



ROCK VALLEY IOWA

A PLACE OF OPPORTUNITY



Prepared with Planning Assistance from

Northwest Iowa Planning & Development Commission
Spencer, Iowa

**2016
Zoning
Ordinance**

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ACKNOWLEDGEMENTS



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ORDINANCE NO. ____

REPLACES ORDINANCE #366, ADOPTED JANUARY 3, 2008
2008 ROCK VALLEY ZONING ORDINANCE AND AMENDMENTS THERETO

ZONING ORDINANCE OF THE CITY OF ROCK VALLEY, IOWA

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 Valley, Iowa deems it necessary to prevent and to lessen congestion in the streets and highways; to secure safety from fire, flood, and 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 Valley's Comprehensive Plan,

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





ARTICLE 1. 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. Conflict with Other Laws
- Section 1.6. Purpose of Zoning Regulations
- 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 Valley 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 Valley, 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, Ordinance #366, the Rock Valley Zoning Ordinance adopted January 3, 2008 and amendments thereto 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.

Section 1.4. VALIDITY AND SEVERABILITY CLAUSE.

If any court of competent jurisdiction shall declare any part of this ordinance to be invalid, such ruling shall not affect any other provisions of this ordinance 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. CONFLICT WITH OTHER LAWS.

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 or less 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 provision of any statute, the provision which is more restrictive or which imposes a higher standard or requirement shall apply. 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 Valley Comprehensive Plan.
2. Promote the public health, safety, morals, comfort, general welfare, and preserving the natural resources, scenic and historically significant areas of the community.
3. Help achieve greater efficiency and economy of land development by promoting the grouping of similar land uses which are compatible with each other.
4. Encourage the 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. Help insure all residential, commercial, and industrial structures as well as other types of structures will be accessible to firefighting and other emergency equipment.
6. Promote development of residential neighborhoods in which each dwelling is assured the provision of light, air, and open space.
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. Help prevent and minimize the effect of nuisance producing activities.
9. Preserve the taxable value of the land and buildings throughout the city.
10. Define the zoning powers and duties of the City Council, Planning Commission, Board of Adjustment and the Zoning Administrator.

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 zoning map shall, at a minimum, not be in conflict with the comprehensive land use plan adopted by the City Council.



ARTICLE 2. ZONING DEFINITIONS

Article 2: Zoning 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 are herein defined.

- Words used in the present tense shall include the future;
 - Singular number includes 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, limited liability company, business or corporation as well as an individual;
 - The words “used” or “occupied” include intended, designed or arranged to be used or occupied;
 - The word “lot” includes a plot or parcel and all other words or phrases used to denote an individual building site on a zoning lot that complies with this ordinance’s minimum requirements.
 - The word “includes” means including but not limited to.
1. **ACCESSORY BUILDING:** Any building that is subordinate in area, extent or purpose to the principal building on the same zoning lot or lots, 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 or lots as the principal building or use.
 3. **ADDITION:** Any construction that increases the site coverage, height, length, width, or gross floor area of a structure.
 4. **ALLEY:** A public or private thoroughfare that affords 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 bathroom facilities for each dwelling unit.
 7. **ATTACHED:** Sharing one or more common walls with the principal building, or joined to a principal building by a covered roof, porch or passageway.
 8. **BASEMENT:** That portion of a building 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 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 property area remaining for allowable buildings established by the setback distances from the front, sides and rear property lines as provided for in this ordinance.
11. **BUILDING:** A roofed structure supported by posts, columns, supports, walls or other structure and used or intended for the shelter, support, or 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 shall be deemed a separate building. The connection of two buildings by means of a roofed porch, breezeway, passageway, carport or other such structures with a roof or solid walls shall make them one building.
12. **BUILDING HEIGHT:** The vertical distance measured from the average natural grade at the building line to the highest point of the roof. Where a building or structure is situated on a lot with more than one grade or level, the measurements shall be taken from the main entrance elevation (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 side lot lines as provided in the ordinance.
14. **BUILDING WALL:** A wall of the principal building forming a part of the main structure. The foundation walls of unroofed or open porches, decks, steps, walks and retaining wall or similar structures, shall not be considered as building walls under the provisions of this ordinance.
15. **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 folding buildings, tent buildings or fully enclosed steel buildings shall not be considered a carport for the 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.
16. **CITY:** The City of Rock Valley, Iowa
17. **COMMISSION (OR PLANNING COMMISSION):** The Rock Valley Planning and Zoning Commission.
18. **CONTIGUOUS:** Being in actual contact or touching along a boundary or at a singular 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.
19. **COUNCIL:** The City Council of the City of Rock Valley, Iowa.
20. **COUNTY:** Sioux County, Iowa.
21. **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.
22. **CURB LEVEL:** The established curb grade adjacent to a lot.
23. **DECK:** A non-roofed structure open on two or more sides and projecting from a wall of the principal building. Decks higher than twelve inches above the average grade of the ground at the parameter of the deck shall be subject to required yard setbacks.
24. **DETACHED:** Fully separated from any other building or structure.
25. **DOMESTICATED ANIMALS:** Those animals that have been tamed and made fit to live in a human environment, as further defined within the Rock Valley City Code.

26. **DRIVEWAY:** A permanently paved area providing vehicular access in that area only between a road or street and an off-street parking area or structure (e.g. garage or carport).
27. **DWELLING:** Any building, or portion thereof, designed, used or intended to be occupied exclusively for residential purposes, either permanently or transiently, 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.
28. **DWELLING, SINGLE FAMILY:** A dwelling that is a detached building consisting of one housing unit arranged, designed for or occupied as the primary residence of one (1) family, having no party wall in common with an adjacent dwelling and is surrounded by open space or yards.
29. **DWELLING, TWO FAMILY:** A dwelling that is a building consisting of two housing units arranged, designed for or occupied as the primary residence of two (2) families living independently of each other in separate dwellings with separate entrances, cooking and bathroom facilities for each.
30. **DWELLING, MULTIPLE FAMILY:** A dwelling that is a building consisting of three (3) or more housing units arranged, designed for or occupied as the primary residence of three (3) or more families living independently of each other in separate dwellings with separate entrances, cooking and bathroom facilities for each unit.
31. **EASEMENT:** A grant of one or more of the property rights by a property owner to and/or for use by the public or another person or entity.
32. **ENCROACHMENT:** Any obstruction, or illegal or unauthorized intrusion in a delineated floodway, right-of-way, or on adjacent land.
33. **ENGINEER, CITY:** A duly qualified individual or firm designated by the City Council to provide engineering services.
34. **ESSENTIAL SERVICES:** The erection, construction, alteration or maintenance by developers, public utilities or governmental agencies of underground or overhead communications, electrical, wastewater, water, stormwater, or gas 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 connection with and necessary for the furnishing of adequate service by such developers, public utilities, or governmental agencies, and/or for the public health, safety or general welfare. Essential services do not include towers, devices, or other structures defined as communication services and shall not include buildings or conditional uses as established by this ordinance.
35. **ESTABLISHMENT:** An economic unit, generally at a single physical location, where business is conducted or services or industrial operations performed.
36. **FAÇADE:** The exterior walls of a building exposed to public view or that wall viewed by persons not within the building.
37. **FACTORY-BUILT STRUCTURE:** 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.

38. **FAMILY:** A person living alone, or two or more 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 in a dwelling and sharing common living, sleeping, cooking, and bathroom facilities; including not more than one additional unrelated person.
39. **FENCE:** Any artificially constructed barrier of approved fencing material or combination of materials as established in Section 15.7, and erected to enclose or screen areas of land.
40. **FLOODPLAIN:** The channel and relatively flat area adjoining the channel of a natural stream or river that has historically been or may have the potential to be covered by flood waters.
41. **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 living space or used for storage or other incidental uses.
42. **FRONTAGE:** All the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street. The frontage of a double fronted lot shall face the street upon which the property will be addressed.
43. **GARAGE:** An accessory building or portion of a building used only for the enclosed parking of or storage of one or more vehicles by the occupants of the principal building 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.
44. **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.
45. **HOME OCCUPATION:** An accessory business use or occupation conducted entirely within a dwelling or associated accessory building by the inhabitants thereof, and complies with the home occupation requirements outlined in Section 16.5 of this ordinance.
46. **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.
47. **HOUSING UNIT:** A unit that is part of a dwelling and is arranged, designed for or occupied as a primary residence of a family living independently with separate entrance, cooking and bathroom facilities.
48. **IMPERVIOUS SURFACE (OR COVERAGE):** Any material that prevents absorption of stormwater into the ground.
49. **INCIDENTAL:** Subordinate and minor in significance and bearing a reasonable relationship with the primary use.
50. **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. See also: "Junk" as defined in the Rock Valley City Code.
51. **LAND USE:** A description of how land is occupied or utilized.
52. **LANDSCAPED:** An area devoted to or developed predominantly with plant material or natural

landscape features, including lawn, ground cover, gardens, trees, shrubs, and other plant materials; and also including accessory decorative outdoor landscape elements such as pools, fountains, water features, paved or decorated surfaces or rock, stone, brick, block or similar material (excluding driveways, parking, loading, or storage areas), and sculptural elements, provided the use of brick, stone aggregate, or other inorganic materials shall not predominate over the use of natural material.

53. **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.

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

55. **LOT AREA:** The net horizontal area of land bounded by property lines and providing access to a street, but excluding any right-of-way providing access to another lot.

56. **LOT (or BUILDING) COVERAGE:** The area of a lot covered by buildings or roofed areas, excluding incidental projecting eaves and gutters and also excluding ground level paving or decks below twelve inches in height, landscaping, and open recreational facilities.

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

58. **LOT, INTERIOR:** A lot other than a corner lot.

59. **LOT, THROUGH:** An interior lot having frontage on two parallel or approximately parallel streets. Also known as a double frontage lot.

60. **LOT DEPTH:** The distance from the front lot line to the rear lot line. In the case of a lot of irregular shape, the mean depth shall be the lot depth.

61. **LOT LINES:** The lines bounding a lot.

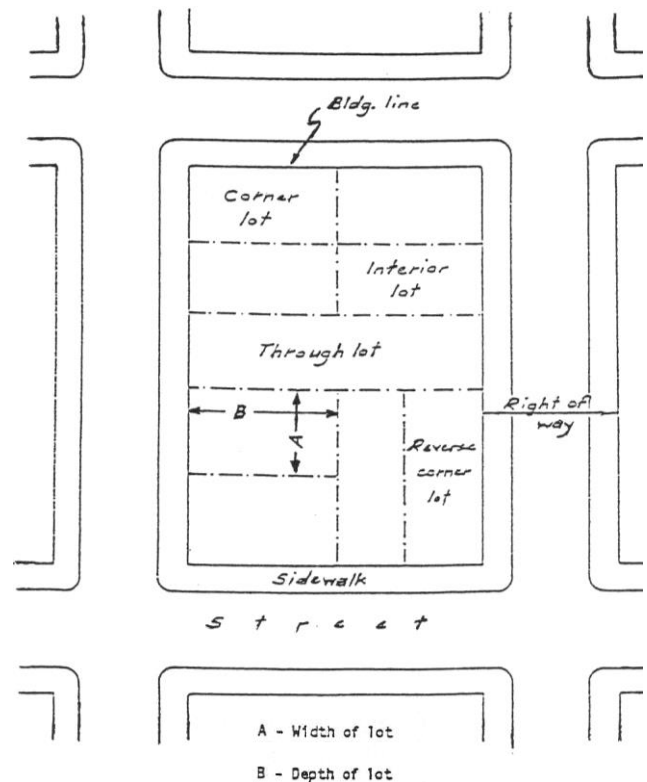
62. **LOT LINE, FRONT:** In the case of an interior lot abutting on only one street, the front lot line is the street line (the right-of-way line) of such lot. In the case of any other lot, the front lot line will be such street line as elected by the property owner to be the front lot line for purposes of this ordinance, except that on corner lots, the front lot line is considered the line adjacent to the street on which the house is addressed.

63. **LOT LINE, REAR:** That boundary line that is opposite and most distant from the front lot line.

64. **LOT LINE, SIDE:** Any boundary lines which are not a front lot line or a rear lot line.

65. **LOT OF RECORD:** A lot of which is part of a legal subdivision of the City of Rock Valley, Iowa, the plat of which has been recorded in the office of the County of Recorder; 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 Sioux County, Iowa prior to the effective date of this ordinance.

66. **LOT WIDTH:** The distance measured perpendicular between the side lot lines. In the case of a



lot of irregular shape, the mean width shall be the lot width.

67. **MANUFACTURED HOME:** A factory-built structure which is manufactured or constructed under the authority of 42 U.S.C. Sec. 5403, Federal Manufactured Home Construction and Safety Standards, which was constructed on or after June 15, 1976, and is required by Federal law to display a seal from the United States Department of Housing and Urban Development certifying that it is in compliance with the Federal Manufactured Housing Construction Act of 1974. (*Code of Iowa, Sec. 435.1*).
68. **MANUFACTURED HOME COMMUNITY:** The same as land-leased community defined in Sections 335.30A and 414.28A *Code of Iowa*. Any site, lot, field or tract of land under common ownership upon which two (2) or more occupied manufactured homes are parked and connected to utilities, either free of charge or for revenue purposes, and includes any building, structure or enclosure used or intended for use as part of the equipment of the manufactured home community (*Code of Iowa, Sec. 435.1*). 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*).
69. **MANUFACTURED HOME CONVERTED TO REAL ESTATE:** An unencumbered mobile or manufactured home which is attached to a permanent foundation on real estate owned by the manufactured home owner, and which has the vehicular frame destroyed rendering it impossible to reconvert it to a mobile manufactured home. If a manufactured home is placed in a manufactured home community or 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 of a manufactured home community or mobile home park, the home must be titled and is to be assessed and taxed as real estate (*Code of Iowa, Sec. 435.1*). With that stated, manufactured housing may be placed outside of a manufactured home community or a mobile home park if the manufactured housing unit is located on private property as part of a retailer’s or manufacturer’s stock not used as a place of human habitation; or if a taxable mobile home or manufactured housing is located outside of a manufactured housing community or mobile home park prior to January 1, 1995, it shall be assessed and taxed as real estate but is exempt from the permanent foundation requirement until the home is relocated.
70. **MANUFACTURED HOME SUBDIVISION:** A subdivision designed according to the Rock Valley Subdivision Regulations Ordinance, and designed only for the location of manufactured homes on lots owned by the manufactured home owner.
71. **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. A mobile home means any such vehicle built before June 15, 1976, which was not built to a mandatory building code and which contains no State or Federal seals. (*Code of Iowa, Sec. 435.1*) All mobile homes shall be located within a mobile home park.

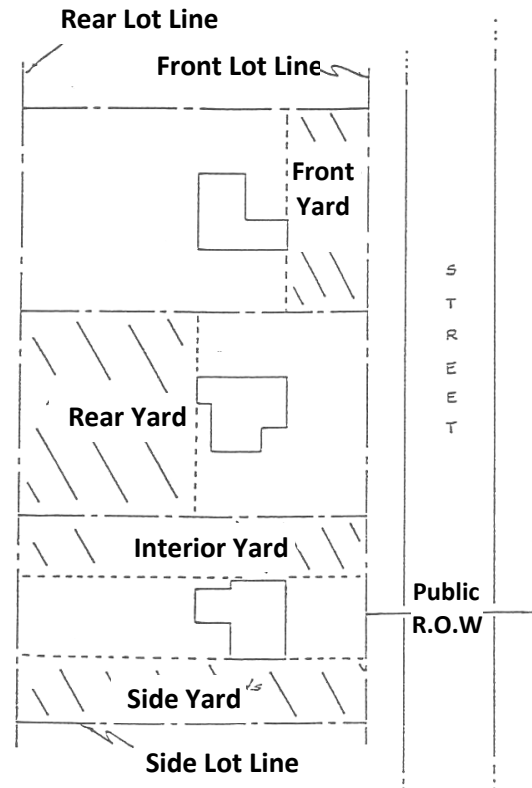
72. **MOBILE HOME PARK:** Any site, lot, field or tract of land upon which three (3) or more occupied mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer, or septic, and electrical services available. (*Code of Iowa, Sec. 435.1*).
73. **MODULAR HOME:** A factory-built structure 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 is to be assessed and taxed as real estate. (*Code of Iowa, Sec. 435.1*)
74. **NONCONFORMING LOT (OR SUBSTANDARD LOT):** A lot of record that does not comply with applicable minimum area, width, or depth requirements for the zoning district in which it is located, but which previously complied or was conforming with applicable requirements when it was placed on record prior to the enactment of this zoning ordinance.
75. **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 this zoning ordinance, but which fails to conform to present requirements of the zoning district.
76. **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.
77. **OCCUPANCY (or OCCUPIED):** The residing of a person or group of individuals overnight in a housing unit; or the storage or use of equipment, merchandise, or machinery in any principal building. A change of occupancy is not intended to include a change of tenants or proprietors.
78. **OPEN SPACE (GREENSPACE):** Any parcel or area of land or water 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 areas are not occupied by any structures or impervious surfaces.
79. **PARKING AREA:** An area on a lot or lots within a building, or both, including one or more parking spaces together with driveways, aisles, turning and maneuvering areas, clearances, and similar features, and meeting the requirements established by this ordinance. Parking areas shall include parking lots, garages, and parking structures.
80. **PARKING LOT:** An off-street, ground level open area surfaced for the temporary storage of motor vehicles. *See also: PARKING AREA.*
81. **PARKING SPACE:** An area, enclosed or unenclosed, having not less than two hundred square feet (200 sq.ft.) plus necessary maneuvering space for the parking of a motor vehicle, and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for vehicles. By definition, driveways for one or more housing units may be considered as parking spaces.
82. **PERMANENT FOUNDATION:** A permanent frost-free foundation system meets the support and anchorage requirements as recommended by the manufacturer or required by the State Building Code.
83. **PORCH, OPEN:** A roofed structure, open or screened 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 zoning permit.

84. **PRINCIPAL BUILDING:** A building in which the primary use of the lot or parcel is conducted.
85. **PRIVATE PARKING LOT (OR AREA):** A parking lot or area for the exclusive use of the owners, tenants, lessees or occupants of the lot or lots on which the parking lot or area is located or their customers, employees, or whomever else they permit to use the parking area.
86. **PROHIBITED USE:** Any use not permitted by right or by conditional use in a zoning district.
87. **PROPERTY:** A lot, parcel, or tract of land together with any buildings and structures located thereon.
88. **PUBLIC NOTICE:** A publication of the time and place of any public hearing not less than four (4) or not more than twenty (20) days prior to the date of said hearing in one newspaper of general circulation in the city. In the instances of publications amending or adopting changes to this zoning ordinance, the public notice notification period is not less than seven (7) or not more than twenty (20) days prior to the date of said public hearing.
89. **RECREATIONAL VEHICLE:** A vehicle or structure so designed and constructed in such a manner as will permit temporary occupancy for one or more persons, or for sporting or recreational purposes; and as further defined in the Rock Valley Municipal Code. A recreational vehicle may include or be used for, but not limited to, vacationing, recreational purposes, travel trailers, pick-up campers, camping trailers, motor coaches, converted trucks or buses, boats and trailers, snowmobiles, off-road vehicles, ATVs, jet skis, etc.
90. **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.
91. **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.
92. **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 basis of an intended tenure of one month or more.
93. **RIGHT-OF-WAY 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.
94. **ROOMS, HABITABLE:** A room which provides the required area and window area to provide necessary light and ventilation of occupants, and shall be clean and sanitary at all times.
95. **SETBACK:** The required distance between any lot line and the exterior building walls or structures of any building or deck more than 12" above grade.
96. **SETBACK LINE:** A line within a lot parallel to and measured from a corresponding lot line, forming the boundary of a required yard and defining that minimum distance between the building and lot line where buildings and structures may not be placed.
97. **SIGHT TRIANGLE:** An area forming a triangle bounded by the street right of way lines or lot lines of a corner lot and a straight line joining points on the curb line thirty-five feet (35') from the point of intersection of the right-of-way or lot lines.
98. **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.

99. **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.
100. **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.
101. **SPRAWL:** Uncontrolled growth, usually of a low-density nature, in previously rural areas and some distance from existing development and infrastructure.
102. **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.
103. **STREET:** A public or private thoroughfare that affords the primary means of access to abutting property.
104. **STREET LINE:** The dividing line between a lot, tract or parcel of land and a contiguous road, street, or alley.
105. **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. Structures include, but are not limited to buildings, mobile homes, billboards, decks, and carports. Attached uncovered steps and planters are not considered structures.
106. **TEMPORARY STRUCTURE:** A structure without any foundation or footings, or permanently attached to the ground, and is removed when the designated time period, activity, or use has ceased.
107. **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 lot or building.
 - b. Permitted Use: Any use permitted as a matter of right when conducted in accord 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 principal use or building.
108. **UTILITY:** A utility owned and operated by the City of Rock Valley, Iowa or any private utility franchised by the City of Rock Valley.
109. **VACANCY:** Any unoccupied land, structure, or part thereof available or suitable for occupancy.
110. **VALUATION:** One hundred percent (100%) valuation of a building or structure, as determined by the Sioux County Assessor.
111. **VARIANCE:** The 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 results of actions of the applicant, a literal enforcement of the zoning regulations would result in an unnecessary and undue hardship and as further defined in Article 25 of this ordinance.
112. **YARD:** Any open space on the same lot adjoining a lot line.
- a. Front Yard: An area of yard extending across the full width of a lot and measured between

the front lot line and the nearest principal building wall or other supporting element thereof, other than the projection of typical steps and gutters. In the case of corner lots, the front yard shall be considered as the yard adjacent to the street where the principal building has its main entrance.

- b. **Interior Yard:** An 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 or other supporting element other than steps or gutters, 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. In the case of a corner lot, the street side yard shall extend from the front yard to the rear lot line.



- 113. **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.
- 114. **ZONING:** The delineation of districts and the establishment of regulations governing the use, placement, spacing, and size of land and buildings.
- 115. **ZONING ADMINISTRATOR:** The person or firm appointed by the City Council to administer and ensure compliance with the provisions of this zoning ordinance and to issue zoning permits.
- 116. **ZONING DISTRICT:** A designated land classification, within which all building sites are subject to a unified group of use and site development regulations set forth in this zoning ordinance.
- 117. **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 the zoning district it is located in; and can provide such yard area and open spaces that are required by the site development regulations.
- 118. **ZONING MAP:** An ordinance in map form adopted by the City Council that conclusively shows the location of zoning district boundaries, proposed streets, public areas, and other data referencing the distinction and separation of zoned land uses.
- 119. **ZONING PERMIT:** A permit issued and enforced by the Zoning Administrator as required in this ordinance, 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 or authorized variance.

Section 2.2. SPECIFIC LAND USE DEFINITIONS.

The purpose of the land use definitions shall be to provide a consistent set of terms encompassing and defining 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 24.3. In making such determinations, the Zoning Administrator shall consider the characteristics of the use in question, and consider any functional, product, service, or physical requirements common with or similar to uses cited as examples of land use definitions.

2.2.1. AGRICULTURAL & CONSERVATION LAND USE DEFINITIONS.

Agricultural uses include the 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 may alter the ecological integrity, balance or character of the site.

1. *Animal Production*: The care and breeding of domestic animals, cattle, swine, poultry, horses, sheep, goats or other similar animals.
2. *Commercial Farm Operation*: An area that is used for the growing of the usual farm products and/or the raising of usual livestock as defined by the Rock Valley Municipal Code. Typical uses include but not limited to grazing, ranching, dairy farming, poultry farming, and the raising of fur bearing animals. It is unlawful for a person to keep livestock within the city except by written consent of the City Council.
3. *Critical Area*: A critical area is a natural feature in need of preservation from encroaching land uses. Such areas may include sensitive or prime agricultural soils as defined by the Natural Resource Conservation Service, areas of excessive slope, natural marshes, 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 which is 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 shall be secondary to the primary farming activities. The terms "farm" or "farming" does not mean commercial animal or poultry 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 any 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 plants flowers, shrubs, or trees intended for ornamental or landscaping purposes, but excluding retail sales. Typical uses include

but are not limited to wholesale plant nurseries and greenhouses.

9. *Residential Animal Raising (Recreational)*: The keeping of animals only on a non-commercial, non-profit basis. It is unlawful for a person to keep livestock within the city except by written consent of the City Council. This does not limit the keeping or incidental raising of customary or ordinary domesticated pets.
10. *Stables*: Boarding, breeding or raising of horses not owned by the occupants of the property 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. It is unlawful for a person to keep livestock within the city except by written consent of the City Council.
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/Preserve*: 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 a primarily non-transient basis or institutional living basis, but excluding those providing forced residence such as prisons or detention centers.

1. *Apartment*: A structure containing three (3) or more housing units with private bath and kitchen facilities comprising a series of independent, self-contained housing units in a single building.
See also: Multiple Family Residential
2. *Condominium Residential*: The use of a site for three (3) or more multiple family residential housing units intended for separate ownership, together with common area serving all of the housing units; whereas the structure, common areas and facilities are owned by all of the owners on a proportional, undivided basis.
3. *Family Home (as per Chapter 414.22 Iowa Code)*: A community based residential home which is licensed as a residential care facility under Chapter 135C, Iowa Code, or as a child foster care facility under Chapter 237, 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.
4. *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 are not limited to fraternity or sorority houses, dormitories, or residence halls.
5. *Guest House*: A guest house is a separate accessory structure or portion thereof which is used by members of the family residing in the primary dwelling or for non-paying guests or employees on the property. A Guest House shall be a temporary place of residence and shall not be used for boarders. Although this zoning ordinance only permits one single family dwelling per property, the Guest House is a special exception to this rule.
6. *Mobile Home or Manufactured Housing*: The residential occupancy of mobile homes or manufactured housing by families 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.

7. *Multiple Family Residential*: The use of a site for three (3) or more housing units, within one or more buildings.
8. *Personal Recreational Facilities (as an accessory use to residential uses)*: Recreational uses and facilities provided as an accessory use on the same lot as the principal use and intended to be used primarily by the occupants of the principal use and their guests. Such facilities may include but not limited to swimming pools, trampolines, play equipment, swings and slides.
9. *Relocated Residential*: An existing, previously inhabited residential structure intended for occupancy, which is moved into the community from a location outside of Rock Valley, or an existing residential dwelling relocated from another location from within the community to a new residential site. A relocated residential dwelling does not include the moving of a new manufactured, modular or mobile home into the city. Relocated residential properties shall submit a route plan, photographs of the building to be moved, and a house mover permit and zoning permit prior to moving a building or structure into Rock Valley. Such relocated dwellings shall also obtain a house mover permit in accordance with Chapter 123 of the Rock Valley Code.
10. *Residential Convenience Service*: A use or activity of a commercial nature conducted as an accessory use to multiple family residential, mobile home park or manufactured housing community uses, and intended solely for the convenience of residents thereof. Typical uses may be permitted by conditional use within the above mentioned districts and include but are not limited to eatery, café, health club, barbershop/stylist, post office substation, or other appropriate and incidental uses as determined by the Board of Adjustment.
11. *Residential Healthcare Facilities*: Includes residential care services, intermediate care facility or skilled nursing home.
 - a. *Residential Care Services*: A use, other than a hospital, nursing 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. These facilities are sometimes combined with other types of housing such as congregate housing or senior housing.
 - c. *Nursing or Convalescent Facility*: 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 facilities for the insane, mental or contagious persons.
12. *Single Family Residential*: The use of a site for only one (1) single family housing unit.
13. *Townhouse Residential*: The use of a site for three (3) or more housing units, constructed with common or adjacent fire-resistant walls; each located on a separate parcel within the total development site.
14. *Two Family Residential (also duplex or twin home)*: The use of a site for two (2) housing units within a single building separated from each other by a vertical common wall, and located on a single lot or parcel.

2.2.3. COMMERCIAL LAND USE DEFINITIONS.

Commercial uses 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 and professional offices including real estate, insurance, lawyers, engineers, architects, property management, investment, personnel, travel, secretarial, telemarketing, photocopying, etc.
2. *Agricultural Sales and Services*: 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 are 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 are 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 are 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, recreation vehicles, and trucks. Typical uses include but are not limited to auto laundries, car washes, or truck washes. Does not include large truck cleanouts or wash outs.
7. *Bar*: Any use, building or facility engaged in the serving or retail sales of alcoholic beverages for consumption on the premises. Typical uses include but are not limited to cocktail lounges, taverns, night clubs and similar uses.
8. *Building Maintenance Services*: Establishments primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include but are not limited to janitorial, landscape maintenance, or window cleaning services.
9. *Business Support Services*: Establishments or businesses primarily engaged in the sale, rental or repair of equipment and supplies used by office, professional and service establishments; but exclude automotive, construction and farm equipment. Typical uses include but are not limited to office equipment, machine repair or hotel equipment and supply.
10. *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.
11. *Commercial Auction Yards and Barns*: A place or structure where primarily, but not exclusively, livestock, fowl, poultry, other animals, and hay or other agricultural commodities are offered for sale 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.
 - a. *Indoor Entertainment and Recreation*: Uses conducted within an enclosed building. Typical uses include but are not limited to bowling alleys, billiard parlors, ice and roller skating rinks, arcades, motion picture theatres, dance halls, etc.
 - b. *Outdoor Entertainment and Recreation*: Uses conducted in open, partially enclosed or screened facilities. Typical uses include but are not limited to sporting arenas, pools, tennis or racquetball courts, racing/go-kart track, amusement park, drive-in theatre, 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 are not limited to telecommunication services; radio, television, cellular and other similar receiving 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; and whereas the 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, rented, leased or sub-let indoor storage of RVs, boats, watercrafts, snowmobiles, motorcycles, automobiles, antiques, toys, trailers, record storage or other similar uses. Condominium storage must be designed in a way that each unit maintains a separate entrance. Condominium storage units shall not be used to conduct business or be the location for any business, establishment or occupation.
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 are 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 are not limited to appliance repair, watch/jewelry repair, computer repair or 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 are not limited to mini-storage.
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 similar heavy equipment. Typical uses include but are not limited to truck repair 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 are 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 are 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 and arranging and managing funerals. Typical uses include but are 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 are not limited to department stores, apparel stores, furniture stores, grocery stores, meat markets, retail bakeries, delis, café's, or establishments providing the following products or services: household cleaning and maintenance products; drugs, cards, 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 (excluding service and installation)
25. *Golf Course*: Land area and buildings containing golf courses and incidental associated uses such as club house, restaurant and lounge, swimming pool, tennis courts, etc.
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. Additionally, this definition includes those support or accessory commercial & retail uses located within the same building as the principal hospital or medical use.
27. *Kenel, public*: Any establishment in which dogs, cats or the usual domesticated animals at least six months of age are housed, groomed, bred, boarded, trained, or sold for business purposes and for a fee or compensation. Typical uses include but are not limited to boarding kennels, pet motels, dog training centers, or private in-home animal breeding for profit.
28. *Kenel, private*: A structure including a fenced-in area or series of enclosures intended for the keeping, housing and general care of the usual domesticated and household animals, not including livestock, at least six months of age; and where no fee or compensation is received.
29. *Laundry Sales*: Establishments primarily engaged in the provision of laundering, dry cleaning, or dyeing services other than those classified as Personal Services. Typical uses include but are not limited to bulk laundry and cleaning facilities, diaper services, or linen supply services.
30. *Liquor Sales*: Establishments or places of business engaged in retail sale for consumption off the premises of alcoholic beverages. Typical uses include but are not limited to liquor stores, bottle shops, or any licensed sales for off-site consumption.
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 are not limited to photography studios, driving schools, health or physical fitness studios, dance studios, or 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 are not

limited to beauty and barbershops, tailor, shoe repair, laundromat, apparel services, tanning, tattoo parlors, piercing studios or massage parlors.

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 are not limited to pet stores, animal bathing facilities, or pet grooming shops.
35. *Restaurant*: A use engaged in the preparation and retail sales of food and beverages, including sale of alcoholic beverages when conducted as an accessory or secondary feature and producing less than 50 percent of the gross income. A restaurant may include live entertainment. Typical uses include but are not limited to restaurants, bar & grills, sandwich shops, cafes, coffee shops, and other similar establishments.
36. *Service Station*: Any building or property used for the retail sale of fuel, lubricants, parts and accessories, and incidental services to motor vehicles, but not for the purpose of making other than minor repairs. When the dispensing or retail sale of products becomes incidental to the conduct of a commercial garage, the property shall be classified as an Automotive Repair Service.
37. *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 are not limited to storage of private parking lots, paid long term storage lots, tow-a-ways or impound yards, but excludes dismantling or salvage.
38. *Veterinary Services*: Veterinary services for animals. Typical uses include but are not limited to pet clinics, dog and cat hospitals, and veterinary hospitals.
39. *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 are not limited to campgrounds or recreational vehicle parks.
 - b. *Hotel or 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 or motel may include a swimming pool, restaurant, conference rooms, management office and quarters for personnel.
 - c. *Bed & Breakfast Inn*: A private, owner-occupied residential dwelling unit, or portion thereof where short term lodging and meals are provided for guests for rent to the general public. In any residential district, the only meal to be provided to guests is breakfast and it shall only be served to those taking lodging in the facility. Individual units designed as rentals shall contain no cooking facilities.
 - d. *Boarding House*: A building other than a hotel or motel where, for compensation, lodging is provided on a temporary basis. Furthermore, any dwelling, whether single family or multifamily residential, which is rented on a weekly or daily basis or any number of days less than on a monthly basis shall be considered a Boarding House by definition.
40. *Wind Energy Device*: Any device such as a wind charger, windmill, wind turbine or wind generator which converts wind energy to a form of useable energy.

2.2.4. INDUSTRIAL LAND USE DEFINITIONS.

Industrial uses include the on-site extraction or production of goods by methods not agricultural, and the 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, glass blowing 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, of finished products or parts, including 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*: A rail transportation use of which may include but are 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 include but are 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 are not limited to automotive scarp or storage yards, junk or salvage yards.
14. *Stockyards*: Services or place of business involving the temporary keeping of livestock for slaughter, market or shipping. Typical uses include but are not limited to animal stockyards or animal sales establishments. This definition does not include a meat market or meat locker which may include the incidental slaughter of animals for packaging and retail sale.
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 are 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 are not limited to grain elevators or open storage yards.

2.2.5. CIVIC AND PUBLIC LAND USE DEFINITIONS.

Civic uses include the performance of utility, educational, recreational, cultural, medical, public safety, governmental, and other uses which are 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 association, primarily for use by members and guests.
4. *Cultural Services*: A library, museum, art gallery, or similar nonprofit use affording display, preservation and 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 specified by the State of Iowa. This term may include day care centers for children or adults, and similar respite type uses.
6. *Detention Facilities*: Any use providing housing and care for individuals confined by law.
7. *Educational Facilities*: Any public, private, or parochial school offering educational instruction.
8. *Government/Public Services*: Offices, administrative, clerical, governmental, or public services that deal directly with the citizen. Typical uses include but are not limited to federal, state, county, and city offices, postal facilities, or other organizations directly benefiting the general public.
9. *Local Utility Services*: Essential services which are necessary to support principal development and involve only minor structures such as lines and poles.
10. *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

11. *Military Installations*: Military facilities of federal or state governments.
12. *Park and Recreation Services*: Publicly owned and operated parks, playgrounds, open spaces, and swimming pools.
13. *Pre-Kindergarten, Preschool, or Nursery School*: An establishment enrolling children where tuition or other forms of compensation for the care of children is charged, and which is licensed or approved to operate as an educational facility for children.
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 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 3. ZONING DISTRICTS ESTABLISHED

Article 3: Zoning Districts Established

- Section 3.1. Zoning Districts Map
- 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. Zoning of Annexed Lands
- Section 3.6. General Regulations

Section 3.1. ZONING DISTRICTS MAP.

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 Commission and enacted by the City Council. For the purpose and intent of this ordinance the City of Rock Valley, Iowa, is hereby divided into zoning districts or zones as follows:

- AG Agricultural District
- CN Conservation District
- R-1 Single Family Residential District
- R-2 Multi-Family Residential District
- R-3 Suburban Residential
- R-4 Mobile Home District
- C-1 General Commercial District
- C-2 Arterial Commercial District
- I-1 Light Industrial District
- I-2 Heavy Industrial District

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 Valley, 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 an ordinance amending this 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 Sioux County Recorder 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 map, together with amending ordinances, shall be the final authority as to the current zoning status of land areas, buildings, and other structures in the city.

The official zoning map shall be on file in a convenient place in the municipal office of the City of Rock Valley and all references hereafter to said official map described herein above. In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of use or the nature of number of changes and additions, the City Council may, by resolution, adopt a new official zoning map which shall supersede the prior zoning map. The new official zoning map may

correct drafting or other errors or omissions in the prior map, but no such corrections shall have the effect of amending the original official zoning map or any subsequent amendments thereof.

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 lined or railroad rights-of-way shall be construed to at the center the tracks or the center of the right-of-way.
6. Boundaries indicated as approximately following the center line of streams, rivers, canals, lakes 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 1-6 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 henceforth be subject to all appropriate regulations of the extended district.

Section 3.5. ZONING OF ANNEXED LANDS.

Any land annexed into the City of Rock Valley, after the effective date of this ordinance shall be automatically assigned the (AG) Agriculture District. All newly annexed lands shall remain such zoning classification until such time the annexed land may be reviewed by the Planning and Zoning Commission and the Commission make a recommendation of which zoning district shall be most applicable to the annexed land. The City Council shall then make the determination of the zoning classification that best depicts the city's zoning based on the current use of the land.

Section 3.6. GENERAL REGULATIONS.

Except as herein provided:

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

2. The principal building on a lot shall front on a street or public place.
3. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum required by this ordinance. No 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 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 building wall or supporting structural elements of the 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 or structure erected or structurally altered, after the effective date of this ordinance, shall be located on a lot or parcel as herein defined by this ordinance.
7. In no case shall there be more than one (1) single family dwelling located upon one (1) lot unless otherwise permitted by this ordinance.
8. Any portion of a building that is covered by a roof shall be considered a part of the building.
9. No building shall be erected or structurally altered to the extent specifically provided hereinafter except in conformity with the off-street parking and loading regulations of this ordinance.

These regulations shall be required in addition to any applicable federal, state and city health and building regulations.



ARTICLE 4. AG - AGRICULTURE DISTRICT

Article 4: Agriculture District

- Section 4.1. Intent
- Section 4.2. Principal Permitted Uses
- Section 4.3. Conditional Uses
- Section 4.4. 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 as to ensure the orderly and beneficial conversion of these lands to nonagricultural use. However, those uses which are deemed unreasonably offensive to the surrounding area or to the community by reasons of noise, dust, smoke, odor, traffic, physical appearance or other similar factors are not permitted.

Section 4.2. PRINCIPAL PERMITTED USES.

Within the (AG) Agricultural District, unless otherwise provided, only the following uses, buildings or structures shall be permitted by right.

Agriculture/Conservation Uses	Residential Uses	Civic Uses
Critical Area Crop production Farm Farm Dwelling, Principal Farm Dwelling, Support Housing Horticulture Residential Animal Raising Stables Undeveloped/Unimproved Land Water Control, Irrigation or Retention Basins Wildlife Management Areas	Single Family Residential - When it is only the owner or renter of a farm or associated with agricultural purposes.	Cemetery Government/Public Services Local Utility Services Park and Recreation Services

Section 4.3. CONDITIONAL USES:

Certain uses may be permitted in the (AG) Agricultural District subject to specific conditions and requirements as outlined and approved by the Board of Adjustment intending to make them compatible with and acceptable to adjacent uses.

Agriculture/Conservation Uses	Residential Uses	Industrial Uses
Animal Production - It is unlawful to keep livestock within the city except by written consent of the City Council Commercial Farm Operation	Relocated Residential - When it is the owner or renter of a farm or associated with agricultural purposes.	Resource Extraction Fertilizer or Chemical Storage Fuel Storage
Commercial Uses		Civic Uses
Communication Services (<i>See Section 16.10</i>) Kennel, public Outdoor Entertainment and Recreation Wind Energy Device (<i>See Section 16.11</i>)		Aviation Facilities Major Utility Facilities Religious Assembly Safety Services

Section 4.4. PERMITTED ACCESSORY USES.

Permitted accessory uses shall not be the principal structure on any lot, and accessory uses are to remain incidental and secondary in size, use, and nature to the principal permitted use. Accessory uses shall also comply the provisions of Section 16.2. The following accessory uses and structures shall be permitted.

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.
Communication services and other devices or structures intended for commercial use are considered a conditional use and shall comply with the provisions of Section 16.10.
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 16.5.
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 16.4.
11. Accessory uses and buildings customarily incidental and subordinate to the permitted uses and structures.

Section 4.5. SITE DEVELOPMENT REGULATIONS.

The following requirements shall be provided for light and open space around permitted and conditional uses, buildings and structures in the (AG) Agricultural District, and subject to the Supplemental District Regulations.

Lot Area -	1 acre - minimum lot area
Lot Width -	150 feet - minimum lot width
Front Yard -	50 feet - minimum required setback
Rear Yard -	50 feet - minimum required setback
Side Yard -	25 feet - minimum required setback
Street Side Yard (Corner Lot) -	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 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 Residential Dwelling Standards outlined in Section 16.7.

Section 4.6. OFF-STREET PARKING.

Off-street parking and loading requirements shall be required for activities in the (AG) Agricultural District in accordance with the provisions of Article 17 of this ordinance.

Section 4.7. SIGN REGULATIONS.

Sign regulations shall be required for activities in the (AG) Agricultural District in accordance with the provisions of Article 18 of the ordinance.

Section 4.8. ZONING PERMITS REQUIRED.

Zoning permits shall be required in accordance with the provisions of Section 21.3 of this ordinance.



ARTICLE 5. CN - CONSERVATION DISTRICT

Article 5: Conservation District

- Section 5.1. Intent
- Section 5.2. Principal Permitted Uses
- Section 5.3. Conditional Uses
- Section 5.4. Special Conditions
- Section 5.5. Accessory Uses
- Section 5.6. Site Development Regulations
- Section 5.7. Off-Street Parking
- Section 5.8. Sign Regulations
- Section 5.9. Zoning Permits Required

Section 5.1. INTENT.

The intent of the Conservation District is to provide for water quality and conservation, protection of wildlife habitat, protect erosion control, protect natural drainage ways and to generally provide for ecologically sound land use of environmentally sensitive areas that can be considered critical areas, or otherwise best suited as buffers between land uses and not suitable for structural developments. This district is also intended to prevent, in those areas which are subject to periodic or potential flooding, such development as would result in a hazard to health or safety or be otherwise incompatible with the public welfare.

Section 5.2. PRINCIPAL PERMITTED USES.

Within the (CN) Conservation District, unless otherwise provided, only the following uses, buildings or structures shall be permitted by right.

Agriculture/Conservation Uses	Civic Uses
Critical Area Crop Production Floodplain or marshlands Undeveloped/Unimproved Land Water Control Structures, Irrigation, or Retention Basins Wildlife Management Area/Preserve	Local Utility Services Park and Recreation Services

Section 5.3. CONDITIONAL USES.

Certain uses may be permitted in the (CN) Conservation district subject to specific conditions and requirements as outlined and approved by the Board of Adjustment intending to make them compatible with and acceptable to adjacent uses.

Agricultural/Conservation Uses	Commercial Uses	Civic Uses
Farm Horticulture	Communication Services <i>(See Section 16.10)</i> Wind Energy Devices <i>(See Section 16.11)</i>	Government/Public Services Major Utility Facilities

Section 5.4. SPECIAL CONDITIONS.

Along critical portions of major water courses, certain minimum requirements shall be established within the (CN) Conservation district. These minimum requirements include no development allowed within the floodway of any water course, excluding bridges, elevated roadways, open space parks and flood control levees. Nor shall land so zoned be used to meet side or rear yard requirements of other zoning districts herein.

Section 5.5. PERMITTED ACCESSORY USES.

Permitted accessory uses shall not be the principal structure on any lot, and accessory uses are to remain incidental and secondary in size, use, and nature to the principal permitted use. Accessory uses shall also comply the provisions of Section 16.2. The following accessory uses and structures shall be permitted.

1. Essential Services.
2. Agricultural or recreational buildings or structures which will not adversely affect the area and the value would not be impaired by being flooded, exclusive of dwelling units.
3. Parking lots.
4. Temporary buildings for uses incidental to construction, in which buildings shall be removed upon the completion or abandonment of construction, and in compliance with Section 16.4.
5. Accessory uses and structures customarily incidental and subordinate to the permitted uses, as approved by the Zoning Administrator.

Section 5.6. SITE DEVELOPMENT REGULATIONS.

The following requirements shall be provided for light and open space around permitted and conditional uses, buildings and structures in the (CN) Conservation district, and subject to the Supplemental District Regulations.

Lot Area -	No minimum lot area
Lot Width -	No minimum lot width
Front Yard -	50 feet - minimum required setback
Rear Yard -	50 feet - minimum required setback
Side Yard -	25 feet - minimum required setback
Street Side Yard (Corner Lot) -	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.
Building Coverage -	10 percent of the lot area – maximum coverage
Impervious Coverage -	25 percent of the lot area – maximum coverage
Green Open Space -	75 percent of the lot area – minimum coverage

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 requirements.

Section 5.7. OFF-STREET PARKING.

Off-street parking and loading requirements shall be required for activities in the (CN) Conservation District in accordance with the provisions of Article 17 of this ordinance.

SECTION 5.8. SIGN REGULATIONS.

Sign regulations shall be required for activities in the (CN) Conservation District in accordance with the provisions of Article 18 of the ordinance.

SECTION 5.9. ZONING PERMITS REQUIRED.

Zoning permits shall be required in accordance with the provisions of Section 21.3 of this ordinance.



ARTICLE 6. R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

Article 6: Single Family Residential District

- Section 6.1. Intent
- Section 6.2. Principal Permitted Uses
- Section 6.3. Conditional Uses
- Section 6.4. 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 Single Family Residential district is to provide for low density residential development with a limited number of institutional or civic and recreational facilities permitted.

Section 6.2. PRINCIPAL PERMITTED USES.

Within the (R-1) Single Family Residential district, unless otherwise provided, only the following uses, buildings or structures 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

Section 6.3. CONDITIONAL USES.

Certain uses 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 intending to make them compatible with and acceptable to adjacent uses.

Residential Uses	Civic Uses	Commercial Uses
Accessory Buildings on separate lots (<i>in compliance with Section 16.2.5</i>) Mobile/Manufactured Housing (<i>only if it is located on a permanent foundation</i>) Nursing or Convalescent Facility Relocated Residential Residential Care Services Townhouse Residential	Cemetery Cultural Facilities Daycare Center Educational Facilities Major Utility Facilities Pre-Kindergarten, Preschool or Nursery School Park and Recreation Services Religious Assembly Safety Services	Bed & Breakfast Inn Boarding House Communication Services (<i>See Section 16.10</i>) Funeral Services Golf Course

Section 6.4. PERMITTED ACCESSORY USES.

Permitted accessory uses shall not be the principal structure on any lot, and accessory uses are to remain incidental and secondary in size, use, and nature to the principal permitted use. Accessory uses shall also comply the provisions of Section 16.2. The following accessory uses and structures shall be permitted.

1. Essential services
2. Private garages or carports.
3. Parking lots
4. Personal recreational facilities for use by residents
5. Patios, cabanas, porches, gazebos, and incidental household storage buildings
6. Personal greenhouses, not operated for commercial purposes
7. Radio, television, satellite dish, and other similar receiving antennas for personal use.
Communication services and other devices or structures intended for commercial use are considered a conditional use and shall comply with the provisions of Section 16.10.
8. Solar collectors
9. Home occupations, in compliance with Section 16.5.
10. The keeping of dogs or other domesticated animals in a private kennel.
11. Temporary buildings for uses incidental to construction, in which buildings shall be removed upon the completion or abandonment of construction, and in compliance with Section 16.4.
12. Accessory uses and structures determined by the Zoning Administrator to be appropriate, incidental, and subordinate to principal permitted and conditional uses and structures.

Section 6.5. SITE DEVELOPMENT REGULATIONS.

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

Lot Area -	Single Family dwelling 8,000 sq. ft. - minimum lot area All other uses 12,000 sq. ft. - minimum lot area
Lot Width -	70 feet - minimum lot width, except entry points in cul-de-sacs
Front Yard -	25 feet - minimum required setback
Rear Yard -	25 feet - minimum required setback
Side Yard -	6 feet - minimum required setback
Street Side Yard (Corner Lot) -	25 feet - minimum required setback
Height -	35 feet maximum height provided 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) dwelling unit per lot, except for two family or multiple family residential.

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 Residential Dwelling Standards outlined in Section 16.7. 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

Section 6.6. 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 17 of this ordinance.

SECTION 6.7. SIGN REGULATIONS.

Sign regulations shall be required for activities in the (R-1) Single Family Residential district in accordance with the provisions of Article 18 of this ordinance.

SECTION 6.8. ZONING PERMITS REQUIRED.

Zoning permits shall be required in accordance with the provisions of Section 21.3 of this ordinance.

ARTICLE 7. R-2 MULTIPLE FAMILY RESIDENTIAL DISTRICT

Article 7: Multi-Family Residential District

- Section 7.1. Intent
- Section 7.2. Principal Permitted Uses
- Section 7.3. Conditional Uses
- Section 7.4. Accessory Uses
- Section 7.5. Site Development Regulations
- Section 7.6. Off-Street Parking
- Section 7.7. Sign Regulations
- Section 7.8. Zoning Permits Required

Section 7.1. INTENT.

The intent of the Multiple Family Residential district is to provide for a variety of multiple family residential 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 uses in those areas of the community compatible in character and density with the multiple family residential environment.

Section 7.2. PRINCIPAL PERMITTED USES.

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

Residential Uses	Civic Uses	Commercial Uses
Apartment Assisted Living Facility Condominium Residential Cottage Family Home Group Residential Multiple Family Residential Nursing or Convalescent Facility Residential Care Services Single Family Residential Townhouse Residential Two Family Residential	Governmental/Public Services Local Utility Services Park and Recreation Services Religious Assembly	Bed & Breakfast Inn Hospital Services Medical Clinics/Offices

Section 7.3. CONDITIONAL USES.

Certain uses 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 intending to make them compatible with and acceptable to adjacent uses.

Residential Uses	Civic Uses	Commercial Uses
Accessory Buildings on separate lots (<i>in compliance with Section 16.2.5</i>) Relocated Residential	Cultural Services Daycare Center Educational Facilities Major Utility Services Pre-Kindergarten, Preschool or Nursery Schools Safety Services	Boarding House Communication Services (<i>See Section 16.10</i>) Funeral Services

Section 7.4. PERMITTED ACCESSORY USES.

Permitted accessory uses shall not be the principal structure on any lot, and accessory uses are to remain incidental and secondary in size, use, and nature to the principal permitted use. Accessory uses shall also comply the provisions of Section 16.2. The following accessory uses and structures shall be permitted.

1. Essential services
2. Private garages or carports.
3. Parking lots
4. Personal recreational facilities for use by the principal occupants
5. Patios, cabanas, porches, gazebos, and incidental household storage buildings
6. Personal greenhouses, not operated for commercial purposes
7. Residential convenience services
8. Radio, television, satellite dish, and other similar receiving antennas for personal use.
Communication services and other devices or structures intended for commercial use are considered a conditional use and shall comply with the provisions of Section 16.10.
9. Solar collectors
10. Home occupations, in compliance with Section 16.5.
11. The keeping of dogs or other domesticated animals in private kennels.
12. Temporary buildings for uses incidental to construction, in which buildings shall be removed upon the completion or abandonment of construction, and in compliance with Section 16.4.
13. Accessory uses and structures determined by the Zoning Administrator to be appropriate, incidental, and subordinate to principal permitted and conditional uses and structures.

Section 7.5. SITE DEVELOPMENT REGULATIONS.

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

Lot Area -	All dwellings	10,000 sq. ft. - minimum lot area +1,500 sq. ft. for each additional dwelling unit in excess of two dwelling units
	All other uses	10,000 sq. ft. - minimum lot area
Lot Width -		100 feet - minimum lot width, except entry points in cul-de-sacs

Front Yard -	25 feet - minimum required setback
Rear Yard -	25 feet - minimum required setback
Side Yard -	8 feet - minimum required setback
Street Side Yard (Corner Lot) -	25 feet - minimum required setback
Height -	35 feet maximum height provided 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.

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 Residential Dwelling Standards outlined in Section 16.7. 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

Section 7.6. 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 17 of this ordinance.

Section 7.7. SIGN REGULATIONS.

Sign regulations shall be required for activities in the (R-2) Multiple Family Residential district in accordance with the provisions of Article 18 of the ordinance.

Section 7.8. ZONING PERMITS REQUIRED.

Zoning permits shall be required in accordance with the provisions of Section 21.3 of this ordinance.



ARTICLE 8. R-3 SUBURBAN RESIDENTIAL DISTRICT

Article 8: Suburban Residential District

- Section 8.1. Intent
- Section 8.2. Principal Permitted Uses
- Section 8.3. Conditional Uses
- Section 8.4. 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 Suburban Residential District is to provide for a transitional area between agricultural and higher density land uses to be applied in areas contiguous to or in close proximity to developed areas. Suburban residential is intended to be large lot residential developments or acreages located on the fringe of the community, whereas residents who desire the country or rural lifestyle may still be able to reside within the City of Rock Valley.

Section 8.2. PRINCIPAL PERMITTED USES.

Within the (R-3) Suburban Residential district, unless otherwise provided, only the following uses, buildings or structures shall be permitted by right.

Residential Uses	Civic Uses	Agricultural Uses
Family Home Single Family Residential Two Family Residential	Government/Public Services Local Utility Services Park and Recreation Services Religious Assembly	Critical Area Crop Production Horticulture Undeveloped/Unimproved Land Water Control Structures, Irrigation or Retention Basins Wildlife Management Area or Preserves

Section 8.3. CONDITIONAL USES.

Certain uses may be permitted in the (R-3) Suburban Residential district subject to specific conditions and requirements as outlined and approved by the Board of Adjustment intending to make them compatible with and acceptable to adjacent uses.

Residential Uses	Civic Uses
Accessory Buildings on separate lots (in compliance with Section 16.2.5) Boarding House Relocated Residential	Cemetery Major Utility Facilities Pre-Kindergarten, Preschool or Nursery School Educational Facilities

Commercial Uses	Agricultural Uses
Communication Services <i>(See Section 16.10)</i> Wind Energy Devices <i>(See Section 16.11)</i>	Residential Animal Raising (recreational) Stables

Section 8.4. PERMITTED ACCESSORY USES.

Permitted accessory uses shall not be the principal structure on any lot, and accessory uses are to remain incidental and secondary in size, use, and nature to the principal permitted use. Accessory uses shall also comply the provisions of Section 16.2. The following accessory uses and structures shall be permitted.

1. Essential services
2. Private garages or carports.
3. Parking lots
4. Personal recreational facilities for use by residents
5. Radio, television, satellite dish, and other similar receiving antennas for personal use.
Communication services and other devices or structures intended for commercial use are considered a conditional use and shall comply with the provisions of Section 16.10.
6. Patios, cabanas, porches, gazebos, and incidental household storage buildings
7. Roadside stands for the sale of agricultural products or other products produced on the premises
8. Personal greenhouses, not operated for commercial purposes
9. Solar collectors
10. Home occupations, in compliance with Section 16.5.
11. The keeping of dogs or other domesticated animals in a private kennel.
12. Temporary buildings for uses incidental to construction, in which buildings shall be removed upon the completion or abandonment of construction, and in compliance with Section 16.4.
13. Accessory uses and structures determined by the Zoning Administrator to be appropriate, incidental, and subordinate to principal permitted and conditional uses and structures.

Section 8.5. SITE DEVELOPMENT REGULATIONS.

The following minimum requirements shall be provided for light and open space around permitted and conditional uses, buildings and structures in the (R-3) Suburban Residential district, and subject to the Supplemental District Regulations.

Lot Area -	All uses shall be 20,000 sq. ft. - minimum lot area
Lot Width -	150 feet - minimum lot width, except entry points in cul-de-sacs
Front Yard -	25 feet - minimum required setback
Rear Yard -	50 feet - minimum required setback
Side Yard -	25 feet - minimum required setback
Street Side Yard (Corner Lot) -	25 feet - minimum required setback

Height -	35 feet maximum height provided 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) dwelling unit per lot, except for two-family residential.

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 Residential Dwelling Standards outlined in Section 15.4. 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

SECTION 8.6. OFF-STREET PARKING.

Off-street parking and loading requirements shall be required for activities in the (R-3) Suburban Residential district in accordance with the provisions of Article 17 of this ordinance.

SECTION 8.7. SIGN REGULATIONS.

Sign regulations shall be required for activities in the (R-3) Suburban Residential district in accordance with the provisions of Article 18 of the ordinance.

SECTION 8.8. ZONING PERMITS REQUIRED.

Zoning permits shall be required in accordance with the provisions of Section 21.3 of this ordinance.

ARTICLE 9. R-4 MOBILE/MANUFACTURED HOUSING



Article 9: Mobile/Manufactured Housing District

- Section 9.1. Intent
- Section 9.2. Principal Permitted Uses
- Section 9.3. Conditional Uses
- Section 9.4. Accessory Uses
- Section 9.5. Site Development Regulations
- Section 9.6. Mobile/Manufactured Home Park Requirements
- Section 9.7. Additional Mobile or Manufactured Park Requirements
- Section 9.8. Nonconforming Mobile/Manufactured Homes or Mobile Home Parks
- Section 9.9. Mobile or Manufactured Housing Converted to Real Estate
- Section 9.10. Zoning Permits Required

Section 9.1. INTENT.

The intent of the Mobile/Manufactured Housing District is to regulate the location and placement of mobile homes and mobile home parks within the City of Rock Valley, and to provide for certain medium density residential areas now developed as mobile or manufactured home parks which by reason of their design and location are compatible with surrounding residential areas and areas of the city where similar development seems likely to occur.

Section 9.2. PRINCIPAL PERMITTED USES.

Within the (R-4) Mobile/Manufactured district, unless otherwise provided in this ordinance, only the following uses, buildings or structures shall be permitted by right.

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

Section 9.3. CONDITIONAL USES.

Certain uses may be permitted in the (R-4) Mobile/Manufactured Housing district subject to specific conditions and requirements as outlined and approved by the Board of Adjustment intending 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 mobile home park or from another lot	Daycare Center Government/Public Services Educational Facilities Major Utility Services Pre-Kindergarten, Preschool or Nursery School Religious Assembly	Boarding House Communication Services (See Section 16.10)

Section 9.4. ACCESSORY USES.

Permitted accessory uses shall not be the principal structure on any lot, and accessory uses are to remain incidental and secondary in size, use, and nature to the principal permitted use. Accessory uses shall also comply the provisions of Section 16.2. The following accessory uses and structures shall be permitted.

1. Essential services
2. Private garages or carports.
3. Parking lots
4. Personal recreational facilities for use by residents
5. Radio, television, satellite dish, and other similar receiving antennas for personal use.
Communication services and other devices or structures intended for commercial use are considered a conditional use and shall comply with the provisions of Section 16.10.
6. Patios, cabanas, porches, gazebos, and incidental household storage buildings including sheds
7. Personal greenhouses, not operated for commercial purposes
8. Solar collectors
9. Home occupations, in compliance with Section 16.5.
10. The keeping of dogs or other domesticated animals in a private kennel.
11. Temporary buildings for uses incidental to construction, in which buildings shall be removed upon the completion or abandonment of construction, and in compliance with Section 16.4.
12. Accessory uses and structures determined by the Zoning Administrator to be appropriate, incidental, and subordinate to principal permitted and conditional uses and structures.

Section 9.5. SITE DEVELOPMENT REGULATIONS.

The following minimum requirements shall be provided for light and open space around permitted and conditional uses, buildings and structures in the (R-4) Mobile/Manufactured Housing district, and subject to the Supplemental District Regulations.

Mobile or Manufactured Home Lot Requirements:

Lot Area -	5,000 square feet - minimum lot area
Lot Width:	40 feet – minimum lot width
Front Yard:	15 feet - minimum required front yard, unless the front yard borders the perimeter in which case the front yard is not required
Side Yard:	7½ feet - minimum required side yard, unless the side yard borders the perimeter in which case the side yard is not required
Rear Yard:	25 feet - minimum required rear yard, unless the rear yard borders the perimeter in which case the rear yard is not required
Maximum Height:	35 feet
Residential Density:	Not more than one (1) dwelling unit per mobile home lot

Mobile or Manufactured Park Requirements:

Park Area:	Five (5) acres – minimum park area
Park Width:	300 feet - minimum park width
Park Boundary:	25 feet – minimum required setback for mobile homes
Public right-of-way:	40 feet – minimum required setback for mobile homes

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 Home Park Requirements outlined in Section 9.6 below.

Section 9.6. MOBILE OR MANUFACTURED HOME PARK REQUIREMENTS.

Each mobile or manufactured home park shall be developed subject to 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 the developer's representative
 - c. Location of the mobile/manufactured home park, giving the 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 park's tornado storm shelter
2. *Maintenance of Streets and Infrastructure:* If said mobile home park development plan contains no dedication to the city of streets or utilities, or should it be contemplated that the facilities of the city shall not be used for maintenance of streets, sidewalks, and water and sewer lines, garbage collection, or other related functions, then the owner shall be required to record with the Mobile/Manufactured Home Park Plan a covenant, as follows:

"That, being the owner or owners of the real estate contained in 'the above attached mobile/manufactured home park development plan, hereby consent that if they or their assignees, heirs, or those holding or owning said land through owners, fail to maintain the streets, sidewalks, water or sewer mains according to and in compliance with the minimum standards for the maintenance of streets, sidewalks, water or sewer mains as established by the City of Rock Valley, Iowa, that after twenty-four (24) hour notice in writing to the owner of said land as shown upon the records in the County Auditor's office of Sioux County, Iowa, and at the address therein shown, then said owner, assignees, heirs, and those holding or owning through said owners, hereby authorize the City of Rock Valley, Iowa, to make all necessary repairs and perform all necessary maintenance, and further authorize the City of Rock Valley, Iowa, to file a mechanic's lien, other lien or encumbrance against said real estate, and enforce said lien pursuant to laws then applicable."
3. *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 twenty-five (25) feet in height; and shall meet the requirements of other applicable ordinances.

- b. A mobile or manufactured home may be displayed and offered for sale, provided that such building is situated on a permanent pad within the mobile home park.
 - c. Accessory buildings or structures may be no closer than five feet (5') to any lot line.
 - d. One (1) identification sign approved 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. In no case shall the sign be larger than two (2) square feet in surface area nor have any moving parts, or stand higher than five feet (5') from the ground to the top of the sign
4. *Required development standards:*
- a. 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.
 - b. 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 accompanied by sketches or other documentation.
 - c. Each mobile or manufactured home shall be anchored to the ground as provided in 661 IAC Chapter 16.626(103A).
 - d. If a temporary foundation or permanent 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.
 - e. A written emergency plan submitted to the city and posted on site to advise all of the park residents of safety measures.
 - f. Storage of goods and articles underneath any mobile home shall be prohibited.
 - g. Exposed ground surfaces in a mobile home park shall be covered with stone screening or other solid material protected with vegetative cover or other material capable of preventing soil erosion and objectionable dust.
 - h. Each mobile home site shall have front, side and rear yards, and a double front yard setback will be required on corner lots.

- i. For the purpose of this section, yard width shall be determined by measurement from the mobile home face (side) to its site boundary from which every point shall not be less than the minimum width herein provided. Open patios shall be disregarded in determining yard widths. Enclosed all weather patios and carports shall be included in determining yard widths. The front yard is that yard which abuts the street, roadway or other access. The rear yard is at the opposite end of the mobile home and side yards are at right angles to the front and rear ends.
- j. Mobile homes or Manufactured Housing shall not be connected to water, sewer, or electrical services unless the housing unit complies with the local, county and state standards and requirements.
- k. Garbage and trash containers for each mobile home shall be placed in a conveniently located area, not within the public right-of-way.
- l. Any common fuel, gas or chemical storage shall be stored and maintained in accordance with applicable Federal, State and local regulations.
- m. One (1) parking space shall be provided within one hundred and fifty (150) feet 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. 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').
- o. 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.
- p. Storm drainage facilities shall be constructed to protect those who reside in the mobile/manufactured home park as well as property owners adjacent to such park. Adequate provisions shall be made to handle all surface and storm drainage water as determined by the City's Engineer.
- q. Those streets intended solely for the residents of the mobile/manufactured home park to access their lot and house may remain a private street, if approved as such by the City.

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

Section 9.7. ADDITIONAL MOBILE OR MANUFACTURED HOME PARK REQUIREMENTS.

In addition to the above stated required development standards stated in Section 9.6 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 9.8. NONCONFORMING MOBILE/MANFUCATURED 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 Rock Valley 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 or enlargement 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 skirting requirements of Section 9.6, Subsection 4. Parts b. c. and d. 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 fifty percent (50%) 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 9.9. MOBILE OR MANUFACTURED HOUSING CONVERTED TO REAL ESTATE.

A mobile or manufactured home which is located outside a mobile home park shall be converted to real estate by being placed on a permanent foundation and shall be assessed for real estate taxes except in the following cases: 1) Mobile homes or manufactured homes on private property as part of a dealer's or a manufacturer's stock not used as a place for human habitation. 2) A taxable mobile home or manufactured home that is located outside of a mobile home park as of January 1,

1995, shall be assessed and taxed as real estate, but is exempt from the permanent foundation requirement of this article until the home is relocated.

(Code of Iowa, Sec. 435.26 & Sec. 435.35)

A mobile home or manufactured home located outside of a mobile home park shall be placed on a permanent frost-free foundation system, which meets the support and anchorage requirements as recommended by the manufacturer, or required by the State Building Code. The foundation system must be visually compatible with permanent foundation systems of surrounding residential structures. Any such home shall be installed in accordance with the requirements of the State Building Code. *(Code of Iowa, Sec. 103A.10)*

Section 9.10. ZONING PERMITS REQUIRED.

Zoning permits shall be required for the construction, alteration, or expansion of any mobile or manufactured home in accordance with the provisions of Section 21.3 of this ordinance.

ARTICLE 10. C-1 GENERAL COMMERCIAL DISTRICT



Article 10: General Commercial District

- Section 10.1. Intent
- Section 10.2. Principal Permitted Uses
- Section 10.3. Conditional Uses
- Section 10.4. Accessory Uses
- Section 10.5. Site Development Regulations
- Section 10.6. Open-air Sales, Display and Storage
- Section 10.7. Off-Street Parking
- Section 10.8. Sign Regulations
- Section 10.9. Zoning Permits Required

Section 10.1. INTENT.

The intent of the (C-1) General Commercial District is to provide for a commercial area consisting of a variety of retail stores and related civic, office and non-profit activities to serve the general shopping needs of the trade area and to permit uses which will strengthen the central business district as the center of trade, commerce, services, governmental and cultural activities. This district is intended to include primarily those commercial and civic or public uses operating within the city's central business district.

Section 10.2. PRINCIPAL PERMITTED USES.

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

Commercial Uses		Civic Uses
Administrative/Business Offices	Funeral Services	Club or Lodge
Automotive Repair Services	General Retail Sales	Cultural Services
Automotive Washing	Hospital Services	Government/Public Services
Bed & Breakfast Inn	Hotel or Motel	Local Utility Services
Building Maintenance Services	Indoor Entertainment/Recreation	Park and Recreation Services
Business Support Services	Laundry Services	Public Assembly
Bar	Liquor Sales	Religious Assembly
Commercial Off-Street Parking	Medical Clinics/Offices	Safety Services
Consumer Repair Services	Personal Improvement Services	Treatment Services
Convenience Store	Personal Services	
Financial Services	Pet Services	
	Professional Offices	
	Restaurant	
	Service Station	
		Residential Uses
		Apartment (only upper floors and/or above commercial uses)

Section 10.3. CONDITIONAL USES.

Certain uses may be permitted in the (C-1) General Commercial district subject to specific conditions and requirements as outlined and approved by the Board of Adjustment intending to make them compatible with and acceptable to adjacent uses.

Commercial Uses	Civic Uses
Automotive Rentals Automotive Sales Business or Trade School Communication Services Condominium or Business Storage Construction Sales & Service Convenience Storage Kennel, public Vehicle Storage Veterinary Services	Daycare Center Detention Facilities Pre-Kindergarten, Preschool or Nursery School Educational Facilities Major Utility Facilities
	Industrial Uses
	Custom Manufacturing Limited Warehousing and Distribution

Section 10.4. ACCESSORY USES.

Permitted accessory uses shall not be the principal structure on any lot, and accessory uses are to remain incidental and secondary in size, use, and nature to the principal permitted use. Accessory uses shall also comply the provisions of Section 16.2. The following accessory uses and structures shall be permitted.

1. Essential services
2. Private garages or carports.
3. Parking lots
4. Any other commercial use type that is 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 a separate business use.
5. Temporary buildings for uses incidental to construction, in which buildings shall be removed upon the completion or abandonment of construction, and in compliance with Section 16.4.
6. Accessory buildings and structures normally incidental and subordinate to the principal permitted uses or conditional uses.

Section 10.5. SITE DEVELOPMENT REGULATIONS.

The following minimum requirements shall be provided for light and open space around permitted and conditional uses, buildings and structures in the (C-1) General Commercial district, and subject to the Supplemental District Regulations.

Lot Area -	No minimum required for all uses
Lot Width -	50 feet - minimum lot width
Front Yard -	No minimum required setback
Rear Yard -	No minimum required setback, except 25 feet minimum setback if a rear yard is abutting a residential district.
Side Yard -	No minimum, except 5 feet minimum setback if a side yard is abutting a residential district
Street Side Yard (Corner Lot) -	No minimum required setback
Height -	45 feet maximum height provided 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.

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. OPEN-AIR SALES, DISPLAY AND STORAGE.

All open-air sales, display, and storage for automotive sales and equipment sales shall comply with the following minimum requirements:

1. The side and rear lot lines, when abutting residential properties, will be screened with a wall or fence with its surface at least fifty percent (50%) solid and at least seven feet (7') in height. The fence shall not be required to extend beyond the front yard setback line;
2. All lighting or lighted facilities shall be arranged so that they do not focus or glare directly on adjacent residential properties, or public streets, thereby creating a traffic hazard;
3. No lighted flashing signs, or revolving beacon lights shall be permitted;
4. The open-air area shall be maintained to be reasonably free of weeds, debris, trash and other objectionable materials.

Section 10.7. OFF-STREET PARKING.

Off-street parking and loading requirements shall be required for activities in the (C-1) General Commercial district in accordance with the provisions of Article 17 of this ordinance.

Section 10.8. SIGN REGULATIONS.

Sign regulations shall be required for activities in the (C-1) General Commercial district in accordance with the provisions of Article 18 of the ordinance.

Section 10.9. ZONING PERMITS REQUIRED.

Zoning permits shall be required in accordance with the provisions of Section 21.3 of this ordinance.

ARTICLE 11. C-2 ARTERIAL COMMERCIAL DISTRICT



Article 11: Arterial Commercial District

- Section 11.1. Intent
- Section 11.2. Principal Permitted Uses
- Section 11.3. Conditional Uses
- Section 11.4. Accessory Uses
- Section 11.5. Site Development Regulations
- Section 11.6. Open-air Sales, Display and Storage
- Section 11.7. Off-Street Parking
- Section 11.8. Sign Regulations
- Section 11.9. Zoning Permits Required

Section 11.1. INTENT.

The intent of the (C-2) Arterial Commercial District is predominately for service, retail, and other non-residential uses which because of certain locational requirements and operational characteristics are appropriately located in close proximity to major traffic routes or highways. Site development regulations are intended to ensure larger lot sizes, off-street parking, adequate setbacks, clear vision, safe ingress and egress, and access to adjacent thoroughfares.

Section 11.2. PRINCIPAL PERMITTED USES.

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

Commercial Uses		Civic Uses
Administrative/Business Offices	Funeral Services	Club or Lodge
Automotive Rentals	General Retail Sales	Cultural Services
Automotive Repair Services	Hospital Services	Government/Public Services
Automotive Sales	Hotel or Motel	Local Utility Services
Automotive Washing	Indoor Entertainment/Recreation	Park and Recreation Services
Bed & Breakfast Inn	Laundry Services	Public Assembly
Building Maintenance Services	Liquor Sales	Religious Assembly
Business Support Services	Medical Clinics/Offices	Safety Services
Business or Trade School	Personal Improvement Services	Treatment Services
Bar	Personal Services	
Commercial Off-Street Parking	Pet Services	Agricultural/Conservation Uses
Consumer Repair Services	Professional Offices	
Convenience Store	Restaurant	
Convenience Storage	Service Station	
Condominium/Business Storage	Veterinary Services	
Construction Sales & Service		
Financial Services		
		Critical Area
		Crop Production
		Horticulture
		Undeveloped/Unimproved Land

Section 11.3. CONDITIONAL USES.

Certain uses may be permitted in the (C-2) Arterial Commercial District subject to specific conditions and requirements as outlined and approved by the Board of Adjustment intending to make them compatible with and acceptable to adjacent uses.

Commercial Uses	Civic Uses	Industrial Uses
Agricultural Sales and Services Communication Services <i>(See Section 16.10)</i> Equipment Repair Services Equipment Sales Vehicle Storage Wind Energy Devices <i>(See Section 16.11)</i>	Cemetery Daycare Center Detention Facilities Educational Facilities Major Utility Facility Pre-Kindergarten, Preschool or Nursery School	Custom Manufacturing Limited Warehousing and Distribution Research & Production Services
		Residential Uses
		Assisted Living Facility Nursing or Convalescent Facility Residential Care Services

Section 11.4. ACCESSORY USES.

Permitted accessory uses shall not be the principal structure on any lot, and accessory uses are to remain incidental and secondary in size, use, and nature to the principal permitted use. Accessory uses shall also comply the provisions of Section 16.2. The following accessory uses and structures shall be permitted.

1. Essential services
2. Private garages or carports.
3. Parking lots
4. Any other commercial use type that is 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 a separate business use.
5. Temporary buildings for uses incidental to construction, in which buildings shall be removed upon the completion or abandonment of construction, and in compliance with Section 16.4.
6. Accessory buildings and structures normally incidental and subordinate to the principal permitted uses or conditional uses.
7. Living quarters of persons employed on the premises and not rented or otherwise used as a separate dwelling.

Section 11.5. SITE DEVELOPMENT REGULATIONS.

The following minimum requirements shall be provided for light and open space around permitted and conditional uses, buildings and structures in the (C-2) Arterial Commercial district, and subject to the Supplemental District Regulations.

Lot Area -	7,500 square feet - minimum lot area
Lot Width -	75 feet - minimum lot width
Front Yard -	35 feet - minimum required setback
Rear Yard -	20 feet - minimum required setback, except 50 feet minimum setback if a rear yard is adjacent to a residential district.
Side Yard -	10 feet – minimum required setback, except 25 feet minimum setback if a side yard is adjacent to a residential district.
Street Side Yard (Corner Lot) -	35 feet - minimum required setback
Height -	50 feet maximum height provided 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.

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. OPEN-AIR SALES, DISPLAY AND STORAGE.

All open-air sales, display, and storage for automotive sales and equipment sales shall comply with the following minimum requirements:

1. The side and rear lot lines, when abutting residential properties, will be screened with a wall or fence with its surface at least fifty percent (50%) solid and at least seven feet (7') in height. The fence shall not be required to extend beyond the front yard setback line;
2. All lighting or lighted facilities shall be arranged so that they do not focus or glare directly on adjacent residential properties, or public streets, thereby creating a traffic hazard;
3. No lighted flashing signs, or revolving beacon lights shall be permitted;
4. The open-air area shall be maintained to be reasonably free of weeds, debris, trash and other objectionable materials.

Section 11.7. OFF-STREET PARKING.

Off-street parking and loading requirements shall be required for activities in the (C-2) Arterial Commercial District in accordance with the provisions of Article 17 of this ordinance.

Section 11.8. SIGN REGULATIONS.

Sign regulations shall be required for activities in the (C-2) Arterial Commercial district in accordance with the provisions of Article 18 of the ordinance.

Section 11.9. ZONING PERMITS REQUIRED.

Zoning permits shall be required in accordance with the provisions of Section 21.3 of this ordinance.



ARTICLE 12. I-1 LIGHT INDUSTRIAL DISTRICT

Article 12: Light Industrial District

- Section 12.1. Intent
- Section 12.2. Principal Permitted Uses
- Section 12.3. Conditional Uses
- Section 12.4. Accessory Uses
- Section 12.5. Site Development Regulations
- Section 12.6. Open-air Sales, Display and Storage
- Section 12.7. Off-Street Parking
- Section 12.8. Sign Regulations
- Section 12.9. Zoning Permits Required

Section 12.1. INTENT.

The intent of the (I-1) Light Industrial District is to provide for a wide range of industrial 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 other similar factors. All industrial operations must be in an enclosed building. No residential uses are permitted in this district.

Section 12.2. PRINCIPAL PERMITTED USES.

Only the following principal uses and structures shall be permitted by right in the (I-1) Light Industrial District, except those which by reason of the emission of odor, dust, fumes, smoke, noise or obnoxious characteristics would be injurious to the public health, safety, and general welfare of the community.

Commercial Uses		Industrial Uses
Administrative/Business Offices	Consumer Repair Services	Custom Manufacturing Light Industry Limited Warehousing and Distribution Research and Production Services
Agricultural Sales & Services	Convenience Store	
Automotive Rentals	Convenience Storage	
Automotive Repair Services	Condominium/Business Storage	
Automotive Sales	Construction Sales & Service	
Automotive Washing	Equipment Sales	
Building Maintenance Services	Equipment Repair Services	
Business Support Services	Indoor Entertainment/Recreation	
Business or Trade School	Laundry Services	
Commercial Auction Yards and Barns	Service Station	
Commercial Off-Street Parking	Veterinary Services	
		Civic Uses
		Government/Public Services Local Utility Services Park and Recreation Services Public Assembly Safety Services

Section 12.3. CONDITIONAL USES.

Certain uses 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 intending to make them compatible with and acceptable to adjacent uses.

Industrial Uses	Commercial Uses	Civic Uses
Biotechnology Production or Manufacturing Facilities General Warehousing and Distribution Railroad Facilities Renewable Energy/Renewable Resources Industries Resource Extraction	Communication Services <i>(See Section 16.10)</i> Kennels, public Outdoor Entertainment or Recreation Scrap and Salvage Services Wind Energy Devices <i>(See Section 16.11)</i> Vehicle Storage	Club or Lodge Major Utility Services

Section 12.4. ACCESSORY USES.

Permitted accessory uses shall not be the principal structure on any lot, and accessory uses are to remain incidental and secondary in size, use, and nature to the principal permitted use. Accessory uses shall also comply the provisions of Section 16.2. The following accessory uses and structures shall be permitted.

1. Essential services
2. Private garages or carports.
3. Parking lots
4. Any other commercial or industrial use type that is 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 25 percent of the total floor area of the principal use.
 - c. Located and operated as an integral part of the principal use, not a separate business use.
5. Temporary buildings for uses incidental to construction, in which buildings shall be removed upon the completion or abandonment of construction, and in compliance with Section 16.4.
6. Accessory buildings and structures normally incidental and subordinate to the principal permitted uses conditional uses.

Section 12.5. SITE DEVELOPMENT REGULATIONS.

The following minimum requirements shall be provided for light and open space around permitted and conditional uses, buildings 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 -	35 feet - minimum required setback

Rear Yard -	25 feet - minimum required setback, except 50 feet setback if the rear yard is adjacent to a residential district.
Side Yard -	10 feet – minimum required setback, except 25 feet setback if a side yard is adjacent to a residential district.
Street Side Yard (Corner Lot) -	35 feet - minimum required setback
Height -	75 feet maximum height provided 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.

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 12.6. OPEN-AIR SALES, DISPLAY AND STORAGE.

All open-air sales, display, and storage for automotive sales and equipment sales shall comply with the following minimum requirements:

1. The side and rear lot lines, when abutting residential properties, will be screened with a wall or fence with its surface at least fifty percent (50%) solid and at least seven feet (7') in height. The fence shall not be required to extend beyond the front yard setback line;
2. All lighting or lighted facilities shall be arranged so that they do not focus or glare directly on adjacent residential properties, or public streets, thereby creating a traffic hazard;
3. No lighted flashing signs, or revolving beacon lights shall be permitted;
4. The open-air area shall be maintained to be reasonably free of weeds, debris, trash and other objectionable materials.

Section 12.7. OFF-STREET PARKING.

Off-street parking and loading requirements shall be required for activities in the (I-1) Light Industrial District in accordance with the provisions of Article 17 of this ordinance.

Section 12.8. SIGN REGULATIONS.

Sign regulations shall be required for activities in the (I-1) Light Industrial District in accordance with the provisions of Article 18 of the ordinance.

Section 12.9. ZONING PERMITS REQUIRED.

Zoning permits shall be required in accordance with the provisions of Section 21.3 of this ordinance.



ARTICLE 13. I-2 HEAVY INDUSTRIAL DISTRICT

Article 13: Heavy Industrial District

- Section 13.1. Intent
- Section 13.2. Principal Permitted Uses
- Section 13.3. Conditional Uses
- Section 13.4. Accessory Uses
- Section 13.5. Site Development Regulations
- Section 13.6. Open-air Sales, Display and Storage
- Section 13.7. Off-Street Parking
- Section 13.8. Sign Regulations
- Section 13.9. Zoning Permits Required

Section 13.1. INTENT.

The intent of the (I-2) Heavy Industrial district is to provide for activities and uses of an intensive industrial character and is the least restrictive of any district. In the best interest of the community, certain uses in the Heavy Industrial district shall be subject to conditional approval to insure that proper safeguards are taken. No residential uses are permitted in this district.

Section 13.2. PRINCIPAL PERMITTED USES.

Only the following principal uses and structures shall be permitted by right in the (I-2) Heavy Industrial District, except those which by reason of the emission of odor, dust, fumes, smoke, noise or obnoxious characteristics would be injurious to the public health, safety, and general welfare of the community.

Industrial Uses	Commercial Uses	Civic Uses
Biotechnology Production and/or Manufacturing Custom Manufacturing General Warehousing and Distribution Heavy Industry Light Industry Limited Warehousing and Distribution Railroad Facilities Renewable Energy/Renewable Resources Industries Research and Production Services	Administrative and Business Offices Agricultural Sales and Services Automotive Repair Services Automotive Washing Building Maintenance Services Business Support Services Commercial Auction Yards/Barn Commercial Off-Street Parking Condominium/Business Storage Construction Sales and Services Convenience Store Convenience Storage Equipment Repair Services Equipment Sales Kennel, Public Service Station Vehicle Storage	Aviation Facilities Club or Lodge Detention Facilities Government/Public Services Local Utility Services Major Utility Services Park and Recreation Services Safety Services

Section 13.3. CONDITIONAL USES.

Certain uses 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 intending to make them compatible with and acceptable to adjacent uses.

Industrial Uses	Commercial Uses
Bulk Stations Fertilizer/Chemical Storage or Processing Fuel Storage Resource Extraction Sanitary Landfill Scrap and Salvage Services Stockyards	Communication Services <i>(See Section 16.10)</i> Adult Entertainment Establishments <i>(See Section 16.9)</i> Wind Energy Devices <i>(See Section 16.11)</i>

Limited commercial/retail uses may be permitted by special exception use within the (I-2) Heavy Industrial District when intended to serve the needs of a business' tenants/employees only. Such special exception commercial/retail uses would include: eatery, café, health club, convenience store, bakery shop, gift shop, post office substation, photo studio, barbershop/stylist, or other appropriate use as determined by the Board of Adjustment.

Section 13.4. ACCESSORY USES.

Permitted accessory uses shall not be the principal structure on any lot, and accessory uses are to remain incidental and secondary in size, use, and nature to the principal permitted use. Accessory uses shall also comply the provisions of Section 16.2. The following accessory uses and structures shall be permitted.

1. Essential services
2. Private garages or carports.
3. Parking lots
4. Any other commercial or industrial use type that is 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 25 percent of the total floor area of the principal use.
 - c. Located and operated as an integral part of the principal use, not a separate business use.
5. Temporary buildings for uses incidental to construction, in which buildings shall be removed upon the completion or abandonment of construction, and in compliance with Section 16.4.
6. Accessory buildings and structures normally incidental and subordinate to the principal permitted uses or conditional uses.

Section 13.5. SITE DEVELOPMENT REGULATIONS.

The following minimum requirements shall be provided for light and open space around permitted and conditional uses, buildings 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 -	150 feet - minimum lot width
Front Yard -	50 feet - minimum required setback
Rear Yard -	25 feet - minimum required setback, except 50 feet setback if the rear yard is adjacent to a residential district.
Side Yard -	10 feet – minimum required setback, except 25 feet setback if a side yard is adjacent to a residential district.
Street Side Yard (Corner Lot) -	50 feet - minimum required setback
Height -	75 feet maximum height provided 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.

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 13.6. OPEN-AIR SALES, DISPLAY AND STORAGE.

All open-air sales, display, and storage for automotive sales and equipment sales shall comply with the following minimum requirements:

1. The side and rear lot lines, when abutting residential properties, will be screened with a wall or fence with its surface at least fifty percent (50%) solid and at least seven feet (7') in height. The fence shall not be required to extend beyond the front yard setback line;
2. All lighting or lighted facilities shall be arranged so that they do not focus or glare directly on adjacent residential properties, or public streets, thereby creating a traffic hazard;
3. No lighted flashing signs, or revolving beacon lights shall be permitted;
4. The open-air area shall be maintained to be reasonably free of weeds, debris, trash and other objectionable materials.

Section 13.7. OFF-STREET PARKING.

Off-street parking and loading requirements shall be required for activities in the (I-2) Heavy Industrial district in accordance with the provisions of Article 17 of this ordinance.

Section 13.8. SIGN REGULATIONS.

Sign regulations shall be required for activities in the (I-2) Heavy Industrial district in accordance with the provisions of Article 18 of the ordinance.

Section 13.9. ZONING PERMITS REQUIRED.

Zoning permits shall be required in accordance with the provisions of Section 21.3 of this ordinance.

ROCK VALLEY, IOWA “QUICK REFERENCE GUIDE” ZONING DISTRICT SITE DEVELOPMENT REGULATIONS

Zoning District	Maximum Height	Minimum Lot Area	Minimum Lot Width	Required Front Yard	Required Rear Yard	Required Side Yard	Street Side Yard (corner lot)
AG Agriculture	35 ft. (dwellings) None for ag uses	1 acre	150 ft.	50 ft.	50 ft.	25 ft.	50 ft.
CN Conservation	35 ft. (dwellings) None for ag uses	1 acre	None	50 ft.	50 ft.	25 ft.	50 ft.
R-1 Single Family Residential	35 ft.	8,000 SF 12,000 OU	70 ft.	25 ft.	25 ft.	6 ft.	25 ft.
R-2 Multiple Family Residential	35 ft.	10,000 DU 10,000 OU	100 ft.	25 ft.	25 ft.	8 ft.	25 ft.
R-3 Suburban Residential	35 ft.	20,000 sq.ft. all uses	150 ft.	25 ft.	50 ft.	25 ft.	25 ft.
R-4 Mobile/Manufactured Residential	35 ft.	5,000 sq.ft. (lot) 5 acres (park)	40 ft. (lot) 300 ft. (park)	15 ft.	25 ft.	7.5 ft.	15 ft.
C-1 General Commercial	45 ft.	No Minimum	50 ft.	none	none 25 ft. if next to res.	none 5 ft. if next to res.	none
C-2 Arterial Commercial	50 ft.	7,500 sq.ft.	75 ft.	35 ft.	20 ft.	10 ft.	35 ft.
I-1 Light Industrial	75 ft.	10,000 sq.ft.	100 ft.	35 ft.	25 ft.	10 ft.	35 ft.
I-2 Heavy Industrial	75 ft.	20,000 sq.ft.	150 ft.	50 ft.	25 ft.	10 ft.	50 ft.

Note: SF = Single Family, OU = Other Uses, DU = Dwelling Units, res. = residential, sq. ft. = square feet



ARTICLE 14. SITE PLANS

Article 14: Site Plans

- Section 14.1. Intent
- Section 14.2. Scale
- Section 14.3. Legal Information
- Section 14.4. Site Plane

Section 14.1. INTENT.

Site plans are required for review and approval for new construction of any permitted or conditional use buildings and structures in any district, and shall comply with and illustrate the following. Accessory uses, buildings and structures, decks and patios, 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 14.2. SCALE.

All site plans shall be drawn at a scale that legibly shows and accurately depicts the proposed improvements, but not less than 1" = 100'. The site plan shall be submitted with a zoning permit application. Two (2) copies of the site plan shall be submitted with the zoning permit application.

Section 14.3. LEGAL INFORMATION.

The site plan shall include the following legal information:

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

Section 14.4. SITE PLAN.

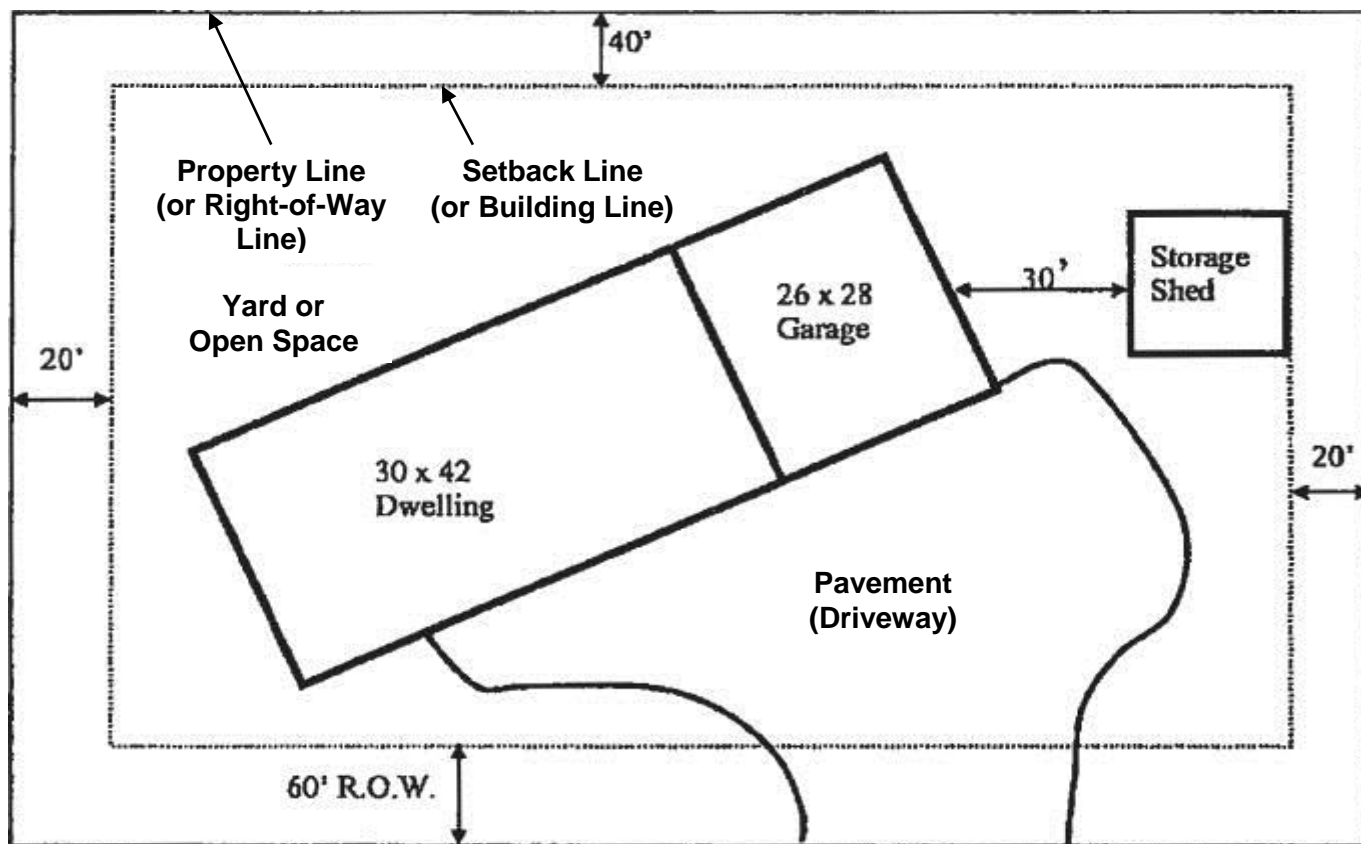
The site plan shall include and clearly illustrate the following information:

1. Property boundary lines, dimensions and total area.
2. If substantial topographic change is proposed, contour lines at intervals of not more than one foot (1') may be requested by the Zoning Administrator.
3. The availability and location of existing utilities, if requested by the Zoning Administrator.
4. The proposed location, size, shape and type of all buildings or structures.
5. The total square feet of all proposed buildings, both individually and collectively.
6. The number of dwelling units, bedrooms, offices, etc.
7. Parking areas, number of parking spaces proposed, and type of surfacing to be used, etc.
8. Walkways, driveways, lighting, walls, fences, signs, monuments, and other man-made structures.

9. Location and type of landscaping to be used for screening purposes shall be illustrated in elevation as well as in the plan, if requested by the Zoning Administrator.
10. Erosion or sediment control plan, and proposed storm water management to be used, if any.
11. Traffic considerations, architectural themes, and any other considerations pertinent to the proposed use may be requested by the Zoning Administrator.

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 zoning permit will be issued until all required action has been taken.

Sample Site Plan



ARTICLE 15. SUPPLEMENTAL DISTRICT REGULATIONS



Article 15: Supplemental District Regulations

Section 15.1.	Intent
Section 15.2.	Lot of Record
Section 15.3.	Multiple Principal Structures per Lot
Section 15.4.	Relocated Residential Dwellings
Section 15.5.	Yard Regulations
Section 15.6.	Steps, Decks and Patios
Section 15.7.	Fences and Hedges
Section 15.8.	Buildings to Have Access
Section 15.9.	Use of Public Right-of-Way
Section 15.10.	Lot Frontage Continuity
Section 15.11.	Height Modifications

Section 15.1. INTENT.

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

Section 15.2. LOT OF RECORD.

Any lot of record at the time of passage of this ordinance having less area or width than herein required may be used for a dwelling 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 15.3. MULTIPLE PRINCIPAL STRUCTURES PER LOT.

More than one principal structure not intended to be a single family residential dwelling may be erected on a single lot, except in the R-1 and R-3 residential districts, and subject to the following conditions. For example, multiple principal structures on a single lot may include two or more apartment or condominium buildings on the same lot or parcel; or multiple principal commercial or industrial buildings on the same lot or parcel (e.g. storage buildings, mini-warehousing, condominium storage units, warehousing, etc.)

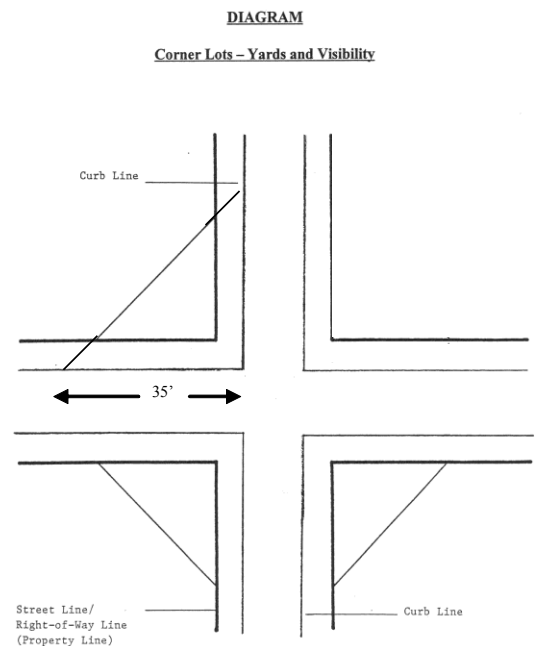
1. No principal building shall be located closer than twenty-five feet (25') in relation to another principal building on the same lot, so as to cause danger from fire.
2. All principal buildings on the lot shall be served by access ways suitable for police, fire, and emergency vehicles, upon review by Rock Valley 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 principal building.

Section 15.4. RELOCATED RESIDENTIAL DWELLINGS.

The owner, developer or authorized agent of a relocated residential dwelling shall submit to the Zoning Administrator a route plan and photographs of the building to be moved with a house mover permit. Such permit shall be prepared and reviewed by the City in accordance with Chapter 123 of the Rock Valley City Code. Upon review of the information submitted, the Zoning Administrator and/or City Council shall consider the aesthetic appearance of such relocated dwelling and how the proposed building or structure fits into the character and appearance of the existing dwellings and neighborhood. A house mover permit must be approved by the City prior to moving a building or structure into Rock Valley.

Section 15.5. YARD REGULATIONS.

1. *Projecting Overhang or Structure.* The ordinary horizontal projection from buildings including eaves, sills, fascia, parapets, cornices, or other similar architectural features, except for gutters, may not project or extend more than two feet (2') into any required yard.
2. *Yard Encroachments.* Air conditioning compressor(s), L.P. tanks, heat pumps, egress window wells or other such similar devices may not encroach into the required side yard. Attached carports, bay windows, cantilevered projections, chimneys and structures may not project into any required yard.
3. *Utilities.* Nothing in this ordinance shall have the effect of prohibiting utility service lines either across property through a utility easement, or through the public right-of-way adjacent to such property.
4. *Through Lots.* Buildings on through lots, extending from street to street shall provide the required front yard on both streets.
5. *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.
6. *Sight Triangle (at Intersections).* On a corner lot in any district, except the C-1 General Commercial District, no fence, wall, hedge, tree or other planting or structure, other than public utilities, will obstruct vision between a height of two (2) feet and ten (10) feet above the ground within the triangular area formed by connecting a point at the center of the curb radius with two points that are thirty-five feet (35') from the center of the curb radius as measured along the curb. (see diagram to the right)



Section 15.6. STEPS, DECKS AND PATIOS.

Steps providing access to the ground level of a housing unit may encroach no more than three feet (3') into any required side yard. Steps may encroach no more than six feet (6') into any required front or rear yard.

Deck floors higher than twelve inches (12") above the average grade of the ground around the perimeter of the entire deck shall conform to required yard setbacks. An open unenclosed deck may project into a front yard for a distance not exceeding ten feet (10'). However, no deck may extend to within ten feet (10') of the lot line.

Uncovered patios or other concrete slab structures constructed on the ground, or less than 12 inches above the average grade of the ground including railing height, shall be allowed to be constructed within the required front, side, or rear yards. However, no concrete slab structure built on the ground or uncovered patio shall encroach closer than two feet (2') of the property line.

Concrete driveways and parking areas are permitted as long as the designated driveway is no larger than the width of the garage or designated parking space and runs from the garage or parking space to the street. Furthermore, additional off street paved parking in the front yard shall be limited to not more than ten feet (10') beyond either side of a driveway to be used for auxiliary parking spaces.

Section 15.7. FENCES AND HEDGES.

1. No fence constructed more than thirty percent (30%) solid or more than four feet (4') in height may be located in any front yard. Fences less than four feet (4') in height may be located on any part of a lot.
2. No fences are allowed within the "sight triangle" in accordance with Section 15.5.6. No fence shall obscure clear view of traffic at street intersections or driveways so as to create a safety hazard to pedestrians or vehicular traffic.
3. Except as provided above, fences less than six feet (6') tall may be erected in any required side or rear yards on those parts of a lot that are setback from the street as far as the main building is from the street. Fences in excess of six feet (6') may be allowed in the cases of tennis courts, swimming pools or other recreational amenities, upon review by the Zoning Administrator.
4. Fences shall not be closer than six inches (6") to any property line and perennial plantings shall not be planted closer than two and one-half feet (2½') to any property line. Except that fences and perennial plantings may be placed up to the property line by written mutual agreement of adjoining property owners.
5. Fences shall not be constructed of non-treated or natural wood products; corrugated tin, metal, or fiberglass; or sheet metal or fiberglass. Fences may be constructed from chain link, non-decomposing wood products (e.g. pressure-treated, redwood, cedar, etc.), molded plastic or wrought iron. The Planning and Zoning Commission may approve other materials. Fences should be constructed in an orderly and neat manner as to accent and compliment the natural landscape of the property.
6. Garden fences are exempt from zoning regulations except that no garden fence shall create a traffic or pedestrian hazard, be no more than three feet (3') in height, or be located within the front yard or street side yard.
7. Disputes between property owners concerning fences and/or plantings, trees, bushes, hedges or other natural or manufactured structures obstructing views, sunlight or air shall be considered a civil matter between private parties and shall be resolved in a court of law.
8. All fences shall be subject to a completed and approved zoning permit.

Section 15.8. 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 located on a lot or parcel having deeded access to a public street.

Section 15.9. 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.

Section 15.10. LOT FRONTAGE CONTINUITY.

In the case where the front yards in a given block improved with buildings amount to more than 30% of the total number of lots, including vacant lots, on one side of the street between two intersecting streets, then the required front yard setback shall be based on a line joining the two adjacent or closest corners of the buildings on either side thereof. Where there is a building on only one side, beyond a line projected from the corresponding adjacent corners of the two nearest buildings, except that no building shall be required to provide a front yard setback greater than thirty-five feet (35') in any event. When less than 30% of the total number of lots, including vacant lots, on one side of the street between two intersecting streets is improved with buildings, the required minimum yard setbacks of the district shall be enforced.

Section 15.11. HEIGHT MODIFICATIONS.

Height regulations shall not apply to television and radio towers, cellular or other communication towers, church spires, belfries, monuments, tanks, water 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 devices and other pertinent mechanical apparatus which may be erected to any height not in conflict with any other applicable regulations. These additional structures or accessories may be erected to a height approved by the Board of Adjustment. However, all towers or structures 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. Public, semi-public, public service buildings, or schools when permitted in a district may be erected to a greater height than otherwise permitted in the district if the building is set back from each property line at least one foot (1') in addition to the minimum yard requirements, for each two feet (2') of additional building height above the limit otherwise provided in the district.



ARTICLE 16. ADDITIONAL USE REGULATIONS

Article 16: Additional Use Regulations

- Section 16.1. Intent
- Section 16.2. Accessory Buildings
- Section 16.3. Portable Accessory Buildings and Storage Structures
- Section 16.4. Temporary Uses and Buildings
- Section 16.5. Home Occupations
- Section 16.6. Recreational Vehicles
- Section 16.7. Minimum Requirements for Residential Structures
- Section 16.8. Architectural Design Standards
- Section 16.9. Adult Entertainment Regulations
- Section 16.10. Communication Towers
- Section 16.11. Wind Energy Devices

Section 16.1. INTENT.

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.

Section 16.2. ACCESSORY BUILDINGS.

The purpose of these provisions is to establish the relationship among principal and accessory uses and to establish provisions governing the conduct of accessory uses. Accessory buildings and uses customarily incidental to that of the principal building may be erected, placed, constructed, moved or established as permitted provided they comply with the following limitations:

1. 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.
2. Accessory buildings are not permitted within any portion of the front yard.
3. Accessory buildings shall not be erected in any required side yard and such accessory building shall not be nearer to the side yard lot lines than would be required for the building wall of a main building on the same lot.
4. Accessory buildings may be constructed up to within five feet (5') of the rear lot line.
5. Accessory buildings in any district may be allowed as the only principal structure on a separate parcel or platted lot so long as the accessory building lot is adjoining the lot upon which the principal use it is associated with. In this instance, adjoining lot shall mean lots side by side or front to back, but not extending across alleys or streets. Such lots containing separate principal and accessory uses shall be legally tied together in the deed of the principal use and shall not be sold separately in the future. Within the R-1, R-2, and R-3 districts, accessory buildings allowed on a separate lot shall only be permitted in accordance with the above regulations and upon review and approval of a Conditional Use Permit from the Board of Adjustment.
6. Residential accessory buildings shall be limited to a maximum of two (2) buildings, including a detached garage, of which all total accessory buildings in any required yard area shall not occupy more than thirty percent (30%) of the rear yard area. However, if a property has a small rear yard this regulation shall not be prohibitive by not allowing usable accessory buildings. In

the case of small rear yards, the 30% rule shall not prohibit the construction of at least one garage not to exceed six hundred square feet gross building area and at least one accessory storage building not to exceed one hundred twenty square feet gross building area.

7. If a garage door directly faces an alley, there must be a fifteen feet (15') minimum setback.
8. Accessory buildings with a permanent foundation shall not be erected within five feet (5') of any principal dwelling unit, other building, or required lot line.
9. Accessory buildings shall not be erected, placed, located or constructed on any required or permanent easements.
10. Accessory buildings, including siding and roofing materials, shall not be constructed from galvanized metal, but not to exclude the use of standing seam metal roofs or other fabricated or painted metal siding or roof shingles.
11. Accessory buildings in any residential district shall be designed and constructed with an architectural style and use of materials compatible with the character and appearance of other residential uses in the neighborhood.
12. Any accessory building constructed on a lot with no principal building shall have and maintain a similar exterior appearance as the principal building for which it is associated with.
13. Detached accessory buildings shall not exceed a height of 18 feet in residential districts and 25 feet in commercial or industrial districts, but in no circumstance shall the accessory building have a total height greater than that of the principal housing unit or building on the property.
14. Accessory buildings shall not be constructed upon a lot until the construction of the principal building commences; and accessory buildings shall not be used unless the principal building on the lot is also being used.
15. Accessory buildings shall not be used for dwelling purposes.
16. For the purposes of this ordinance, a gasoline dispensing pump is not an accessory structure.

Section 16.3. PORTABLE 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 used for the storage of personal or commercial property located outside an enclosed building. The term does not include temporary or permanent residential 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 16.4. TEMPORARY USES AND BUILDINGS.

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.
- b. Religious, patriotic, or historic assemblies, displays, or exhibits.
- c. Outdoor special sales, including swap meets, flea markets, parking lot sales, or similar activities, limited to locations in commercial or industrial districts, and when operated not more than 3 days in the same week or more than 5 days in the same month.
- d. Circuses, carnivals, rodeos, fairs, or similar transient amusement or recreational activities no closer than 200 feet to an existing residential dwelling.
- e. Outdoor art and craft shows and exhibits.
- f. Christmas tree or other holiday sales lots
- g. Temporary signs relating to temporary uses.
- h. Temporary use of trailer units or storage units 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.
- j. 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 the Zoning Administrator's judgement, 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 16.5. HOME OCCUPATIONS.

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

1. The use must be clearly incidental and conducted as a secondary use 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 outside area).
3. The home occupation is carried on by a member of the primary residence where the home business is located, and only one (1) unrelated person living outside the residence and members of the immediate family may be employed in the home occupation.
4. The residential character of the lot and dwelling shall be maintained. The exterior of the dwelling shall not be structurally altered so as to require compliance with nonresidential construction to accommodate the home occupation.
5. The home occupation shall not generate customer related vehicular traffic substantially in excess of the normal anticipated residential neighborhood traffic.
6. No equipment or materials associated with the home occupation shall be displayed or stored where visible from anywhere off the premises.
7. Home occupations may have only one flush mounted, non-illuminated sign not exceeding four (4) square feet.
8. In addition to one flush mounted sign, home occupations shall be permitted to have one yard sign, not exceeding four (4) square feet and four (4) feet in height. Such yard sign shall not be illuminated.
9. The home occupation shall not produce unreasonably offensive noise, vibration, smoke, dust, odor, heat, glare, fumes, waste run-off or excessive parking rendering such dwelling or property objectionable and detrimental to the residential character of the neighborhood.
10. The use must not infringe upon the right of neighbors to enjoy peaceful and healthy occupancy of their home for which purpose the residential district was created and primarily intended.

11. Daycare services, as a home occupation, are permitted according to state regulations.
12. 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, automotive or vehicle repair, tattoo parlors, bars, or any adult entertainment.

Section 16.6. RECREATIONAL VEHICLES.

1. Recreational vehicles may be parked for seasonal use (short term use) on a driveway within a front yard, but not upon the right-of-way, in residential districts provided the view of the street is not obstructed as to vehicular ingress and egress. Recreational vehicle may be parked or stored (long term use) within the side yard or rear yard of a residential lot, or within an enclosed garage. For purposes of long term storage, including all year long or a period of time exceeding 30 consecutive days, recreational vehicles parked within side yards of a property shall not be located in front of a line parallel to the front of the principal structure on the lot.
2. Recreational vehicles are permitted and encouraged to be located within designated campgrounds, recreational vehicle parks and other typical recreation areas.
3. Recreational vehicles shall be customarily or ordinarily used for vacation or recreation purposes and not used as a place of human habitation for more than fourteen (14) consecutive days in any three (3) month period.
4. Recreational vehicles shall not be used for permanent human occupancy in any zoning district.
5. Recreational vehicles shall not be used for business purposes in any zoning district.

Section 16.7. RESIDENTIAL DWELLING STANDARDS.

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

1. *Structure Size:* Every residential dwelling, including all site-built dwellings, factory built dwellings, and mobile or manufactured homes located outside of a mobile home park or manufactured housing subdivision shall have a main body with a minimum exterior dimension on the shortest side of at least twenty-four feet (24') measured from outside of the exterior walls, exclusive of attached garages, porches, or other attached accessory structures. A dwelling may include porches, sunrooms, garages and wings of lesser dimensions and area, so long as the main body meets 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 is 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 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. Soffits and/or eaves, window and door trim, roofs and coverings over bay and bow windows and doors may be smooth finished metal, vinyl or wood or unfinished metal, such as copper, customarily used for residential structure trim.

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 dwelling 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 in compliance with the remaining regulations in this zoning ordinance.

Section 16.8. ARCHITECTURAL DESIGN STANDARDS.

As part of the submittal of a site plan for development within any of the zoning districts and for any of the uses except one and two family dwellings, architectural plans for buildings shall be submitted for review and approval by city staff as part of the permitting process. Documentation to be submitted shall include drawings showing the building's design and a description of structural and exterior materials to be used, on all sides. The following standards shall be used by the city staff to review architectural plans:

1. *Non-Residential uses in RESIDENTIAL districts:* Any building used for a permitted or conditional use non-residential use in any residential district shall be designed and constructed with architectural styling and use of materials compatible with neighboring residential uses.
2. *All uses within COMMERCIAL and INDUSTRIAL districts:* Buildings within commercial and industrial districts shall be designed, having as a primary element of the building exterior: fascia glass, wood siding, stucco, vinyl, brick, concrete panels, finished or painted metal or aluminum siding, ribbed metal panels, textured concrete block or stone. These materials shall make up at least a majority of the front elevation (street side) building wall of the structure. No Masonite, asphaltic wall material, non-architectural galvanized sheet metal, non-textured concrete block, or other similar materials shall constitute a major portion of any building except as a trim material, unless city staff shall determine said material when used as a primary element, does not distract from the physical appearance of the building. The architectural design and use of materials for the construction shall be reviewed as part of any site plan.

Section 16.9. ADULT ENTERTAINMENT REGULATIONS.

The City of Rock Valley finds that adult entertainment establishments 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 Rock Valley. 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 establishments 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 the city that demands reasonable regulation of such establishments to protect the health and well-being of the community. The community wants to prevent such adverse effects and thereby

preserve the health, safety and welfare of its residents, protect residents from increases in crime; preserve the city's quality of life; and preserve the property values and character of the surrounding area while deterring the spread of blight. A full listing and explanation of Adult Entertainment definitions, regulations and violation penalties can be fully seen and reviewed in Chapter 124 of the Code of Ordinances, Rock Valley, Iowa. It is not the intent of this ordinance or Chapter 124 "Adult Entertainment" of the Rock Valley Municipal Code to suppress any free speech activities protected by the First Amendment, but enact content neutral regulations to address the secondary effects of adult-oriented establishments as well as the health problems associated with such establishments.

Section 16.10. 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 Valley. These regulations do not apply to television, satellite dish, or other residential 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 Valley. 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 Valley 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. 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 communication 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 one year after the discontinuance of such use, and it shall be the responsibility of the structure owner and property owner to have such tower properly removed or dismantled.

Section 16.11. 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. 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.
- c. Owner/Developer - the individual or entity that intends to own and operate the wind energy system in accordance with this ordinance.
- d. Rotor Diameter - the cross sectional dimension of the circle swept by the rotating blades.
- e. 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.

- f. Total Height - the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.
- g. Tower - a monopole, freestanding, or guyed structure that supports a wind generator.
- h. 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.

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.

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 waived; however, the setbacks still apply to overhead utility lines and public right-of-ways.

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 device 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.

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 the city 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 one 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.



ARTICLE 17. OFF STREET PARKING

Article 17: Off Street Parking

Section 17.1.	Intent
Section 17.2.	General Parking Area and Surface Requirements
Section 17.3.	Off Street Parking Requirements
Section 17.4.	Computation of Parking Spaces
Section 17.5.	Location and Type of Parking
Section 17.6.	Off Street Loading Requirements

Section 17.1. 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 (C-1) General Commercial District, off street parking spaces shall be provided at the time any new building or structure is erected, 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 herein are inadequate a greater requirement may be required to preserve the intent of this ordinance.

Section 17.2. GENERAL PARKING AREA AND SURFACE REQUIREMENTS.

All off-street parking areas shall comply with the following minimum area and surface requirements. All buildings and structures erected and all uses of lands in all districts established after the effective date of this ordinance shall provide off street parking as required under this section.

1. Owners, developers or an authorized agent of the owner shall apply for and obtain an approved zoning permit prior to installing any off-street parking areas. Off street parking may be included in a zoning permit for a building or structure if such off street parking spaces are part of the overall site development plan.
2. The provisions of this section shall not apply to areas in the C-1 General Commercial District.
3. A parking space shall be not less than 200 square feet.
4. Parking spaces shall be surfaced with portland cement, concrete, asphaltic concrete, or equivalent hard surface approved by the Planning Commission.
5. All off street parking spaces required by this section shall be located on the same lot of the use it serves or on land contiguous to the principal use lot.
6. Enclosed parking areas or garages shall qualify to meet minimum parking space requirements under this section.
7. Owners of two (2) or more uses or parcels of land may agree to jointly utilize the same parking spaces provided that satisfactory legal evidence is presented to establish such a joint use.
8. 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 listed in Section 22.1.

Section 17.3. OFF STREET PARKING REQUIREMENTS.

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 General Commercial District.

- | | |
|--|---|
| 1. Single Family Residential: | 2 spaces |
| 2. Two Family Residential (Duplex): | 2 spaces per dwelling unit |
| 3. Multi-Family Residential:
- Condominiums, apartments and townhouses | 1.5 spaces per dwelling unit |
| 4. Mobile/Manufactured Home Residential: | 1 spaces per mobile/manufactured home and
1 space per dwelling unit for visitor/guest parking |
| 5. Group Residential/Family Home: | 1 space for each two (2) bedrooms |
| 6. Hotel/Motel and Bed & Breakfast: | 1 space per guest room and five (5) additional
spaces |
| 7. Hospital/Healthcare facilities: | 1 space for each four (4) patient beds |
| 8. Convalescent Services: | 1 space for each eight (8) patent beds, plus 1
space for each employee on the largest shift |
| 9. Public Assembly/Religious Assembly:
- Churches, Auditoriums, Stadiums,
Community Center, etc. | 1 space for each six (6) seats of seating
capacity provided or 1 space per 500 sq.ft. of
gross floor area, whichever is greater |
| 10. General Retail Sales/Professional Office: | 1 space per 300 sq.ft. of gross floor area |
| 11. Large Retail/Services in excess of | 1 space per 600 sq.ft. of gross floor area
15,000 square feet: |
| 12. Restaurants/Lounges/Bars: | 1 space for each four (4) seats, plus 1 space for
each two (2) employees, or 1 space per 300
sq.ft. of gross floor area, whichever is greater |
| 13. Educational Facilities:
- including preschools, daycares, etc. | 1 space per regular employee and 1 space for-
every ten (10) seats in the largest facility for
public assembly. |
| 14. Industry/Manufacturing/Research:
Warehousing | 1 space for every two (2) employees on the
largest shift. |
| 15. Salvage yards/scrap yards/junk yards: | One (1) space per one hundred (100) sq. ft. of
display or floor area |
| 16. Campgrounds, camp sites, 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 off-street parking space
for each one thousand (1,000) square feet of
floor space on the same lot as the principal
building. |

Section 17.4. 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 17.3 above or as determined by the Zoning Administrator.
2. Where fractional spaces occur, the parking spaces required shall be increased to the nearest whole number.
3. Whenever a building or use existing prior to the effective date of this ordinance is 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 the same building or land, the parking spaces required shall equal the sum of the requirements of the various uses if computed separately.

Section 17.5. LOCATION AND TYPE OF PARKING.

All parking spaces required by this ordinance shall be located on the same zoning lot as the building or use served. Except that 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 on properties contiguous to the use being served by required parking spaces.

1. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form and execution, and shall be filed with the application for a building permit.
2. Off-street parking spaces may be located within the required front yard of any commercial, industrial, or multiple family residential (R-2) districts. However, no off-street parking shall be permitted in the required front yard except upon a driveway providing access to a garage, carport or parking area within the R-1 and R-3 residential districts.
3. All required off-street parking areas of more than five (5) spaces shall be surfaced with either asphalt, concrete, asphaltic concrete, or other such hard surface as approved by the Zoning Administrator so as to provide a durable parking surface. Parking areas shall be graded and drained to dispose of all surface water on the lot, and shall be arranged and marked to provide for orderly and safe ingress and egress.
4. Any lighting used to illuminate any off-street parking areas shall be arranged to reflect light away from adjacent lots and uses of land.
5. In cases when commercial or other non-residential parking lots adjoin a residential district, parking areas shall be at least five feet from the side property line and effectively screened by the use of a fence, hedge, or other similar methods.

Section 17.6. OFF STREET LOADING REQUIREMENTS.

At the time of construction, alteration, or enlargement of any building 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 18. SIGN REGULATIONS

Article 18: Sign Regulations

Section 18.1	Intent
Section 18.2	Sign Definitions
Section 18.3	Exempt Signs
Section 18.4	Sign Requirements
Section 18.5	Conditional Uses for Signs
Section 18.6	General Sign Regulations
Section 18.7	Sign Permits
Section 18.8	Unsafe Signs and Removal of Signs
Section 18.9	Nonconforming Signs

Section 18.1. INTENT.

This article is established to protect and promote health, safety, general welfare and order within the City of Rock Valley 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. The provisions of this article are intended to encourage opportunity for effective, aesthetically compatible, and orderly communications by reducing confusion and hazards resulting from unnecessary or indiscriminate use of sign devices. Hereafter no sign shall be erected, constructed, altered, or modified except as regulated by the provisions of this article, except a permit shall not be required for temporary or exempt signs.

Section 18.2. SIGN DEFINITIONS.

For use in this section, the following terms are defined. Where terms are not expressly defined, they shall have their ordinary accepted meaning within the context for which it is used.

1. **AWNING:** 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.
2. **BILLBOARD:** A billboard includes all structures, regardless of the material used in construction, 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 freestanding. Billboards include pictures or other pictorial reading material which advertises a business or attraction which is not carried on, manufactured, grown, or sold on the premises where the said signs or billboards are located.
3. **DISPLAY SURFACE:** The area available on the sign structure for the purpose of displaying the advertising message.
4. **ERECT:** To build, construct, attach, hang, suspend or affix, and shall also include the painting of wall signs.
5. **FACING (or SURFACE):** The surface of the sign upon; against or through which the message is displayed or illustrated on the sign.
6. **INCOMBUSTIBLE MATERIAL:** Any material that will not ignite at or below a temperature of 120° F and will not continue to burn or glow at that temperature.
7. **MARQUEE:** A permanent roofed sign structure attached to and supported by the building.

8. *PERSON*: Any one being, firm, partnership, association, corporation, company or organization of any kind.
9. *PROJECTION*: The distance of which a sign extends from or beyond the building line.
10. *SIGN*: Any identification, description, illustration, or device visible to the public which is affixed to or represented directly or indirectly upon a building, structure or land and which directs attention to a product, place, activity, person, institution or business.
 - a. *Abandoned Sign*: A sign which no longer correctly directs any person, advertises a bona fide business, lessor, owner, product, or activity conducted on the premises where such sign is displayed.
 - b. *Address Sign*: A sign identifying street address only, whether written or numerical form.
 - c. *Awning Sign*: A sign consisting of either an operating or permanently affixed awning containing letters, graphics, pictures, or other images which portray the business or other advertising of the establishment in which it is attached to. Awning signs shall not encroach more than four (4) feet out in front of a building, but shall meet all other size requirements addressed in this chapter. 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.
 - d. *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.
 - e. *Combination Sign*: Any sign incorporating a combination of features of a pole, freestanding, projecting or roof sign.
 - f. *Construction Sign*: A sign placed at construction site identifying the project or the name of the architect, engineer, contractor, financier or other involved parties.
 - g. *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.
 - h. *Flashing Sign*: Any illuminated sign that has artificial light or color which 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. *Freestanding 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. *Illuminated Sign*: Any sign which has character, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper.
 - l. *Information Sign*: Any sign giving information to employees, visitors or delivery vehicles, but containing no advertising or identification.
 - m. *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.

- n. *Non-Conforming Sign*: A sign which lawfully existed at the time of the passage of this Ordinance or amendments thereto but which does not conform to the regulation of this ordinance.
 - o. *Pole Sign*: Any sign which is supported by structures or supports in or upon the ground and independent of support from any building.
 - p. *Projecting Sign*: A sign, other than a wall sign, which projects perpendicular to the wall surface of a building or structure, and is supported by a wall of the building or structure
 - q. *Real Estate Sign*: A business sign placed upon a property advertising that particular property for sale, for lease or for rent.
 - r. *Roof Sign*: A sign erected upon or above a roof or parapet of a building or structure.
 - s. *Swinging Sign*: A sign installed on an arm or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.
 - t. *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.
 - u. *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.
 - v. *Wall Sign*: All flat signs of solid face construction 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. Wall signs are also known as flush mounted signs.
- 11. *SIGN AREA*: That area enclosed by one contiguous line, connecting the extreme points or edges of a sign. The area shall be determined by using the largest area or silhouette visible at any one time from any one point. This does not include the main supporting sign structure. Only changeable copy areas of marquee or canopies shall be considered in determining the total sign area.
 - 12. *SIGN STRUCTURE*: The supports, uprights, bracing and framework for a sign including the sign area. A sign structure may be a single pole and may or may not be an integral part of the building.
 - 13. *STREET LINE (or PROPERTY LINE)*: The point where the street right-of-way line begins and the private property line ends.
 - 14. *STRUCTURAL TRIM*: The molding, battens, cappings, nailing strips, latticing and platforms that are attached to the sign structure.

Section 18.3. EXEMPT SIGNS.

The following signs are allowed without a permit but shall comply with all other applicable provisions of this ordinance, and subject to the removal of signs procedures outlined in Section 18.8.

- 1. Any official notice authorized by a court, public body or public safety official.
- 2. Integral signs, Memorial signs or Professional name plates not exceeding two (2) square foot in area, and attached to the building, including names on buildings, date of construction, commemorative tablets and the like, which are a part of the building or structure.
- 3. Any flags or flagpoles of a government or other non-commercial institution, such as schools.

4. Religious symbols and seasonal decorations within the appropriate public holiday season.
5. Real estate signs (on-site) are permitted in any district, advertising for sale, rental, or lease of premises or buildings on which they are located. The area of such sign shall not exceed four (4) square feet in size shall be permitted in any case. Real estate signs in any commercial or industrial districts shall not exceed sixteen (16) square feet in size. Illuminated real estate signs are not permitted. At the date of closing, signs shall be removed within forty-eight (48) hours.
6. Address Signs identifying street address only, whether in written or numerical form.
7. Construction Signs as a non-illuminated sign announcing the names of architects, engineers, contractors, future use, and other individuals or firms involved with the construction, alteration, or repair of such building (but not including any advertisement of any product). Such signs shall be confined to the site of the construction, alteration or repair and shall be removed within one (1) year of the date of issuance of the first building permit or when the particular project is completed, whichever is later. One (1) sign, not to exceed 32 sq. ft. shall be permitted on the project site.
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.
9. Government signs of a public, non-commercial nature to include safety signs, danger signs, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques and the like, when signs are erected by order of a public officer or employee in the performance of official duty.
10. 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 lot not to exceed two (2) square feet of area per business or resident occupant.
11. On-site Directional and Parking Signs intended to facilitate the movement of vehicles and pedestrians upon which the sign is located. Signs shall not exceed six (6) square feet of area.

Section 18.4. SIGN REQUIREMENTS.

1. All Residential Districts.

Signs pertaining to permitted and conditional uses are allowed in residential districts subject to the following regulations.

- a. Home occupation signs are permitted pursuant to Section 16.5 of this ordinance.
- b. Signs, for non-residential businesses located in residential areas, shall be limited to no more than 32 square feet on one freestanding or ground sign not to exceed a height of six feet (6') from the ground to the top of the sign structure. One additional wall mounted sign not to exceed four (4) square feet is also permitted for non-residential businesses.
- c. One on-site sign pertaining to the sale, lease or rent of the land or building shall be allowed per residential property.
- d. Signs shall not encroach or extend into the public right-of-way, and shall not obscure or interfere with any traffic control sign, signal or device.
- e. Bulletin board and announcement signs shall be permitted in any residential district for

charitable, educational, religious or other public uses but may not exceed 32 square feet in size and must be set back a minimum of fifteen feet (15') from all property lines. The height of such signs shall not exceed six feet (6').

f. Prohibited Signs:

1. All flashing type signs are prohibited.
2. Internally illuminated or audible signs are prohibited.
3. Off-premise signs and billboards are prohibited.
4. Any lighted sign that impairs the vision of drivers is prohibited.

g. Permitted Signs:

- | | |
|----------------------|------------------------------|
| 1. Address sign | 9. Joint Identification sign |
| 2. Real Estate sign | 10. Wall sign |
| 3. Government sign | 11. Ground sign |
| 4. Campaign sign | 12. Directional sign |
| 5. Combination sign | 13. Freestanding sign |
| 6. Construction sign | 14. Government sign |
| 7. Information sign | 15. Pole sign |
| 8. Temporary sign | |

2. *All Other Zoning Districts.*

Signs and billboards in conjunction with permitted and conditional uses are allowed subject to the following regulations.

- a. Signs shall be limited to those identifying uses conducted on the property, or necessary for directional purposes, or used to advertise the sale or lease of real property on buildings on which displayed, or identifying the commercial enterprise by name or symbol.
- b. The total aggregate sign area shall not exceed 200 square feet.
- c. The total aggregate sign area for service stations, gas stations or convenience stores shall be limited to 250 square feet.
- d. Wall signs, awning signs, swinging signs, or projecting signs located in the central business district may project over the right-of-way. No wall sign shall extend more than 12 inches beyond the face of the building. Canopies, marquees, awnings, swinging signs or projecting signs shall be attached to a wall and maintain a clearance of at least fourteen feet (14') above the sidewalk or grade level below the lowest point of the sign.
- e. For the purposes of this section, the sign area allowed for the signs described above shall:
 - i. For freestanding letters be computed by taking the area enclosed within the smallest rectangle needed to completely encompass each word or insignia of the sign.
 - ii. For signs other than freestanding letters, be computed by taking the total area of the facing or the total area within the outer edge of any existent border of the sign.
- f. Wall-mounted signs shall not project more than four (4) feet above the roofline.
- g. All signs shall be fixed and shall not be moving or audible. No illumination shall be intermittent or flashing. Internally illuminated signs for purposes of a scrolling marquee for information or advertising purposes is permitted as long as the message is not flashing.
- h. Billboard type signs are limited to one hundred (100) square feet, and must not impair sight distance or create a traffic hazard. Billboards are not permitted in the central business district.

- i. Multiple signs are permitted and may include only one wall sign to be placed on the principal use structure, and one independent structure located not more than 150 feet from the principal building.
- j. Permitted signs:

1. Address sign	7. Combination sign	13. Flashing sign
2. Awning sing	8. Construction sign	14. Freestanding sign
3. Campaign sign	9. Directional sign	15. Government sign
4. Illuminated sign	10. Pole sign	16. Roof sign
5. Information sign	11. Projecting sign	17. Swinging sign
6. Joint Identification sign	12. Real estate sign	18. Temporary sign
		19. Wall sign

Section 18.5. 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 appropriate by the board.

Section 18.6. GENERAL SIGN REGULATIONS.

1. *Interference.* No signs or attachments 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, fiber optic, or cable 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. *Face of sign shall be smooth.* All signs or other advertising structures which are constructed on street lines, or within five feet (5') thereof, shall have a smooth surface and no nails, tacks or wires shall be permitted to protrude therefrom, except electrical reflectors and devices which may extend over the top and in front of the advertising structures.
3. *Signs not to constitute a traffic hazard.* No sign or other advertising structure as permitted by this ordinance shall create a hazard to the safe, efficient movement of traffic. No signs shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision. No private sign shall contain words which might be construed as traffic controls, or be confused with any authorized traffic sign, signal or device; or which makes use of the words "STOP", "LOOK", "WARNING", "CAUTION", "DANGER", or any other word, phrase, symbol or character in such manner as to mislead or confuse traffic. No sign or advertising structure as regulated by this ordinance shall have posts, guides or supports located in any street or alley.
4. *Goose neck reflectors.* 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 illumination on the area of the sign to prevent glare on adjacent property.
5. *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.
6. *Temporary Signs.* The temporary use of portable or moveable signs, search lights, banners, pendants, and similar devices shall be allowed in excess of and in addition to the sign limitations of this Article for continuous periods of no longer than thirty (30) consecutive days. No business proprietor shall be allowed more than three such periods in any calendar year.

7. *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 fourteen feet (14') above grade. No sign shall be erected or maintained so as to prevent or deter ingress or egress from any building.
8. *Signs Required by Law.* All signs required by law shall be permitted in all districts.
9. *Back to Back Signs.* If any sign or sign structure is constructed so that the faces are not back to back, the angle shall not exceed thirty degrees (30°). If the angle is greater than thirty degrees, the total area of both sides added together shall be the calculated sign area.
10. *Roof Signs.* Roof signs shall not be permitted except for a business sign that is attached to the parapet wall and extending above the building height except where no alternative is available as determined by the Board of Adjustment.
11. *Illumination.* All externally illuminated signs shall be constructed so as to direct the source of light away from adjacent properties or public streets.
12. *Animated Signs.* Animated signs may be allowed as a conditional use requiring a hearing before the Board of Adjustment.
13. *Electronic Message Board Signs.* Electronic message board signs that display the time and temperature or provide changing and scrolling messages are permitted provided that such signs do not flash or change text at rapid intermittent rates.
14. *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.
15. *Setbacks for Signs.* No portion of the sign area or sign structure of any sign shall encroach closer than five feet (5') from the property line.
16. *Double Frontage.* Lots having frontage on two streets or on a street and an alley shall be permitted to provide the maximum number and square footage of signs on each of the opposite ends of said lot, provided however, that not more than the maximum number of square feet of signs per frontage may be viewed simultaneously.

Section 18.7. 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. *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 city, the sign permit shall then be issued.
3. *Sign Fees.* Every applicant, before being granted a sign permit, and to defray administrative costs of processing requests for sign permits, shall pay to the City Clerk a fee in the amount established by the City Council.
4. *Nullification.* A sign permit shall become null and void if the work authorized under a sign permit has not been completed within six (6) months after date of issuance.
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 18.8. 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 legible and can be easily read. All parts and supports shall be properly painted. Any sign or sign structure which is rotted, unsafe, deteriorated, defaced, or otherwise altered, shall be repainted, repaired, or replaced by the property owner or agent of the property owner upon which the sign is located, within thirty (30) days after written notice by the City of Rock Valley. 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, 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 compliance period shall be extended until 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, he/she may order the removal of such sign summarily and without notice to the permit holder.

Abandoned, obsolete or dilapidated signs which no longer advertise a bona fide business conducted, product sold, or service provided shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found within ninety (90) days from date of notice provided by the city. The owner of the property on which the sign is located shall have ninety (90) days from date of notice to remove any such sign. If after the expiration of the ninety (90) day period, the sign has not been removed, the city may cause the sign to be removed and any expenses may be charged back to the property owner.

Section 18.9. NONCONFORMING SIGNS.

Nonconforming signs shall be brought to compliance upon change of ownership or occupancy of the premises.



ARTICLE 19. BUFFERS REQUIRED

Article 19: Buffers Required

Section 19.1	Intent
Section 19.2	Conditions for Requiring a Buffer
Section 19.3	Permissive Buffers
Section 19.4	Burden of Provision of a Buffer
Section 19.5	Waiver of Buffer Requirement

Section 19.1. INTENT.

It is recognized the transition from one district to another or from one use to another of contrasting and conflicting uses is across a barrier and line in theory and not in existence. Therefore, it shall be the intent of this article to require the actual provision of a physical barrier so as to reduce possible harmful or detrimental influences one district or use may have upon adjoining uses.

Section 19.2. CONDITIONS FOR REQUIRING A BUFFER.

The following conditions shall require a buffer:

1. All industrial districts that abut a residential district shall be buffered as required in this Article.
2. Any lot located in any commercial or industrial district having both its front and rear lines abutting a public thoroughfare (a double frontage lot) shall be buffered from the thoroughfare abutting its rear line by one of the buffer methods set forth in this article.
3. Any storage facility or yard, loading yard, or equipment storage/staging area in any commercial or industrial district which abuts a public street shall be restricted from public view by a buffer.
4. Any other uses or districts abutting residential properties determined to be more intensive in nature or as recommended by the Board of Adjustment.

Section 19.3. PERMISSIVE BUFFERS.

Buffers required under the provisions of this article or elsewhere in this ordinance shall be accomplished by any one or approved combination of the following methods:

1. *A Man-made Buffer:*
Shall be not less than six feet (6') in height and constructed of a permanent low maintenance material. The wall shall be designed for both structural adequacy and aesthetic quality. The use of weather resistant wood, metal, concrete, brick, tile, or other manufactured substitutes shall be used as a primary material for aesthetic quality, as long as the buffer is opaquely screened.
2. *A Natural Buffer:*
Such natural buffer shall be not less than fifty feet (50') in width and landscaped with evergreen type trees, shrubs and plants no less than six feet (6') in height so as to assure year around effective screening. Natural screens shall maintain a density of planting adequate to serve as a solid and impenetrable screen. If a berm is used in combination with natural plantings, such shall be at least three feet (3') in height with natural plantings no less than four feet (4') on top of the berm to create a solid opaque natural screen.

Section 19.4. BURDEN OF PROVISION OF A BUFFER.

The burden of provision and selection of the buffer shall be as follows:

1. Where two different districts that require a buffer between them are both in an existing improved condition the above requirement is not retroactive, and should a buffer be desired, it shall be by mutual agreement between property owners or as otherwise provided by law. However, in the event of any or all of the improved property is abandoned, destroyed, demolished, etc., for the purpose of renewal, redevelopment, etc., that portion of such property being renewed, redeveloped, etc. shall be considered vacant land subject to the requirements herein.
2. Where one of two different districts that require a buffer between them is partially developed the developer of the vacant land shall assume the burden.
3. Where both districts that require a buffer between them are vacant or undeveloped, except for agricultural use, the developer shall assume the burden as the land is improved or developed.

Section 19.5. WAIVER OF BUFFER REQUIREMENT.

Where the line between two zoning districts requiring a buffer follows a highway, railroad right-of-way, stream, creek, river, other waterway or other similar natural or man-made barrier, the requirement for a buffer may be waived by determination of the Zoning Administrator.



ARTICLE 20. NONCONFORMITIES

Article 20: Nonconformities

Section 20.1.	Intent
Section 20.2.	Nonconforming Uses of Land
Section 20.3.	Nonconforming Buildings and Structures
Section 20.4.	Repairs or Replacing Damaged Buildings and Structures
Section 20.5.	Change of Tenancy or Ownership

Section 20.1. 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 there exists lots, structures, and uses of land which were lawful before this ordinance was passed that would otherwise be prohibited or restricted under the terms of this ordinance. These nonconformities will be allowed to continue to exist until they are discontinued or abandoned, but are declared by this ordinance to be incompatible with permitted uses in the 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 actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance.

Section 20.2. NONCONFORMING USES OF LAND.

Where at the effective date of adoption or amendment of this ordinance, lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

1. A nonconforming use may be changed to a permitted use in the zoning district.
2. A nonconforming use may be changed to another nonconforming use of the same intensity or more similar to permitted uses in the district, provided no structural alternations are made.
3. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.
4. No such nonconforming use 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.
5. If such nonconforming use of land ceases for any reason for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.
6. Any nonconforming lot of record, in accordance with the provisions in Section 15.2, which does not meet the minimum lot width or lot area shall be allowed to be built upon for any permitted or conditional use if such use maintains the required front, side, and rear yards in relation to the principal use building or structure.

Section 20.3. NONCONFORMING BUILDINGS AND STRUCTURES.

Where a lawful building or structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area,

lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such structure may be enlarged or altered in a way which increases its nonconformity. Such structure may be altered in a way which does not increase its nonconformity. Such structural alterations or additions must remain in conformity with the site development regulations (i.e. yard setbacks, open space, building height, etc.) of the district in which such building or structure is located.
2. Should such structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement costs, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this ordinance.
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
4. In the event that a nonconforming building or structure or premises is discontinued for a period of six (6) months, the use of the same shall conform thereafter to the uses permitted in the district in which it is located.
5. Where nonconforming status applies to a building or structure and land in combination, the removal or destruction of the building or structure shall eliminate the nonconforming status of the land.

Section 20.4. REPAIRS OR REPLACING DAMAGED BUILDINGS AND STRUCTURES.

Any nonconforming building or structure damaged by fire, flood, windstorm, explosion, war, riot, or any natural disaster, or act of God or public enemy to the extent of more than fifty percent (50%) of its replacement value at the time of damage shall not be restored or reconstructed and used as before such happening. If less than fifty percent (50%) of the replacement value of the building is damaged it may be restored, reconstructed, or used as before, provided that the cubic content of the building as it existed at the time of passage or amendment of this ordinance shall not be increased and reconstruction is started within one (1) year of such happening. Nothing in this ordinance shall be deemed to prevent the 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 20.5. 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 nonconforming status of such land, buildings or use.



ARTICLE 21. ZONING ENFORCEMENT

Article 21: Zoning Enforcement

- Section 21.1. Zoning Administrator
- Section 21.2. Zoning Compliance
- Section 21.3. Zoning Permits Required
- Section 21.4. Application for Zoning Permit
- Section 21.5. Construction and Use to be provided in Application, Plans, and Permit
- Section 21.6. Fees
- Section 21.7. Special Exceptions
- Section 21.8. Administrative Appeals

Section 21.1. ZONING ADMINISTRATOR.

The purpose of this section is for the City of Rock Valley, Iowa to appoint or confirm a Zoning Administrator. It shall be the primary duty of said Zoning Administrator to enforce this ordinance. The role of city's Zoning Administrator is to provide and review zoning permits for the construction of new buildings and structures, to act as a liaison between the city and public or developers related to zoning matters, and to enforce the provisions of this ordinance to ensure the city's zoning laws are followed. The Zoning Administrator is also given the responsibility of serving as the recording secretary for the Planning Commission and Zoning Board of Adjustment, and will act on the city's behalf in matters being reviewed before these boards. The Zoning Administrator may be a person holding other appointive office in the city, or another governmental agency. The term of appointment for the Zoning Administrator shall be set by the City Council. Once the Zoning Administrator is appointed by City Council that appointment becomes perpetual until such further decision and notification is made by City Council. Termination of the Zoning Administrator and/or certain duties or responsibilities shall also be upon consideration and discretion of the City Council.

Section 21.2. 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.

Section 21.3. ZONING PERMITS REQUIRED.

No buildings or structures shall be occupied in whole or in part for any purpose whatsoever and no buildings, structures, parking lots, fences or signs shall hereafter be erected, moved, placed, constructed or structurally altered until a permit is issued by the Zoning Administrator. 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 is not commenced within one (1) year from date of issuance. Typically, a zoning permit is not issued for demolition activities. The City of Rock Valley may have a separate demolition permit which may need to be completed and submitted to the city prior to demolition activities.

Section 21.4. APPLICATION FOR ZONING PERMIT.

Application for zoning permits may be obtained from City Hall. Prior to starting or proceeding with a project, including construction of parking lots, fences or erection of signs and billboards, a zoning permit must be issued. The application shall state the name and address of the owner of the proposed improvement or project and owner of the land upon which it is to be erected, constructed, altered or moved. Other building projects including sheds, outbuildings, decks, patios, and other yard structures; although not necessarily required to submit a site plan shall file a zoning permit and appropriate drawings or sketches to ensure setback distances and compliance with the provisions of this ordinance. Approved permits shall be kept on file in the office of the Zoning Administrator, and are available for public inspection. Copies of zoning permits shall be furnished upon request, but may include a fee for copying and administrative expenses. Zoning permits shall be reviewed and a decision to approve, deny or request for additional information shall be provided to complying applicants within ten (10) days after application is made. Each zoning permit application for new construction of residential, commercial or industrial buildings shall be accompanied by a site plan prepared in accordance with Article 14. In the case of a house mover permit, the permit application shall be accompanied by a photo of the structure to be moved. In the case of demolition of any existing dwelling or commercial/industrial buildings in Rock Valley, a demolition permit application must be completed and submitted to the Zoning Administrator for approval.

Section 21.5. CONSTRUCTION & USE TO BE AS APPROVED IN APPLICATION, PLANS & PERMIT.

Zoning 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 at variance with that authorized shall be deemed a violation of this ordinance and punishable as provided by Section 22.1.

Section 21.6. FEES.

The City Council shall establish, by resolution, zoning fees to be applied to zoning permits and appeals pursuant to this zoning ordinance. Before receiving a zoning permit the owner or the owner's agent shall pay to the city the permit fee as provided by resolution of the council. Tax levying governmental agencies shall be exempt from paying any scheduled fees. Fees for zoning permits issued after construction has begun shall double in cost as a penalty for not complying with the city's zoning permit process.

Section 21.7. CONDITIONAL USES.

The Zoning Administrator may issue a zoning permit for a conditional use only after review, approval and upon order of the Board of Adjustment.

Section 21.8. APPEALS AGAINST THE ZONING ADMINISTRATOR.

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 concerning interpretation or administration of these ordinances by the Zoning Administrator may be taken by any person aggrieved or by any public officer, board, bureau, corporation or others affected by a decision of the Zoning Administrator. Such appeals should be taken within 30 days of the action by filing with the Zoning Administrator and with the City Clerk a notice of appeal specifying the

grounds thereof. The Zoning Administrator shall forthwith transmit to the Board of Adjustment all papers constituting the record from which the action appealed was taken. A concurring vote of at least three (3) members of the Board shall be necessary to approve, modify or reverse any decision or action of the Zoning Administrator, even in the instance of absentee members or in conflicts of interest. The Board of Adjustment shall fix a reasonable time (typically no more than 30 days) to conduct a hearing of appeal, give public notices thereof, as well as due notice to the parties of interest, and render a decision on the appeal or application. At the hearing any party may appear in person or by agent or attorney. The Board of Adjustment shall make written findings of fact and conclusions on all issues presented in any adjudicatory proceeding. In exercising the powers set out in this section, the Board of Adjustment may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from; and to that end shall have all the powers of the Zoning Administrator from which the appeal was taken. The Board shall notify the appellant of its decision. A fee to be determined by resolution of the City Council shall be paid to the Zoning Administrator at the time the notice of appeal is filed.



ARTICLE 22. VIOLATION AND PENALTY

Article 22: Violation and Penalty

Section 22.1. Violation and Penalty

Section 22.2. Restraining Order

Section 22.1. VIOLATION AND PENALTY.

Unless provided elsewhere in this ordinance or the city's municipal code, 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 offense.

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

First offense – no less than \$250 and not to exceed \$750.00, plus court costs

Second and repeat offenses – no less than \$250 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 22.2. RESTRAINING ORDER.

Upon any building, structure or land being used, erected, constructed, reconstructed, altered, repaired, converted, maintained, or demolished in violation of this ordinance the City Attorney, in addition to other remedies, may institute any proper action or proceed in the name of the City of Rock Valley to prevent such unlawful use, erection, construction, reconstruction, alteration, repair, conversion, maintenance, or demolition of or about said premises.



ARTICLE 23. PLANNING & ZONING COMMISSION

(also referenced in Chapter 23, Code of Ordinances, Rock Valley, Iowa)

Article 23: Planning and Zoning Commission

- Section 23.1. Confirmation of the Planning and Zoning Commission
- Section 23.2. Terms of Office
- Section 23.3. Vacancies
- Section 23.4. Proceedings of the Planning and Zoning Commission
- Section 23.5. Compensation
- Section 23.6. Powers and Duties
- Section 23.7. Decisions of the Planning and Zoning Commission

Section 23.1. CONFIRMATION OF THE PLANNING & ZONING COMMISSION.

The members of the Rock Valley Planning and Zoning Commission, hereinafter referred to as the Commission, are hereby confirmed to continue their appointed terms of office. The Commission shall consist of five (5) members, each appointed by the Mayor, subject to the approval by the City Council. The members shall not hold any elective office in the City government. Members of the Planning Commission shall be appointed to terms of five (5) years. The member's terms of appointment should be staggered so that no more than two (2) member's terms expire in the same years. Members of the Planning Commission shall serve without pay and may be removed from the Commission for cause, upon written charges, and after a public hearing. Vacancies shall be filled by the City Council for the unexpired term of any member whose seat becomes vacant. Absences by any member of the Planning Commission for three (3) consecutive meetings without prior excuse from the Chairperson or City Administrator shall be deemed as sufficient cause for removal. (*Code of Iowa, Sec.414.6, 414.23 & 392.1*)

Section 23.2. TERMS OF OFFICE.

The term of office of the members of the Commission shall be five (5) years. The terms of not more than one-third of the members will expire in any one (1) year. Members of the Commission may be removed from office by the City Council for cause upon written charges and after a public hearing. (*Code of Iowa, Sec. 392.1*)

Section 23.3. VACANCIES.

If any vacancy exists on the Commission caused by resignation, or otherwise, a successor for the unexpired term shall be appointed by the City Council in the same manner as the original appointee. (*Code of Iowa, Sec. 392.1*)

Section 23.4. PROCEEDINGS OF THE PLANNING & ZONING COMMISSION.

The Commission shall adopt rules necessary to the conduct of its affairs, and in keeping with the Commission's responsibilities as outlined in this Article. Meetings shall be held at the call of the chairperson and at such other times as the Commission may determine. The chairperson, or in the chairperson's absence the acting chairperson, may direct the meetings. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote of each member upon each action, of if absent or failing to vote indicating such fact. The Commission shall also keep records of its examinations and other official actions, all of which shall be made available for public inspection. The presence of five (5) voting members shall constitute a quorum. A quorum may be achieved and verbal communication to vote shall be counted by phone,

teleconferencing or other verbal electronic means. The votes of all members, including members calling in from another location, shall be recorded in the official minutes of the meeting.

Section 23.5. COMPENSATION.

All members of the Commission shall serve without compensation, except their actual expenses, which shall be subject to the approval of the City Council. (*Code of Iowa, Sec. 392.1*)

Section 23.6. POWERS AND DUTIES.

The Planning & Zoning Commission shall have and exercise the following powers and duties and other such powers as may be incidental to the successful carrying out of the powers invested herein.

1. **SELECTION OF OFFICERS.** The Commission shall choose annually at its first regular meeting one of its members to act as Chairperson and another as Vice Chairperson, who shall perform all the duties of the Chairperson during the Chairperson's absence or disability. (*Code of Iowa, Sec. 392.1*)
2. **ADOPT RULES AND REGULATIONS.** The Commission shall adopt such rules and regulations governing its organization and procedure as it may deem necessary. (*Code of Iowa, Sec. 392.1*)
3. **ZONING ORDINANCE.** The Commission shall have and exercise all the powers and duties and privileges in preparing and establishing the city zoning regulations and other related matters and may from time to time recommend to the council amendments supplements, changes or modifications, all as provided by Chapter 414 of the Code of Iowa. To this end the Commission shall prepare preliminary reports and hold public meetings thereon and after such hearings have been held, to submit its final reports and recommendations to the City Council for approval. (*Code of Iowa, Sec. 392.1*)
4. **RECOMMENDATIONS OF IMPROVEMENTS.** No statuary, memorial or work of art in a public place, and no building, bridge, viaduct, street fixtures, public structure or appurtenances, shall be located or erected, or site thereof obtained, nor shall any permit be issued by any department of the City for the erection or location thereof until and unless the design and proposed location of any such improvement shall be been submitted to the Commission and its recommendations thereon obtained, except such requirements and recommendations shall not act as a stay upon action for any such improvement when the Commission after thirty (30) days' written notice requesting such recommendations, shall have failed to file the same. (*Code of Iowa, Sec. 392.1*)
5. **PLANS (COMPREHENSIVE PLAN).** To make such surveys, studies, maps, plans, or plats of the whole or any portion of the City and of any land outside thereof, which in the opinion of such Commission bears relation to a comprehensive plan, and shall submit such plan to the Council with its studies and recommendations and it may publish the same. Furthermore, the Commission shall recommend to the Council, from time to time, as conditions require, amendments, supplements, changes, or modifications in the comprehensive plan.
6. **REVIEW OF SUBDIVISION PLATS.** All plans, plats, or re-plats of subdivision or re-subdivisions of land embraced in the City or adjacent thereto, laid out in lots or plats with streets, alleys, or other portions of the same intended to be dedicated to the public in the City, shall first be submitted to the Commission and its recommendations obtained before approval by the Council. (*Code of Iowa, Sec. 392.1*)

7. REVIEW AND COMMENT ON STREET AND PARK IMPROVEMENTS. No plan for any street, park, parkway, boulevard, traffic-way, river front, or other public improvement affecting the City plan shall be finally approved by the City or the character or location thereof determined, unless such proposal shall first have been submitted to the Commission and the Commission shall have had thirty (30) days within which to file its recommendations thereon. *(Code of Iowa, Sec. 392.1)*
8. TRENDS. The Commission is granted the responsibility and authority to study trends of development in industrial, physical and social aspects of the community and make such reports to the City Council as it may deem necessary.
9. FISCAL RESPONSIBILITIES. The Commission shall have the full, complete and exclusive authority to expend for an on behalf of the City all sums of money appropriated to it, and to use and expend all gifts, donations or payments whatsoever which are received by the City for City planning and zoning purposes. *(Code of Iowa, Sec. 392.1)*
10. LIMITATIONS ON ENTERING CONTRACTS. The Commission shall have no power to contract debts beyond the amount of its original or amended appropriation as approved by the Council for the present year. *(Code of Iowa, Sec. 392.1)*
11. ANNUAL REPORT. The Commission may make a report to the Mayor and Council of its proceedings, upon request. The report shall include a full statement of its receipts, disbursements and the progress of work during the preceding fiscal year. *(Code of Iowa, Sec. 392.1)*

Section 23.7. DECISION OF THE PLANNING & ZONING COMMISSION.

In exercising the above mentioned powers and duties, the Planning and Zoning Commission is granted the responsibility to provide informed and educated recommendations to the City Council or Board of Adjustment on matters under review. The Planning and Zoning Commission may recommend wholly, partly or may modify or request alterations of the original proposal. A concurring vote of the majority of the entire Planning Commission Board shall be necessary in order to further a recommendation to the City Council or Board of Adjustment for consideration.



ARTICLE 24. BOARD OF ADJUSTMENT

Article 24: Board of Adjustment

- Section 24.1. Confirmation of Board of Adjustment
- Section 24.2. Proceedings of the Board of Adjustment
- Section 24.3. Hearings, Appeals, and Notice
- Section 24.4. Stay of Proceedings
- Section 24.5. Powers and Duties
- Section 24.6. Decisions of the Board of Adjustment
- Section 24.7. Appeals from the Board of Adjustment

Section 24.1. CONFIRMATION OF THE BOARD OF ADJUSTMENT.

The members of the Board of Adjustment are hereby confirmed to continue their appointed terms of office. Members of the Board of Adjustment shall be appointed by the City Council for a term of five (5) years. Members of the Board of Adjustment may be removed from office by the City Council for cause upon written notice and after a public hearing. Absence by any member for three (3) consecutive meetings without prior excuse from the Board chairperson shall be deemed as sufficient cause for removal. Vacancies shall be filled by the City Council for the unexpired term of the resigning, removed or vacated Board seat.

Section 24.2. PROCEEDINGS OF THE BOARD OF ADJUSTMENT.

The Board of Adjustment shall, subject to the approval of the City Council, adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. The Board shall consist of five (5) members, subject to the approval of the City Council. The Board shall elect its own chairperson and vice-chairperson. The chairperson, or in the chairperson's absence the vice or acting chairperson, may administer oaths and compel attendance of witnesses. Meetings shall be held at the call of the chairperson and at such other times as the Board may determine. All meetings shall be open to the public. There shall be a fixed meeting place and all meetings shall be open to the public in accordance with the provisions of Chapter 28A, Code of Iowa. The Board shall give advanced notice of the time and place of each meeting, by providing reasonable notice to the interested parties and the public. The Zoning Administrator may be an ex-officio member and act as secretary for the Board of Adjustment. The Board of Adjustment 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, and shall keep records of its examination and other official actions, all of which shall be a public record and be immediately filed in the office of the Zoning Administrator. The presence of a majority of the whole Board, or three (3) members, shall constitute a quorum, even in the instance of absentee members or during conflicts of interest.

Section 24.3. HEARING, APPEALS AND NOTICE.

Appeals to the Board of Adjustment concerning interpretation or administration of these ordinances by the Zoning Administrator may be taken by any person aggrieved or by any public officer, board, bureau, corporation or others affected by a decision of the Zoning Administrator. Such appeals should be taken within 30 days by filing with the Zoning Administrator and with the City Clerk a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board of Adjustment all papers constituting the record from which the action appealed was taken. A concurring vote of at least three (3) members of the Board shall be

necessary to approve, modify or reverse any decision or action of the Zoning Administrator, even in the instance of absentee members or in conflicts of interest. The Board of Adjustment shall fix a reasonable time (typically no more than 30 days) to conduct a hearing of appeal, give public notices thereof, as well as due notice to the parties of interest, and render a decision on the appeal or application. At the hearing any party may appear in person or by agent or attorney. The Board of Adjustment shall make written findings of fact and conclusions on all issues presented in any adjudicatory proceeding. A fee to be determined by resolution of the City Council shall be paid to the Zoning Administrator at the time the notice of appeal is filed.

Section 24.4. STAY OF PROCEEDINGS.

An appeal stays all proceedings in furtherance of the action which was appealed, unless the Zoning Administrator from whom the appeal is taken certifies to the Board of Adjustment, after the notice of appeal is filed, that by reason of facts stated in the certificate a stay would cause imminent threat to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on the application, on notice to the Zoning Administrator from whom the appeal is taken and on due cause shown.

Section 24.5. 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 made by the Zoning Administrator in the enforcement of this ordinance.
2. Conditional Uses: 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 accordance with Article 26, Conditional Uses.
3. Variances: To authorize upon appeal in specific cases such variances from the terms of this ordinance as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship, and as provided for in accordance with Article 25, Variances.
4. Interpret the Zoning Ordinance and Zoning Map: Where certain sections of the zoning ordinance may be vague, unclear or in conflict with other section of the zoning ordinance or other ordinances of the city; or where the street or lot layout of the city varies from the street and lot lines shown on the zoning map, the Board shall interpret the ordinance and zoning map in such a way as to carry out the intent and purpose of the ordinance.
5. Other such Powers and Duties as granted, including but not limited to: Permitting a nonconforming use of a building to be changed to another nonconforming use of a similar or more restricted classification; and to extend the time limits of zoning permits, variances, conditional uses or other permits issued where no construction work has commenced within one (1) year.

Section 24.6. DECISIONS OF THE BOARD OF ADJUSTMENT.

In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this ordinance and Chapter 414, Code of Iowa, reverse or affirm, wholly or partly, or may modify, order requirements, decision, or determination as ought to be

made and to that end shall have powers of the Zoning Administrator from whom the appeal is taken. The concurring vote of three (3) members of the whole Board, even upon instances of absentee members or during conflicts of interest, shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to affect any variation in application of this ordinance. The action of the Board shall not become effective until it has a written decision describing such action, the vote of each member participating therein and the reasons for such action, specifying the manner in which the applicant either satisfied or failed to satisfy each of the applicable standards, conditions or elements set forth in this Article. Decisions shall be filed promptly following the Board's action and shall be open to public inspection. Every variation and exception granted or denied by the Board shall be supported by a written testimony or evidence submitted in connection therewith.

Any person or persons, or any taxpayer, department, Board or bureau of the community or persons jointly or severally aggrieved by any decision of the Board may present to a court of record a petition for writ of certiorari, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality. The petition shall be presented to the court within 30 days after the filing of the decision in the office of the Board. All decisions of the Board, except decisions granting use variances or a variance from any separation requirement shall be final immediately upon filing. Upon petition from the applicant, a decision granting or denying a variance may be referred to the City Council for review pursuant to Chapter 414.7, Code of Iowa. The Council shall review such decision within 30 days after the decision is filed. After such review, the Council may remand the decision to the Board for further study. If the council does not act to review the decision within 30 days after it is filed, the decision shall become effective on the 31st day. If the City Council declines to remand a decision, that decision shall become final on the date of the Council's action. If the City Council remands a decision to the Board of Adjustment for further review, the Board's decision is final and can only be appealed to District Court.

Section 24.7. APPEALS FROM THE BOARD OF ADJUSTMENT.

Any person or persons, or any taxpayer, department, Board or bureau of the community aggrieved by any decision of the Board of Adjustment may seek review of such decision of the Board of Adjustment by a court of record in the manner provided by the laws of the State of Iowa and particularly by Chapter 414, Code of Iowa.

ARTICLE 25. VARIANCES



Article 25: Variances

Section 25.1.	Intent
Section 25.2.	Application
Section 25.3.	Procedures
Section 25.4.	Lapse of Variance
Section 25.5.	Revocation of Variance
Section 25.6.	Appealing a Variance Decision
Section 25.7.	Variance to Run with the Land or Structure

Section 25.1. INTENT.

To authorize upon appeal in specific cases such variances from the terms of this zoning ordinance, of which will not be contrary to the public interest and where a property owner can show by reason of exceptional circumstances or other peculiar situation affecting a lot of record existing at the time of passage of this ordinance. Furthermore, evidence should be shown indicating the strict application of these regulations will 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. In certain circumstances, a variance may be authorized and issued that will not be contrary to public interest and where the Board shall be satisfied by the evidence heard before it, that the granting of such variation will alleviate a hardship as distinguished from a special privilege sought by the owner.

Section 25.2. APPLICATION.

A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until an application for the variance shall be filed with the Zoning Administrator. The application shall include the following:

1. Name and address of the owner and applicant.
2. Address and legal description of the property.
3. If the applicant is not the legal owner of the property, a statement that the applicant is the authorized agent of the owner.
4. A statement describing the variance requested and the reasons why it complies with the criteria for variances provided in this section.
5. The property address, name and mailing address of the owner of each lot immediately adjacent to the property requesting a variance, and to those properties within 200 feet of the subject property.
6. Site plans, as prepared in accordance with Article 14.
7. The application shall be accompanied by a fee, as established by City Council.
8. The Zoning Administrator may request additional information necessary to enable a complete analysis and evaluation of the variance request, and a determination as to whether the circumstances prescribed for the granting of a variance exist.

Section 25.3. PROCEDURES.

1. The Zoning Administrator shall review the application and prepare a report to be submitted to the Board of Adjustment and available to the applicant prior to the public hearing.
2. The Zoning Administrator shall set the public hearing. Notice of public hearing shall be given

as required by state statute by publication in a newspaper of general circulation in the city. Such notice shall be no more than 20 and no less than 7 days prior to the public hearing. Notice shall be given by ordinary mail to the applicant and to the owners of property within two hundred feet (200') of the subject property within seven (7) days prior to the public hearing. The applicant is responsible for providing at the time of application a complete list of persons who currently own property within two hundred feet (200') of the subject property. 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. The public notice 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 from which additional information may be obtained.

3. The public hearing shall be held. Any party may appear in person or by agent or attorney.
4. Prior to making any decisions on a variance application, the Board shall give careful consideration to whether the variance is contrary to the nature, intent and general objectives of the zoning ordinance and the city's comprehensive plan. Furthermore, that in granting such a variance, there will be no reasonable precedent established for others to follow which would make future zoning enforcement more difficult, and that no injustice or discrimination will result to other property owners in not granting them the same privileges.
5. The Board of Adjustment may grant a variance if it makes affirmative findings of fact on each of the following criteria.
 - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.*
 - b. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.*
 - c. That the special conditions and circumstances do not result from the actions of the applicant.*
 - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district. No nonconforming use of neighboring lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.*
6. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
7. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
8. The Board of Adjustment shall act upon the application not more than 45 days following the closing of the public hearing for a variance. The Board may grant a variance as applied for, or in modified form, or subject to conditions established by the Board, or the application may be denied. The Board shall notify the applicant of its decision. The concurring vote of three (3) members of the Board of Adjustment is necessary to grant a variance, even in the case of absentee or conflicts of interest.

9. Every variance granted or denied by the Board of Adjustment shall be accompanied by a written finding of fact, based upon testimony and evidence; and specifying the reasons for granting or denying such variance.
10. 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 Article 22, Violation and Penalty.

Section 25.4. 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 a certificate of occupancy is issued for the site or structure which was the subject of the variance application, or the site is occupied if no zoning permit or certificate of occupancy is required.

Section 25.5. 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 from the Zoning Administrator to the owner of the use or property subject to the variance.

Section 25.6. APPEALING A VARIANCE DECISION.

Any person or persons, or any board, taxpayer, department or bureau of the community aggrieved by a decision on a variance request by the Board of Adjustment may only seek review and appeal of such decision by a court of record in the manner provided by the laws of the State of Iowa and particularly by Chapter 414, Code of Iowa.

Section 25.7. VARIANCE TO RUN WITH THE 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.



ARTICLE 26. CONDITIONAL USES

Article 26: Conditional Uses

Section 26.1.	Requirements
Section 26.2.	Jurisdiction
Section 26.3.	Application for a Conditional Use Permit
Section 26.4.	Procedures
Section 26.5.	Standards
Section 26.6.	Revocation
Section 26.7.	Supplemental Standards

Section 26.1. REQUIREMENTS.

The enactment of this ordinance is based upon the division of the city into districts, each of which have specified permitted uses that are mutually compatible. In addition to such permitted uses it is recognized there are certain other conditional uses that may be necessary or desirable to allow in certain zoning districts. However, because of the actual or potential impact on neighboring uses or public facilities these conditional uses should be carefully regulated with respect to their location for the protection of adjoining properties. Conditional uses may be permitted, enlarged, or altered upon application for a conditional use permit in accordance with the rules and procedures of the Board of Adjustment. The Board shall grant or deny a conditional use permit in accordance with the standards set forth herein and with the intent and purpose of this ordinance. In granting a conditional use permit, the Board of Adjustment will authorize the conditional use and may prescribe and impose appropriate conditions, safeguards, or a specified time limit for performance of the conditional use.

Section 26.2. 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 26.3. APPLICATION FOR CONDITIONAL USE PERMIT.

A request for a conditional use permit may be initiated by a property owner or the owner's authorized agent by filing an application with the Zoning Administrator upon forms prescribed for the purpose. The application shall be accompanied by a site plan and other materials constituting a record essential to an understanding of the proposed use and proposed modification in relation to the standards set forth herein. The application shall also be accompanied by a fee as determined by resolution of the City Council. The Zoning Administrator shall provide a copy of the conditional use application for review and comment of the Planning and Zoning Commission within seven (7) days after receipt of the application. The application shall include the following:

1. Name and address of the owner and applicant. If the applicant is not the 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 operating characteristics of the proposed use, including any data pertinent to the findings required for approval of the application.
4. Site plans as prepared in accordance with Article 14.

5. Preliminary buildings elevations, construction plans, and a plat of survey of the property, if available or requested by the Zoning Administrator.
6. The location, height, general appearance, and intended use of both existing and planned buildings and structures on the site.
7. The location of any water courses on the site and a proposed drainage plan showing the intent on addressing stormwater runoff from the property.
8. The number and location of both existing and proposed off-street parking spaces on the property.

Section 26.4. PROCEDURES.

The Board of Adjustment shall not grant a conditional use unless and until the following procedures have been fulfilled:

1. The Planning and Zoning Commission shall provide the Board of Adjustment with a review and recommendation of a conditional use application.
2. The Zoning Administrator shall schedule a public hearing in relation to the conditional use request. Notice shall be given of the public hearing as required by state statute by publication in a newspaper of general circulation in the city. Such notice shall be no more than 20 and no less than 7 days prior to the public hearing and shall contain the time and location of the hearing. Notice shall be given in writing to a complete list of persons provided by the applicant who are all of the owners of property within two hundred feet (200') of the property in question seven (7) days prior to the public 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.
3. The Board of Adjustment shall review the conditional use application in accordance with the standards set forth in Section 26.5 of this ordinance and receive pertinent evidence concerning the proposed conditional use. The Board shall further determine that granting of the conditional use permit will not adversely affect the public interest pursuant to testimony presented at the public hearing.
4. In granting any conditional use, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. 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 of the approved conditional use permit, shall be deemed a violation of this ordinance and punishable under Section 22.1.
5. 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 during conflicts of interest.
6. No order of the Board of Adjustment granting a conditional use permit shall be valid for a period longer than one (1) year from the date of such order, unless the Board of Adjustment specifically grants a longer period of time to initiate such project or a zoning permit is obtained within the one year period and construction is commenced.

Section 26.5. STANDARDS.

The Zoning Administrator and the Board of Adjustment shall review and evaluate each conditional use permit application using the following criteria.

1. The establishment, maintenance, or operation of the conditional use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community.
2. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.
3. In the case of existing relocated single family dwellings, the proposed use aesthetically blends in with the neighboring existing permitted uses and special attention is given to the architectural style, size and quality of construction of the proposed use.
4. The conditional use will not impede the normal and orderly development in improvement of the surrounding property for uses permitted in the district.
5. Adequate utilities, access roads, drainage, parking, and/or necessary facilities have been or will be provided.
6. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
7. The use shall not include noise that is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.
8. The use shall not include any activity involving the use or storage of flammable, or explosive material unless protected by adequate firefighting and fire suppression equipment and by such safety devices normally used in the handling of any such material.
9. The use shall not include vibration that is discernable without instruments on adjoining property.
10. The use shall not involve any malodorous gas or matter that is discernable on adjoining property.
11. The use shall not involve any pollution of the air by fly-ash, dust vapors, or other substance which is harmful to health, animals, vegetation or other property or which causes soiling, discomfort or irritation.
12. The use shall not involve any direct or reflected glare which is visible from any adjoining property or from any public street, road, or highway.
13. The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion.
14. The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.
15. That such proposed use shall be analyzed in relation to the city's comprehensive plan and the future goals of the community.
16. The use shall not interfere with the use or enjoyment of neighboring permitted uses.
17. The ground coverage shall be such that no additional dust or storm water run-off is generated by the conditional use.
18. The use shall not create a hazard to vehicular traffic. If any such hazard is determined, provisions must be made to increase the required setback in regard to open-air storage.

19. The use shall not cause any permanent, irreparable environmental damage to the parcel or neighboring lands.

Section 26.6. REVOCATION.

The issuance of a conditional use permit by the Board of Adjustment shall entitle the owner to continue to operate the use so long as 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 permit is granted, it does expressly grant to the city the power and authority to enter upon the premises at any reasonable time for the purpose of inspection and enforcement 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 term, condition, limitation, regulation or safeguards contained in the permit, the 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. In addition to all other remedies provided herein, in the event that such conditional use shall become null and void, any bonds given by the owner under the provisions of this ordinance shall be forfeited.

Section 26.7. SUPPLEMENTAL STANDARDS.

In addition to the general standards outlined in Section 26.5 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) district under a conditional use permit. The application for a conditional use permit shall be accompanied with a proposed intent or covenant to meet the minimum requirements described herein:
 - a. The yards shall be at least five hundred feet (500') distant 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 (8) feet in height, or in lieu thereof, a landscape buffer strip fifty feet (50') wide with coniferous trees or large shrubs to provide a solid landscape screen at least ten feet (10') high; 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 may be located outside of the screened-in area.
2. **Open-Air Vehicle, Equipment and/or Materials Storage:** All open-air vehicle, equipment or material storage areas, including but not limited to farm implement and equipment sales and storage, new or used auto or truck sales or storage, 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 27. CHANGES AND AMENDMENTS

Article 27: Changes and Amendments

- Section 27.1. Procedures
- Section 27.2. Initiation
- Section 27.3. Application for Change in Zoning District Boundaries
- Section 27.4. Protest Provision
- Section 27.5. New Application

Section 27.1. PROCEDURES.

This ordinance and the zoning map associated with this ordinance may be amended from time to time. The purpose of this Article is to prescribe the manner in which changes may be made in the text of the zoning ordinance (zoning text amendment), and the process for amending or changing the city's 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. With that said, no amendment shall become effective unless it shall have been proposed by or shall have been first submitted to the Planning and Zoning Commission for review and recommendation.

The Planning and Zoning Commission shall have forty-five (45) days in which to submit its report to the City Council. If the commission fails to submit a report within the forty-five (45) day period, it shall be deemed to have approved the proposed amendment. 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 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 text amendment or the rezoning proposal and shall receive pertinent evidence relating to consistency with the objectives of this ordinance. 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 30 days following receipt of the recommendation of the Planning and Zoning Commission, the City Council shall hold at least one public hearing on the text amendment or a rezoning request. 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 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 within 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 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 adopt an ordinance amending the text of the zoning regulations or amending the zoning map, whichever is appropriate. If the City 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 27.2. INITIATION.

Requests for rezoning of property or zoning text amendments may be initiated by one of the following 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 text amendment or rezoning request by filing a rezoning or text amendment application with the Zoning Administrator. If the property for which a rezoning request is proposed is in more than one ownership, all the owners or their authorized agents shall join in filing the application.

Section 27.3. APPLICATION FOR CHANGE IN ZONING DISTRICT BOUNDARIES.

Applications for rezoning requests 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 shall be filed and accompanied by a fee as determined by resolution by the City Council. Failure to approve the requested rezoning or text amendment 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. The names and addresses of the owners of all property within two hundred feet (200') of the property for which the change is requested.
2. A statement of the reasons why the applicant feels the present zoning classification is no longer appropriate.
3. A site plan showing existing and proposed locations, dimensions and use of the applicant's property and all property within two hundred feet (200') thereof, including streets, alleys, railroads, and other physical features.
4. 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 land use plan.

- d. Whether there is intent on the part of the applicant to develop the property to be rezoned diligently and within a reasonable time.
- e. The Zoning Administrator or Planning and Zoning Commission may require additional information or maps if they deem it necessary to determine whether the change is consistent with the objectives of this ordinance.

Section 27.4. PROTEST PROVISION.

In case the Planning and Zoning Commission does not approve the change, or in a case of a protest filed with the City Council against a change in district boundaries signed by the owners of twenty percent (20%) or more either of the area of the lots included in such proposed change, or of those immediately adjacent thereto and within two hundred feet (200') of the boundaries thereof, such amendment shall not be adopted except by the favorable vote of four-fifths (80%) of all members of the City Council, even in the instance of absentee members or during conflicts of interest.

Section 27.5. NEW APPLICATION.

Whenever an application requesting a change in zoning classification is denied by the City Council such application cannot be refiled for one (1) year thereafter unless it is signed by at least fifty percent (50%) of the property owners located within two hundred feet (200') of the property proposed for such rezoning. This provision, however, shall not prevent the City Council from acting on its own initiative in any case or at any time with regard to rezoning.



ARTICLE 28. EFFECTIVE DATE

Section 28.1. 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 VALLEY, IOWA

Passed and approved by resolution of the first consideration on _____, 2016

Passed and approved by resolution of the second consideration on _____, 2016

Passed and approved by resolution of the third and final consideration on _____, 2016

Adopted on _____, 2016

Published on _____, 2016

Mayor, City of Rock Valley

Attest:

Rock Valley City Clerk

[illegible]