

**ORDINANCE NO. 2505****AN ORDINANCE AMENDING CHAPTER 165 ZONING REGULATIONS OF THE  
ROBINS CODE OF ORDINANCES**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROBINS, IOWA:

**SECTION 1.** Chapter 165 of the Code of Ordinances is amended by deleting the same and inserting in lieu thereof the following:

**CHAPTER 165****ZONING REGULATIONS**

July 2025

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| 165.01 Title and Purpose; Compatibility                              | 165.23 A-1 – Agricultural   |
| 165.02 Definitions   | 165.24 R-1 – Low Density Single-Family<br>Residential                   |
| 165.03 Administration and Enforcement                                | 165.25 R-2 – Medium Density Single-Family<br>Residential                |
| 165.04 Zoning Administrator  | 165.26 R-3 – Medium Density Two-Family<br>Residential                   |
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| 165.08 Variances   | 165.30 C-1 – Central Commercial Business<br>District                    |
| 165.09 Planning and Zoning Commission                                | 165.31 C-1A – Neighborhood Commercial<br>District                       |
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| 165.11 Amendments  | 165.33 PLI – Planned Light Industrial District                          |
| 165.12 Building Permits and Certificate of<br>Occupancy Requirements | 165.34 PMI – Planned Medium Industrial<br>District                      |
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| 165.15 Establishment of Districts and Official<br>Zoning Map         | 165.37 RI – Research Park Innovation District                           |
| 165.16 Changes In Official Zoning Map                                | 165.38 RL – Robins Landing Overlay District                             |
| 165.17 Interpretation of District Boundaries                         | 165.39 FP – Flood Plain Overlay District                                |
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| 165.21 Fence, Wall and Hedge Regulations                             |   |
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**165.01 TITLE AND PURPOSE; COMPATIBILITY.** This chapter shall be known, cited and referred to as the Robins Zoning Ordinance. The Robins Zoning Ordinance, as set forth in the text and map which constitute such Ordinance, is adopted with the purpose of improving and protecting the public health, safety, comfort, convenience and general welfare of the people and in accordance with the Code of Iowa Section 414.3. The fulfillment of this purpose is to be accomplished by seeking:

1. To lessen congestion on the public streets.
2. To avoid undue concentration of population.
3. To prevent the overcrowding of land, thereby ensuring proper living and working conditions and preventing the development of blight and slums.
4. To establish adequate standards for the provision of light, air and open spaces.
5. To facilitate the provision of adequate transportation, and of other public requirements and services such as water, sewage, schools and parks.
6. To zone all properties with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.
7. To protect residential, business, commercial, and industrial areas alike from harmful encroachment by incompatible uses and to ensure that land allocated to a class of uses shall not be usurped by other inappropriate uses.
8. To avoid the inappropriate development of lands and provide for adequate drainage, curbing of erosion and reduction of flood damage.
9. To fix reasonable standards to which buildings and structures shall conform.
10. To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions or limitations imposed herein.
11. To foster a more rational pattern of relationship between residential, business, commercial and manufacturing uses for the mutual benefit of all.
12. To isolate or control the location of unavoidable nuisance-producing uses.
13. To prescribe penalties for any violation of the provisions of this chapter or of any amendment thereto.
14. To define the powers and duties of the administrative and enforcement officers.

The standards and requirements contained in this Chapter and the district mapping reflected on the Zoning District Map have all been made in accordance with the officially adopted Comprehensive Plan by the City of Robins.

**165.02 DEFINITIONS.** In case of any difference of meaning or implication between the text of this chapter and any caption or illustration, the text shall control. The following definitions shall be observed and applied, except when the context clearly indicates otherwise.

1. "Abutting" means adjoining or bordering.

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2. "Access" means the right to cross between public and private property, allowing pedestrians and vehicles to enter and leave property.
3. "Accessible Parking Space" means parking spaces accessible for persons with disabilities.
4. "Accessory Parking" means the parking of vehicles of the residents, customers, guests, employees, or owners of a site, not including vehicles for sale by the owner or tenant of the site. Vehicles under this definition must be registered and licensed, and must be able to be started and move on their own power a distance of at least 200 yards. Accessory parking outdoors for more than 72 hours is considered outdoor storage as defined in this chapter.
5. "Accessory building, structure, tree house or use" means a use or structure subordinate to the principal use of a building or land on the same lot or parcel of ground and serving a purpose customarily incidental to the use of the principal building or use of land and shall not exceed 1,250 square feet. (Ordinance No. 1501, 3/2/15)
6. "Accessory Use" means a use incidental to, and on the same lot as, a primary use.
7. "Adaptive Reuse" means rehabilitation or renovation of existing building(s) or structures for any use(s) other than the present use(s).
8. "Adult Entertainment Facilities": See Table 165.07-7.
9. "Agriculture" means the use of land for the purpose of raising and harvesting crops; or for the raising, breeding, pasturing or management of domestic animals, poultry, fish, and honeybees; or for dairying, truck gardening, forestry, nurseries, or orchards; for the non-commercial on-farm storage or processing of agricultural products; or for any similar agricultural, horticultural, silva-cultural, or aqua-cultural use. Agricultural use shall not allow land to be operated as commercial feedlots and fur farms or for the disposal of garbage, sewage, rubbish or offal or rendering plants or for the slaughtering of animals, except such animals as have been raised on the premises or have been maintained on the premises.
10. "Airport" means any area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or right-of-ways, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other buildings and open spaces.
11. "Alley" means any dedicated public way affording a secondary means of vehicular access to abutting property, and not intended for general traffic circulation.
12. "Alterations, structural" means any change in the supporting members of a building such as bearing walls, columns, beams, or girders.
13. "Ambient Sound Level" The amount of background noise at a given location prior to the installation of Small Wind Energy System, which may include, but is not limited to, traffic, machinery, lawnmowers, general human activity, and the interaction of the wind with the landscape. Ambient Sound Level is measured on the Decibel – dB(A) – weighted scale as defined by the American National Standards Institute (ANSI).

14. "Animal Hospital or Clinic" means an establishment where animals are admitted principally for examination, treatment, board or care by a doctor of veterinary medicine. This does not include open kennels or runs.
15. "Apartment" means a room or suite of rooms used as the dwelling of a family, including bath and culinary accommodations, located in a building in which there are multiples of these units.
16. "Artificial Lake and Ponds" means man made area where water collects and stored over a long period of time. All lakes and ponds shall meet or exceed the Iowa Department Natural Resource requirements and regulations.
17. "Assisted Living Facility" means a residence for 2 or more elderly that provides rooms, meals, personal care and supervision of self-administered medication. These facilities may provide other services, such as recreational activities, financial services, and transportation.
18. "Automobile repair" means the general repair, engine rebuilding, collision service or reconditioning of motor vehicles.
19. "Automobile service station" means an establishment for the retail sale of fuel, lubricants, tires or other similar products and supplies for vehicles, including minor accessory parts. It may also include minor parts installation, towing, servicing, vehicle washing facilities, and minor repairs of vehicles and trailer rental when secondary to the above activities. Major repairs and sales of vehicles are expressly excluded.
20. "Balcony" means an unroofed platform, unenclosed except by a railing, which projects from the outer wall of any building above ground level with or without support other than the building.
21. "Basement" means that portion of a building which is partly below grade but has more than one-half its height below the average grade of the adjoining ground. For the purpose of this chapter a basement is not considered a story unless designed or used for habitable space or business purposes.
22. "Bed and breakfast" means any single-family or multi-family dwelling unit used for the purpose of overnight or temporary lodging for one or more persons wherein meals may also be provided.
23. "Board" means the Board of Adjustment as described in Section 414.7 of the Code of Iowa.
24. "Boarder" means an individual other than a member of the family occupying a dwelling unit who, for a consideration, is furnished sleeping accommodations, meals, and may be provided personal care, financial services, counseling or other such services.
25. "Boarding house" means a building other than a hotel or motel where, for compensation and by prearrangement for definite periods, meals (or lodging and meals) are provided for three (3) or more persons.
26. "Broadcast tower" means a structure for the transmittal or broadcast of radio, television, radar or microwaves, which exceeds the maximum height permitted in the



district in which it is located; provided, however noncommercial radio towers not exceeding fifty (50) feet in height are not to be considered broadcast towers.

27. "Building" means any structure designed or built for the support, shelter, enclosure or protection of persons, animals, chattels or movable property of any kind, and includes any structure.

28. "Building envelope" means the build able area of lot which remains after the minimum yard setbacks, height requirements, and open space requirements of this chapter have been complied with.

29. "Building, height of" means the vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height level between eaves and ridge for gable, hip and gambrel roofs.

30. "Building line" means a line formed by the face of the building; and, for the purposes of this chapter, a minimum building line is the same as a front setback line.

31. "Building, main or principal" means a building in which is conducted the principal use of the lot on which it is situated.

32. "Business" means the engaging in the purchase, sale, barter, or exchange of goods, wares, merchandise, or services, the maintenance or operations of offices or recreational and amusement enterprises for profit.

33. "Business establishment" means a place of business carrying on operations, the ownership and management of which are separate and distinct from those of any other place of business located on the same zoning lot.

34. "Car wash" means any building or portion thereof, containing facilities for the primary purpose of washing vehicles, using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices; or providing space, water, equipment or soap for the complete or partial hand-washing of such vehicles, whether by attendant or customer.

35. "Cellar" means that portion of a building partially or wholly underground, having half or more than half its clear height below the grade plane. A cellar is non-habitable and is not counted as a story.

36. "Cemetery" means land used or intended to be used for the burial of the human dead and dedicated cemetery purposes, including columbarium's, crematories, mausoleums, and mortuaries if operated in connection with, and within the boundaries of such cemetery.

37. "Cemetery, pet" means land used or intended to be used for the burial of domesticated animals and dedicated for pet cemetery purposes.

38. "Child day care facility" means a facility in which six or more children are received for part or all of a day for care and/or instruction. The facility shall be approved and licensed by the State of Iowa. The term "child day care facility" includes but is not limited to the following: nursery schools, child care centers, day nurseries, kindergartens, preschools and play groups, but does not include bona fide kindergartens or nursery schools operated by public or private elementary or secondary school systems.

39. "Church" means a building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.
40. "Clinic, medical or dental" means an organization of specializing physicians and/or dentists, who have their offices in a common building. A clinic does not include in-patient care.
41. "Club" shall mean the same as "lodge."
42. "Conceptual Plan" means a document that shows an illustration of the architectural features and materials of a proposed building, proposed location of the building on the lot and proposed means of access.
43. "Convalescent home" shall mean the same as "nursing home".
44. "Convenience store" means any retail establishment offering for sale prepackaged food products; household items; newspapers and magazines, drinks, sandwiches and other freshly prepared foods, as well as other similar convenience goods and the on-site dispensing and sales of vehicular fuel.
45. "Deck" means a covered or uncovered platform area, accessible at or from above grade, and attached to the ground.
46. "Design Requirements" means the current edition of SUDAS and supplemental as adopted by the City
47. "Drive-up" means any establishment that by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles.
48. "Dwelling" means any building or portion thereof consisting of a dwelling unit that is used exclusively for residential purposes. Said building shall have an outside dimension of no less than twenty-four (24) feet for the main body, and 900 square feet of floor area above grade, excluding any attached garage, if any.
49. "Dwelling, condominium" means a multiple dwelling as defined in this chapter whereby the fee title to each dwelling unit is held independently of the others.
50. "Dwelling, cooperative" means a housing unit that is owned and controlled jointly by a group of individuals who have equal shares, membership, and/or occupancy rights to the housing community
51. "Dwelling, duplex" means a two-family dwelling designed for or occupied by two families only, with separate housekeeping and cooking facilities for each family.
52. "Dwelling, multiple" means a building designed with accommodations in order to be occupied exclusively by more than three (3) families living independently of each other.
53. "Dwelling, patio home" means a dwelling as defined in this chapter whereby the fee title to each dwelling unit is held independently of the others. Each unit is erected on a separate lot and may be separated from others by an approved wall or walls.

54. "Dwelling, row home" means any one of three or more attached dwellings in a continuous row, each such dwelling designed and erected as a unit on a separate lot, and separated from one another by an approved wall or walls.
55. "Dwelling, single-family" means a building designed with accommodations for exclusive occupancy by one (1) family.
56. "Dwelling, town home" means a multiple dwelling as defined in this chapter whereby the fee title to each dwelling unit is held independently of the others. Each unit is erected on a single lot and separated from others by an approved wall or walls.
57. "Dwelling, two-family" means a building designed with accommodations for occupancy exclusively by two (2) families living independently of each other and the dwellings are joined together on a common boundary line with a common wall between units.
58. "Dwelling unit" means any room or group of rooms located within a dwelling, and forming a single habitable unit with facilities that are used, or intended to be used, for living, sleeping, cooking, eating, and sanitation, by one family.
59. "Dwelling unit, Accessory" means a smaller, independent residential dwelling unit located on the same lot as a primary residence. It must include space for living, sleeping, cooking, and bathrooms independent of the primary residence and can be accessed without going through the main house.
60. "Efficiency unit" means a dwelling unit consisting of one principal room exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room, providing such dining alcove does not exceed 125 square feet in area.
61. "Family" means one or more persons related by direct lineal descent, marriage, adoption or placement by a governmental or social service agency, occupying a dwelling unit as a single housekeeping organization. A family may also be two, but no more than two persons not so related, and the children of either or both, including children by adoption, legal guardianship or as foster or step parent-child, living together on the premises as a common household. A family may also include domestic servants and health care providers residing with the said family.
62. "Family group care home" means a residential facility having fifteen (15) beds or less providing 24-hour room, board, personal assistance and a program of services designed to meet the special needs of mentally or physically disabled persons who cannot live alone. The home must be duly approved and licensed as required by applicable State and local regulations.
63. "Farm" means an area where farming is the main or principal use of the land and buildings within the area or an area of not less than five (5) acres where agriculture use is an accessory use for the growing of common agricultural products such as vegetables, fruits and grains, and their storage upon the area, as well as the keeping of domestic animals as permitted by the Robins Animal Control regulations.
64. "Farm building" means a building or structure used for farming purposes within a farm unit.

65. "Farming" means a business engaged in the cultivating, harvesting and storage of agricultural products; or the rearing, raising, pasturing, and management of agricultural domestic animals; and the maintenance and operations of equipment or farm buildings used within a farm unit for a profit.
66. "Feedlot" means a lot, yard, corral, or other area in which domestic animals are present and confined, for the purposes of feeding and growth before slaughter. This does not include areas which are used for the raising of crops or other vegetation and upon which domestic animals are allowed to graze or feed as permitted by Robins Animal Control regulations.
67. "Feedlot, commercial" means a confined area where 500 or more cattle, swine, sheep, or 30,000 or more fowl are housed, penned and fed.
68. "Fence" means a structure more than 18 inches in height, erected as a barrier for separating or enclosing all or a portion of a field, yard, or other area adjoining real property, or for the purpose of preventing intrusion or straying.
69. "Fence, non-agricultural" means a fence that is not used for agricultural purposes.
70. "Fence, temporary" means a fence erected for a short duration to serve a specific limited functional purpose (e.g. snow, soil erosion, construction public safety barrier) and once the purpose has been served, the temporary fence will be removed from the property. A temporary fence shall meet all fencing requirements specified within this Code of Ordinances except no building permit shall be required.
71. "Floodplain" is defined in Chapter 160 of this Code of Ordinances.
72. "Floodway" is defined in Chapter 160 of this Code of Ordinances.
73. "Floor area" means the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of wall separating two buildings. The "floor area" of a building includes basement floor area, elevator shafts, stairwells at each floor, floor space used for mechanical equipment (except equipment, open or closed, located on the roof), penthouses, attic space having headroom of seven feet, ten inches (7'10") or more, interior balconies and mezzanines, enclosed porches, and floor areas devoted to accessory uses. Space devoted to off-street parking, is not included in "floor area."
74. "Frontage" means 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.
75. "Garage, private" means a building that is subordinate or used for storage of motor-driven vehicles owned and used by the occupants of the building to which it is accessory and shall not exceed 1,250 square feet. (Ordinance No. 1701, 5/15/17)
76. "Garage, public" means a building or portion thereof other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling or storing motor-driven vehicles.

77. "Garage, storage" means a building or portion thereof designed or used for term storage of personal belongings by pre-arrangement, and at which motor fuels and oils are not sold, and motor driven vehicles are not equipped, repaired, hired or sold.
78. "Garden house" means an accessory structure of not more than 140 square feet in area and having a height of eight (8) feet or less constructed primarily for storage.
79. "Grade" means the average level of the finished surface of the ground adjacent to the exterior walls of the building except when any wall approximately parallels and is not more than five (5) feet from a street line, then the elevation of the street shall be grade. The purpose is to regulate the number of stories and height of a structure.
80. "Greenway" a strip of undeveloped land near an urban area, set aside for recreational use or environmental protection
81. "Health club" means a non-medical service establishment intended to maintain or improve the physical condition of persons and containing exercise and game equipment and facilities, steam baths, saunas or similar equipment and facilities. This definition shall not be construed to include massage establishments as defined herein.
82. "Home occupation" means any business, occupation or activity conducted for gain within a residential building, or an accessory building thereto, which is incidental or secondary to the primary use of such building for dwelling purposes and which does not change the essential residential character of the primary building. The following regulations are designed to protect and maintain the residential character of a neighborhood within residential zoned districts while permitting certain limited commercial activities that are traditionally carried out in a home and meet the following limitations:
- A. All home occupation activities shall be carried out wholly within the principal structure or in an accessory building. No more than twenty percent (20%) of floor area of the principal building, and no more than five hundred (500) square feet of floor area of an accessory building, shall be devoted to the activity.
  - B. No person who is not a member of the immediate family and residing on the premises shall be employed in the activity on the premises.
  - C. No outside storage of material or equipment shall create any external evidence of the home occupation.
  - D. No toxic chemicals or highly flammable or explosive materials shall be stored within the buildings or used in the activity.
  - E. No activity shall be permitted that is noxious, offensive or hazardous by reason of pedestrian or vehicular traffic, or by creation of noise, odor, refuse, heat, vibration, smoke, radiation or any other objectionable emissions, or by interference with televisions or radio reception.
  - F. No mechanical, electrical or other equipment within the occupation shall create noise, vibration, glare, fumes, odors, or electrical interference detectable outside the building.

G. Not more than one business motor vehicle, no more than one (1) ton in size, in conjunction to the home occupation, shall be permitted to be parked outside of any building.

H. No separate entrance from outside the building or alterations of a building shall be made that changes the character and appearance thereof as a residential building.

I. Does not have any signs or display(s) that indicate from the exterior, that the building is being utilized in part for any purpose other than that of a residential dwelling.

J. Improvements necessary to bring a residence into compliance with commercial building code requirements shall not be allowed. The practical consequence of this restriction is that businesses requiring commercial building code improvements are considered not allowed as home occupations.

K. The following occupations are specifically prohibited from being operated as home occupations:

- (1) Sexually oriented business establishments.
- (2) Motor vehicle and accessory sales or rental, repair and/or painting, including trailer rental or sales.
- (3) Renting of rooms by a resident owner to more than two (2) roomers.
- (4) Taxicab and/or limousine businesses.
- (5) Barber, beauty, tanning and/or nail shops, except when customer visits are by appointment only and are limited to no more than two customers in any one-hour period. Beauty and barbershops allowed under these provisions shall be registered with the appropriate licensing and inspection authorities.
- (6) Medical or dental clinic.
- (7) Restaurant.
- (8) Kennel and veterinary clinic.
- (9) Funeral home.
- (10) Home occupations already established on the effective date of the ordinance codified in this subsection (Ordinance No. 0507) and rendered non-conforming by the provisions thereof, shall be allowed 180 days to bring the property in conformance or be subject to a municipal infraction.

83. "Hotel" means a residential building licensed by the State and occupied and used principally as a place of lodging for guests. Hotels may or may not provide meals.

84. "Institution" means an establishment occupied or operated by a private or public non-profit corporation, association, organization, or group for use or benefit of the general public.

85. "Irregular Lot" means one that is not square or rectangular shaped so that application of setback requirements is difficult.

86. "Junk/salvage yard" means any lot or portion thereof where waste, discarded, or salvaged materials are bought, sold, exchanged, baled or packed, disassembled, or handled, including the dismantling or "wrecking" of automobiles or other machinery, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building.

87. "Kennel" means an establishment where small animals are bred, raised, trained, groomed or boarded for compensation, sale or other commercial purposes.

88. "Loading space" means an off-street space within the main building or on the same lot providing for the standing, loading or unloading of commercial vehicles, having a minimum dimension of twelve (12) by thirty-five (35) feet and a vertical clearance of at least fifteen (15) feet.

89. "Lodge" means a building or portion thereof or premises owned or operated by a corporation, association, person, or persons for social, educational, or recreational purposes primarily for the exclusive use of members and their guests, but not primarily for profit or to render a service which is customarily carried on as a business.

90. "Lot" means a parcel of land occupied or intended for occupancy by one main building together with its accessory buildings officially approved and having its principal frontage upon a dedicated street. The boundaries of the lot shall be determined by its lot lines.

91. "Lot Area, Gross" means the lot area determined by its lot lines.

92. "Lot, corner" means a lot abutting upon two (2) or more streets at their intersections.

93. "Lot Coverage" means the impervious percentage of the gross lot area covered by structures or pavement.

94. "Lot, depth of" means the average horizontal distance between the front and rear lot lines.

95. "Lot, double frontage" means a lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

96. "Lot, interior" means a lot other than a corner lot.

97. "Lot lines" means the lines bounding a lot as defined herein:

A. Front Lot Line: In the case of an interior lot, that line separating said lot from the street. In the case of a corner lot, or double frontage lot, "front lot line" means that line separating said lot from that street which is designated as the front street in the plat and in the application for a zoning compliance permit.

B. Rear Lot Line: That lot line opposite and most distant front lot line. In the case of a lot pointed at the rear or triangular shaped, the rear lot line is an imaginary



line parallel to the front lot line not less than ten (10) feet long and farthest from the lot line and wholly within the lot.

C. Side Lot Line: Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

98. "Lot of record" means a lot which is part of a subdivision, the plat of which has been recorded in the office of the County Recorder.

99. "Lot, reversed corner" means a corner lot, the rear of which abuts the side of another lot.

100. "Lot width" means the width of a lot measured at the building line and at right angles to its depth where the minimum building line or setback intersects the side lot lines.

101. "Lot, zoning" means a single parcel of land which at the time of filing for a building permit is designated by its owner or developer to be used, developed, or built upon as a unit, under single ownership or control. A "zoning lot or lots" may or may not coincide with a lot of record.

102. "Main building" means a building in which is conducted the principal use of the lot upon which it is situated.

103. "Main use" means the principal use to which the premises are devoted and the principal purpose for which the premises exists.

104. "Manufactured home" means a factory-built structure, built under authority of 42 U.S.C. Sec. 5403, and which is required by Federal law to display a seal from the United States Department of housing and urban development, and was constructed on or after June 15, 1976. If a manufactured home is placed in a mobile home park, the home must be titled and is subject to the mobile home square foot tax. If a manufactured home is placed outside of a mobile home park, the home is to be assessed and taxed as real estate. A manufactured home shall not be constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home constructed to the Federal Manufactured Home Construction and Safety Standards is not a manufactured home unless it has been converted to real property and is taxed as a site-built dwelling as is provided in Code of Iowa, Section 435.26. For the purpose of any of these regulations, a manufactured home is considered the same as a single-family detached dwelling.

105. "Mobile home" means a vehicle without motive power used or so constructed as to permit its 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; and also includes any vehicle with motive power not registered as a motor vehicle in Iowa. A "mobile home" is not built to a mandatory building code, contains no Federal or State seals, and was built before June 15, 1976. If a mobile home is placed outside of a mobile home park, the home is to be assessed and taxed as real estate.

106. "Mobile home park" means any site, lot, field or tract of land under common ownership upon which two or more occupied mobile homes, manufactured homes, modular homes, or a combination of the homes are harbored, either free of charge or for revenue purposes, and includes any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such mobile home park. The term "mobile home park" shall not be construed to include mobile homes, buildings, tents, or other structures temporarily maintained by an individual, educational institution or company on their own premises and used exclusively to house their own labor or students. A "mobile home park" must be classified as to whether it is a residential mobile home park or a recreational mobile home park or both. The mobile home park residential landlord tenant act only applies to residential mobile home parks.

107. "Mobile home converted to real estate" means a mobile home which has been attached to a permanent foundation on real estate owned by the mobile home owner, rendering it totally immobile, and which has been inspected by the assessor, the mobile home vehicle title, registration, and license plates collected from the owner, and the property entered upon the tax roles of Linn County.

108. "Modular home" means a factory-built structure which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa State Building Code for modular factory-built structures, and must display the seal issued by the State Building Code Commissioner. If a modular home is placed in a mobile home park, the home is subject to the annual tax as required by Section 435.22 of the Code of Iowa. If a modular home is placed outside a mobile home park, the home shall be considered real property and is to be assessed and taxed as real estate.

109. "Motel" means a building or group of buildings in which lodging is provided and offered primarily to transient occupancy and in which each unit has convenient access to a parking space for the use of the unit's occupants.

110. "Motor vehicle" means any passenger vehicle, truck-trailer, trailer, or semi-trailer propelled or drawn by mechanical or electrical power.

111. "Multiple dwelling unit" means a building arranged, designed, and intended for use as a residence by two or more families living independently of each other.

112. "Nonconforming building" means a building or portion thereof that does not conform to the provisions of this chapter relative to height, bulk, area or yard size requirements for the district in which it is located.

113. "Nonconforming use" means a use, which lawfully occupied a building or land but does not conform to the use regulations of the district in which it is located.

114. "Nursery" means land, buildings, structures, or combination thereof for the display, storage, cultivation, processing or transporting of trees, shrubs, plants or other horticultural products offered for sale or installation and including products used for gardening and landscaping.

115. "Nursing home" means an institution which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for persons unrelated to the licensee. A nursing home is a home for chronic or convalescent

patients who, upon admission, are not, as a rule, acutely ill and who do not usually require special facilities, such as an operating room, x-ray facilities, laboratory facilities and obstetrical facilities. A nursing home provides care for persons who have remedial ailments, for which continuing medical and skilled nursing care is indicated; who, however, are not sick enough to require general hospital care. A major factor which distinguishes a nursing home is that the residents will require the individualization of medical care. For the purpose of this chapter, a "nursing home" is also considered to be a "convalescent home." Such institution shall be in compliance with the provisions of Sections 135C.1 (13), nursing facility, and (17), residential care facility, Code of Iowa.

116. "Outdoor display" means an area set aside outside of a Building or Structure used in conjunction with a business located within the Building on the same property, for the display, rental and/or sale of goods, materials, vehicles or equipment.

117. "Outdoor lighting" means fixtures and supporting structures used to illuminate the exterior of a building or open space.

118. "Outdoor storage" means an area set aside outside of a Building or Structure for the operation and storage of anything, except merchandise displayed for sale or lease, behind solid walls or fences which conceal them from visibility from adjacent properties and public street frontage.

119. "Parking space" means a surfaced area, enclosed in the main building or in an accessory building, or unenclosed, having a area of not less than one hundred and eighty (180) square feet exclusive of driveways, permanently reserved for the temporary storage of one vehicle and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for vehicles.

120. "Plan" means the adopted Comprehensive Plan of the City.

121. "Planned unit development" means a development of a parcel of land or contiguous parcels of land of sufficient size to create its own environment, controlled by a single landowner or by a group of landowners in common agreement as to control to be developed as a single entity, which is compatible with adjacent parcels and meets the intended density and land use goals of the underlying zoning district. A Planned Unit Development may be granted relief from rigid requirements of a defined zoning district, such as minimum lot standards and use categories, in return for assurances of an overall quality of development, including any specific features which will be a exceptional benefit to the community as a whole and which would not otherwise be required by this Chapter.

122. "Principal use" means the main use of land or structures as distinguished from secondary or accessory use. For example, a house is a principal use in a residential area; a garage or pool is an accessory use.

123. "Private," in reference to a building, structure, utility, facility, or use, means owned by someone other than a unit of government, or an agency of government, unless the context clearly indicates that "private" is being used in a broader sense of something not open or available to the general populace.

124. "Public," in reference to a building, structure, utility, facility, or use, means owned and/or operated by a unit of government or an agency thereof, unless the context clearly

indicates that “public” is being used in the broader sense of something available to the general populace.

125. “Public utility (service use)” means fire stations; police stations; radio and television stations and towers; railroad right-of-ways (not including railroad yards and shops other than for passenger purposes); telephone exchange, telephone transmission equipment buildings and microwave towers; waterworks, reservoir, pumping stations, and filtration plant; and other municipal buildings.

126. “Regular Business Hours” means hours of operation between 6 AM and 10 PM Monday through Friday and limited hours on Saturday and Sunday.

127. “Restaurant” means a business where the dispensing and consumption of edible foodstuff and/or beverage is the principal business operation, including a café (indoor and outdoor), cafeteria, coffee shop, lunch room, tea room, and dining room; but not including as the principal use a bar, cocktail lounge, or tavern.

128. “Restaurant, drive-in” means a restaurant in which food is served directly to customers in motor vehicles for consumption on the premises.

129. “Restaurant, drive-through” means a restaurant in which food is served directly to customers in motor vehicles for consumption off the premises.

130. “Rest home” shall mean the same as “nursing home”.

131. “Setback” means the distance required to obtain the front, side or rear yard open space provisions of this chapter.

132. “Sexually oriented business” means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motion picture theater, adult theater, escort agency, nude model studio or sexual encounter center or any other commercial establishments which offer products, services, or experiences appropriate only for adults.

133. “Sign” means any structure or part thereof or device attached thereto or painted, or represented thereon, which displays or includes any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of, an announcement, direction or advertisement. Signs include billboards.

134. “Sign, Billboard” means all structures, regardless of the material used in the construction of same, which are erected, maintained or used for public display of posters, painted signs, wall signs, whether the structure is placed on the wall or painted on the wall itself, pictures or other pictorial reading material which advertise a business, entity or attraction. (Ordinance No. 1601, 6/20/16)

135. “Sign, Electronic Message Board” means a sign or portion thereof designed to accommodate frequent message changes composed of characters, letters or illustrations and that can be changed or rearranged, either manually or electronically, without altering the face or surface of such sign.

136. “Sign, Freestanding” means a sign on a frame, pole or other support structure not attached to any building.

137. "Sign, Identification" means a sign displaying the name, address, crest, insignia or trademark, occupation or profession of an occupant of a building or the name of any building on the premise. (Ordinance No. 1601, 6/20/16)
138. "Sign, Information" means a sign displayed strictly for the direction, safety, or convenience of the public and which sets forth no advertisement. Information signs include signs which identify parking areas and drives, restrooms, addresses, telephones, exits and entrances, no trespassing areas, danger areas, and similar information.
139. "Sign, Monument" means a freestanding sign defined by a solid support structure (other than support poles). The width of a single support structure or the total of two support structures must be a minimum of 40% of the total faceplate width. The support structure shall be constructed of like material to the principal building on the property; with the exception of metal box sheeting around a support structure, which shall not be permitted under any circumstances.
140. "Sign, Nameplate" means a sign limited in content to the name or address, or both, of the owner or occupant of a building or premises on which it is located. If any premises is occupied by more than one occupant, the nameplate sign may identify all such occupants, as well as the premises, and may include necessary directional information.
141. "Sign, Off-premise" means a sign that advertises a product, service or facility, or directs a person to a different location than the one where the sign is installed. (Ordinance No. 1601, 6/20/16)
142. "Sign, On-premise" means any sign identifying or advertising a business, person, activity, product or service located on the premise where the sign is installed and maintained. (Ordinance No. 1601, 6/20/16)
143. "Sign, Personal Opinion" means a sign posted on property owned or on leased property where the sign owner resides and wherein a sign owner expresses a personal opinion on a matter that is protected free speech under the first amendment to the United States Constitution. Such signs may not be posted in public right-of-way and may not obstruct the view of motorists at intersections or railroad crossings. Such signs should not resemble or imitate official traffic control devices and may not contain advertising of any product or service within the message." (Ord. 1302, 7/15/13).
144. "Sign, Pole" means a sign wholly supported by a single structure in the ground. (Ordinance No. 1601, 6/20/16)
145. "Sign, Portable" means a sign that is not firmly and permanently anchored or secured to either a building or the ground
146. "Sign, Temporary" means any 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.
147. "Sign, Wall" means a sign fastened to the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than 18 inches from such building or structure; 24 inches shall be permitted subject to a conditional use permit.

148. "Site Plan" means a document that shows the boundaries of a parcel of land, the topography, important landscape elements that impact design, and the placement of all anticipated major improvements, including buildings, roads and driveways, storm and sanitary sewer lines, and utility connections. Depending on the complexity of the proposed improvement, the Site Plan may be submitted as an individual document, or as part of a complete plan of improvements for the site. (Ord. 1302, 7/15/13).

149. "Site Development Plan" means a document which is drawing of a commercial, industrial, institutional or residential development project, showing existing site conditions and proposed improvements with sufficient detail for agency review, approval and subsequent construction. A Site Development Plan is required to be submitted with each application for annexation and amendment of the zoning and/or future land use plan within R-3, R-3A, R-4, PUD, C-1, C-1A, C-2, RL, RI, PLI, PMI and PHI zoning districts. (Ord. 1701, 5/15/17).

150. "Special Flood Hazard Area" is defined in Chapter 160 of this Code of Ordinances.

151. "Special Use" means a use, either public or private, which based on its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts. After due consideration in each case of the impact of such use upon neighboring property and of the public need for the particular use at the particular location, such "special use" may or may not be granted through the terms in Section 165.07 of this Chapter. (Ordinance No. 1601, 6/20/16)

152. "Stable, private" means a building or structure used or intended to be used for housing horses belonging to the owner of the property only for non-commercial purposes.

153. "Stable, semi-private" means a building or structure used or intended to be used for the housing only of horses on a fee basis. Riding instruction may be given in connection with a semi-private stable.

154. "Story" means that portion of a building, other than a basement not having over 50 percent of its height below grade, included between the surface of any floor and the surface of the floor next above it or if there is no floor above it then the space between the floor and the ceiling next above it.

155. "Story, half" means a partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than three (3) feet above the floor of such story, except that any partial story used for residence purposes, other than for janitor or caretaker or his family, or by a family occupying the floor immediately below it, shall be deemed a full story.

156. "Street" means an approved public or private thoroughfare, which provides the principal means of vehicular access to abutting property and/or for vehicular passage.

157. "Structure" means anything constructed or erected, the use of which requires more or less permanent location on the ground, including, but without limiting the generality of the foregoing, advertising signs, billboards, backstops for tennis courts, gazebos, ground-based satellite dishes, and solar collectors.



158. "Swimming pool" means any structure intended for swimming or recreational bathing that contains water. This includes in-ground, above-ground and on-ground swimming pools, hot tubs, and spas.

159. "Swimming pool, private" means a swimming pool over 24 inches deep established or maintained on any premises by an individual for personal or family use or for guests of the individual or family.

160. "Swimming pool, public" means a swimming pool, admission to which may be gained by the general public with or without payment of the fee.

161. "Swimming pool, semi-private" means a swimming pool on the premises of, or part of, a hotel, motel, mobile home or travel trailer park, apartment house, private club, association or similar establishment, where admission to the use of the pool is included in the fee, or consideration paid or given for the general use of the premises.

162. "Tavern" means an establishment used primarily for the serving of liquor by the drink to the general public and where food or packaged liquors may be served or sold only as an accessory to the primary use.

163. "Tent" means any temporary structure or enclosure, the roof of which and/or one-half or more of the sides are constructed of silk, cotton, canvas, fabric, or similar pliable material. No tent shall be erected, used, or maintained for living quarters. The requirements for test used for purposes other than residential shall be as specified within Section 165.04(F) of this Chapter.

164. "Trailer camp" or "tourist camp ground" means an area providing spaces for two or more travel trailers, camping trailers, or tent sites for temporary occupancy, with necessary incidental services, sanitation, and recreation facilities to serve the traveling public.

165. "Travel trailer" or "motor home" means a vehicle with or without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed to permit the vehicle to be used as a place of human habitation by one or more persons. If such vehicle is customarily or ordinarily used as a place of human habitation for more than 90 days in any 18-month period, it shall be classed as a mobile home, regardless of the size and weight limitation provided herein.

166. "Tree house" means a structure or building constructed around, next to or among the trunk or branches of one or more mature trees while above ground level and is used for recreational purposes. (Ordinance No. 1501, 3/2/15)

167. "Truck Stop" means an area in which service stations, hotels, and/or motel and restaurants are permitted uses. Also permitted are customary uses incidental to the permitted uses. Customary facilities and services in conjunction with the permitted uses may be provided for trucks and truck drivers.

168. "Use" means the purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied and maintained.



169. "Use, permitted" means a use which may be lawfully established in a particular district or districts provided it conforms to all requirements, regulations, and standards of such district.

170. "Variance" means a modification of the literal provisions of the Zoning Ordinance, which would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. The crucial points of variance are (a) undue hardship, (b) unique circumstances and (c) applying to property. The authority to grant variances is vested in the Board of Adjustment pursuant to Chapter 414 of the Code of Iowa.

171. "Yard" means an open space between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of the rear yard, the minimum horizontal distance between the lot lines and the main building line shall be used.

172. "Yard, front" means a yard extending across the front of a lot and being the minimum horizontal distance between the street or place line and the main building or any projections thereof other than the projections of the usual uncovered steps. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension, except where owner shall elect to front the building on a street parallel to the lot line having the greater dimension.

173. "Yard, rear" means a yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building line or any projections thereof other than the projections of uncovered steps. On all lots the rear yard shall be in the rear of the front yard.

174. "Yard, side" means a yard between the main building line and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main building line or any projections of uncovered steps.

175. "Yard, transitional" means that yard which must be provided on a zoning lot in a Commercial or Agricultural district which adjoins a zoning lot in a Residential district, or that yard which must be provided on a zoning lot in an Industrial district which adjoins a zoning lot in either a Residential or Commercial district. Also referred to as "buffer yard."

176. "Zoning Administrator" means the person designated by the City Council as the officer responsible for the enforcing and administering all requirements within this Chapter.

**165.03 ADMINISTRATION AND ENFORCEMENT.** The administration and enforcement of this chapter is hereby vested in four (4) offices of the City, as shown below and described herein:

1. Zoning Administrator

CODE OF ORDINANCES, ROBINS, IOWA

2. Board of Adjustment
3. Planning and Zoning Commission
4. City Council and Mayor

#### **165.04 ZONING ADMINISTRATOR.**

1. Duties. A Zoning Administrator designated by the City Council shall administer and enforce this chapter. He or she may be provided with the assistance of such other persons as the City Council may direct. In addition, the Zoning Administrator's office shall be responsible for:

A. Shall review and approve certificates of occupancy that are associated with multiple family (R-4), commercial, or industrial zoned properties (Ordinance No. 0612, 10/2/06).

B. Issuance of all certificates of occupancy and maintenance of records thereof.

C. Maintenance of permanent records of this chapter, including, but not limited to, all maps, amendments, special uses, variances, appeals and applications thereof.

D. Forwarding to the Planning and Zoning Commission and other city departments all rezoning or amendments to this chapter and all plats of subdivisions that are filed with the office of the Zoning Administrator.

E. Forwarding to the Board of Adjustment all applications for special uses, variances, appeals or other matters, which the Board of Adjustment is required to pass under the Zoning Ordinance.

F. Issuance of permits regulating the erection and use of tents for periods not to exceed ten (10) days for specific uses such as: temporary carnivals, churches, charities, or charitable uses, and revival meetings which are not detrimental to the public health, safety and welfare; provided, however, said tents or operations shall be in conformance with all other ordinances and codes of the City and Linn County health regulations. In addition, no tent shall be erected, used, or maintained for living quarters.

G. Initiating, directing, and reviewing, from time to time, a study of the provisions of the City zoning and planning development regulations; and to make reports of its recommendations to the Planning and Zoning Commission not less than once a year.

H. Reviewing all building permit applications for conformance to this chapter and upon approval forwarding the building permit applications to the Robins Building Inspection Department.

2. Enforcement. If the Zoning Administrator finds that any of provisions of this chapter are being violated, he or she shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He or she shall order discontinuance of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done;

or may take any other action authorized by this Code to insure compliance with or to prevent violation of its provisions.

#### **165.05 BOARD OF ADJUSTMENT.**

1. **Creation of Membership.** The Board shall consist of five (5) members to be appointed for a term of five (5) years excepting that when the Board shall first be created one member shall be appointed for a term of three (3) years, one for a term of two (2) years, and one for a term of one (1) year. Members of the Board of Adjustment shall be residents of the City and may be removed from office by the City Council for cause upon written charges and after public hearing. Vacancies shall be filled by the City Council for the unexpired term of the member affected.
2. **Proceedings.** The Board of Adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this code. Meetings shall be held at the call of the Chairperson and at such other times as the Board may determine. The Chairperson, or in his or her absence the acting Chairperson, may administer oaths and compel attendance of witnesses. All meetings shall be open to the public. 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 examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Zoning Administrator and shall be a public record.
3. **Finality of Decisions.** All decisions and findings of the Board on any appeal or upon any application for a variance or special use, after a public hearing, shall in all instances, be the final administrative decision and shall be subject to judicial review as by law may be provided. The concurring vote of three members of the Board shall be necessary to reverse an 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 chapter, or to effect any variation in the application of this chapter.
4. **Appeals from the Board of Adjustment.** Any person, or any board, taxpayer, department, board or bureau of the City aggrieved by any decision of the Board of Adjustment may seek review by a court of record within 30 days of such decision, in the manner provided by the laws of the State and particularly by Chapter 414, Code of Iowa and Section 165.06 of this chapter.
5. **Powers and Duties.** The Board of Adjustment shall have the following powers and duties:
  - A. To hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Administrator under this chapter;
  - B. To hear and pass upon the applications for special uses and variances from the terms provided in this chapter in the manner prescribed by the standards established herein; and
  - C. To hear and decide all matters referred to it upon which it is required to pass under this chapter.

**165.06 APPEALS TO THE BOARD OF ADJUSTMENT.**

1. Appeals to the Board of Adjustment may be made concerning interpretation or administration of this chapter. Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the governing body of the City affected by any decision of the Zoning Administrator.

2. Such appeals shall be taken within a reasonable time, not to exceed sixty (60) days by filing with the City Clerk a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all paper constituting the record upon which the action appealed from was taken.

3. The Board of Adjustment shall fix a reasonable time not exceeding 30 days from the filing date of appeal for a public hearing, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time, not exceeding 15 days from the date of the hearing. Any party may appear in person, or by agent or by attorney or through written means submitted prior to the public hearings.

4. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with him or her, that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life and 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 application, on notice to the Zoning Administrator from whom the appeal is taken and on due cause shown.

Fees. Any person who submits an application under the terms of this section shall be charged a fee in accordance with a schedule of fees established by resolution by the City Council. The denial of an appeal by the Board of Adjustment shall not be construed as any reason for refunding the fee to the applicant. A refund may be provided based on the approval of the appeal by the Board of Adjustment if deemed appropriate by the Board of Adjustment.

**165.07 USE CATEGORIES.** The purpose of this Section is to describe the different classifications of uses found in this Ordinance and to provide a systematic basis for assignment of present and future uses to zones.

1. Classification of Uses. Uses shall be assigned to the category with the description and listing of uses most closely describing the nature of the Principal Use.
  - A. Developments with Multiple Principal Uses. When all the Principal Uses of a development fall within one Use Category, then the development is assigned to that Use Category. When the Principal Uses of a development fall within different Use Categories, each Principal Use is classified in the applicable category and is subject to the regulations for that category.
  - B. Accessory Uses. Unless otherwise stated in this Ordinance or otherwise indicated in the Use Tables for each zone:

- (1) Accessory Uses are allowed by right in conjunction with a Principal Use;
- (2) Accessory Uses are subject to the same regulations as the Principal Use except as otherwise indicated;
- (3) All uses include parking for residents, customers or employees as an Accessory Use;
- (4) Examples of common Accessory Uses are listed within the Use Categories;
- (5) Accessory Uses;
  - (a) Are clearly incidental and customary to and commonly associated with the operation of the Principal Use;
  - (b) Are operated and maintained under the same ownership or by lessees or concessionaires of the owner, and on the same zone lot as the Principal Use;
  - (c) Do not include structures or structural features inconsistent with the Principal Use;
  - (d) May include the use of a portion of a dwelling unit that is the primary residence of the property owner as limited Short-Term Rental (Home Share or Hosted Home Share).
  - (e)

C. Special Use Conditions. The Board of Adjustment shall hear and decide only such special uses as the Board is specifically authorized to pass on by the terms of this chapter; and to decide such questions as are involved in determining whether special uses should be granted; and to grant special uses with such conditions and safeguards as are appropriate under this code, or to deny special uses when not in harmony with the purpose and intent of this code. A special use shall not be granted by the Board of Adjustment unless and until:

- (1) A written application for a special use is submitted to the City Clerk indicating the section of this chapter under which the special use is sought and stating the grounds on which it is requested. The application shall be presented to the City Clerk a minimum of four (4) weeks prior to the monthly regular scheduled Board of Adjustment meeting. Additional information such as Site Development Plan or other supporting materials should be provided with the application. The Zoning Administrator shall determine within a reasonable amount of time whether the special use application is complete. Any missing items or necessary corrections shall be communicated to the requestor for inclusion or incorporation and updated information shall be provided to the City. If the special use application has been completed to the satisfaction of the Zoning Administrator, within a minimum of fourteen (14) days prior to a monthly regular scheduled Board of Adjustment meeting, a public hearing on the rezoning application shall be placed on the Board of Adjustment agenda.

- (2) Notice shall be given at least four (4), but not more than twenty (20) days in advance of the public hearing by publication in a newspaper of general circulation in the City and shall be mailed to all property owners within a distance of two hundred (200) feet of the affected property.
    - (3) The City shall provide each applicant sufficient special use permit notification signs, which shall be clearly posted by the applicant at least seven (7) but not more than twenty (20) days in advance of the public hearing, on the property for which a special use permit request has been made. The applicant shall pay the City Clerk such costs at the time the request is submitted as may be prescribed by the City Council. If the signs are not posted in accordance to the preceding requirements, no public hearing shall be held by the Board of Adjustment. No person except the applicant or his or her agent shall take down or in any way affect the visibility of the sign or signs, and no person shall tamper, deface, or in anyway interfere with the sign or signs during the period provided by this section.
  - D. Public Hearing. The Board of Adjustment public hearing shall be held in accordance with the State of Iowa Open Meetings Law (Chapter 21 of the Code of Iowa) and any party may appear in person, or by agent or by attorney or through written means submitted prior to the public hearing.
  - E. Findings. The Board of Adjustment shall make a finding that it is empowered under the section of this code described in the application to grant the special use, and that the granting of the special use will not adversely affect the public interest.
  - F. Conditions To Be Prescribed. In granting any special use, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the special use is granted, shall be deemed a violation of this chapter and punishable under Section 165.14 of this chapter. The Board of Adjustment shall prescribe a time limit within which the action for which the special use is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the special use.
  - G. Fees. Any person who submits an application under the terms of this section shall be charged a fee in accordance with a schedule of fees established by resolution by the City Council. The denial of an application by the Board of Adjustment shall not be construed as any reason for refunding the fee to the applicant.
2. Uses Included. The names of uses on the following Tables are generic, and similar uses not listed in the "Uses Included" list may also be included in the Use Category if they are not included in another Use Category. Uses included are based on the common meaning of the terms and not on the name that an owner or operator might give to a use.

**Table 165.07-1  
RESIDENTIAL USE CATEGORIES**

**Group Living**

**Definition.** Residential occupancy of a structure by a group of people who do not meet the Household Living definition. Size is larger than the average household size. Average length of stay is 60 days or longer. Structures generally have a common eating area for residents. Residents may receive any combination of care, training, or treatment, or none of these, as long as they also reside at the site.

**Uses Included**

- Assistant Living Facilities
- Congregate housing
- Hospices
- Nursing and convalescent homes
- Residences for people with disabilities (physical, mental, intellectual or emotional) which do not meet the definition of Family Home

**Accessory Uses**

Recreational facilities

**Short-Term Lodging**

**Definition.** Facilities offering lodging accommodations to the general public, where the length of stay is 31 days or less. Short-term rentals which includes "Short-term rental property" as defined by the Iowa Code, are subject to State of Iowa definitions, permits, and rules, including remittance of hotel and motel tax.

**Uses Included**

- Bed & Breakfast
- Establishment Hotels
- Motels
- Recreational
- Vehicle Park
- Vacation Lodging
- Short-term rental

**Accessory Uses**

Coffee shops and dining areas primarily for use by guests or residents of the facility

**Table 165.07-2  
OFFICE USE CATEGORIES**

**Definition.** Activities conducted in an office setting and primarily focusing on administrative, business, government, professional, medical, or financial services. Contractors and others who



perform services off-site are included in this Use Category if equipment and materials are not stored on the site and fabrication, services, or similar work is not carried on at the site.

Exception: Offices that are part of and are located with a firm in another category are considered accessory to the firm's primary activity.

#### **Uses Included**

Office uses such as:

- Banking and bank-related services
- Brokerage houses
- Data processing centers
- Government offices
- Insurance services
- Lenders and credit services
- Public utility offices
- Real estate and related services
- Sales offices
- General office uses
- Medical and dental clinics, laboratories and offices

Professional service offices such as:

- Accountants
- Architects
- Engineers
- Lawyers
- Televisions and radio studios

#### **Accessory Uses**

Cafeterias, health facilities, and other amenities primarily for the use of employees or visitors of the firm or building

**Table 165.07-3**  
**TRADE USE CATEGORIES**

#### **Automotive and Marine Craft Trade**

**Definition.** Retail sale or leasing of automobiles, including cars and trucks, and marine craft, including all types of boats and ships.

#### **Uses Included**

Sales or leasing of consumer vehicles, including:

- Passenger vehicles
- Motorcycles
- Light and medium trucks
- Other recreational vehicles
- Marine craft and accessories, retail

**Accessory Uses**

Vehicle servicing, repair, detailing, body work and finishing when conducted as a secondary activity to the sale of vehicles

**Entertainment, Restaurant and Recreational Trade**

**Definition.** Facilities providing entertainment or recreation services and eating and drinking establishments.

**Uses Included**

- Banquet halls
- Bars and taverns
- Billiards and pool halls
- Bowling alleys
- Catering establishments
- Exhibition and meeting areas (20,000 sf or less)
- Game arcades
- Health clubs and gyms
- Ice or roller skating rinks
- Lodges and social clubs
- Membership clubs
- Movie theaters
- Restaurants, cafes, delicatessens (with seating areas)
- Swimming pools
- Tennis courts
- Theaters

**Accessory Uses**

Offices and storage of food and alcohol

**Retail Sales and Services—General**

**Definition.** Uses that involve the sale, lease or rental of new or used consumer products, including

prepared foods, to the general public and uses providing services involving predominantly personal or business services, including repair of consumer and business goods.

Exceptions: Lumber yards and other building material sales facilities that sell primarily to contractors and do not have a retail orientation are classified as Wholesale Trade. Sales, rental, or leasing of heavy trucks and equipment is classified as Wholesale Trade. Uses for the repair and service of consumer motor vehicles, motorcycles, and light and medium trucks are classified as Vehicle Service Facilities. Repair and service of industrial vehicles and equipment, and heavy trucks is classified as Industrial Service.

**Uses Included**

Retail Sales:

- Stores selling, leasing, or renting consumer, home, and business goods including:
- Antiques
- Appliances
- Art
- Art supplies
- Automobile supplies (no services)
- Bicycles and Motorized Bicycles
- Books and printed material
- Clothing
- Computer hardware and software sales and service
- Convenience Store
- Dry goods
- Electronic equipment
- Fabric
- Furniture
- Garden supplies
- Gifts
- Groceries
- Hardware
- Home improvements
- Household products
- Jewelry
- Music supplies
- Newspaper distribution
- Office machines
- Package liquor
- Pets
- Pet food
- Pharmaceuticals

- Plants and flowers
- Shoes
- Sporting goods
- Stationery
- Tobacco products
- Toys
- Video

Food sales (not including seating areas):

- Bakeries
- Candy
- Delicatessens

Retail Personal, Business and Repair Services:

- Animal grooming salons
- Blueprinting and photocopying services
- Branch banks
- Business and commercial trade schools
- Business and management consulting services
- Dance or music schools
- Dry cleaning collection and distribution centers
- Emergency medical care facilities
- Employment agencies
- Hair, tanning, and personal care services
- Kennels
- Laundromats
- Locksmiths
- Martial arts instruction
- Office equipment rental
- Photo drop-off
- Photographic studios
- Quick printing
- Scientific and professional instrument repair
- Sign making
- Tailors
- Television, bicycle, motorized bicycle, clock, watch, shoe, gun, appliance, and office equipment repair
- Upholsterers
- Veterinarian offices without boarding

**Accessory Uses**

Offices and storage of goods, and manufacture or repackaging of goods for on-site sale

**Wholesale Trade**

**Definition.** Uses that involve the sale, lease, or rental of products primarily intended for industrial, institutional, or commercial businesses. Uses emphasize on-site or order-taking and often included display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer.

**Uses Included** Mail order houses

Sale or rental of:

- Agricultural and Farm Equipment Building materials (including lumber)
- Electrical supplies
- Equipment
- Heating and plumbing equipment
- Heavy trucks
- Janitorial supplies
- Machine parts
- Machinery
- Restaurant equipment
- Special trade tools
- Store fixtures
- Welding supplies

Wholesalers of:

- Alcoholic beverages
- Auto parts
- Building hardware
- Clothing
- Electronics
- Home furnishings
- Food

**Accessory Uses**

Offices, product, repair, warehouses, minor fabrication services, limited retail areas, and repackaging of goods

**Table 165.07-4  
INDUSTRIAL USE CATEGORIES**

**Industrial Service**

**Definition.** Uses that involve the repair or serving of industrial, business or consumer machinery, equipment, products, or by-products, but not including consumer goods services or retail outlets.

Exception: Establishments providing office space for contractors and others who perform services off-site are considered office uses if major equipment or bulk quantify material storage is not conducted at the site, and fabrication or similar work is not carried on at the site.

**Uses Included**

- Building, heating, plumbing or electrical contractors
- Contractor Storage
- Electric motor repair
- Exterminators
- Fuel oil distributors
- Furniture stripping and refinishing
- Heavy machinery sales, repair, and storage
- Janitorial and building maintenance services
- Laundry, dry-cleaning, and carpet cleaning facilities
- Machine shops
- Metal and building materials
- Photo finishing laboratories
- Printing, publishing, commercial art and reproduction services
- Research and development laboratories
- Tool repair
- Truck stops
- Welding shops

**Accessory Uses**

Offices, storage, rail spur or lead lines, and docks

**Manufacturing and Processing**

**Definition.** Uses that involve the manufacturing, processing, fabrication, packaging or assembly of goods. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on-site, but if so, they are a subordinate part of sales.

**Uses Included**

- Apparel and textiles manufacturing
- Artwork, jewelry and toy production
- Chemicals, rubber, leather, clay, bone, plastic, stone, and glass materials manufacturing
- Concrete batching
- Food and related products manufacturing
- Furniture and fixtures manufacturing
- Lumber and wood product manufacturing
- Metal and metal products manufacturing, including enameling and galvanizing
- Machinery and electrical equipment manufacturing
- Manufactured homes and prefabricated structures manufacturing
- Movie production facilities
- Printing and publishing
- Rock crushing and screening
- Woodworking, including cabinetry

**Accessory Uses**

Offices, cafeterias, employee recreational facilities, warehouses, storage yards, rail spur or lead lines, docks, repair facilities, truck fleet maintenance and parking area, and caretakers' quarters

**Resource Production and Extraction**

**Definition.** Uses that involve agriculture, mining, quarrying, and mineral extraction

**Uses Included**

- Crop Production
- Mining
- Quarrying
- Production or extraction of mineral products

**Accessory Uses**

Offices, storage, rail spur or lead lines and docks

**Warehouse and Freight Handling**

**Definition.** Uses that involve the storage or movement of goods. Goods are generally delivered to other firms or the final consumer. There is little on-site sales activity with the customer present.



**Uses Included**

- Bus barns or yards
- Cold storage plants, including frozen food lockers
- Freight storage
- Grain terminals
- Household moving storage
- Inter-model transfer facilities
- Mini-warehousing and self-service storage facilities
- Parcel services
- Regional postal distribution facilities
- Truck terminals
- Warehouses used by retail stores
- Weapons and ammunition storage
- Wholesale distribution centers
- Fireworks Storage and Sales

**Accessory Uses**

Offices, truck fleet parking and maintenance areas, rail spur or lead lines, docks, and repackaging of goods.

**Table 165.07-5**  
**INSTITUTIONAL USE CATEGORIES**

**Colleges and Universities**

**Definition.** Colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree. They are certified by a recognized accrediting agency.

**Uses Included**

- Community colleges
- Liberal arts colleges
- Nursing and medical schools not accessory to a hospital
- Seminaries
- Universities

**Accessory Uses**

Accessory Uses include offices, housing for students, food service, laboratories, health and sports facilities, theaters, meeting areas, and maintenance facilities.

**Community Facilities**

**Definition.** Uses generally providing a local service to people of the community. Services are generally provided on the site or employees are at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities that have membership provisions are open to the general public to join at any time (e.g., any senior citizen could join a senior center). The use may also provide special counseling, education, or training of a public, nonprofit or charitable nature. Alternative incarceration centers are not included in this definition.

**Exception:** Private lodges, clubs, and private or commercial athletic or health clubs are classified as Entertainment, Restaurant and Recreation Trade.

**Uses Included**

- Community centers
- Libraries
- Museums Post offices
- Senior centers
- Swimming pools (open to the public)
- Vocational training for the handicapped
- Youth club facilities

**Accessory Uses**

Offices, meeting rooms, food preparation areas, health and therapy areas, day care uses, and athletic facilities.

**Day Care Facilities**

**Definition.** Uses where a program of supplementary care, protection, and supervision is regularly provided at least twice a week. The service is provided outside the home of the care recipients and covers only a portion of the day. Commercial Day Care uses permitted under this Ordinance do not include any unlicensed facilities for which licensure is required by law.

Exception: Home Day Care, which includes "family child care homes" as defined by the Iowa Code, is accessory to all residential uses.

**Uses Included**

- Adult care center
- Child care center

- Group child care homes
- Latchkey programs
- Nursery schools
- Preschools
- Registered family child care homes

**Accessory Uses**

Offices and play areas.

**Funeral Facilities**

**Definition.** Uses providing for the preparation of the deceased for burial or cremation, the display of the deceased and the rituals connected therewith before burial or cremation, or the storage of human bodies prior to burial or cremation.

**Exceptions:** Cemeteries and accessory structures erected therein are classified as Parks and Open Areas.

**Uses Included**

- Crematories
- Funeral Homes
- Mortuaries

**Medical Centers**

**Definition.** Uses providing medical or surgical care to patients and offering overnight care, including uses that provide in-patient care and planned treatment for psychiatric, alcohol, or drug problems.

**Exceptions:** Medical clinics that provide care where patients are generally not kept overnight are classified as Office uses. Emergency medical care clinics are classified as Retail Sales and Services.

**Uses Included**

- Drug, alcohol and psychiatric in-patient facilities
- Hospitals
- Medical centers

**Accessory Uses**

Out-patient clinics, offices, laboratories, teaching facilities, meeting areas, cafeterias, maintenance facilities, housing facilities for staff or trainees, and gift and hospitality shops.

**Religious Institutions**

**Definition.** A facility where people regularly attend religious services and affiliated meetings and activities. Religious institutions include buildings in which the religious services of any denomination are held.

**Uses Included**

- Churches
- Mosques
- Synagogues Temples
- Other houses of worship

**Accessory Uses**

Religious educational facilities, residence for clergy, caretakers' housing, and group living facilities such as convents or rectories.

**Schools**

**Definition.** Facilities that provide a curriculum of elementary and secondary academic instruction, including public and private kindergartens, elementary schools, junior high schools, and high schools.

**Exceptions:** Preschools are classified as a Day Care use.

**Uses Included**

- Boarding schools
- Military academies
- Public and private day schools
- Public School Administration Center in conjunction with a public school building

**Accessory Uses**

Play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school day care.

**Table 165.07-6  
TRANSPORTATION, COMMUNICATIONS AND  
ESSENTIAL SERVICES USE CATEGORIES**

**Basic Utilities**

**Definition.** Utility infrastructure that needs to be located in or near the area where the service is provided.

Basic Utility uses generally do not have regular employees at the site. Services may be

publicly or privately provided.

Exception: Regional power lines and utility pipelines are classified as Rail lines and Utility Corridors. Power generating plants are classified under manufacturing and Production as energy production uses.

#### **Uses Included**

- Electrical substations
- Telephone exchanges

### **Parks and Open Areas**

**Definition.** Land outdoors, open to the public, and reserved primarily as a natural area or an area consisting mostly of vegetative landscaping, outdoor recreation space, community gardens, or public square or plaza.

#### **Uses Included**

- Boat launching areas
- Botanical gardens
- Golf courses
- Nature preserves
- Parks
- Public squares
- Tennis courts (open to the public)

#### **Accessory Uses**

Accessory Uses may include club houses, maintenance facilities, concessions, and caretakers' quarters, and crematory only in a cemetery.

### **Essential Public Services**

**Definition.** Uses of a public nature, generally provided a local service to people of the community. Services are generally provided on the site or employees are at the site on a regular basis. The service is on-going, not just for special events.

#### **Uses Included**

- Ambulance stations
- Fire stations
- Police stations

#### **Accessory Uses**

Offices, meeting rooms, and food preparation areas

### **Radio and Television Broadcast Facilities**

**Definitions.** All devices, equipment, machinery, structures or supporting elements necessary to produce or transmit non-ionizing electromagnetic radiation for radio or television broadcast or transmission and operating as a discrete unit to produce or transmit a signal or message. Towers may be self-supporting or mounted on poles or buildings.

**Exception:** Radio and television studios are classified as Office uses. Personal wireless service facilities are classified in a separate definition.

#### **Uses Included**

- Broadcast towers
- Communication towers
- Point-to-point microwave towers

#### **Accessory Uses**

Transmitter facility buildings

### **Personal Wireless Service Facilities**

**Definition.** Facilities for the provision of personal wireless services to include commercial mobile services, unlicensed wireless communications, and common carrier wireless exchange access services.

#### **Uses Included**

- Wireless communication antenna
- Antenna support structure

#### **Accessory Uses**

Wireless communication transmission building

**Table 165.07-7**  
**MISCELLANEOUS USE CATEGORIES**

### **Agricultural and Farm Related Activities**

**Definition.** Establishments primarily engaged in supplying soil preparation services, crop services,

landscaping, horticultural services, veterinarian and other animal services, and farm labor and management services.

**Uses Included**

- Farms
- Landscaping Services
- Stables

**Accessory Uses**

Seed sales and sale of other farm produce

**Commercial Outdoor Recreation**

**Definition.** Large, generally commercial facilities, that provide continuous or seasonal recreation or entertainment- oriented activities. They generally take place outdoors or may take place in a number of structures that are arranged together in an outdoor setting.

Exceptions. Golf courses and botanical gardens/arboretums are classified as Parks and Open Space. Uses that draw large numbers of people to periodic events, rather than on a continuous basis, such as stadiums and amphitheaters, are classified as Major Event Entertainment.

**Uses Included**

- Campgrounds (private)
- Golf driving ranges
- Miniature golf facilities
- Zoos

**Accessory Uses**

Accessory uses may include concessions restaurants, caretakers' quarters, and maintenance facilities.

**Major Event Entertainment**

**Definition.** Activities and structures that draw people to spectate or participate at specific events or shows. Exception: Motion picture theaters, including drive-in theaters, are classified as Entertainment, Restaurant and Recreations Trade.



**Uses Included**

- Auditoriums
- Bazaars and carnivals
- Coliseums
- Exhibition and meeting areas (more than 20,000 sf)
- Fairgrounds
- Sports arenas
- Stadiums

**Accessory Uses**

Restaurants, bars, concessions, and maintenance facilities

**Vehicle Service Facilities**

**Definition.** Either of the following subcategories of uses:

**Vehicle service Stations.** Any use where gasoline and other petroleum products are sold and/or light maintenance activities such as engineer tune-ups, lubrication, minor repairs, and carburetor cleaning is conducted. Service station uses shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body fender work are conducted.

**Vehicle Repair Facilities.** Businesses servicing passenger vehicles, light and medium trucks and other

consumer motor vehicles such as motorcycles, boats and recreational vehicles, including premises where heavy automobile maintenance activities such as engine overhauls, automobile painting and body fender work are conducted.

**Exception:** Repair and service of industrial vehicles and equipment and of heavy trucks, towing and vehicle storage, and vehicle wrecking and salvage are classified as Industrial Service.

**Uses Included**

- Vehicle Service Station Uses:
- Car washes
- Publicly and privately owned vehicle emission test sites
- Gas stations
- Minor auto repair and tire sales
- Quick lubrication services

**Vehicle Repair Facility Uses:**

- Auto body shops
- Auto detailing shops
- Auto upholstery shops
- Tire sales and mounting shops

- Transmission or muffler shops
- Vehicle repair shops

**Accessory uses**

Offices, sales of parts, and vehicle storage

**Sports Practice Facilities**

**Definition.** An indoor facility dedicated solely to the training and development of sports teams. Uses shall not include the playing of scheduled games, matches, championships, or tournaments. The facility may have limited observation seating for family and associates of the players who wish to watch the practice, but it is not open to the public; nor is the facility used for other assembly-type uses when not otherwise used for sports practice. The facility may also include ancillary offices.

**165.08 VARIANCES.**

1. Conditions for Variances. The Board of Adjustment may authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. A variance from the terms of this chapter shall not be granted by the Board of Adjustment unless and until:

A. A written application for a variance is submitted to the City Clerk demonstrating the various information itemized below. The application shall be presented to the City Clerk a minimum of four (4) weeks prior to the monthly regular scheduled Board of Adjustment meeting. The Zoning Administrator shall determine within a reasonable amount of time whether the variance application is complete. Any missing items or necessary corrections shall be communicated to the requestor for inclusion or incorporation and updated information shall be provided to the City. If the variance application has been completed to the satisfaction of the Zoning Administrator, within a minimum of fourteen (14) days prior to a monthly regular scheduled Board of Adjustment meeting, a public hearing on the variance application shall be placed on the Board of Adjustment agenda.

(1) 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; or

(2) That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter; or

(3) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures or buildings in the same district; or

(4) That the special conditions and circumstances to not result from the actions of the applicant.

No nonconforming use of neighboring lands, structures or building in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

B. Notice shall be given at least four (4) but not more than twenty (20) days in advance of the public hearing, by publication in a newspaper of general circulation in the City and shall be mailed to all property owners within a distance of two hundred (200) feet of the affected property.

C. The City shall provide each applicant sufficient variance request notifications signs, which shall be clearly posted by the applicant at least seven (7) but not more than twenty (20) days in advance of the public hearing, on the property for which the variance request has been made. The applicant shall pay the City Clerk such costs at the time the request is submitted as may be prescribed by City Council.

2. Public Hearing. The Board of Adjustment public hearing shall be held in accordance with the State of Iowa Open Meetings Law (Chapter 21 of the Code of Iowa) and any party may appear in person, or by agent or by attorney or through written means submitted prior to the public hearing.

3. Findings. The Board of Adjustment shall 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. 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 chapter, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

4. Conditions to Be Prescribed. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this chapter. 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 chapter and punishable under Section 165.14 of this chapter.

5. Fees. Any person who submits an application under the terms of this section shall be charged a fee in accordance with a schedule of fees established by resolution by the City Council. The denial of an application by the Board of Adjustment shall not be construed as any reason for refunding the fee to the applicant.

**165.09 PLANNING AND ZONING COMMISSION.** The Planning and Zoning Commission, as established under the provisions of the Code of Iowa, shall discharge the following duties under this chapter:

1. Receive and review all applications for approval of non-listed uses and report findings and recommendations to the City Council.
  - A. The Commission may allow land uses (permitted or special), which, though not contained by name in a zoning district list of permitted or special uses, are deemed to be similar in nature and clearly compatible with the listed uses.
  - B. All non-listed uses which are approved by the City Council shall be added to the appropriate use list by ordinance at the time of periodic updating and revision.
2. Receive and review all applications for changes or amendments to this chapter, future land use map, or zoning map and report findings and recommendations to the City Council (Ord. 1302, 7/15/13).
3. Receive from the Zoning Administrator recommendations as related to the effectiveness of the City zoning and planning development regulations and recommend conclusions and changes to the City Council.
4. Hear and decide matters upon which it is required to pass under this chapter.

**165.10 CITY COUNCIL.** The City Council, as established under the provisions of the Code of Iowa, shall discharge the following duties under this chapter:

1. Receive recommendation from Planning and Zoning for amendments to this chapter (text or map), and determine the final disposition of any such matter.
2. Decide upon all matters which it is required to pass under this chapter.

**165.11 AMENDMENTS.** For the purpose of promoting the public health, safety and general welfare; conserving the value of property throughout the community; and lessening or avoiding congestion in the public streets and highway, the City may, from time to time, in a manner hereinafter set forth, amend the various regulations imposed in the districts or amend the district boundary lines.

1. Procedure. Any amendment to the regulations or changes in the district assignment for a property may be initiated by any property owner or governmental body however no such amendment or change in district assignment or amendment shall be made without a public hearing before the City Council and after a recommendation report from the Planning and Zoning Commission.
  - A. Regulation Amendments. The request to amend the regulations within this Chapter shall be directed to the Zoning Administrator. The Zoning Administrator shall perform an investigative study on the amendment request within a reasonable amount of time, not to exceed 60 days. When the study has been completed, within a minimum of fourteen (14) days prior

to the monthly regular scheduled Commission meeting, the amendment shall be placed on the Commission's agenda. The Commission shall review the amendment request and upon completion shall make a recommendation report to City Council. (Ordinance No. 1501, 3/2/15)

Provided the Commission's recommendation is completed a minimum of fourteen (14) days prior to a monthly regular scheduled City Council meeting, a public hearing on the regulation amendment shall be placed on the City Council's agenda. At least seven (4) days' notice of the time and place of the Council's public hearing on the regulations amendment shall be published in a newspaper having general circulation in the City. Within 30 days after holding a public hearing, the City Council shall consider and place the first reading of the regulation amendment to a vote. If no action is taken by the City Council, the regulation amendment has been denied. If the first reading of the regulation amendment was approved by the City Council, the change in zoning must be approved by two (2) more readings before the regulation amendment becomes official.

- B. Zoning Amendments. The request to amend the district assignment for a parcel of land, also referred to as rezoning, shall be initiated by the submitting of a written application with the City Clerk. The request shall be presented a minimum of four (4) weeks prior to the monthly regular scheduled Commission meeting. The Zoning Administrator, with assistance by the City Engineer, shall determine within a reasonable amount of time whether the rezoning application is complete. Any missing items or necessary corrections shall be communicated to the requestor for inclusion or incorporation and updated information shall be provided to the City. If the rezoning application has been completed to the satisfaction of the Zoning Administrator, within a minimum of fourteen (14) days prior to the monthly regular scheduled Commission meeting, a public hearing on the rezoning application shall be placed on the Commission's agenda. At least seven (4) days prior, notice of the time and place of such public hearing shall be published in a newspaper having general circulation in the City. The Commission may apply conditions to the rezoning request or waive certain rezoning application requirements with the exception of posting of notification signs and payment of application fee. Within 30 days after the public hearing, the Commission shall provide a recommendation to the City Council. In the event the Commission recommends disapproval of the rezoning change or, in the event of a protest against such change is filed with the City Clerk and signed by the owners of twenty (20) percent or more of the area of the lots included in the proposed change, or by the owners of twenty percent or more of the property which is located within two hundred feet of the exterior boundaries of the property for which the change is proposed, the change shall not become effective except by the favorable vote of at least three-fourths of all the members of the Council. The protest, if filed, must be before or by the City Council public hearing held on behalf of the zoning change.

Provided the Commission's recommendation is completed a minimum of fourteen (14) days prior to a monthly regular scheduled City Council meeting, a public hearing on the rezoning amendment shall be placed on the City Council's agenda. At least four (4) days prior, notice of the time and place of such public hearing shall be published in a newspaper having general circulation in the City. Within 30 days after holding a public hearing, the City Council shall consider and place the first reading of the change in zoning to a vote. If no action is taken by the City Council, the rezoning application has been denied. If the first reading of the change in zoning was approved by the City Council, the change in zoning must be approved by two (2) more readings before the rezoning becomes official. Once a change in zoning is adopted the City Council, the City shall take action to update the official zoning map in accordance with Section 165.16 of this chapter.

Both, Commission and City Council, public hearings for a zoning amendment shall be held in accordance with the State of Iowa Open Meetings Law (Chapter 21 of the Code of Iowa) and any party may appear in person, or by agent or by attorney or through written means submitted prior to the public hearings.

- C. Future Land Use Map Amendments. The request to amend the current future land use map for a parcel and or section of land shall be initiated by the submission of a written application with the City Clerk. The Zoning Administrator, with the assistance of the City Engineer, shall determine within a reasonable amount of time whether the change in the future land use map application is complete. Any missing items or necessary corrections shall be communicated to the requestor for inclusion or incorporation and updated information shall be provided to the City. If the change in future land use map application has been completed to the satisfaction of the Zoning Administrator, within a minimum of fourteen (14) days prior to the monthly regular scheduled Commission meeting, a public hearing on the change in future land use map application shall be placed on the Commission's agenda. At least four (4) days prior, notice of the time and place of such public hearing shall be published in a newspaper having general circulation in the City. The Commission may apply conditions to waive certain changes in future land use map application requirements with the exception of posting of notification signs and payment of application fee. Within 30 days after the public hearing, the Commission shall provide a recommendation to the City Council. In the event the Commission recommends disapproval of the requested future land use change or, in the event of a protest against such change is filed with the City Clerk and signed by the owners of twenty (20) percent or more of the area of the lots included in the proposed change, or by the owners of twenty percent or more of the

property which is located within two hundred feet of the exterior boundaries of the property for which the change is proposed, the change shall not become effective except by the favorable vote of at least three-fourths of all the members of the Council. The protest, if filed, must be before or by the City Council public hearing held on behalf of the requested future land use change. (Ord. 1302, 7/15/13).

2. Zoning Permit, Future Land Use Change, and Planned Unit Development (PUD) Applications. The application form may be obtained at the City Clerk's office and completed as specified herein. A record of the zoning amendment, future land use change, or PUD application and fees paid, along with a copy of any accompanying materials shall be kept on file in the City Clerk's office. The application shall consist of the following (Ord 1302, 7/15/13):

- A. The legal description and local address of the property.
- B. The present Zoning Classification/Future Land Use Designation and the Zoning Classification/ Future Land Use Designation requested for the property and the existing use and proposed use of the property. (Ord. 1302, 7/15/11)
- C. The names and addresses of the owners of all property within two hundred (200) feet of the property for which the change is requested.
- D. A statement of reasons why the applicant feels the present Zoning Classification/Future Land Use Designation is no longer valid. (Ord. 1302, 7/15/13)
- E. A Plat or Site Development Plan showing the locations, dimensions, and use of the applicant's property and all other property within two hundred (200) feet thereof, including streets, alleys, railroads, and other physical features. Site Development Plans illustrate the general methods of development, design, special distribution, location topography (both existing and proposed), soil erosion control measures, relationship to flood overlay zones and such other information as necessary to show compliance with the zoning and municipal regulations adopted by the City.
  - (1) A Site Development Plan shall be required for any PUDs or any proposed R-4, RMH, C-1, C-1A, C-2, PLI, and PI zoning amendments. The Site Development Plan shall be prepared by a certified architect, landscape architect, or professional engineer and shall conform to the requirements in paragraph (2)(F) of this section. (Ord. 1302, 7/11/15).
- F. Site Development Plans shall be in accordance with the following submittal and modification requirements:
  - (1) The Site Development Plan shall be drawn at a scale not less than one inch to one hundred feet (1" = 100'). Fifteen (15) legible copies folded to no larger than eight and one-half inches by fourteen inches (8½" x 14")



shall be submitted with the zoning permit application. In addition, there shall be submitted three (3) copies of a reproducible quality photo reduction of the Site Development Plan, each page of a multiple sheet submittal, on paper no larger than eight and one-half inches by eleven inches (8½" x 11").

(2) The Site Development Plan shall include the following legal information:

- a. Legal property owners name and description of property.
- b. Applicant's name and contact information, including address, phone number, and fax number.
- c. Requested land use and zoning and accompanying front, side and rear yard setbacks requirements.
- d. If the applicant is other than the legal owner, the applicant's interest shall be indicated and the legal owner's authority to appeal shall be certified legal form.
- e. Legal Description of the property. (Ord. 1302, 7/15/11)

(3) The Site Development Plan shall clearly illustrate prospective use, and enumerate the following information:

- a. Property boundary lines, dimensions, and total area.
- b. A vicinity sketch showing detailed adjacent land uses within five hundred (500) feet of the property and general existing land uses within one thousand (1,000) feet of the property.
- c. The availability and location of existing infrastructure (e.g., streets, sanitary sewer, storm sewer, water) and any proposed public improvements.
- d. Existing buildings, utilities (overhead or underground), easements, drainage courses, vegetation, and large trees, etc.
- e. All existing and proposed streets (including private streets), sanitary sewers, water main, storm sewers, and storm water management areas. If City sanitary sewer and/or water service is not available to the property and it is proposed that the property will be served by private or community well and/or septic systems, those locations should also be identified. (Ord. 1302, 7/15/13)
- f. Location of all walls, fences, landscaping, or other items used to satisfy buffer requirements. (Ord. 1302, 7/15/13)
- g. Traffic circulation patterns within five hundred (500) feet of the property and any proposed location of driveways, parking areas, number of parking spaces proposed, number of parking spaces required, type of surfacing to be used, etc. Parking lots should be screened from public streets utilizing plantings and berming to help maintain a visually attractive corridor. Larger parking lots exert a

greater visual impact and therefore should have a higher percentage of their space devoted to landscaping islands. Parking areas or lots shall be designed in accordance with Section 165.22 of this chapter.

- h. Pedestrian movement patterns upon the property and surrounding area and any proposed location and size of sidewalks or crosswalks. Architectural themes, pedestrian circulation, and all other considerations pertinent to the proposed use, may be requested for illustration or statistical purposes.
  - i. Spot grade and pavement elevations and contour lines at intervals of not more than two (2) feet; City datum; if substantial topographic change is proposed, the existing topography shall be illustrated on a separate map, and the proposed finished topography shown on the final plot plan to demonstrate drainage patterns and methods of compliance for all applicable flood plain development standards and flood (overlay) districts.
  - j. The proposed location, size, and shape of signs which will identify the name, address, insignia or trademark, and occupant of a building or the name of any building within the proposed development.
  - k. A traffic study detailing how the proposed development will affect operations on the adjacent roadway network will be required when the development is expected to generate one hundred or more vehicle trips during any hour of a normal week.
  - l. Such other information as may be necessary to provide for the enforcement of applicable zoning and municipal regulations.
- (4) An approved Site Development Plan placed on file may be amended with respect to location, size, design, and conformity of buildings and other improvements; provided, the amended Site Development Plan conforms to the general use regulations, performance standards and provisions of the district in which located. Amended Site Development Plans shall be reviewed by the Planning and Zoning Commission and approved by the City Council unless said amended Site Development Plan represents less than one thousand (1,000) square feet in area, and does not negatively impact parking, pedestrian, and drive areas on site with such amendment being administratively approved by the Zoning Administrator.

3. Minimum Size of Areas. No amendment to this chapter shall be adopted whereby the zoning classification of an area is changed unless the area meets the following requirements as to minimum size:

New District Classi- fication	Minimum Area Required
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R-1, R-2	Large enough in gross area so that at least one-half the number of building sites, either existing or proposed, will be interior of the district.
R-3, R-3A	If the area abuts an existing R-3, R-4, C-1, C-2, I-1 or I-2 district on one side, one (1) acre; otherwise three (3) acres.
R-4	If the area abuts an existing R-4, RMH, C-2, I-1 or I-2 district on one side, one (1) acre; otherwise three (3) acres.
RMH	If the area abuts an existing R-4, RMH, C-2, PLI or PI district on one side, ten (10) acres; otherwise twenty (20) acres.
C-1, C-1A, C-2	If the area abuts an existing C-1, C-1A, C-2, PLI or PI district on one side, one (1) acre; otherwise three (3) acres.
PLI, PI	If the area abuts an existing PLI or PI district on one side, three (3) acres; otherwise five (5) acres.
A-1	Five (5) acres.
PUD	Five (5) acres, unless specifically waived by the City Council based on site constraints.

4. Notification Signs. The City shall provide each applicant for a zoning district boundary amendment with sufficient rezoning notification signs, which shall be clearly posted by the applicant on the property for which a rezoning request has been made. The applicant shall pay the City Clerk such costs at the time the request is submitted as may be prescribed by the City Council. The signs shall be so placed as to be seen from the street, and in cases of multiple frontages, at least one sign shall be placed on each frontage. Said signs shall be posted at least seven (7) but not more than twenty (20) days prior to the public hearing date, which shall be noted on the sign. It shall be the applicant's responsibility to see that the said signs remain posted during the entire period. If the signs are not posted in accordance to the preceding requirements, no public hearing shall be held by the Planning and Zoning Commission. No person except the applicant or his or her agent shall take down, or in any way interfere with the sign or signs during the period provided by this section.
5. Denial of Application. No application for a PUD or rezoning amendment which has been denied by the City Council shall be resubmitted for a period of one (1) year from the date of the order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Planning and Zoning Commission and the City Council.
6. Conditions To Be Prescribed. In granting any rezoning, the Commission may prescribe appropriate conditions and safeguards in conformity with this chapter. Violations of such conditions and safeguards, when made a part of the terms under which the rezoning is granted, shall be deemed a violation of this chapter and punishable under Section 165.14 of this chapter.
7. Fees. Any person who submits an application under the terms of this section shall be charged a fee in accordance with a schedule of fees established by resolution by the City Council. The denial of an application by the City Council shall not be construed as any reason for refunding the fee to the applicant.

**165.12 BUILDING PERMITS AND CERTIFICATE OF OCCUPANCY REQUIREMENTS.**

1. Building Permit. No building, structure or non-agricultural fence shall hereby be erected, reconstructed, or structurally altered, nor shall any work be started upon same, until a building permit for same has been reviewed by the Zoning Administrator, which permit shall state that the proposed building, structure or fence complies with all provisions of this chapter. In addition, a building permit is required for both permitted and accessory buildings or structures. Said permit must be issued concurrently for both permitted and accessory uses for vacant properties. For additional requirements for building permits, refer to Chapters 155 and 156 of this Code of Ordinances.

2. Certificate of Occupancy. No structure or building shall be occupied, and the primary use of a structure or building shall not be changed, unless and until a Certificate of Occupancy has been issued. A Certificate of Occupancy shall only be approved if the structure or building conforms to all applicable requirements of this chapter, all applicable subdivision approval requirements (See Chapter 166), all applicable building codes (See Chapters 155 & 156), and any other applicable laws and regulations of the City of Robins.

3. Private Water Supply and Sewage Disposal Permit Requirements. Where public sewer or water is not readily available to serve the property, private water supply or sewage disposal systems may be allowed provided the systems meet the requirements in Chapters 90 and 98 of this Code of Ordinances. When a private system is allowed, copies of the approved permits from the Linn County Health Department or other applicable agency or department shall be provided to the City prior to the final approval of the building permit or temporary occupancy.

4. Site Plan Requirements. Each building permit application within R-3, R-3A, R-4, PUD, C-1, C-1A, C-2, RI, RL, PLI and PI zoning districts, except for existing single or two family dwellings and accessory buildings thereof, shall be accompanied by four (4) copies of a Site Plan. A record of the Site Plan shall be kept on file in the City Clerk's office with the building permit. The Site Plan shall conform to the zoning regulations within the applicable zoning district and to any plat of prior Site Development Plans approved by the City Council unless otherwise directed by the Zoning Administrator; the Site Plan is to be prepared by a professional engineer, certified architect and/or landscape architect. The petitioner may, as part of the final Site Plan approval, be required to install public utilities including, but not limited to, water lines, storm sewer, sanitary sewer, street paving, fire hydrants, and such other utilities as applicable to properly serve the proposed plan. Where required as part of a Site Plan approval, utilities shall be constructed in accordance with the City's construction standards for those portions within the public right-of-way and shall be dedicated to the City. The petitioner may also be required to construct to the same specifications for those undedicated portions where said utilities may have a direct effect on the future safety, proper functioning, and maintenance of those portions to be dedicated. The Site Plan shall be prepared to scale showing the following (Ord. 1302, 7/15/13):

5. Owner and applicant contact information, including address, phone number, and fax number.

6. North arrow, scale and date of preparation of the plan.
7. The dimensions of the lot to be built upon.
8. The size, shape, and location of the building to be erected.
9. Location of existing right-of-ways, easements, and infrastructure (e.g., streets, sanitary sewer, storm sewer) and any proposed infrastructure improvements.
10. Spot grade and pavement elevations and contour lines at intervals of not more than two (2) feet; City datum; if substantial topographic change is proposed, the existing topography shall be illustrated on a separate map, and the proposed finished topography shown on the final site plan to demonstrate drainage patterns.
11. The proposed location, size, shape, color, and material type of all buildings or structures. Building design should be visually harmonious and compatible with the neighborhood character. The following guidelines should be followed for building design:
  - A. Buildings located on property with double frontages should have similar wall design facing both streets.
  - B. Buildings should have a consistent architectural style throughout the development on each lot, as defined by repetition of exterior building material and colors, and architectural elements.
  - C. Commercial buildings' side and rear elevations should be comprised of the same materials, and reasonably similar in character and quality as the front elevation, unless screened from view from all public streets and residential areas by topography differences, landscaping materials, or other screening devices, in which case, building material may be concrete block or tilt-up concrete panels.
  - D. Preferred commercial building materials: stucco, wood siding, brick, or open face block. Premium grade vinyl siding may be used.
  - E. Preferred light industrial and warehouse building material: stucco, natural wood siding, brick, open face block, and concrete. If the building is built with a concrete facade, it is highly recommended that the front façade be built with stucco, natural wood siding, brick, or open face block. Premium grade vinyl siding may be used.
  - F. No reflective surface shall be allowed where, in the opinion of the City Engineer, the surface would pose a public safety issue.
  - G. Special attention should be taken to incorporate external mechanical equipment into the design such that it does not detract from the aesthetics of the site and building as well as shield from nearby residential areas.
  - H. Pitched roofs with a minimum slope of 5/12 are preferred.
  - I. Roof top equipment shall be screened.
12. Traffic and pedestrian circulation patterns within two hundred (200) feet of the property and proposed location of sidewalks, crosswalks, driveways, parking areas, number of parking spaces proposed, number of parking spaces required, type of surfacing

to be used, etc. Parking areas or lots shall be designed in accordance with Section 165.22 of this chapter.

13. Location and access of commercial solid waste containers and the screening thereof.

14. Such other information as may be necessary to provide for the enforcement of applicable zoning and municipal regulations including, but not limited to, the type, size, and location of all proposed signs and lighting. (Ord. 1302, 7/15/13)

A. Residential Accessory Building Permit Requirements. Residential accessory buildings shall be in compliance with Section 165.19 of this chapter and shall not exceed 1,250 square feet in area or 20 feet in height. For each building permit application for an accessory building over 120 square feet, the applicant shall provide the location, size, shape, color and material type information of the accessory building and that of the principal residential building. The accessory building design, siding and roof material shall be consistent with the principal building and the neighborhood character. The property owner is responsible to ensure the accessory building is in conformance with any restrictive covenants and not in conflict with any easements.

B. Swimming Pool, Hot Tub and Spa Requirements. Swimming pools, spas and hot tubs, whether in-ground, above-ground or on-ground, which contain water over twenty-four (24) inches deep, shall comply with minimum and transitional yard requirements for the zoning district. Refer to Chapters 155 and 156 of this Code of Ordinances for additional requirements regarding swimming pools, hot tubs and spas.

15. Fees. Any person who submits an application for a building permit in accordance with this chapter shall be charged a fee in accordance with a schedule of fees established by resolution by the City Council.

**165.13 INTERPRETATION OF PROVISIONS.** In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Wherever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing higher standards shall govern.

#### **165.14 VIOLATIONS AND PENALTIES.**

1. Any person who violates or fails to comply with the provisions of this chapter may be charged with a misdemeanor or municipal infraction and upon conviction be ordered to comply and suffer the penalties as prescribed within this Code of Ordinances. Each day a violation continues shall constitute a separate offense.

2. The owners, or tenant of any building, structure, land or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists

in, or maintains a violation or fails to comply with any provision of this chapter may each be charged with a misdemeanor or municipal infraction and upon conviction suffer the penalties as prescribed within this Code of Ordinances. Each day such violation continues shall constitute a separate offense.

3. If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or if any building, structure or land is used in violation of this chapter, the City may, in addition to other remedies, institute an injunction, mandamus, or other appropriate lawful action necessary to prevent, correct or abate such violation.

**165.15 ESTABLISHMENT OF DISTRICTS AND OFFICIAL ZONING MAP.** The City is hereby divided into districts which shall be designated as follows:

A-1 - Agricultural

R-1 - Low Density Single-Family Residential

R-2 - Medium Density Single-Family Residential

R-3 - Medium Density Two-Family Residential

R-3A - Medium Density, Two-Family Residential with Association

R-4 - High Density Multiple-Family Residential with Association

RMH - Mobile Home Park Residential

PUD – Planned Unit Development District

C-1 – Central Commercial Business District

C-1A - Neighborhood Commercial District

C-2 - Highway Commercial

PLI – Planned Light Industrial

PMI – Planned Medium Industrial

PHI – Planned Heavy Industrial

P-1 - Public Use

RI - Research Park Innovation District

RL – Robins Landing Overlay District

FP – Flood Plain Overlay District

The locations and boundaries of these districts are shown on the official zoning map which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the Seal of the City under the following statement: *This is to certify that this is the official Zoning Map referred to in Ordinance No. 2503 of the City of Robins, Iowa.* The Official Zoning Map, or a true copy of the same, shall be on file in the office of the City Clerk



and shall be final authority as to the correct zoning status of the land, water areas, buildings, and other structures in the City.

#### **165.16 CHANGES IN OFFICIAL ZONING MAP.**

1. If in accordance with the provisions of Section 165.11 of this chapter and Section 414.4 Code of Iowa, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council, with an entry on the Official Zoning Map as follows: *By official action of the City Council, the following changes were made on the Official Zoning Map.*" (Indicating the changes by ordinance numbers and date of publication.) No amendment of this chapter which involves a matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.<sup>†</sup>
2. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may by ordinance adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the Seal of the City under the following words: *This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted as part of Ordinance No. \_\_\_\_\_ of the City of Robins, Iowa.*" Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.
3. Any unauthorized change of any kind whatsoever in the Official Zoning Map by any person shall constitute a violation of this chapter and be punishable as provided in Section 165.14.

**165.17 INTERPRETATION OF DISTRICT BOUNDARIES.** Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as following corporate limits shall be construed as following corporate limits.

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<sup>†</sup> See EDITOR'S NOTE at the end of this chapter for ordinances amending the zoning map.  
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4. Boundaries indicated as following railroad lines shall be construed to be midway between the main right-of-way.
5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be constructed to move with the actual shore line, boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.
6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by dimensions shown on the map, or in the absence of dimensions, by the scale of the map.

In the case of further uncertainty, and/or 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 subsections 1 through 6 above, the Board of Adjustment shall interpret the district boundaries.

#### **165.18 APPLICABILITY OF REGULATIONS.**

1. Scope of Regulations. This chapter shall apply to all structures, and, and uses within the corporate limits of the City. No building or structure; no use of any building, structure or land; and no lot of record or zoning lot, now or hereafter existing shall hereafter be established, altered, moved, divided or maintained in any manner except in accord with the provisions of this chapter.
2. Conversion of Use or Size. The conversion of any use or building either to another use or to increase the size or area of the existing use, including the conversion of any building or the conversion of any dwelling to accommodate an increased number of dwelling units, families, or residents, shall be permitted only within a district in which a new building for similar occupancy would be permitted in this chapter and only when the resulting occupancy will comply with the requirements in such districts, with respect to minimum lot size, lot area per dwelling unit, dimension of yards, height, off street parking, and any other applicable requirements.
3. Division of Zoning Lots. No improved zoning lot shall hereafter be divided into two or more zoning lots and no portion of any improved zoning lot shall be sold, unless all zoning lots resulting from each division or sale shall conform with applicable regulations of the zoning district in which the property is located.
4. Annexed Territory. All territory which may be annexed to the City after adoption of the Zoning Ordinance shall be classified by the City Council after receiving a recommendation from the Planning and Zoning Commission as to the annexed territory's zoning classification. Within 30 days of the annexation, the Commission shall make a recommendation as to the new designation.

Action shall be taken by the City Council within 60 days of its receipt from the Commission. No building or structure shall be erected, enlarged or moved and no change

in the use of land or existing buildings or structures shall be made until the zoning district classification of such annexed land is duly adopted by the City Council.

5. Whenever territory is annexed into the city limits, the resolution approving the same shall also establish which Precinct the territory shall be located within. The Planning and Zoning Administrator shall have the duty of assigning territory heretofore annexed to a Precinct and communicating their decisions to the Linn County Election Commissioner. (Ordinance No. 0715, 10/15/07)

6. Vacated Streets. Whenever any street, alley, or other public way is vacated by official action of the Council the district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

#### **165.19 DISTRICT REGULATIONS.**

1. Permitted Uses. No building or tract of land shall be devoted to any other use other than a use permitted hereinafter in the zoning district in which such building or tract of land shall be located, with the following exceptions:

A. Uses lawfully established on the effective date of the Zoning Ordinance.

B. Special uses, allowed in accordance with the provisions of this chapter. Special uses are subject to the issuance of special use permits in accordance with the provisions of this chapter.

2. Nonconforming Uses. Uses already established on the effective date of the Zoning Ordinance and rendered nonconforming by the provisions thereof, shall be subject to the following regulations:

A. If within the districts established by this chapter or amendments that may later be adopted there exist lots, structures and uses of land and structures which were lawful before the Zoning Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this chapter or future amendments, it is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this chapter to be incompatible with permitted uses in the districts involved.

B. It is further the intent of the chapter that nonconformities shall not be enlarged upon, expanded or extended, or be used as grounds for adding other structures, signs or uses prohibited elsewhere in the same district.

C. To avoid undue hardship, nothing in this section 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 the Zoning Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent

manner; except that the demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

3. Nonconforming Lots of Record. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of the Zoning Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this chapter, the land involved shall be considered to be an undivided parcel for the purposes of this chapter, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this chapter, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this chapter.
4. Nonconforming Uses of Land. Where, at the effective date of adoption or amendment of the Zoning Ordinance, lawful use of land exists that is made no longer permissible under the terms of this chapter as enacted and amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:
  - A. No such nonconforming use shall be enlarged or increased nor extended to occupy a greater use of land than was occupied at the effective date of adoption or amendment of the Zoning Ordinance.
  - B. 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 the Zoning Ordinance.
  - C. If any such nonconforming use of land ceases for any reason for a period of more than one hundred eighty (180) days, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.
5. Nonconforming Structures. Where a lawful structure exists at the effective date of adoption or amendment of the Zoning Ordinance that could not be built under the terms of this chapter 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 so continued so long as it remains otherwise lawful, subject to the following provisions:
  - A. No such structure may be enlarged or altered in a way, which increases its nonconformity.
  - B. Should such structure be destroyed by any means to an extent of more than 65 percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter. The determination of the replacement cost must be determined by a licensed property appraiser.
6. Nonconforming Uses of Structures. If a lawful use of a structure or of structure and premises in combination exists at the effective date of adoption or amendment of the Zoning Ordinance that would not be allowed in the district under the terms of this chapter,

the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
  - B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of the Zoning Ordinance, but no such use shall be extended to occupy any land outside such building.
  - C. If no structural alterations are made, any nonconforming use of a structure (or structure and premises) may be changed to another nonconforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific case, shall find that proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accord with the provisions of this chapter.
  - D. Any structure or structure and land in combination in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district in which such structure is located and the nonconforming use may not thereafter be resumed.
  - E. When a nonconforming use of a structure, land, or structure and land in combination, is discontinued or abandoned for eighteen (18) consecutive months, the structure thereafter shall not be used except in conformance with regulations of the district in which it is located.
  - F. Where nonconforming use status applied to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
7. Repairs or Maintenance. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, to an extent not exceeding ten percent (10%) of the current replacement value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of the Zoning Ordinance shall not be increased. Nothing in this chapter shall be deemed to prevent the strengthening of or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
8. Yard Requirements. Upon approval of the Planning and Zoning Commission and the City Council, as evidenced by acceptance of the subdivision plat, a developer shall be allowed to satisfy yard requirements by establishing setbacks and varying front yards. However, in such instances, the shortest setbacks or yards shall be at least equal to the minimum prescribed for that district, and shall be consistent with public safety and health.

A. Fuel and food dispensing devices with a height of not over six (6) feet shall be exempt from the established front yard or corner side yard requirements, but all such dispensing devices shall be set back from the front lot line or the corner side lot line a distance of not less than fifteen (15) feet.

B. Where an industrial, commercial or agricultural district adjoins a residential district, transitional yards shall be provided in accordance with the regulations indicated in the respective zoning district. Transitional yards shall be unobstructed, except as permitted in paragraph C following.

C. All required yards shall be unobstructed, except as follows (this requirement shall not be construed to prohibit trees, shrubs, bushes and other natural growth):

(1) In All Yards:

- (a) Open terraces not over three (3) feet above the average level of the adjoining ground, but not including a permanently roofed-over terrace or porch;
- (b) Awnings and canopies;
- (c) Steps four (4) feet or less above grade which are necessary for access to a permitted building or for access to a zoning lot from a street or alley;
- (d) Chimneys projecting 24 inches or less into the yard;
- (e) Approved free standing signs;
- (f) Arbors and trellises;
- (g) Flagpoles;
- (h) Window unit air conditioners projecting not more than 18 inches into the required yard; and
- (i) Fences or walls subject to applicable height restrictions of this chapter.

(2) In Front Yards:

- (a) One-story bay windows projecting three (3) feet or less into the yard; and
- (b) Overhanging eaves and gutters projecting three (3) feet or less into the yard.

(3) In Rear Yards:

- (a) Balconies;
- (b) Recreational or laundry drying equipment;
- (c) Fallout shelters;
- (d) Outside elements of central air conditioning systems, extending not more than four (4) feet into the yard;

- (e) Breezeways and open porches;
  - (f) One-story bay windows projecting three (3) feet or less into the yard; and
  - (g) Overhanging eaves and gutters projecting three (3) feet or less into the yard.
- (4) In Side Yards: Overhanging eaves and gutters projecting three (3) feet or less into the yard.
- (5) Corner Visual Clearance Area. Notwithstanding the provisions within the various districts, nothing shall be erected, placed, planted, or allowed to grow on a corner lot in such a manner as to significantly impede vision between a height of three (3) feet and ten (10) feet above the center line street grades of the area described as follows: That triangular shaped area bounded by the street or road right-of-way lines of a corner lot or tract and a straight line joining points on said right-of-way lines that are thirty (30) feet from the point of intersection of said right-of-way lines.
9. Lot Coverage Requirements. The lot coverage requirements are intended to generally align with the typical percentage of impervious areas defined in the adopted design standards for stormwater management best practices. The lot coverage percentage is calculated by the total area of the building(s) and paving on a zoning lot divided by the area of such zoning lot. Areas to be included in the calculation are buildings (principal and accessory), driveways, sidewalks, patios, decks, porches, stairs, but exclusive of swimming pools.
- A. Residential Districts: Lot coverage shall not exceed 4,800 square feet or 36%, whichever is less, of the gross lot area.
  - B. Commercial Districts: Lot coverage shall not exceed 80% of the gross lot area.
  - C. Industrial Districts: Lot coverage shall not exceed 70% of the gross lot area.
10. Limitation of Access. Access from abutting property to an intersecting arterial or collector street or to a highway shall be permitted only at designated access points. Such access points are limited in accordance with the current edition of the Iowa SUDAS Design Manual:
- A. The access limitations, may be waived subject to the following conditions:
    - (1) The Board of Adjustment may grant preliminary approval of a temporary access permit. Such permit shall only be granted if the authority having jurisdiction over such highway requires a driveway permit.
    - (2) Use of access shall be limited to the use described in the temporary access permit.
    - (3) Wherever practical, only one point of access for each two parcels shall be permitted, to be located at the common property line for the adjoining parcels.



(4) The access permit shall be temporary in nature and shall be revoked, without remuneration to abutting property owners, upon the construction of a frontage road or an alternative internal circulation system providing a reasonable alternate means of access or when deemed necessary in the public interest.

11. Floodplain Regulations. All building and structures shall conform to the flood plain regulations contained within Chapter 160 of this Code of Ordinances. If a building or structure is proposed within a defined floodplain or drainage easement, as a condition of that approval, the City may require that the building permit applicant acknowledge the rights of the City as an easement holder and waive any and all damages that might be otherwise accrued if the City shall need to remove the building or structure in the exercise of its rights under the easement.

12. Water Supply and Sewage Disposal Regulations. Where public water and sewage facilities are unavailable, regardless of other provisions of this chapter, in all districts and in all classifications, there shall always be sufficient open ground area left unoccupied by a structure or paving for a proper system of sewage disposal and water supply conforming to the standards and requirements of Linn County Health Department and any other City regulations. No building permit shall be issued that is serviced by either a private sewage system or water supply system unless the following minimum building lot requirements:

Private System	Minimum Lot Area	Minimum Lot Width
Without sewage disposal and water supply	40,000 sq. ft.	150 feet
Without sewage disposal but with water supply	20,000 sq. ft.	100 feet

13. Residential District Restrictions.

A. No land which is located in a residential district shall be used for a driveway, walkway, or access purposes to any land which is located in a commercial or industrial district, or used for any purpose not permitted in a residential district.

B. Except in the case of Planned Unit Developments, not more than one principal dwelling unit and one Accessory Dwelling Unit (ADU) shall be located on a zoning lot.

C. Detached accessory buildings or structures shall be located no closer to any other accessory or principal building than ten (10) feet and shall be limited to twenty (20) feet in height.

D. No accessory building or structure shall be erected more than one hundred and eighty (180) days prior to the time of completion of the construction or establishment of the principal structure or use to which it is accessory.

E. No detached accessory building, including tree houses, shall be placed in front of the principal building on the zoning lot.

14. Accessory Dwelling Units (ADU). Accessory Dwelling Units shall comply with the provisions of Chapter 364.3 of the Code of Iowa.

- A. Accessory Dwelling Units are only allowed on a lot with an existing single-family home.
- B. Only one Accessory Dwelling Unit, either detached or attached, shall be permitted on a lot.
- C. A new separate driveway providing exclusive access to the Accessory Dwelling Unit shall not be permitted.
- D. Detached Accessory Dwelling Units shall be located no closer to any other accessory or principal building than ten (10) feet and the height shall be limited to that regulated by the zoning district it is located.
- E. No detached Accessory Dwelling Unit shall be placed in front of the principal building on the zoning lot.
- F. Detached Accessory Dwelling Units must meet minimum principal structure front and side yard requirements.

Animal Control Requirements. The comprehensive animal control regulations contained in Chapter 55 of this Code of Ordinances shall determine the requirements of keeping, sheltering and caring of domestic, farm and exotic animals within the City limits.

**165.20 SIGN REGULATIONS.** Regulation of the size, location, and certain features of signs is necessary to enable the public to locate goods, services and facilities without disruption to surrounding areas; to prevent wasteful use of natural resources; to prevent hazards to life and property; and to assure the continued attractiveness of the community. No sign shall be erected or maintained unless it is in compliance with the regulations contained herein and the design and construction requirements specified within Chapter 152 & 155 of this Code of Ordinances. All signs except residential nameplate or temporary "for sale", "for rent", or similar yard signs shall not be erected or modified without the prior submittal and approval of a sign permit.

- 1. Exceptions. The provisions of this section do not apply to the following:
  - A. Miscellaneous traffic and other official signs of any public or governmental agency, such as railroad crossing signs, or signs used as aids to service or safety.
  - B. Any identification or display of any official court or public office notices thereof, or any flag, emblem or insignia of a nation, school, political unit or religious group.
  - C. Any sign which is located completely within an enclosed building, and which is not visible from outside the building.
  - D. Tablets, grave markers, headstones, statuary, or remembrances of persons or events that are noncommercial in nature.
  - E. Works of fine art when not displayed in conjunction with a commercial enterprise which may benefit direct commercial gain from such display.

- F. Temporary decorations or displays celebrating the occasion of traditionally accepted patriotic or religious holidays.
  - G. Signs on a truck, bus, trailer, or other vehicle while operated in a normal course of a business which is not primarily the display of such signs.
2. Prohibited Signs: Signs specifically prohibited in all districts. The following signs, as well as all other signs not expressly permitted by this Code, are prohibited in all districts and shall not be erected, maintained or, except as provided for elsewhere in this Code, permitted to continue in any district:
- A. Roof signs.
  - B. Portable signs. Any sign attached to or placed on a vehicle or trailer parked on public or private property. This does not prohibit the identification of a firm or its principal products on a vehicle operating during the normal course of business or being taken home. Any vehicle conspicuously parked adjacent to or on a public street for more than three hours primarily for advertisement.
  - C. Any abandoned sign, including, but not limited to, the following:
    - (1) A sign left in a state of serious disrepair, is structurally unsound, is in danger of falling, is no longer functional or is otherwise unsafe.
    - (2) A sign left blank, having significant portions of letters, words or other copy missing for more than 30 days.
    - (3) An on-premises sign advertising a business or institution not located at that location for more than 30 days.
    - (4) Any sign that advertises goods or service no longer available for more than 30 days.
    - (5) Any sign that advertises an event or purpose that has passed and no longer applies for more than 30 days.
  - D. Any sign that has been erected, placed or otherwise established or maintained in violation of the then-existing sign regulations or has in any way been unlawfully installed, erected or maintained.
  - E. Any sign painted directly on a wall, roof or fence.
  - F. Off-Premise Signs, including billboard signs.
3. Location of Signs.
- A. No sign shall be attached to a standpipe, gutter drain, or fire escape, nor shall any sign be erected as to impair access to a roof or be in violation of the Building Codes or Fire Department Regulations.
  - B. No signs shall be located so as to project above the parapet line of any roof in the zoning district where the sign is located.
  - C. No signs shall project into any public way or other public access way, nor shall they be permitted in public easements.

D. No sign or sign structure shall be placed on private or public property without the consent of the owner or authorized agent of the owner of such property.

E. No sign or sign structure shall be erected at any location so as to, by reason of its size, shape, design, location, content, coloring or manner of illumination, constitute a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers by obscuring or otherwise physically interfering with any official traffic control device; nor shall any sign be placed in a fashion or that may be confused with an official traffic control device. No rotating beacon, beam or flashing illumination resembling an emergency light shall be used in connection with any sign display or be visible from an adjacent street. No lights resembling an emergency light, no words used or displayed in such a way as to imitate a public safety or warning sign, and no other lights, words, phrases, symbols or characters that may interfere with, mislead or confuse vehicle operators shall be used in a location that is visible to vehicular traffic.

F. All illuminated signs shall conform to the outdoor lighting regulations specified in Chapter 152 of this Code of Ordinances. Any direct light source shall be concealed from view from the right-of-way.

4. Sign Requirements in all districts. The following signs shall be permitted:

A. Nameplate and identification signs:

(1) Area and content

(a) Residential: There shall not be more than one nameplate attached to the structure, not exceeding one square foot in area, for each dwelling unit, indicating the name or address of the applicant. On a corner lot, two such name plates shall be permitted, one facing each street.

(b) Nonresidential: For nonresidential buildings, a single identification sign, not exceeding 12 square feet in area, and indicating only the name and address of the building, may be displayed. On a corner lot, two such name plates shall be permitted, one facing each street.

(2) Setback: None

(3) Height: No sign shall project higher than eight (8) feet above grade.

(4) Permit: Not required unless illuminated

B. Temporary signs:

(1) Political signs, for sale signs, for rent signs, garage sale signs, and similar:

(a) Area and number: There shall be no more than one such sign per zoning lot, except on a corner lot where two such signs shall be permitted, one facing each street. No sign shall exceed 12 square feet in area.

(b) Setback: None

(c) Height: No sign shall exceed 42 inches in height.

- (d) Time limitation: Signs shall be displayed for no more than 72 hours.
  - (e) Permit: Not required
- (2) Accessory to subdivision developments or other permitted improvements in residential districts:
  - (a) Content: The signs shall be only for the identification of homes for sale or rent in the subdivision under construction, or for identification of other nonresidential uses under construction.
  - (b) Area and number: There shall be no more than two signs for each subdivision or development, or one for each entrance to the subdivision. No such sign shall exceed 32 square feet in area.
  - (c) Setback: The sign shall be located within the subdivision and meet the minimum front yard requirements of the zoning district and shall be 50 feet from all other boundaries of the subdivision plat. The requirement does not apply to temporary construction or remodeling services yard signs.
  - (d) Height: No sign shall project higher than eight (8) feet above grade.
  - (e) Time limitation: The sign or signs shall be removed by the property owner once construction is complete or the lots are sold.
  - (f) Permit: Required
- (3) Special Event Signs:
  - (a) Content: Signs displayed to advertise special promotions, community events and grand openings
  - (b) Area and number: There shall be no more than one such sign per zoning lot, except on a corner lot where two such signs shall be permitted, one facing each street. No such sign shall exceed 32 square feet in area.
  - (c) Setback: The sign shall be located within the property and meet the minimum front yard requirements of the zoning district and shall be 50 feet from all other boundaries of the property.
  - (d) Height: No sign shall project higher than eight (8) feet above grade.
  - (e) Time limitation: Such signs may be displayed for no more than 10 continuous days and shall be removed immediately upon termination of the special event.
  - (f) Permit: Required

C. Information signs:

- (1) Area and number: There shall be not more than one such sign per zoning lot, except on a corner lot where two such signs shall be permitted, one facing each street. Such signs shall have a maximum size of twelve (12) square feet.
- (2) Setback: None
- (3) Height: No sign shall project higher than eight (8) feet above grade.
- (4) Permit: Not required unless illuminated

(1) Monument Sign Content: The signs shall bear only the name of the subdivision, park or estate. Sign may be backlit, directly lit or internally illuminated.

(2) Area and number: There shall not be more than one sign located at each entrance to the subdivision, park or estate. No such sign shall exceed 120 square feet in area per sign face nor more than 240 square feet total

(3) Setback: The sign shall be located within the property and meet the minimum front yard requirements of the zoning district and shall be 50 feet from all other boundaries of the property.

(4) Height: No sign shall project higher than twelve (12) feet above grade.

(5) Permit: Required

(1) Electronic Message Boards Style of sign: Such signs may be illuminated; however, no such sign shall be flashing.

(2) Area and number: There shall be not more than one sign per lot, except on a corner lot, two such signs shall be permitted, one facing each street. Such signs are only permitted if incorporated into a permitted monument sign. No sign shall exceed 16 feet in area.

(3) Setback: Sign shall meet the requirements of a Monument Sign.

(4) Height: Sign shall meet the requirements of a Monument Sign.

(5) Permit: Required

A. Sign Requirements in Commercial and Industrial Districts. General Application:

(1) Area and Number: There shall be not more than two signs per lot. The gross area in square feet of all signs on a zoning lot shall not exceed two (2) square feet for each lineal foot of building frontage one (1) square foot for each lineal foot of lot frontage, whichever results in a larger sign area.

(2) Height: No sign shall project higher than 20 feet above curb level.

(3) Setback: The sign shall be located within the property and meet the minimum setback requirements of the zoning district and shall be 50 feet from all other boundaries of the property.

B. Freestanding Signs:

(1) Area and number: There shall be no more than one freestanding sign per public street frontage. No such sign shall exceed 120 square feet in area per sign face nor more than 240 square feet total.

(2) Setback: The sign shall be located within the property and meet the minimum setback requirements of the zoning district and shall be 50 feet from all other boundaries of the property.

(3) Height: Shall not exceed 20 feet

(4) Permit: Required

C. Wall Signs:

- (1) Area and number: There shall be no more than one wall sign per entrance for buildings with a single tenant, or one wall sign per business tenant. One (1) square foot for each lineal foot of building wall not to exceed 40 square feet.
  - (2) Setback: N/A
  - (3) Height: Shall not extend beyond the roof line or parapet of the building to which it is affixed.
  - (4) Permit: Required
5. I-380 Frontage Signs
  - A. General Application:
    - (1) Street Frontage: Minimum 200 feet along I-380
    - (2) Area and Number: There shall be not more than one sign per lot. The maximum total surface area shall not exceed 200 sq. ft.
    - (3) Projection: No signs shall project into any public way or other public access way.
    - (4) Height: Shall not exceed 40 feet.
    - (5) Setback: The sign shall be located within the property and meet the minimum setback requirements of the zoning district and shall be 50 feet from all other boundaries of the property.
      - (a) They are not within 100 feet of any residential structure.
      - (b) They are not within 70 feet of an intersection, highway structure, or another billboard.
      - (c) They are not within 100 feet of a park, school, cemetery, public, or semi-public building.
      - (d) They are not within 50 feet of the centerline of a city or county road, or 100 feet of a state or federal highway.
    - (6) Permit: Required
    - (7) For signs located within areas subject to the State of Iowa regulations, those regulations shall apply in addition to those listed herein. In case of conflict, the most restrictive rules shall apply.
    - (8) On-premise signs must be used to advertise the business and the content of the sign is limited to information regarding the on-site business. Off-premise signs are not allowed.
    - (9) Signs must abut the I-380 side of the property and placed so that it is visible to the traffic on I-380.
    - (10) Lighted signs must conform to Iowa regulations for lighted signs along Interstate Highways.
  - B. Maintenance of Signs. All signs and billboards shall be maintained in a neat and presentable condition. In the event their use shall cease, they shall be removed within 60 days of the date that their use ceases and the surrounding area restored to a condition free from rubbish.



**165.21 FENCE, WALL AND HEDGE REGULATIONS.** Regulation of the location, height, and certain features of fences, walls, and/or dense hedges are necessary to assure the attractiveness of the community and to prevent potential hazards to life and property. No fence or wall shall be erected or maintained unless it is in compliance with the regulations contained herein and the design and construction requirements specified within Chapter 155 of this Code of Ordinances. All non-agricultural fences, walls or combinations thereof except temporary fences used for public safety or soil erosion shall not be erected, altered, replaced, or maintained without the prior submittal and approval of a building permit.

1. Fences and walls may be erected or maintained along a lot line on residential zoned property or adjacent thereto to a height not exceeding six (6) feet above the ground level which is located in a required side yard, to a height not exceeding four (4) feet above the ground level which is located in a required front yard, and to a height not exceeding eight (8) feet above the ground level which is located in a required rear yard, unless the rear lot line abuts a side lot line on neighboring residential property, in which case, the height limitation shall be six (6) feet above ground level. Where a property is double-fronted, the height of the fence or wall shall not exceed four (4) feet above ground level except where a rear yard has been established and the fence abuts a side or rear yard of a neighboring residential property, the height of the fence shall be limited to six (6) feet. Where such lot line is along or adjacent to commercially or industrially zoned property, the fence or wall shall be limited to eight (8) feet above ground level.
2. Fences, walls, dense hedges, and other planting may be erected or grown in public utility or drainage easements in accordance with the provisions of this section, except that no fence, wall, or dense hedge may be erected without the prior approval from the City and as a condition of that approval, the City shall require that the applicant acknowledge the rights of the City as an easement holder and waive any and all damages that might be otherwise accrued if the City shall need to remove the fence, wall, or hedge, in the exercise of its rights under the easement.
3. Dense hedges consisting of shrubs that comply with subsection 4 of this section may be grown or planted along a lot line or adjacent thereto provided that the dense hedge does not project into public use area (e.g., sidewalk, alley).
4. Fence, wall, and dense hedges shall meet the following visual clearance requirements:
  - A. No opaque fence, wall, dense hedge, or other plantings, signs, or structures that will obstruct vision between a height of two and one-half (2½) feet to ten (10) feet above the centerline grades of the intersecting streets shall be erected, placed, or maintained, within the triangular area formed, the right-of-way lines as such corner and a straight line joining said right-of-way lines at points which are twenty-five (25) feet distant from the intersection of the right-of-way lines, and measured along the right-of-way lines.
  - B. No opaque fence, wall, dense hedge, or other plantings, shall exceed a height of four (4) feet when located within twelve (12) feet of an intersecting driveway, alley or street.



- C. In the context of this subsection, "opaque" is defined as structure which block or otherwise prevents the passage of light through 50% or more of its surface area.
  - D. No opaque fence shall be permitted in the front yard.
  - E. Requirements shall be as established by engineering design standards and recommendation by the City Engineer for any situation not defined within this section.
- 5. The smooth or decorative face of a fence or wall shall face any public right of way or neighboring property. All supports, including posts must be placed on the inside of the fence or wall, opposite of the smooth or decorative face.
  - 6. Barbed wire shall be prohibited except as follows:
    - A. Fences having barbed wire may be used for permitted agricultural uses of enclosing and protecting livestock or domestic animals. Where the agricultural use abuts a sidewalk or residential use, the barbed wire shall be a minimum of 40 inches above ground level and shall not project over any sidewalk or residential use or lot.
    - B. A fence within an industrial or commercial zoned district may be topped with barbed wire provided that the barbed wire is seven (7) feet above ground level and the barbed wire does not project into any general public or business use areas.
  - 7. Electrical fences shall be prohibited from use within all zoning districts except for the enclosure of livestock and domestic animals within agricultural zoned districts, provided the electrical fence is not within a street right-of-way. An electrical fence may be adjacent to a neighboring residential use lot line, provided the electrical fence is suspended a minimum of five (5) inches into the agricultural zoned property or a minimum of 48 inches high.
  - 8. No fence or wall shall be erected within the 100-year flood plain without the prior written approval from the City Council.
  - 9. Violations of any fence, wall, or hedge regulations outlined in this section, shall be addressed as a public nuisance.

#### **165.22 OFF-STREET PARKING AND LOADING SPACE.**

- 1. Scope of Provisions. The off-street parking and loading provisions of this chapter shall be applied as follows:
  - A. For all buildings and structures erected and all uses of land established after the effective date of the Zoning Ordinance, accessory parking and loading facilities shall be provided as required by the regulations of the districts in which such buildings or uses are located.
  - B. Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use. However, if the said building or structure was erected prior to the effective date of the Zoning Ordinance, additional parking or loading facilities are

mandatory only in the amount by which the requirements for the new use would exceed those for the existing use, if the latter were subject to the parking and loading provisions of this chapter.

C. Nothing in this chapter shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings, provided that all regulations herein governing the location, design, and operation of such facilities are adhered to.

## 2. Off-Street Parking.

A. Exemption. On lots of record as of the effective date of the Zoning Ordinance which are 40 feet or less in width, which are to be improved with a single-family dwelling, and for which no alley has been dedicated to the rear, accessory off-street parking facilities shall not be required.

B. Location. All parking spaces required to serve buildings or uses erected or established after the effective date of the Zoning Ordinance shall be located on the same zoning lot as the building or use served, except that parking spaces to serve, industrial buildings or uses may be located within 500 feet of such use if said spaces are located in an Industrial or Commercial District.

(1) Off-street parking spaces, open to the sky, may be located in any yard, with the following exceptions:

1. Front yards in an R-1 & R-2,
2. Any yard abutting arterial and collector streets in R-3, R-3A, R-4, C-1, C-1A, C-2, PLI, PMI, PHI, RI

(2) Enclosed buildings and carports containing off-street parking shall be subject to applicable yard requirements.

C. Overnight Parking. Except on lots in an R-1 or R-2 District, vehicles needing overnight parking shall not be visible from arterial and collector streets.

D. Size. Except for parallel parking spaces, each required off-street parking space shall meet the requirements of the current edition of the Iowa SUDAS Design Manual. For parallel parking, the length of the parking space shall be increased to twenty-four (24) feet.

E. Access. Except on lots accommodating single-family dwellings, each off-street parking space shall open directly upon an aisle or driveway at least 12 feet wide or such additional width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.

F. Collective Provision. Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements. Further, no parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the Board of Adjustment.

G. Computation. When determination of the number of off-street parking spaces required by this chapter results in a requirement of a fractional space, any fraction of less than one-half ( $\frac{1}{2}$ ) may be disregarded, while a fraction of one-half ( $\frac{1}{2}$ ) or more shall be counted as one parking space. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.

H. Design Requirements.

(1) Parking Plan. Except for single-family dwellings, an off-street parking plan shall be submitted prior to construction. All off-street parking plans shall be subject to review and approval of the Zoning Administrator and issuance of a building permit. The Plan shall depict, but not limited to, the following:

1. Location within the property,
2. Number of parking spaces proposed,
3. Number of parking spaces required,
4. Type of surfacing to be used,
5. Spot grading and pavement elevations, and
6. Such other information as may be necessary to illustrate conformance with off-street parking requirements.

(2) Surfacing. All open off-street parking areas, except a single parking space accessory to a single-family dwelling, shall be surfaced with a dustless, all-weather material capable of carrying a wheel load of at least 4,000 pounds. The dustless, all-weather surface shall consist of Portland Cement Concrete (PCC), Asphalt Cement Concrete (ACC) or ACC millings. Permanent markings indicating stall locations shall be required on the off-street parking surfaces.

(3) Screening and Landscaping. All open automobile parking areas containing more than four parking spaces shall be effectively screened on each side adjoining or fronting on property situated in a Residential District by a wall, fence, or densely planted compact hedge not less than five feet or more than eight feet in height.

(4) Lighting. All outdoor lighting shall conform to the regulations specified in Chapter 152 of this Code of Ordinances.

(5) Wheel Guards. Where applicable, wheel guards or bumper guards shall be required to prevent parked vehicles to extend beyond the property line and onto other private or public areas.

(6) Design. Parking Design Standards shall be in accordance with the current edition of the Iowa SUDAS Design Manual.

(7) Signs. Information signs shall be permitted on parking areas in accordance with the provisions specified in Section 165.20, Sign Regulations of this chapter.

(8) Accessory Building. Any accessory building associated with off-street parking shall conform to the zoning district minimum and transitional yard requirements. No loudspeaker system shall be allowed within 100 feet of a residential zoned area.

I. Repair, Service and Maintenance.

(1) Residence Districts: No motor vehicle repair work or service of any kind shall be permitted in association with parking facilities provided in Residence Districts.

(2) Commercial Districts: No motor vehicle repair work or service of any kind shall be permitted in conjunction with parking facilities in a Commercial District.

(3) Industrial Districts: No motor vehicle repair work or service of any kind shall be permitted in conjunction with any open accessory parking facilities provided in an Industrial Districts.

J. Specific Requirements. All off-street parking spaces shall be provided in accordance with the specific Use Categories as hereinafter set forth in the following Off-Street Parking Table. Parking spaces for accessory uses shall be assumed to be included in the principal (permitted or special) use requirement. If, for any reason, the amount of off-street parking, or the number of spaces to be provided by such use is not readily determinable hereunder, the parking requirements of such use shall be determined by the Zoning Administrator.

**OFF-STREET PARKING TABLE**

<b>Uses (Permitted or Conditional)</b>	<b>Required Spaces</b>
a. Dwelling, single-family b. Dwelling, two-family c. Dwelling, multiple-family d. Mobile homes	2 per dwelling unit or habitable living unit
a. Group Living b. Short-Term Lodging	1 per habitable living unit plus 1 per 500 square feet of common area
a. Day Care Facilities b. Medical Centers	2 per 1,000 square feet of gross floor area

<ul style="list-style-type: none"> <li>a. Office Use</li> <li>b. Essential Public Services</li> </ul>	4 per 1,000 square feet of gross floor area
<ul style="list-style-type: none"> <li>a. Automotive and Marine Craft Trade</li> <li>b. Entertainment, Restaurant and Recreational Trade</li> </ul>	5 per 1,000 square feet of gross floor area
<ul style="list-style-type: none"> <li>a. Retail Sales and Services</li> <li>b. Funeral Facilities</li> <li>c. Vehicle Service Facilities</li> <li>d. Sports Practice Facilities</li> </ul>	1 per 200 square feet of gross floor area
<ul style="list-style-type: none"> <li>a. Wholesale Trade</li> <li>b. Industrial Service</li> <li>c. Radio and Television Broadcast Facilities</li> <li>d. Personal Wireless Service Facilities</li> </ul>	1 per each employee
<ul style="list-style-type: none"> <li>a. Commercial Outdoor Recreation</li> </ul>	75 per 9 holes (regular golf) or 40 per 9 holes ("Par 3") and 1 per 2,000 square feet of gross land area
<ul style="list-style-type: none"> <li>a. Community Facilities</li> <li>b. Parks and Open Areas</li> </ul>	1 per 5,000 square feet of gross land area, or 1 per 75 square feet of water area when a public swimming pool is an isolated use and 1 per 200 square feet of gross floor area
<ul style="list-style-type: none"> <li>a. School K-12</li> </ul>	<p>Elementary &amp; Jr. High (K-8): 2 per classroom</p> <p>High School (9-12): 1 per employee plus 1 per 6 students based on design capacity</p>

a. Major Event Entertainment b. Religious Institutions	1 per each four seats provided or 1 per 100 square feet of gross floor area
a. Colleges and universities	1 per each four students based on design capacity
a. Manufacturing and Processing b. Resource Production and Extraction c. Warehouse and Freight Handling d. Basic Utilities	1 per 500 square feet of gross floor area or 1 per each employee, whichever is greater
a. Agricultural and Farm Related Activities	Spaces to be determined by the Zoning Administrator after review by the Planning and Zoning Commission
a. Drive-up facility	Reservoir space to be determined by the Zoning Administrator after review by the Planning and Zoning Commission

3. Off-Street Loading – Generally.

A. Location. All required loading berths shall be located on the same zoning lot as the use served. All motor vehicle loading berths which abut a Residence District or an intervening alley separating a Residence District from a Commercial or Industrial District shall be completely screened by building walls, or by a uniformly painted solid fence, wall or door, or any combination thereof, not less than eight (8) feet in height. No permitted or required loading berth shall be located within 30 feet of the nearest point of intersection of any two (2) streets. No loading berth shall be located in a required front or side yard, and any loading berth located in a required rear yard may be open to the sky.

B. Size. Unless otherwise specified, a required off-street loading berth shall be at least 12 feet in width by at least 35 feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least 15 feet.

C. Access. Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner that will least

interfere with traffic movement, and shall be subject to approval by the Zoning Administrator.

D. Surfacing. All open off-street loading berths shall be surfaced with a dustless, all-weather material capable of carrying a wheel load of at least 4,000 pounds. The dustless, all-weather surface shall consist of Portland Cement Concrete (PCC), Asphalt Cement Concrete (ACC) or ACC millings.

E. Utilization. Space allocated to any off-street loading use shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

4. Off-Street Loading – Specific Requirements.

A. Commercial Districts. Off-street loading spaces accessory to uses permitted in the several Commercial Districts shall be provided in accordance with the following minimum requirements:

- (1) Loading facilities shall be provided in accordance with the following schedule:

<b>Gross Floor Area of Establishments in Thousands of Square feet</b>	<b>Required Number and Size of Berths</b>
7 to 20	1 (12 feet x 35 feet)
21 to 35	2 (12 feet x 35 feet each)
36 to 60	2 (12 feet x 55 feet each)
61 to 100	3 (12 feet x 55 feet each)

For each additional 200,000 square feet of gross floor area or fraction thereof, over 100,000 square feet of gross floor area, one additional loading berth shall be provided. Each berth shall be at least 12 feet in width by 55 feet in length.

A. Industrial Districts. Off-street loading facilities accessory to uses allowed in the several Industrial Districts shall be provided in accordance with the following minimum requirements:

- (1) Loading facilities shall be provided in accordance with the following schedule:

<b>Gross Floor Area of Establishments in Thousands of Square feet</b>	<b>Required Number and Size of Berths</b>
7 to 10	1 (12 feet x 35 feet)
11 to 24	2 (12 feet x 35 feet each)
25 to 40	2 (12 feet x 55 feet each)
41 to 100	3 (12 feet x 55 feet each)

For each additional 200,000 square feet of gross floor area or fraction thereof, over 100,000 square feet of gross floor area, one additional loading berth shall be provided. Such additional loading berth shall be at least 12 feet in width by 55 feet in length.

**165.23 A-1 – AGRICULTURAL.** This district is intended to preserve prime agriculture land for the continuation of agricultural uses, to limit new residential development and to provide for the preservation of farmsteads where conditions warrant. Uses permitted in this district are agriculturally oriented. Public utilities such as water and sewer are not normally available or provided due to accessibility and cost factors.

1. Permitted Principal Uses and Structures.
  - A. Single-family dwellings.
  - B. Parks and Open Areas
  - C. Agricultural and Farm Related Activities
  - D. Essential Public Services
2. Permitted Accessory Uses and Structures. Accessory uses and buildings incidental to and on the same lot as the principal use, as follows:
  - A. Accessory Dwelling Unit (Registration with City Required for use of property for a rental, and notification of an active rental with renter's contact information)
  - B. Agricultural and Farm Related Activities
  - C. Short-Term Rental (Registration with City Required for use of property for short term rental, and notification of an active rental with renter's contact information)
3. Special Uses. As approved by the Board of Adjustment.
4. Minimum Lot Areas and Width.

	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Corner Side Yard	Minimum Rear Yard	Maximum Height
Single-family dwelling	20,000 sq. ft.	90 feet	35 feet	15 feet	35 feet	35 feet	Principal building 35 feet
Agricultural and Farm Related Activities	5 acres	200 feet	75 feet	50 feet	50 feet	50 feet	Principal building 35 feet
Accessory Dwelling Units (ADU)		90 feet	40 feet	15 feet	35 feet	35 feet	35 feet
Accessory Buildings			35 feet	7 feet	30 feet	7 feet	20 feet



Special uses	As specified by the Board of Adjustment
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5. All uses shall meet the parking, design and sign standards of this chapter.

**165.24 R-1 – LOW DENSITY SINGLE-FAMILY RESIDENTIAL.** This district is intended for single-family dwelling units designed to maintain, protect, and preserve low density on large lots in a quiet rural setting while permitting agricultural uses. Public utilities such as water and sewer are typically limited due to accessibility and cost factors but may be required or provided based on City policies and regulations.

1. Permitted Principal Uses and Structures.
  - A. Single-family dwellings.
  - B. Parks and Open Areas
  - C. Essential Public Services
2. Permitted Accessory Uses and Structures. Accessory uses and buildings incidental to and on the same lot as the principal use, as follows:
  - A. Accessory Dwelling Unit (Registration with City Required for use of property for a rental, and notification of an active rental with renter's contact information)
  - B. Agricultural and Farm Related Activities
  - C. Short-Term Rental (Registration with City Required for use of property for short term rental, and notification of an active rental with renter's contact information)
3. Special Uses. As approved by the Board of Adjustment.

Bulk Regulations: The following minimum requirements shall be observed in the R-1 District:

	Minimum Lot Area	Minimum Lot Width <sup>3</sup>	Minimum Front Yard	Minimum Side Yard	Corner Side Yard	Minimum Rear Yard	Maximum Height
Single-family dwelling	20,000 sq. ft.	90 feet	35 feet	15 feet	35 feet	35 feet	Principal building 35 feet
Agricultural and Farm Related Activities	5 acres	200 feet	75 feet	50 feet	50 feet	50 feet	Principal building 35 feet
Religious institutions <sup>2</sup>	40,000 sq. ft.	150 feet	40 feet	20 feet <sup>1</sup>	30 feet	50 feet	Principal building 35 feet

Accessory Dwelling Units (ADU)		90 feet	40 feet	15 feet	35 feet	35 feet	35 feet
Accessory Buildings			35 feet	7 feet	30 feet	7 feet	20 feet
Special uses	As specified by the Board of Adjustment						
1	Plus one foot for each two feet by which the building or structure height exceeds 20 feet.						
2	Additional Development Standards and Site Development Plan Requirements apply.						
3	Minimum lot width shall be met at the Minimum Front Yard Setback for Irregular Lots on cul-de-sacs, courts or street centerline curves of less than three hundred (300) feet radius.						

4. Development Standards. The following minimum requirements shall be observed for Religious Institutions:

DEVELOPMENT STANDARDS	RELIGIOUS INSTITUTIONS
Landscaping in Setbacks Abutting an R Zoned Lot	20 ft. width with High Screen
Maximum Impervious Surface Coverage	70%
Minimum Landscaped Area	20%

5. Site Development Plan Requirements for Religious Institutions.

A. In addition to Site Development Plan submittals, a Use Analysis Report shall be prepared by the applicant that shows the following:

- (1) Approximate number of patrons, daily and weekly services;
- (2) Approximate utility needs and effect upon existing systems, e.g., projected water demand (Gallons Per Minute or Gallons Per Day), waste water generation (Gallons Per Day + Chemical oxygen Demand or Biochemical oxygen Demand), electricity demand (Kilowatts), storm water increase (Cubic Feet Per Second), solid waste generation (tons);
- (3) Possible nuisance factors and means for alleviating those factors, such as noise, odor, smoke, dust, fumes, vibration, or heat.

6. All uses shall meet the parking, design and sign standards of this chapter.

**165.25 R-2 – MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL.** This district is intended to preserve and uphold single family dwelling units in a medium density setting and require the provisions of urban facilities and services.

1. Permitted Principal Uses and Structures.

- A. Single-family dwellings.
- B. Parks and Open Areas
- C. Essential Public Services

- D. All principal uses and structures as permitted in R-1.
- 2. Permitted Accessory Uses and Structures. All permitted accessory uses and structures as permitted in R-1.
  - A. Accessory Dwelling Unit (Registration with City Required for use of property for a rental, and notification of an active rental with renter's contact information)
  - B. Short-Term Rental (Registration with City Required for use of property for short term rental, and notification of an active rental with renter's contact information)
- 3. Special Uses. As approved by the Board of Adjustment.
- 4. Bulk Regulations: The following minimum requirements shall be observed in the R-2 District:

	Minimum Lot Area	Minimum Lot Width <sup>1</sup>	Minimum Front Yard	Minimum Side Yard	Corner Side Yard	Minimum Rear Yard	Maximum Height
Single-family dwelling	12,500 sq. ft.	90 feet	30 feet	10 feet	30 feet	30 feet	Principal building 35 feet
Accessory Dwelling Units (ADU)		90 feet	30 feet	10 feet	30 feet	30 feet	35 feet
Accessory Buildings			30 feet	7 feet	20 feet	7 feet	20 feet
Special Uses	As specified by the Board of Adjustment						
1. Minimum lot width shall be met at the Minimum Front Yard Setback for Irregular Lots on cul-de-sacs, courts or street centerline curves of less than three hundred (300) feet radius.							

- 5. All uses shall meet the parking, design and sign standards of this chapter.

**165.26 R-3 DISTRICT – MEDIUM DENSITY TWO-FAMILY RESIDENTIAL.** This district is intended to establish and preserve medium density areas for single- and two-family dwellings and require the provisions of urban facilities and services. This district would be free from other uses except those which are both compatible with and convenient to the residents of such a district.

- 1. Permitted Principal Uses and Structures.
  - A. Duplex
  - B. Patio Home
  - C. Parks and Open Areas
  - D. Essential Public Services
  - E. All principal uses and structures as permitted in R-2.
- 2. Permitted Accessory Uses and Structures. Accessory uses and buildings incidental to and on the same lot as the principal use.

- A. Short-Term Rental (Registration with City Required for use of property for short term rental, and notification of an active rental with renter's contact information)
3. Special Uses. As approved by the Board of Adjustment.
4. Bulk Regulations. The following minimum requirements shall be observed in the R-3 District:

	Minimum Lot Area	Minimum Lot Width <sup>1</sup>	Minimum Front Yard	Minimum Side Yard	Corner Side Yard	Minimum Rear Yard	Maximum Height
Single-Family dwelling	7,000 square feet	65 feet	30 feet	10 feet	30 feet	25 feet	Principal building 35 feet
Duplex	6,250, square feet per dwelling unit	45 feet per dwelling unit	30 feet	10 feet except at common wall	30 feet	25 feet	Principal building 35 feet
Accessory Dwelling Units (ADU)		65 feet	30 feet	10 feet	30 feet	25 feet	35 feet
Accessory Buildings			30 feet	7 feet	20 feet	7 feet	20 feet
1. Minimum lot width shall be met at the Minimum Front Yard Setback for Irregular Lots on cul-de-sacs, courts or street centerline curves of less than three hundred (300) feet radius.							

5. Other Standards.
- A. Common wall must meet current codes adopted by the City.
- B. For Duplexes, zero lot lines may only occur in the vertical plane. Stacked units or zero lot lines in the horizontal plane are not allowed. Each unit must have a public, accessible entrance.
- C. No fence shall be allowed in the front yard.
- D. No on-street parking shall be allowed.
- E. No detached garages shall be allowed.
- F. Each principal building unit shall have separate City and private services and metering systems.
- G. There shall be at least one entrance per unit facing the street.
- H. All uses shall meet the parking, design and sign standards of this chapter.
- I. A site plan for all structures shall be submitted for approval prior to building permit issuance.

**165.27 R-3A DISTRICT – MEDIUM DENSITY TWO-FAMILY RESIDENTIAL WITH ASSOCIATION.** This district is intended to establish and preserve medium density areas for single- and two-family dwellings, with a homeowner's association, and require the provisions of urban facilities and services. This district would be free from other uses except those which are both compatible with and convenient to the residents of such a district.

The R-3A District is subject to the following regulations:

1. Permitted Principal Uses and Structures.

- A. Condominium
- B. Patio homes.
- C. Town homes
- D. Parks and Open Areas
- E. Essential Public Services
- F. All principal uses and structures as permitted in R-3.
- G. Laundromat – Located within Hub Activity Area
- H. Hub Activity Area uses may only be allowed for properties that are consistent with a City Council approved master plan accompanying a rezoning request. A Hub Activity Area means an area of concentrated commercial uses providing support services intended primarily to provide service and retail uses supportive of the surrounding businesses and their employees.

2. Permitted Accessory Uses and Structures. Accessory uses and buildings incidental to and on the same lot as the principal use.

- A. Short-Term Rental (Registration with City Required for use of property for short term rental, and notification of an active rental with renter's contact information)

3. Special Uses. As approved by the Board of Adjustment.

4. Bulk Regulations. The following minimum requirements shall be observed in the R-3A District:

Minimum Lot Area	Minimum Lot Area	Minimum Lot Width <sup>1</sup>	Minimum Front Yard	Minimum Side Yard	Corner Side Yard	Minimum Rear Yard	Maximum Height
Single-Family dwelling	7,000 square feet	65 feet	30 feet	10 feet	30 feet	25 feet	Principal building 35 feet
Two-Family Dwelling	6,250, square feet per dwelling unit	45 feet per dwelling unit	30 feet	10 feet except at common wall	30 feet	25 feet	Principal building 35 feet
Accessory Dwelling Units (ADU)		65 feet	30 feet	10 feet	30 feet	25 feet	35 feet
Accessory Buildings			30 feet	7 feet	20 feet	7 feet	20 feet

1. Minimum lot width shall be met at the Minimum Front Yard Setback for Irregular Lots on cul-de-sacs, courts or street centerline curves of less than three hundred (300) feet radius.

5. Other Standards.

- A. Common wall must meet current codes adopted by the City.
- B. For Condominiums, Patio homes and Town homes, zero lot lines may only occur in the vertical plane. Stacked units or zero lot lines in the horizontal plane are not allowed. Each unit must have a public, accessible entrance. Association agreements shall be created to provide for the maintenance and replacement of the commonly owned interior streets, public walks and grounds.
- C. No fence shall be allowed in the front yard.
- D. No on-street parking shall be allowed.
- E. No detached garages shall be allowed.
- F. Each principal building unit shall have separate City and private services and metering systems.
- G. There shall be at least one entrance per unit facing the street.
- H. All uses shall meet the parking, design and sign standards of this chapter.
- I. A site plan for all structures shall be submitted for approval prior to building permit issuance.
- J. A Development Agreement is required in accordance with Chapter 166 of this Code of Ordinances.

**165.28 R-4 DISTRICT – HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL WITH ASSOCIATION.** This district is intended to establish and preserve areas for high density residential development, with a homeowner's association and free from other uses, except those which are both compatible with and convenient to the residents of such a district. This district is designed to serve as a buffer between lower density residential districts and more intensive zoning districts such as commercial districts and would require the provisions of urban type facilities and services.

The R-4 District is subject to the following regulations:

1. Permitted Principal Uses and Structures.

- A. Group Living
- B. Multiple dwellings, including row dwellings, townhouses, condominiums, cooperative and apartments. Row dwellings, townhouses and condominiums are to consist of not more than four units in a continuous row per building.
- C. Parks and Open Areas
- D. Essential Public Services

- E. Religious Institutions
  - F. All principal uses and structures as permitted in R-3A.
  - G. Laundromat – Located within Hub Activity Area
  - H. Hub Activity Area uses may only be allowed for properties that are consistent with a City Council approved master plan accompanying a rezoning request. A Hub Activity Area means an area of concentrated commercial uses providing support services intended primarily to provide service and retail uses supportive of the surrounding businesses and their employees.
2. Permitted Accessory Uses and Structures. Accessory uses and buildings incidental to and on the same lot as the principal use.
    - A. Short-Term Rental (Registration with City Required for use of property for short term rental, and notification of an active rental with renter's contact information)
  3. Special Uses. As specified by the Board of Adjustment.
  4. Bulk Regulations. The following minimum requirements shall be observed in the R-4 District:

	Minimum Lot Area	Minimum Lot Width <sup>1</sup>	Minimum Front Yard	Minimum Side Yard	Corner Side Yard	Minimum Rear Yard	Maximum Height
Single-Family Dwelling	7,000 square feet	65 feet	30 feet	10 feet	30 feet	25 feet	Principal building 35 feet
Two-Family Dwelling	6,250, square feet per dwelling unit	45 feet per dwelling unit	30 feet	10 feet except at common wall	30 feet	25 feet	Principal building 35 feet
Multi-Family Dwelling	4,500 square feet per dwelling unit	45 feet per dwelling unit <sup>2</sup>	30 feet	10 feet except at common wall	30 feet	25 feet	Principal building 45 feet
Accessory Dwelling Units (ADU)		65 feet	30 feet	10 feet	30 feet	25 feet	35 feet
Accessory Buildings			30 feet	7 feet	20 feet	7 feet	20 feet
<ol style="list-style-type: none"> <li>1. Minimum lot width shall be met at the Minimum Front Yard Setback for Irregular Lots on cul-de-sacs, courts or street centerline curves of less than three hundred (300) feet radius.</li> <li>2. Minimum Dwelling Unit width shall be the Minimum Lot Width, minus the Minimum Side Yards at common walls. i.e. middle unit with 2 common walls minimum width is 25ft</li> </ol>							

5. Other Standards.
  - A. Common wall must meet current codes adopted by the City.
  - B. For Duplexes, Condominiums, Patio homes, Row homes and Town homes, zero lot lines may only occur in the vertical plane. Stacked units or zero lot lines

in the horizontal plane are not allowed. Each unit must have a public, accessible entrance. Association agreements shall be created to provide for the maintenance and replacement of the commonly owned interior streets, public walks and grounds.

- C. No fence shall be allowed in the front yard.
- D. No on-street parking shall be allowed.
- E. No detached garages shall be allowed.
- F. Each principal building unit shall have separate City and private services and metering systems.
- G. There shall be at least one entrance per unit facing the street.
- H. All uses shall meet the parking, design and sign standards of this chapter.
- I. A site plan for all structures shall be submitted for approval prior to building permit issuance.
- J. A Development Agreement is required in accordance with Chapter 166 of this Code of Ordinances.

**165.29 RMH – MOBILE HOME PARK RESIDENTIAL.** This district is intended to accommodate mobile home parks in those areas of the City where such use will be compatible with existing and projected development or serve as a buffer between lower density residential districts and more intensive zoning districts such as commercial districts. A mobile home park area should be well served by adequate public utilities and services.

- 1. Permitted Principal Uses and Structures.
  - A. Single-family mobile homes.
  - B. Two-family mobile homes.
  - C. Storm shelters.
  - D. Neighborhood parks and playgrounds.
- 2. Permitted Accessory Uses and Structures.
  - A. Any use incidental to the primary use of the mobile home park such as a direct service facility building, park management building, maintenance building, community building, or uses of a similar nature.
  - B. One single-family dwelling subject to site and structure requirements for R-1 District.
- 3. Special Uses. The following special uses are permitted in the RMH District, subject to provisions of Section 165.07 of this chapter.
  - A. Day care centers or preschool facilities.



- B. Private, nonprofit recreational and social facilities such as swimming pools and tennis courts.
  - C. Laundry facilities.
  - D. Railroad, utility, and public uses.
  - E. Central semi-private water supply systems meeting Linn County Health Department requirements and as approved by the City Engineer for connection to the public system when available.
  - F. Central semi-private sewerage systems meeting Linn County Health Department requirements and as approved by the City Engineer for connection to the public system when available. No part of any treatment facility (structure or levee) shall be closer than two hundred (200) feet from any property line or road right-of-way.
  - G. Communication towers greater than 80 feet above ground level.
  - H. Similar and compatible uses to those allowed as principal permitted uses in this district. The use is not to be obnoxious, unhealthful or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, glare, heat, odor, toxic or noxious matter.
4. Special Requirements. All mobile homes must be placed within a mobile home park. In addition, the following requirements must be met:
- A. The mobile home shall be located on and permanently attached to a cement slab or foundation which is a minimum length and width of the trailer itself.
  - B. Each mobile home shall be permanently connected to the City sanitary sewer and City water service in accordance with the ordinances, rules, requirements, and regulations of the City.
  - C. Each mobile home shall have separate and permanent connection to the electric service facilities in accordance with the ordinances, rules, requirements, and regulations of the City.
  - D. Each mobile home shall comply with all the sanitary and health laws, rules, regulations, and requirements of the State of Iowa, Linn County, and the City, and further comply with all additional applicable laws, rules, regulations, and requirements of the State of Iowa, Linn County, and the City.
  - E. No mobile home shall be located, occupied, or used as a temporary place of residence except in accordance with the provisions of this chapter.
  - F. Within each mobile home park, there shall be provisions made for a storm shelter which is based on FEMA standards. The shelter's capacity should exceed the number of residents living in the mobile home park.
  - G. Mobile Home Park development must meet the Robins Subdivision design standards as adopted by Resolution by the City of Robins. (Ordinance No. 1906, 7/1/19)

H. There shall be provided and maintained a minimum distance of 25 feet between mobile homes.

I. The minimum lot area for a mobile home may be reduced by an amount equal to an area included in common open space, not including land in individual lots, parking areas, or streets contiguous and immediately available to the individual lot or lots having reduced minimum areas, and, by means of location, size, shape, and landscaping, being designed primarily for the utilization and enjoyment of the inhabitants of the said contiguous lots. However, in no case shall an individual mobile home lot be reduced to an area less than 2,500 square feet.

J. The maximum overall density shall be eight mobile homes per acre of all land within the mobile home park. Recreational areas shall be provided at a rate of a minimum of 250 square feet for each additional lot. This amount of area shall be computed in addition to any common open space provided to offset lot size reduction and shall also comply with the provisions of Robins Code of Ordinances.

5. Minimum Lot Areas and Width.

	Minimum Lot Area	Minimum Lot Width
Mobile home park area	20 acres	300 feet
Single-family mobile home lot	4,000 sq. ft.	50 feet
Two-family mobile home lot	6,000 sq. ft.	50 feet
Accessory use lot area requirements shall be based on a prepared engineering plan submitted and approved by the Zoning Administrator. Special use lot area requirements shall be as determined by the Board of Adjustment.		

6. Minimum Yard Requirements

	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard
Mobile home park	50 feet	50 feet	50 feet	50 feet
Mobile home structure	15 feet	10 feet	15 feet	10 feet

7. Maximum Height. No principal use building or structure shall exceed 2½ stories or 35 feet, nor shall a mobile home exceed one story in height. No accessory use structure shall exceed 20 feet.

8. Minimum Off-Street Parking and Loading Space. Off-street parking and loading facilities shall be provided as required in Section 165.22 of this chapter.

9. Sign Regulations. All signage must meet the Sign Regulations described in Section 165.20 of this chapter.

10. Fence, Wall and Hedge Regulations. Non-agricultural fences, wall and hedges shall meet the regulations specified in Section 165.21 of this chapter.

11. Outdoor Lighting Regulations. All outdoor lighting shall conform to the regulations specified in Chapter 152 of this Code of Ordinances.

**165.30 C-1 – CENTRAL COMMERCIAL BUSINESS DISTRICT.** This district is intended to provide convenience shopping for persons residing in adjacent residential areas. This district is designed to provide uses of a retail and personal service nature that are especially suited and attractive to nearby residential areas, while minimizing the undesirable impact on the neighborhood that they serve. This district should be well served by adequate public utilities and services and abutting collector streets or intersections.

1. Permitted Principal Uses and Structures.
  - A. Group Living
  - B. Short Term Lodging
  - C. Office Use
  - D. Entertainment, Restaurant and Recreational Trade, except indoor gun or archery clubs and firing or shooting
  - E. Retail Sales and Services – General, except kennels and sign making.
  - F. Community Facilities
  - G. Child Day Care Facilities
  - H. Funeral Facilities
  - I. Medical Centers
  - J. Schools
  - K. Basic Utilities
  - L. Parks and Open Areas
  - M. Essential Public Services
  - N. Commercial Outdoor Recreation
  - O. Sports Practice Facilities
2. Permitted Accessory Uses and Structures.
  - A. Accessory uses and buildings incidental to and on the same lot as the principal use.
  - B. Dwelling units above a store or shop on the second floor.
3. Special Uses. As approved by the Board of Adjustment.
4. Bulk Regulations. The following minimum requirements shall be observed in the C-1 District:

Minimum Lot Area	Minimum Lot Width <sup>2</sup>	Minimum Front Yard	Minimum Side Yard	Corner Side Yard	Minimum Rear Yard	Maximum Height
3,000 square feet per unit	50 feet	25 feet	15 feet except at common wall <sup>1</sup>	25 feet	25 feet	Principal building 45 feet
1. Unless abutting a residential lot, then minimum side yard required is 25ft 2. Minimum lot width shall be met at the Minimum Front Yard Setback for Irregular Lots on cul-de-sacs, courts or street centerline curves of less than three hundred (300) feet radius. 3. All uses and buildings shall meet the yard requirements of the principal use.						

5. Development Standards. The following minimum requirements shall be observed in the C-1 District:

DEVELOPMENT STANDARDS	C-1 ZONE
Landscaping in Setbacks Abutting an R Zoned Lot	20 ft. depth with High Screen.
Maximum Impervious Surface Coverage	80%
Minimum Landscaped Area	20%
Drive-Through Facilities Permitted	Yes
Outdoor Display Permitted	Yes
Outdoor Storage Permitted	No

6. Site Development Plan Requirements.

A. In addition to Site Development Plan submittals, a Use Analysis Report shall be prepared by the applicant that shows the following:

- (1) Approximate number of employees;
- (2) Approximate utility needs and effect upon existing systems, e.g., projected water demand (Gallons Per Minute or Gallons Per Day), waste water generation (Gallons Per Day + Chemical oxygen Demand or Biochemical oxygen Demand), electricity demand (Kilowatts), storm water increase (Cubic Feet Per Second), solid waste generation (tons).
- (3) Possible nuisance factors and means for alleviating those factors, such as noise, odor, smoke, dust, fumes, vibration, or heat; and
- (4) Uses with a substantial inventory of hazardous materials, as regulated by the Robins Fire Department, shall be sited away from residential uses.

- B. No Site Development Plan approval will be issued for any use in the C-1 District if the determination is made by the approving authority exercising independent judgment, that there is reason to believe that the proposed use or structure, as presented by the application, will create a nuisance in terms of diminished air quality, smoke, noise, toxic matter, odor, vibration, glare, sewage waste, water quality, street system capacity, heat or other condition detrimental to the public health and safety or reasonable use, enjoyment and value of other properties; or diminish the quality or quantity of any utility service presently provided by the City. Furthermore, no approval or permit shall be issued unless there is compliance with all other applicable City, state, and federal regulations.

**165.31 C-1A – NEIGHBORHOOD COMMERCIAL BUSINESS DISTRICT.** This district is intended for small areas in or near residential neighborhoods. The zone encourages the provision of small-scale retail and service use for nearby residents and operating during regular business hours. Uses are restricted in size to promote a local orientation and to limit adverse impacts on nearby residential areas. Development is intended to be pedestrian-oriented and compatible with the scale of surrounding residential areas. Parking areas are strictly regulated, to promote compatibility with the character of surrounding residential development and the intended pedestrian orientation of the uses.

1. Permitted Principal Uses and Structures.
  - A. Parks and Open Areas
  - B. Essential Public Services
  - C. All principal uses and structures as permitted in C-1, except Drive-up uses.
2. Permitted Accessory Uses and Structures.
  - D. All accessory uses and structures as permitted in C-1.
  - E. Dwelling units above a store or shop on the second floor.
3. Special Uses. As approved by the Board of Adjustment.
4. Bulk Regulations. The following minimum requirements shall be observed in the C-1 District:

Minimum Lot Area	Minimum Lot Width <sup>2</sup>	Minimum Front Yard	Minimum Side Yard	Corner Side Yard	Minimum Rear Yard	Maximum Height
3,000 square feet per unit	50 feet	25 feet	15 feet except at	25 feet	25 feet	Principal building 35 feet

			common wall <sup>1</sup>			
<ol style="list-style-type: none"> <li>1. Unless abutting a residential lot, then minimum side yard required is 25ft</li> <li>2. Minimum lot width shall be met at the Minimum Front Yard Setback for Irregular Lots on cul-de-sacs, courts or street centerline curves of less than three hundred (300) feet radius.</li> <li>3. All uses and buildings shall meet the yard requirements of the principal use.</li> </ol>						

### Neighborhood Commercial Business District (C-1A)

#### Zone Development Standards

DEVELOPMENT STANDARDS	C-1A ZONE
Landscaping in Setbacks Abutting an R Zoned Lot	20 ft. width with High Screen.
Maximum Impervious Surface Coverage	80%
Minimum Landscaped Area	20%
Drive-Through Facilities Permitted	No
Outdoor Display Permitted	No
Outdoor Storage Permitted	No

#### 5. Site Development Plan Requirements.

A. In addition to Site Development Plan submittals, a Use Analysis Report shall be prepared by the applicant that shows the following:

1. Approximate number of employees;
2. Approximate utility needs and effect upon existing systems, e.g., projected water demand (Gallons Per Minute or Gallons Per Day), waste water generation (Gallons Per Day + Chemical oxygen Demand or Biochemical oxygen Demand), electricity demand (Kilowatts), storm water increase (Cubic Feet Per Second), solid waste generation (tons).
3. Possible nuisance factors and means for alleviating those factors, such as noise, odor, smoke, dust, fumes, vibration, or heat; and
4. Uses with a substantial inventory of hazardous materials, as regulated by the Robins Fire Department, shall be sited away from residential uses.

B. No Site Development Plan approval will be issued for any use in the C-1A District if the determination is made by the approving authority exercising independent judgment, that there is reason to believe that the proposed use or structure, as presented by the application, will create a nuisance in terms of diminished air quality, smoke, noise, toxic matter, odor, vibration, glare, sewage waste, water quality, street system capacity, heat or other condition detrimental to the public health and safety or reasonable use, enjoyment and

value of other properties; or diminish the quality or quantity of any utility service presently provided by the City. Furthermore, no approval or permit shall be issued unless there is compliance with all other applicable City, state, and federal regulations.


**165.32 C-2 – HIGHWAY COMMERCIAL DISTRICT.** This district is intended to accommodate practically all-general business type uses and with particular provision for development of commercial uses that meet the needs of the traveling public. This district should be well served by adequate public utilities and services and abutting major collector street or highways and intersections thereof.

1. Permitted Principal Uses and Structures.
  - A. Kennels
  - B. Sign Making
  - C. Automotive and Marine Craft Trade.
  - D. Wholesale Trade, except wholesalers of: Alcoholic beverages, auto parts, building hardware, clothing, electronics, home furnishings and food.
  - E. Mini-warehousing and self-storage facilities.
  - F. Parks and Open Areas
  - G. Essential Public Services
  - H. Radio and Television Broadcast Facilities.
  - I. Personal Wireless Service Facilities.
  - J. Major Event Entertainment.
  - K. Vehicle Service Facilities.
  - L. All principal uses and structures as permitted in C-1.
2. Permitted Accessory Uses.
  - A. Accessory uses and buildings incidental to and on the same lot as the principal use.
3. Special Uses. The following special uses are permitted in the C-2 District:

- A. Indoor gun or archery clubs and firing or shooting ranges approved by the Robins Police Department. (Ordinance No. 1701, 5/15/17)
- B. As approved by the Board of Adjustment.
4. Bulk Regulations. The following minimum requirements shall be observed in the C-2 District:

Minimum Lot Area	Minimum Lot Width <sup>2</sup>	Minimum Front Yard	Minimum Side Yard	Corner Side Yard	Minimum Rear Yard	Maximum Height
10,000 square feet	50 feet	25 feet	15 feet except at common wall <sup>1</sup>	25 feet	25 feet	Principal building 45 feet
1. Unless abutting a residential lot, then minimum side yard required is 25ft 2. Minimum lot width shall be met at the Minimum Front Yard Setback for Irregular Lots on cul-de-sacs, courts or street centerline curves of less than three hundred (300) feet radius. 3. All uses and buildings shall meet the yard requirements of the principal use.						

5. Development Standards. The following minimum requirements shall be observed in the C-2 District:

DEVELOPMENT STANDARDS	C-2 ZONE
Landscaping in Setbacks Abutting an R Zoned Lot	20 ft. width with High Screen.
Maximum Impervious Surface Coverage	80%
Minimum Landscaped Area	20%
Drive-Through Facilities Permitted	Yes
Outdoor Display Permitted	No
Outdoor Storage Permitted	Yes

6. Site Development Plan Requirements.

A. In addition to Site Development Plan submittals, a Use Analysis Report shall be prepared by the applicant that shows the following:

- (1) Approximate number of employees;
- (2) Approximate utility needs and effect upon existing systems, e.g., projected water demand (Gallons Per Minute or Gallons Per Day), waste water generation (Gallons Per Day + Chemical oxygen Demand or Biochemical oxygen Demand), electricity demand (Kilowatts), storm water increase (Cubic Feet Per Second), solid waste generation (tons).
- (3) Possible nuisance factors and means for alleviating those factors, such as noise, odor, smoke, dust, fumes, vibration, or heat; and



- (4) Uses with a substantial inventory of hazardous materials, as regulated by the Robins Fire Department, shall be sited away from residential uses.

**165.33 "PLI" PLANNED LIGHT INDUSTRIAL DISTRICT.** This district is intended to accommodate industrial activities that do not create major nuisances from noise or odor with surrounding land uses. This district should be well served by adequate public utilities and services and abutting major collector street or highways and intersections.

1. Permitted Principal Uses and Structures.
  - A. Office Use
  - B. Agricultural and Farm Related Activities – limited to Landscaping Services
  - C. Industrial Service - limited to: printing, publishing, commercial art and reproduction services; and research and development laboratories
  - D. Basic Utilities
  - E. Parks and Open Areas
  - F. Essential Public Services
  - G. Sports Practice Facilities
2. Permitted Accessory Uses and Structures.
  - A. Accessory uses and buildings incidental to and on the same lot as the principal use.
3. Special Uses. As approved by the Board of Adjustment.
4. Bulk Regulations. The following minimum requirements shall be observed in the PLI District:

Minimum Lot Area	Minimum Lot Width <sup>3</sup>	Minimum Front Yard	Minimum Side Yard	Corner Side Yard	Minimum Rear Yard	Maximum Height
1 Acre	100 feet	30 feet	15 feet <sup>1</sup>	30 feet	30 feet <sup>2</sup>	Principal building 100 feet
<ol style="list-style-type: none"> <li>1<sup>1</sup> Except when adjacent to an R District, in which case minimum side yard shall be 50 feet.</li> <li>2 Except when adjacent to an R District, in which case the minimum rear yard shall be 50 feet.</li> <li>3 Minimum lot width shall be met at the Minimum Front Yard Setback for Irregular Lots on cul-de-sacs, courts or street centerline curves of less than three hundred (300) feet radius.</li> <li>4 All uses and buildings shall meet the yard requirements of the principal use.</li> </ol>						

5. Development Standards. The following minimum requirements shall be observed in the PLI District:

DEVELOPMENT STANDARDS	PLI ZONE
Landscaping in Setbacks Abutting an R Zoned Lot	20 ft. width with High Screen
Maximum Impervious Surface Coverage	70%
Minimum Landscaped Area	20%
Drive-Through Facilities Permitted	No
Outdoor Display Permitted	No
Outdoor Storage Permitted	Yes

6. Site Development Plan Requirements.

A. In addition to Minor or Major Site Development Plan submittals, a Use Analysis Report shall be prepared by the applicant that shows the following:

- (1) Approximate number of employees;
- (2) Approximate utility needs and effect upon existing systems, e.g., projected water demand (Gallons Per Minute or Gallons Per Day), waste water generation (Gallons Per Day + Chemical oxygen Demand or Biochemical oxygen Demand), electricity demand (Kilowatts), storm water increase (Cubic Feet Per Second), solid waste generation (tons); and
- (3) Possible nuisance factors and means for alleviating those factors, such as noise, odor, smoke, dust, or fumes, vibration, heat.
- (4) Uses with a substantial inventory of hazardous materials, as regulated by the Robins Fire Department, shall be sited away from residential uses.

- B. No Site Development Plan approval will be issued for any use in the PLI District if the determination is made by the approving authority exercising independent judgment, that there is reason to believe that the proposed use or structure, as presented by the application, will create a nuisance in terms of diminished air quality, smoke, noise, toxic matter, odor, vibration, glare, sewage waste, water quality, street system capacity, heat or other condition detrimental to the public health and safety or reasonable use, enjoyment and value of other properties; or diminish the quality or quantity of any utility service presently provided by the City. Furthermore, no approval or permit shall be issued unless there is compliance with all other applicable City, state and federal regulations.

**165.34 PMI – PLANNED MEDIUM INDUSTRIAL.** This district is intended to accommodate all types of industrial activities in areas that are relatively removed from residential and general commercial land uses. This district shall be well served by adequate public utilities and services and abutting major collector streets or highways and intersections.

1. Permitted Principal Uses and Structures.
  - A. Industrial Service
  - B. Manufacturing and Processing: all uses except concrete batching; and rock crushing and screening
  - C. Wholesale Trade
  - D. Warehouse and Freight Handling: all uses except:
    - (1) Weapons and ammunition storage
    - (2) Fireworks Storage and Sales
  - E. Parks and Open Areas
  - F. Essential Public Services
  - G. All other uses permitted under PLI.
2. Permitted Accessory Uses and Structures.
  - A. Accessory uses and buildings incidental to and on the same lot as the principal use.
3. Special Uses. As approved by the Board of Adjustment.
4. Bulk Regulations. The following minimum requirements shall be observed in the PMI District:

Minimum Lot Area	Minimum Lot Width <sup>3</sup>	Minimum Front Yard	Minimum Side Yard	Corner Side Yard	Minimum Rear Yard	Maximum Height
1 Acre	100 feet	30 feet	15 feet <sup>1</sup>	30 feet	30 feet <sup>2</sup>	Principal building 100 feet
<ol style="list-style-type: none"> <li>1 Except when adjacent to an R District, in which case minimum side yard shall be 50 feet.</li> <li>2 Except when adjacent to an R District, in which case the minimum rear yard shall be 50 feet.</li> <li>3 Minimum lot width shall be met at the Minimum Front Yard Setback for Irregular Lots on cul-de-sacs, courts or street centerline curves of less than three hundred (300) feet radius.</li> <li>4 All uses and buildings shall meet the yard requirements of the principal use.</li> </ol>						

5. Development Standards. The following minimum requirements shall be observed in the PMI District:

DEVELOPMENT STANDARDS	PMI ZONE
Landscaping in Setbacks Abutting an R Zoned Lot	20 ft. width with Industrial Screen
Maximum Impervious Surface Coverage	70%
Minimum Landscaped Area	20%
Drive-Through Facilities Permitted	No
Outdoor Display Permitted	No
Outdoor Storage Permitted	Yes

6. Site Development Plan Requirements.

A. In addition to Minor or Major Site Development Plan submittals, a Use Analysis Report shall be prepared by the applicant that shows the following:

- (1) Approximate number of employees;
- (2) Approximate utility needs and effect upon existing systems, e.g., projected water demand (Gallons Per Minute or Gallons Per Day), waste water generation (Gallons Per Day + Chemical oxygen Demand or Biochemical oxygen Demand), electricity demand (Kilowatts), storm water increase (Cubic Feet Per Second), solid waste generation (tons); and
- (3) Possible nuisance factors and means for alleviating those factors, such as noise, odor, smoke, dust, or fumes, vibration, heat.
- (4) Uses with a substantial inventory of hazardous materials, as regulated by the Robins Fire Department, shall be sited away from residential uses

B. No Site Development Plan approval will be issued for any use in the PMI District if the determination is made by the approving authority exercising independent judgment, that there is reason to believe that the proposed use or structure, as presented by the application, will create a nuisance in terms of diminished air quality, smoke, noise, toxic matter, odor, vibration, glare, sewage waste, water quality, street system capacity, heat or other condition detrimental to the public health and safety or reasonable use, enjoyment and value of other properties; or diminish the quality or quantity of any utility service presently provided by the City. Furthermore, no approval or permit shall be issued unless there is compliance with all other applicable City, state and federal regulations.

**165.35 PHI PLANNED HEAVY INDUSTRIAL.** This district is intended to accommodate all types of industrial activities in areas that are relatively removed from residential and general commercial land uses. This district shall be well served by adequate public utilities and services and abutting major collector streets or highways and intersections.

1. Permitted Principal Uses and Structures.
  - A. Resource Production and Extraction
  - B. Manufacturing and Processing
  - C. Parks and Open Areas
  - D. Essential Public Services
  - E. All other uses permitted under PMI
2. Permitted Accessory Uses and Structures.
  - A. Accessory uses and buildings incidental to and on the same lot as the principal use.
3. Special Uses. As approved by the Board of Adjustment.
  - A. Firework sales and storage
  - B. Weapons and ammunition storage
  - C. Explosives manufacture, storage, handling, sale or use inclusive of dynamite, ammunition, fireworks, and any materials used to manufacture explosives.
4. Bulk Regulations. The following minimum requirements shall be observed in the PHI District:

Minimum Lot Area	Minimum Lot Width <sup>4</sup>	Minimum Front Yard	Minimum Side Yard	Corner Side Yard	Minimum Rear Yard	Maximum Height
1 Acre	100 feet	40 feet	25 feet <sup>1</sup>	30 feet	30 feet <sup>2</sup>	Principal building 100 feet
<ol style="list-style-type: none"> <li>1 Except when adjacent to an R or C District, in which case minimum side yard shall be 50 feet.</li> <li>2 Except when adjacent to an R or C District, in which case the minimum rear yard shall be 50 feet.</li> <li>3 Except when fronting a street forming the boundary between an I district and R or C district, in which case the minimum front yard shall be 60 feet.</li> <li>4 Minimum lot width shall be met at the Minimum Front Yard Setback for Irregular Lots on cul-de-sacs, courts or street centerline curves of less than three hundred (300) feet radius.</li> <li>5 All uses and buildings shall meet the yard requirements of the principal use.</li> </ol>						

5. Development Standards. The following minimum requirements shall be observed in the PHI District:

DEVELOPMENT STANDARDS	PHI ZONE
Landscaping in Setbacks Abutting an R Zoned Lot	20 ft. width with High Screen
Maximum Impervious Surface Coverage	70%
Minimum Landscaped Area	20%
Outdoor Display Permitted	No
Outdoor Storage Permitted	Yes

6. Site Development Plan Requirements.

A. In addition to Minor or Major Site Development Plan submittals, a Use Analysis Report shall be prepared by the applicant that shows the following:

- (1) Approximate number of employees;
- (2) Approximate utility needs and effect upon existing systems, e.g., projected water demand (Gallons Per Minute or Gallons Per Day), waste water generation (Gallons Per Day + Chemical oxygen Demand or Biochemical oxygen Demand), electricity demand (Kilowatts), storm water increase (Cubic Feet Per Second), solid waste generation (tons); and
- (3) Possible nuisance factors and means for alleviating those factors, such as noise, odor, smoke, dust, or fumes, vibration, heat.
- (4) Uses with a substantial inventory of hazardous materials, as regulated by the Robins Fire Department, shall be sited away from residential uses.

**165.36 P-1 – PUBLIC USE.** This district is intended to preserve areas used by governmental agencies to provide public services and open spaces or recreational areas used by the general public.

1. Permitted Principal Uses and Structures.
  - A. Municipal, federal, state, or county buildings.
  - B. Parks and playgrounds.
  - C. Utilities and services such as electric, gas, telephone, cable, radio and television that are either franchised within the City or under legal contract with the City.
  - D. Cemeteries.
2. Permitted Accessory Uses and Structures. Accessory uses and buildings incidental to and on the same lot as the principal use.
3. Special Uses. Other public or private uses determined by the Board of Adjustment to be of the same general character as the uses permitted in subsection 1 and found not to

be obnoxious, unhealthful or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, odors, toxic or noxious matter or glare or heat.

4. Minimum Lot Areas and Width. None.
5. Minimum Yard Requirements. In the P-1 district, each structure shall be set back not less than 15 feet from the front and any corner lot line.
6. Maximum Height. No principal use structure shall exceed 2½ stories or 35 feet in height. No accessory use structure shall exceed 2.0 feet.
7. Minimum Off-Street Parking and Loading Space. Off-street parking and loading facilities shall be provided in accordance with Section 165.22 of this chapter.
8. Sign Regulations. All signage must meet the Sign Regulations described in Section 165.20 of this chapter.
9. Fence, Wall and Hedge Regulations. Non-agricultural fences, wall and hedges shall meet the regulations specified in Section 165.21 of this chapter.
10. Outdoor Lighting Regulations. All outdoor lighting shall conform to the regulations specified in Chapter 152 of this Code of Ordinances.

**165.37 “RI” RESEARCH PARK INNOVATION DISTRICT.** This district is intended to provide areas for the development of office, research, service, production and assembly. It is designated to accommodate office buildings, similar structures and complementary uses in a mutually compatible environment

1. Permitted Principal Uses and Structures.
  - A. Office Uses
  - B. Retail Sales and Services – General – Located within the Hub Activity Area
  - C. Restaurant – Located within Hub Activity Area – no drive throughs
  - D. Recreation Trade – Within Hub Activity Area
  - E. Research and Development Facilities and Laboratories
  - F. Manufacturing and Processing - all uses except concrete batching and asphalt mixing; lumber and wood products manufacturing; manufactured homes and prefabricated structures manufacturing; printing and publishing; and rock crushing and screening
  - G. Parks and Open Areas
  - H. Essential Public Services
  - I. Child Day Care Facilities – Located within Hub Activity Area
  - J. Hub Activity Area uses may only be allowed for properties that are consistent with a City Council approved master plan accompanying a rezoning request. A Hub Activity Area means an area of concentrated commercial uses providing support

services intended primarily to provide service and retail uses supportive of the surrounding businesses and their employees.

2. Permitted Accessory Uses and Structures.

A. Accessory uses and buildings incidental to and on the same lot as the principal use.

3. Special Uses. As approved by the Board of Adjustment.

4. Bulk Regulations. The following minimum requirements shall be observed in the RI District:

Minimum Lot Area	Minimum Lot Width <sup>3</sup>	Minimum Front Yard	Minimum Side Yard	Corner Side Yard	Minimum Rear Yard	Maximum Height
25,000 sf	100 feet	25 feet	15 feet <sup>1</sup>	25 feet	25 feet <sup>2</sup>	Principal building 100 feet
<p>1 Except when adjacent to an R District, in which case minimum side yard shall be 50 feet.</p> <p>2 Except when adjacent to an R District, in which case the minimum rear yard shall be 50 feet.</p> <p>3 Minimum lot width shall be met at the Minimum Front Yard Setback for Irregular Lots on cul-de-sacs, courts or street centerline curves of less than three hundred (300) feet radius.</p> <p>4 All uses and buildings shall meet the yard requirements of the principal use.</p>						



5. Development Standards. The following minimum requirements shall be observed in the RI District:

DEVELOPMENT STANDARDS	RI ZONE
Landscaping in Setbacks Abutting an R Zoned Lot	20 ft. width with High Screen.
Maximum Impervious Surface Coverage	70%
Minimum Landscaped Area	20%
Outdoor Display Permitted	No
Outdoor Storage Permitted-not between building and the street	No

6. Site Development Plan Requirements.

A. In addition to Site Development Plan submittals, a Use Analysis Report shall be prepared by the applicant that shows the following:

- (1) Approximate number of employees;
- (2) Approximate utility needs and effect upon existing systems, e.g., projected water demand (Gallons Per Minute or Gallons Per Day), waste water generation (Gallons Per Day + Chemical oxygen Demand or Biochemical oxygen Demand), electricity demand (Kilowatts), storm water increase (Cubic Feet Per Second), solid waste generation (tons);
- (3) Possible nuisance factors and means for alleviating those factors, such as noise, odor, smoke, dust, fumes, vibration, or heat; and
- (4) Uses with a substantial inventory of hazardous materials, as regulated by the Robins Fire Department.

B. No Site Development Plan approval will be issued for any use in the RI District if the determination is made by the approving authority exercising independent judgment, that there is reason to believe that the proposed use or structure, as presented by the application, will create a nuisance in terms of diminished air quality, smoke, noise, toxic matter, odor, vibration, glare, sewage waste, water quality, street system capacity, heat or other condition detrimental to the public health and safety or reasonable use, enjoyment and value of other properties; or diminish the quality or quantity of any utility service presently provided by the City. Furthermore, no approval or permit shall be issued unless there is compliance with all other applicable City, state, and federal regulations.

**165.38 "RL" ROBINS LANDING OVERLAY DISTRICT.** This district is intended to provide guidance for the architectural and design requirements of the development of Robins Landing beyond the minimum requirements elsewhere in Chapter 165. In each case, the most restrictive provision of the Overlay or the underlying Base Zone shall apply.

1. Permitted Principal Uses and Structures.
  - A. As allowed in the Primary Zoning District
2. Permitted Accessory Uses and Structures.
  - A. As allowed in the Primary Zoning District
3. Special Uses. As approved by the Board of Adjustment.
4. Bulk Regulations. The following minimum requirements shall be observed in the RL District:
  - A. As allowed in the Primary Zoning District
5. Development Standards. The following minimum requirements shall be observed in the RL District:

DEVELOPMENT STANDARDS	RL ZONE
Landscaping in Setbacks Abutting an R Zoned Lot	20 ft. width with High Screen
Maximum Impervious Surface Coverage	70%
Minimum Landscaped Area	20%
Drive-Through Facilities Permitted	No
Outdoor Display Permitted	No
Outdoor Storage Permitted	No

6. Design Guidelines

The goal is to create a development that acknowledges its natural surroundings, develops a human scale, and provides innovative contemporary architectural designs which harmonize with the environment, express individuality and promote worker health, wellness and productivity. Site Plan approvals must be found to conform to site development standards and the design guidelines. The design shall be reviewed by Planning and Zoning to promote consistency with the intent of the District and to adapt to individual site needs. The final decision with respect to the design acceptance rests with the City Council.

A. Site Design Guidelines

- (1) Use site design to locate buildings and site improvement in manner that is supportive of the pedestrian environment.
- (2) Coordinate building and parking in manner that is supportive of a transition to trails and pedestrian areas.
- (3) Extend walkways to both public streets and trail system.
- (4) Coordinate shared access points for lots to reduce driveway intersections along bike and pedestrian facilities.
- (5) Locate support areas such as mechanical areas and storage areas away from pedestrian areas and behind the principal building.

B. Landscape Design Guidelines

- (1) Use landscape design to support sustainable site features, such as stormwater treatment and parking lot shading.
- (2) Locate landscape areas in a manner which is complementary to adjacent open space areas in types of vegetation and planting.
- (3) Incorporate vegetation that provides for screening of storage and equipment areas from trails and streets.
- (4) Use landscape design to enhance pedestrian environments with shading sidewalks and creating visual interest with art, trellis, gathering spaces, and interesting vegetation.

C. Architectural Design Guidelines

- (1) Building Location. All buildings with any building face adjoining Tower Terrace Road shall be constructed with the primary or front face of the building toward Tower Terrace Road.
- (2) Architectural Requirements. The desired architectural style or appearance is a distinctive style using clean or simple lines and features. Decorative and ornate architectural features generally not allowed. Individual building must comply with the architectural guidance standards.
  - (a) A minimum of 50% of front wall surface shall be brick, stucco, stone and/or architectural masonry.
  - (b) All other exterior wall surfaces shall be either vinyl, steel or fiber cement siding. Other materials as approved by Planning and Zoning.
  - (c) Gutters and downspouts shall match or blend with exterior materials.
  - (d) Window styles and patterns shall be consistent utilizing vinyl\steel clad windows or aluminum framing systems.
- (3) No temporary structures, trailers or storage garages are allowed unless a permanent facility is under construction within three (3) months of installation of temporary structure.

D. Conceptual Plan

- (1) Conceptual Plan Approval. The standards set forth for building location, architectural requirements and access management and control in the Robins Landing Overlay District are inherently discretionary. The final decision with respect to building location, architectural requirements and access management and control requirements in the RL District rests with the City Council. Any party considering a development with the RL District that would need to comply with any or all

of these standards is required to submit a Conceptual Plan for review and consideration by the City Council.

- (a) A Conceptual Plan must show the building layout including driveway and access. The Conceptual Plan must show an illustration of the architectural features of the building and identify proposed building materials. It is preferred, but not required, for the Conceptual Plan to illustrate the architectural style in color.
- (b) The Conceptual Plan must be sufficiently complete to allow the City to review and consider the issues of building location, architectural requirements and access. The Conceptual Plan is not required to meet additional standards set forth for a site plan.
- (c) The Conceptual Plan shall be submitted on drawings not larger than 11-inch by 17-inch.
- (d) The Conceptual Plan shall be submitted to the Zoning Administrator. 15 copies shall be provided to the Zoning Administrator.
- (e) The Zoning Administrator and Building Official shall review the Conceptual Plan within 30 days of receipt. Following completion of the review by the Zoning Administrator and Building Official, the Zoning Administrator may place the Conceptual Plan on the next agenda of the Planning and Zoning Commission, or return the Conceptual Plan to the Owner with comments.
- (f) The Planning and Zoning Commission shall consider the Conceptual Plan within 45 days after referral from the Zoning Administrator. Following review by the Planning and Zoning Commission, or the passage of 45 days without consideration by the Planning and Zoning Commission, the Conceptual Plan will be placed on the next available agenda of the City Council for consideration.
- (g) The City Council shall consider and take action on the Conceptual Plan within 45 days after referral from Planning and Zoning Commission. In the event the City Council takes no action within 45 days the Conceptual Plan shall be deemed to be denied, unless both parties mutually agree to an extension of the 45-day period.
- (h) A Site Plan for the proposed buildings set forth in an approved or conditionally approved Conceptual Plan must be initiated within 12 months following final action by the City Council to approve or conditionally approve the Conceptual Plan. The period of validity of a Conceptual Plan may be extended by the City Council.

E. Access Management and Control.

(1) No driveway access directly to Tower Terrace Road shall be permitted.

- F. A Development Agreement is required in accordance with Chapter 166 of this Code of Ordinances.

**165.39 "FP" FLOOD PLAIN OVERLAY DISTRICT** This district has been established to address developments which require special attention and treatment regardless of the underlying land use allowed and to alert developers to issues they need to address in preparing an application for development. This District includes lands subject to inundation as a result of a 100-year flood, i.e. a flood having a one percent chance of being equaled or exceeded in any given year. The Flood Plain Overlay District is superimposed over other districts and is intended to supplement one or more established Base Zones, in order to protect the environment and property in and around this district. In each case, the most restrictive provision of the Overlay or the underlying Base Zone shall apply. *Regulations which apply to the Flood Plain Overlay District are stated in Section 166.21 and Chapter 160 Flood Plain Regulations.*

1. Permitted Principal Uses and Structures.
  - A. As allowed in the Primary Zoning District
2. Permitted Accessory Uses and Structures.
  - A. As allowed in the Primary Zoning District
3. Special Uses. As approved by the Board of Adjustment.
4. Bulk Regulations. The following minimum requirements shall be observed in the RL District:
  - A. As allowed in the Primary Zoning District
5. Design Guidelines

This zone is intended to function as an "overlay" to the underlying Base Zones, in addition to all the use, yard, bulk and other requirements of the applicable Base Zone. The location of FP Overlay District shall be shown on the Official Zoning Map. Any development on or proposed for lands within the jurisdiction of the City which is shown on the Official Zoning Map as being within the boundaries of the FP Overlay District are subject to the flood plain regulations of the City, *Chapter 160 of this Code.*

This zone is intended to supplement the City's floodplain regulations and to protect designated natural resource areas by using the natural resources inventory to identify and preserve natural resources including, but not limited to, wetlands, ponds, lakes and greenways for stream corridors and open spaces adjacent to environmentally sensitive areas.

- A. Designation of FP Overlay District

(1) Any area may be designated an FP Overlay District by ordinance of City Council, after the advice and recommendation of

the Planning and Zoning Commission, if the results of a scientific study of the area support the conclusion that the area so designated is especially sensitive to adverse public impact from development due to unique environmental circumstances.

- (2) The Planning and Zoning Commission may request studies in order to evaluate areas for environmental sensitivity as part of the continuing process of maintaining a current comprehensive land use plan for the City. Additionally, studies done by or for other governmental or private parties may be adopted for the purposes of this section.

B. Development Regulations

- (1) No subdivision containing land located in a floodway or a special flood hazard area shall be approved by the City without review/approval from the Department of Natural Resources.
- (2) No lot shall be located so as to include land located within a floodway or special flood hazard area unless the lot is of such size and shape that it will contain a buildable area not within the floodway or special flood hazard area, suitable for development as allowed by the zoning ordinance for the zone in which the lot is located.
- (3) Land located within a special flood hazard area or a floodway may be included with a plat as follows, subject to the approval of the City:
  - a. In Lot. Included within individual lots in the subdivision, subject to the limitations of this section.
  - b. Open Space. Reserved as open space for recreation use by all owners of lots in the subdivision, with an appropriate legal instrument, such as a Development Agreement, approved by the City, providing for its care and maintenance by such owners.
  - c. Public Space. If acceptable to the City, dedicated to the City as public open space for recreation or flood control purposes.
- (4) No Building/Zoning Permit shall be issued and no grading, excavation, construction or change in use shall occur in an area designated as the FP Overlay District except in accordance with the procedures set forth in Chapter 166 of this Code of Ordinances.
- (5) No structure, regardless of square footage, shall be constructed within the FP Overlay District unless the requirements of Chapter 160 of the Code of Ordinances is met.
- (6) Development within the Floodway

- a. Shall be in accordance with Chapter 160 of this Code of Ordinances.
  - b. Watercourse alterations or relocations (channel changes and modifications) are discouraged. Requirements of Chapter 160 of the Code of Ordinances must be met.
    - i. Provisions for bank stabilization or repair shall be included in a Development Agreement in the event channel migration threatens the stability, use and/or habitability of any permanent structure.
6. Enforcement. Development or other activities in conflict with Chapter 160 and Chapter 165 of this Code of Ordinances shall constitute the violation of this section for which any and all enforcement means and remedies established by law or zoning regulations may be invoked and instituted.

**165.40 PUD - PLANNED UNIT DEVELOPMENT DISTRICT.** The planned unit development (PUD) district is intended and designed to promote and encourage development or redevelopment of tracts of land on a planned, unified basis by allowing greater flexibility for those developments that propose a creative and innovative design whose layout is not achievable under the standards of other zoning districts. A planned unit development shall consist of an arrangement and selection of land uses in groupings that are organized and designed as an integrated unit rather than a collection of independent building and sites. The integrated design shall include a holistic presentation of elements such as building orientation and materials, utilities, parking areas, traffic and pedestrian circulation; landscaping and open spaces that satisfy the individual site needs while achieving greater value for the entire development area.

1. Criteria. The planned unit development district shall be reserved for only those developments, which meet one or more of the following criteria:
  - A. Developments that utilize varying land uses to provide a transition between disparate land uses and zoning, including but not limited to transitioning between single family residential areas and commercial districts.
  - B. Developments that provide for varying land uses to coexist within the same development so the demands of the population may be met by greater variety in type, design, and layout.
  - C. Developments which encourage a more efficient use of land through the incorporation of public/private spaces or uses which enhance the community at large.
  - D. Developments that provide both public and private open spaces that accent and enhance both the architectural and natural features of the development and provide for the protection and preservation of existing vegetative and water resources.



- E. Developments that present a common and unified theme through the use of architecturally compatible detailing to form a part of a larger composition rather than separate land uses designed in isolation of one another.
- 2. Process. Applications for amending the zoning of any parcel or parcels of land to PUD shall be in accordance with Section 116.11-2 of this chapter. The applicant shall cause the Ordinance amending the zoning to PUD to be recorded in Linn County, Iowa and shall provide a recorded copy of said Ordinance to the City Clerk of the City of Robins, Iowa.
- 3. Site Development Plan Required. A Site Development Plan in conformance with Section 165.11-2-E and 165.11-2-F is required to be submitted with each application for amending the zoning of any parcel or parcels of land to PUD.
  - A. The Site Development Plan shall be approved by Resolution of the City Council as soon as practical following passage of the Ordinance amending the zoning of any parcel or parcels of land to PUD. No further applications for development shall be approved or building permits issued until the Site Development Plan has been so approved.
  - B. Following approval by City Council, a certified copy of the Site Development Plan shall be kept on file in the office of the City Clerk.
  - C. The Site Development Plan shall be deemed to run with the land and be binding upon any and all owners of the PUD property unless an Amended Site Development Plan is approved by City Council or the zoning of the PUD property is amended such that it is no longer zoned as PUD.
  - D. The Site Development Plan may only be amended by Resolution of the City Council following a public hearing which shall be placed on the City Council's agenda. At least four (4) days' notice of the time and place of the Council's public hearing on the Site Development Plan amendment shall be published in a newspaper having general circulation in the City.
- 4. Permitted Principal Uses. Principal permitted uses for planned unit development zoned property shall consist of residential uses, neighborhood commercial uses and neighborhood office uses. Intended principal permitted uses shall be clearly specified on the approved Site Development Plan. If it is determined by the City Council that a proposed use is not compatible and consistent with the proposed planned unit development, the property owner shall have the right to appeal the decision to the board of adjustment pursuant to the regulations and requirements as expressed in Section 165.06 of this chapter.
  - A. "Residential uses" shall be defined as single-family dwellings, two-family dwellings, attached row house dwellings, multiple-family residential, assisted and independent living facilities and nursing homes.
  - B. "Neighborhood commercial uses" shall be defined as those uses which normally and customarily service the surrounding residential properties. Neighborhood commercial uses shall include, but not be limited to, dry cleaners, delis, coffee shops, markets, convenience stores, and small retail establishments.



- C. "Neighborhood office uses" shall be defined as those office uses which normally and customarily service the surrounding residential properties. Neighborhood commercial uses shall include, but not be limited to, small medical clinics, veterinarians, and banks.
5. Permitted Accessory Uses and Structures.
- A. Accessory structures for single-family dwellings may be constructed in the PUD district as provided in Section 165.24.
- B. Accessory structures for two-family dwellings and attached row house dwellings may be constructed in the PUD district as provided in Section 165.26.
- C. Accessory structures for multiple-family residential, assisted and independent living facilities, nursing homes, neighborhood commercial uses, and neighborhood office uses shall be permitted only as specified on the approved Site Development Plan.
6. Size Regulations. Maximum densities and/or maximum number of dwelling units, minimum lot areas and width, minimum yard requirements, maximum height of the building(s), and bulk limitations for the maximum floor area ratio shall be clearly specified on the Site Development Plan and in the Ordinance amending the zoning of the property to PUD.
7. Transitional Yards, Buffers and Open Space.
- A. Where appropriate between varying uses, transitional yard requirements around the perimeter of the PUD property and between varying uses within the PUD property shall be shown on the Site Development Plan in locations and widths as required by City Council.
- B. Evergreen trees, deciduous trees, landscaping, fences, and/or berms may be required by City Council as a buffer on the perimeter of the PUD to benefit neighboring uses that abut the PUD or buffer(s) inside the PUD area between disparate uses included in the PUD, after considering the compatibility of differing uses with respect to proximity, site design, building orientation, noise, topography, and similar factors.
- C. Open space requirements within a PUD may consist of both public and private landscape areas, natural areas, plazas and courtyards designed to enhance the architectural and natural features of the development.
8. Minimum Off-Street Parking and Loading Space. Adequate parking and loading shall be provided within the PUD based upon the proposed uses as required in Section 165.22 of this chapter unless otherwise specifically designated and approved on the Site Development Plan.
9. Sign Regulations. Signage within a PUD shall serve as a unifying element while creating measured and consistent identification of the various land uses within the planned unit development. All signage must meet the Sign Regulations described in

Section 165.20 of this chapter unless otherwise specifically designated and approved on the Site Development Plan.

10. Fence, Wall and Hedge Regulations. Non-agricultural fences, walls and hedges shall meet the regulations specified in Section 165.21 of this chapter unless otherwise specifically designated and approved on the Site Development Plan.
11. Outdoor Lighting Regulations. All outdoor lighting shall conform to the regulations specified in Chapter 152 of the Code of Ordinances unless otherwise specifically designated and approved on the Site Development Plan.
12. Architectural Requirements. Buildings within a PUD shall be designed to be architecturally compatible with each other and should be seen as a larger composition as opposed to individual buildings. Buildings shall be designed to promote quality architecture and design elements along all four (4) building elevations. The use of colors, materials, facade projections and recesses, articulated rooflines, enhanced entrances, lighting, windows and/or awnings should be used to make the development architecturally compatible as a whole.

**SECTION 2.** Repealer. All Ordinances or parts thereof in conflict with the provisions of the Ordinance are repealed.

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

**SECTION 4.** This Ordinance shall be in full force and effect after its passage and publication as by law provided.

Passed and approved this 17th day of November, 2025.

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Chuck Hinz, Mayor

ATTEST:

  
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Lisa Goodin, City Clerk/Treasurer

