

ZONING

CODE

ZONING PROVISIONS

63-1. PURPOSE AND INTENT. The zoning regulations and districts herein set forth have been made in accordance with a comprehensive plan and designed to lessen congestion in the street; to secure safety from fire, flood, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land, to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. These regulations have been made with reasonable consideration, among other things, as to the character of the area of the district and the peculiar suitability of such area of the district and the peculiar suitability of such area for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

63-2. ZONING DEFINITIONS. For the purpose of this Chapter (ordinance), all words shall carry their customary meanings except where specifically defined herein. The use of the present tense shall include the past and future tenses, and the future the present; the word "shall" is mandatory, while the word "may" is permissive; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure." Unless otherwise specified, all distances shall be measured horizontally.

- a. Accessory Building. A use subordinate to the principal use of land or a building on a lot customarily incidental thereto.
- b. Administrative Officer. The person or persons designated by the City Council to administer the Zoning Ordinance and who is responsible for the enforcement of the regulations imposed by said Ordinance.
- c. Agriculture. The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the product; provided, however, that the operation of such shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the feeding of collected garbage or offal.
- d. Alley. A public thoroughfare which affords only a secondary means of access to abutting property.
- e. Animal Hospital. A building or portion thereof designed or used for the care, observation or treatment of domestic animals.
- f. Apartment House. See Dwelling, Multiple.
- g. Automobile Service Station (Gas Station.) A building or premises used for dispensing or offering for sale at retail any automobile fuels or oils, or having pumps and storage tanks therefore, or battery, tire or any similar service is rendered, and where vehicles are not parked for purposes of inspection and sale.

- h. **Basement.** A portion of a building located partly underground. Use of a basement only as a dwelling is prohibited; see Dwelling.
- i. **Bed & Breakfast -** A residential structure or portion thereof containing lodging rooms which accommodate persons who are not members of the keepers family, the primary use for which remains residential or transient use.
- j. **Billboard.** Any structure or portion of a building used for display of advertising or any advertising sign other than:
1. Church or similar bulletin board.
 2. Signs appertaining only to the lease, hire or sale of a building or premises, which is located on the subject building or premises.
 3. Signs advertising the sale of products grown only upon the premises.
 4. An announcement or identification sign carrying the name and address of the owner or tenant residing on the premises.
- k. **Building.** Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property.
- l. **Building, Accessory.** A subordinate building, the use of which is incidental to that of a principal building on the same lot.
- m. **Building, Height of.** The vertical distance measured from the curb level to the highest point of the roof surface. For buildings set back from the line of the street, the height of the grade along the front of the building shall be used to measure building height, provided the distance from the building to the line of the street is not less than the height of such grade above the established curb level.
- n. **Building Line.** An imaginary line parallel to the front lot line over which no portion of any building may extend and which is a distance from the front lot line equal to the depth of the front yard required for the district in which such lot is located.
- o. **Building Principal.** A building, including covered porches, carports and garages with a common roof line, in which is conducted the principal use of the lot on which it is situated.
- p. **Commercial Breeding Business.** A land use with related structures where pigs, cattle, horses, fowl or any domesticated or fur-bearing animals are bred or raised, exclusive or nearly exclusive of any other use of the property on which the breeding operation is located.
- q. **Commercial Feeding Business.** A land use with related structures where pigs, cattle, horses, fowl or any other domesticates or fur-bearing animals are fed and raised from the

younger stage to a marketable stage, size or condition, exclusive or nearly exclusive of any other use of the property on which the feeding and raising operation is located.

r. Convenience Store. A building or premises used for retail sale of auto fuels, oils, food and groceries.

s. Court. An open, unobstructed and unoccupied space, other than a yard, which is bounded on two or more sides by a building on the same lot.

t. Cow Pool. A land use with related structures where dairy cows or beef cattle, not the property of the operator are housed, fed, exercised or milked by an operator, in lieu of performance of this labor by the owner of the cows or cattle involved.

u. District. A land area or land areas as defined on the Zoning District Map of the incorporated City, in which regulations governing the use of buildings or premises or the height and location of buildings are uniform.

v. Dwelling. A residential building or portion thereof but not including hotels, motels, bed and breakfast, trailers, or basement structures.

w. Dwelling, Single Family. A building designed for or occupied exclusively by one family.

x. Dwelling, Two Family. A building designed for or occupied exclusively by two families living independently of each other.

y. Dwelling, Multiple. A building or portion thereof designed for or occupied by three or more families living independently of each other.

z. Family. One or more persons occupying premises and living as a single housekeeping unit.

aa. Farm. An area comprising ten (10) or more acres which is used for the growing of the usual farm products such as vegetables, fruits and grains, and their storage on the area, as well as for the raising and feeding thereon of the usual farm poultry and farm animals such as horses, cattle, sheep and swine. The term "farming" includes the operating of such an area for one or more of the above uses including dairy farms with the necessary accessory uses for treating or storing the produce; provided, however, that the operation of such accessory uses shall be secondary to that of the normal farming activities, and provided further that farming does not include cow pools, commercial breeding or feeding businesses nor the feeding of collected garbage or offal to swine or other animals.

ab. Frontage. All the property on one side of a street, road or highway between two intersecting streets or highways (crossing or terminating) measured along the line of the street or highway; or if the street or highway dead-end, then all of the property abutting on one side between an intersecting street or highway and the dead end of the street or highway.

- ac. Garage, Private. An accessory building or portion of a building in which one (1) or more motor vehicles are housed, but in which no business service or industry connected with motor vehicles is carried on other than leasing of space for the housing of vehicles. Space for not more than three (3) motor vehicles may be leased to other than residents on the premises.
- ad. Garage, Public. Any building or premises (except those used as a private or storage garage) used for equipping, repairing, hiring, selling or storing motor-driven vehicles.
- ae. Garage, Storage. Any building or premise used for housing motor-driven vehicles, and at which automobile fuels are not sold and motor-driven vehicles are not equipped, repaired, hired or sold.
- af. Gas Station. See Automobile Service Station. See also Convenience Store.
- ag. Grade. The average level of the finished surface of the ground adjacent to the exterior walls of a building.
- ah. Home Occupation. Any occupation carried on within the home solely by the members of the immediate family residing on the premises and where there shall be allowed not more than one-half (1/2) the area of one (1) floor for such purpose, in connection with which there is used no sign other than an announcement or professional sign not over two (2) square feet in area or no display that will indicate from the exterior that the building is being utilized in whole or part for any purpose other than that of a dwelling and in which there is kept no stock in trade nor commodity sold upon the premises.
- ai. Hotel. A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests and in which no provision is made for cooking in any individual room or apartment.
- aj. Institution. A building occupied by a nonprofit corporation or a nonprofit establishment for public use.
- ak. Junk Yard. An open area where waste, used or second-hand material are bought, sold, exchanged, stored, baled, packed, dissembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. The term includes a vehicular wrecking yard, but does not include such uses carried on entirely within enclosed buildings.
- al. Kennel. A place where three or more dogs, cats or similar animals or pets over four months of age are boarded, bred and/or offered for sale.
- am. Lot. A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) principal building together with its accessory buildings, open spaces and parking and loading spaces required by this Ordinance, and having its principal frontage upon a street or road.

- an. Lot, Area. Total horizontal area within lot lines.
- ao. Lot, Corner. A lot upon which at least two adjacent sides abut upon a street.
- ap. Lot, Depth of. The mean horizontal distance between the front and rear lot line.
- aq. Lot Line. Property line bounding a lot.
- ar. Lot of Record. A lot which is a part of a subdivision or an auditor's plat, the map of which has been recorded in the office of the County Recorder of Tama County, or a parcel of land set out in separate ownership and described by meets and bounds.
- as. Lot, Width. The straight line distance between points on the opposite side lot lines measured at the building line.
- at. Mobile Home Park or Trailer Park. An approved site, lot, field or tract of land designed, maintained or used for the purpose of supplying location and accommodations for mobile homes spaces and shall include any building, structure, vehicle or enclosure used or intended for use as a part of the equipment of such park, unoccupied mobile homes which are parked for the purposes of inspection and sale may be placed in a mobile home park if they are incidental to the operation of said mobile home park.
- au. Mobile Home or Trailer. Any vehicle 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, constructed or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include manufactured or factory built structures not constructed or equipped 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 structure is not a mobile home or house trailer if it has been converted to a real property, and is taxed as a real property.
- av. Mobile Home Space or Mobile Home Lot. A parcel of ground within a mobile home park designed for the accommodation of one mobile home.
- aw. Motel. An establishment consisting of a group of living or sleeping accommodations with individual bathrooms, designed for use by transients, and having not more than fifty (50) per cent of the living and sleeping accommodations occupied by, or designed for occupancy by, persons other than transient automobile tourists. A motel furnishes customary hotel service, laundering of linen, telephone, secretarial or desk service, and the use and upkeep of furniture.
- ax. Motor Freight Terminal. A building in which freight by motor truck is assembled and sorted for routing in intrastate or interstate shipment.
- ay. Noxious Materials. Material which is capable of causing injury to living organisms by chemical reaction, or is capable of causing detrimental effects upon the psychological, social or economic well-being of human beings.

az. Nursing Home. A building other than a hotel, motel or hospital where for compensation meals, lodging and physical care are provided for three (3) or more persons. This definition shall include rest homes, convalescent old-people's homes and similar establishments.

ba. Open Sales Lot. Any unenclosed land used or occupied for the purpose of buying and selling new or second-hand passenger cars, trucks or farm machinery or for the storing of the same prior to sale.

bb. Parking Lot. A parcel of land devoted to unenclosed parking spaces or to a partially or totally enclosed building when such building's primary purpose is to provide off-street parking.

bc. Parking Space. An area enclosed or unenclosed, sufficient in size to store one (1) automobile, together with a driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile.

bd. Roadside Stand. A temporary structure, unenclosed, and so designed and constructed that the structure is easily portable and can be readily moved.

be. Service Shops. A shop activity where materials or small objects are treated or repaired and where objects may be sold, such as a shop for repairing shoes; but it shall not include an establishment where large objects or large quantities of materials are assembled and treated.

bf. Service Station. See Automobile Service Station.

bg. Stable, Private. An accessory building in which horses are kept for private use and not for hire, remuneration or sale.

bh. Stable, Public. A building in which horses are kept for remuneration, hire or sale, therefore, a principal building and/or use.

bi. Story. That part of any building between any floor and the floor or attic above. The first story of the building is the lowest story having at least one-half of its height above the highest level of the adjoining ground.

bj. Story, Half. A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

bk. Street (Avenue, Place, Road, Terrace, Highway or Parkway). A public right-of-way which affords a primary means of access to abutting property.

bl. Street Line. A dividing line between a lot, tract or parcel of land and an adjacent street right-of-way.

bm. Structure. Anything constructed or erected, the use of which requires a more or less permanent location on the ground, or anything attached to something having a permanent location on the ground.

bn. Structural Alteration. Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial change in the roof or in any exterior walls.

bo. Use. The purpose or activity for which the land building or structure thereon is designed, arranged or intended, or for which it is occupied or maintained.

bp. Use, Accessory. A subordinate use, such as a private garage, which is clearly and customarily incidental to the principal use of a building or premises, which is located on the same lot or contiguous property as the principal building or use, except for such accessory parking facilities as are specifically authorized to be located elsewhere.

bq. Use, Principal. The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

br. Use, Non-conforming. Any use of a building, structure or premises which on the effective date of this Ordinance does not, even though lawfully established, comply with all of the applicable use regulations of the zoning district in which such building, structure or premises shall be located.

bs. Yard. An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. The measurements of a yard shall be construed as a minimum horizontal distance between the lot line and the exterior wall of a building or structure.

bt. Yard, Front. A yard extending across the full width of the lot and measured between the front line of the lot and the nearest point of the building. Covered porches and garages, whether enclosed or unenclosed, shall not project into a required front yard.

bu. Yard, Rear. A yard extending across the full width of the lot and measured between the rear line of the lot and the nearest point of the principal building. Accessory buildings or structures or non-building uses may be located within the rear yard only.

bv. Yard, Side. A yard between the nearest point of the building and the side line of the lot and extending from the front yard to the rear yard.

63-3. GENERAL PROVISIONS.

a. Interpretation.

1. Minimum Requirements. The provisions of this Ordinance shall be held to be the minimum requirements.

2. Permits and Certificates Required. Hereafter an application accompanied by the necessary fee shall be filed with, and a written permit or certificate shall be obtained from, the Administrative Officer as required by this Ordinance.

3. Conformance Required. No building, structure or premises shall hereafter be erected, extended, converted, moved, rebuilt or altered except in conformity with all district regulations established by this Ordinance for the district in which it is located. Temporary buildings that are used in connection with construction work only may be permitted in any district during the period that work is under way, but such temporary buildings shall be removed upon completion of the construction work as determined by the Administrative Officer. This shall include trailers and mobile homes used as temporary offices and for tool storage only.

63-4. LOTS.

a. Lot of Record. A lot of record or tract having less area or width than herein required may be occupied by only one principal building and accessory buildings of the use permitted for that district in which said lot or tract is located. Each of the side yards may be reduced to ten (10) per cent of the total lot width, and the rear yard may be reduced to twenty (20) per cent of the lot's total depth, provided a variance is obtained from the Board of Adjustment.

b. Frontage Required. A lot to be used for residence purposes shall, under all circumstances, abut at least one public dedicated street or right-of-way for a minimum distance of forty (40) feet.

c. Corner Lots. Corner lots platted hereafter shall provide a side yard adjacent to the intersection which shall be equivalent to the front yard requirement of the lots to the rear corner lot which front on the intersecting street or road.

d. Reduction of Lot. No lot shall be sold, divided or set off in such a manner that either the portion sold, divided or set off, or the portion remaining shall be less than the minimum size prescribed by the regulations relating to the district in which it is situated, unless it becomes a part of an adjacent lot meeting requirements.

63-5. BUILDINGS.

a. Principal Buildings. Every building hereafter erected or structurally altered shall be located on a lot as defined herein and in no case shall there be more than one principal building on one lot unless otherwise provided by this Ordinance.

b. Accessory Buildings. A maximum of two accessory buildings may be built in a required rear yard, but shall not occupy more than thirty per cent (30%) of the rear yard; nor shall be larger than 1000 square feet in total floor area; nor shall said buildings be built closer than three (3) feet to any lot line, nor closer than eight (8) feet to any building unless it is connected thereto, nor shall said building be more than seventeen (17) feet in height. A garage may be erected as a part of the principal building but must

be connected by a breezeway or common roof line, provided all yard requirements for a principal building are complied with. No accessory building shall be constructed upon a lot until the construction of the principal building has commenced, and no accessory building shall be used unless the principal building of the lot also is being used. Any structure other than a garage must be built in a rear yard. Notwithstanding the foregoing, where apartments or town homes are located:

1. One garage space is permitted for each living unit in the apartment complex.
2. Each garage unit may not exceed 14' x 26' or a total of 364 sq. ft.
3. Each garage unit shall have an overhead door of a minimum size of 7 x 8'. The garage units shall be separated by a solid well and under a common roof.
4. Side, front and rear lot lines (setbacks) must be adhered to.

c. Corner Lots. Detached accessory buildings on a corner lot must comply with the same setback/yard requirements as the principal building.

d. Conversion for Dwelling Purposes. The Board of Adjustment may recommend a variance to permit the conversion of any building into a two-family or multiple family dwelling in a permissible residential district, provided that the lot area per family shall not be reduced thereby to less than the lot area required for such use in the respective residential district, and provided further that such conversion is also approved by the City Health Officer of the City of Toledo.

e. Dwelling Dimensions, Foundation Requirement. Any structure used as a dwelling shall have no dimension (length or width) less than twenty-four (24) feet. All dwellings shall have a permanent perimeter supporting foundation. This section shall not apply to mobile homes placed in licensed mobile home parks.

63-6. INTERSECTION--SIGHT DISTANCE.

a. Intersection With Traffic Controls. On any corner lot, in all districts, at a street intersection which has some form of traffic control (stop or yield signs), there shall be no obstruction to traffic visibility within the clear sight triangle which is formed by the intersection of the centerline of two intersecting streets and a straight line joining the two (2) centerlines at points fifty-five (55) feet distant from their point of intersection.

b. Intersections Without Traffic Controls. On any corner lot, in all districts, at a street intersection which does not have any form of traffic control, there shall be no obstruction to the traffic visibility within the clear sight triangle which is formed by the intersection of the centerline of the two intersecting streets and a straight line joining the two (2) said centerlines at points a given number of feet distant from their points of intersection. The distances from said point of intersection are specified in the following table for various speeds in miles per hour of enforced speed limit.

DISTANCE MEASUREMENT FOR CLEAR SIGHT TRIANGLE

Miles per hour Distance measurement

25 & under	73'
30	88'
40	120'

63-7. NON-CONFORMING USES.

a. Continuance. Any lawful use of land, buildings or structures existing at the effective date of this Ordinance may be continued, although such use does not conform to the provisions of this Ordinance.

b. Change of Use. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification, provided a certificate for said change or occupancy has been secured. Whenever a non-conforming use of a building or land has been changed to a more restrictive use or to a conforming use, such use shall not thereafter revert to a less restricted use.

c. Abandonment. Whenever a non-conforming use of land has been discontinued for a period of one (1) year the use of the land shall thereafter conform to the regulations of the district in which it is located. Whenever a non-conforming use of a building or structure has been discontinued for a period of two (2) years, the use of the same shall thereafter conform to the regulations of the district in which it is located.

d. Amortization. All non-conforming junk yards, storage areas and similar non-conforming uses of open land not involving a substantial investment in permanent buildings shall be removed, altered or otherwise made to conform within two (2) years of the adoption of this Code. All signs and billboards which exist off the site of their advertised principal use on the date of adoption of this Code, and which are non-conforming in accordance with the regulations of Section 63-10(a)(15), shall be made to conform within two (2) years of the date of this Ordinance.

e. Restoration. A non-conforming building damaged by fire, act of God or other causes to the extent of sixty (60) per cent or more of its then fair-market value exclusive of its foundations, shall not be restored except in conformity with the regulations of the district in which it is located.

f. Extension. A non-conforming use shall not be extended, but the extension of a lawful use to any portion of a non-conforming building which existed prior to the enactment of this Code shall not be deemed the extension of such non-conforming use.

g. House Trailers, Trailer Camps and Mobile Home Parks. Any trailer or mobile home used for dwelling or sleeping quarters, and any trailer camp or mobile home park existing prior to the enactment of this Ordinance, shall within one (1) year after such

enactment become an unlawful and prohibited use unless full compliance with the provisions of this Ordinance have been met.

63-8. ESTABLISHMENT OF DISTRICTS AND MAPS.

a. Establishment of Districts. For the purposes of this Ordinance, Toledo, Iowa, is hereby divided into the following districts:

"A" Agricultural District
"F" Flood Plain District

"R-1" Single Family Residence District
"R-2" Single Family and Duplex Residence District
"R-3" Multiple Family Residence District
"R-P" Planned Residence District

"B-1" Business District
"B-2" Business District

"IL" Light Industrial District
"IH" Heavy Industrial District

b. District Boundaries, Map. The above Districts are bounded and defined as shown on the map entitled "Zoning District Map, Toledo, Iowa, "which has been adopted, which accompanies, and which, with all explanatory matter thereon, is hereby made a part of this Ordinance.

63-9. INTERPRETATION OF DISTRICT MAP.

a. Where a district line is shown as approximately following the centerline of a street or highway, a street line or highway right-of-way line, this centerline, street line or right-of-way line shall be construed to be such boundary. The boundary line shall be changed automatically whenever the said centerline, street line or highway right-of-way line is changed, provided that the change does not exceed fifty (50) feet.

b. Where a district line is shown as following a lot line, such a lot line shall be construed to be the boundary of the district.

c. Where a district line follows a stream or river, such district boundary shall be deemed to be the centerline of said stream or river.

d. Where district lines are so indicated by a dimension from an alley, street, highway, lot line, centerline or right-of-way line, such dimension shall control the boundary of the district.

e. Where a district line divides a lot which was held in single and separate ownership at the time the district line was established, the use regulations applicable to the least

restricted district shall extend over the portion of the lot in the more restricted district a distance of not more than thirty (30) feet beyond the district boundary line.

f. If no other indications of the district boundary are made and no dimensions are shown, the location of the boundary shall be determined by the use of the scale appearing on the Zoning District Map.

TOLEDO, IOWA SUMMARY OF DISTRICT REQUIREMENTS

DISTRICT "A"

Agricultural-Permitted Uses. Farms, roomers or boarders, specialized animal husbandry, truck gardens, orchards, nurseries, roadside stands, mining, public buildings, schools, churches, cemeteries, hospitals, clinics, sanatoriums, public parks, recreation areas and playgrounds; forests and wildlife reservations, billboards and signs, and customary home occupations, accessory buildings, and small signs of permitted uses. Mobile home parks by special permit.

Front Yard: 50'

Side Yards: 2 at 25' each

Rear Yard: 50'

Frontage: 170'

Lot Area: 1 acre

DISTRICT "F"

Flood Plan District-Permitted Uses. Agricultural, park and recreation areas, riding stables, temporary circus, carnival or amusement enterprise and mining. Extensive development excluded.

DISTRICT "R-1"

Single Family Residence-Permitted Uses. Single family residence, roomers or boarders, schools, public buildings, parks, playgrounds, recreation areas, forests and wildlife reservations, churches, hospitals, clinics and sanatoriums, customary home occupations, accessory buildings and small signs of permitted uses.

Front Yard: 30'

Side Yards: 2 at 8' each

Rear Yard: 30'

Frontage: 75'

Lot Area: 10,000 sq. ft.

DISTRICT "R-2"

Single Family and Duplex Residence-Permitted Uses. Those permitted in the "R-1" District plus two family residence uses; clubs and lodges; and professional offices. Mobile home parks by special permit. Bed and Breakfast.

Front Yard: 25'

Side Yards: 2 at 6' each or 10% of lot width, whichever is greater

Rear Yard: 30'

Frontage: Single Family 60'
 Two Families 80'
 Multiple Families 90'

Lot Area: 6,500 sq.ft. for single family
 4,000 sq.ft. per family for two families

DISTRICT "R-3"

Multiple Family Residence-Permitted uses. Those permitted in the R-2 District plus multiple family residence uses.

Front Yard: 25'

Side Yard: 10% of lot width

Frontage: Single Family 60'
 Two Family 80'
 Multiple Family 90'

Lot Area: Single Family 6500 sq. ft.
 Two Family 4000 sq. ft.
 Multiple Family 3500 sq. ft.

DISTRICT "R-P"

Planned Residence-Permitted Uses. Those permitted in the "R-3" District.

Yards: No minimums

Frontage: No minimums

Lot Area: No minimums

All Planned Residence Districts must be developed in accordance with a plan submitted and approved to the Planning and Zoning Commission and the City Council.

DISTRICT "B-1"

Business-Permitted Uses. Retail stores, offices, restaurants (except drive-in services), auto sales and service (when enclosed within a structure), theaters (except drive-in), motels, etc. See specific detailed listing.

Front Yard: Same as adjacent Residential, if any

Side Yards: Same as adjacent Residential, if any

Rear Yard: 20'

Frontage: No minimum

Lot Area: No minimum

DISTRICT "B-2"

Business-Permitted Uses. Those permitted in the "B-1" District plus drive-in facilities, auto laundries, lumber yards, animal hospitals, milk depots and repair garages.

Front Yard: 20'

Side Yards: Same as adjacent Residential, if any

Rear Yard: 20'

Frontage: No minimum

Lot Area: No minimum

DISTRICT "IL"

Light Industrial-Permitted Uses. Wholesale establishments; warehousing; and light, non-offensive industrial functions. See detailed listing.

Front Yard: 30'

Side Yards: 2 at 20' each

Rear Yard: 30'

Frontage: No minimum

Lot Area: No minimum

DISTRICT "IH"

Heavy Industrial-Permitted Uses. Heavy industrial functions, manufacturing and assembly of both parts and finish products, mining and processing of raw materials, storage and warehousing. See detailed listing.

Front Yard: 30'

Side Yards: 2 at 20' each

Rear Yard: 30'

Frontage: No minimum

Lot Area: No minimum

SPECIAL EXCEPTIONS-Permitted Uses by Special Exception. Government buildings, communication towers, utility, substations, correctional or penal institutions, temporary or seasonal commercial amusements, temporary sawmills, batch plants, etc., airports and private landing fields, sanitary land fills, go-kart tracks, mobile home parks and any heavy industrial or manufacturing use that would be objectional by reason of emitting dust, smoke, gas, noise, fumes, odor, vibration, soot, fire or explosion.

NOTE: For specific details see the text of the ordinance for each district.

63-10. "A" AGRICULTURAL DISTRICT

a. Permitted Uses. In the "A", Agricultural District, the provisions of this Chapter shall apply and the following uses shall be permitted:

1. Farms, including the usual farm buildings, structures, and tenant dwellings; including mobile homes if used by the owner of a farm or an employee thereof on the farm. Farmstead dwellings, when no longer used as a farm dwelling, may be rented for residence use throughout the reasonable and properly maintained life of the structure.
2. The keeping of roomers or boarders by a resident family.
3. Specialized animal husbandry, poultry, pigeon, rabbit, mink and other single farms, including veterinary establishments, stables, public and private riding stables, academies and clubs; but not including the feeding or disposal of community or collected garbage; provided that all buildings, including animal runway and exercise yards, be at least two (200) feet distant of all property lines.

4. Truck gardens, orchards, nurseries and greenhouses provided that all storage of manure or odor or dust producing substances shall be a minimum of two (200) feet distant of all property lines.
5. Roadside stands for the sale of farm products produced only on agriculture premises, provided that any such stand shall be situated not less than thirty (30) feet from the street or road right-of-way line or lot lines and shall have adequate off-street parking facilities, and in no event provide less than four (4) parking spaces; and provided said stands shall be removed during any season they are not in use.
6. Mining and extraction of minerals or raw materials, provided that active engagement in such use shall not take place within three hundred (300) feet of any R-1, R-2, R-3, or R-4 Residence District or any structure used for dwelling purposes, nor within fifty (50) feet of the right-of-way of any railroad, public street, road or highway; nor shall it impair proper sight distances in any portion of the area within three hundred (300) feet of any street, road or highway intersection or within three hundred (300) feet of a railroad intersecting a street, road or highway.
7. Publicly owned and operated buildings, except those whose chief function is an activity conducted for commercial purposes.
8. Public and parochial school of general instruction.
9. Churches and similar places of worship and instruction including parish houses.
10. Cemeteries, including mausoleums and crematories; provided that any mausoleum or crematory shall be located a minimum of two hundred (200) feet from all property lines and provided that any new cemetery shall contain a minimum area of twenty (20) acres.
11. Hospitals, clinics, sanatoriums and charitable institutions for the treatment of diseases, nursing and convalescent homes (except correctional or penal institutions) provided no such use shall be established or permitted on a parcel of land of less than one (1) acre in area, nor shall its buildings occupy more than fifty (50) percent of the lot of tract, nor shall any part or portion of such use except for parking or open unobstructive uses be permitted within thirty (30) feet of any property line.
12. Public parks, recreation areas, playgrounds and community centers.
13. Public and private forest and wildlife reservations or similar conservation projects.

14. Semi-public recreation areas and centers, including country clubs, swimming pools and golf courses, but not including such uses as miniature golf course or driving range.

15. Billboards provided they are not erected or placed within three hundred (300) feet of the right-of-way of any intersecting streets, roads or highways; or within three hundred (300) feet of a railroad intersecting a street, road or highway; or within three hundred (300) feet of any existing residence or residence district; nor nearer an existing sign or billboard than a distance in lineal feet equal to the sum of the square foot area of both the existing and the proposed billboard or sign; provided that no sign, regardless of size, shall be closer to another billboard or sign than three hundred (300) feet on any one side of a street, road or highway nor shall any billboard or sign, at any point, obstruct proper and necessary sight distance from any street, road or highway.

16. Customary home occupations (See definition).

17. Accessory buildings and uses customarily incidental to any uses listed above. (See also Section 65-5)

18. Church, school or similar bulletin boards or signs not exceeding twenty (20) square feet in area, appertaining only to the lease, hire or sale of products upon the premises or an announcement or identification sign carrying the name and address of the owner or tenant residing on the premises, provided that such boards or signs shall be removed as soon as the premises are leased or sold or the sale of products is completed. In no event shall more than two (2) signs of the above character be permitted upon any lot, except for the display of construction signs during the time a job is under construction.

19. Principal uses which are permitted in this district shall be permitted to have one (1) single or double faced on-site sign, no part of which shall overhang any public right-of-way, and which shall not exceed thirty (30) square feet in area per face. None of the signs of either Section 63-10(a)(18) or 63-10(a)(19) shall influence or limit the number or billboards permitted in Section 63-10(a)(15).

63-11. HEIGHT REGULATIONS. No building hereafter erected or structurally altered shall exceed three (3) stories or forty-two (42) feet.

63-12. LOT AREA AND WIDTH. Each and every individual permitted principal use shall have a minimum lot area of one (1) acre and each lot shall be a minimum of one-hundred seventy (170) feet in width.

63-13. YARDS REQUIRED.

a. Front Yard. A minimum front yard depth of fifty (50) feet shall be required.

b. Side Yards. There shall be two side yards required one on each side of a lot, each with a minimum width of twenty-five (25) feet.

c. Rear Yard. There shall be a rear yard required with a minimum depth of fifty (50) feet.

63-14. SPECIAL EXCEPTIONS. (See Section 63-25)

63-15. SUPPLEMENTARY REGULATIONS. (See Section 63-26)

63-16. "F", FLOOD PLAIN DISTRICT.

a. Special Definitions.

1. "Flood Plain" means the area adjoining the river, stream or watercourse which has been covered by flood waters experienced in the recorded past, or may be hereafter covered by floodwaters including estimated floodwaters which would result from occurrence of the probable maximum precipitation.

2. "Floodway" means the channel of a river, stream or watercourse and those portions of the flood plains adjoining the channel which are reasonably required to carry and discharge the flood water or flood flows of any river, stream or watercourse.

3. "Experienced Flood-Crest Elevation" means the highest flood crest elevation of record at any given point on the flood plain.

4. "Probable Maximum Flood-Crest Elevation" means the computed elevation of the flood crest at any given point on the flood plain which would result from occurrence of probable maximum precipitation in the watershed of the river, stream or watercourse above said point.

5. "Probable Maximum Precipitation" means the precipitation which would result under the most critical meteorological conditions that are considered probable of occurrence on the basis of current information provided by the U.S. Weather Bureau.

b. Determination of Flood Plain Boundaries and Establishment of Flood Crest Elevations.

1. Any point shall be deemed to be within the flood plain if the elevation thereof is below the probable maximum flood-crest elevation at that point. In the absence of precise information concerning the probable maximum flood-crest elevation, the elevation of the experienced flood-crest elevation shall be used to determine the minimum extent of the flood plain on Deer Creek and Pleasant Run. In the absence of precise information concerning the experienced flood-crest elevation on the two said creeks, the delineation of the flood plain district on the zoning district map shall be used to scale and locate the physical flood plain district in Toledo.

2. A record of experienced flood-crest elevations at practical points on the flood plains within Toledo, shall be established by a Registered Engineer and maintained in the office of the Administrative Officer, and shall be placed upon suitable maps. In determining the experienced flood-crest elevations, all known local records and information and pertinent records of any other governmental body, commission or agency that are deemed reliable by a Registered Engineer shall be utilized.

3. Flood-crest elevations may be referenced to relatively permanent features at practical points, but shall be referenced to mean sea level datum (1929 adjustment) as rapidly as possible.

c. Permitted Uses. In the "F", Flood Plain District, the provisions of this Chapter shall apply and the following uses shall be permitted.

1. Public and private park and recreational areas, to include parks, playgrounds, picnic grounds, golf courses and fishing lakes and boat docks.

2. Private and public stables, provided that any buildings in which such animals are housed shall be at least five hundred (500) feet distant from any residence or any residence district.

3. Extraction of minerals provided no storage of any kind is maintained on the premises, and provided further that no machinery is located nearer to a residence, street or highway than three hundred (300) feet.

4. Principal uses which are permitted in this district shall be permitted to have one (1) single or double-faced on-site sign, no part of which shall overhang any public right-of-way and which shall not exceed twenty-four (24) square feet in area per face.

d. Restrictions on Uses. No structure, dam, obstruction, deposit or excavation shall be erected, used or maintained in District "F", Flood Plain District, without prior written approval of the Iowa Department of Natural Resources, where such approval is required by statute or state policy. No building or structure shall be erected, constructed, reconstructed, altered, moved or maintained for residential purposes.

e. Special Permit. Prior to the construction of any structure, dam, obstruction, deposit or excavation, or the use of land for the purpose as herein specified, an application for special permit therefore shall be filed with the Administrative Officer. Application shall be made on forms furnished by Administrative Officer and shall include all information reasonably required to determine the flood hazards associated with the proposed use and the effects of such use upon the capacity and efficiency of the floodway of the creek. No special permit shall be issued by the Administrative Officer prior to receipt of (1) written approval of the Department of Natural Resources, where such approval is required by statute or state policy, which shall be obtained by the applicant and filed with the Administrative Officer; and (2) written approval of the Planning and Zoning Commission regarding the advisability of the projects. Permits shall be acted upon by the Department

of Natural Resources and the Planning and Zoning Commission in a reasonable period of time.

f. Special Exceptions. (See Section 63-25)

g. Supplementary Regulations. (See Section 63-26)

63-17. "R-1", SINGLE FAMILY RESIDENCE DISTRICT.

a. Permitted Uses. In the "R-1", Single Family District, the provisions of this Chapter shall apply and the following uses shall be permitted.

1. Single family dwellings.
2. The keeping of roomers or boarders by a resident family.
3. Publicly owned and operated buildings, except those whose chief function is an activity conducted for commercial purposes, and not including such uses as storage yards, warehouses or garages.
4. Public and parochial schools of general instruction.
5. Churches and similar places of worship and instruction, including parish houses.
6. Hospitals, clinics, sanatoriums and charitable institutions for the treatment of diseases; nursing and convalescent homes; funeral homes (except correctional or penal institutions) provided no such use shall be established or permitted on a parcel of land less than one-half (1/2) acre in area nor shall its buildings occupy more than fifty (50) per cent of the lot or tract, nor shall any part or portion of such use, except parking or an unobstructive use, be permitted within thirty (30) feet of any property line.
7. Public parks, recreation areas, playgrounds and community centers, not including trailer or tent camping areas or mobile home parks.
8. Public and private forests and wildlife reservations or similar conservation projects.
9. Semi-public recreation areas and centers, including country clubs, swimming pools and golf courses; but not including such uses as camping areas, miniature golf courses or practice driving tees which are operated for commercial purposes.
10. Customary home occupations. (See definition.)
11. Accessory buildings and uses customarily incidental to any uses listed above. (See also Section 63-5.)

12. Church, school or similar bulletin boards or signs not exceeding twelve (12) square feet in area, appertaining only to the lease, hire or sale of products upon the premises or an announcement or identification sign carrying the name and address of the owner or tenant residing on the premises, provided that such boards or signs shall be removed as sale of products is completed. In no event shall more than two (2) signs of the above character be permitted upon any lot, except for the display of constructions signs during the time a job is under construction.

13. Principal uses which are permitted in this district shall be permitted to have one (1) single or double-faced on-site sign, no part of which shall overhang any public right-of-way, and which shall not exceed six (6) square feet in area per face.

b. Height Regulations. No building hereafter erected or structurally altered shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet.

c. Lot Area and Width. Each lot shall provide a minimum of ten thousand (10,000) square feet, and shall be a minimum of seventy-five (75) feet in width.

d. Yards Required.

1. Front Yard. A minimum front yard depth of thirty (30) feet shall be required.

2. Side Yards. There shall be two side yards required, one on each side of a lot, each with a minimum width of eight (8) feet.

3. Rear Yard. There shall be a rear yard required with a minimum depth of thirty (30) feet.

e. Special Exceptions. (See Section 63-25)

f. Supplementary Regulations. (See Section 63-26)

63-18. "R-2", SINGLE FAMILY AND DUPLEX RESIDENCE DISTRICT.

a. Permitted Uses. In the "R-2", Multiple Family District, the provisions of this Chapter shall apply and the following uses shall be permitted.

1. All uses permitted in the "R-1" District.

2. Two family dwellings.

3. Clubs, lodges, social and recreational centers, except those of which the chief activity is carried on for a financial profit.

4. Buildings devoted to professional offices, provided no such building shall be located within ten (10) feet of any property line.

b. Height Regulations. No building hereafter erected or structurally altered shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet.

c. Lot Area and Width. Each lot for single family dwellings shall provide a minimum of six thousand five hundred (6,500) square feet; for two family dwellings, a minimum of four thousand (4,000) square feet per family shall be provided. The minimum lot width for a single family lot shall be sixty (60) feet and for a two family lot, eighty (80) feet.

d. Yards Required.

1. Front Yard. A minimum front yard depth of twenty-five (25) feet shall be required, except that where more than fifty (50) percent of a block is developed, a front yard shall be provided which is not less than the average of the front yards of the two adjacent lots.

2. Side Yards. There shall be two side yards required, one on each side of a lot, each with a minimum width of six (6) feet or ten (10) percent of the lot width, whichever is greater.

3. Rear Yard. There shall be a rear yard required with a minimum depth of thirty (30) feet.

e. Special Exceptions. (See Section 63-25)

f. Supplementary Regulations. (See Section 63-26)

63-19. "R-3", MULTIPLE FAMILY AND DUPLEX RESIDENCE DISTRICT.

a. Permitted Uses. In the "R-3", Multiple Family District, the provisions of this Chapter shall apply and the following uses shall be permitted.

1. All uses permitted in the "R-2" District.

2. Multiple family dwellings.

b. Height Regulations. No building hereafter erected or structurally altered shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet.

c. Lot Area and Width. Each lot for single family dwellings shall provide a minimum of six thousand five hundred (6,500) square feet; for two family dwellings, a minimum of four thousand (4,000) square feet per family shall be provided. The minimum lot width for a single family lot shall be sixty (60) feet, for a two family lot and a multifamily lot, eighty (80) feet.

d. Yards Required.

1. Front Yard. A minimum front yard depth of twenty-five (25) feet shall be required, except that where more than fifty (50) percent of a block is developed, a front yard shall be provided which is not less than the average of the front yards of the two adjacent lots.

2. Side Yards. There shall be two side yards required, one on each side of a lot, each with a minimum width of ten (10) percent of the lot width.

3. Rear Yard. There shall be a rear yard required with a minimum depth of thirty (30) feet.

e. Special Exceptions. (See Section 63-25)

f. Supplementary Regulations. (See Section 63-26)

63-20. "R-P", PLANNED RESIDENCE DISTRICT.

a. Permitted uses. In the "R-P" Residence District the provisions of this Chapter shall apply and the following uses shall be permitted.

1. All uses permitted in the "R-3" District.

b. Height Regulations. Height of buildings shall be shown on a site plan to be submitted by the owner to the Planning and Zoning Commission and City Council.

c. Lot Area and Width. Lot area and width shall be shown on a site plan to be submitted by the owner to the Planning and Zoning Commission and City Council.

d. Yards Required. The front, back and side yards shall be shown on a site plan to be submitted by the owner to the Planning and Zoning Commission and City Council.

e. Special Exceptions. (See Section 63-25)

f. Supplementary Regulations. (See Section 63-26)

g. Prior Approval of Plan. No development or building of any kind can occur in an "R-P" District without first obtaining approval of the site plan from the Planning and Zoning Commission and the City Council. All development must be in conformity with the submitted plan. The site plan can be modified only upon approval of the Planning and Zoning Commission and the City Council.

63-21. "B-1", BUSINESS DISTRICT.

a. General Conditions.

1. Dwelling units are not permitted below the second floor.

b. Permitted Uses. In the "B-1", Business District, the provisions of this Chapter shall apply and the following uses shall be permitted:

1. Art and school supply stores.
2. Assembly halls and public buildings.
3. Auto parking, auto accessory stores and auto sales, provided that new and used cars and vehicles are stored and displayed only within a building or structure.
4. Bakeries, retail sales.
5. Banks.
6. Book and stationery stores.
7. Bulletin boards.
8. Bus depots and similar public transportation passenger facilities.
9. Camera and photographic supply stores.
10. Candy and ice cream stores.
11. Churches.
12. Clubs and lodges.
13. Contractors and construction offices.
14. Convenience stores.
15. Department stores.
16. Drug stores.
17. Dry cleaning and laundry-receiving stations; processing shall be done elsewhere.
18. Electrical and household appliance stores.
19. Electrical and telephone substations and offices.
20. Electrical repair shops.
21. Flower shops.

22. Food stores, grocery stores, meat markets.
23. Frozen food stores, including locker rental.
24. Fuel sales, retail only.
25. Furniture stores (including upholstery shops).
26. Garage, public; including body repair or painting, provided there is no exterior storage of damaged vehicles.
27. Garden supply and seed stores.
28. Gift shops.
29. Greenhouses, retail sales.
30. Hardware stores.
31. Hobby shops.
32. Hospitals.
33. Hotels and motels.
34. Interior decorating shops.
35. Jewelry stores.
36. Laundries--automatic self-service with laundry machines not exceeding ten pounds.
37. Libraries and public buildings.
38. Loan offices.
39. Medical and dental clinics.
40. Messenger and/or telegraph service stations.
41. Monument sales.
42. Newspaper offices.
43. Night clubs.
44. Office supply stores.

45. Pawn shop.
46. Personal service shops such as barber, beauty, tailor and dressmaking shops.
47. Pet shops.
48. Planned retail or professional office developments or shopping centers.
49. Photography studios, including development and printing as a part of the retail business.
50. Plumbing shop.
51. Post offices.
52. Printing shop.
53. Professional offices.
54. Radio and television station and studios.
55. Recreation centers within a completely enclosed structure.
56. Restaurants, cafes, tea rooms and similar establishments, except those offering in-car service.
57. Sales and service of farm implements provided all storage, sale and service functions are within a building or structure.
58. Shoe repair shops.
59. Taverns.
60. Temporary buildings for construction purposes for a period not to exceed the duration of construction.
61. Theaters, not including outdoor drive-ins.
62. Undertaking establishments, funeral homes and parlors.

c. Height Regulations. No building hereafter erected or structurally altered shall exceed three (3) stories or forty-two (42) feet.

d. Lot Area and Width. There are no minimum requirements of lot area and width in the "B-1" District.

e. Yards Required.

1. Front Yard. None required, except that where the "B-1" Business District adjoins a Residence District, a front yard shall be provided on the adjoining business lot; said front yard shall conform to that required in the adjoining Residence District.

2. Side Yards. None required, except that where the "B-1" Business District adjoins a Residence District, a side yard shall be provided on the adjoining business lot; said side yard shall conform to that required in the adjoining Residence District.

3. Rear Yard. There shall be a rear yard required, with a minimum depth of twenty (20) feet.

f. Special Exceptions. (See Section 63-25)

g. Supplementary Regulations. (See Section 63-26)

63-22. "B-2", BUSINESS DISTRICT.

a. General Conditions.

1. No dwelling units or residence uses permitted.

b. Permitted Uses. In the "B-2", Business District the provisions of this Chapter shall apply and the following uses shall be permitted:

1. Any use permitted in the "B-1", Business District, except dwelling units.

2. Indoor, outdoor and drive-in restaurants.

3. Indoor and outdoor amusements such as theaters, amusement parks, drive-in theaters, dance studios, bowling alleys, skating rinks, miniature golf courses, driving ranges and commercial recreation areas.

4. Auto laundries, provided that their operative machinery is within an enclosed structure and adequate drainage is provided.

5. Lumber yards and building or construction supply businesses.

6. Animal hospitals, veterinary clinics and kennels, but not including any open exercising runaways or pens; provided any structure or area used for such exercising or pens shall be at least three hundred (300) feet from any Residential District boundary.

7. Milk depots.

8. Automobile service stations, public garages, and storage garages.

c. Height Regulations. No building hereafter erected or structurally altered shall exceed (50) feet in height, provided that such limits may be exceeded when duly authorized by the Board of Adjustment. Structures supporting utility facilities are exempted from this section.

d. Lot Area and Width. There are no minimum requirements of lot area and width in the "B-2", Business District.

e. Yards Required.

1. Front Yard. A minimum front yard depth of twenty (20) feet shall be required.

2. Side Yards. None required, except that where the "B-2", Business District adjoins a Residence District, a side yard shall be provided on the adjoining business lot; said side yard shall conform to that required in the adjoining Residence District.

3. Rear Yard. There shall be a rear yard required with a minimum depth of twenty (20) feet.

f. Special Exceptions. (See Section 63-25)

g. Supplementary Regulations. (See Section 63-26)

63-23. "IL", LIGHT INDUSTRIAL DISTRICT.

a. General Conditions.

1. Manufacturing, fabricating, repairing, storing, cleaning, servicing and testing of materials, goods or products shall be carried on in such a manner as not to be injurious or offensive by reason of the emission or creation of noise; vibration; smoke, dust or other particulate matter; toxic or noxious materials; odors; fires or explosive hazards; or glare or heat.

2. No activities involving the storage, utilization or manufacture of materials or products which decompose by detonation shall be permitted except as authorized by a Special Exception granted by the Board of Adjustment.

3. All activities involving the manufacturing, fabricating, repairing, storing, cleaning, servicing and testing of materials, products and goods shall be within completely enclosed buildings, or may be out-of-doors if completely screened by a solid wall or uniformly painted solid fence or suitable substitute at least eight feet in height, and if there is no open storage at a greater height than that of the screening element.

4. No building, structure or parcel of land shall be used for manufacturing, fabricating, repairing, storing, cleaning, servicing of materials, products or goods

within 30 feet of any lot line adjoining a Dwelling or a Residence District; and when directly across the street from a Dwelling or a Residence District, there shall be provided for such use a front yard not less than 35 feet in depth along such street frontage.

5. No lot or parcel of land in an "IL" or "IH" District shall be used for dwelling purposes other than custodian quarters with a permitted use.

b. Permitted Uses. In the "IL", Light Industrial District, the provisions of this Chapter shall apply and the following uses shall be permitted.

1. All business uses permitted in the "B-1" and "B-2" Districts when they are an integral part of the wholesale or light industrial use which is listed hereafter; except no lot or parcel of a lot shall be used for dwelling purposes other than custodian quarters with a permitted use.
2. Armories.
3. Automobile, truck and trailer body repair.
4. Bakeries, wholesale.
5. Blacksmith shop.
6. Boat building and repair.
7. Bottling plants.
8. Building and storage yards, including lumber and building material yards, but not junk yards.
9. Cheese factory.
10. Coal yards.
11. Custodian quarters only.
12. Distribution warehouses.
13. Dry cleaning establishments.
14. Dyeing works.
15. Express and cartage depots.
16. Feed stores.
17. Food product processing, except slaughter houses.

18. Garages, public and automobile parking lots.
19. Grain elevators and warehouses.
20. Graineries.
21. Greenhouses, wholesale.
22. Ice cream manufacturing.
23. Ice manufacturing.
24. Laundries.
25. Metal finishing.
26. Milk collection depots, creameries and dairies.
27. Monument and ornamental stone works.
28. Open sales lots.
29. Outdoor amusement establishments.
30. Planned industrial developments.
31. Public utility and public service uses.
32. Railroad freight stations, passenger stations and service tracks.
33. Seed processing.
34. Storage warehouses.
35. Theaters, automobile drive-in only.
36. Tinsmithing shops.
37. Truck and motor freight terminals.
38. Used car sales or storage lots and implement sales or storage lots, including buildings or structures for such purposes.
39. Wholesale establishments, except gasoline.
40. Any other light manufacturing or commercial enterprise similar to the above listed uses.

c. Height Regulations. No building hereafter erected or structurally altered shall exceed fifty (50) feet in height, provided that such height limits may be exceeded when authorized by the Board of Adjustment. Structures supporting utility facilities are exempted from the section.

d. Lot Area and Width. There are no minimum requirements of lot area and width in the "IL" District.

e. Yards Required.

1. Front Yard. A minimum front yard depth of thirty (30) feet shall be required, except as stipulated in Chapter Section 63-23(a)(4) of this Chapter.

2. Side Yards. There shall be two side yards required, one on each side of a lot, each with a minimum width of twenty (20) feet; except as stipulated in Section 63-23(a)(4) of this Chapter.

3. Rear Yard. There shall be a rear yard required with a minimum depth of thirty (30) feet.

f. Special Exceptions. (See Section 63-25)

g. Supplementary Regulations. (See Section 63-26)

63-24. "IH", HEAVY INDUSTRIAL DISTRICT.

a. General Conditions. The general conditions of Section 63-23. "IL", Light Industrial District, shall apply to the "IH", Heavy Industrial District.

b. Permitted Uses. In the "IH", Heavy Industrial District, the provisions of this chapter shall apply and the following uses shall be permitted:

1. Automobile, tractor, truck, trailer, motorcycle and other motor vehicles, manufacture and assembly, including parts.

2. Equipment, miscellaneous, such as farm implements and machines, and construction machines and equipment such as power shovels, graders, excavators, manufacture assembly, including parts.

3. Extraction of and fixed plants for processing lumber, stone, gravel, clay or other raw materials for commercial purposes.

4. Grain elevators and appropriate storage elevators and bins.

5. Any heavy industrial or manufacturing use, provided that any use that would be objectionable by reason of dust, smoke, gas, noise, fumes, odor, vibration, soot, fire or explosion shall require approval as a special exception as provided in Section 63-25 of this Ordinance.

c. Height Regulations. No building hereafter erected or structurally altered shall exceed fifty (50) feet in height, provided that such limits may be exceeded when duly authorized by the Board of Adjustment. Structures supporting utility facilities are exempted from this section.

d. Lot Area and Width. There are no minimum requirements of lot area and width in the "IH" District.

e. Yards Required.

1. Front Yard. A minimum front yard depth of thirty (30) feet shall be required, except as stipulated in Section 63-23(a)(4) of this Chapter.

2. Side Yards. There shall be two side yards required one on each side of a lot, each with a minimum of twenty (20) feet; except as stipulated in Section 63-23(a)(4) of this Chapter.

3. Rear Yard. There shall be a rear yard required with a minimum depth of thirty (30) feet.

f. Special Exceptions. (See Section 63-25)

g. Supplementary Regulations. (See Section 63-26)

63-25. SPECIAL EXCEPTIONS OF USE, HEIGHT AND AREA REGULATIONS.

a. Decision by Board of Adjustment.

1. The Board of Adjustment shall hear and decide all cases where an application has been filed with the Administrative Officer for any of the special exceptions provided for in this Chapter.

2. The Board of Adjustment may authorize the Administrative Officer to issue a special permit for any of the hereafter enumerated special exceptions after having given a public hearing on said special exception, and subject to such protective restrictions as necessary to protect adjoining property. A special permit authorizing a special exception within the "F" Flood Plain District shall not be issued prior to receipt of written approval of the Iowa Department of Natural Resources therefore, where such approval is required by statute or State policy.

b. Uses Permitted by Special Exception. The following uses may be permitted by special exception within the various individual districts as specified and in accordance with Section 63-25(a):

1. Municipal, County, State or Federal Government buildings--all districts.

2. Radio towers and radio broadcasting stations--all districts.

3. Television towers and television studios--all districts.
4. Public utility substations, either publicly or privately owned. Communication stations; pipelines for the transmission of any substance; the type or location of any poles, towers, wires, cables, conduits or any similar distributing equipment of a telephone, telegraph, light, power, gas, pipeline, trucking or railroad company; except that no permit shall be issued unless any and all equipment used or located thereon shall be housed in a building comparable in appearance and size to the surrounding buildings and houses or the use for which the area is zoned--all districts.
5. Correctional and penal institutions provided that such buildings may occupy not more than fifty (50) per cent of the total area of the lot or tract and will not have any serious depreciating effect upon the value of the surrounding property, and provided further that the building shall be set back from side and rear yard lines heretofore established an additional distance of not less than one (1) foot for each two (2) feet of additional building height--District A.
6. Commercial amusement or recreational developments for temporary, seasonal or permanent use, such as carnivals, circuses, expositions and fairgrounds, Districts A, F and B-1.
7. Temporary sawmills, batch plants, etc. for processing timber, gravel, sand, rock, cement, concrete, asphaltic concrete and other like materials for commercial purposes--Districts A, F, and IH.
8. Airports and private landing fields and hangers--Districts A, IL and IH.
9. Sanitary Land Fills for the proper dumping of trash or garbage, provided that such use shall not be located nearer than one thousand (1,000) feet to any zoned residential district or dwelling other than lessee or owner of the site, including municipally operated or leased sanitary land fills--District A and IH, and only if the proposed Landfill has been previously approved by the Department of Natural Resources.
10. Go-Kart tracks, provided that all portions of the "track" itself shall be set back from all property lines a minimum of two hundred fifty (250) feet and further provided that all property lines of said use shall be a minimum of six hundred (600) feet distant from any adjacent Residential District or any existing adjacent residential structure or use other than dwellings owned by the applicant for track--District A.
11. Cow pools, commercial breeding and feeding businesses, and the like, provided the following minimum requirements are met:
 - a. The housing, feed areas and exercise grounds of such operations shall be a minimum of five hundred (500) feet distant from all property lines.

- b. Any storage of animal wastes shall be a minimum of seven hundred fifty (750) feet distant from all property lines.
- c. The drainage from all animal wastes shall be restricted to and contained on the operator's property--District A.

12. Mobile Home Parks, provided all requirements of Chapter 68 are met--Districts A, R-2, R-3 and R-P.

The following uses are permitted by Special Exceptions in only the IH, HEAVY INDUSTRIAL DISTRICT:

13. Any heavy industrial or manufacturing use that would be objectionable by reason of emitting dust, smoke, gas, noise, fumes, odor, vibration, soot, fire or explosion; see Section 63-25(a). Included in such use classification are the following:

- 14. Acid manufacture or wholesale storage of acids.
- 15. Cement, lime, gypsum or plaster of paris manufacture.
- 16. Fat rendering.
- 17. Junk yards of vehicular wrecking yards; scrap iron, scrap paper or rag storage, sorting or baling; provided they are conducted within a building or where entirely enclosed within the screened confines of a light painted fence, masonry wall or suitable substitute not less than eight (8) feet in height; and where there is no open storage at a greater height than that of the screening fence or masonry wall.
- 18. Manufacture of glue, fertilizer or gas.
- 19. Meat packing or processing plant.
- 20. Reduction or dumping of dead animals, garbage or offal, including distillation of bones.
- 21. Smelting or reduction of ores or metallurgical products.
- 22. Slaughter houses and their stockyards.
- 23. Tanneries.
- 24. Refining of or wholesale storage of gasoline, fuel oils and other petroleum products and manufacture or storage of other explosives.
- 25. Recycling facilities.

26. Commercial Composting Facilities.

c. Height and Area Exceptions. The following height and area exceptions may be permitted within the various districts in accordance with Section 63-25(a) of this Chapter.

1. Public, semi-public or public service buildings, hospitals, institutions or schools, when permitted in a district, may be erected to a height not exceeding seventy-five (75) feet, provided that the building is set back from side and rear yard lines heretofore established an additional foot for each two (2) feet of building height above the height limit otherwise imposed in the district in which the building is located.

2. Single family and two family dwellings may be increased in height by not more than ten (10) feet, provided side and rear yards are increased over the yard requirements of the district in which they are located by an additional foot for each two (2) feet of building height above the height limit otherwise imposed in the district in which the building is located; but they shall not exceed three (3) stories in height.

3. Chimneys, cooling towers, elevators, bulkheads, fire towers, monuments, stacks, stage towers, scenery lofts, tanks, water towers, ornamental towers and spires, churches steeples, radio and television towers or necessary mechanical apparatus, ventilators and skylights may be erected to any safe height not in conflict with existing or hereafter adopted regulations of the City.

4. Buildings that are to be used for storage purposes only may exceed the maximum number of stories permitted in the district in which they are located, but such buildings shall not exceed the number of feet of building height permitted in such districts.

63-26. SUPPLEMENTARY REGULATIONS.

a. Annexation. Any parcel of land annexed into the City of Toledo shall hereafter become subject to the provisions of the "A", Agricultural District until otherwise zoned in accordance with the stipulated amending procedure.

b. Designed Commercial Center. In the case of a designed commercial center, upon examination of the plan by the Planning and Zoning Commission, if such plan meets all other requirements, the side yard requirements for each individual building may be waived. In no case, however, shall any portion of such a combined structure be located nearer than fifteen (15) feet to any side lot line of the tract on which a building is erected.

c. Automobile Service Stations. In any district where permitted, a filling station shall be subject to the following regulations:

1. The area for use by motor vehicles, except access drives thereto, as well as any structures shall not encroach on any required yard area.

2. No fuel delivery pump shall be located within twenty (20) feet from any side lot line nor within thirty-five (35) feet of any street line, and no fuel pump shall be located within fifty (50) feet of the side or rear lot line which lies next to a residence.

3. All major repair work shall be done within a completely enclosed building.

4. All automobile parts, dismantled vehicles and merchandise shall be stored within the confines of the building during the hours when the business is not operating.

d. Motel Development Standards. Motels developed in the "B-2", Business District shall be developed in accordance with the following standards:

1. Minimum Lot Area. The minimum lot area shall be one (1) acre and the access and egress shall be located not closer than ten (10) feet to the side lot lines. The setback of any structure shall be fifty (50) feet from the front lot line on the street on which the property fronts.

2. Yard Requirements. A minimum of twenty-five (25) feet shall be provided for both side yards and a thirty (30) foot rear yard shall be provided.

3. Lot Area Per Unit. A minimum of one thousand (1,000) square feet shall be required for each bedroom unit.

4. Parking and Sign Regulations. See Section 63-26(e), (f) and (g) respectively.

e. Parking (Off-Street). All parking spaces required hereafter by this Chapter shall be on the same tract as the building and shall be hard surfaced with proper drainage being provided, except that upon approval of the Board of Adjustment, the parking spaces may be provided on another tract within five hundred (500) feet of said building. Each parking space shall be at least nine (9) feet by twenty (20) feet and shall have proper access to the approaching drive.

Off-street parking spaces, as the Administrative Officer deems adequate, shall be provided and satisfactorily maintained by the owner of the property; for each building and functioning use in all districts, except the "B-1", Business District which after the date of enactment of this Ordinance is erected, enlarged, altered or newly established in use for any of the following or similar purposes. Spaces shall be provided in numbers not less than hereinafter set out:

1. Dwelling, one (1) parking space for each dwelling or family unit.

2. Church, school, auditorium, theater, stadium or similar places of public assemblages, one (1) parking space for each five (5) seats of its capacity in said place of assemblage.

3. Hotel, motel, boarding house, mobile home park, one (1) parking space for each guest sleeping room or for each provided site.
 4. Restaurant, or other eating or drinking establishment, one (1) parking space for each three (3) singular seats.
 5. Hospitals, clinics, sanitariums, welfare institutions, nursing homes or similar establishments, one (1) parking space for each eight hundred (800) square feet of floor area in said building.
 6. Commercial, business and industrial buildings, one (1) parking space for each two hundred (200) square feet of floor area.
 7. Office buildings and professional buildings, one (1) parking space for each four hundred (400) square feet of floor space in the building or one (1) parking space for each office in such building, whichever provides the greater total number of parking spaces.
- f. Loading (Off-Street). Off-street loading and unloading space with proper access from a street, road or alley and with at least fourteen (14) feet of vertical clearance shall be provided, either within or outside the building so as to adequately serve the use on the lot. All off-street loading and unloading spaces shall be all-weather surfaced with proper drainage being provided in order to avail safe and convenient access and use during all seasons.

g. Signs.

1. Business Signs:

- a. In districts "B-1" and "B-2", Signs, any part of which project out from the building from four (4) to eighteen (18) inches shall be erected so that no portion of the sign is less than ten (10) feet above grade.
- b. Signs which project more than eighteen (18) inches from the building must be least twelve (12) feet above grade and may extend a maximum of eight (8) feet provided that they do not extend further than a point two (2) feet in back of the curb face.
- c. Moving, flashing or illuminated signs or colored lights that may be confused with traffic lights and therefore be potentially hazardous are not permitted.
- d. Real estate signs which are not more than six (6) square feet in area and are located a distance of at least one-half the depth of the required front yard behind the front lot line may advertise the sale, rental or lease of only the premises on which such signs are maintained. Not more than two (2) such signs shall be permitted per hundred (100) feet of lot frontage.

e. Freestanding signs (not overhanging the street or alley right of way) are allowed up to a maximum size of ten square feet.

2. Industrial Signs:

a. In Districts "IL" and "IH", industrial signs, billboards or advertising structures shall be permitted subject to the following conditions:

b. No sign may extend over the public right-of-way more than six (6) feet or closer than five (5) feet to the curb face unless the bottom point of such sign is at least fourteen (14) feet above the top of the curb. In no case shall any projecting sign extend beyond the face of the curb.

c. If the sign is illuminated, it shall not be of the flashing beacon type, and if such illuminated sign faces a residential zone district or a residential use in any zone district, it shall be located at least one hundred (100) feet therefrom measured perpendicular to the face of the sign.

h. Fences.

1. Fences or walls not exceeding thirty (30) inches in height may be erected on any part of a lot in any "R" Residential Zone District except as further regulated on corner lot, between the front lot line and the front building line for structures, and on any other part of the lot may be erected to a height not exceeding six (6) feet. The height of such walls or fences shall be determined by measurement from the ground level at the lowest grade level within three (3) feet of either side of such fences or walls. Any fence or wall more than six (6) feet in height shall be considered a structure. If a "R" Residential lot faces into a "B" Business or an "I" Industrial Zone District, the height of the fence or wall in front of the building line for structures may be four (4) feet high.

63-27. ADMINISTRATION.

a. Enforcement. The City Council shall appoint an Administrative Officer and necessary assistants, and it shall be the duty of said Officer to enforce this Chapter. It shall also be his duty to examine all applications for certificates and permits, issue certificates and permits for construction and the establishment of uses which are in accordance with the requirements of this Chapter, record and file all applications for certificates and permits with accompanying plans and documents, and make such reports as the City Council or the Board of Adjustment may require. Certificates and permits for construction and uses which are a special exception or variance to requirements of this Chapter shall be issued only upon order by the Board of Adjustment. Such Administrative Officer may be a person holding other public office in the City or in another city or other governmental subdivision within the local area. The City Council is authorized to pay such Officer and necessary assistants out of the general fund such compensation as it shall deem fit.

63-28. ZONING CERTIFICATES.

a. Zoning Certificate Required. A Zoning Certificate shall be obtained from the Administrative Officer before starting or proceeding with the erection, construction, moving in or the structural alteration of a building or structure.

b. Billboards. All billboards shall hereafter require certificates before erection and shall therefore be registered with the Administrative Officer. Only one permit shall be required for a double face or V-type advertising device; however, the sum of the areas shall be used in determining the fee. Certificates in good standing shall not be assignable from one party or company erecting and responsible for a billboard to another; however, the advertising face may be changed without affect to a certificate in good standing. The party or company erecting and responsible for each billboard shall be responsible for its proper maintenance an shall be subject to assessment of the costs incurred for removal of unmaintained billboards. The Administrative Officer is hereby granted the power to effect the removal of said unmaintained billboards after proper notice has been given to responsible parties and after their failure to act within sixty (60) days of that notice. Removal of billboards shall cause revokement of that related certificate.

c. Procedure for Certificates. To secure a Zoning Certificate the applicant shall file with the Administrative Officer a written application on forms approved by the Board of Adjustment and shall state the legal description of the property as of public record and the names of the owner and applicant. The applicant shall describe the uses to be established or expanded, the proposed cost of the erection, construction or structural alteration of the building or structure, and any other information the Administrative Officer deems essential for the enforcement of this Ordinance. Each application shall be accompanied by a dimensioned drawing in duplicate of the lot showing the location of buildings, dimensions of the lot, and size of yards. All dimensions shown on these plans, relating to the location and size of the lot to be built upon, shall be based on actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started. Where public sanitary sewers are not available, the application shall include the approval of the Iowa State Department of Health as to plans and specifications of proposed private sanitary sewerage disposal system when said facilities are of a magnitude as to be subject to the State Department of Health requirements.

d. Fees. A fee for the insurance of said Certificates shall be paid to the Administrative Officer at the time of application. Fees shall be determined by the use of the following schedule:

ZONING CERTIFICATES: (Determined by Value.)

<u>Value of Structure, Building or Addition</u>	<u>Fee</u>
Minimum Fee -----	\$10.00 minimum
For each \$1,000.00 or fraction thereof, up to and including \$100,000.00 -----	\$1.00 per \$1,000.00

For all over \$100,000.00 ----- \$200.00

Certificate for any billboard or sign:

If advertising area does not
exceed fifty (50) square feet ----- \$25.00

If advertising area exceeds
fifty (50) square feet ----- \$50.00

1. Payment of Fees. Fee shall be paid to the City of Toledo at the office of the Administrative Officer.

2. Construction Notice. The applicant or his agent shall give the Administrative Officer forty-eight (48) hours notice of beginning date of construction and the Administrative Officer, or his duly authorized representative shall have access to such premises from that time on, during construction, for any inspection he deems necessary.

e. Issuance of Certificates. The Administrative Officer shall issue, within seven (7) days of the completed application, a written Zoning Certificate or denial thereof with reasons in writing. Except where an extension of time has been obtained in writing from the Administrative Officer, certificates hereafter issued shall expire within ninety (90) days if a substantial beginning has not been established within one (1) year. Nothing herein contained shall require any change in plans or construction of a lawful use, the construction of which is started before the effective date of this Ordinance, and which is completed within one (1) year of the effective date of this Ordinance.

f. Records. All applications for certificates, permits and copies of those issued shall be systematically kept for ready public reference by the Administrative Officer, who shall also account to the City of Toledo for all fees collected.

63-29. BOARD OF ADJUSTMENT.

a. Creation and Membership. A Board of Adjustment, to be hereinafter referred to as the Board, is hereby established. The Board shall consist of five (5) members appointed by the City Council. The five members of the first Board appointed shall serve terms of one (1), two (2), three (3), four (4), and five (5) years, respectively. Thereafter, terms shall be for five (5) years and vacancies shall be filled for the unexpired time of any member whose term becomes vacant. One member of the Toledo Planning and Zoning Commission shall be appointed as an ex-official member who shall have no vote in Board decisions. The City Council shall have power to remove any member of the Board for cause upon written charges and after public hearing.

b. Chairman, Meetings, and Records. The Board shall adopt its own rules of procedure, not in conflict with this Chapter or the Code of Iowa, to enable it to perform its functions and duties. The Board shall elect its own Chairman who shall serve for one (1) year. Such Chairman, or in his absence the acting Chairman, may administer oaths and compel

the attendance of witnesses. All meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine and at such time and place within the City as the Board may determine. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be of public record.

c. Appeals. Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the Administrative Officer. Such appeal shall be taken within a reasonable time of that grievance by filing with the Administrative Officer from whom the appeal is taken, and with the Board of Adjustment, a notice of appeal specifying the grounds thereof. The Administrative Officer shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrative Officer certifies to the Board of Adjustment after the notice of appeal, shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise 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 Officer from whom the appeal is taken and on due cause shown.

d. Powers of Board. The Board of Adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this Chapter or of any ordinance adopted pursuant thereto.

2. To hear and decide the following special exceptions to the terms of this Chapter:

- a. Those special exceptions of Use, Height and Area Regulations which are enumerated in Section 63-25 of this Chapter.

- b. Yard variances for Lots of Record and conversion for dwellings as enumerated in Sections 63-4(a) and 63-5(d) of this Chapter.

- c. Exceeding of height limitations in the "IL" and "IH" Districts as enumerated in Section 63-23(c), and Section 63-24(c) of this Chapter.

- d. Off-site parking provisions as enumerated in Section 64-26(d), (e) and (f) of this Chapter.

3. To 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 special conditions a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed

and substantial justice done. The Board shall be satisfied, by the evidence heard before it, that the granting of such variance will alleviate a hardship approaching confiscation as distinguished from special privilege sought by the owner.

e. Decision. In exercising the above mentioned powers, such Board may in conformity with the provisions of this Chapter reverse or affirm wholly, or partly or may modify the order, requirement, decision or determination, appealed from and may make such order, requirement, decision or determination as ought to be made. Such order or requirement may include imposing conditions on the variance or special exception requested. Any condition so imposed must be specific in nature and must be complied with within the time period specified by the Board. The Board shall determine if the conditions imposed have been satisfactorily met. Each day any condition imposed is not met shall be a separate violation of this Chapter.

f. Relief From Decision. Any person or person jointly or severally aggrieved by any decisions of the Board under the provisions of this Chapter; or any taxpayer, or any officer, department, board or bureau of the City may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the board, and in accordance with the provisions of the Code of Iowa.

g. Fee. Any appeal to the Board of Adjustment shall be accompanied by payment of a fee of \$50.00 payable to the City Clerk prior to any consideration of the appeal.

63-30. CHANGES AND AMENDMENTS.

a. The regulations, restrictions and boundaries established by this Chapter may from time to time be amended, supplemented, changed, modified or repealed by the City Council or by petition for change by any person or corporation who owns some or all of the subject land to be affected by the petition of change. But no such amendments shall be made by the City Council without first having received a report on such amendment from the Planning and Zoning Commission and without first having given official notice of and having held a public hearing on such amendment as provided by the Code of Iowa. In case of a protest against such change signed by the owners of twenty (20) percent or more, either of the area included in such proposed change or of the area immediately adjacent in the rear thereof extending the depth of one lot or not to exceed two hundred (200) feet therefrom, or of those directly opposite thereto extending the depth of one lot or not to exceed two hundred (200) feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of at least three-fourths of all the members of the council.

b. Fees. Each petition for amendment, except those initiated by the Planning and Zoning Commission or the City Council shall be accompanied by a check payable to the City of Toledo, or a cash payment sufficient in the amount to cover administrative and publishing costs but in no event shall it be less than one hundred (100) dollars.

63-31. CONFLICT AND VALIDITY.

a. Conflict. Wherever the requirements of this Chapter are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive or that imposing the higher standard shall govern.

b. Validity. Should any section, sentence, clause or provision of this Chapter be declared by a court to be invalid, the same shall not affect the validity of this Chapter as a whole or the remaining portions of this Chapter.

63-32. VIOLATION AND PENALTY.

a. Violation. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this Chapter, the City Council, in addition to other remedies, may institute any proper action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use to restrain, correct, or abate such violation to prevent the occupancy of said building, structure, or land or to prevent any illegal act, conduct business or use in or about such premises.

b. Penalty. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Chapter shall, upon conviction, be fined not more than one hundred dollars (\$100.00) or imprisoned for not more than thirty (30) days for each offense, and each day that a violation is permitted to exist shall constitute a separate offense.

MOBILE HOMES AND MOBILE HOME PARKS

68-1. PURPOSE. The purpose of this chapter is to provide for municipal regulation of mobile homes and mobile home parks in furtherance of the public health, safety, morals, and welfare to the mutual advantage of mobile home occupants and the community at large.

68-2. DEFINITIONS. For use in this chapter the following terms are defined:

a. "Mobile Home" or "House Trailer": shall mean any vehicle 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, constructed or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. This definition shall not include any dwelling 24 or more feet wide and that is placed on a permanent perimeter supporting foundation.

b. "Mobile Home Park" or "Trailer Camp": shall mean any site, lot, field or tract of land upon which two (2) or more occupied mobile homes are harbored, either free of charge or for revenue purposes, and shall include 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 any individual, educational institution or company on their own premises and used exclusively to house their own labor or students.

c. "Independent Mobile Home": shall mean a mobile home that has toilet facilities and bath or shower.

d. "Permanent Occupancy": shall mean the use of a mobile home as a permanent dwelling place or for habitation of any kind for an indefinite period of time.

68-3. LOCATION OF MOBILE HOMES. It shall be unlawful for any person, firm or corporation to park or place any mobile home on the streets, alleys or highways, any public place, or on any private land within this city, except as is provided by state law and this chapter. This section shall not apply to:

a. Mobile Home Parks. Mobile homes parked or placed within duly licensed mobile home parks.

b. Dealer's Stock. Mobile homes parked upon private property as part of a dealer's or a manufacturer's stock not used as a place for human habitation.

c. Existing Mobile Homes. Mobile homes located outside of mobile home parks as of July 24, 1972.

68-4. PERMANENT OCCUPANCY. Mobile homes shall not be used as a permanent dwelling place or for indefinite periods of time, except in accord with this Chapter.

68-5. CONSTRUCTION. Homes constructed as mobile homes may not be placed on permanent foundations in the city and shall not be hereafter connected to city water or sewer systems, except when located in a mobile home park. The removal of wheels or other supports from a mobile home, with a request to the city to place it on a concrete foundation, connect it to the public utilities and have same taxed as real estate shall in no way relieve said structure from the provisions of this chapter.

68-6. SPECIAL PERMITS. The council, upon application of a mobile home owner, may issue special permits for the location of mobile homes outside mobile home parks. The council shall issue such special permits only when it appears that location within local mobile home parks is impracticable and public health, safety and welfare interests will not be seriously affected by granting the permit. Special permits shall not be granted for periods in excess of three (3) months, except that an additional ninety (90) day extension of a temporary permit may be granted upon showing of proof that a housing shortage exists in the city. Not more than one mobile home shall be permitted to be located on the same premises outside of mobile home parks.

68-7. APPLICATION FOR SPECIAL PERMIT. Application for a special permit shall be accompanied by an inspection fee of fifty (50) dollars. The application shall contain:

- a. Description of Mobile Home. A description of the applicant's mobile home.
- b. Property Description. A property description of the place where the mobile home will be located.
- c. Property Owner. The name of the owner of the premises upon which the mobile home will be located together with the written approval from the owner of the premises where the mobile home will be located.
- d. Sanitation Facilities. Information on sanitation facilities of the mobile home and those available at the place of location.
- e. Mobile Home Park. A statement concerning the practicability of location within a local mobile park.
- f. Duration of Permit. A statement of the desired duration of the special permit.

68-8. SANITATION STANDARDS. The city shall cause mobile homes located outside of mobile home parks to be inspected, and these mobile homes shall meet the sanitation standards set up for independent mobile homes within mobile home parks.

68-9. EMERGENCY AND TEMPORARY PARKING. Emergency or temporary parking of mobile homes upon the streets, alleys or highways or any other public or private place for a period not in excess of twenty (20) hours shall not constitute a violation of Section 68-3, but such parking shall be subject to any prohibitions or regulations contained in other ordinances of this city.

68-10. MOBILE HOME PARK LICENSE. No person, firm or corporation shall establish, maintain, conduct or operate a mobile home park within this city without first obtaining an annual

license therefor from the state department of health. No person, firm or corporation shall construct, expand, remodel or make alterations to the sanitary facilities in a mobile home park within this city without first obtaining a permit therefor from the state department of health.

