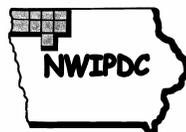




# ZONING ORDINANCE



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



# ZONING ORDINANCE

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# ARTICLE OF ADOPTION

ORDINANCE No. 4-09

## REPLACES THE 2001 LAKE PARK ZONING ORDINANCE AND AMENDMENTS THERETO

### ZONING ORDINANCE OF THE CITY OF LAKE PARK, IOWA

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

#### **"THE ZONING ORDINANCE OF THE CITY OF LAKE PARK, IOWA"**

WHEREAS, the City Council of the City of Lake Park, Iowa, deems it necessary to prevent and to lessen congestion in the streets and highways; to secure safety from fire, flood, panic and other dangers, to protect the public health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid concentration of population; to facilitate the adequate provision of transportation, water, sewer, schools, parks and other public requirements; to conserve the value of buildings, and encourage the most appropriate use of land throughout the city; all in accordance with the comprehensive plan.

**NOW THEREFOR, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAKE PARK, IOWA:**

# ARTICLE I

## Basic Provisions

### Article 1: Basic Provisions

- Section 1.1. Short Title
- Section 1.2. Jurisdiction
- Section 1.3. Repeal and Saving Clause
- Section 1.4. Validity and Severability Clause
- Section 1.5. Conflict with Other Laws

#### **Section 1.1. SHORT TITLE.**

This ordinance shall be known and may be cited and referenced as the “Lake Park Zoning Ordinance,” to the same effect as if the full title were stated.

#### **Section 1.2. JURISDICTION.**

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

#### **Section 1.3. REPEAL AND SAVINGS CLAUSE.**

Effective on the effective date of this ordinance, the 2001 Lake Park Zoning Ordinance and amendments thereto are hereby repealed. The repeal of said ordinance shall not have the effect to release or relinquish any penalty, forfeiture or liability incurred under said ordinance or any part thereof, and such ordinance and all parts thereof shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture or liability.

#### **Section 1.4. VALIDITY AND SEVERABILITY CLAUSE.**

If any court of competent jurisdiction shall declare any part of this ordinance to be invalid, such ruling shall not affect any other provisions of this ordinance not specifically included in said ruling.

If any court of competent jurisdiction shall declare invalid the application of any provision of this ordinance to a particular land, parcel, lot, district, use, building or structure, such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building or structure not specifically included in said ruling.

#### **Section 1.5. CONFLICT WITH OTHER LAWS.**

Where any condition imposed by any provision of this ordinance upon the use of any lot, building or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this ordinance or by the provision of an ordinance adopted under any other law, or by provision of any statute, the provision which is more restrictive or which imposes a higher standard or requirement shall apply.

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

## ARTICLE II Definitions/Use Classifications

### Article 2: Definitions/Use Classifications

Section 2.1. Definitions

Section 2.2. Use Classifications

#### **Section 2.1. DEFINITIONS:**

For the purpose of interpreting this ordinance certain words, terms and expressions are herein defined.

- Words used in the present tense include the future;
  - Singular number includes the plural and the plural includes the singular;
  - The word “may” is discretionary and the word “shall” is always mandatory;
  - The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual;
  - The words “used” or “occupied” include the words intended, designed or arranged to be used or occupied;
  - The word “includes” means including but is not limited to.
1. **ACCESSORY USE (OR STRUCTURE):** A structure or use which:
    - a. is subordinate to and serves a principal building or use;
    - b. is subordinate in area, extent, or purpose to the principal building or use served;
    - c. contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use; and
    - d. is located on the same zoning lot as the principal building or use.
  2. **ADDITION:** Any construction which increases the site coverage, height, length, width, or gross floor area of a structure.
  3. **ALLEY:** A public or private thoroughfare not more than twenty feet (20') in width, for the use of vehicles, which affords only a secondary means of access to abutting properties.
  4. **ALTERATION:** Any change in the supporting members of a building, such as bearing walls, partitions, columns, beams or girders. The enlargement of the size or height of a building shall be construed to be a structural alteration.
  5. **APARTMENT:** A room or set of rooms occupied as a dwelling unit for compensation.
  6. **ATTACHED:** Having one or more walls in common with a principal building, or joined to a principal building by a covered porch or passageway, the roof of which is a part or extension of a principal building.
  7. **ATTIC:** A space under a roof, the finished floor of which is or would be at or entirely above the level of the wall plates of at least two (2) exterior walls.
  8. **BASEMENT:** That portion of a building that is either partly or completely below grade. (*Building Officials and Code Administrators (BOCA) Basic/National Building Code*) Basements which are finished living space or utilized for bedroom space shall be counted for purposes of density and parking requirements for the overall property.

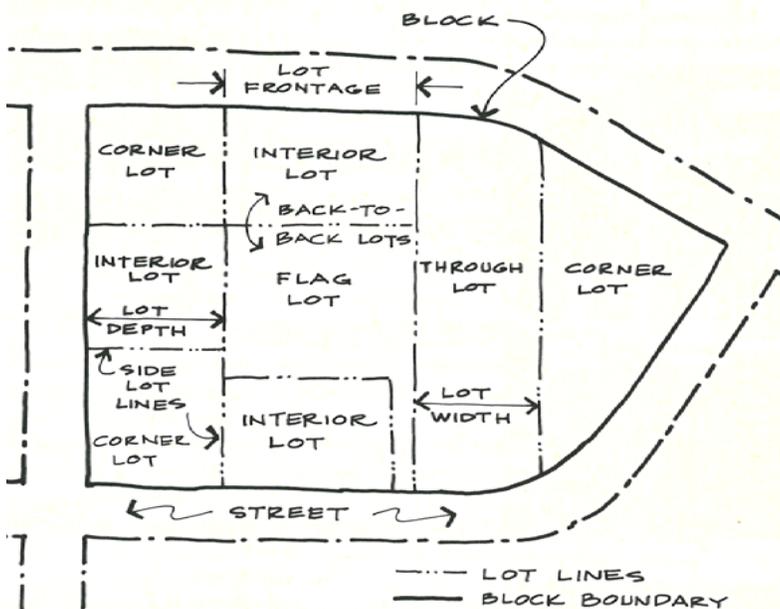
9. **BILLBOARD:** A billboard, includes all structures, regardless of the material used in construction, that are erected, maintained or used for public display of posters, painted signs, or wall signs, whether the structure be placed on the wall or freestanding. Billboards include pictures or other pictorial reading material which advertises a business or attraction which is not carried on, manufactured, grown, or sold on the premises where the said signs or billboards are located.
10. **BLOCK:** That property abutting on one side of a street, and lying within the two nearest intercepting or intersecting streets or lying within the nearest intercepting or intersecting streets and unsubdivided acreage or railroad right-of-way.
11. **BUILDABLE AREA:** That portion of a lot or parcel remaining for allowable buildings after required yard setbacks have been provided.
12. **BUILDING:** A structure enclosed by a roof and supported by columns or walls and used or intended for shelter, support, or enclosure of persons, animals or property of any kind. When separated by division walls from the ground up without openings, each portion of such structure shall be deemed a separate building.
13. **BUILDING, ACCESSORY:** A building which is subordinate in area, extent, or purpose to the principal building on the same lot, not attached thereto and used for purposes customarily incidental to those of the principal building. Private detached garages are considered accessory buildings.
14. **BUILDING, HEIGHT OF:** The vertical distance measured in a straight line from the average natural grade at the building line to the highest point of the roof. Where a building is situated on land with more than one grade or level, the measurements shall be taken from the main entrance elevation.
15. **BUILDING, PRINCIPAL:** A building in which the primary use of the lot or parcel is conducted.
16. **BUILDING LINE:** The setback distance from the front property line, rear lot line, and side lot lines as provided in this ordinance.
17. **BUILDING WALL:** The wall of a building forming a part of the principal structure. The foundation walls of enclosed porches or piazzas, steps, walks and retaining wall or similar structures, shall not be considered as building walls under the provisions of this ordinance.
18. **BUSINESS (OR COMMERCIAL):** The engaging in the purchase, sale, or exchange of goods or services, or the operation for the profit of offices or recreational amusement enterprises.
19. **CARPORT:** Space for the housing or storage of vehicles and enclosed on not more than 2 sides by walls. Carports may either be detached (free standing) or attached to and considered a part of the principal building.
20. **CITY:** The City of Lake Park, Iowa
21. **COMMISSION (OR PLANNING COMMISSION):** The Lake Park Planning and Zoning Commission.

22. **CONDOMINIUM:** A building, or group of buildings, in which the dwelling units, offices, or floor area are owned independently, and whereas the structure, common areas, and facilities are owned by all of the owners on a proportional, undivided basis.
23. **COTTAGE:** A small single unit structure used for occupancy while the occupant is vacationing.
24. **COUNCIL:** The Lake Park City Council.
25. **COURT:** An open space fully enclosed on at least three (3) adjacent sides by walls of a building. An outer court is any court facing for its full width on a street, or on any other required open space not a court.
26. **CRAWL SPACE:** That portion of a building that is either partly or completely below grade and is not more than five feet (5') in height. Crawl spaces are typically used to permit access to pipes, ducts, wiring, and fixtures but too small for an individual to stand.
27. **CRITICAL AREA:** A critical area is a natural feature in need of preservation from encroaching land uses. Such areas may include sensitive or prime agricultural soils as defined by the Natural Resource Conservation Service, areas of excessive slope, natural marshes, woodlands, and floodplains.
28. **CURB LEVEL:** The established curb grade adjacent to a lot.
29. **DECK:** An unenclosed, non-roofed structure adjoined to a building. Decks higher than twelve (12) inches above the average grade of the ground shall be subject to required setbacks.
30. **DETACHED:** Fully separated from any other structure or building, or joined to another building by structural members not constituting an enclosed or covered space.
31. **DISTRICT:** A part, zone, or geographic area within the city within which certain zoning or development regulations apply.
32. **DRIVEWAY:** A permanently surfaced area providing vehicular access between a street and an off-street parking or loading area.
33. **DWELLING:** Any building, or portion thereof which is designed, used or intended to be occupied for residential purposes, either permanently or transiently, but not including a tent, cabin, trailer, or mobile home not converted to real estate.
34. **DWELLING, EXISTING RELOCATED RESIDENTIAL:** A residence which presently exists and is proposed to be relocated to a parcel or lot within the City of Lake Park.
35. **DWELLING, MULTIPLE FAMILY:** Any house or dwelling designed for, used or intended to be occupied as the residence of three (3) or more families living independently of each other, with separate entrances, housekeeping and cooking facilities for each dwelling unit.
36. **DWELLING, SINGLE FAMILY:** A detached building that is arranged, designed for or intended to be occupied as the primary residence of a single family and having no party wall in common with an adjacent building. A single family dwelling is surrounded by open space or yards.

37. DWELLING, TWO FAMILY: A building that is arranged, designed for or intended to be occupied as the residences of two (2) families living independently of each other with separate entrances, housekeeping and cooking facilities for each.
38. EASEMENT: A grant of one or more of the property rights by a property owner to and/or for use by the public, a corporation, or another person or entity.
39. ENCROACHMENT: Any obstruction or illegal/unauthorized intrusion in a delineated floodway, right-of-way, or on adjacent land.
40. ENGINEER, CITY: A duly qualified individual or firm designated by the city council.
41. ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by developers, public utilities or governmental agencies of underground or overhead gas, telecommunications, electrical, wastewater or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection with and necessary for the furnishing of adequate service by such public utilities, governmental agencies, and/or for the public health, safety or general welfare, but not including buildings.
42. FAÇADE: The exterior walls of a building exposed to public view or that wall viewed by persons not within the building.
43. FAMILY: A person living alone, or two or more persons related to the second degree of collateral consanguinity by blood, marriage, adoption, guardianship, or otherwise duly authorized custodial relationship as verified by official public records such as drivers licenses, birth or marriage certificates living together as a single dwelling unit and sharing common living, sleeping, cooking, and eating facilities; including not more than two additional unrelated persons.
44. FARM: An area which is used for the growing of the usual farm products such as vegetables, fruits, trees and grain, and their storage on the premises, as well as the raising thereon of the usual farm poultry and animals. The term "farm" includes the operating of such an area for one (1) or more of the above uses including the necessary accessory uses for treating or storing produce; provided, however, that the operation of accessory uses shall be secondary to the normal farming activities and provided further that such accessory uses do not include the commercial feeding of animals or poultry in confined lots or buildings.
45. FENCE: Any artificially constructed barrier of typical fencing materials or combination of materials as established in Section 12.6, and erected to enclose or screen areas of land.
46. FLOODPLAIN: The channel and relatively flat area adjoining the channel of a natural waterway that has historically been or have the potential to be covered by flood waters.
47. FLOOR AREA: The square feet of floor space within the outside line of walls, including the total of all space on all floors of a building. Floor area shall not include porches, garages, or space in a basement or cellar that is not living space or used for storage or other incidental uses.

48. **GARAGE:** An accessory building or portion of a building used only for the enclosed parking of or storage of one or more vehicles by the occupants of the premises or the leasing of space as provided herein, but in which no business services or industry connected with vehicles is carried on other than leasing of space.
49. **GRADE:** The lowest horizontal elevation of a finished surface of the ground, paving, or sidewalk at a point where the height is to be measured.
50. **HOME OCCUPATION:** An accessory use, occupation profession or activity that is clearly a customary, incidental, and secondary use of a residential dwelling unit conducted entirely within a dwelling unit by the inhabitants thereof, and complies with the home occupation requirements outlined in Section 13.5.
51. **HOUSE TRAILER:** *See* MOBILE HOME
52. **HOUSEHOLD:** A family living together in a single dwelling unit, with common access to all living and eating areas and all areas and facilities within the dwelling unit.
53. **HOUSING UNIT:** *See* DWELLING
54. **IMPERVIOUS SURFACE (OR COVERAGE):** Any material that prevents absorption of stormwater into the ground.
55. **INCIDENTAL:** Subordinate and minor in significance and bearing a reasonable relationship with the primary use.
56. **JUNK (OR SALVAGE):** All old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel or other old scrap ferrous materials; old or discarded glass, tinware, plastic or old or discarded household goods or hardware. Neatly stacked firewood located on a side yard or a rear yard is not considered junk.
57. **JUNK VEHICLE OR JUNK MACHINERY:** Any unlicensed vehicle or other such vehicle which possesses any of the following characteristics. A mere licensing of such vehicle shall not constitute a defense to the finding that the vehicle is a junk vehicle.
- A. Broken Glass – Any broken or cracked windshield, window, or other broken glass.
  - B. Broken, Loose or Missing Parts – Any broken, loose or missing fender, door, bumper, hood, steering wheel or trunk lid.
  - C. Habitat for Nuisance Animals or Insects – Any vehicle which has become the habitat for rats, mice, or snakes, or any other vermin or insects.
  - D. Inoperable – Any motor vehicle which lacks an engine or two or more wheels or other structural parts rendering said motor vehicle totally inoperable, or which cannot be moved under its own power or has not been used as an operating vehicle for a period of more than thirty (30) days.
  - E. Defective or Obsolete Condition – Any vehicle which, because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety.

58. **JUNKYARD (or SALVAGE YARD):** Any open area of any lot or parcel where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled, kept, stored or handled, including scrap metals or scrap materials, or the abandonment or dismantling of machinery, motor vehicles, or other vehicles, or parts thereof. A solid waste transfer station is not considered a junk yard or salvage yard for purposes of this ordinance.
59. **LANDSCAPED:** An area devoted to or developed predominantly with plant material or natural landscape features, including lawn, ground cover, gardens, trees, shrubs, and other plant materials; and also including accessory decorative outdoor landscape elements such as pools, fountains, water features, paved or decorated surfaces or rock, stone, brick, block or similar material (excluding driveways, parking, loading, or storage areas), and sculptural elements, provided that the use of brick, stone aggregate, or other inorganic materials shall not predominate over the use of plant material.
60. **LOADING SPACE:** An area used for loading or unloading of goods from a vehicle in connection with the use of the site on which such space is located.
61. **LOT:** A parcel of land as established by plat, subdivision, or as otherwise permitted by law, which may be owned, used, developed, or built upon, having its frontage upon one (1) or more streets or an officially approved public place.
62. **LOT AREA:** The net horizontal area bounding by front, side and rear lot lines, providing access to a street and excluding any public or private easement or right of way providing access to another lot.
63. **LOT, CORNER:** A lot fronting on two (2) intersecting streets.
64. **LOT, INTERIOR:** A lot having frontage on only one (1) street.



65. **LOT, LAKESHORE:** A lot having frontage on a natural or manmade body of water.

66. **LOT, THROUGH:** An interior lot having frontage on two parallel or approximately parallel streets, but not including a corner lot as defined herein. Also known as a double frontage lot.

67. **LOT (or BUILDING) COVERAGE:** The area of a lot covered by buildings, roofed areas or ground level paving, excluding incidental projecting eaves and gutters, balconies, and similar features; and also excluding landscaping, and open recreational facilities.

Image Source: *The New Illustrated Book of Development Definitions*, Harvey S. Moskowitz & Carl G. Lindbloom, 1993

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

69. LOT WIDTH: The distance between the side lot lines. In the case of a lot of irregular shape, the mean width shall be the lot width.

70. LOT LINES: The lines bounding a lot.

71. LOT LINE, FRONT: In the case of an interior lot abutting on only one street, the "front lot line" is the street line (the right-of-way line) of such lot. In the case of a lakeshore lot, the "front lot line" is the line bounding the "ordinary high water line" of the body of water. In the case of corner lots or other lots, the front lot line will be such street line or right-of-way line as determined by the property owner for purposes of setback requirements.

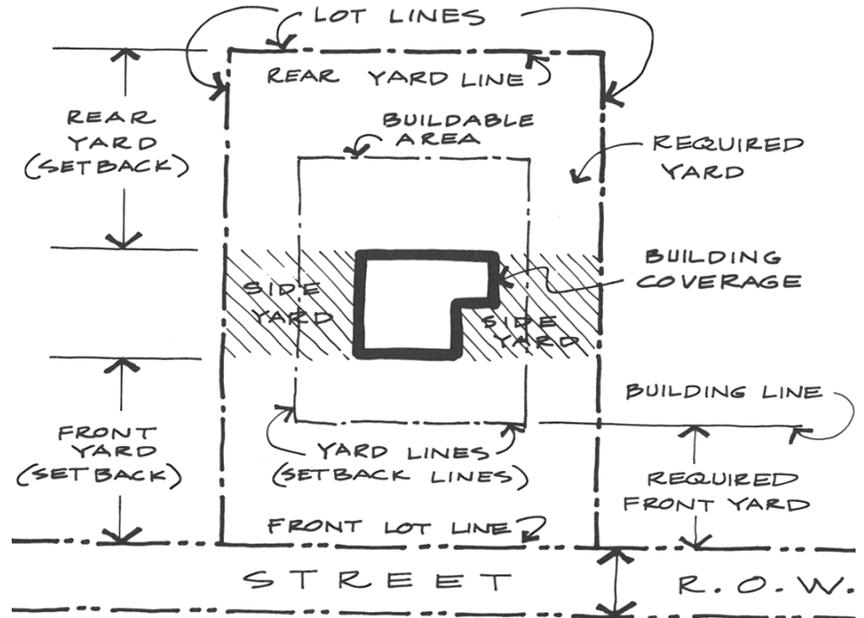


Image Source: *The New Illustrated Book of Development Definitions*, Harvey S. Moskowitz & Carl G. Lindbloom, 1993

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

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

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

75. LOW IMPACT DEVELOPMENT: The integration of site ecological and environmental standards and requirements into all phases of planning and development from the individual residential lot to the entire watershed.

*(Definition derived from the Low Impact Development Center)*

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

77. **MANUFACTURED HOUSING COMMUNITY:** Means the same as land-leased community defined in Sections 335.30A and 414.28A *Code of Iowa*. Any site, lot, field or tract of land under common ownership upon which two (2) or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and includes any building, structure or enclosure used or intended for use as part of the equipment of the manufactured home community. (*Code of Iowa, Sec. 435.1*) A manufactured home community 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. The manufactured home community must be classified as to whether it is a “residential” or “recreational” manufactured home community or both.
78. **MOBILE HOME:** Any vehicle without motive power used or so manufactured or constructed as to permit it being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle. A mobile home means any such vehicle built before June 15, 1976, which was not built to a mandatory building code and which contains no State or Federal seals (*Code of Iowa, Sec. 435.1*). All mobile homes shall be located within a mobile home park.
79. **MOBILE HOME PARK:** Any site, lot, field or tract of land upon which two (2) or more occupied mobile homes or manufactured homes, or a combination of any of these dwelling units, are placed on developed spaces and operated either free of charge or as a for-profit enterprise with utilities and services available. (*Code of Iowa, Sec. 435.1*)
80. **MOBILE HOME OR MANUFACTURED HOUSING CONVERTED TO REAL PROPERTY:** A mobile home or manufactured housing which is located outside a manufactured housing community or a mobile home park shall be converted to real estate by being placed on a permanent foundation and shall be assessed for real estate taxes except in the following cases: (*Code of Iowa, Sec. 435.26 & 435.35*)
- a. **Retailer’s Stock:** Mobile homes or manufactured housing on private property as part of a retailer’s or manufacturer’s stock not used as a place of human habitation.
  - b. **Existing Homes:** A taxable mobile home or manufactured housing which is located outside of a manufactured housing community or mobile home park as of January 1, 1995, shall be assessed and taxed as real estate, but is exempt from the permanent foundation requirement until the home is relocated.
81. **MODULAR HOME:** Factory-built structure which is manufactured or constructed to be used as a place of human habitation; is constructed to comply with the Iowa State Building Code for modular factory-built structures, as adopted pursuant to Section 103A.7 *Code of Iowa*, and must display the seal issued by the state building code commissioner. If a modular home is placed in a manufactured housing community or mobile home park, the home is subject to the annual tax as required by Section 435.22 *Code of Iowa*. If a modular home is placed outside a manufactured housing community or mobile home park, the home shall be considered real property and is to be assessed and taxed as real estate. (*Code of Iowa, Sec. 435.1*)

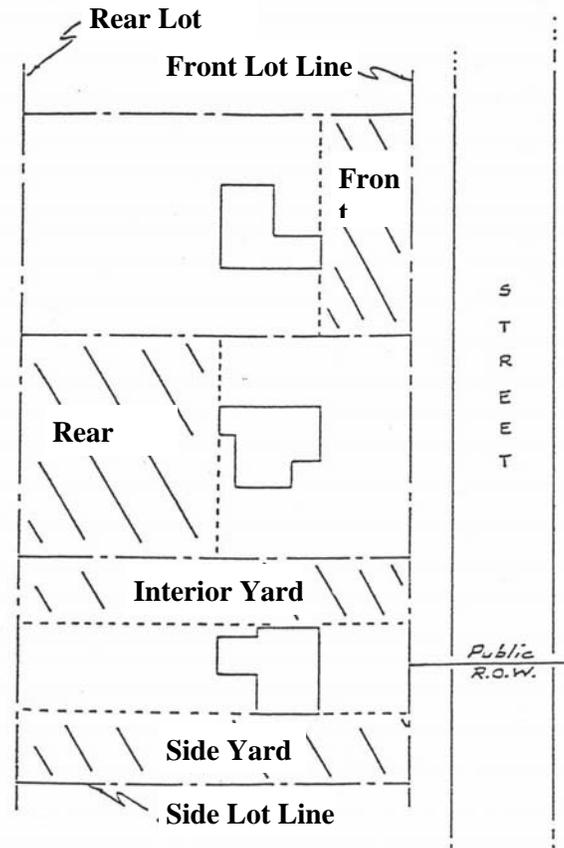
82. **NONCONFORMING USE:** A lawful use of any land, building, or structure, other than a sign, that does not conform with currently applicable use regulations, but which complied with use regulations in effect at the time the use was established.
83. **NONCONFORMING STRUCTURE (OR BUILDING):** A structure or building in size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to the zoning ordinance codified in this title, but which fails to conform to present requirements of the zoning district.
84. **OCCUPANCY (or OCCUPIED):** The residing of an individual or individuals overnight in a dwelling unit or the storage or use of equipment, merchandise, or machinery in any public, commercial, or industrial building.
85. **OFFICIAL (ZONING) MAP:** An ordinance in map form adopted by the governing body that conclusively shows the location of zoning districts boundaries, proposed streets, public areas, and other data referencing the distinction and separation of zoned land uses.
86. **OPEN SPACE (GREEN):** Any parcel or area of land or water essentially unimproved and set aside, designated or reserved for the use or enjoyment of the owners, occupants, neighbors or the general public. Such open space areas are not occupied by any structures or impervious surfaces.
87. **PARKING AREA:** An area on a lot or within a building, or both, including one or more parking spaces together with driveways, aisles, turning and maneuvering areas, clearances, and similar features, and meeting the requirements established by this ordinance. Parking areas shall include parking lots, garages, and parking structures.
88. **PARKING LOT:** An off-street, ground level open area, usually of an improved surface, for the temporary storage of motor vehicles. *See also:* PARKING AREA.
89. **PARKING SPACE:** An area, enclosed or unenclosed, having dimensions of not less than nine (9) feet by twenty (20) feet (180 sq. ft.) plus necessary maneuvering space for the parking of a motor vehicle, and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles. Space required for maneuvering, incidental to parking or unparking, shall not encroach upon any public right-of-way. Driveways for one and two family structures may be considered as parking spaces.
90. **PERMANENT FOUNDATION:** Any mobile home or manufactured housing located outside of a manufactured housing community or mobile home park shall be placed on a permanent frost-free foundation system which meets the support and anchorage requirements as recommended by the manufacturer or required by the State Building Code. The foundation system must be visually compatible with permanent foundations systems of surrounding residential structures. Any such home shall be installed in accordance with the requirements of the State Building Code. (*Code of Iowa, Sec. 103A.10 & 414.28*)
91. **PLANNED UNIT DEVELOPMENT (PUD):** An area of minimum contiguous size specified in this ordinance developed according to plan as a single entity and containing one or more structures or land uses with appurtenant or adjacent common areas.

92. PORCH, OPEN: A roofed structure, open or screened on two (2) or more sides, projecting from the front, side or rear wall of the building.
93. PRINCIPAL PERMITTED USE: *See* USE: 1. Principal Permitted Use.
94. PROHIBITED USE: Any use not permitted by right or by special exception in a zoning district.
95. PROPERTY: A lot, parcel, or tract of land together with buildings and structures located thereon.
96. PUBLIC NOTICE: A publication of the time and place of any public hearing typically not less than four (4) or not more than twenty (20) days prior to the date of said hearing in one newspaper of general circulation in the city. In the instances of publications amending or adopting changes to this zoning ordinance, the public notice notification period is not less than seven (7) or not more than twenty (20) days prior to the date of said public hearing.
97. PUBLIC WAY: An open or unoccupied public space more than thirty feet (30') in width which is permanently reserved for the purpose of access to abutting property.
98. RECREATIONAL VEHICLE: A vehicle designed and constructed in such a manner as will permit occupancy thereof as sleeping quarters for one or more persons, or for sporting or recreational purposes. A recreational vehicle is so designed that it is or may be mounted on wheels and used as a conveyance on highways or city streets, propelled or drawn by its own or other motive power, except a device used exclusively upon stationary rails or tracks. Such a vehicle shall be customarily or ordinarily used for, but not limited to, vacationing, recreational purposes, travel trailers, pick-up campers, camping trailers, motor coaches, converted trucks or buses, boats and boat trailers and snowmobiles.
99. SALVAGE YARD: *See* JUNKYARD.
100. SETBACK: The required distance between any lot line and the supporting walls or structures of any building, structure or deck more than 12" above grade.
101. SETBACK LINE: A line within a lot parallel to and measured from a corresponding lot line, forming the boundary of a required yard and defining that minimum distance between the building and property line which buildings and structures may not be placed.
102. SIGN: An identification, description, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure or land and which directs attention to a product, place, activity, person, institution or business; provided, however the following shall not be included in the application of sign regulations described in Article XVI of this ordinance.
103. SITE DEVELOPMENT REGULATIONS: The combinations of controls that establish the maximum size of a building and its location on the lot. Components of bulk regulations include: size and height of building; location of exterior walls at all levels with respect to lot lines, streets, or other buildings; building coverage; gross floor area of building in relation to the lot area; open space; and amount of lot area provided per dwelling unit.

104. **SITE PLAN:** A plan, prepared to scale, showing accurately and with complete dimensioning, all of the buildings, structures and uses, and the principal site development features including parking, access, and landscaping and screening, proposed for a specific parcel of land. Site plans shall be prepared in accordance with Article XIV of this ordinance.
105. **SPOT ZONING:** Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the comprehensive plan.
106. **SPRAWL:** Uncontrolled growth, usually of a low-density nature, in previously rural areas and some distance from existing development and infrastructure.
107. **STORY:** That portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.
108. **STREET:** A public or private thoroughfare that affords the primary means of access to abutting property.
109. **STREET, FRONT:** The street or public place upon which a lot abuts. If a lot abuts upon more than one street or public place it shall mean the street designated as the front street in the owner's application for a building permit.
110. **STREET, PUBLIC:** A public thoroughfare which affords the principal access to the abutting properties.
111. **STREET (OR ROAD) LINE:** The dividing line between a lot, tract or parcel of land and the right-of-way line of a contiguous road, street or highway, excluding alleys.
112. **STRUCTURAL ALTERATION:** Any replacement or changes in the type of construction or in the supporting members of a building beyond ordinary repairs and maintenance; such as bearing walls or partitions, columns, beams or girders.
113. **STRUCTURE:** A combination of materials to form a construction for use, occupancy, or ornamentation whether installed, placed or constructed upon, above, or below the surface of land or water.
114. **SUBSTANDARD LOT (OR NONCONFORMING LOT):** A lot of record that does not comply with currently applicable minimum area, width, or depth requirements for the zoning district in which it is located, but which complied or was conforming with applicable requirements when it was placed on record prior to the enactment of this zoning ordinance.
115. **TEMPORARY STRUCTURE:** A structure designated to be used within a short period of time, and without any foundation or footings of which the entire structure is removed when the designated time period, activity, or use has ceased.
116. **TOWNHOUSE:** A one-family dwelling in a row of at least three (3) units in which each unit has its own front and/or rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

117. **USE:** The conduct of an activity or the performance of a function or operation, on a site or in a building, structure or facility.
- a. Principal Use: Any use which is the primary function of a lot or building.
  - b. Permitted Use: Any use permitted as a matter of right when conducted in accord with the regulations established by this ordinance; of which fulfills the primary function of a household, establishment, institution, or other entity.
  - c. Special Exception Use: A use allowable solely on a discretionary and conditional basis subject to a special exception use permit, and to all other regulations established by this ordinance.
  - d. Accessory Use: A use or activity located on the same lot and of a nature customarily incidental and subordinate to a specific principal use or building.
118. **UTILITY, PUBLIC:** A utility owned and operated by the City of Lake Park, Iowa.
119. **VACANCY:** Any unoccupied land, structure, or part thereof available or suitable for occupancy.
120. **VALUATION:** The one hundred percent (100%) valuation of a building or structure, as determined by the Dickinson County Assessor.
121. **VARIANCE:** The relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions and peculiarity of the property and not the results of actions of the applicant, a literal enforcement of the zoning regulations would result in an unnecessary and undue hardship. A variance is authorized only for height, area, and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.
122. **YARD:** An open space on the same lot adjoining a lot line, containing only landscaping and such uses and facilities as may be permitted by this ordinance. In measuring a yard for the purpose of determining the depth of a front yard or rear yard, the least distance between the lot line and the nearest principal building shall be used. In measuring a yard for the purpose of determining the width of a side yard, the least distance between the lot line and the nearest principal building shall be used. A yard shall be measured exclusive of any dedicated or undedicated right-of-way.
- a. Front Yard: An area of yard extending across the full width of a lot and measured between the front lot line and the building wall or other supporting element thereof, other than the projection of typical steps and eaves. In the case of corner lots, the front yard shall be determined by the property owner for purposes of setback requirements.
  - b. Interior Yard: Any area of yard, not adjacent to a street, which is determined on the basis of an interior lot line.

- c. **Rear Yard:** An area of yard extending across the full width of a lot and measured between the rear lot line and the building or other supporting element other than steps or unenclosed balconies, but excluding any area located within the street side yard of a corner lot. On both corner lots and interior lots the opposite end of the lot from the front yard shall be considered the rear yard.
- d. **Side Yard:** An area of yard extending the depth of a lot from the front yard to the rear yard and measured between the side lot line and the nearest principal building. In the case of a corner lot, the street side yard shall extend from the front yard to the rear lot line.



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

124. **ZONING ADMINISTRATOR (OR OFFICER):** The individual appointed by the city council of Lake Park, Iowa to administer and enforce compliance with the zoning ordinance and issue zoning permits.

125. **ZONING COMPLIANCE PERMIT:** A permit issued by the zoning administrator as required in this ordinance, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building; acknowledging the proposed use, building, or structure complies with the provisions of the zoning ordinance or authorized variance.

**Section 2.2. USE CLASSIFICATIONS.**

The purpose of the use classifications shall be to provide a consistent set of terms encompassing and defining uses permitted or specially excepted in the various districts, and to provide a procedure for determination of the applicable use classification of any activity not clearly within any defined use classification. In the event of any question as to the appropriate use classification of any existing or proposed use or activity, the zoning administrator shall have the authority to determine the appropriate classification, subject to the right of appeal pursuant to Article XVIII, Zoning Enforcement. In making such determinations, the zoning administrator shall consider the characteristics of the particular use in question, and consider any functional, product, service, or physical requirements common with or similar to uses cited as examples of use classifications.

1) **General Description of AGRICULTURE/CONSERVATION USE TYPES:**

Agricultural use types include the on-site production of crops by usual agricultural methods.

- a. *Agricultural Animal Husbandry*: The raising of cattle, swine, poultry, horses, sheep, goats or other similar animals for reproductive stock or for slaughter in which such uses are conducted in either confined animal feeding operations or open yards.
- b. *Agricultural Sales and Services*: Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, feed and grain stores, and tree service firms.
- c. *Farm Operation*: An area that is used for the growing of the usual farm products. This definition shall include the production of animal products such as eggs or dairy products, on an agricultural or commercial basis. Typical uses include grazing, pasture, ranching, dairy farming, poultry farming, and the raising of fur bearing animals.
- d. *Crop Production*: The raising and harvesting of tree crops, row crops, or field crops on an agricultural or commercial basis, including incidental packing and processing.
- e. *Horticulture*: The growing of horticultural and floricultural, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes, but excluding retail sales.
- f. *Stables*: Boarding, breeding or raising of horses not owned by the occupants of the premises or riding of horses by other than the occupants of the premises or their non-paying guests. Typical uses include but not limited to horse ranches, boarding stables or public stables.
- g. *Support Housing*: The occupancy of any living accommodations by one (1) agricultural employee and their family, without regard to duration, which occurs exclusively in association with the performance of agricultural labor, on the same property as the support housing.
- h. *Critical Area*: A critical area is a natural feature in need of preservation from encroaching land uses. Such areas may include sensitive or prime agricultural soils as defined by the Natural Resource Conservation Service, areas of excessive slope, natural marshes, woodlands, and floodplains.
- i. *Floodplain*: The channel and relatively flat area adjoining the channel of a natural stream or river that has historically been or may have the potential to be covered by flood waters.
- j. *Game Refuge/Preserve*: Areas designated for the protection and sustaining of wildlife habitat in which human activities are limited and the natural environment is protected.
- k. *Undeveloped or Unimproved Land*: Land in its natural state before development.
- l. *Water Control Structures, Irrigation or Retention Basins*: Those man-made structures which are intended to direct and/or control the water flow, drainage and percolation rate to aid in the prevention of flooding or to direct water away from tillable agricultural land.

2) **General Description of RESIDENTIAL USE TYPES:**

Residential use types include the occupancy of living accommodations on a primarily nontransient basis or institutional living arrangements, but excluding those providing forced residence such as asylums and prisons.

- a. *Condominium Residential:* The use of a site for three (3) or more dwelling units intended for separate ownership, together with common area serving all dwelling units.
- b. *Family Home (as per Chapter 414.22 Iowa Code):* A community based residential home which is licensed as a residential care facility under Chapter 135C of the *Iowa Code* or as a child foster care facility under Chapter 237 of the *Iowa Code* to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight (8) persons with a developmental disability or brain injury and any necessary support personnel. However, family home does not mean an individual foster care family home licensed under Chapter 237.
- c. *Mobile Home or Manufactured Housing:* The residential occupancy of mobile homes or manufactured housing by families on a weekly or longer basis. Uses only include mobile home parks and manufactured housing subdivisions.
- d. *Multiple Family Residential:* The use of a site for three (3) or more dwelling units within one or more buildings.
- e. *Relocated Residential:* An existing, previously built residential structure, intended for occupancy, which has been moved into the community from a location outside of Lake Park, or an existing residential structure which has been relocated from another location from within the City of Lake Park to a new residential site. A relocated residential structure does not include the moving of a new manufactured, modular or mobile home into the city. Relocated residential properties shall submit a route plan, photographs of the building to be moved, and a building permit prior to moving a building or structure into Lake Park.
- f. *Residential Healthcare Facilities:* Any residential care services, intermediate care facility or skilled nursing home.
  - 1) *Residential Care Services:* A use, other than a hospital or convalescent facility, providing care for ambulatory persons in a residential environment, including overnight occupancy or extended care.
  - 2) *Assisted Living Facility:* Residences for primarily senior or retired persons that provide dwelling units, housekeeping services, meals, personal care, and supervision of self-administered medication. Assisted living facilities may also provide other services such as recreational activities, financial services, and transportation and these facilities are sometimes combined with other types of housing such as congregate apartment housing, senior housing, or residential care services.
  - 3) *Skilled Nursing Facility:* Any institution or facility providing care for a period exceeding twenty-four hours for residency or nursing services, the need for which is certified by a physician to three or more individuals not related to the administrator or owner, who by reason of illness, disease, or physical or mental illness require continuous care and medical services.
- g. *Single Family Residential:* The use of a site for only one (1) dwelling unit.

- h. *Two Family Residential (duplex)*: The use of a site for two (2) dwelling units, on a single lot or parcel.
- i. *Townhouse Residential*: The use of a site for three (3) or more townhouse dwelling units, constructed with common or adjacent walls and each located on a separate ground parcel within the total development site, together with common area serving all dwelling units.

3) **General Description of COMMERCIAL USE TYPES:**

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

- a. *Administrative and Business Offices*: Office of private firms or organizations which are primarily used for the provision of executive, management, or administrative services. Typical uses include but not limited to administrative offices, and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telemarketing, photocopy and reproduction, and offices of public utilities, organizations and associations, or other use classifications when the service rendered is that customarily associated with administrative services.
- b. *Agricultural Sales and Services*: Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries; hay, feed or grain stores, and tree service firms.
- c. *Automotive and Equipment Services*: Establishments or places of business primarily engaged in automotive-related or heavy equipment sales or services. The following are automotive and equipment use types:
  - 1) *Automotive Sales*: Sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include but not limited to new or used car dealerships, motorcycle dealerships, and; boat, trailer and recreational vehicle dealerships.
  - 2) *Automotive Repair Services*: Repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include but not limited to new and used car dealerships, motorcycle dealerships; and boat, trailer and recreational vehicle dealerships.
  - 3) *Automotive Rentals*: Rental of automobiles, noncommercial trucks, trailers, and recreational vehicles, including incidental parking and servicing of vehicles available for rent or lease. Typical uses include but not limited to auto rental agencies, trailer rental agencies and taxi parking and dispatching.
  - 4) *Automotive Washing*: Washing and cleaning of automobiles, related light equipment, and trucks. Typical uses include but not limited to auto laundries, car washes, or truck washes. Does not include large truck cleanouts or wash outs.

- 5) *Equipment Sales*: Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include but not limited to truck dealerships, construction equipment dealerships, and mobile homes sales establishments.
  - 6) *Equipment Repair Services*: Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include but not limited to truck repair garages, tractor and farm implement repair services, and machine shops, but excluding dismantling or salvage.
  - 7) *Service Station*: Provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles.
  - 8) *Commercial Off-Street Parking*: Parking of motor vehicles on a temporary basis within a privately owned off-street parking facility, other than accessory to a principal use. Typical uses include commercial parking lots or parking garages.
  - 9) *Vehicle Storage*: Long term storage of operational or non-operational vehicles. Typical uses include but not limited to storage of private parking tow-aways or impound yards, but exclude dismantling or salvage.
- d. *Building Maintenance Services*: Establishments primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include but not limited to janitorial, landscape maintenance, or window cleaning services.
  - e. *Business Support Services*: Establishments or places of business primarily engaged in the sale, rental or repair of equipment and supplies used by office, professional and service establishments to the firms themselves rather than to individuals, but exclude automotive, construction and farm equipment. Typical uses include but not limited to office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms.
  - f. *Business or Trade School*: A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.
  - g. *Cocktail Lounge*: A use engaged in the preparation and retail sales of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges, and similar uses.
  - h. *Commercial Recreation*: Establishments or places primarily engaged in the provision of sports, entertainment, or recreation for participants or spectators. The following are commercial recreation use types.
    - 1) *Indoor Sports and Recreation*: Uses conducted within an enclosed building. Typical uses include but not limited to bowling alleys, billiard parlors, ice and roller skating rinks, and video game arcades.

- 2) *Outdoor Sports and Recreation:* Uses conducted in open or partially enclosed or screened facilities. Typical uses include but not limited to golf courses, driving ranges, swimming pools, tennis courts or racquetball courts.
  - 3) *Indoor Entertainment:* Predominately spectator uses conducted within an enclosed building. Typical uses include but not limited to motion picture theaters, meeting halls, community or events centers, and dance halls.
  - 4) *Outdoor Entertainment:* Predominately spectator uses conducted in open facilities. Typical uses include but not limited to sports arenas, racing facilities, amusement parks, go-kart track or miniature golf course.
- i. *Communication Services:* Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but excludes those classified as Major Utility Facilities. Typical uses include but not limited to telecommunication services, radio, television, cellular and other similar receiving antennas, towers, or structures; and fiber optic lines and transmission facilities.
  - j. *Condominium Storage Unit:* A building or series of buildings in which the storage units or floor area is owned independently; and whereas the structure and property is owned by all of the owners on a proportional, undivided basis or by single ownership. These storage units are designed for individually owned indoor storage of RVs, boats, watercrafts, snowmobiles, motorcycles, automobiles, antiques, toys, trailers, record storage or other similar uses. Condominium storage must be designed in a way that each unit maintains a separate entrance.
  - k. *Construction Sales and Services:* Establishments or places of business primarily engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale, from the premises, of materials used in the construction of buildings or other structures other than retail sales of paint, fixtures and hardware; but excludes those classified as one of the Automotive and Equipment Service use types. Typical uses include but not limited to building materials stores, tool and equipment rental or sales, or building contractors.
  - l. *Consumer Repair Services:* Establishments primarily engaged in the provision of repair services to individuals and households rather than firms, but excluding automotive and equipment uses. Typical uses include but not limited to appliance repair, watch/jewelry repair, or musical instrument repair.
  - m. *Convenience Storage:* Storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding use as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include but not limited to mini-warehousing.
  - n. *Convenience Store:* An establishment engaged in the retail sale of food and household products, including gasoline. However, the repair, storage or servicing of vehicles shall be prohibited.

- o. *Financial Services:* Establishments primarily engaged in the provision of financial and banking services. Typical uses include but not limited to banks, savings and loan institutions, loan and lending activities, and similar services.
- p. *Food Sales:* Establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include but not limited to grocery stores, delicatessens, meat markets, retail bakeries, and candy shops.
- q. *Funeral Services:* Establishments engaged in undertaking services such as preparing the human dead for burial and arranging and managing funerals. Typical uses include but not limited to funeral homes, crematoriums, mausoleums or mortuaries.
- r. *General Retail Sales:* Sale or rental of commonly used goods and merchandise for personal or household use, but excludes those classified more specifically in this section inclusive. Typical uses include but not limited to department stores, apparel stores, furniture stores, or establishments providing the following products or services: household cleaning and maintenance products, drugs, cards, stationery, notions, books, tobacco products, cosmetics, and specialty items such as flowers, plants, hobby materials, toys and handcrafted items; apparel, jewelry, fabrics and like items; cameras, photography services, household electronic equipment, records, CDs, DVDs and other music or video playing devices; sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, carpeting and floor covering, interior decorating services, office supplies; bicycles; and automotive parts and accessories (excluding service and installation).
- s. *Hospital Services:* A facility providing medical, psychiatric, or surgical services for sick or injured persons primarily on an inpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors.
- t. *Kennel, public:* A commercial establishment in which three (3) or more dogs, cats or domesticated animals at least six months of age are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation. Typical uses include but not limited to boarding kennels, pet motels, or dog training centers.
- u. *Laundry Services:* Establishments primarily engaged in the provision of laundering, dry cleaning or dyeing services other than those classified as Personal Services. Typical use types include but not limited to bulk laundry and cleaning facilities, diaper services, or linen supply services.
- v. *Liquor Sales:* Establishments or places of business engaged in retail sale for consumption of alcoholic beverages off the premises. Typical uses include but not limited to liquor stores, bottle shops or any licensed sales for off-site consumption.
- w. *Medical Clinics and Offices:* A use providing consultation, diagnosis, therapeutic, preventative, or corrective personal treatment services by doctors, dentists, medical and dental laboratories, and similar practitioners of medical and healing arts for humans, licensed for such practice by the State of Iowa.

- x. *Personal Improvement Services*: Establishments primarily engaged in the provision of informational, instructional, personal improvement and similar services of a nonprofessional nature. Typical uses include but not limited to photography studios, driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.
- y. *Personal Services*: Establishments or places of business primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include but not limited to beauty and barber shops, seamstress, tailor, shoe repair shops, and self-service laundry or apparel cleaning services.
- z. *Pet Services*: Retail sales and grooming of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include but not limited to pet stores, animal bathing and clipping salons, or pet grooming shops.
- aa. *Professional Office*: Any building or use providing professional or consulting services in the fields of law, architecture, design, engineering, accounting, and similar professions.
- bb. *Restaurant (Convenience)*: A use engaged in the preparation and retail sale of food and beverages, excluding alcoholic beverages, for on premise consumption. Typical uses include but not limited to soda fountains, ice cream parlors, sandwich shops, cafes, and coffee shops.
- cc. *Restaurant (General)*: A use engaged in the preparation and retail sale of food and beverages, including sale of alcoholic beverages when conducted as an accessory or secondary feature and producing less than 50 percent of the gross income. A general restaurant may include live entertainment. Typical uses include but not limited to restaurants, lounges, bar & grills, and other similar establishments with incidental alcoholic service.
- dd. *Retail Specialty Shop*: Various commercial establishments offering sales of goods which fall into a specific category, and any service which may be related to those goods. Typical uses include but not limited to bicycle shop, camera shop, antique shops, bookstores, etc.
- ee. *Veterinary Services*: Veterinary medical care, hospitalization, surgery, recovery and boarding of animals. Typical uses include but not limited to pet clinics, dog and cat hospitals, and veterinary hospitals.
- ff. *Visitor Habitation*: Establishments primarily engaged in the provision of lodging on a temporary basis with incidental food, drink and other sales and services intended for the convenience of guests. The following are visitor habitation use types:
  - 1) *Campground*: Facilities or an area providing spaces for two (2) or more travel trailers, recreational vehicles, camping trailers, or tent sites for temporary occupancy with necessary incidental services, sanitation and recreation facilities to serve the traveling public. Typical uses include but not limited to campgrounds or recreational vehicle parks.
  - 2) *Hotel-Motel*: A building containing guest rooms primarily intended for temporary occupancy to transient guests for compensation and provides parking for the guests.

Other such accessory uses associated with a hotel-motel may include a swimming pool, restaurant, meeting/conference rooms, management office and quarters for the use of operating personnel.

- 3) *Bed & Breakfast Inn*: A private, owner-occupied housing unit or portion thereof where short term lodging and meals are provided for up to five (5) guest rooms for rent to the general public. The only meal to be provided to guests is breakfast, and it shall only be served to those taking lodging in the facility. Individual units designed as rentals shall contain no cooking facilities.
- 4) *Boarding House*: A building, other than a hotel or motel, where for compensation, meals and lodging are provided for more than three (3) persons not defined as a family.
- 5) *Resort Enterprise*: Any group of buildings containing guest rooms offered for rent primarily for temporary occupancy (less than 31 consecutive days or one month). Such buildings may include quarters for the boarding of employees.
- 6) *Commercial Cottage*: A single dwelling unit rented to the general public for periods not exceeding 31 days or one (1) calendar month.
- 7) *Time-share*: The ownership of any structure by three or more unrelated persons.

4) **General Description of INDUSTRIAL USE TYPES:**

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

- a. *Biotechnology Production and/or Manufacturing*: Facilities, warehouses, and production or assembly plants engaged in the active production, manufacturing, packaging, and distribution of products generally associated with the fields of animal or human biotechnology.
- b. *Custom Manufacturing*: Establishments primarily engaged in the on-site production of goods by hand manufacturing which involve only the use of hand tools or mechanical equipment and the incidental direct sale to consumers of only those goods produced on-site. Typical uses include but not limited to ceramic studios, candle making shops, artisans, craft-making, custom wood working, or custom jewelry making.
- c. *Heavy Industry*: A use engaged in the processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes utilizing flammable or explosive materials, or storage or manufacturing processes which potentially involve hazardous or commonly recognized offensive conditions.
- d. *Light Industry*: A use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing.
- e. *Railroad Facilities*: Including but not limited to rail yards, equipment servicing facilities, loading and unloading facilities and rail terminal facilities.

- f. *Research and Production Services*: Establishments primarily engaged in research of an industrial or scientific nature, including animal or human products testing. Typical uses include but are not limited to animal or human research laboratories, research and development firms, or animal or human pharmaceutical research labs.
- g. *Resource Extraction*: A use involving the on-site extraction of surface mineral products or natural resources. Typical extractive uses are, but not limited to quarries, borrow pits, sand and gravel operations, oil and gas extraction, and mining operations.
- h. *Sanitary Landfill*: An area of land designated for the disposal of garbage, refuse, waste, rubbish, and other solid or semisolid materials, of which are buried between layers of earth.
- i. *Scrap & Salvage Services*: Places of business primarily engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse in their original forms. Typical uses include but not limited to automotive scrap or storage yards, wrecking yards, junk yards or salvage yards.
- j. *Stockyards*: Stockyard services involving the temporary keeping of agricultural commodities or livestock for slaughter, market or shipping. Typical uses include but not limited to stockyards, animal sales and crop or animal auction yards.
- k. *Warehousing and Distribution*: Establishments or places of business primarily engaged in wholesaling, storage, distribution and handling of materials and equipment other than live animals and plants. The following are wholesaling, storage and distribution use types:
  - 1) *Limited Warehousing and Distribution*: Wholesaling, storage and warehousing services within enclosed structures. Typical uses include but not limited to wholesale distributors, storage warehouses or moving and storage firms.
  - 2) *General Warehousing and Distribution*: Open-air storage, distribution and handling of materials and equipment. Typical uses include but not limited to grain elevators or open storage yards.

**5) General Description of CIVIC/PUBLIC USE TYPES:**

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

- a. *Aviation Facilities*: Landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft.
- b. *Cemetery*: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbiums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

- c. *Club or Lodge*: A use providing meeting, recreational, or social facilities for private or non-profit association, primarily for use by members and guests. Typical uses include but not limited to private/public social clubs and fraternal organizations.
- d. *College and University Facilities*: An educational institution of higher learning which offers a course of study designed to culminate in the issuance of a degree.
- e. *Community Recreation*: A public recreational facility for use by residents and guests of a particular residential development, planned unit development or limited residential neighborhood, including both indoor and outdoor facilities.
- f. *Cultural Services*: A library, museum, art gallery, or similar nonprofit use affording display, preservation and exhibition of objects of permanent interest in one or more of the arts and sciences.
- g. *Daycare Center*: A facility, or use of a building or portion thereof, for the daytime care of seven (7) or more individuals. This term includes nursery schools, pre-schools, day care centers for children or adults, and similar uses.
- h. *Educational Facilities*: A public, private or parochial school offering instruction at the elementary, junior and senior high school levels.
- i. *Detention Facilities*: A publicly operated use providing housing and care for individuals confined by law.
- j. *Government/Public Services*: Offices, administrative, clerical, governmental, or public services that deal directly with the citizen. Typical uses include but not limited to federal, state, county, and city offices, postal facilities, or other public or non-profit organizations directly benefiting the general public.
- k. *Local Utility Services*: Essential services which are necessary to support principal development and involve only minor structures such as lines, poles, transformers, control devices and junction boxes which are necessary to support the principal development.
- l. *Maintenance and Service Facilities*: A facility supporting maintenance, repair, vehicular or equipment servicing, materials storage, and similar activities, including equipment service centers and similar uses having characteristics of commercial services or contracting activities.
- m. *Major Utility Facilities*: Generating plants, electrical switching facilities and primary substations, refuse collection or disposal facilities, water and wastewater treatment plants, and similar facilities of public entities or public utilities having potentially significant impact upon surrounding uses.
- n. *Military Installations*: Military facilities of federal or state governments.
- o. *Park and Recreation Services*: Publicly owned and operated parks, playgrounds, open spaces, recreation areas and swimming pools.

- p. *Pre-Kindergarten, Preschool, or Nursery School*: An establishment enrolling children where tuition or other forms of compensation for the care of children is charged, and which is licensed or approved to operate as an educational facility for children typically under the age of five (5).
- q. *Public Assembly*: Publicly owned and operated facilities for major public assembly, recreation, sports, amusement or entertainment, including civic or community auditoriums, sports stadiums, convention facilities, fairgrounds, and exhibition facilities.
- r. *Religious Assembly*: A use located in a permanent building and providing regular organized religious worship and religious education incidental thereto, excluding primary or secondary educational facilities.
- s. *Safety Services*: Facilities for public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.
- t. *Transportation Terminal*: A facility for loading, unloading, and interchange of passengers, baggage, and incidental freight or package between modes of transportation, including bus terminals, railroad stations, airport terminals, and public transit facilities.
- u. *Treatment Services*: A use providing counseling, guidance, recuperative, vocational, or similar services to persons requiring rehabilitation assistance as a result of mental illness alcoholism, detention, drug addiction, or similar condition on a residential or daytime basis.

# ARTICLE III

## Zoning Districts Established

### Article 3: Zoning Districts Established

- Section 3.1. Zoning Districts
- Section 3.2. Interpretation of Regulations
- Section 3.3. Interpretations of Districts Boundaries
- Section 3.4. Road or Public Right-of-Way Vacation
- Section 3.5. Annexed Territory
- Section 3.6. Application of General Regulations

#### **Section 3.1. ZONING DISTRICTS:**

The city council shall cause to be prepared and approved, an official zoning districts map showing the various districts, which may be changed or corrected from time to time as recommended by the planning commission and enacted by the city council.

- 1) *Districts:* For the purpose and intent of this ordinance the City of Lake Park, Iowa, is hereby divided into zoning districts or zones as follows:

AG	Agricultural District
R-1	Lakeshore Residential District
R-2	Single Family Residential District
R-3	Multiple Family Residential District
C-1	Downtown Commercial District
C-2	Highway Commercial District
I	Industrial District
MH	Mobile/Manufactured Housing District

- 2) *Boundaries:* The boundaries of these districts are indicated and established as shown upon maps designated as the official zoning map of Lake Park, Iowa, which, with all their notations, designations, references, and other matters shown thereon, shall be as much a part of this zoning ordinance as if fully described and set forth herein.

Amendments, supplements, or changes of the boundaries of districts as shown on the official zoning map shall be made by an ordinance amending this zoning ordinance. The amending ordinance shall refer to the official zoning map and shall set out the identification of the area affected by legal description, and identify the zoning district as the same exists and the new district designation applicable to said property. Said ordinance shall, after adoption and publication, be recorded by the city clerk as other ordinances and a certified copy thereof be attached to the official zoning map. Such amendatory ordinance shall, however, not repeal or reenact said map, but only amend it. The official zoning map, together with amending ordinances, shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the city.

- 3) *Official Map:* The Official Zoning Map shall be on file in a convenient place in the municipal office of the City of Lake Park and all references hereafter to said official map described

herein above. In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of use or the nature or number of changes and additions, the city council may, by resolution, adopt a new official zoning map which shall supersede the prior zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such corrections shall have the effect of amending the original official zoning ordinance or any subsequent amendments thereof.

**Section 3.2. INTERPRETATION OF REGULATIONS.**

In interpretation and application, the provisions of this ordinance shall be considered minimum requirements. Where this ordinance imposes a greater restriction than is imposed by other provisions of law, other rules, regulations, or ordinances, the provisions of this ordinance shall govern.

**Section 3.3. INTERPRETATION OF DISTRICT BOUNDARIES.**

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

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

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

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

**Section 3.5. ANNEXED TERRITORY.**

Any land annexed to the city after the effective date of this ordinance shall be zoned (AG) Agricultural District. If the use of the property being annexed is different from the uses permitted within the (AG) Agricultural District, the Planning and Zoning Commission shall meet and study the existing uses within the annexed area and make a determination of the appropriate zoning classification and amend such area to reflect the appropriate zoning district.

**Section 3.6. APPLICATION OF GENERAL REGULATIONS:**

No structures or building or part thereof shall be erected, constructed, reconstructed, remodeled, converted, altered, enlarged, extended, raised, moved, placed or used; and no land or building shall be used except in conformity with the regulations herein prescribed by this ordinance for the district in which such building or land is located.

- 1) The front of the principal building on a lot, or that side of a building with the main entrance, shall face a street or public place.
- 2) The depths of front yards or rear yards and width of side yards shall be measured from the lot line to the nearest point of the building wall or supporting structural elements of the building under consideration.
- 3) No lot shall hereafter be so reduced in area that any required yard will be smaller than is prescribed in this ordinance for the district in which it is located.
- 4) Any portion of a building that is covered by a roof shall be considered a part of the building.
- 5) No building shall be erected or structurally altered to the extent specifically provided hereinafter except in conformity with the off-street parking requirements of this ordinance.
- 6) The required yard provided for the principal building or structure on one lot, for the purpose of complying with the provisions of this ordinance, shall not be considered as providing a yard for any other building or lot.

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

# ARTICLE IV

## AG - Agriculture District

Article 4: Agriculture District

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

**Section 4.1. INTENT.**

The intent of the Agricultural District is to preserve land best suited for agriculture (especially prime agricultural soils) from the encroachment of incompatible uses and to preserve, in agricultural use, land suited to eventual development in other uses pending proper timing for economical and practical provisions of streets, utilities and other community facilities which may be provided as to ensure the orderly and beneficial conversion of these lands to nonagricultural use. However, those uses which are deemed offensive to the surrounding area or to the community by reasons of noise, dust, smoke, odor, traffic, physical appearance or other similar factors are not permitted.

**Section 4.2. PRINCIPAL PERMITTED USES.**

Within the (AG) Agricultural District, unless otherwise provided, no building or land shall be used for other than one or more of the following principal permitted uses:

Agriculture/Conservation Uses	Residential Uses	Civic Uses
Agricultural Animal Husbandry Crop production Farm Operation Horticulture Stables Support Housing Critical Area Floodplain Game Refuge/Preserve Undeveloped or Unimproved Land Water Control/Irrigation/Retention	Single Family Residential - when it is only the owner or renter of a farm or associated with agricultural purposes.	Cemetery Local Utility Services Government/Public Services Park and Recreation Services

**Section 4.3. SPECIAL EXCEPTION USES:**

Certain uses may be permitted in the (AG) Agricultural District subject to specific conditions and requirements as outlined and approved by the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses. Special Exception Uses are also subject to the provision of Articles XX and XXI of this ordinance.

Agriculture/Conservation Uses	Residential Uses	Industrial Uses
Agriculture Sales and Service	Relocated Residential - When it is the owner or renter of a farm or associated with agricultural purposes.	Resource Extraction
<b>Commercial Uses</b>		<b>Civic Uses</b>
Communication Services Kennel, public		Aviation Facilities Major Utility Facilities Religious Assembly

**Section 4.4. PERMITTED ACCESSORY USES.**

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

1. Essential services
2. Private garage or carport
3. Barns and other agricultural related buildings
4. Private parking lots
5. Radio, television, satellite dish, and other similar receiving antennas (*for residential purposes*)
6. Personal utility sheds or garden buildings not used for commercial purposes
7. Temporary buildings for uses incidental to construction, in which buildings shall be removed upon completion or abandonment of construction, and in compliance with Section 13.3
8. Roadside stands for the sale of agricultural products or other products produced on the premises
7. Kennel, private
7. Home occupations
8. Accessory uses of land or structures customarily incidental and subordinate to the permitted uses and structures

**Section 4.5. SITE DEVELOPMENT REGULATIONS.**

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

- Lot Area - 1 acre - minimum lot area
- Lot Width - 100 feet - minimum lot width

Residential Density -	Not more than one (1) principal residential dwelling unit per lot, and not more than one (1) agricultural support housing per lot.
Height -	35 feet maximum height for dwellings and non-agricultural buildings and structures  No limitation for agricultural buildings provided that no structure shall be permitted to extend into approach zones, clear zones or other restricted air space required for the protection of any public airport.
Front Yard -	25 feet - minimum required setback
Side Yard -	10 feet - minimum required setback
Rear Yard -	25 feet - minimum required setback

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

All residential dwelling units must be constructed in compliance with the Minimum Requirements for Residential Structures regulations outlined in Section 13.8.

**Section 4.6. Off-Street Parking and Loading Space.**

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

**Section 4.7. Sign Regulations.**

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

**Section 4.8. Zoning Permits Required.**

Zoning permits shall be required in accordance with the provisions of Section 18.3 of this ordinance.

# ARTICLE V

## R-1 – Lakeshore Residential District

Article 5: Lakeshore Residential District

- Section 5.1. Intent
- Section 5.2. Principal Permitted Uses
- Section 5.3. Special Exception Uses
- Section 5.4. Permitted Accessory Uses
- Section 5.5. Site Development Regulations
- Section 5.6. Landscaping of Lakeshore Property
- Section 5.7. Off-Street Parking and Loading Spaces
- Section 5.8. Sign Regulations
- Section 5.9. Zoning Permits Required

**Section 5.1. INTENT.**

The intent of the Lakeshore Residential District is to provide for residential uses having lake frontage.

**Section 5.2. PRINCIPAL PERMITTED USES.**

Within the (R-1) Lakeshore Residential District, unless otherwise provided, no building or land shall be used for other than one or more of the following principal permitted uses:

Residential Uses	Civic Uses
Single Family Residential Two Family Residential	Government/Public Services Local Utility Services Park and Recreation Services

**Section 5.3. SPECIAL EXCEPTION USES.**

Certain uses may be permitted in the (R-1) Lakeshore Residential District subject to specific conditions and requirements as outlined and approved by the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses. Special exception uses are also subject to the provision of Articles XX and XXI of this ordinance.

Residential Uses	Commercial Uses
Condominium Residential Family Home Multiple Family Residential Relocated Residential	Bed & Breakfast Inn Campground Commercial Cottage Resort Enterprise Time-share (residential)

Limited accessory commercial/retail uses may be permitted by special exception within the (R-1) Lakeshore Residential District when intended to serve the needs of a primary businesses employees and or guests. Such limited accessory commercial/retail uses would typically only follow special exception uses such as resort enterprise, campground, bed & breakfast inn,

condominium or multiple family residential. Special exception commercial/retail uses could include, but not limited to: eatery, café, health or fitness center, gift shop, laundromat, barbershop/stylist, or other appropriate use as determined by the Board of Adjustment.

**Section 5.4. PERMITTED ACCESSORY USES.**

Permitted accessory uses shall not be the principal structure on any lot, and accessory uses are to remain incidental and secondary in size, use, and nature to the principal permitted use. The following accessory uses and structures shall be permitted:

1. Essential services
2. Private garage or carport
3. Personal recreational facilities for use by principal occupants
4. Private parking lots
5. Radio, television, satellite dish, and other similar receiving antennas (*for residential purposes*)
6. Patios, porches, gazebos and incidental household storage buildings
7. Personal utility sheds or garden buildings not used for commercial purposes
8. Kennel, private
9. Home occupations
10. Temporary buildings for uses incidental to construction, in which buildings shall be removed upon completion or abandonment of construction, and in compliance with Section 13.3.
11. Accessory uses of land or structures customarily incidental and subordinate to the permitted uses and structures.

**Section 5.5. SITE DEVELOPMENT REGULATIONS.**

The following minimum requirements shall be provided for light and open space around permitted and special exception uses, buildings and structures in the (R-1) Lake Residential District, and subject to modifications contained in the Supplemental District Regulations.

Minimum Lot Area -	5,000 sq.ft. – Single Family Residential 6,000 sq.ft. – Two Family Residential 1,500 sq.ft. – Per dwelling unit for multiple family but not less than 10,000 sq.ft. 10,000 sq.ft. – Other uses
Minimum Lot Width -	50 ft. - Single Family and Two Family Residential 100 ft – Multiple Family Residential
Height -	35 feet - maximum height on buildings and structures
Front Yard -	25 feet - minimum required setback
Side Yard -	5 feet - minimum required setback
Rear Yard -	14 feet - minimum required setback

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

All residential dwelling units must be constructed in compliance with the Minimum Requirements for Residential Structures regulations outlined in Section 13.8.

Manufactured or mobile homes placed in designated residential subdivisions must be converted to real property in conformance with section 135D.26 of the Code of Iowa

**Section 5.6. Landscaping of Lakeshore Property.**

1. *Shoreline Bank Defined.* The shoreline bank of Silver Lake, for the purpose of this ordinance, shall include any real property within a Lakeshore Residential District which is above the "ordinary high water mark" and which is below the existing grade of the lot or lots of which the shoreline bank is a part.
  - a. *Ordinary High Water Mark Defined.* As used in this ordinance, the term "ordinary high water mark" means the line located as such by the Iowa Department of Natural Resources.
  - b. *Landscaping Defined.* Landscaping shall mean that comprehensive array of activities pursuant to which rock or soil is cut into, dug, quarried, uncovered, displaced or relocated and which includes removal of viable plant life, rock or soil deposited by persons in the past or by natural means, and replace by any manner or terracing by rock, timbers, retaining walls or other conventional means. Landscaping shall not mean the act of excavating real property for construction of a foundation or otherwise preparing the same for the construction or erection of a dwelling or other building.
  - c. *Unlawful Act.* It shall be unlawful for any individual, person, corporation or other entity to landscape shoreline bank in any manner.
  - d. *Unlawful Act.* It shall be unlawful for any individual, corporation or other entity to permanently remove viable native vegetation or other viable plant life from the lakeshore bank without replacing the same with other vegetation that is equally effective in retarding erosion and preserving the natural appearance of the lakeshore bank. This provision shall not be construed to prohibit the pruning or trimming of existing vegetation nor shall it prohibit the removal of harmful, poisonous or noxious plant life from the lakeshore bank.
  - e. *Penalty.* Any violation of these lakeshore landscaping provisions may be enforced in accordance with Article XIX of this ordinance.
  - f. *Exceptions.* It is acknowledged that in certain areas lakeshore bank is subject to erosion and siltation due to the terrain of adjacent real estate and due to the drainage of surface water there from into Silver Lake. It is further acknowledged that in certain areas lakeshore bank is subject to bank erosion due to wave action of the lake. A special landscaping permit may be obtained from the zoning administrator for the purpose of allowing the performance of limited landscaping of lakeshore bank in order to prevent erosion and siltation in such instances.

- g. *Requirements for Obtaining Special Permits.* Upon the written application of the title holder of any real estate in a Lakeshore Residential District, on forms furnished by the city, and upon the payment to the city of the permit fee in the amount of \$40.00, the zoning administrator may issue a special lakeshore landscaping permit upon the demonstration of the following necessity:
- a. Erosion of the lakeshore bank is occurring or likely to occur as a result of the drainage of surface water from the subject property and adjacent property in the lake; or
  - b. Erosion of the lakeshore bank is occurring or likely to occur as a result of the wave action of the lake against the lakeshore and the landscaping of the lakeshore bank will prevent further erosion from occurring.
9. *Procedure of Obtaining Special Permit.* Any written application submitted under this ordinance to the Planning and Zoning Commission shall be accompanied by a plan of the property owner and engineer, if deemed necessary by the planning commission, for the proposed landscaping as well as the corrective measures proposed in a plan submitted under this ordinance shall minimize, as far as reasonably possible, any change in the level in the finished surface of the ground proposed to be landscaped and shall minimize permanent removal of vegetation or plant cover.
10. *Appeal.* Appeals of any decision by the zoning administrator denying the issuance of a special lakeshore landscaping permit may be appealed pursuant to Article XVIII of this ordinance.

**Section 5.7. Off-Street Parking and Loading Space.**

Off-street parking and loading requirements shall be required for activities in the (R-1) Lakeshore Residential District in accordance with the provisions of Article XV of this ordinance.

**Section 5.8. Sign Regulations.**

Sign regulations shall be required for activities in the (R-1) Lakeshore Residential District in accordance with the provisions of Article XVI of the ordinance.

**Section 5.9. Zoning Permits Required.**

Zoning permits shall be required in accordance with the provisions of Section 18.3 of this ordinance.

## ARTICLE VI

### R-2 – Single Family Residential District

Article 6: Single Family Residential District

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

**Section 6.1. INTENT.**

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

**Section 6.2. PRINCIPAL PERMITTED USES.**

Within the (R-2) Single Family Residential District, unless otherwise provided, no building or land shall be used for other than one or more of the following principal permitted uses:

<b>Residential Uses</b>	<b>Agricultural Uses</b>	<b>Civic Uses</b>
Family Home Single Family Residential Two Family Residential	Crop Production Horticulture Critical Area Floodplain Game Refuge/Preserve Undeveloped/Unimproved Land Water Control Structures, Irrigation or Retention Basins	Government/Public Services Local Utility Services Park and Recreation Services Educational Facilities Religious Assembly Safety Services

**Section 6.3. SPECIAL EXCEPTION USES.**

Certain uses may be permitted in the (R-2) Single Family Residential District subject to specific conditions and requirements as outlined and approved by the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses. Special Exception Uses are also subject to the provision of Articles XX and XXI of this ordinance.

<b>Residential Uses</b>	<b>Civic Uses</b>	<b>Commercial Uses</b>
Condominium Residential Relocated Residential Residential PUD	Cemetery Daycare Center Major Utility Services	Bed & Breakfast Inn Campground Communication Services Funeral Services Medical Clinics and Offices Outdoor Sports and Recreation

**Section 6.4. PERMITTED ACCESSORY USES.**

Permitted accessory uses shall not be the principal structure on any lot, and accessory uses are to remain incidental and secondary in size, use, and nature to the principal permitted use. The following accessory uses and structures shall be permitted:

1. Essential services
2. Private garage or carport
3. Personal recreational facilities for use by principal occupants
4. Private parking lots
5. Radio, television, satellite dish, and other similar receiving antennas (*for residential purposes*)
6. Patios, porches, gazebos and incidental household storage buildings
7. Personal utility sheds or garden buildings not used for commercial purposes
8. Kennel, private
9. Home occupations
10. Temporary buildings for uses incidental to construction, in which buildings shall be removed upon completion or abandonment of construction, and in compliance with Section 13.3.
11. Accessory uses of land or structures customarily incidental and subordinate to the permitted uses and structures.

**Section 6.5. SITE DEVELOPMENT REGULATIONS.**

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

Minimum Lot Area -	6,500 sq.ft. – Single Family Residential 7,500 sq.ft. – Two Family Residential 2,500 sq.ft. – Per dwelling unit for multiple family but not less than 10,000 sq.ft. 10,000 sq.ft. – Other Uses
Minimum Lot Width -	60 ft. - Single Family and Two Family Residential 80 ft. - Multiple Family Residential
Height -	35 feet - maximum height on buildings and structure
Front Yard -	25 feet - minimum required setback
Side Yard -	8 feet - minimum setback on single and two family 10 feet – minimum setback on multiple family
Rear Yard -	25 feet - minimum required setback
Lot Coverage -	65 percent maximum coverage including ground level paving and accessory buildings

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

All residential dwelling units must be constructed in compliance with the Minimum Requirements for Residential Structures regulations outlined in Section 13.8.

Manufactured or mobile homes placed in designated residential subdivisions must be converted to real property in conformance with section 135D.26 of the Code of Iowa

**Section 6.6. Off-Street Parking and Loading Space.**

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

**Section 6.7. Sign Regulations.**

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

**Section 6.8. Zoning Permits Required.**

Zoning permits shall be required in accordance with the provisions of Section 18.3 of this ordinance.

# ARTICLE VII

## R-3 – Multiple Family Residential District

Article 7: Multiple Family Residential District

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

**Section 7.1. INTENT.**

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

**Section 7.2. PRINCIPAL PERMITTED USES.**

Within the (R-3) Multiple Family Residential District, unless otherwise provided, no building or land shall be used for other than one or more of the following principal permitted uses:

Residential Uses	Civic Uses	Commercial Uses
Condominium Residential Family Home Group Residential Multiple Family Residential Residential Health Care Facilities Single Family Residential Townhouse Residential Two Family Residential	Daycare Center Governmental/Public Services Local Utility Services Park and Recreation Services Religious Assembly Safety Services	Bed & Breakfast Inn Outdoor Sports and Recreation Commercial Off-Street Parking

**Section 7.3. SPECIAL EXCEPTION USES.**

Certain uses may be permitted in the (R-3) Multiple Family Residential District subject to specific conditions and requirements as outlined and approved by the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses. Special Exception Uses are also subject to the provision of Articles XX and XXI of this ordinance.

<b>Residential Uses</b>	<b>Civic Uses</b>	<b>Commercial Uses</b>
Relocated Residential Residential PUD	Cemetery College and University Facilities Community Recreation Educational Facilities Preschool or Nursery School Major Utility Services	Campground Communication Services Condominium Storage Unit Convenience Storage Unit Funeral Services Medical Clinics and Offices Hospital Services

**Section 7.4. PERMITTED ACCESSORY USES.**

Permitted accessory uses shall not be the principal structure on any lot, and accessory uses are to remain incidental and secondary in size, use, and nature to the principal permitted use. The following accessory uses and structures shall be permitted:

1. Essential services
2. Private garage or carport
3. Personal recreational facilities for use by principal occupants
4. Private parking lots
5. Radio, television, satellite dish, and other similar receiving antennas (*for residential purposes*)
6. Patios, porches, gazebos and incidental household storage buildings
7. Personal utility sheds or garden buildings not used for commercial purposes
8. Kennel, private
9. Home occupations
10. Temporary buildings for uses incidental to construction, in which buildings shall be removed upon completion or abandonment of construction, and in compliance with Section 13.3.
11. Accessory uses of land or structures customarily incidental and subordinate to the permitted uses and structures.

**Section 7.5. SITE DEVELOPMENT REGULATIONS.**

The following minimum requirements shall be provided for light and open space around permitted and special exception uses, buildings and structures in the (R-3) Multiple Family Residential District, and subject to modifications contained in the Supplemental District Regulations.

- Minimum Lot Area - 10,000 sq.ft. + 2,500 sq.ft. for each additional dwelling unit in excess of four (4) dwelling units.  
10,000 sq.ft. – All other uses
- Minimum Lot Width - 80 feet, except at entry points off cul-de-sacs.  
Not less than 25 feet minimum at cul-de-sacs.
- Height - 35 feet - maximum height on buildings and structures

Front Yard -	25 feet - minimum required setback
Side Yard -	10 feet - minimum required setback
Rear Yard -	25 feet - minimum required setback
Lot Coverage -	75 percent maximum coverage including ground level paving and accessory buildings

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

All residential dwelling units must be constructed in compliance with the Minimum Requirements for Residential Structures regulations outlined in Section 13.8.

Manufactured or mobile homes placed in designated residential subdivisions must be converted to real property in conformance with section 135D.26 of the Code of Iowa

**Section 7.6. Off-Street Parking and Loading Space.**

Off-street parking and loading requirements shall be required for activities in the (R-3) Multiple Family Residential District in accordance with the provisions of Article XV of this ordinance.

**Section 7.7. Sign Regulations.**

Sign regulations shall be required for activities in the (R-3) Multiple Family Residential District in accordance with the provisions of Article XVI of the ordinance.

**Section 7.8. Zoning Permits Required.**

Zoning permits shall be required in accordance with the provisions of Section 18.3 of this ordinance.

# ARTICLE VIII

## C-1 – Downtown Commercial District

Article 8: Downtown Commercial District

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

**Section 8.1. INTENT.**

The intent of the Downtown Commercial District is to provide for a commercial area to serve the general shopping needs of the trade area and to permit uses which will strengthen the central business area as the center of trade, commerce, service, governmental and cultural activities.

**Section 8.2. PRINCIPAL PERMITTED USES.**

Within the (C-1) Downtown Commercial District, unless otherwise provided, no building or land shall be used for other than one or more of the following principal permitted uses:

Commercial Uses		Civic Uses
Administrative/Business Offices	General Retail Sales	Club or Lodge
Automotive Sales	Hotel-Motel	Cultural Services
Automotive Repair Services	Indoor Entertainment	Government/Public Services
Automotive Rentals	Indoor Sports and Recreation	Local Utility Services
Automotive Washing	Laundry Services	Park and Recreation Services
Bed & Breakfast Inn	Medical Clinics and Offices	Religious Assembly
Boarding House	Personal Improvement Services	Safety Services
Building Maintenance Services	Personal Services	
Business Support Services	Professional Office	<b>Residential Uses</b>
Commercial Off Street Parking	Restaurant (Convenience)	Apartment Residential (only upper floors and/or above commercial uses)
Commercial Recreation	Restaurant (General)	
Consumer Repair Services	Retail Specialty Shop	<b>Industrial Uses</b>
Convenience Store	Service Station	Custom Manufacturing
Financial Services		
Food Sales		
Funeral Services		

**Section 8.3. SPECIAL EXCEPTION USES.**

Certain uses may be permitted in the (C-1) Downtown Commercial District subject to specific conditions and requirements as outlined and approved by the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses. Special Exception Uses are also subject to the provision of Articles XX and XXI of this ordinance.

<b>Commercial Uses</b>	<b>Civic Uses</b>	<b>Industrial Uses</b>
Agricultural Sales & Services Equipment Sales Equipment Repair Services Vehicle Storage Business or Trade School Cocktail Lounge Communication Services Construction Sales and Services Convenience Storage Liquor Sales Outdoor Sports and Recreation Pet Services Veterinary Services Commercial PUD	College and University Facilities Community Recreation Daycare Center Detention Facilities Educational Facilities Major Utility Services Preschool or Nursery School Treatment Services	Limited Warehousing and Distribution

**Section 8.4. PERMITTED ACCESSORY USES.**

The following accessory uses and structures shall be permitted:

1. Essential Services
2. Private garages or carports
3. Temporary buildings for uses incidental to construction, which buildings shall be removed upon the completion or abandonment of construction and in compliance with Section 13.3.
4. Any other commercial use type that is not listed as a permitted use in the same district, and complies with all the following criteria.
  - a. Operated primarily for convenience of employees, clients or customers of the principal use.
  - b. Occupies less than 10 percent of the total floor area of the principal use.
  - c. Operated as an integral part of the principal use and is not a separate business use or activity.
5. Accessory buildings and structures normally incidental and subordinate to the principal permitted uses or special exceptions, as permitted in Section 13.2.
6. Other necessary and customary uses and structures determined by the zoning administrator to be appropriate, incidental, and subordinate in size, use, and nature.

**Section 8.5. SITE DEVELOPMENT REGULATIONS.**

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

Minimum Lot Area -	No minimum
Minimum Lot Width -	25 feet
Height -	35 feet - maximum height on buildings and structures

Front Yard -	No minimum required setback
Side Yard -	No minimum, except adjacent to any residential district in which case not less than 25 feet.
Rear Yard -	No minimum, except adjacent to any residential district in which case not less than 15 feet.
Lot Coverage -	100 percent maximum coverage

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

**Section 8.6. Off-Street Parking and Loading Space.**

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

**Section 8.7. Sign Regulations.**

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

**Section 8.8. Zoning Permits Required.**

Zoning permits shall be required in accordance with the provisions of Section 18.3 of this ordinance.

# ARTICLE IX

## C-2 – Highway Commercial District

Article 9: Highway Commercial District

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

**Section 9.1. INTENT.**

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

**Section 9.2. PRINCIPAL PERMITTED USES.**

Within the (C-2) Highway Commercial District, unless otherwise provided, no building or land shall be used for other than one or more of the following principal permitted uses:

Commercial Uses		Civic Uses
Administrative & Business Offices	General Retail Sales	Club or Lodge
Automotive Sales	Hospital Services	College or University Facilities
Automotive Repair Services	Hotel-Motel	Cultural Services
Automotive Rentals	Indoor Entertainment	Government/Public Services
Automotive Washing	Indoor Sports and Recreation	Local Utility Services
Bed & Breakfast Inn	Laundry Services	Park and Recreation Services
Building Maintenance Services	Liquor Sales	Public Assembly
Business Support Services	Medical Clinics and Offices	Religious Assembly
Cocktail Lounge	Outdoor Sports and Recreation	Safety Services
Commercial Off Street Parking	Personal Improvement Services	
Condominium Storage Units	Personal Services	<b>Agricultural Uses</b>
Construction Sales and Services	Pet Services	Agricultural Sales and Service
Consumer Repair Services	Professional Office	Crop Production
Convenience Store	Resort Enterprise	Horticulture
Convenience Storage	Restaurant (Convenience)	Critical Area
Financial Services	Restaurant (General)	Floodplain
Food Sales	Retail Specialty Shop	Undeveloped/Unimproved Land
Funeral Services	Service Station	Water Control, Irrigation or Retention Basins
	Veterinary Services	

**Section 9.3. SPECIAL EXCEPTION USES.**

Certain uses may be permitted in the (C-2) Highway Commercial District subject to specific conditions and requirements as outlined and approved by the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses. Special exception uses are also subject to the provision of Articles XX and XXI of this ordinance.

<b>Commercial Uses</b>	<b>Civic Uses</b>	<b>Industrial Uses</b>
Agricultural Sales & Services Commercial Kennel Communication Services Equipment Sales Equipment Repair Services Outdoor Entertainment Vehicle Storage Outdoor Sports and Recreation Commercial PUD	Cemetery Daycare Center Detention Facilities Educational Facilities Major Utility Services Preschool or Nursery School Public Assembly Transportation Terminal Treatment Services	Custom Manufacturing Limited Warehousing and Distribution Research and Production Services

**Section 9.4. PERMITTED ACCESSORY USES.**

The following accessory uses and structures shall be permitted:

1. Essential Services
2. Private garages or carports
3. Temporary buildings for uses incidental to construction, which buildings shall be removed upon the completion or abandonment of construction and in compliance with Section 13.3.
4. Any other commercial use type that is not listed as a permitted use in the same district, and complies with all the following criteria.
  - a. Operated primarily for convenience of employees, clients or customers of the principal use.
  - b. Occupies less than 10 percent of the total floor area of the principal use.
  - c. Operated as an integral part of the principal use and is not a separate business use or activity.
5. Accessory buildings and structures normally incidental and subordinate to the principal permitted uses or special exceptions, as permitted in Section 13.2.
6. Other necessary and customary uses and structures determined by the zoning administrator to be appropriate, incidental, and subordinate in size, use, and nature.

**Section 9.5. SITE DEVELOPMENT REGULATIONS.**

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

- Minimum Lot Area - 7,500 sq.ft.  
 Minimum Lot Width - 75 feet

Height -	35 feet - maximum height on buildings and structures No structure shall be permitted to extend into approach zones, clear zones or restricted air space required for the protection of any airport
Front Yard -	35 feet – minimum required setback
Side Yard -	10 feet – minimum required setback Unless, if adjacent to any residential district, the side yard shall be 25 feet.
Rear Yard -	20 feet – minimum required setback Unless, if adjacent to any residential district, the rear yard shall be 35 feet.
Lot Coverage -	90 percent maximum coverage including ground level paving and accessory buildings

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

**Section 8.6. Off-Street Parking and Loading Space.**

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

**Section 8.7. Sign Regulations.**

Sign regulations shall be required for activities in the (C-2) Highway Commercial District in accordance with the provisions of Article XVI of the ordinance.

**Section 8.8. Zoning Permits Required.**

Zoning permits shall be required in accordance with the provisions of Section 18.3 of this ordinance.

# ARTICLE X

## I – Industrial District

Article 10: Industrial District

- Section 10.1. Intent
- Section 10.2. Principal Permitted Uses
- Section 10.3. Special Exception Uses
- Section 10.4. Permitted Accessory Uses
- Section 10.5. Site Development Regulations
- Section 10.6. Off-Street Parking and Loading Spaces
- Section 10.7. Sign Regulations
- Section 10.8. Zoning Permits Required

**Section 10.1. INTENT.**

The intent of the Industrial District is to provide for a wide range of industrial uses and structures that have high standards of performance and can locate near certain residential and business uses. The district regulations are designed to permit the development of manufacturing and industrial operations that are not be detrimental to the surrounding area or to the community as a whole by reasons of noise, dust, smoke, odor, traffic, or other similar factors. In the best interest of the city, certain heavy intense industrial uses shall be subject to conditional approval to insure that proper safeguards are taken. No residential uses are permitted in this district.

**Section 10.2. PRINCIPAL PERMITTED USES.**

Within the (I) Industrial District, unless otherwise provided, no building or land shall be used for other than one or more of the following principal permitted uses:

Industrial Uses	Commercial Uses	Civic Uses
Biotechnology Production and Manufacturing Custom Manufacturing Light Industry Railroad Facilities Research and Production Services Limited Warehousing and Distribution General Warehousing and Distribution	Agricultural Sales and Service Automotive Sales Automotive Repair Services Automotive Washing Equipment Sales Equipment Repair Services Vehicle Storage Building Maintenance Services Business or Trade School Commercial Kennel Construction sales and services Convenience Storage Condominium Storage Units Convenience Store Laundry Services Professional Office Veterinary Services	Club or Lodge Government/Public Services Local Utility Services Maintenance and Service Facilities Safety Services

**Section 10.3. SPECIAL EXCEPTION USES.**

Certain uses may be permitted in the (I) Industrial District subject to specific conditions and requirements as outlined and approved by the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses. Special exception uses are also subject to the provision of Articles XX and XXI of this ordinance.

<b>Industrial Uses</b>	<b>Commercial Uses</b>	<b>Civic Uses</b>
Heavy Industry Resource Extraction Sanitary Landfill Scrap and Salvage Services Stockyards	Commercial PUD Adult Entertainment Establishments <i>(See Section 13.7 for regulations)</i>	Aviation Facilities Cemetery Detention Facilities Major Utility Services Transportation Terminal

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

**Section 10.4. PERMITTED ACCESSORY USES.**

The following accessory uses and structures shall be permitted:

1. Essential Services
2. Temporary buildings for uses incidental to construction, which buildings shall be removed upon the completion or abandonment of construction and in compliance with Section 13.3.
3. Any other commercial or industrial use type that is not listed as a permitted use in the same district, and complies with all the following criteria.
  - a. Operated primarily for convenience of employees, clients or customers of the principal use.
  - b. Is not larger than 25 percent of the total floor area of the principal use building.
  - c. Operated as an integral part of the principal use and is not a separate business use or activity.
4. Accessory buildings and structures normally incidental and subordinate to the principal permitted uses or special exceptions, as permitted in Section 13.2.
5. Other necessary and customary uses and structures determined by the zoning administrator to be appropriate, incidental, and subordinate in size, use, and nature.

**Section 10.5. SITE DEVELOPMENT REGULATIONS.**

The following minimum requirements shall be provided for light and open space around permitted and special exception uses, buildings and structures in the (I) Industrial District, and subject to modifications in the Supplemental District Regulations.

In addition, for any (I) industrial district adjacent to any residential district, the minimum setback shall be fifty feet from the industrial district boundary line except in such cases where the district line is construed to follow the centerline of a public thoroughfare, wherein such cases shall be determined by the provisions for the required minimum front yard depth as stated below.

Minimum Lot Area -	10,000 sq.ft.
Minimum Lot Width -	75 feet
Height -	35 feet - maximum height on buildings and structures No structure shall be permitted to extend into approach zones, clear zones or restricted air space required for the protection of any airport
Front Yard -	45 feet – minimum required setback
Side Yard -	10 feet – minimum required setback Unless, if adjacent to any residential district, the side yard shall be 50 feet.
Rear Yard -	45 feet – minimum required setback
Lot Coverage -	90 percent maximum coverage including ground level paving and accessory buildings

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

**Section 10.6. Off-Street Parking and Loading Space.**

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

**Section 10.7. Sign Regulations.**

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

**Section 10.8. Zoning Permits Required.**

Zoning permits shall be required in accordance with the provisions of Section 18.3 of this ordinance.

# ARTICLE XI

## MH – Mobile/Manufactured Housing District

Article 11: Mobile/Manufactured Housing District

- Section 11.1. Intent
- Section 11.2. Principal Permitted Uses
- Section 11.3. Special Exception Uses
- Section 11.4. Site Development Regulations
- Section 11.5. Mobile or Manufacture Home Park Requirements
- Section 11.6. Zoning Permits Required

**Section 11.1. INTENT.**

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

**Section 11.2. PRINCIPAL PERMITTED USES.**

Within the Mobile/Manufactured Housing District, unless otherwise provided in this Article, no building or land shall be used for other than one or more of the following principal permitted uses:

Residential Uses	Civic Uses
Mobile Home or Manufactured Housing located in an approved mobile or manufactured home park. Single Family Residential	Community Recreation Local Utility Services Park and Recreation Services

**Section 11.3. SPECIAL EXCEPTION USES.**

Certain uses may be permitted in the (MH) Mobile/Manufactured Housing District subject to specific conditions and requirements as outlined and approved by the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses. Special Exception Uses are also subject to the provision of Articles XX and XXI of this ordinance.

Civic Uses	Commercial Uses
Daycare Center Religious Assembly Preschool or Nursery School Educational Facilities	Communication Services

**Section 11.4. SITE DEVELOPMENT REGULATIONS.**

The following requirements shall be provided for light and open space around permitted and special exception uses and structures in the (MH) Mobile/Manufactured Housing District, and subject to modifications contained in the Supplemental District Regulations.

**Mobile or Manufactured Home Lot Requirements (within a trailer park):**

Lot Area -	4,000 square feet - minimum lot area
Lot Width:	40 feet – minimum lot width
Front Yard -	15 feet - minimum required front yard, unless the dwelling borders the perimeter in which case no front yard is required
Side Yard -	5 feet - minimum required side yard, unless the dwelling borders the perimeter in which case no side yard is required
Rear Yard -	10 feet - minimum required rear yard, unless the dwelling borders the perimeter in which case no rear yard is required
Maximum Height -	35 feet
Residential Density -	Not more than one (1) dwelling unit per mobile home lot

**Mobile or Manufactured Park Requirements:**

Park Area -	Two (2) acres – minimum park area
Park Width -	200 feet - minimum park width
Park Boundary -	25 feet – minimum required setback for mobile homes
Public right-of-way -	40 feet – minimum required setback for mobile homes
Maximum Height -	35 feet unless otherwise provided

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

The entrance road connecting the park streets with a public street shall have a minimum road pavement width of thirty-one feet, measured to back of curbs. All other streets shall have a minimum width of 28 feet. All streets shall be constructed with either hot mix asphaltic concrete or Portland cement concrete with an approved curb to provide for drainage.

**Section 11.5. MOBILE OR MANUFACTURED HOME PARK REQUIREMENTS.**

Each mobile or manufactured home park shall be developed subject to the following requirements:

1. *Development Plan:* The following information shall be shown on the development plan or submitted in writing with it:
  - a. The name of the proposed mobile home or manufactured housing park;
  - b. Names, addresses and telephone numbers of the developer or legal representative;
  - c. Location of mobile or manufactured housing park, giving subdivision and lot numbers;

- d. A map of the entire area scheduled for development, if the proposed development is a portion of a larger holding intended for subsequent development;
- e. Location map showing the relationship of the proposed development with adjacent tracts;
- f. Present land use and existing zoning of the proposed development;
- g. Interior streets, streets, street names, right-of-way and roadway widths;
- h. All lot lines and open spaces with dimensions shown;
- i. Location, dimensions, capacity, and design for a tornado/storm shelter, if such a facility is provided.

2. *Permitted accessory uses and requirements thereof:*

- a. Accessory buildings or structures under park management supervision shall be used only as office space, storage, laundry facilities, recreation facilities, garage storage or other necessary service for park residents' use only. No accessory building or structure shall exceed twenty-five (25) feet in height; and shall meet the requirements of other applicable ordinances;
- b. A mobile or manufactured housing units may be displayed and offered for sale, provided that the dwelling unit is situated on a permanent pad within the development park;
- c. Accessory structures may be no closer than 5 feet to any lot line;
- d. One (1) identification sign may be approved in conjunction with the final site plan approval. In no case shall such sign be larger than sixty (60) square feet in surface area nor have any moving parts or stand higher than ten feet (10') from the ground to the top of the sign. Such sign shall be no closer to the public right-of-way line than five feet (5').
- e. No more than one (1) entry or one (1) exit sign at each access drive onto the public right-of-way, approved in conjunction with the final site plan. In no case shall the sign be larger than two (2) square feet in surface area, nor have any moving parts, nor stand higher than five feet (5') from the ground to the top of the sign

3. *Required development standards:*

- a. The boundaries of each lot shall be clearly marked on the ground by permanent steel or iron rods driven into the ground with the top of said rods flush with the finish lot grade. Location of limits in the ground shall be the same as shown on approved plans.
- b. Yard width shall be determined by measurement from the mobile home face (side) to the site boundary from which every point shall not be less than the minimum widths herein provided. The rear yard shall be the yard opposite from the street or public way. Open patios shall be disregarded in determining yard widths. Enclosed all weather patios and carports shall be included in determining yard widths.
- c. Each mobile or manufactured home site shall be provided with a stand consistent with customary industry standards. Alternative pad and support mechanisms may be approved by the planning commission upon request and accompanied by supporting documentation.

- d. A written emergency plan submitted to the city and posted on site to advise all of the park residents of safety measures.
- e. Each dwelling shall be anchored to the ground as provided in 661 IAC Chapter 16.626(103A).
- f. Storage of goods and articles underneath any mobile home shall be prohibited;
- g. If a pier or post foundation is provided uniform skirting of each mobile home base shall be required within thirty (30) days after initial placement. A permanent type material and construction compatible with the design and color of the dwelling shall be installed to enclose the open space between the bottom of the unit's floor and the grade level of the dwelling's stand, and shall be constructed to provide substantial resistance to heavy winds. Skirting shall be maintained in an attractive manner consistent with the exterior of the dwelling and to preserve the appearance of the overall development park. Sufficient screened ventilating area shall be installed in the skirting to supply the combustion requirements of heating units and ventilating of the dwelling. Provisions shall be made for easy removal of a section large enough to permit access or inspection of the enclosed area under the dwelling, and for repair of sewer and water riser connections.
- h. Each lot shall be served with water and sanitary sewer utilities or adequate private sewage disposal facilities. Service facilities for bathing, laundry, etc. as required by the state and county health regulations.
- i. Storm water and surface drainage facilities shall be so constructed as to protect those who reside in the mobile home park as well as the property owners adjacent to the park. Such park facilities shall be of such capacity to insure rapid drainage and prevent the accumulation of stagnant pools of water in or adjacent to the park.
- j. Exposed ground surfaces shall be covered with stone screening or other solid material protected with a vegetative or other material preventing soil erosion.
- k. A greenbelt, at least ten (10) feet in width, shall be located along all boundaries of each mobile home park, except where it is crossed by driveways.
- l. Each mobile home site shall have front, side and rear yards, and a double front yard setback will be required on corner lots;
- n. Fuel storage shall be in accordance with applicable Federal, State & local regulations.
- o. All roads, driveways and motor vehicle parking spaces shall be paved and constructed so as to handle anticipated peak loads, and adequately drained and lighted for safety and ease of movement of pedestrians and vehicles.
- p. All streets intended for general public use shall be dedicated as a public right-of-way and subject to such improvements as may be required by the City of Lake Park.
- q. One (1) parking space shall be provided within one hundred and fifty (150) feet of each mobile or manufactured home site. In such park there shall be provided additional parking spaces for additional storage of all recreational type vehicles and visitor parking.
- r. When a cul-de-sac is provided, the radius of such roadway loop shall be a minimum of one hundred (100) feet, curb face to curb face, with the drive length a maximum of three hundred (300) feet;

- s. All development parks shall be furnished with lighting units that will provide levels of illumination for safe movement of pedestrians and vehicles.
- t. No mobile home trailer shall be permitted in any other district as accessory buildings.

**Section 11.6. Zoning Permits Required.**

Zoning permits shall be required in accordance with the provisions of Section 18.3 of this ordinance.

## ARTICLE XII

### Supplemental District Regulations

#### Article 12: Supplemental District Regulations

Section 12.1.	Intent
Section 12.2.	Lot of Record
Section 12.3.	Multiple Principal Structures per Lot
Section 12.4.	Yard Regulations
Section 12.5.	Steps, Decks and Patios
Section 12.6.	Fences and Hedges
Section 12.7.	Buildings to Have Access
Section 12.8.	Use of Public Right-of-Way
Section 12.9.	Block Frontage Continuity
Section 12.10.	Height Requirements

#### **Section 12.1. INTENT.**

The regulations set forth in this article qualify, supplement or modify the area, yard and height regulations set forth elsewhere in this ordinance.

#### **Section 12.2. LOT OF RECORD.**

In any residential district on a lot of record at the time of passage of this ordinance having less area or width than herein required may be used for a single family dwelling, provided all of the required setbacks of the district are met. Furthermore, where two (2) or more recorded lots are held in common ownership, they may be combined into a single zoning lot and shall thereafter be maintained in ownership by deed restriction and shall be so joined and developed for implementing this section. Any use occurring on a secondary property tied to the original property by deed restriction shall be considered and approved as a special exception use by the Board of Adjustment. Such uses located on a secondary property shall be transferable between property owners.

A lot of record at the time of passage of this ordinance having a lot width of less than fifty feet (50') shall maintain the required side yard on each side of the dwelling but such yard may be reduced to ten percent (10%) of the lot width. A lot of record at the time of passage of this ordinance having a lot depth of less than one hundred feet (100') may have the required rear yard reduced to twenty percent (20%) of the lot depth.

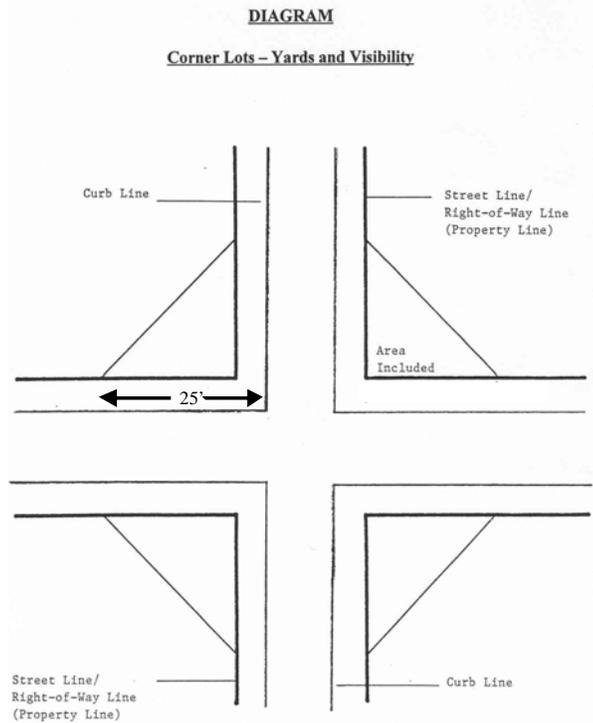
#### **Section 12.3. MULTIPLE PRINCIPAL STRUCTURES PER LOT.**

Except in the R-1, R-2 and MH districts, more than one principal structure, not intended to be a single family residential structure, may be erected on a single lot subject to the following conditions.

- 1) No principal building shall be located closer than twenty feet (20') in relation to another principal building on the same lot, or on an adjacent lot, so as to cause danger from fire;
- 2) All principal buildings on the lot shall be served by access ways, no less than fifteen feet (15'), suitable for police, fire, and emergency vehicles, upon review and approval of the Lake Park public safety officials.
- 3) All of the multiple principal buildings on the same lot shall be accessible via pedestrian walkways connected to the required parking and emergency accesses, and to each building.

**Section 12.4. YARD AND AREA REGULATIONS.**

1. *Projecting Overhang or Structure.* The ordinary horizontal projection from buildings including eaves, sills, fascia, parapets, cornices, or other similar architectural features, except for gutters, may not project or extend more than two feet (2') into a required yard. This provision does not include uncovered patios or other concrete slab structures.
2. *Yard Encroachments.* Air conditioning compressor(s), L.P. tanks, heat pumps, steps, egress window wells or other such similar devices, not including utility devices, may not encroach into the required side yard. Carports, bay or bow windows, cantilevered projections, chimneys and other similar structures attached to the principal building may not project into any required yard.
3. *Through Lots.* Buildings on through lots, extending from street to street shall provide the required front yard on both streets.
4. *Corner Lots.* For buildings on corner lots with frontage on two (2) or more public streets, each required yard setback abutting a public street shall be the same as the required front yard on such street and no accessory building shall project beyond the required front yard on either street.
5. *Line of Site Visibility (at Intersections).* On a corner lot in any district, except the (C-1) Downtown Commercial District, no fence, wall, hedge, tree or other planting or structure that will obstruct vision between a height of two (2) feet and ten (10) feet above the centerline grade of the intersecting streets shall be erected, placed or maintained within the triangular area formed by connecting the right-of-way lines at points which are twenty-five (25') distant from the intersection of the right-of-way lines, and measured along the right of way lines.



**Section 12.5. STEPS, DECKS AND PATIOS.**

Steps providing access to the ground level of a dwelling may encroach no more than five feet (5') into a required front or rear yard. Steps shall not be permitted to encroach into a required side yard.

Deck floors higher than twelve inches (12") above the average grade of the ground shall conform to required yard setbacks. An open unenclosed deck may project into a required front yard or required rear yard for a distance not exceeding ten feet (10').

Uncovered patios or other concrete slab structures constructed on the ground, or less than twelve inches (12") above the average grade of the ground, shall be allowed to be constructed within the required front, side, or rear yards. Concrete slab structure built on the ground or uncovered patios shall be permitted to be built up to the side or rear lot lines. Furthermore, within the front yard, uncovered patios or other concrete slab structures shall not extend more than ten feet (10') beyond one side of a driveway (either side).

**Section 12.6. FENCES AND HEDGES.**

Fences shall not exceed more than fifty percent (50%) solid and fences or hedges shall not exceed more than four feet (4') in height in any front yard. Please reference Section 12.4.5. when considering fences in front or side yards. Except as provided above, fences shall not exceed six feet (6') in height in any side or rear yards. Fences in excess of six feet (6') will be permitted in the cases of tennis courts and swimming pools, subject to further restrictions and approval from the Board of Adjustment.

Fences shall not be closer than six inches (6") to any property line and perennial plantings shall not be planted closer than two and one-half feet (2½') to any property line. Except that fences and perennial plantings may be placed up to the property line by written mutual agreement of both adjacent property owners.

Fences shall not be constructed of non-treated wood products; corrugated tin, metal, or fiberglass; or sheet metal or fiberglass. Fences may be constructed from treated wood products, non-decomposing natural wood products such as cedar, redwood, etc; chain link, molded plastic or wrought iron. The Planning and Zoning Commission may approve other materials. Fences should be constructed in an orderly and neat manner as to accent and compliment the natural landscape of the property. All fences shall be subject to an approved building permit.

**Section 12.7. BUILDINGS TO HAVE ACCESS.**

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

**Section 12.8. USE OF PUBLIC RIGHT-OF-WAYS.**

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

**Section 12.9. BLOCK FRONTAGE CONTINUITY.**

In the case where the front yards in a given block improved with buildings amount to more than 30% of the total number of lots, including vacant lots, on one side of the street between two intersecting streets then the required minimum setbacks will be based on a line joining the two front corners of the buildings on either side thereof. Where there is a building on only one side, beyond a line projected from the corresponding adjacent corners of the two nearest buildings, except that no building shall be required to provide a front yard setback greater than thirty-five feet (35') in any event. Where an official line has been established for future widening or opening of a street upon which a lot abuts, than the depth of a front or side yard shall be measured from such official line. In the case where the block front improved with buildings amounts to less than 30% of the total number of lots, including vacant lots, on one side of the street between two intersecting streets, the required minimum yards of the district shall be enforced.

**Section 12.10. HEIGHT REQUIREMENTS.**

Height regulations shall not apply to communication towers (television, radio, cellular, etc.), church spires, belfries, monuments, tanks, water towers, fire towers, stage towers or scenery lofts, cooling

towers, grain elevators, ornamental towers and spires, chimneys, elevator bulkheads, drilling rigs, conveyors, flagpoles and other pertinent mechanical apparatuses which may be erected to any height not in conflict with any other applicable regulations. These additional structures or accessories may be erected, provided however, all towers or structures exceeding height requirements shall not be permitted to extend into approach zones, clear zones or other restricted air space required for the protection of the flying public.

Public, semi-public, or public service buildings, hospitals, sanitariums, or schools when permitted in a district may be erected to a greater height than otherwise permitted in the district if the building is set back from each property line at least one foot (1') in addition to the minimum yard requirements, for each two feet (2') of additional building height above the height limit otherwise provided in the district in which the building is constructed.

## ARTICLE XIII

### Additional Use Regulations

#### Article 13: Additional Use Regulations

Section 13.1.	Intent
Section 13.2.	Accessory Buildings
Section 13.3.	Temporary Uses
Section 13.4.	Service Stations/Convenience Stores
Section 13.5.	Home Occupations
Section 13.6.	Recreational Vehicles
Section 13.7.	Adult Entertainment Regulations
Section 13.8.	Minimum Requirements for Residential Structures
Section 13.9.	Planned Unit Development (PUD) – Special Exception

#### **Section 13.1. INTENT.**

These additional use regulations set forth in this article are applicable in all zoning districts and are intended to qualify or supplement the use regulations set forth elsewhere in this ordinance. In event of any conflict in provisions, the more restrictive provision shall apply unless specifically indicated to the contrary.

#### **Section 13.2. ACCESSORY BUILDINGS.**

The purpose of these provisions is to establish the relationship among principal and accessory uses and to establish provisions governing the conduct of accessory uses.

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

Accessory buildings and uses customarily incidental to that of the principal building may be erected or established as permitted, provided they comply with the following limitations:

1. Accessory buildings that are structurally or visually part of or attached to the principal building by a shared roof line or a shared common wall shall conform to the site development regulations of the principal building.
2. No accessory buildings shall be erected, placed, located or moved into any required front yard.
3. Accessory buildings may be allowed, as a special exception use, as the only principal structure on a separate platted lot so long as it is located either immediately across any private or public street or alley, or immediately adjacent to the lot of the principal structure it is associated with, and the two properties are joined as one lot of record through a deed restriction.
4. If a garage door directly faces an alley, there must be a minimum fifteen feet (15') setback.
5. Accessory buildings shall not be erected within five feet (5') of any main (principal) building or the property line.

6. Residential accessory buildings shall be limited to a maximum of two (2) total buildings, including a detached garage. Accessory buildings, for purposes of counting the number of allowable accessory buildings, shall include both permanent and temporary or portable structures, not including deck boxes or other yard furniture. Temporary or portable structures occupying space on the lot for less than 30 consecutive days shall not be counted toward the two (2) allowable accessory buildings.
7. All accessory buildings in any residential district shall not occupy more than thirty percent (30%) of the rear yard. In the event of a small rear yard, this regulation shall not prohibit the construction of at least one garage not to exceed six hundred (600) square feet and at least one accessory storage building not to exceed one hundred twenty (120) square feet.
8. Accessory buildings shall maintain the appearance of and have building materials similar in nature to the principal structure on the lot.
9. Accessory buildings shall not exceed a maximum height of thirty feet (30') for all detached buildings in all zoning districts.
10. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used unless the main building on the lot is also being used.
11. Accessory buildings shall not be used for dwelling purposes.
12. No permanent accessory buildings shall be erected, placed, located or constructed on any required, permanent, temporary or utility easement.

**Section 13.3. TEMPORARY BUILDINGS.**

Provisions authorizing temporary uses are intended to permit occasional, temporary uses when consistent with the intent of these zoning regulations and when compatible with other nearby uses.

1. *Temporary Use Types.* The following types of temporary uses may be authorized by the zoning administrator, subject to specific limitations herein and such additional conditions as may be established by the zoning administrator.
  - a. Contractor's office, storage yard, and equipment parking and servicing on the site of an active construction project may be permitted in any district during the period that the construction work is in progress, but such temporary building(s) shall be removed within thirty (30) days after completion or abandonment of the construction work.
  - b. Religious, patriotic, or historic assemblies, displays, or exhibits.
  - c. Outdoor special sales, craft shows, exhibits, swap meets, flea markets, parking lot sales, or similar activities when operated not more than 3 days in the same week or more than 5 days in the same month.
  - d. Circuses, carnivals, rodeos, fairs, or similar transient amusement activities.
  - e. Temporary use of trailer units or similar portable structures for nonresidential uses, and limited to a maximum period of 6 months per calendar year.

- f. Additional similar uses determined to be temporary by the zoning administrator.
2. *Required Conditions of Temporary Use.* Each site occupied by a temporary use shall be left free of debris, litter, or other evidence of such use upon completion and removal. The zoning administrator may establish additional conditions as deemed necessary to ensure land use compatibility and to minimize potential impacts on nearby uses, including but not limited to frequency of operation, parking arrangements, traffic circulation, screening or enclosures, and guarantees for site restoration and cleanup.
3. *Authorization.* The zoning administrator may authorize a temporary use only when, in their judgment, the temporary use will not impair the normal, safe, and effective operation of a permanent use on the same site; will be compatible with nearby uses in the general vicinity and will not create traffic hazards or otherwise interrupt or interfere with the conduct of uses in the vicinity.

**Section 13.4. SERVICE STATION/CONVENIENCE STORES.**

Gasoline service stations shall be subject to the following regulations:

1. *Location of Ingress and Egress.* No gasoline service station or automobile repair shop shall have an entrance or exit for vehicles within one hundred-fifty feet (150') as measured along the public street in which there exists a school, public playground, church, chapel, convent, hospital, public library or the property line of any residentially zoned district. Such access shall not be closer to any intersection than forty feet (40').
2. *Location of Oil Drainage Pits and Hydraulic Lifts.* All oil drainage pits and hydraulic lifts shall be located within an enclosed structure.
3. *Gasoline Dispensing Pumps.* Gasoline service stations and convenience stores shall have their gasoline pumps, including other service facilities, set back at least twenty-five feet (25') from any public right-of-way. When located in commercial districts, gasoline dispensing pumps shall not be considered as accessory structures.

**Section 13.5. HOME OCCUPATIONS.**

Home occupations as an accessory to the residential use shall be subject to the following limitations:

1. The use must be conducted as a secondary use and in such a manner as not to give an outward appearance nor manifest any characteristics of a business in the ordinary meaning of the term. The occupation must be conducted entirely within the dwelling which is a bona fide residence of the practitioners or entirely within an attached or detached garage (not to include a carport, driveway, yard or outside area).
2. Only one (1) unrelated person living outside the residence and members of the immediate family may be employed in the home occupation.
3. The residential character of the building shall be maintained.
4. The home occupation shall not generate customer related vehicular traffic substantially in excess of the normal anticipated residential neighborhood traffic.

5. Have no exterior display, no exterior storage of materials, and no other exterior indication of the home occupation or variation from the residential character of the principal building.
6. Home occupations may have only one flush mounted, non-illuminated sign not exceeding four (4) square feet in size and four feet (4') in height.
7. In addition to one flush mounted sign allowed in item 6 above, home occupations shall be permitted to have one yard sign, of the same size and height above, but not illuminated.
8. No more than thirty percent (30%) of the main floor area of the principal building may be utilized by the home occupation. However, this regulation shall not apply to daycare services.
9. The occupation shall not produce external noise, vibration, smoke, dust, odor, heat, glare, fumes, or waste run off outside the dwelling or on the property surrounding the dwelling.
10. The use must not infringe upon the right of neighbors to enjoy peaceful and healthy occupancy of their home for which purpose the residential district was created and primarily intended.
11. Daycare services, for purposes of a home occupation, are permitted according to state regulations.
12. Nothing herein shall be construed to allow the following businesses or occupations as home occupations: animal hospitals, animal breeding, clinics, hospitals, contractor's yards, junk yards, restaurants, rental outlets, or automotive repair.

**Section 13.6. RECREATIONAL VEHICLES.**

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

1. Recreational vehicles are permitted within designated campgrounds, recreational vehicle parks, and other typical recreational areas including lakes.
2. Outside of the aforementioned areas, recreational vehicles may be parked for seasonal use (short term use or less than 30 consecutive days) on a driveway within a front yard, but not upon the right-of-way, provided the view of the street is not obstructed as to vehicular ingress and egress. Recreational vehicles may be parked or stored (long term use) within the side yard, rear yard or within an enclosed garage.
3. Recreational vehicles parked or stored on a premises or any lot shall not be used for permanent human occupancy. In residential zoning districts, recreational vehicles shall only allow human habitation for not more than fourteen (14) days in a calendar year.
4. Recreational vehicles shall not be used for business purposes in any zoning district.

**Section 13.7. ADULT ENTERTAINMENT REGULATIONS.**

*1. Purpose.*

The City of Lake Park finds that adult entertainment establishments require special consideration in order to protect and preserve the health, safety, and welfare of the patrons of such establishments as well as the citizens of Lake Park. Because of their very nature, these uses have a detrimental effect on both existing establishments around them and surrounding residential areas adjacent to them. It is for these reasons and further that the City of Lake Park finds:

- a. The concern over sexually-transmitted diseases is a legitimate health concern that demands reasonable regulation of adult entertainment establishments in order to protect the health and well-being of the community;
- b. Adult entertainment establishments, due to their very nature, have serious objectionable operational characteristics, thereby contributing to blight and downgrading the quality of life in the adjacent areas;
- c. Lake Park wants to prevent such adverse effects and thereby protect the health, safety, and welfare of its residents; protection from increased crime; preserve the quality of life; preserve property values and deter the spread of blight;

It is not the intent of these regulations to suppress any free speech activities protected by the First Amendment, but to enact content neutral regulations that address the secondary effects of adult entertainment establishments as well as the problems associated with such establishments.

*2. Definitions.*

Adult entertainment establishments consisting of, including, or having the characteristics of any or all of the following.

- a. ***ADULT BOOKSTORE***: An establishment that has a facility or facilities, including but not limited to, booths, cubicles, rooms or stalls for the presentation of "adult entertainment," including adult-oriented films, movies, or live performances for observation by patrons therein; or an establishment having a substantial or significant portion of its stock for sale, rent, trade, lease, inspection, or viewing of books, films, video cassettes, DVDs, magazines, publications, or other periodicals, which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified anatomical areas or specified sexual activities as defined below.
- b. ***ADULT ENTERTAINMENT***: Any exhibition of any motion picture, live performance, display, or dance of any type, which has as its dominant theme or is distinguished or characterized by an emphasis on any actual or simulated specified sexual activities or specified anatomical areas as defined below.
- c. ***ADULT MOTION PICTURE THEATER***: An enclosed building used for presenting material having as its dominant theme or distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined below for observation by patrons of the building.
- d. ***ADULT ENTERTAINMENT ESTABLISHMENT***: Any establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or

characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined below. It further means any premises that feature topless dancers, go-go dancers, strippers, male or female impersonators, or other similar entertainers for observation by patrons. Adult entertainment establishments further mean those places to which are physically arranged so as to provide booths, cubicles, rooms, compartments, or stalls separate from the common area of the premises for the purposes of viewing adult-oriented motion pictures, or adult entertainment dancing.

- e. *OPERATORS*: Any person, partnership, or corporation operating, conducting, maintaining or owning any adult-oriented establishment.
- f. *SPECIFIED ANATOMICAL AREAS*: Less than completely and opaquely covered female or male genitals or buttocks; and the fully exposed female breasts.
- g. *SPECIFIED SEXUAL ACTIVITIES*: Simulated or actual acts of:
  - (i) showing of specified anatomical areas in a state of sexual stimulation or arousal;
  - (ii) actual or simulated acts of sexual intercourse, sodomy, sado-masochism; or
  - (iii) fondling or erotic touching of specified anatomical areas.

3. *Adult Entertainment Operations or Activities.*

In any building, structure or venue intended for adult entertainment, whether alcohol is served or not, activities engaged in the showing of specified anatomical areas or specified sexual activities are not permitted.

4. *Locational Requirements and Restrictions.*

An adult entertainment establishment shall be permitted within City of Lake Park only in the Industrial (I) zoning district upon receipt of a site plan in accordance with Article XIV and a special exception use permit in accordance with the procedures set forth in Article XXI; and only if it meets all of the location requirements set forth below. Distances provided hereafter shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the proposed adult entertainment business is to be located, to the nearest point of the parcel of property or zoning district boundary line from which the proposed adult entertainment business is to be separated.

- a. Adult-oriented establishments shall be prohibited in or within one thousand (1,000) feet of the borders of a residential district.
- b. Adult-oriented establishments shall be prohibited within one thousand (1,000) feet of any church, synagogue, mosque, temple, or other place of religious worship.
- c. Adult-oriented establishments shall be prohibited within one thousand (1,000) feet of any public or private school offering general education for students between the years of kindergarten and twelfth grade.
- d. Adult-oriented establishments shall be prohibited within one thousand (1,000) feet of any public park or playground.
- e. Adult-oriented establishments shall be prohibited within one thousand (1,000) feet of any daycare home or daycare business.

5. *Development Design Standards.*

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

6. *Responsibilities of the Operator.*

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

7. *Minors.*

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

**Section 13.8. MINIMUM REQUIREMENTS FOR RESIDENTIAL STRUCTURES**

All structures intended for permanent residential occupancy placed, erected, assembled or constructed in the city after the effective date of this section shall meet and comply with the following minimum requirements. These requirements shall not apply to residential structures intended for temporary occupancy including but not limited to resort enterprise, bed & breakfast inn, commercial cottage or hotel/motel.

1. *Structure Size:* Each such structure shall have a main body with a minimum exterior dimension of at least twenty-four feet (24') measured from outside of exterior walls, exclusive of attached garages, porches, or other attached accessory structures. A structure may include porches, sunrooms, garages and wings of lesser dimensions and area, so long as the main body meets the minimum requirements.
2. *Minimum Floor Area:* A minimum floor area of not less than eight hundred (800) square feet.
3. *Foundation:* All residential structures shall have a continuous and complete frost protected perimeter foundation, except that a perimeter foundation shall not be required for a mobile or manufactured home if a perimeter foundation is incompatible with the structural design of the building. For such a mobile or manufactured home, a permanent foundation may be a pier footing foundation system designed and constructed to be compatible with the structure and the conditions of the site. Foundation materials may be masonry, poured concrete, wood or metal and must extend below the normal frost line or be an approved frost-free permanent foundation. The structure must be permanently attached to the foundation.

4. *Emergency Escape and Rescue:* Basements with habitable space and each sleeping room shall have at least one operable emergency escape and rescue opening. Where basements contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room, but shall not be required in adjoining areas of the basement.
5. *Exterior Wall and Roof Material:*
  - a. Exterior wall covering shall be wood, masonry, vertical or horizontal grooved siding, lap siding, log siding, wood shingles, or another approved materials of similar appearance.
  - b. Roofing material shall be shingles (asphalt, fiberglass, metal or wood), slate, ceramic, concrete, or metal of a type customarily used for residential roofing material, such as “standing seam” or embossed or textured metal.
  - c. Smooth, unfinished or corrugated sheet metal or sheet fiberglass shall not be used for exterior wall or roof covering.
  - d. Soffits and/or eaves, window and door trim, roofs and coverings over bay and bow windows and doors may be smooth finished metal, vinyl or wood or unfinished metal (such as copper) customarily used for residential structure trim.
  - e. All dwelling units shall have a minimum roof pitch of 3:12. This requirement shall not apply to mobile or manufactured homes if they comply with 42 U.S.C., Section 5403.
6. *Wheels, Axles or Towing Device:* No residential structure shall have attached wheels, axles, or a towing device.
7. *Exemption:* The provisions of this section shall not apply to mobile homes or manufactured housing placed in a mobile home park in compliance with the remaining regulations in this zoning ordinance.

#### **Section 13.9. PLANNED UNIT DEVELOPMENT (PUD) – SPECIAL EXCEPTION**

Planned Unit Developments (PUD’s) are intended to accommodate a wide variety of use types in accordance with the city’s comprehensive plan. The purpose of the PUD is to encourage flexibility in the design and development of land in order to promote its most appropriate use and to facilitate the adequate and economical provision of streets, utilities and public spaces; while simultaneously striving to preserve the natural and scenic qualities of open areas. PUD’s are intended to encourage innovative, well-designed projects that achieve a high level of low impact development, environmental sensitivity, energy efficiency, safety, and aesthetics. Each PUD will be applied for and reviewed as a special exception within the zoning district in which it is located. The PUD application shall contain a general statement by the applicant describing how the proposed development departs from the city's standard zoning regulations and how the proposed development is an improvement over the requirements of the city’s zoning regulations.

1. To be eligible for PUD consideration, the proposed development must:
  - a. be in accordance with the comprehensive plan and with the regulations of this ordinance;
  - b. be an effective and unified means of treating possible development providing for preservation of scenic features and amenities of the site and the surrounding area;
  - c. encourage a more creative and efficient development of land and its improvements;
  - d. allow for a mixture of uses in an integrated and well-planned area;

- e. ensure concentration of open space into more usable areas and preservation of the natural resources of the site including wetlands, woodlands, steep slopes, and scenic areas;
- f. facilitate economic provisions of streets and public utilities;
- g. encourage low impact developments.

The overall land use makeup of PUDs shall be consistent with the underlying land use designation and the following standards:

2. **Residential PUDs:** PUDs to be established on land zoned residential on the city's zoning map shall be considered a residential PUD. The following standards shall apply:
  - a. Residential and Public/Civic Uses: The Board of Adjustment may approve any residential and public/civic uses within residential PUDs. Permitted dwelling units shall include detached, clustered, semi-detached, attached, or multi-storied structures or combinations thereof. Customary accessory uses are also permitted.
  - b. Commercial Uses: In addition to residential and public/civic uses, the Board of Adjustment may approve commercial uses within residential PUDs; provided that:
    - i. A sufficient population within the PUD supports such uses;
    - ii. Such uses are designed and located in such a manner as to protect the character of the affected project and surrounding land uses and natural assets; and
    - iii. Such uses do not occupy in total more than 25 percent of the total land area in the PUD.
3. **Commercial PUDs:** PUDs to be established on land zoned (C) commercial on the city's zoning map shall be considered a commercial PUD. The following standards shall apply:
  - a. Residential and Public/Civic Uses: The Board of Adjustment may approve any residential and public/civic uses within commercial PUDs; provided that the overall density of residential uses shall not exceed 16 units per acre.
  - b. Commercial Uses: The Board of Adjustment may approve any commercial uses within commercial PUDs.
  - c. Industrial Uses: The Board of Adjustment may approve any industrial uses within commercial PUDs.
4. **Mixed-Use PUDs:** PUDs to be established on land designated as either residential or nonresidential (commercial or industrial) on the city's zoning map shall be considered a mixed-use PUD. Those portions of a mixed-use PUD that have an underlying residential zoning designation shall be regulated in accordance with the residential PUD standards. Those portions of a mixed-use PUD that have an underlying commercial or industrial zoning designation shall be regulated in accordance with the commercial PUD standards.
5. **General Regulations.** In order for PUD's to be eligible for consideration of a special exception use permit, certain regulations needs to be satisfied to preserve the integrity of the planned development and minimize any potential impact to adjacent properties.

- a. *Conformance with the Comprehensive Plan:* The proposed planned unit development is in conformance with the Lake Park Comprehensive Plan. At a minimum, the Board of Adjustment shall find that the PUD does not conflict with the comprehensive plan.
- b. *Minimum Site Area:* A PUD shall include no less than five (5) acres of contiguous land. Property shall be deemed to be contiguous so long as all parts are under unified control of the applicant, and all parts abut or are separated by only a road, easement or right of way. A minimum of two (2) or more principal structures must be proposed.
- c. *Preservation of Natural Features:* Mature trees, vegetative cover, watercourses and other natural site features shall be preserved to the greatest extent possible. Abrupt changes in natural slope shall be avoided. Preservation shall be directed toward;
  - i. Protecting the natural environment;
  - ii. Providing buffering between new developments and surrounding properties;
  - iii. Handling of storm water flows in natural channels;
  - iv. Maintaining existing vegetation along stream corridors as water quality filters; and
  - v. Developing and sustaining low impact developments.
- d. *Common Open Space:* A minimum of twenty-five (25) percent of every residential PUD shall be developed as public open space for the use and enjoyment of the residents. A minimum of fifteen (15) percent of the gross area of every commercial PUD shall be devoted to common open space. In the case of a mixed-use PUD, the greater requirement of minimum open space shall apply. Parking areas and vehicle access facilities shall not be considered in calculating open space requirements. Common open space may qualify wholly or partially as recreation areas, recreational buildings, pedestrian open space system (permanently maintained walks and trails), or environmental features such as natural habitats or environmentally sensitive areas.
- e. *Maintenance of Common Open Space:* In the event that the owner or organization established to own and maintain common open space shall fail to maintain the land in reasonable condition, the zoning administrator shall serve written notice defining the maintenance deficiencies. If such deficiencies are not corrected after 30 days, the zoning administrator shall call upon any public or private agency to maintain the common open space. In such cases, the tax assessor shall assess the costs proportionally against all properties within the PUD that have the right of use of the common open space.
- f. *Screening:* Additional buffering beyond minimum requirements of this ordinance, both around the perimeter and interior of the planned unit development, shall be provided where appropriate to mitigate against adverse impacts of noise, glare, sound, or other influences on the proposed development or on adjacent land.
- g. *Lighting:* All lighting from proposed developments shall be arranged to prevent direct glare or hazardous interference to adjoining streets or lands.
- h. *Streets:* Principal vehicular access to PUDs shall be from primary streets. Any PUD containing over 50 dwelling units and/or 30,000 square feet of nonresidential floor space shall provide at least 2 access points, where feasible. Access points shall be designed to

provide smooth flow, controlled turning movements, and minimum hazards to vehicular or pedestrian traffic.

- i. *Other Conditions:* The zoning administrator and the Board of Adjustment shall have the authority to impose such other conditions as are necessary to accomplish the purposes of this zoning ordinance and the comprehensive plan.

6. **Application and Approval.** PUD's shall be subject to the approval of a special exception use permit approved by the Board of Adjustment.

a. *Pre-Application Meeting.*

Prior to submitting a PUD plan to the Board of Adjustment, the applicant shall meet with the zoning administrator to discuss the proposed project. This includes the procedures for a special exception use permit and preliminary plat. The applicant may submit a simple sketch plan at this stage for informal review and discussion.

b. *Development Plan Documentation.*

The following information shall be submitted for application of the special exception use permit.

- i. A statement describing the general character of the intended development and the manner in which it has been designed to take advantage of the PUD regulations.
- ii. An accurate site plan of the proposed project, along with additional information requested by the city to make possible the evaluation of the criteria for approval.
- iii. A statement of proposed financing of the planned unit development (PUD)
- iv. Intended organizational structure related to ownership, covenants, and provision of services
- v. A list of property owners and addresses within two hundred (200) feet of property
- vi. An indication of the expected development schedule including time schedules
- vii. A description of how city services will be provided (sewer, water, streets, other utilities)
- viii. Any additional information requested by the Board of Adjustment that may be required for clarification of the proposed project in review of the special exception application

c. *Preliminary Plat.*

The applicant shall also submit a preliminary plat and all the necessary documentation as required under the subdivision regulations of all or that portion of the project to be platted. For purposes of administrative simplification, the public hearings required for the special exception use permit and preliminary plat may be combined or held concurrently.

d. *Development Plan Procedures.*

The zoning administrator shall transmit the application to the Board of Adjustment and notify all property owners within the affected zone and within two hundred (200) feet of the property. However, failure of any property owner to receive such notification shall not invalidate the proceedings. The zoning administrator shall set a date for a public hearing and shall have notices of such hearing published in the legal newspaper at least once, not less than seven (7) days and not more than twenty (20) days prior to said hearing. The Board of Adjustment shall hold the public hearing and make a determination on one of three actions: approval, denial, or conditional approval.

Within sixty (60) days of Board of Adjustment decision of the PUD development plan and the preliminary plat, the applicant shall file with the zoning administrator a final plat for that portion to be platted. The final plat shall contain those changes as recommended by the Board of Adjustment during the preliminary review. The final plat shall be submitted to the Dickinson County Recorder's Office by the developer within ninety (90) days. This shall include posting a performance bond or certified check with the City of Lake Park, guaranteeing those required improvements will be constructed according to the approved implementation schedule. This shall be accomplished prior to the issuance of any zoning compliance permit. Once the development plan and final plat are approved, the city may issue the zoning compliance permit for the area. Said area shall then be designated on the official zoning map.

e. *Enforcing Development Schedule.*

The construction and provision of common open space and public or recreation facilities shown on the development plan must proceed at the same rate as construction of the dwelling units. If the rate of construction of dwelling units is faster than the rate of open space or public facilities, this information will be forwarded to Board of Adjustment of which then the special exception use permit may be revoked.

f. *Review and Amendments.*

The Board of Adjustment may make modifications, revisions or amendments to the special exception permit for the PUD including changes to the location, placement, and heights of buildings or structures if required by engineering or other circumstances not foreseen at the time of approval. The Board of Adjustment may also revoke the special exception permit for a PUD if substantial development has not occurred within one (1) year after the original approval of the permit.

## ARTICLE XIV Site Plans

### Article 14: Site Plans

Section 14.1.	Intent
Section 14.2.	Scale
Section 14.3.	Legal Information
Section 14.4.	Site Plan

#### **Section 14.1. INTENT.**

Site plans are required for review and approval for construction of permitted or special exception uses and structures in any district, and shall comply with and illustrate the following. Accessory uses and structures, as well as interior remodeling projects are exempt from site plan requirements.

#### **Section 14.2. SCALE.**

All site plans shall be drawn at a scale that legibly shows and accurately depicts the proposed improvements, but shall not be smaller than 1" = 100'. Seven (7) copies of the site plan shall be submitted with the zoning permit application.

#### **Section 14.3. LEGAL INFORMATION.**

The site plan shall include the following legal information:

- a. Legal property owners name and description of property.
- b. Applicant's name, requested land use and zoning.
- c. If the applicant is other than the legal owner, the applicant shall show permission to apply on behalf of and/or represent the legal owner.

#### **Section 14.4. SITE PLAN.**

The site plan shall clearly illustrate the following information:

- a. Property boundary lines, dimensions and total area.
- b. Contour lines at intervals of not more than five (5) feet, if requested by city staff.
- c. The availability and location of existing utilities, if requested by city staff.
- d. The proposed location, size, shape and type of all buildings or structures.
- e. The total square feet of building floor area, both individually and collectively.
- f. The number of dwelling units, bedrooms, offices, etc.
- g. Existing buildings, rights-of-way, street improvements, utilities, easements, or drainage ways, if requested by city staff.
- h. Parking areas, number of parking spaces proposed, number of parking spaces required by this ordinance, type of surfacing to be used, etc.
- i. Walkways, driveways, outside lighting, walls, fences, signs, monuments, statues and other man-made features to be used in the landscape.
- j. Location and type of landscaping to be used for screening purposes shall be illustrated in elevation as well as in the plan, if required.
- k. Walls, fences or other artificial screens to be used as buffers shall be shown in elevation as well as plan view with proposed height and structural material to be used, if required.

# ARTICLE XV

## Off-Street Parking and Loading Requirements

### Article 15: Off-Street Parking and Loading Requirements

- Section 15.1. Intent
- Section 15.2. General Parking Area and Surface Requirements
- Section 15.3. Off Street Parking Requirements
- Section 15.4. Computation of Spaces
- Section 15.5. Location and Type of Parking Spaces
- Section 15.6. Off-Street Loading Requirements

#### **Section 15.1. INTENT.**

It is the intent of this article to prevent traffic congestion and to provide for proper traffic safety by preserving the public thoroughfares for the unimpaired movement of pedestrian and vehicular traffic. After the effective date of this ordinance, in all districts, except the (C-1) Downtown Commercial District there shall be provided at the time any new building or structure is erected, off street parking spaces in accordance with the requirements set forth herein. The requirements of this article are minimum and that in certain uses of land, these requirements may be inadequate. Where review of the site plans and intended land use indicate through the application of proven standards or experienced statistics that the requirements herein are inadequate for the specific land use adaptation, a greater requirement for off-street parking space may be required to preserve the intent of this ordinance.

#### **Section 15.2. GENERAL PARKING AREA AND SURFACE REQUIREMENTS.**

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

1. All buildings and structures erected and all uses of lands in all districts established after the effective date of this ordinance shall provide parking as required under this section, unless a building permit has been issued and construction is begun at least six (6) months prior to the effective date of this ordinance;
2. The provisions of this section shall not apply within the C-1 Downtown Commercial District;
3. A parking space shall be not less than one hundred eighty square feet (180 sq.ft.);
4. Parking spaces shall be surfaced with portland cement, concrete, asphaltic concrete, compacted gravel or equivalent hard surface approved by the planning commission;
5. Enclosed parking areas or garages shall qualify to meet the minimum parking space requirements under this section;
4. Owners of two (2) or more uses or parcels of land may agree to jointly utilize the same parking spaces provided that satisfactory legal evidence is presented in the form of deeds, easements, leases, or contract documents to establish such a joint use of area;
5. No off street parking shall be permitted within the required front yard in all residential districts, except that portion of the driveway lying within the front yard may be used to satisfy the off street parking requirements;

6. Willful failure to permanently maintain and provide parking spaces as required under this section shall be deemed in violation of this zoning ordinance and subject to the penalty listed in Article XIX, Violation and Penalty.

**Section 15.3. OFF-STREET PARKING REQUIREMENTS.**

At the time of construction, alteration, moving into, enlargement of a structure or building, or change in the use of the land, off-street parking spaces and loading areas shall be provided, constructed, and maintained for all uses as follows:

- |   |  |
|---|--|
| 1. Single Family Residential:   | 2 spaces.  |
| 2. Multi- Family Residential:<br><i>Includes condominiums and townhouses</i>                              | 1.5 spaces per dwelling unit.  |
| 3. Mobile Home Residential:   | 1 space per mobile/manufactured home, plus 1 additional space per unit for visitor/ accessory parking.                       |
| 4. Group Residential:   | 1 space for each two (2) bedrooms.   |
| 5. Residential Healthcare Facilities:   | 1 space for each eight beds, plus 1 space for each 3 employees on the largest shift.   |
| 6. Hotel/Motel/Bed & Breakfast Inn:   | 1 space per room.  |
| 7. Resorts:   | 1 space per rental unit or room.   |
| 8. Commercial Cottage (rental):   | 1 space for every three (3) persons of occupancy; or one (1) space for each bedroom, whichever is greater                    |
| 9. Hospital/Healthcare Facilities:  | 1 space for each four (4) beds, plus 1 space for each two (2) employees on the largest shift.                                |
| 10. Public Assembly/Religious Assembly:<br><i>Churches, Auditoriums, Stadiums, Community Center, etc.</i> | 1 space for each six (6) seats of seating capacity provided  |
| 11. General Retail Sales/Professional Office:   | 1 space per 300 feet of gross floor area   |
| 12. Restaurants/Lounges/Bars:   | 1 space for each four (4) seats, plus 1 space for each two (2) employees.  |
| 13. Educational Facilities:   | 1 space per regular employee <del>or</del> and 1 space for every ten (10) seats in the largest facility for public assembly. |
| 14. Industry/Manufacturing/Research:  | 1 space for every two (2) employees on the largest shift.  |

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|---|--|
| 15. Salvage yards/scrap yards/junk yards:   | 1 space per one hundred (100) sq. ft. of display or floor area   |
| 16. Commercial Docks/Marinas:<br><i>Applies to commercial docks, marinas or rented boat slips, dock space, or boat hoists</i> | 1 space per one (1) dock slip or hoist.  |
| 17. Campgrounds, camp site or RV parks:   | 1 space per one (1) camping or RV site   |
| 18. All other uses:   | All other buildings having a gross floor area of more than two thousand (2,000) square feet shall provide one (1) off-street parking space for each one thousand (1,000) square feet of floor space on the same lot as the principal building. |

**Section 15.4. COMPUTATION OF SPACES.**

1. In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar, shall apply, as determined by the zoning administrator.
2. Where fractional spaces occur, the parking spaces required shall be construed to be the nearest whole number.
3. Whenever a building or use constructed or established after the effective date of this ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent (10%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this ordinance is enlarged to the extent of fifty percent (50%) or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.
4. In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses if computed separately.

**Section 15.5. LOCATION AND TYPE OF PARKING SPACES.**

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

1. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form and execution, and shall be filed with the application for a building/zoning permit.

2. Off-street parking spaces may be located within the required front yard in any commercial (C-1 & C-2), industrial, or multiple family residential (R-3) district; however, no off-street parking shall be permitted in the required front yard except upon a driveway providing access to a garage, carport or parking area within the Agriculture (AG), Lakeshore Residential (R-1), Single Family Residential (R-2) and Mobile Home (MH) District.
3. All required off-street parking areas in the R-3, C-1, C-2, I and MH districts of more than five (5) spaces shall be surfaced with asphalt, concrete or other such surface as approved by the zoning administrator so as to provide a durable surface. Paved parking areas shall be graded and drained to dispose of all surface water accumulation within the lot, and shall be arranged and marked to provide for orderly and safe loading or unloading.
4. Any lighting used to illuminate any off-street parking areas shall be arranged to reflect light away from adjacent lots and uses of land.
5. In cases when commercial or other non-residential parking lots adjoins a residential district, parking areas shall be at least five feet (5') from the property line and shall be effectively screened immediately by the use of a fence, hedge, other similar methods by city approval.
6. Parking is not permitted on right-of-ways in any district, except for the C-1 Downtown Commercial district.

**Section 15.6. OFF-STREET LOADING REQUIREMENTS.**

At the time of construction, alteration, or enlargement of every commercial or industrial building hereafter erected; every hospital, hotel, institution, manufacturing, storage, warehouse, retail store, wholesale store, or other similar building having secondary access from an alley, side street or otherwise shall have one (1) permanently maintained loading space for buildings in excess of ten thousand (10,000) square feet.

1. Each loading space shall be no less than ten feet (10') in width, forty feet (40') in length.
2. Such space may occupy all or any part of any required side yard or rear yard or open space, except where adjoining a residential district. If the loading space is adjacent to a residential district, it shall be set back at least ten feet (10') from said district and be effectively screened from view.
3. No truck or trailer, for purposes of loading, unloading or parking will be permitted to be located on any street or other public right-of-way, except for designated or approved delivery, parcel or moving vehicles intended for temporary parking and unloading. Furthermore, parking of vehicles or loading and unloading may be allowed on the public right-of-way or any street by the Board of Adjustment or city council during community events, celebrations, or other special events.

# ARTICLE XVI

## Sign Regulations

### Article 16: Sign Regulations

- Section 16.1. Intent
- Section 16.2. Definitions
- Section 16.3. Sign Requirements
- Section 16.4. Special Exceptions
- Section 16.5. Additional Regulations
- Section 16.6. General Sign Provisions
- Section 16.7. Permits Required
- Section 16.8. Exempt Signs
- Section 16.9. Unsafe Signs and Removal of Signs
- Section 16.10. Nonconforming Signs

#### **Section 16.1. INTENT.**

This article is established to protect and promote health, safety, general welfare and order within the City of Lake Park through the establishment of comprehensive and uniform standards, regulations and procedures governing the type, number, size, structure, location, height, lighting, erection, use or display of devices, signs, billboards or symbols serving as a visual communications media to persons situated within or upon public rights-of-way or private properties. The provisions of this article are intended to encourage opportunity for effective, aesthetically compatible, and orderly communications by reducing confusion and hazards resulting from unnecessary or indiscriminate use of sign devices. Hereafter no sign shall be erected, constructed, altered, placed, moved onto or modified except as regulated by the provisions of this article.

#### **Section 16.2. DEFINITIONS.**

For use in this article, the following terms are defined.

- 16.2.1 **AWNING:** A device made of cloth, metal, or other material affixed to and projecting from a building in such a manner that the device is either permanently fixed or so erected as to allow it to be raised or retracted and return to a flat position against the building when not in use.
- 16.2.2 **ERECT:** To build, construct, attach, hang, suspend or affix, and shall also include the painting of wall signs.
- 16.2.3 **FACING (or SURFACE):** The surface of the sign upon; against or through which the message is displayed or illustrated on the sign.
- 16.2.4 **INCOMBUSTIBLE MATERIAL:** Any material that will not ignite at or below a temperature of 120° F and will not continue to burn or glow at that temperature.
- 16.2.5 **PERSON:** Any one being, firm, partnership, association, corporation, company or organization of any kind.
- 16.2.6 **SIGN:** The use of any words, numerals, pictures, figures, devices or trademarks by which anything is made known such as are used to show an individual, firm, profession or business, and are visible to the general public.

- a. **ABANDONED SIGN:** A sign which no longer correctly directs any person, advertises a bona fide business, lessor, owner, product, or activity conducted on the premises where such sign is displayed.
- b. **ADDRESS SIGN:** A sign identifying street address only, whether written or numerical form.
- c. **AWNING SIGN:** A sign consisting of either an operating or permanently affixed awning containing letters, graphics, pictures, or other images which portray the business or other advertising of the establishment in which it is attached to. Awning signs shall not encroach more than four (4) feet out in front of a building, but shall meet all other size requirements addressed in this chapter. Permanent awnings may be lighted (from the backside); however, awning signs shall not have any flashing, strobe, or otherwise intermittent light emitting from the awning sign.
- d. **BILLBOARD SIGN:** A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.
- e. **CAMPAIGN SIGN:** A temporary sign promoting the candidacy of a person running for a governmental office, or promoting an issue to be voted upon at a governmental election.
- f. **CONSTRUCTION SIGN:** A sign placed at construction site identifying the project or the name of the architect, engineer, contractor, financier or other involved parties.
- g. **DIRECTIONAL SIGN:** A sign erected on public or private property which bears the address and name of a business, institution, church, or other use or activity plus directional arrows or information on location.
- h. **FLASHING SIGN:** Any illuminated sign that has artificial light or color which is not maintained at a constant intensity or color when such sign is in use. A sign providing public service information, such as time, weather, date, temperature or similar information shall not be considered a flashing sign.
- i. **FREE STANDING SIGN (GROUND SIGN):** Any sign or sign structure, not securely attached to any other structure. This shall not include trailer signs as defined in this section
- j. **GOVERNMENTAL SIGN:** A sign which is erected by a governmental unit.
- k. **ILLUMINATED SIGN:** Any sign which has character, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper.
- l. **INFORMATION SIGN:** Any sign giving information to employees, visitors or delivery vehicles, but containing no advertising or identification.
- m. **JOINT IDENTIFICATION SIGN:** A free-standing sign which identifies a subdivision, a multiple residential complex consisting of three (3) or more structures, a shopping center consisting of three (3) or more separate business concerns, an industrial area, an office complex consisting of three (3) or more structures or any combination of the above.

- n. **NON-CONFORMING SIGN:** A sign which lawfully existed at the time of the passage of this ordinance or amendments thereto but which does not conform to the regulations of this ordinance.
  - o. **POLE SIGN:** Any sign which is supported by structures or supports in or upon the ground and independent of support from any building.
  - p. **PORTABLE SIGN:** Any sign not permanently attached to a building, structure, or the ground, capable of being moved at periodic intervals.
  - k. **PROJECTING SIGN:** A sign, other than a wall sign, which projects perpendicular to the wall surface of a building or structure, and is supported by a wall of the building or structure.
  - r. **REAL ESTATE SIGN:** A business sign placed upon a property advertising that particular property for sale, for lease or for rent.
  - s. **ROOF SIGN:** A sign erected upon or above a roof or parapet of a building or structure.
  - t. **SWINGING SIGN:** A sign installed on an arm or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.
  - u. **TRAILER SIGN:** Any sign mounted on a vehicle normally licensed by the State of Iowa as a trailer and used for advertising or promotional purposes.
  - v. **WALL SIGN:** All flat signs of solid face construction placed against a building or other structure and attached to the exterior front, rear or side wall of any building or other structure. Such signs may extend no more than twelve (12) inches from the surface of the building or structure to which they are attached. Wall signs are also known as "flush mounted signs".
- 16.2.7 **SIGN AREA:** That area within the marginal lines of the surface which bears the advertisement or, in the case of messages, figures or symbols attached directly to the part of a building; that area which is included in the smallest connecting geometric figures which can be made to circumscribe the message, figure or symbol displayed thereon. Only changeable copy areas of marquee or canopies shall be considered in determining the total sign area.
- 16.2.8 **SIGN STRUCTURE:** The supports, uprights, bracing and framework for a sign including the sign area.
- 16.2.9 **STREET LINE (or PROPERTY LINE):** The place where the street right of way line begins and the private property line ends.
- 16.2.10 **STRUCTURAL TRIM:** The molding, battens, cappings, nailing strips, latticing and platforms that are attached to the sign structure.
- 16.2.11 **TEMPORARY SIGN:** Any sign which is erected or displayed for a specified period of time.

**Section 16.3. SIGN REQUIREMENTS.**

1. *All Residential Districts (R-1, R-2, R-3 & MH).*

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

- a. Home occupation signs are permitted pursuant to Section 13.5 of this ordinance.
- b. Signs, for non-residential businesses located in residential areas, shall be limited to no more than twelve (12) square feet on one (1) free standing sign not to exceed a height of four (4) feet from the ground to the top of the sign structure. One (1) additional wall mounted sign not to exceed four (4) square feet is also permitted for non-residential businesses.
- c. One (1) on-site sign not exceeding six (6) square feet in aggregate area pertaining only to the sale, lease or rent of the land or building upon which displayed shall be allowed per residential property. Such sign shall comply with one-half of the minimum setback required in the district in which the sign is erected.
- d. Prohibited Signs:
  1. Flashing type signs are prohibited.
- e. Permitted Signs:
  - 1) Address signs
  - 2) Real Estate signs (not to exceed 6 square feet)
  - 3) Government signs
  - 4) Campaign signs
  - 5) Joint Identification signs (not to exceed 12 square feet)
  - 6) Construction signs (not to exceed 32 square feet)
  - 6) Free Standing signs
  - 7) Wall signs

2. *Downtown Commercial (C-1) District.*

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

- a. Signs shall be limited to those (i) identifying uses conducted within the building; or (ii) necessary for directional purposes; or (iii) used to advertise the sale or lease of real property on buildings on which displayed; or (iv) identifying the commercial enterprise by name or symbol.
- b. The total allowable area of all use identification signs on any building of a business establishment shall be determined by permitting two square feet of sign area for each horizontal foot of the building wall displaying such sign or signs. The total aggregate area of all signs shall not exceed 150 square feet.
- c. For the purposes of this section, the sign area allowed by section b above shall:
  - i. For freestanding letters, be computed by taking the area enclosed within the smallest rectangle needed to completely encompass each word or insignia of the sign.
  - ii. For signs other than freestanding letters, be computed by taking the total area of the facing or the total area within the outer edge of any existing border of the sign.

- d. All signs shall be fixed and shall not be moving or audible. No illumination shall be intermittent or flashing; nor shall any sign or illumination be revolving or animated. Signs that are internally illuminated for purposes of a scrolling marquee for information or advertising purposes are permitted; as long as the message is not flashing. No signs shall have moving parts including devices set in motion by movement of the atmosphere.
- e. Wall-mounted signs shall not project out from a wall or face of a building more than one (1) foot or projected above the roofline more than four (4) feet.
- f. Service stations located in the Downtown Commercial (C-1) District shall be limited to three square feet of sign area for each lineal foot of street frontage occupied by such use, but in no case shall the total of all signs for any one service station exceed 250 square feet.
- g. Advertising signs and billboards shall be set back from the right-of-way line of any state, federal, county, or local thoroughfare at least as far as the required front yard depth for a principal building.
- h. Only one permanent type sign intended to be read from off the premises will be permitted per frontage for each principal use, except for corner lots or double frontage lots in which case one permanent sign shall be permitted per each street frontage;
- i. Permitted signs:
  - 1) Address signs
  - 2) Real Estate signs (not to exceed 24 square feet)
  - 3) Government signs
  - 4) Campaign signs
  - 5) Informational signs
  - 6) Directional signs
  - 7) Joint Identification signs
  - 8) Wall signs
  - 9) Awning signs
  - 10) Projecting signs
  - 11) Roof signs
  - 12) Temporary signs (not to exceed 12 square feet)
  - 13) Construction signs (not to exceed 32 square feet)

3. *Highway Commercial (C-2), Industrial (I), and Agriculture Districts.*

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

- a. Signs shall be limited to those identifying uses conducted on the property or necessary for directional purposes.
- b. The total allowable area of all use identification signs on any building or structure of a business establishment shall be determined by permitting two square feet of sign area for each horizontal lineal foot of building wall or walls of the elevation upon which the sign or signs are to be located. The total aggregate area of all signs shall not exceed 200 square feet.

- c. For the purposes of this section, the sign area allowed for the signs described above shall:
  - i. For freestanding letters be computed by taking the area enclosed within the smallest rectangle needed to completely encompass each word or insignia of the sign.
  - ii. For signs other than freestanding letters, be computed by taking the total area of the facing or the total area within the outer edge of any existent border of the sign.
- d. All signs shall be fixed and shall not be moving or audible. No illumination shall be intermittent or flashing; nor shall any sign or illumination be revolving or animated. Signs that are internally illuminated for purposes of a scrolling marquee for information or advertising purposes are permitted; as long as the message is not flashing. No signs shall have moving parts including devices set in motion by movement of the atmosphere.
- e. Wall-mounted signs shall not project out from a wall or face of a building more than two (2) feet or projected above the roofline more than four (4) feet.
- f. Billboard type signs will be limited to one hundred fifty (150) square feet, and must not impair sight distance or create a traffic hazard;
- g. Free standing signs must be located no more than 100 feet from the business, product or service advertised on said sign.
- h. Multiple signs are permitted and may include only one (1) wall sign to be placed on the principal use structure, and one (1) independent sign structure per development, except for corner lots or double frontage lots in which case one (1) additional permanent sign shall be permitted on the side or rear frontage.
- i. Permitted signs:
  - 1) Address signs
  - 2) Real Estate signs (not to exceed 24 square feet)
  - 3) Government signs
  - 4) Campaign signs
  - 5) Informational signs
  - 6) Directional signs
  - 7) Joint Identification signs
  - 8) Wall signs
  - 9) Free standing signs
  - 10) Temporary signs (not to exceed 24 square feet)
  - 11) Construction signs (not to exceed 32 square feet)

**Section 16.4. SPECIAL EXCEPTIONS.**

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

**Section 16.5. ADDITIONAL REGULATIONS.**

In all districts, signs and billboards shall adhere to pertinent state regulations and other local ordinances.

**Section 16.6. GENERAL SIGN PROVISIONS.**

- 1. *Safety*

- a. *Obstructions to doors, windows or fire escapes.* No sign or part thereof shall be erected, located or maintained so as to prevent or deter free ingress to or egress from any door, window or fire escape. No sign or sign structure shall be attached to a standpipe or fire escape.
  - b. *Face of sign shall be smooth.* All signs or other advertising structures which are constructed on street lines, or within five (5) feet thereof, shall have a smooth surface and no nails, tacks or wires shall be permitted to protrude there from, except electrical reflectors and devices which may extend over the top and in front of the advertising structures.
  - c. *Signs not to constitute a traffic hazard.* No sign or other advertising structure as permitted by this ordinance shall, by reason of its location, lighting, size, color or intensity, create a hazard to the safe, efficient movement of vehicular or pedestrian traffic. No signs shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision. No private sign shall contain words which might be construed as traffic controls, or be confused with any authorized traffic sign, signal or device; or which makes use of the words “STOP”, “WARNING”, “CAUTION”, “DANGER”, or any other word, phrase, symbol or character in such manner as to mislead or confuse traffic. No sign or advertising structure as regulated by this ordinance shall have posts, guides or supports located within any street or alley.
2. *Interference:* No sign, nor any guys, stay or attachment thereto shall be erected, placed or maintained by any person on rocks, fences, or trees; nor in such a manner as to interfere with the effective use of fire fighting equipment or personnel, or any electric light, power, telephone, fiber optic, or cable wires or supports thereof.
  3. *Signs in Right-of-Way:* No signs other than government signs shall be erected or temporarily placed within any public rights-of-way except as may be specifically provided herein.
  4. *Clearance:* All signs located over public rights-of-way or any public or private access route (sidewalk, mall, etc.) shall be located a minimum of twelve (12) feet above grade.
  5. *Signs Required by Law:* All signs required by law shall be permitted in all districts.
  6. *Back to Back Signs:* If a free standing sign or sign structure is constructed so that the faces are not back to back, the angle shall not exceed thirty (30) degrees. If the angle is greater than thirty degrees, the total area of both sides added together shall be the calculated sign area. Back to back signs (when less than thirty degrees) shall be considered as one sign when debited against the total number of signs permitted on one zoning lot.
  7. *Illumination:* All externally illuminated signs shall be constructed so as to direct the source of light away from adjacent properties or public streets.
  8. *Animated Signs:* Animated signs may be allowed as a special exception requiring a hearing before the Board of Adjustment.
  9. *Double Frontage:* Lots having frontage on two streets or on a street and an alley shall be permitted to provide the maximum number and square footage of signs on each of the

opposite ends of said lot, provided however, that not more than the maximum number of square feet of signs per frontage may be viewed simultaneously.

**Section 16.7. PERMITS REQUIRED.**

No sign, except “exempt” signs as identified herein shall be erected, altered, constructed, modified or relocated without first receiving a valid sign permit from the city and making payment of the fee required by this section.

1. *Sign Permit Application.* Application for sign permits shall be made available upon request to the zoning administrator and contain or have attached thereto the following information:
  - Name, address and telephone number of the applicant.
  - Location of building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected.
  - One sketch of the plan, method of construction, and attachment to the building or ground.
  - Name of person, firm, corporation or association erecting structure.
  - Inscription of what the sign will say.
  - For signs located along a state primary highway, a state sign permit will also need to be included with the application.
  - Such other information as the zoning administrator shall require showing full compliance with this ordinance and all other ordinances of the city.
2. *Permit Issued.* It shall be the duty of the zoning administrator to examine such plans and other data and the premises upon which it is proposed to erect the sign. Such sign permit may be issued if it appears the proposed structure is in compliance with all the requirements of this ordinance and all other ordinances of city. The sign permit shall become null and void if the work authorized under a sign permit has not been completed within six (6) months after date of issuance.
3. *Permit Fees.* To defray administrative costs of processing requests for sign permits, the applicant shall pay to the city clerk a fee in the amount established by the city council.
4. *Permit Revocation.* Any permit holder who fails to comply with a valid order of the zoning administrator within the allotted time period, or who fails to pay reasonable removal or repair expenses shall have such sign permit revoked, and another permit for the erection or maintenance of such sign or signs shall not be issued to said permit holder for a period of one (1) year from the date of revocation.

**Section 16.8. EXEMPT SIGNS.**

The following signs are allowed without a permit but shall comply with all other applicable provisions of this ordinance.

1. **Real estate signs (on-site)** advertising for sale, rental, or lease only, the premises, lots or tracts on which they are located will be allowed in all districts. The area of such signs shall not exceed six (6) square feet in area in the residential districts and not more than twenty four (24) square feet in other districts. Illuminated real estate signs are not permitted. At the date of closing, signs shall be removed within forty-eight (48) hours. Only one (1) real estate sign may be allowed per zoning lot.

2. **Integral signs, Memorial signs or Professional name plates** not exceeding two (2) square foot in area, and attached to the building, including names on buildings, date of construction, commemorative tablets and the like, which are a part of the building or structure.
3. **Address Signs** identifying street address only, whether in written or numerical form.
4. **Construction Signs** as a non-illuminated sign announcing the names of architects, engineers, contractors, future use, and other individuals or firms involved with the construction, alteration, or repair of such building (but not including any advertisement of any product). Such signs shall be confined to the site of the construction, alteration or repair and shall be removed within two (2) years of the date of issuance of the first building permit or when the particular project is completed, whichever is sooner. One (1) sign, not to exceed 32 sq. ft. shall be permitted for each major street the project abuts.
5. **Campaign Signs** as allowed by Section 68A.406-yard signs, Code of Iowa.
6. **Government signs** of a public, non-commercial nature to include safety signs, danger signs, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques and the like, when signs are erected by order of a public officer or employee in the performance of official duty.
7. **Directory signs** which identifies the business, owners, manager, or resident occupant and sets forth the occupation or other address information but contains no advertising. There may be one directory sign per zoning lot not to exceed two (2) square feet of area per business or resident occupant.
8. **On-site Directional and Parking Signs** intended to facilitate the movement of vehicles and pedestrians upon which the sign is located. Signs shall not exceed six (6) square feet of area.
9. **Temporary Signs** including portable or moveable signs, search lights, banners, pendants, and similar devices shall be allowed in addition to the sign limitations of this ordinance for continuous periods not to exceed thirty (30) consecutive days. No business proprietor shall be allowed more than three such periods in any calendar year.

#### **Section 16.9. UNSAFE SIGNS AND REMOVAL OF SIGNS.**

All signs and sign structures shall be properly maintained and kept in a safe, orderly condition. Signs shall also maintain a neat and orderly appearance in which the sign is easily read. Additionally, all parts and supports shall be properly painted. Any sign or sign structure which is rotted, unsafe, deteriorated, defaced, or otherwise altered, shall be repainted, repaired, or replaced by the property owner or agent of the owner of the property upon which the sign is located after written notice by the City of Lake Park. Such notice shall include a statement explaining the alleged violations and deficiencies; an order to repair or remove said sign and an explanation of the consequences of failure to comply with said order. If the permit holder fails to remove or alter said sign so as to comply with the order, said sign or other advertising structure may be removed or altered to comply by the zoning administrator at the expense of the permit holder or owner of the property on which it is located. The permit holder may appeal the order of the zoning administrator to the board of adjustment and, if such an appeal is on file, the compliance period shall be extended until following the board of adjustment's decision on the matter. If, however, the zoning administrator finds that any sign or other advertising structure

poses a serious and immediate threat to the health or safety of any person, the removal of such sign may be ordered without notice to the permit holder.

Obsolete signs which no longer advertise a bona fine business, an activity, business product or service which is no longer produced or conducted on the premises shall be removed within ninety (90) days from date of notice provided by the City of Lake Park. The owner of the property on which the sign is located shall have ninety (90) days from date of notice to remove any such sign. If after the expiration of the ninety (90) day period, the sign has not been removed, the city may cause the sign to be removed and any expenses may be charged back to the property owner.

**Section 16.10. NONCONFORMING SIGNS.**

Nonconforming signs shall be brought to compliance upon change of ownership, change of business use or change from the age or condition of such nonconforming sign.

# ARTICLE XVII

## Nonconformities

### Article 17: Nonconformities

- Section 17.1. Intent
- Section 17.2. Nonconforming Lot of Record
- Section 17.3. Nonconforming Uses of Land
- Section 17.4. Nonconforming Structures
- Section 17.5. Nonconforming Uses of Structures and Land
- Section 17.6. Repairs and Maintenance
- Section 17.7. Uses under Special Exception Provisions not Nonconforming Uses
- Section 17.8. Change of Tenancy or Ownership

#### **Section 17.1. INTENT.**

It is the intent of this ordinance to permit legal nonconforming lots, structures, or uses to continue until they are removed but not to encourage their survival. It is recognized that there exists within the districts established by this ordinance and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. Nonconforming uses of a structure, land, or both shall not be extended or enlarged after passage of this ordinance.

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of existing building has been substantially begun prior to rebuilding.

#### **Section 17.2. NONCONFORMING LOT OF RECORD.**

In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots of the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width or both that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of area, width, and yard requirements shall be obtained through action of the Board of Adjustment. Two or more nonconforming lots, or portions thereof, that are contiguous in frontage and under the same ownership shall be considered to be an unsubdivided parcel for purposes of this ordinance. No portion of said parcel shall be sold and then used which does not meet lot width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this ordinance.

**Section 17.3. NONCONFORMING USES OF LAND.**

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

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than occupied at the effective date of adoption or amendment of this ordinance.
2. No such nonconforming use shall be able to increase its nonconformity in intensity, volume, product, service or substantially change the type of nonconforming use being allowed to operate on such premises.
3. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance.
4. If such nonconforming use of land ceases for any reason for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

**Section 17.4. NONCONFORMING STRUCTURES.**

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such structure may be enlarged or altered in a way which increases its nonconformity. Such structure may be altered in a way which does not increase its nonconformity.
2. Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement costs, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this ordinance.
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
4. Discontinuance. In the event that a non-conforming building or structure or premises is discontinued for a period of six (6) months, the use of the same shall conform thereafter to the uses permitted in the district in which it is located.

**Section 17.5. NONCONFORMING USES OF STRUCTURES AND LAND.**

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

1. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered. If no structural alterations are made, any nonconforming use of structure, or structure

and land in combination, may be changed to another nonconforming use of the same or a more restricted classification provided that the Board of Adjustment by making findings in the specific case shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Adjustment may require conditions and safeguards in accord with the purpose and intent of this ordinance. Where such nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.

2. Any nonconforming use may be extended throughout any parts of a building which was manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.
3. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
4. When a nonconforming use of a structure, or structures and land in combination, is discontinued or ceases to exist for a period of more than six (6) months, the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.
5. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

**Section 17.6. REPAIRS AND MAINTENANCE.**

Any non-conforming building or structure damaged more than fifty (50) percent of its replacement value exclusive of the foundations at the time of damage by fire, flood, explosion, war, riot, or act of God shall not be restored or reconstructed and used as before such happening. If less than fifty (50) percent of the assessed value of the building is damaged above the foundation it may be restored, reconstructed, or used as before provided the cubic content of the building as it existed at the time of passage or amendment of this ordinance shall not be increased and reconstruction is started within one (1) year of such happening.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety upon orders of such official.

**Section 17.7. USES UNDER EXCEPTION PROVISIONS NOT NONCONFORMING USES.**

Any use for which a special exception is permitted as provided in this ordinance shall not be deemed a nonconforming use, but shall without further action, be deemed a conforming use in such district. Any expansion shall be with approval of the board of adjustment.

**Section 17.8. CHANGE IN TENANCY OR OWNERSHIP.**

There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, structures, or structures and land in combination without altering the land, use or structures non-conforming status.

# ARTICLE XVIII

## Zoning Enforcement

### Article 18: Zoning Enforcement

- Section 18.1. Zoning Administrator
- Section 18.2. Zoning Compliance
- Section 18.3. Zoning/Building Permit Required
- Section 18.4. Application for a Zoning/Building Permit
- Section 18.5. Construction & Use Provided in Application, Plans & Permit
- Section 18.6. Fees
- Section 18.7. Special Exception

#### **Section 18.1. ZONING ADMINISTRATOR.**

The purpose of this section is to confirm the existing zoning administrator, and it shall be the duty of said officer to enforce this ordinance. Such officer may be a person holding other appointive office in the city, or in another governmental agency. The term of appointment for the zoning administrator shall be set by and at the pleasure of the city council. Once the zoning administrator is appointed by city council that appointment becomes perpetual until such further decision and notification is made by city council. Additionally, termination of the zoning administrator and/or certain duties or responsibilities shall also be upon consideration and discretion of the city council.

#### **Section 18.2. ZONING COMPLIANCE.**

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

#### **Section 18.3. ZONING/BUILDING PERMITS REQUIRED.**

Buildings or other structures shall not be erected, moved, placed, located, added to, or structurally altered without a permit issued by the zoning administrator. Permits shall be issued in conformance with the provisions of this ordinance, or upon written order from the Board of Adjustment, but shall be null and void if the purpose for which the permit is issued is not commenced within one (1) year from date of issuance.

#### **Section 18.4. APPLICATION FOR ZONING/BUILDING PERMIT.**

Application for zoning/building permits may be obtained from City Hall prior to starting or proceeding with a project, including erection of billboards. Approved permits shall be kept on file in the office of the zoning administrator, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected. Zoning/building permits shall be issued to complying applicants within fourteen (14) days after application is made. Each application for a permit including new construction of any structure, or remodeling that alters the original structures footprint shall be accompanied by a site plan prepared in accordance with Article XIV, Site Plans. In the case of moving an existing building, the application shall be accompanied by a photo of the structure to be moved.

**Section 18.5. CONSTRUCTION & USE PROVIDED IN APPLICATION, PLANS & PERMIT.**

Zoning/building permits issued on the basis of plans and applications, approved by the zoning administrator, authorize only that use, arrangement and construction. Use, arrangement and construction at variance with that authorized shall be deemed a violation of this ordinance and punishable as provided by Article XIX, Violation and Penalty.

**Section 18.6. FEES.**

Before receiving a zoning/building permit the owner or the owner's agent shall pay to the city the permit fee as provided by resolution of the city council. Fees for permits issued after the construction, or moving, in the case of house moving, has begun shall double. The city, county, state and federal governments shall be exempt from paying any scheduled fees.

**Section 18.7. SPECIAL EXCEPTIONS.**

The zoning administrator may issue a zoning/building permit for a special exception upon order of the Board of Adjustment.

## ARTICLE XIX Violation and Penalty

Article 19: Violation and Penalty	
Section 19.1. Violation and Penalty	
Section 19.2. Restraining Order	

### **Section 19.1. VIOLATION AND PENALTY.**

Unless provided elsewhere in this ordinance or the city's municipal code, any person failing to perform a duty, obtain a zoning permit, or violating the Lake Park Zoning Ordinance, or any rule or regulation adopted by reference shall be guilty of a municipal infraction. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or resists enforcement of this ordinance, with the exception of those provisions specifically provided under State law as a felony, an aggravated misdemeanor, or a serious misdemeanor, or a simple misdemeanor under Chapters 687 through 747 of the Code of Iowa, is a municipal infraction and punishable by civil penalty as provided herein. (*Code of Iowa, Sec. 364.22[3]*)

A municipal infraction in the City of Lake Park is punishable under the following civil penalties: (*Code of Iowa, Sec. 364.22 [1]*)

1. First Offense – Not to exceed \$750.00
2. Second Repeat Offense – Not to exceed \$1,000.00

Each day that a violation occurs or is permitted to exist constitutes a separate offense.

### **Section 19.2. RESTRAINING ORDER.**

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 ordinance, the city attorney, in addition to other remedies, may institute any proper action or proceed in the name of the City of Lake Park to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, conduct, business or use in or about said premises.

## ARTICLE XX

### Board of Adjustment

#### Article 20: Board of Adjustment

- Section 20.1. Confirmation of Board of Adjustment
- Section 20.2. Proceedings of the Board of Adjustment
- Section 20.3. Hearings, Appeals, & Notice
- Section 20.4. Stay of Proceedings
- Section 20.5. Powers and Duties
- Section 20.6. Variances
- Section 20.7. Decisions of the Board of Adjustment
- Section 20.8. Appeals from the Board of Adjustment

#### **Section 20.1. CONFIRMATION OF BOARD OF ADJUSTMENT.**

The members of the Board of Adjustment are hereby confirmed to continue their appointed terms of office. Members of the Board of Adjustment shall be appointed by the city council for a term of five (5) years. Members of the Board of Adjustment may be removed from office by the city council for cause upon written charges and after a public hearing. Vacancies shall be filled by the city council for the unexpired term of the resigning member.

#### **Section 20.2. PROCEEDINGS OF THE BOARD OF ADJUSTMENT.**

The Board of Adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairperson and at such other times as the board may determine. The chairperson, or in his/her absence the acting chairperson, may administer oaths and compel attendance of witnesses. All meetings shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examination and other official actions, all of which shall be a public record and be immediately filed in the office of the zoning administrator. The presence of a majority of the whole board, or three (3) members, shall constitute a quorum; even in the instance of absentee members or during conflicts of interest.

#### **Section 20.3. HEARINGS, APPEALS & NOTICE.**

Appeals to the Board of Adjustment concerning interpretation or administration of this ordinance may be taken by any person aggrieved or by any officer or bureau of the City of Lake Park affected by a decision of the zoning administrator. Such appeals should be taken within a reasonable time, not to exceed sixty (60) days, by filing with the zoning administrator and with the Board of Adjustment, a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board all papers constituting the record from which the action appealed was taken.

The Board of Adjustment shall fix a reasonable time for the hearing of appeal, give public notices thereof, as well as due notice to the parties of interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or attorney.

A fee to be determined by resolution of the city council shall be paid to the zoning administrator at the time the notice of appeal is filed, which the zoning administrator shall forthwith pay to the credit of the general revenue fund of the city.

The Board of Adjustment shall act on the appeal within 30 days following the closing of the public hearing. In exercising the powers set out in this section, the board may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may take such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the zoning administrator from whose action the appeal was taken.

The concurring vote in the affirmative of three (3) members of the Board of Adjustment, even in the instance of an absent or abstaining vote, shall be necessary to reverse any order, requirement, decision, or determination of the zoning administrator, or to decide in favor of the applicant for any matter upon which it is required to pass under these provisions.

**Section 20.4. STAY OF PROCEEDINGS.**

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

**Section 20.5. POWERS AND DUTIES.**

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

1. Administrative Review: To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of this ordinance.
2. Special Exceptions: To hear and decide only such exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of this ordinance, and as provided for in Article XXI, Special Exceptions.
3. Variances: To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship.

**Section 20.6. VARIANCES.**

A variance from the terms of this ordinance shall not be granted by the board of adjustment unless and until:

1. A written application for a variance shall be filed with the zoning administrator. The application shall include the following:
  - a. Name and address of the owner and applicant.
  - b. Address and legal description of the property.

- c. If the applicant is not the legal owner of the property, a statement that the applicant is the authorized agent of the owner.
  - d. A statement describing the variance requested and the reasons why it complies with the criteria for variances provided in this section.
  - e. The property address, name and mailing address of the owner of each lot immediately adjacent to the property requesting a variance, and to those properties within 200 feet of the subject property.
  - f. Site plans, as prepared in accordance with Article XIV.
2. The zoning administrator may request additional information necessary to enable a complete analysis and evaluation of the variance request, and a determination as to whether the circumstances prescribed for the granting of a variance exist.
3. The notice of public hearing shall be given to immediately adjacent property owners and to those properties within 200 feet of the subject property. The public hearing shall be held in accordance with Section 22.1 of this ordinance. Any party may appear in person or by agent or attorney.
4. The Board of Adjustment may grant a variance if it makes affirmative findings of fact on each of the following criteria.
  - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
  - b. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
  - c. That the special conditions and circumstances do not result from the actions of the applicant;
  - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district. No nonconforming use of neighboring lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
5. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
6. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
7. A fee to be determined by resolution of city council shall accompany the application for a variance.

*Additional Variance Conditions:* In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under Article XIX, Violation and Penalty.

*Lapse of Variance:* Unless a longer time period shall be specifically established as a condition of approval, a variance shall lapse and shall become void one (1) year following the date on which the variance became effective, unless prior to the expiration of one year a zoning/building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the variance application, or a certificate of occupancy is issued for the site or structure which was the subject of the variance application, or the site is occupied if no zoning/building permit or certificate of occupancy is required.

*Revocation of Variance:* Upon violation of any applicable provision of this ordinance, or if granted subject to the conditions, upon failure to comply with conditions, a variance shall be revoked upon notification to the owner of the; use or property subject to the variance.

*Variance to Run With Land or Structure:* Unless otherwise specified at the time a variance is granted, a variance shall run with the land and shall continue to be valid upon a change of ownership of the site or structure to which it applies.

#### **Section 20.7. DECISIONS OF THE BOARD OF ADJUSTMENT.**

1. In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this ordinance and Chapter 414, Code of Iowa, reverse or affirm, wholly or partly, or may modify, order requirements, decision, or determination as ought to be made and to that end shall have powers of the zoning administrator from whom the appeal is taken. The concurring vote of three (3) members of the board, even upon instances of absentee members or during conflicts of interest, shall be necessary to reverse any order, requirement, decision or determination of the zoning administrative, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to affect any variation in application of this ordinance.
2. The action of the Board shall not become effective until it has a written decision describing such action, the vote of each member participating therein and the reasons for such action, specifying the manner in which the applicant either satisfied or failed to satisfy each of the applicable standards, conditions or elements set forth in this article. Decisions shall be filed promptly following the board's action and shall be open to public inspection.
3. Any taxpayer or any officer, department, board, or bureau of the city or persons jointly or severally aggrieved by any decision of the board may present to a court of record a petition for writ of certiorari, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality. The petition shall be presented to the court within 30 days after the filing of the decision in the office of the board. Upon petition from the applicant, a decision granting or denying a variance may be referred to the city council for review pursuant to Chapter 414.7, Code of Iowa. The city council shall review such decision

within 30 days after the decision is filed. After such review, the council may remand the decision to the board for further study. If the city council does not act to review the decision within 30 days after it is filed, the decision shall become effective on the 31<sup>st</sup> day. If the city council declines to remand a decision, that decision shall become final on the date of the council's action. If the city council remands a decision to the board, the effective date of the decision is delayed for 30 days from the date of remand.

**Section 20.8. APPEALS FROM THE BOARD OF ADJUSTMENT.**

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

# ARTICLE XXI

## Special Exceptions

### Article 21: Special Exceptions

Section 21.1.	Requirements
Section 21.2.	Jurisdiction
Section 21.3.	Application for Special Exception Permit
Section 21.4.	Procedures
Section 21.5.	Standards
Section 21.6.	Revocation
Section 21.7.	Supplemental Standards

#### **Section 21.1. REQUIREMENTS.**

Upon application for a special exception use permit in accordance with the rules and procedures of the Board of Adjustment allowable special exception uses may be permitted, enlarged, or altered. The Board of Adjustment will grant or deny a special exception use permit in accordance with the standards set forth herein and with the intent and purpose of this ordinance. In granting a special exception use permit, the Board of Adjustment will authorize the issuance of a special exception use permit and may prescribe and impose appropriate conditions, safeguards, and a specified time limit for the performance of the special exception use.

#### **Section 21.2. JURISDICTION.**

The zoning administrator shall be responsible for administration of the special exception procedure and the Board of Adjustment shall be responsible for the review, evaluation, and action on all applications for a special exception use permit.

#### **Section 21.3. APPLICATION FOR SPECIAL EXCEPTION PERMIT.**

A request for a permit for a special exception use or modification of a special exception use may be initiated by a property owner or the owner's authorized agent by filing an application with the zoning administrator upon forms prescribed for the purpose. The application shall be accompanied by a site plan and other such plans and other materials constituting a record essential to an understanding of the proposed use and proposed modification in relation to the standards set forth herein. The application shall also be accompanied by a fee as determined by resolution of the city council.

*Application and Fee:* Application for a special exception use permit shall be filed with the zoning administrator. The Board of Adjustment shall provide a copy of the application for special exception for review and comment of the Planning and Zoning Commission within seven (7) days after receipt of the application. The application shall include the following:

- a. Name and address of the owner and applicant.
- b. Address and legal description of the property.
- c. If the applicant is not the legal owner of the property, a statement that the applicant is the authorized agent of the owner of the property.
- d. A statement describing the nature and operating characteristics of the proposed use, including any data pertinent to the findings required for approval of the application.

- e. The property address, name and mailing address of the owner of each lot within 200 feet of the subject property and a map with parcels keyed to the ownership and address data.
- f. Site plans, as prepared in accordance with Article XIV.
- g. Any applicable fee established by city council.

**Section 21.4. PROCEDURES.**

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

1. The planning and zoning commission shall provide the Board of Adjustment with a review and recommendations of a special exception use application.
2. After receipt of the Planning and Zoning Commission's recommendations, the Board of Adjustment shall schedule a public hearing in relation to the special exception request. Notice shall be given of the public hearing as required by state statute by publication in a newspaper of general circulation in the city at least seven (7) days prior to the public hearing. Notice shall be given in writing to a complete list of persons provided by the applicant who are all of the owners of property and residents within two hundred feet (200') of the property in question.
3. The Board of Adjustment shall determine that it is empowered under this ordinance to grant the special exception as described in the application, and that the granting of the special exception will not adversely affect the public interest pursuant to testimony presented at the public hearing and review by the Planning and Zoning Commission.
4. In granting any special exception, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this ordinance and punishable under Article XIX, Violation and Penalty.
5. The concurring affirmative vote of three (3) members of the Board of Adjustment grants a special exception use permit, even in the event of absentee members or conflicts of interest.
6. No order of the Board of Adjustment granting a special exception use permit shall be valid for a period longer than one (1) year from the date of such order, unless the Board of Adjustment specifically grants a longer period of time or a building permit is obtained within the one (1) year period and construction is commenced.

**Section 21.5. STANDARDS.**

The following standards are intended to be used by Board of Adjustment in determining if the special exception use permit may be approved based upon the impact to the property in questions, surrounding properties and the community.

1. That the establishment, maintenance, or operation of the special exception use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community.

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

18. The use shall not create a hazard to vehicular traffic. If any such hazard is determined, provisions must be made to increase the required setback in regard to open air storage.
19. The use shall not cause any permanent, irreparable environmental damage to the parcel or neighboring lands.
20. The special exception use permit may be reviewed after a specified period of time for compliance and for possible additional conditions.

**Section 21.6. REVOCATION.**

The issuance of a special exception use permit by the Board of Adjustment shall entitle the owner to continue to operate the use so long as the owner remains in compliance with the terms and conditions of this ordinance and the terms, conditions, limitations, requirements and safeguards set forth in the special exception use permit. If such permit is granted, it does expressly grant to the city the power and authority to enter upon the premises at any reasonable time for the purpose of inspection and enforcement of the terms of the special exception use permit. In the event the owner or occupant of the property for which a special exception use permit has been issued, shall violate any term, condition, limitation, regulation or safeguards contained in the special exception permit, the permit shall become null and void and the owner or occupant shall be deemed to be in violation of this ordinance and the city may proceed to enforce the provisions of this ordinance and the terms, conditions, limitations, and safeguards of the special exception permit. In addition to all other remedies provided herein, in the event that such special exception shall become null and void, any bonds given by the owner under the provisions of this ordinance shall be forfeited.

**Section 21.7. SUPPLEMENTAL STANDARDS.**

In addition to the standards outlined in Section 21.5 above, certain specified uses shall only be permitted upon approval of a special exception permit and adhere to standards as follows.

1. *Salvage Yards:* All salvage yards, including any area where waste, junk, discarded or wrecked and salvaged materials are bought, sold, stored, exchanged, baled or packed, disassembled or handled, including dismantling or “wrecking” of automobiles or machinery or other vehicles, shall be located in the Industrial (I) district under special exception use permit. The application for a special use permit shall be accompanied with a proposed intent or covenant to meet the minimum requirements described herein:
  - a. The yards shall be at least five hundred (500) feet distant in all directions from any residential building;
  - b. Outdoor yards shall be screened by a solid wall or uniformly painted solid fence not less than eight (8) feet in height, or in lieu thereof, a landscape buffer strip fifty (50) feet wide with evergreen trees or large shrubs to provide a solid landscape screen at least ten feet (10’) high, may be planted. If the landscape buffer strip upon planting cannot provide a solid screen of at least eight feet (8’) in height, a temporary fence of at least eight feet (8’) in height must be constructed and left in place until the trees and shrubs are large enough to screen the salvage yard.

- c. An off-street parking or service area in connection with the yards may be located outside of the screened-in area.
2. *Open-Air Sales Display and Storage:* All open-air sales display and storage, including new or used auto sales and storage, new or used farm implement and equipment sales and storage, new or used truck, machinery, or equipment sales and storage, and boat trailer or boat hoist storage shall require a special use permit. The application shall be accompanied with drawings and other documents describing the intent, layout, and construction or installation in accordance with the following minimum requirements:
  - a. The sides and rear lot lines, when abutting properties used for residential dwellings, shall be required to be screened with a wall or fence with its surface at least fifty (50) percent solid and at least seven feet (7') in height. The fence shall not be required to extend beyond the front yard setback line;
  - b. All lighting and lighted facilities shall be designed and arranged so that they do not focus or glare directly on adjacent residential properties, or public streets thereby creating a traffic hazard;
  - c. No lighted flashing signs, or revolving beacon lights shall be permitted;
  - d. The open-air storage yard or display area shall be maintained to be reasonably free of weeds, debris, trash and other objectionable materials.
3. *Boat and Marine Accessory Storage:* Boats, personal watercraft, trailers, boat hoists, or other marine accessories may be stored on the owner's lot for no longer than nine (9) consecutive months in the same location. Multiple boats, personal watercraft, trailers, boat hoists, or other marine accessories stored on a parcel, lot or group of lots for longer than nine (9) consecutive months for private, commercial or monetary purposes shall conform to the requirements of section 2 "Open-air Sales Display and Storage" above.

# ARTICLE XXII

## Changes and Amendments

### Article 22: Changes and Amendments

- Section 22.1. Procedures and Public Hearing
- Section 22.2. Initiation
- Section 22.3. Application for Change in Zoning District Boundaries
- Section 22.4. Protest Provision
- Section 22.5. New Application

#### **Section 22.1. PROCEDURES AND PUBLIC HEARING.**

This zoning ordinance and the zoning map created by said ordinance may be amended from time to time. However, no amendment shall become effective unless it shall have been proposed by or shall have been first submitted to the Planning and Zoning Commission for review and recommendation.

The Planning and Zoning Commission shall have forty-five (45) days from receipt of the requested amendment in which to submit its report to the city council. Prior to making recommendation to the city council, the Planning and Zoning Commission shall hold at least one public hearing on the text amendment or rezoning request. If the commission fails to submit a report within the forty-five (45) day period, it shall be deemed to have approved the proposed amendment.

Not more than 30 days following receipt of the recommendation of the Planning and Zoning Commission, the city council shall hold at least one public hearing on the text amendment or a rezoning request. A notice of such public hearing shall be published not less than seven (7) days prior to the date established for such hearing along with notification of the owners of all property within two-hundred (200) feet of the property for which the change is requested. In no case shall the public hearing be held earlier than the next regularly scheduled city council meeting following the published notice. Such notice shall include the time and place for the public hearing.

Within 30 days following the closing of a public hearing, the city council shall make a specific finding as to whether the change is consistent with the objectives of this ordinance. If the city council finds that the change is consistent, it shall introduce an ordinance amending the text of the zoning regulations or amending the zoning map, whichever is appropriate.

If the city council finds that the change is not consistent, it shall deny the application. The city council shall not modify a recommendation of the Planning and Zoning Commission on a rezoning or change until it has requested and considered a report of the commission on the modification. Failure of the commission to report within 30 days after receipt of the city council request shall be deemed concurrence.

#### **Section 22.2. INITIATION.**

Requests for rezoning of property or zoning text amendments may be initiated by one of three ways.

1. The Planning and Zoning Commission or the city council may initiate a text amendment.

2. The Planning and Zoning Commission or the city council may initiate a rezoning request
3. The owner or the authorized agent of the owner of property may initiate a rezoning request by filing an application for a change in district boundaries (rezoning) as prescribed in this article. If the property for which rezoning is proposed is in more than one ownership, all the owners or their authorized agents shall join in filing the application.

**Section 22.3. APPLICATION FOR CHANGE IN ZONING DISTRICT BOUNDARIES.**

Any person may submit to the zoning administrator an application requesting a change in the zoning district boundaries as shown on the official zoning map. Such application shall include the following data and maps.

1. Each application shall be filed and accompanied by a fee as determined by resolution by the city council.
  - a. The name and address of the owner and applicant.
  - b. The legal description and local address of the property.
  - c. The present zoning classification and the zoning classification requested for the property.
  - d. The existing use and proposed use of the property.
  - e. The names and addresses of the owners of all property within two hundred feet (200') of the property for which the change is requested.
  - f. A statement of the reasons why the applicant feels the present zoning classification is no longer appropriate.
  - g. A plat showing existing and proposed locations, dimensions and use of the applicant's property and all property within two-hundred feet (200') thereof, including streets, alleys, railroads, and other physical features.
2. All fees shall be deposited to the general revenue fund of the city. Failure to approve the requested change shall not be deemed cause to refund the fee to the applicant.
3. Upon receipt of the application by the zoning administrator a copy shall be forwarded immediately to the Planning and Zoning Commission for study and recommendation. The commission shall, prior to making a recommendation, determine the following:
  - a. Whether or not the current district classification of the property to be rezoned is valid.
  - b. Whether there is a need for additional land zoned for the purpose requested.
  - c. Whether the proposed change is consistent with the current land use plan, considering such factors as:
    - i. Whether the rezoning would result in a population density or development which would in turn cause demand for services and utilities in excess of the capacity planned for the area;
    - ii. Whether the rezoning would result in the generating of traffic in excess of the capacity of existing or planned streets in the vicinity.

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

**Section 22.4. PROTEST PROVISION.**

In case the Planning and Zoning Commission does not approve the change, or in a case of a protest filed with the city council against a change in district boundaries signed by the owners of twenty percent (20%) or more either of the area of the lots included in such proposed change, or of those immediately adjacent thereto and within two hundred feet (200') of the boundaries thereof, such amendment shall not be passed except by the favorable vote of three-fourths (3/4) of all members of the city council, even in the instance of absentee members or during conflicts of interest.

**Section 22.5. NEW APPLICATION.**

Whenever a petition requesting an amendment, supplement or change of this ordinance has been denied by the city council such petition cannot be renewed for one (1) year thereafter unless it is signed by the owners of at least fifty percent (50%) of the property owners who previously objected to the change; this provision, however, shall not prevent the city council from acting on its own initiative in any case or at any time provided in this section.

**ARTICLE XXIII**  
**Effective Date**

**Section 23.1. EFFECTIVE DATE.**

This ordinance shall be in full effect from and after its adoption and publication as required by law.

**ARTICLE XXIV**  
**Adoption**

ORDINANCE NO. 4-09

ZONING ORDINANCE OF THE CITY OF LAKE PARK, IOWA

NOW THEREFORE, BE IT ORDAINED BY THE  
CITY COUNCIL OF THE CITY OF LAKE PARK

Passed and approved this 8<sup>th</sup> day of June, 2009.

John L. Engel  
Mayor, City of Lake Park

Attest:

Vernette Palmer  
Lake Park City Clerk

I hereby certify that the foregoing was published as ordinance no. 4-09 in the City of Lake Park, Iowa on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

