increase the public danger of fire and safety; or materially diminish or impair established property values within the surrounding area; or in any other respect, impair the public health, safety, comfort, morals and general welfare of the city.

6. The Board may grant a variance if it makes affirmative findings of fact on the following criteria.
   a. The zoning regulations applicable to the property do not allow for a reasonable use.
   b. The hardship for which the variance is requested is unique to the property and not general to the area in which the property is located.
   c. The variance will not alter the character of the area adjacent to the property, and will not impair the purposes or regulations of the zoning district in which the property is located.
   d. The hardship for the variance did not result from actions of the applicant.
7. The Board of Adjustment shall act upon the application not more than thirty (30) days following the close of the public hearing on a variance. The Board may grant a variance as the variance was applied for, or in modified form, or subject to conditions, or the application may be denied. A variance may be revocable, may be granted for a limited time period, or may be granted subject to conditions as the Board may prescribe. The Board shall notify the applicant of its decision. The concurring vote of three members of the Board of Adjustment shall be necessary to grant a variance, even in the case of absentee or conflict of interest.
8. Every variance granted or denied by the Board shall be accompanied by a written finding of fact, based upon testimony and evidence, specifying the reason for granting or denying the variation. Furthermore, the Board shall determine the requested variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
9. *Additional Variance Conditions:* In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under Section 20.1 of this ordinance.
10. *Lapse of Variance:* Unless a longer time period shall be specifically established as a condition of approval, a variance shall lapse and shall become void one (1) year following the date on which the variance became effective, unless prior to the expiration of one year a zoning permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the variance application, or the site is occupied if no permit is required.
11. *Revocation of Variance:* Upon violation of any applicable provision of this ordinance, or if granted subject to the conditions, upon failure to comply with conditions, a variance shall be revoked upon notification to the owner of the use or property subject to the variance.
12. *Variance to Run with Land or Structure:* Unless otherwise specified at the time a variance is granted, a variance shall run with the land and shall continue to be valid upon a change of ownership of the site or structure to which it applies.

Section 21.7. APPEALS FROM THE BOARD OF ADJUSTMENT.

Any person or persons, corporation, public officer, taxpayer, department, board, or bureau of the city aggrieved by any decision of the Board of Adjustment may present to a court of record a petition claiming that such decision of act of the Board of Adjustment is illegal, wholly or in part, and specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the action of the Board. Otherwise, all decisions of the Board shall be final immediately upon filing.

The court may then allow a writ of certiorari directed to the Board, to review such decision, and shall prescribe the time within which it shall be returned to the court, not to exceed ten (10) days, which may be extended by the court. The writ shall not stay proceedings upon the decision appealed from; but the court may on application, by giving due notice to the board, and on good cause shown, grant a restraining order. The Board shall not be required to return the original papers regarding their decision; provided that certified or sworn copies thereof are submitted to the court. The return shall concisely set forth pertinent facts and materials to show grounds for the decision or action.

If upon a hearing, which shall be tried de novo, it shall appear to the court that further testimony is necessary, it may take such evidence or appoint a referee to take such evidence as it may direct; and report the same to the court with his finding of fact and conclusions of law, which shall become a part of the proceedings upon which the decision of the court shall be made. The court may reverse or affirm, wholly or in part, or may modify the decision brought up for review. Costs shall not be allowed against the Board, unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision or action appealed from.

ARTICLE XXII
Conditional Uses

Article 22: Conditional Uses
- Section 22.1. Requirements
- Section 22.2. Jurisdiction
- Section 22.3. Application for Conditional Use Permit
- Section 22.4. Procedures
- Section 22.5. Standards
- Section 22.6. Revocation
- Section 22.7. Conditional Use to Run with the Land
- Section 22.8. Supplemental Standards

Section 22.1. REQUIREMENTS.

The formulation and enactment of this Zoning Ordinance is based upon the division of the city into districts, each of which are permitted specified uses that are mutually compatible. In addition to such permitted compatible uses it is recognized there are certain other conditional uses which may be necessary or desirable to allow in certain locations in certain districts; but because of the actual or potential impact on neighboring uses or public facilities these uses need to be carefully regulated with respect to their location for the protection of the city. Such conditional uses, on account of their peculiar location, need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use. The Board of Adjustment will grant or deny a conditional use permit in accordance with the standards set forth herein and within the intent and purpose of this ordinance. In granting a conditional use permit, the Board of Adjustment will authorize the issuance of a conditional use permit and may prescribe and impose appropriate conditions, safeguards, and a specified time limit for the performance of the use.

Section 22.2. JURISDICTION.

The Zoning Administrator shall be responsible for administration of the conditional use procedure and the Board of Adjustment shall be responsible for the review, evaluation and action on all applications for a conditional use permit.

Section 22.3. APPLICATION FOR CONDITIONAL USE PERMIT.

Application for a conditional use permit shall be filed with the Zoning Administrator upon forms prescribed for the purposes. The application shall be accompanied by a site plan and other such plans and data showing the dimensions, arrangements, and other materials constituting a record essential to an understanding of the proposed use and proposed modification in relation to the standard set forth herein. The application shall be accompanied by a fee as determined by resolution of the City Council. The application shall include the following:

1. Name and address of the owner and applicant. If the applicant is not the property owner, a statement that the applicant is the authorized agent of the owner.
2. Address and legal description of the property.
3. A statement describing the nature and operation characteristics of the proposed use, including any data pertinent to the findings required for approval of the application.
4. Site plan as prepared in accordance with Article XIII, if requested by the Zoning Administrator. In addition to the site plan requirements, such conditional use permit site plan shall also address

the following:

a. Preliminary building elevations, improvement plans, and such additional maps and drawings; and when possible the staking of the corners of proposed construction.
b. The location, height, bulk, general appearance, and intended use of existing and proposed buildings on the site, and the approximate location of existing buildings on abutting sites within fifty feet (50').
c. The location of existing and proposed site improvements including parking, traffic and pedestrian access, landscaped areas, utilities, fencing and screening, signs and lighting.
d. The location of watercourses and drainage features.
e. The number of existing and proposed off-street parking and loading spaces, and a calculation of applicable minimum requirements.
f. The relationship of the proposed use to adjoining uses, including current use of nearby parcels and any proposed off-site improvements to be made.

Section 22.4. PROCEDURES.

The Board of Adjustment shall not grant a conditional use permit unless and until the following procedures have been fulfilled:

1. The Board of Adjustment shall hold a public hearing on each application for a conditional use permit. Notice shall be given of the public hearing as required by state statute by publication in a newspaper of general circulation in the city. Notice of public hearing by the Board shall be given to property owners within two hundred feet (200') of the subject property through ordinary mail. Such notice shall be at least seven (7) days prior to the hearing and shall contain the time and location of such hearing. In the event that there is more than one property owner for any parcel of property, it shall be sufficient to notify only one owner of each parcel by mail.
2. The Zoning Administrator shall review the application or proposal and shall prepare a report which shall be filed with the Board of Adjustment and available to the applicant at least seven (7) days prior to the public hearing.
3. At the public hearing, the Board shall review the application and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained.
4. The Board of Adjustment shall act on the application not more than thirty (30) days following the closing of the public hearing on a conditional use permit. The Board may grant a conditional use permit as the permit was applied for, or in a modified form, or subject to conditions, or may deny the application. The Board shall notify the applicant of its decision.
5. The Board of Adjustment may establish conditions of approval. Conditions of approval are intended to insure compatibility with surrounding uses, to preserve the public health, safety, and welfare, and to enable the Board to make the findings required for approval of the permit. Violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this ordinance and punishable under Section 20.1 of this ordinance.
6. The concurring vote of three (3) members of the whole Board of Adjustment grants a conditional use permit, even in the event of absentee members or conflicts of interest.

7. Unless a longer time shall be specifically established as a condition of approval, a conditional use permit shall lapse and shall become void one (1) year following the date on which such permit became effective, unless prior to expiration a zoning permit is issued and construction is commenced and diligently pursued toward completion.

Section 22.5. STANDARDS.

The Zoning Administrator and the Board of Adjustment shall review and evaluate conditional use permit applications using the following criteria:

1. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
2. That in the case of existing relocated dwellings, buildings or other principal use structures that the proposed use aesthetically blends in with the existing neighboring uses and special attention is given to the architectural style, size and existing condition of the proposed use.
3. Conformance with applicable regulations and standards set forth in the Zoning Ordinance.
4. Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, and access and circulation features.
5. Potentially unfavorable effects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those that reasonably may result from use of the site by a permitted use.
6. Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use.
7. Modifications to the site plan that would result in increased compatibility, or would mitigate potentially unfavorable impacts, or would be necessary to conform to applicable regulations and standards and to protect the public health, safety, morals, and general welfare.
8. Protection of persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.
9. Location, lighting, and type of signs; and relation of signs to traffic control and adverse effect on adjacent properties.
10. Adequacy and convenience of off-street parking and loading facilities.
11. That such proposed use shall be analyzed in relation to and shall generally follow the city's comprehensive plan and the future goals of the community.
12. That the proposed use is in accord with the objectives of this ordinance and the purposes of the zone in which the site is located.
13. That the proposed use and site development, together with any modifications applicable thereto, will be compatible with existing or permitted uses in the vicinity.
14. The ground coverage shall be such that no additional dust or storm water run-off is generated by the conditional use.

15. That any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and to ensure compatibility of the proposed use with existing or permitted uses in the same district and the surrounding area.
16. The use shall not interfere with the use or reasonable enjoyment of neighboring permitted uses. If such interference is found, provisions must be made for increased setbacks from property lines or screening of incompatible use by the use of fences or hedges.
17. The use shall not cause any permanent, irreparable environmental damage to the parcel or neighboring lands.

Section 22.6. REVOCATION.

The issuance of a conditional use permit by the Board shall entitle the owner to continue to operate the use so long as ~~he~~ the owner remains in compliance with the terms and conditions of this ordinance and the terms, conditions, limitations, requirements and safeguards set forth in the conditional use permit, if such a conditional use permit is granted, does expressly grant to the City, for the enforcement of this ordinance, the power and authority to enter upon the premises at any reasonable time for the purpose of inspection and enforcement of the terms of this ordinance or of the terms of the conditional use permit. In the event the owner or occupant of the property for which a conditional use permit has been issued, shall violate any provision of this ordinance or any term, condition, limitation, regulation or safeguards contained in the conditional use permit, the conditional use permit shall become null and void and the owner or occupant shall be deemed to be in violation of this ordinance and the City may proceed to enforce the provisions of this ordinance and the terms, conditions, limitations, and safeguards of the conditional use permit as provided in this ordinance.

Section 22.7. CONDITIONAL USE TO RUN WITH THE LAND.

Unless otherwise specified at the time a conditional use is granted, a conditional use permit granted pursuant to these provisions shall run with the land and shall continue to be valid upon a change of ownership of the site or structure that was the subject of the conditional use permit application.

Section 22.8. SUPPLEMENTAL STANDARDS.

In addition to the general standards outlined in Section 22.5 above, certain uses shall adhere to the following supplemental standards for specific activities:

1. ***Salvage Yards****:* All salvage yards, including any area where waste, junk, discarded or wrecked and salvaged materials are bought, sold, stored, exchanged, baled or packed, disassembled or handled, including dismantling or "wrecking" of automobiles or machinery or other vehicles, shall be located in the Heavy Industrial (I-2) under a conditional use permit. The application for a conditional use permit shall be accompanied with a proposed intent of covenants to meet the minimum requirements described herein:
   a. The yards shall be at least five hundred feet (500') distance in all directions from any residential building;
   b. Outdoor salvage or junk yards shall be screened by a solid wall or uniformly painted solid fence not less than eight feet (8') in height, or in lieu thereof, a landscape buffer strip fifty feet (50') wide with deciduous and evergreen trees and large shrubs to provide a solid landscape screen at least ten feet (10') high may be planted. If a landscape buffer strip is

planted, a temporary fence of at least eight feet (8') in height must be constructed and left in place until the trees and shrubs are large enough to screen the salvage yard.

c. Off-street parking or service areas in connection with the yards may be located outside of the screened-in area.

2. ***Open-Air Equipment and/or Materials Storage****:* All open-air equipment or material storage areas, including but not limited to farm implement and equipment sales and storage, new or used truck, machinery, or equipment sales and storage, or recreational vehicle, boat, or trailer outdoor storage areas shall require a conditional use permit. The application shall be accompanied with drawings and other documents describing the intent, layout, and construction or installation in accordance with the following minimum requirements:

   a. The open-air equipment or material storage areas shall be surfaced, preferably with a hard surfacing material, but at a minimum with granular, aggregate, or crushed stone or rock.

   b. The sides and rear lot lines, when abutting properties used for residential dwellings, shall be required to be screened with a wall or fence with its surface at least fifty percent (50%) solid and at least eight feet (8') in height. The fence shall not be required to extend beyond the front yard setback line.

   c. All lighting and lighted facilities shall be designed and arranged so that they do not focus or glare directly on adjacent residential properties, or public streets thereby creating a traffic hazard. No lighted flashing signs, or revolving beacon lights shall be permitted.

   d. The open-air storage yard or display area shall be maintained to be reasonably free of weeds, debris, trash and other objectionable materials.

ARTICLE XXIII
Changes and Amendments

Article 23: Changes and Amendments
Section 23.1. Procedures
Section 23.2. Initiation
Section 23.3. Application for Rezoning
Section 23.4. Protest Provision
Section 23.5. New Application

Section 23.1. PROCEDURES.

The purpose of this procedure is to prescribe the manner in which changes shall be made in the text of the Zoning Ordinance (zoning text amendment), and the application of such regulations to property within the City of Rock Rapids by means of the Official Zoning Map (rezoning). This procedure is intended to conform to minimum requirements of state law and to afford opportunity for review of proposed changes by the public. The City Council shall have jurisdiction with respect to all zoning text amendments and rezoning.

The Planning and Zoning Commission shall review and submit a recommendation to the City Council on all text amendments and rezoning. Not more than forty-five (45) days after filing of the application, the Planning and Zoning Commission shall hold a public hearing on each application for a text amendment or rezoning. A notice of such public hearing shall be published no less than seven (7) days and no more than twenty (20) days, according to State of Iowa Statute, prior to the date established for such hearing. Such notice shall include the time and place of the public hearing. At the public hearing, the Planning and Zoning Commission shall review the application or the proposal and shall receive pertinent evidence relating to consistency with the objectives of this ordinance, and the development policies of the City. The Planning and Zoning Commission shall act on the application not more than thirty (30) days following the closing of the public hearing. The Planning and Zoning Commission shall determine whether the change is consistent with the objectives of this ordinance, and shall recommend to the City Council the text amendment or rezoning be approved, approved with modifications or changes, or denied.

Not more than thirty (30) days following receipt of the recommendation of the Planning and Zoning Commission, the City Council shall hold at least one (1) public hearing on the text amendment or rezoning. A notice of such public hearing shall be published no less than seven (7) days and no more than twenty (20) days, according to State of Iowa Statute, prior to the date established for such hearing. Such notice shall include the time and place of the public hearing. In no case shall the public hearing be held earlier than the next regularly scheduled City Council meeting following the published notice. Additionally, a notice of public hearing shall be given to the owners and residents of property within the area included in such proposed change, and to property owners up to two hundred feet (200') of the property for which the change is requested through ordinary mail at least seven (7) days prior to the hearing. In the event there is more than one property owner for any parcel of property, it shall be sufficient to notify only one owner of each parcel by ordinary mail. Within thirty (30) days following the closing of a public hearing, the City Council shall make a specific finding as to whether the change is consistent with the objectives of this ordinance. If the City Council finds that the change is consistent, it shall introduce an ordinance amending the text of the Zoning Ordinance or amending the zoning map, whichever is

appropriate. If the Council finds that the change is not consistent, it shall deny the application. The City Council shall not modify a recommendation of the Planning and Zoning Commission on a rezoning or change until it has requested and considered a report of the Commission on the modification.

Section 23.2. INITIATION.

Requests for rezoning of property or zoning amendments may be initiated by one of three ways.

1. The Planning and Zoning Commission may initiate a text amendment or rezoning request.
2. The City Council may initiate a text amendment or rezoning request
3. The owner or the authorized agent of the owner of property may initiate a rezoning request by filing an application for a change in district boundaries (rezoning) as prescribed in this Article. If the property for which rezoning is proposed is in more than one ownership, all the owners or their authorized agents shall join in filing the application.

Section 23.3. APPLICATION FOR REZONING.

Applications for rezoning requests initiated by a property owner shall be filed with the Zoning Administrator on a form provided by the city, and shall include the following data and maps:

1. Each application for rezoning initiated by a property owner shall be accompanied by a fee as established by resolution by the City Council and shall contain the following information. Failure to approve the requested change shall not be deemed cause to refund the fee to the applicant.
   a. The name and address of the owner and applicant.
   b. The legal description and local address of the property.
   c. If the applicant is not the legal owner of the property, statement that the applicant is the authorized agent of the owner.
   d. The present zoning classification and the zoning classification requested for the property.
   e. The existing use and proposed use of the property.
   f. A statement of the reasons why the applicant feels the present zoning classification is no longer appropriate.
   g. An accurate map of the area proposed for rezoning and the surrounding area, showing existing streets and property lines, and existing and proposed district boundaries. The map shall include an area determined by the Zoning Administrator to be necessary to illustrate the relationship to and potential impact on the surrounding area, but not less than three hundred feet (300') or more than six hundred feet (600') from the property proposed for rezoning.
2. Upon receipt of the application by the Zoning Administrator a copy shall be forwarded immediately to the Planning and Zoning Commission for study and recommendation. The Commission shall, prior to making a recommendation, determine the following:
   a. Whether or not the current district classification of the property to be rezoned is valid.
   b. Whether there is a need for additional land zoned for the purpose requested.
   c. Whether the proposed change is consistent with the current comprehensive land use plan.

d. Whether the rezoning would result in the generating of traffic in excess of the capacity of existing or planned streets in the vicinity.

e. Whether there is intent on the part of the applicant to develop the property to be rezoned within a reasonable time.

f. The Zoning Administrator may require additional information or maps if they are necessary to determine whether the change is consistent with the objectives of this ordinance.

3. A rezoning initiated by the Planning and Zoning Commission or City Council shall be pursuant to a motion of the Commission or Council. The Zoning Administrator shall prepare the information prescribed in Part 1. above, pursuant to the intent of the motion. No fee shall be applicable. A text amendment initiated by the Planning and Zoning Commission or City Council shall be pursuant to a motion of the Commission or Council. The City Attorney shall prepare a draft of an ordinance amending the text of the Zoning Ordinance pursuant to the intent of the option. No fee shall be applicable.

Section 23.4. PROTEST PROVISION.

Any ordinance enacted by the City Council to reclassify property from one district to another district shall require a favorable vote of three-fourths (¾) of all members of the Council, when a written protest against the rezoning is received from persons owning twenty percent (20%) or more of the land included within the proposed rezoning, or from persons owning twenty percent (20%) or more of the land area adjoining and within two hundred feet (200') of the area proposed for rezoning, but excluding land outside the city limits.

Section 23.5. NEW APPLICATION.

Whenever a petition requesting an amendment, supplement or change of any regulations prescribed by this ordinance has been denied by the City Council such petition cannot be renewed for one year thereafter unless it is signed by the owners of at least fifty percent (50%) of the property owners who previously objected to the change. This provision, however, shall not prevent the City Council from acting on its own initiative in any case or at any time provided in this section.

ARTICLE XXIV
Effective Date

Section 24.1. EFFECTIVE DATE.
This ordinance shall be in full force and effect from and after its adoption and publication as required by law and as provided for in Chapter 380.6 and 380.7 of the Code of Iowa.
(Code of Iowa, Sec. 380.6[1]; Sec. 380.7[3]; and Sec. 362.3)

ZONING ORDINANCE OF THE CITY OF ROCK RAPIDS, IOWA

Passed and approved by resolution of the first consideration on _____ ____, 2014
Passed and approved by resolution of the second consideration on _____ ____, 2014
Passed and approved by resolution of the third and final consideration on _____ ____, 2014

Adopted on _____ ____, 2014
Published on _____ ____, 2014

_____
Mayor, City of Rock Rapids

Attest:

_____
Rock Rapids City Clerk/Administrator

EDITOR'S NOTE

The following ordinances have been adopted amending the official Rock Rapids Zoning Ordinance or zoning map and have not been included as a part of this ordinance, but have been specifically saved from repeal and are in full force and effect.

AMENDMENT ORDINANCE NUMBER	DATE ADOPTED

ROCK RAPIDS

our river flowing, our community growing



2014

Subdivision Regulations Ordinance

Prepared with Planning Assistance from

NorthWest Iowa Planning & Development Commission

Spencer, Iowa

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CITY OF ROCK RAPIDS

SUBDIVISION REGULATIONS ORDINANCE

Prepared with Planning and Technical Assistance By:

Northwest Iowa Planning & Development Commission
217 West 5th Street, Box 1493
Spencer, Iowa 51301
855-262-7225

In Cooperation With:

The City of Rock Rapids
310 South 3rd Avenue
Rock Rapids, Iowa 51246
(712) 472-2553
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Jason Chase, Mayor
Jordan Kordahl, City Administrator

Rock Rapids City Council
Eric Borman
Marlene Bowers
Cody Hoefert
Tami Murray
Scott Schneidermann

Planning and Zoning Commission
Steve Sieperda, Chair
Stuart Anderson
Reed Grafing
Ed Reck
Dave Sieperda
Tom Tille
Roger Winegar

Board of Adjustment
Dave Sieperda, Chair
Bruce Kammarmeyer
Robert Reemts
Yvette Waagmeester
Sharon Postma

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REPLACES ORDINANCE NO. 571, ADOPTED JANUARY 13, 1998
ROCK RAPIDS SUBDIVISION CONTROL ORDINANCE AND AMENDMENTS THERETO

SUBDIVISION REGULATIONS ORDINANCE FOR THE CITY OF ROCK RAPIDS, IOWA

AN ORDINANCE prescribing minimum requirements for the design and development of new subdivisions and resubdivisions of land in the incorporated city limits of Rock Rapids, Iowa; providing for the enforcement of these regulations; for the repeal of other ordinances or resolutions in conflict herewith; and requiring as a condition of approval, certain improvements; all for the purpose of promoting the safety, health and general welfare of the public in accordance with the comprehensive land use plan of Rock Rapids, Iowa, and in accordance with provisions of Chapter 354, Code of Iowa; Platting-Division and Subdivision of Land.

WHEREAS, the Rock Rapids City Council has adopted a zoning ordinance to assist in guiding future development of the city by regulating the uses of land, the size of lots, the height and bulk of buildings, the size of yards and open spaces around buildings and structures for residences, commerce, industry and other purposes; and

WHEREAS, the Rock Rapids City Council deems it necessary in order to secure coordination of subdivisions of land and extensions of streets; to promote proper standards for development of land, utilities, and streets; to promote the general welfare; to promote the conservation of energy resources; to promote reasonable access to solar energy; to facilitate the adequate provision of transportation, private and public water supply, on-site private and public sanitary sewage treatment, storm drainage, and other public improvements and services in areas of new development and throughout the city.

NOW THEREFORE, BE IT ORDAINED BY THE ROCK RAPIDS CITY COUNCIL; the following ordinance relating to and prescribing rules for the subdivision and platting of land be adopted as follows:

ARTICLE I
Basic Provisions

Article 1: Basic Provisions
- Section 1.1. Short Title
- Section 1.2. Purpose
- Section 1.3. Jurisdiction
- Section 1.4. Platting Required
- Section 1.5. Recording of Plat
- Section 1.6. Auditor's Plat
- Section 1.7. Plats within 2 Miles of the City Limits

Section 1.1. SHORT TITLE.
This ordinance shall be known and cited as the City of Rock Rapids Subdivision Regulations.

Section 1.2. PURPOSE.
The purpose of this ordinance is to establish minimum standards for the design, development and improvement of all new subdivisions and resubdivisions so that existing developments will be protected, so adequate provisions are made for public services, to insure growth occurs in an orderly manner consistent with the city's comprehensive plan, and to promote the health, safety and general welfare of the City of Rock Rapids.

Section 1.3. JURISDICTION.
In accordance with the provisions of Chapter 354, Code of Iowa, and amendatory acts thereto, this ordinance is adopted by the City Council of Rock Rapids, Iowa, governing the subdivisions of all lands within the incorporated city limits of Rock Rapids and all lands within a two (2) mile extraterritorial jurisdictional area. It shall be unlawful for any person being the owner, agent or person having control of any land within Rock Rapids and the two mile extraterritorial jurisdiction area to create a subdivision unless by a plat, in accordance with the regulations contained herein.

Section 1.4. PLATTING REQUIRED.
Every owner of a tract or parcel of land who shall hereafter subdivide or plat land into three (3) or more parts, for the purposes of laying out an addition, subdivision, building lot or lots, acreage or suburban lots within the city or within two (2) miles of the corporate limits shall cause plats to be made in form and containing the information hereinafter set out before selling any lots therein contained or placing the plat on record

Section 1.5. RECORDING OF PLAT.
No subdivision plat, resubdivision plat or street dedication within Rock Rapids, Iowa, as provided in Chapter 354.9, Code of Iowa, shall be filed for record with the County Recorder until a final plat of such subdivision, resubdivision, or street dedication has been reviewed and approved in accordance with the provisions of this ordinance. Upon approval of the final plat by the City Council it shall be the duty of the subdivider to immediately file such plat with the County Auditor and Recorder, as required by law. Such approval shall be revocable after thirty (30) days, unless such plat has been duly recorded and evidence thereof filed with the County Auditor within thirty (30) days. Furthermore, the City of Rock Rapids will require that no subdivision plat, resubdivision plat or street dedication located within two (2) miles of the corporate limits of Rock Rapids be

filed for records with the Lyon County Recorder until the Rock Rapids Planning and Zoning Commission has had an opportunity to review and comment on such subdivision regarding compliance of this ordinance.

Section 1.6. AUDITOR'S PLATS.

With regard to auditor's plats, as distinguished from subdivider's plats, the City Council shall have the right to waive provisions governing preliminary approval and public improvements outlined in these regulations provided there is a copy on file of the request of the County Auditor ordering such plat and a letter from said auditor stating the submitted plat meets the requirements for which the plat was ordered.

Section 1.7. PLATS WITHIN 2 MILES OF THE CITY LIMITS.

The purpose of this section is to facilitate the orderly processing of subdivisions in unincorporated areas within two (2) miles of the corporate limits of Rock Rapids and to avoid conflicting regulations while at the same time assuring that provisions are made for proper and orderly future growth of the city. In accordance with the provisions of Section 354.9 of the Code of Iowa, as amended, a subdivider or other agent, shall file a copy of all preliminary and final subdivision plats including minor plats, for the unincorporated areas within Lyon County that are within two (2) miles of the city. The City Council may review and comment on the proposed subdivision. The City may approve, disapprove, or waive their right to review all plats within the extraterritorial area defined herein. The plat(s) shall be filed with the city prior to or at the same time as filing with the county. Approval by one (1) political entity does not automatically constitute approval by the others unless the political entities have so agreed.

ARTICLE II
Definitions

Article II: Definitions
Section 2.1. Definitions

Section 2.1. DEFINITIONS.

For use in this ordinance, the following terms and words are hereby defined as follows. Words used in the present tense shall include the future, the singular shall include the plural and the plural the singular; the word shall is always mandatory, the word may is permissive.

1. *Aliquot part*: A fractional part of a section within the United States public land survey system. Only the fractional parts one-half, one-quarter, one-half of one-quarter, or one-quarter of one-quarter shall be considered an aliquot part of a section.
2. *Alley*: A public right-of-way, other than a street, affording a secondary means of access to abutting properties.
3. *Auditor's plat*: A plat prepared at the request of the County Auditor to clarify property descriptions for the purposes of assessment and taxation.
4. *Block*: An area of land within a subdivision entirely bounded by streets, highways, lakes, sloughs, wetlands or marshes, tracts of public land, or other public rights-of-way except alleys; and the exterior boundaries of the subdivision.
5. *Board*: The Board of Trustees of the electric, sanitary sewer, gas and water utility departments of the City of Rock Rapids, Iowa.
6. *Building Lines (Setback Lines)*: A line on a plat, between which line and the public right-of-way no buildings or structures may be erected or built. Building lines shall be shown on all lots and shall not be less than required by the zoning ordinance.
7. *City*: City of Rock Rapids, Iowa
8. *City Engineer*: Any person, firm or registered professional engineer designated by the City Council to serve in such capacity.
9. *Clerk (or City Clerk)*: The City Clerk of the City of Rock Rapids, Iowa.
10. *Collector Streets*: Those streets that carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such development.
11. *Comprehensive Plan*: A master plan prepared by the Planning and Zoning Commission, indicating the recommended general locations of public areas, residences, businesses, industries; provisions for traffic; and general physical development of the city.
12. *Council:* The City Council of the City of Rock Rapids, Iowa.
13. *Cul-de-sac*: A minor dead-end street having one end open to traffic, and the other end terminated by a vehicular turnaround.
14. *Develop*: To erect buildings on or to desire publicly maintained streets and alleys and\or utility systems upon a parcel of land.

15. *Developer*: Any person or persons who develop or makes available to others, lots within a platted area for the purpose or erecting a building or buildings.

16. *Easement*: A grant of the right to use a strip of land across public or private land for specific purposes by the general public, a corporation or certain persons of which the owner shall not erect any permanent structures on such easement but shall have the right to make any other use of the land subject to such easement which is not inconsistent with the rights of the grantee.

17. *Engineer*: A registered professional engineer authorized to practice engineering as defined by the registration act of the State of Iowa.

18. *Half Street*: A one-half width street right-of-way on the boundary of a subdivision dedicated by the subdivider to the city for future development when another subdivision is platted along the side of the half street. Half streets are not permitted in new subdivisions.

19. *Highway*: A major street that carries a large volume of traffic (state/federal routes).

20. *Improvements*: Pavements, curbs, water mains, sanitary sewers, storm sewers, grading, street signs, plantings and other items benefitting the welfare of the property owners and the public.

21. *Land Surveyor*: Any person who engages in the practice of land surveying pursuant to Chapter 114, Code of Iowa, authorized to practice surveying as defined in the registration act of the State of Iowa.

22. *Lot*: A portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership, improvement or for building development.

23. *Major Subdivision*: All subdivisions not classified as minor subdivisions, including, but not limited to, any size subdivision requiring any new public or private street, extension of local government facilities, to the creation of any public improvements.

24. *Major Street (or Thoroughfare)*: A street of considerable continuity connecting various sections of a city designated as a major street on the official street plan of the city.

25. *Metes and Bounds Description*: A description of land that uses distances and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to the physical features of the land.

26. *Minor Street*: A street used primarily for access to abutting properties.

27. *Minor Subdivision*: Any subdivision fronting an existing road, not involving any new road or street or the extension of utilities, and not adversely affecting the remainder of the parcel or adjoining property and not in conflict with any provision of the comprehensive plan, zoning ordinance, or this ordinance may be classified as a minor subdivision and must meet the appropriate provisions of this ordinance.

28. *Official Plat*: Either an Auditor's plat or a major or minor subdivision plat that meets the requirements of the Code of Iowa and has been approved by the city and filed for record in the offices of the County Recorder, County Auditor, and County Assessor.

29. *Outlot*: A portion of a subdivision or other parcel or tract intended as a unit for the proposed, whether immediate or future, transfer of ownership. An outlot is an unbuildable lot. Typically a subdivider may use an outlot for the following reasons: (a) To reserve a portion of a final plat for future development or sale; (b) To reserve a portion of a final plat for construction of and future

dedication of a detention basin to the city or private association; or (c) For construction of a private street or access that will be owned and maintained by a private association.

30. *Owner*: The legal entity holding title to property being subdivided or such representative or agent as is fully empowered to act on its behalf.
31. *Parcel*: A part or tract of land.
32. *Performance Bond*: A surety bond or cash deposit made out to the City of Rock Rapids in an amount equal to the full costs of the improvements which are required by this ordinance, said cost being estimated by the City Engineer, and surety bond or cash deposit being legally sufficient to secure to the city that said improvements will be constructed in accordance with this ordinance.
33. *Planning and Zoning Commission*: The Rock Rapids, Iowa Planning and Zoning Commission.
34. *Plat*: A map, drawing or chart on which the subdivider's plan of subdivision is presented to the Commission and Council for approval; and which in its final form, will be submitted to the County Recorder in such part as may be necessary for filing.
35. *Resubdivision*: Any subdivision previously included in a recorded plat. In appropriate context, the term may be used in referring to the act of preparing a plat of previously subdivided land.
36. *Right-of-Way*: The area measured between property lines, dedicated to and accepted for public use, and providing access to abutting properties.
37. *Roadway*: That portion of the improved street available for vehicular traffic, and measured from back to back of curbs where curbs are laid.
38. *Street*: Public property, not an alley, intended for vehicular circulation. In appropriate context, the term "street" may refer to the right-of-way bounded by the property lines of such public property, or may refer to the paving installed within such right-of-way.
39. *Subdivider:* A person, firm or corporation undertaking the subdivision or resubdivisions of a tract or parcel of land.
40. *Subdivision:* A division of any lot, tract, or parcel of land into three (3) or more lots, plots, sites or other divisions of land for the purpose of either immediate or future sale, transfer or ownership or building development. The term shall relate to the process of subdividing or to the land subdivided; or the subdivision of land hereto divided or platted into lots, or any division of land if a new street is involved.
41. *Superintendent of Public Works:* The City Administrator, Utility Manager, City Engineer, or any other official(s) designated by the Council or Board responsible for any part of the public works of the City.
42. *Tract* – An aliquot part of a section, a lot within an official plat, or a government lot.
43. *Utilities* – Systems for the distribution or collection of water, gas, electricity, wastewater, storm water, other energy sources, and telecommunications.

ARTICLE III
Minor Subdivision Procedures and Requirements

Article III: Minor Subdivision Procedures and Requirements
Section 3.1. Minor Plat Requirements
Section 3.2. Review by Agencies
Section 3.3. Procedures for Minor Subdivision

In lieu of a major subdivision (preliminary and final plats), a land owner, developer or subdivider may utilize a minor subdivision as defined in Article II.

Section 3.1. MINOR PLAT REQUIREMENTS.

The subdivider shall prepare the proposed minor subdivision plat and shall furnish to the County Auditor all plans and information, including three (3) copies of the final plat conforming in detail to the requirements set forth in this ordinance. No minor plat shall be considered or acted upon by the City Council without affording a public hearing as published in the local newspaper according to state statute. Furthermore, the City shall notify property owners by ordinary mail within 500 feet of the proposed subdivision of the time and place of the subdivision public hearing. The minor plat shall contain such information as required by this ordinance, specifically the requirements in Section 5.2 and Section 5.3; or as may be specified by Iowa Code or the Rock Rapids City Clerk.

Section 3.2. REVIEW BY AGENCIES.

The City Clerk shall place the minor plat on the Council agenda and thereafter forward copies of the submitted plat to the Mayor and councilpersons, Superintendent of Public Works, Zoning Administrator, City Attorney and other agencies or persons as may be deemed appropriate. Within 30 days thereafter, the Superintendent of Public Works shall notify the City Clerk that access onto a public street or highway can or cannot be provided and that other required improvements are or are not present. The Superintendent of Public Works shall further notify the City Clerk the land to be subdivided complies with all applicable city, county and state standards and the existing public improvements complies with applicable standards.

Section 3.3. PROCEDURES FOR MINOR SUBDIVISION.

1. Within thirty (30) days following the receipt of an application, or additional time period as the subdivider may authorize, the City Council shall hold a public hearing on the subdivision request. The Council shall act upon the minor plat no more than sixty (60) days after receipt by the City Clerk.
2. The City Council may approve or disapprove of the subdivision request, or refer the request to the Planning and Zoning Commission for review prior to considering the minor plat. If approved, the minor plat shall be certified by resolution. In the event a minor subdivision plat is not approved, the Council shall state in writing how the proposed plat is objectionable.
3. Passage of a resolution accepting the plat shall constitute final approval. The subdivider shall cause such plat to be recorded as required by Chapter 354, Code of Iowa, before the City shall recognize the plat as being in full force and effect. The subdivider shall record the plat within sixty (60) days after the Council's approval, and is responsible for all recording costs. Additionally, one (1) copy of the approved minor plat, adopting resolution, and any restrictive covenants shall be submitted to the City Clerk by the subdivider.

ARTICLE IV
Preliminary Plat Procedures and Data

Article IV: Preliminary Plat Procedures and Data
Section 4.1. Pre-application Meeting with Planning and Zoning Commission
Section 4.2. Preliminary Plat Procedures
Section 4.3. Requirements of Preliminary Plat

Section 4.1. PRE-APPLICATION MEETING WITH PLANNING AND ZONING COMMISSION.

Early in the planning stage, the subdivider shall be responsible for contacting the City Clerk and Planning and Zoning Commission for the purpose of presenting in general terms a proposed subdivision. No formal approval is required at this point as the purpose of the initial contact is to merely provide general information to the Planning and Zoning Commission. In obtaining approval of the proposed subdivision by the Commission and City Council, the subdivider shall submit a preliminary plat in accordance with the requirements hereafter set forth.

Section 4.2. PRELIMINARY PLAT PROCEDURES.

In obtaining preliminary approval of a proposed subdivision by the City Council, the subdivider shall submit a preliminary plat in accordance with the following order and procedure:

1. Whenever an owner of land or subdivider within the city limits wishes to make a subdivision of same, said owner or subdivider shall cause to be prepared a preliminary plat of said subdivision and submit 22 copies to the City for preliminary study and approval. The City Clerk shall forthwith refer seven (7) copies of the preliminary plat to the Mayor and City Council, seven (7) copies to the Planning and Zoning Commission, five (5) copies to the Board of Adjustment, one (1) copy to the City Attorney, one (1) copy to the City Engineer and one (1) copy to the Superintendent of Public Works. The preliminary plat shall contain such information and data as outlined in Section 4.3.

2. The Superintendent of Public Works shall examine said preliminary plat as to its compliance with the laws and regulations of the City of Rock Rapids, Iowa, the existing street system, and sound engineering practices; and shall within thirty (30) days of the date of application submit its findings to the Planning and Zoning Commission.

3. The City Engineer shall examine said preliminary plat as to its compliance with the laws and regulations of the City, the existing street system, and sound engineering practices; and shall within thirty (30) days of the date of application submit its findings to the Planning and Zoning Commission.

4. The Planning and Zoning Commission shall consider such reports and make its recommendation within thirty (30) days of receiving such public works or engineering reports. Furthermore, the Planning and Zoning Commission may negotiate with the subdivider on changes deemed advisable and the kind and extent of improvements to be made, and pass the preliminary plat as originally submitted or modified.

5. No preliminary plat shall be approved by the Planning and Zoning Commission until and unless a public hearing notice is posted no less than four (4) and no more than twenty (20) days prior to the scheduled public hearing. Such public hearing notice shall be given by publication in a newspaper of general circulation in the city. Furthermore, the City shall notify all property

owners within five hundred feet (500') of any part of the proposed plat and any other owners or individuals deemed affected by said plat.

6. The Planning and Zoning Commission shall set forth its recommendations in writing, whether approval, modification or disapproval. In the event that substantial changes or modifications are made by the Commission or disapproval of the plat, the Commission shall provide its reasons and request the revised preliminary plat to be resubmitted in the same manner as the original plat. If approved, the Planning and Zoning Commission shall express its approval as conditional approval and state the conditions of such approval, if any.
7. The recommendation of the Planning and Zoning Commission shall be noted on seven (7) copies of the preliminary plat, attached to any conditions, and forwarded to the City Council. Within thirty (30) days after recommendation of the Planning and Zoning Commission and following its review of the preliminary plat the City Council shall approve, disapprove or modify the recommendations of the Commission and impose any requirements or grant variances in conformance with this ordinance deemed necessary and appropriate for final approval. The decision of the City Council together with all modifications, requirements, variances and reasons thereof shall be noted on all copies of the preliminary plat. One (1) copy shall be returned to the subdivider and the other copies retained by the city.
8. Upon approval of the preliminary plat by the Planning and Zoning Commission and City Council, the subdivider may proceed with preparation of the final plat and construction drawings and specifications for the improvements required under these regulations. The approval of the preliminary plat shall be null and void unless the final plat is presented to the Planning and Zoning Commission within one (1) year after the date of preliminary approval.
9. A conditional approval of the preliminary plat by the Planning and Zoning Commission and City Council is revocable and does not constitute final acceptance of the subdivision by the City, but is merely an authorization to proceed with preparation of the final plat.

Section 4.3. REQUIREMENTS OF PRELIMINARY PLAT.

The preliminary plat is not intended to serve as a record plat. The subdivision shall be clearly marked "Preliminary Plat" and shall show, or have attached thereto, the following information:

1. GENERAL. Twenty-two (22) copies of the preliminary plat shall be submitted. The plat shall include a title, scale, north arrow, date and official legal description of the property being platted. The scale of the preliminary plat shall be not less than one hundred feet (100') to one inch (1") (100'=1"). A scale of other than 100'=1" may be used if prior approval is obtained from the Planning and Zoning Commission. The sheet size shall not exceed eighteen inches (18") by twenty-four inches (24"). Where more than one sheet is required, the sheets shall show the sheet numbers and match lines indicating where sheets adjoin.
2. NAME. Proposed name of the subdivision that shall not duplicate or resemble existing subdivision names within Rock Rapids or Lyon County.
3. OWNER. Name and address of recorded owner, subdivider and/or developer and the name and address of the engineer, surveyor or architect preparing the plan;
4. KEY MAP. A vicinity sketch or key map showing existing subdivisions, streets and tract lines of acreage parcels, together with recorded names of owners of parcels of land within five

hundred feet (500') of the outer boundaries of the proposed subdivision. It shall also show how streets in the proposed subdivisions or undeveloped property to produce the most advantageous development of the entire neighboring area.

5. ACRES. Acreage of the land to be subdivided.
6. CONTOUR. Existing contours with intervals sufficient to determine the character and topography of the land to be subdivided, but in no case shall the intervals be more than five feet (5'). The contours shall be on the city elevation datum.
7. BOUNDARIES. Subdivision boundary lines showing dimensions, bearings, angles and references to section, townships and range lines or corners shall be indicated by a heavy line.
8. STREETS. Present and proposed streets, roads, highways, alleys and sidewalks, with their right-of-ways in and adjacent to the area being subdivided. Additionally, the dedicated widths, approximate gradients, types and widths of surfaces, curbs, planting strips and location of street lights.
9. LOTS. Proposed layout of lots showing the lot numbers, dimensions, building setback lines, radii chords and the square foot area of irregular shaped lots.
10. PUBLIC USE. Parcels of land to be dedicated or reserved for public use such as schools, parks, playgrounds, or other public, semi-public or community purposes, proposed by the subdivider for public or private use or shown for such purpose in the comprehensive plan.
11. EASEMENTS. Present and proposed easements, showing locations, widths, purposes and distances.
12. UTILITIES. Present and/or proposed utility systems or services, including sanitary sewers, storm sewers, other draining facilities, water lines, gas mains, electric utilities, street lighting and other facilities indicating the size, capacity, invert elevation and location of each.
13. ZONING. Existing and proposed zoning of the proposed subdivision and adjoining property.
14. COVENANTS. A general summary description of any protective covenants or private deed restrictions to be incorporated in the final plat.
15. ADDITIONAL INFORMATION. Any other pertinent information, as necessary for the review of the preliminary plat or as required by the Planning and Zoning Commission or City Council.
16. FEE. The platting fee, as required by this ordinance and as established by resolution of the City Council.

ARTICLE V
Final Plat Procedures and Data

Article V: Final Plat Procedures and Data
Section 5.1. Final Plat Procedures
Section 5.2. Requirements of Final Plat
Section 5.3. Final Plat Attachments

Section 5.1. FINAL PLAT PROCEDURES.

The final plat shall conform substantially to the preliminary plat as approved, and if desired by the subdivider it may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time. Provided, however, such portion conforms to all requirements of these regulations. In obtaining final approval of a proposed subdivision by the City Council, the subdivider shall submit a final plat in accordance with the following:

1. The subdivider shall, within one (1) year of the conditional approval of the preliminary plat, prepare and submit 22 copies of the final plat and other required documents with the City Clerk. The subdivider's failure to do so within the time specified results in the conditional approval of the preliminary plat to be null and void. Upon receipt of the final plat and other required documents, the City Clerk shall transmit seven (7) copies to the Planning and Zoning Commission, seven (7) copies to City Council, five (5) copies to the Board of Adjustment, one (1) copy to the City Engineer, one (1) copy to the Superintendent of Public Works, and one (1) copy to the City Attorney.

2. The Planning and Zoning Commission shall study and consider the final plat. Within thirty (30) days of receiving the final plat the Commission shall submit its recommendation to the City Council. Said recommendation shall include approval, disapproval or suggestions for modifications and reasons thereof. Said recommendation shall be advisory in nature only. If the Planning and Zoning Commission approves the final plat, such approval and the date thereof shall be noted on the final plat.

3. After approval by the Planning and Zoning Commission, the final plat shall be submitted to the City Council for approval, with or without added provisions. If the Commission does not approve the final plat, the City Council may approve said plat only by a three-fourths (¾) vote of the entire City Council. A written explanation of reasons for adverse recommendation must accompany the Planning and Zoning Commission's report to the Council.

4. Upon receipt of the recommendation by the Planning and Zoning Commission, the City Council shall, within thirty (30) days, either approve or disapprove the final plat. In the event the final plat is disapproved by the City Council, such disapproval shall be expressed in writing and shall point out why the submitted final plat is objectionable. In the event the said final plat is found to be acceptable and in accordance with this ordinance, the City Council shall approve and accept the same.

5. The passage of a resolution by the City Council accepting the plat shall constitute final approval of the final plat. However, the subdivider shall cause such final plat to be recorded in the office of the Lyon County Recorder, as provided in Chapter 354, Code of Iowa and amendatory acts thereto. The subdivider shall file satisfactory evidence of such recording in the office of the City Clerk. Where it can be shown that there are extraordinary hardships in

the way of compliance with this ordinance, the Planning and Zoning Commission may recommend a variance in the public's interest and in conformance with the comprehensive plan.

6. The City of Rock Rapids shall recognize the final plat as being in full force and effect. Final acceptance for recording purposes shall not constitute final acceptance of any improvements to be constructed. Improvements will be accepted only after construction is completed and upon inspection by the Superintendent of Public Works or the City Engineer.

Section 5.2. REQUIREMENTS OF FINAL PLAT.

The final plat shall conform substantially to the preliminary as approved, and may include all or a portion of the preliminary plat. The final plat shall show the following:

1. The final plat shall be made from an accurate survey by a registered engineer or land surveyor and clearly and legibly drawn to a scale of not less than one hundred feet (100') to one inch (1") and placed on a drawing the dimensions of which will be eighteen inches by twenty-four inches (18" x 24"). A scale other than 100' = 1" may be used if prior approval is obtained from the Planning and Zoning Commission and County Recorder.
2. Name and title under which the subdivision is to be recorded. A correct legal description of property subdivided, showing its location and extent, points of compass, scale of plan, classification or property under the zoning ordinance; and name of owner, subdivider; and landscape architect, land surveyor or engineer making the final plat.
3. A certification on the accuracy of the plat by the professional engineer or land surveyor who prepared the final plat. Accurate boundary lines of the property, with dimensions and angles that provide a survey of the tract, closing with error of not more than one foot (1') in ten thousand feet (10,000') on the boundary, and one foot (1') in five thousand feet (5,000') for any individual lot. Distances shall be measured to the nearest one hundredth foot.
4. Locations, type, materials and size of all monuments and markers including all U.S., State of Iowa, Lyon County or other official bench marks.
5. Street names and clear designations of public alleys. Streets that are continuations of present streets should bear the same name, and if new names are needed they should be distinctive. Street names may be required to conform to the city's street plan or comprehensive plan.
6. Accurate metes and bounds description of the boundaries of the property; lines of all streets and alleys, with their widths and any other areas intended for public use. These should be exact and complete to include all distances, radii, arc, chords, points of tangency, central angles for all curvilinear streets, and radii for rounded corners.
7. Street names and street right-of-way lines with accurate dimensions in feet and hundredths of feet with angles to right-of-way lines and lot lines.
8. Plan and profiles of all streets, alleys, sanitary sewers, storm sewers, and water lines. Profiles, typical cross sections, and specifications of street improvements and utility systems shall show the location, size, and grade of all conduits, sanitary and storm sewers, pipelines, etc. to be placed under the streets and alleys. These shall be drawn to a legible scale of not less than one hundred feet (100') horizontally and ten feet (10') vertically with west or south at the left side of the drawing.

9. Lot numbers and dimensions.
10. Accurate locations, descriptions and dimensions of easements.
11. Accurate dimensions for all property to be dedicated or reserved for public or community use.
12. Parcels not part of the plat shall be identified.

Section 5.3. FINAL PLAT ATTACHMENTS.
The final plat shall have the following attached to it:

1. OWNER'S CERTIFICATION. A statement by the owner and spouse, if any, that the subdivision plat is prepared with their free consent and in accordance with their desire. The statement must be signed and acknowledged by the owner and spouse, if any, before an officer authorized to take the acknowledgments of deeds. The statement by the owner may also include a dedication to the public of all lands within the plat that are designated for streets, alleys, parks, open areas, school property, or other public use, if the dedication is approved by the City Council.
2. BOND. An affidavit and encumbrance bond, if any, as provided for in Section 354.12 of the Code of Iowa may be recorded in lieu of the consent of the mortgage or lienholder. When a mortgage or lienholder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the City or dedicated to the public.
3. ABSTRACT OF TITLE. A complete abstract of title and an attorney's opinion showing that the fee title to the subdivision land is free from encumbrances other than those secured by an encumbrance bond.
4. CERTIFICATE OF DEDICATION. A certificate of dedication to the city, properly executed, for all streets intended as public streets, and for any other property intended for public use.
5. COUNTY TREASURER CERTIFICATE. A certificate of the County Treasurer showing that all subdivision land is free from taxes and free from certified special assessments; or the land is free from taxes and the certified special assessments are secured by bond in compliance with Section 354.12, Code of Iowa.
6. COUNTY RECORDER CERTIFICATE. A certificate from the County Recorder showing the title in fee is in the owner's name and it is free from encumbrances other than those secured by an encumbrance bond.
7. CITY COUCIL APPROVAL. A resolution of approval by the City Council with signatures of the Mayor and City Clerk.
8. SATISFACTORY IMPROVEMENTS. A certificate by the Superintendent of Public Works or similar official that all improvements and installations have been completed, or that a performance bond guaranteeing completion has been approved by the City Attorney and files with the City Clerk, or the City Council has agreed that the City will provide the necessary improvements and installations and assess the costs against the subdivider or future property owners in the subdivision.
9. COVENANTS OR DEED RESTRICTIONS. Any protective covenants or deed restrictions to be imposed upon the plat shall be submitted for review.

ARTICLE VI
Design Standards

Article VI: Design Standards
Section 6.1. General Requirements
Section 6.2. Acreage Subdivision
Section 6.3. Streets
Section 6.4. Alleys
Section 6.5. Railroads
Section 6.6. Blocks
Section 6.7. Lots
Section 6.8. Easements
Section 6.9. Plat Markers and Monuments

Section 6.1. GENERAL REQUIREMENTS.

The following design standards shall be followed by all subdividers and developers in subdividing or resubdividing land, except those plats referred to in Section 1.6, Auditor's Plats. The standards and details of design herein contained are intended only as minimum requirements so that the general arrangement and layout of a subdivision may be adjusted to a wide variety of circumstances. No subdivision plat shall be approved by the Planning and Zoning Commission unless it conforms to the following minimum standards and requirements.

Section 6.2. ACREAGE SUBDIVISION.

Lots more than one (1) acre in size shall be so arranged that provision may be made for their future subdivision into smaller lots. Where the submitted plat only covers a part of subdivider's plat, a sketch of the prospective future system, of the unsubmitted part shall be furnished and the street system of the part submitted shall be considered in light of adjustments in connection with the street system of the part not submitted. Where the parcel is subdivided into larger tracts that for building lots, such parcels shall be divided so as to allow for the opening of major streets and the ultimate extension of adjacent minor streets.

Section 6.3. STREETS.

1. Land Use. The arrangement, character, extent, width, grade, location of all streets shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. All proposed plats and subdivisions shall conform to the city's comprehensive land use plan. All proposed plats and subdivisions shall also conform to additional proposed street plans of the city.
2. Frontage or Access Streets. Where the proposed subdivision abuts or contains an existing or proposed arterial street or highway on which traffic volumes and vehicular speeds warrant special considerations, the Planning and Zoning Commission may require access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or other treatment as may be necessary for adequate protection of residential properties and separation of through and local traffic.
3. Cul-De-Sacs (Or Dead-End Streets). Cul-de-sacs are permitted where topography and other conditions justify their use. Such streets shall not be longer than five hundred feet (500') and shall terminate with a circular right-of-way having a diameter of at least one hundred feet

(100'). A turnaround diameter more than one hundred feet (100') may be required by the Planning and Zoning Commission for commercial or industrial subdivisions if deemed necessary. The right-of-way width of the street leading to the turnaround shall he a minimum of fifty feet (50'). The property line at the intersection of the turn-around and the straight portion of the street shall be rounded at a radius of not less than twenty feet (20').

4. Street Names. Proposed streets that are in alignment with other already existing, or a street that may be logically extended although the various portions may be a distance from each other shall bear the names of such existing streets. The proposed names of new streets shall not duplicate or sound similar to existing street names. Street names shall be subject to the approval of the Planning and Zoning Commission.
5. Half Streets. The platting of half streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and where the Planning and Zoning Commission finds it practicable to require the dedication of the other half when the adjoining property is subdivided.
6. Neighborhood Plan. The arrangement of streets in a subdivision shall either provide for the continuation or appropriate projection of existing principal streets in surrounding areas or conform to the plat for the neighborhood approved by the Planning and Zoning Commission to meet a particular situation where topographical or other conditions made continuance or conformance to existing streets impractical.
7. Physical and Cultural Features. In general, streets shall be platted with appropriate regard for topography, creeks, wooded areas, and other natural features that would tend to lend themselves to attractive treatment.
8. Street Offsets. Street centerline offsets of less than one hundred twenty-five feet (125') shall be avoided.
9. Private Streets. Subdivisions showing unplatted strips or private streets controlling access to public ways will not receive approval.
10. Dedication of Streets. A dedication to the city shall be given for all streets before the same will be accepted for maintenance.
11. Minor Street. Minor Streets shall be so planned as to discourage through traffic.
12. Street Right-of-Way. Minimum street right-of-way widths shall be provided in accordance with the recommended standards outlined in the Iowa SUDAS Manual (Statewide Urban Design and Specifications).
13. Street Grades. Streets and alleys shall be completed to grades that have been officially determined or approved by the Superintendent of Public Works or City Engineer. Street grades, wherever feasible, shall not exceed ten percent (10%), with due allowance for reasonable vertical curves. No street grade shall be less than four-tenths of one percent (0.4%). All streets shall be designed so as to provide for the discharge of surface water from the pavement and from the right-of-way by grading and drainage.
14. Street Intersections. Streets shall be laid out so as to intersect as nearly as possible at right angles. No intersection shall be less than sixty (60) degrees. When practical, acute angles between streets at intersections are to be avoided. When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve

with a radius adequate to insure a sight distance of not less than two hundred feet (200') for minor and collector streets, and of such greater radii as the Planning and Zoning Commission shall determine for special cases. Property lines and street intersections shall be rounded with a radius where deemed necessary. The Planning and Zoning Commission may also permit comparable cutoffs or chords in place of rounded corners.

Section 6.4. ALLEYS.

Alleys may be required in commercial and industrial districts, except the Planning and Zoning Commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed. Alleys shall be no less than twenty feet (20') wide. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with a means of turning around at the dead-end thereof.

Section 6.5. RAILROADS.

When a subdivision borders or contains a railroad right-of-way, the Planning and Zoning Commission may require a street be dedicated approximately parallel to the railroad at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separation. Additionally, cul-de-sacs at right angles to the railroad may be an alternative so as to permit buildable lots to back thereunto

Section 6.6. BLOCKS.

No block shall be longer than one thousand three hundred twenty feet (1,320') or less than four hundred feet (400') in length between the center lines of intersecting streets, except as the Planning and Zoning Commission, in their opinion, deems extraordinary conditions unquestionably justify a departure from these minimum limits.

Section 6.7. LOTS.

Generally, the lot size, width, depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and uses contemplated.

1. Relationship to Streets. Each lot shall be provided by satisfactory access to an existing public street or acceptable private drive with satisfactory access to a public street. Lots on major street intersection shall have a minimum radius of twenty feet (20') at the street corner.
2. Lots Not Served by Utilities. Residential lots not service by public sanitary sewer shall not be less than one hundred fifty feet (150') wide, or no less than one (1) acre in size.
3. Commercial Lots. Depth and width of properties reserved or platted for commercial and industrial purposes shall be adequate to provide for the off street service and parking facilities required by the type of use and development contemplated.
4. Arrangement. Each lot in a subdivision shall contain a building site completely free from the danger of flooding.
5. Building Lines. Building lines (or setback lines) shall conform to the Rock Rapids zoning ordinance and be shown on all lots within the platted subdivision.

6. Corner lots. Corner lots shall be of sufficient width as to permit required building setbacks on both front and side streets as required by the zoning ordinance.
7. Double Frontage Lots. Double frontage, reverse frontage or through lots, shall be avoided except where essential to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten feet (10') shall be provided along the line of lots abutting such traffic arterial or other disadvantageous use.
8. Lot Lines. Side lot side lines shall be substantially at right angles to straight street lines, or radial to curved street lines, except where a variation of this rule will provide a better street and lot layout.

Section 6.8. EASEMENTS.

Easements shall be at last twenty feet (20') wide, except where a lessor width is deemed adequate by the Superintendent of Public Works and approved by the Planning and Zoning Commission. Where necessary or advisable in the opinion of the City Council similar easements shall be provided along such other lot lines as may be required by public and private utility companies. Easements of greater width may be required for trunk lines, pressure lines, or high voltage lines and shall be provided as determined by a utility or the City Council. Where a subdivision is transversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such water course, and further width for construction, or both, as will be adequate for the purpose. If the City Council deems it necessary for proper drainage within or through a subdivision, it shall require a storm water easement or drainage right-of-way be provided. Utility easements shall convey to the utility provider, its successors and assigns, the perpetual right within the areas shown on the plat and described in the easement, to construct, operate and maintain buried electric lines consisting of wires, cables, fiber optic lines, conduits and fixtures.

Section 6.9. PLAT MARKERS AND MONUMENTS.

Permanent plat markers shall be placed at all block corners, angle points, points of curves in streets, lot corners and all such intermediate points as shall be required by the Superintendent of Public Works. The markers shall be of steel, brass, copper or concrete at least twenty-four inches (24") long, five-eights (5/8") in diameter re-rod, with a surveyor's identification cap attached, or as per State Code. Wood markers are not acceptable. A permanent benchmark shall be accessibly placed within the subdivision, the elevation of which shall be referred to the U.S.G.S. datum and accurately noted on the subdivision plat. Developer shall provide the city with GPS (Global Positioning System) coordinates on all plat markers.

ARTICLE VII
IMPROVEMENTS REQUIRED

Article VII: Improvements Required
Section 7.1. Resubdivisions
Section 7.2. Suitability of the Land
Section 7.3. Installation of Improvements
Section 7.4. Specifications
Section 7.5. Guarantees
Section 7.6. Completion and Acceptance

Section 7.1. RESUBDIVISIONS.

The City Council may waive the requirements for the construction and installation of some or all of the foregoing improvements in cases of resubdivisions where only the size, shape and arrangement of the lots is being changed and no new streets are required; and in case of dedications of land or rights-of-way to public use where such dedication is in excess of the needs of the subdivision and is desired by a public agency in lieu of a purchase or condemnation.

Section 7.2. SUITABILITY OF THE LAND FOR SUBDIVISION.

If the city finds land proposed to be subdivided is unsuitable for subdivision development due to flooding, bad drainage, steep slopes, rock formations, and other such conditions as may increase the danger of health, life, or property or aggravate erosion or flood hazards the City Council may not approve the land for subdivision unless adequate methods are formulated by the subdivider for meeting the problems created by the subdivision and development of the land. Furthermore, the Planning and Zoning Commission may refuse to approve scattered or premature subdivision of land that would otherwise involve danger or injury to the public health, safety, welfare, or prosperity by reason of lack of adequate water supply, schools, proper drainage, or necessitate an excessive expenditure of public funds for the supply of such services.

Section 7.3. INSTALLATION OF IMPROVEMENTS.

The subdivider shall install and construct all improvements required in this section, unless specifically stated otherwise within said sections. All required improvements shall be installed and constructed in accordance with the specifications and under the supervision or inspection of the Superintendent of Public Works and to the satisfaction of the City Council.

1. Streets, Street Lights, and Alleys. All streets and alleys within the platted area which are dedicated for public use shall be brought to the grade approved by the City Council after receiving the report and recommendation of the Superintendent of Public Works, said grading to be the responsibility of the subdivider. The City shall assume the cost associated with preparing and adopting a grade ordinance for the dedicated streets. Street lights shall be installed as recommended by the Superintendent of Public Works and approved by the City, in accordance with the Utilities Board of Trustees standards, procedures and supervision.
2. Curb and Gutter. Portland cement concrete curb and gutter shall be required on all streets. All curb and gutter shall be constructed to the grade approved by the City Council after receiving the report and recommendations of the Superintendent of Public Works.
3. Roadway Surfacing. All roadways shall be built according to the standards and specifications of the City Engineer, but in no case shall consist of less than six inches (6") of Portland cement

concrete or with asphalt concrete over a prepared stone base as the Planning and Zoning Commission and City Council may require. Portland cement concrete curb and gutter shall be installed prior to the installation of any asphalt surface required by this section. Portland cement concrete curb shall be installed integrally with Portland cement concrete pavement. All costs associated with surfacing shall be paid for by the subdivider or assessed to the property owner at a later date, as determined by agreement with the City Council.

4. Street Signs. The subdivider shall provide the subdivision with acceptable street signs at the intersection of all streets.

5. Sidewalks. Sidewalks are considered necessary for the general welfare and safety of the community. Sidewalks shall be constructed at the subdivider's expense to the grade approved by the City Council after receiving the report and recommendations of the Superintendent of Public Works. Sidewalks must be in place prior to occupancy of building. The City Council shall designate which lots are to have sidewalks abutting them, if any, and shall require that said sidewalks be constructed in accordance with the applicable provisions of Title VIII, Chapter 2 of the Rock Rapids Code of Ordinances, prior to the occupancy of any dwelling, building or structure placed on any lot so designated. The protective covenants to be incorporated in the final plat shall indicate those lots that will require sidewalk improvements at a later date and shall set forth who is responsible for paying the costs of installation.

6. Sanitary Sewers. Where a public sanitary sewer is reasonably accessible, the subdivider shall connect or provide for the connection with such sanitary sewer and shall provide within the subdivision the sanitary sewer system and is required to make the sewer accessible to each lot in the subdivision. Sanitary sewer service shall be required to be stubbed into each lot. Sewer systems shall be approved by the City Council and the Iowa State Agency responsible for issuing construction permits and the construction shall be subject to the supervision of the Superintendent of Public Works. The city will assume the cost of installing, if necessary, lift stations and associated force main. Where sanitary sewers are not available, other facilities, as approved by the City Council and the appropriate Iowa State Agency as set forth in the Iowa Administrative Code and any amendment thereto, must be provided for the adequate disposal of sanitary waste. A permit from the Local Board of Health will be required. As part of the preliminary and final plat requirements, a report prepared by a professional engineer shall be submitted detailing the plans for the disposal of waste water for all developments. The report shall contain authoritative soil percolation tests and a statement as to whether or not the percolation rates are within the limits set forth in the Iowa Administrative Code adopted and made part of this ordinance by reference above. The soil condition limitations or proximity to a ditch, stream, pond, lake, natural or artificial water way, country drain tile, surface water drain tile, or groundwater may result in additional requirements imposed by the City Council. In no case will any underground waste disposal system be allowed in a floodplain. The City Council may require waste treatment facilities in instances where ten (10) or more lots are located in a concentrated area. The treatment facilities would be subject to the design standards and construction permit requirements of the Iowa State Agency responsible for issuing such permits.

7. Water Supply. The Subdivider shall connect with the public water main and provide a water connection for each lot with service pipe installed to the property line in accordance with the Board of Trustees standards, procedures and supervision. All costs necessary to extend the water main to the subdivision boundary will be borne by the subdivider. The subdivider shall

assume the costs of all water main extensions up to and including an eight inch (8") water main within the boundary of the subdivision, including fire hydrants and associated valves. In the event the Board of Trustees shall require a water main in excess of eight inches (8") in size, the additional costs associated with the increase in size shall be paid for by the Board. The subdivider shall assume all the initial costs of providing service pipe and appurtenances to the property line of each lot in the subdivision. Where a public water supply is not within a reasonable distance or otherwise unavailable the subdivider shall normally be required to construct a similar water distribution system and connect it with an alternate water supply approved by the City Council, Utility Board of Trustees and county environmental health officer.

8. Storm Water Drainage. Adequate provision shall be made for the disposal of storm waters, including storm sewers or open drainage ditches, culverts, retention ponds, stormwater basins, complete bridges, storm sewers, intakes, and manholes to provide for the collection and removal of all surface water and to maintain any natural drainage course. Storm water drainage cannot exceed pre-development flow rates and no storm water generated from within the development shall be displaced onto a neighboring property owner. No water course shall be altered so as to divert surface drainage from one watershed to another. Storm water generated within a subdivision shall be contained within the subdivision unless specifically directed to a drainage way or other natural water course. Storm sewers are to be located, to the greatest extent possible, within that portion of the right-of-way outside of the paved or surfaced roadway. Storm water drainage and/or storm sewers are subject to the approval of the City Council and under supervision of the Superintendent of Public Works, with all costs relating to pipe, intakes and junction boxes [except as provided for in Section 7.3(11)] paid for by the City, and all other costs relating thereto paid for by the Subdivider.

9. Gas Distribution Facilities. Main extensions and installation of gas service lines, including meters, to newly platted subdivisions may require a contribution in aid of construction or advance of construction costs from the owner or developer in an amount determined by the Utilities Board of Trustees. In making the determination, consideration shall be given to estimated construction costs, estimated revenue, and estimated time between construction and customer attachment.

10. Electrical Distribution Facilities. Extension to newly platted subdivisions may require a contribution in aid of construction or advance of construction costs from the owner or developer in an amount determined by the Utilities Board of Trustees. In making the determination, consideration shall be given to estimated construction costs, estimated revenue, and estimated time between construction and customer attachment.

11. Sump Pump Drain Tile. All new subdivided lots shall be developed with a sump pump drain tile directed to a storm water drainage system. No sump pump drain tile shall be permitted to drain to or directed to the city's sanitary sewer system. The subdivider shall assume all the costs of providing the sump pump drain tile within the subdivision.

12. Other Improvements. The City Council reserves the right to require other improvements upon review of the final plat.

All of the above improvements shall be made in accordance with good engineering practices and the accepted practices, regulations and ordinances of the City, and shall have the written approval

of the Superintendent of Public Works, Fire Chief or any public officer under whose department the installation may be affected. Sanitary sewers or septic tanks shall be approved by the county environmental health officer and the Iowa Department of Natural Resources. All of the above shall be approved on final plat before improvements are made.

Section 7.4. SPECIFICATIONS.
The type of construction, the materials, the methods and standards of subdivision improvements shall be equal to the current specifications of the city for like work. Plans and specifications shall be submitted to the city for approval prior to construction, and construction shall not be started until plans and specifications have been approved.

Section 7.5. GUARANTEES.
The completion requirement during final platting, herein provided, may be waived in whole or in part if the subdivider will post a performance bond or cash bond with the city guaranteeing all improvements not completed will be constructed within one (1) year, or a longer period of time if approved by the City Council. Improvements will be accepted only after their construction has been completed, and no public funds will be expended for maintenance and operation in the subdivision until such improvements have been completed and accepted by the city. The bond shall equal the City Engineer's approved estimate of construction costs and is to be furnished by a reputable bonding company maintaining an office in the State of Iowa, and shall indemnify Rock Rapids from any and all costs or losses of the development and construction.

Section 7.6. COMPLETION AND ACCEPTANCE.
Upon completion of all improvements required by this ordinance, and before the City Council approves the final plat, all of the foregoing improvements shall be constructed and accepted by formal resolution of the City Council. Before passage of said resolution of acceptance, the Superintendent of Public Works shall report that said improvements meet all city specifications and ordinances or other city requirements, and any agreements between the subdivider and the city. The subdivider shall maintain all improvements for two (2) years after completion as verified by the final inspection. Maintenance shall be guaranteed by cash deposited with the city or by the posting of a maintenance bond in the amount of five percent (5%) of the estimated cost of the improvements.

The City Council may approve the final plat of a subdivision located within two (2) miles from the corporate limits without all of the foregoing improvements being constructed. Provided, however, an agreement acceptable to the City Council is submitted by the subdivider indicating that if and when said subdivision or any part thereof is proposed for annexation to the City of Rock Rapids, Iowa, it will be necessary for the owners of said property to negotiate the improvements to be constructed prior to any approval for annexation by the City Council. Said agreement to constitute a covenant running with the land.

ARTICLE VIII
PUBLIC SPACE DEDICATIONS

Article VIII: Public Space Dedications
Section 8.1. Park, Open Space & Public Use Dedications
Section 8.2. Other Public Space Regulations

Section 8.1. PARK, OPEN SPACE & PUBLIC USE DEDICATIONS.

In a new subdivision, where any planned or proposed public use, public parks, or public recreation areas are shown on an official map or on the comprehensive plan map and located in whole or in part in the applicant's proposed subdivision, the City Council may require the dedication or reservation of such public open space within the proposed subdivision.

Section 8.2. OTHER PUBLIC SPACE REGULATIONS.

1. Public spaces shall, wherever possible, be located contiguous to other such areas in adjacent subdivisions, in order to provide for maximum use of the resulting area. Such areas shall be shown on the preliminary plat. The City Council may not approve a site that is undesirable for such public or civic uses.

2. If the comprehensive plan indicates a public open space within the proposed subdivision, the subdivider shall reserve the area for purchase by the appropriate public agency within one (1) year from the endorsement date of the final plat. The purchase price of such land shall be equivalent to the value of said land as established by an independent appraiser. After such time, the subdivider may replat such property for the subdivider's own purposes.

3. Natural features, historic sites, and similar city assets shall be preserved in parks and open spaces within the subdivision.

ARTICLE IX
ADMINISTRATION, ENFORCEMENT & AMENDMENT

Article IX: Administration, Enforcement & Amendment
- Section 9.1. Fees Established
- Section 9.2. Variances
- Section 9.3. Enforcement and Penalties
- Section 9.4. Changes and Amendments
- Section 9.5. Severability Clause
- Section 9.6. Repealer

Section 9.1. FEES ESTABLISHED.

The City Council shall, from time to time, establish fees, by resolution, for review of subdivision plats. Each preliminary plat submitted for approval shall be accompanied by a fee. No fees shall be charged for public land plats submitted by any governmental entity or plats of property reserving or dedicating land to the city provided no other subdivision of land is shown thereon.

Section 9.2. VARIANCES.

Where in the case of a particular proposed subdivision, it can be shown that strict application of the requirements of this ordinance would result in substantial hardships or injustices to the subdivider due to unusual typography or other conditions, the City Council may modify or grant variances on such requirements to the extent that the subdivider is allowed to develop the property in a reasonable manner. However, such variance, modification or waiver shall be in harmony with the intended spirit of this ordinance and granted with the view toward protecting the public interest and welfare, and will not have the effect of nullifying the intent and purpose of this ordinance. In granting any variance, the City Council may prescribe appropriate conditions and safeguards. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance. In no case shall any variance or modification be more than the minimum easing of the requirements and in no instance shall be in conflict with any zoning ordinance. It is further provided that any variance and waivers may be granted only by the affirmative vote of seventy five percent (75%) of the members of the City Council. A public hearing will be required by the City Council prior to granting a variance.

Section 9.3. ENFORCEMENT AND PENALTIES.

The City Clerk or Zoning Administrator shall not issue zoning permits for any structure located on a lot in any subdivision, the plat of which was prepared after the adoption of this ordinance, which has not been approved in accordance with the provisions contained herein. It shall be unlawful for the owner, or the owner's agent, who knowingly or with intent to defraud, transfer, dispose or sell or agrees to sell or negotiates to sell such land before such plat has been approved, acknowledged and recorded as provided by this ordinance and Chapter 354, Code of Iowa, shall forfeit and pay a penalty of not less than $100 per day and not more than $500.00 per day for each lot so transferred, disposed of, leased or offered for sale. Additionally, any building erected in violation of this ordinance shall be deemed an unlawful structure and the Zoning Administrator or City Clerk may bring action to enjoin such erection or cause it to be vacated or removed.

Section 9.4. CHANGES AND AMENDMENTS.

Any regulations or provisions of this ordinance may be changed and/or amended from time to time by the City Council; provided that such changes or amendments shall not become effective until the Council has received a recommendation from the Planning and Zoning Commission and a public hearing is held. Within thirty (30) days of a recommendation from the Commission, the City shall give notice of and hold a public hearing on the proposed amendment. Such notice shall be published in a newspaper of general circulation at least once, not less than four (4) or more than twenty (20) days before the date of the public hearing. The amendment shall become effective from and after its adoption and required publication.

Section 9.5. SEVERABIITY CLAUSE.

Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance be declared by the courts to be invalid or unconstitutional for any reason whatsoever, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the parts so declared to be invalid or unconstitutional.

Section 9.6. REPEALER.

Effective on the effective date of this ordinance, the previous subdivision regulations and amendments thereto contained within Chapter 7 of Title VI of the Code of Ordinance or Rock Rapids, Iowa are hereby repealed. The repeal of said ordinance shall not have the effect to release or relinquish any penalty, forfeiture or liability incurred under said ordinance or any part thereof, and such ordinance and all parts thereof shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture or liability. Nothing contained herein shall serve to abrogate, limit, repeal, or otherwise modify any other ordinance or regulation except as expressly set forth herein. If any provision of this ordinance conflicts with the provisions of any other ordinance, regulation, or statute, the most restrictive applies.

ARTICLE X
Effective Date

Section 10.1. EFFECTIVE DATE.
This ordinance shall be in full force and effect from and after its adoption and publication as required by law and as provided for in Chapter 380.6 and 380.7 of the Code of Iowa.
(Code of Iowa, Sec. 380.6[1]; Sec. 380.7[3]; and Sec. 362.3)

Adoption

SUBDIVISION REGULATIONS ORDINANCE OF ROCK RAPIDS, IOWA

Passed and approved the first consideration on _____ ___, 2014
Passed and approved the second consideration on _____ ___, 2014
Passed and approved the third and final consideration on _____ ___, 2014

Adopted on _____ ___, 2014
Published on _____ ___, 2014

_____
Mayor, City of Rock Rapids

ATTEST:

_____
Rock Rapids City Clerk/Administrator

EDITOR'S NOTE

The following ordinances have been adopted amending the official Rock Rapids Subdivision Regulations Ordinance and have not been included as a part of this ordinance but are specifically saved from repeal and are in full force and effect.

AMENDMENT ORDINANCE NUMBER	DATE ADOPTED