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*A-1- Need Waiver from Council if Water/Sewer
Can not be accessed pg. 14-2.7*

ORDINANCE NO. _____
ZONING ORDINANCE FOR THE CITY OF
LAKE CITY, IOWA

Replaces Ordinance #297 and amendments thereto:

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, courts 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 reappoint the existing Board of Adjustment; 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 City, Iowa."

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

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

ARTICLE 1/SHORT TITLE AND JURISDICTION

Section 1. SHORT TITLE. This Ordinance shall be known and may be cited and referred to as the "Zoning Ordinance of the City of Lake City" to the same effect as if the full title was stated.

Section 2. JURISDICTION. This Ordinance is adopted by the City of Lake City, Iowa, governing the zoning of all lands within the corporate limits of the City.

ARTICLE 2/INTERPRETATION OF REGULATIONS

Section 1. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Where this Ordinance imposes a greater restriction than is imposed or required by other provisions of law, other rules, regulations, or ordinances, the provisions of this Ordinance shall govern.

ARTICLE 3/DEFINITIONS

Section 1. For the purpose of this Ordinance certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural number includes the singular; the word "shall" is mandatory, the word "may" is permissive; 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; and the word "he" includes the word she.

- 1.1. Accessory Use or Structure: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to the principal use or structure.
- 1.2. Alley: A public or private thoroughfare of minor use and dedicated to the public, which affords only a secondary means of access to abutting property.
- 1.3. Apartment: A single room or set of rooms occupied as a dwelling (including independent sleeping, sanitary, and cooking facilities) which is part of multi-family structure.
- 1.4. Awning/Canopy: A rooflike cover extending over or before a place as a shelter. An awning shall have a pedestrian head clearance of at least seven (7) feet.
- 1.5. Basement: A story having more than one-half (1/2) of its height below grade. A basement is not counted as a story for the purpose of height regulations.
- 1.6. Billboard: A structure, regardless of the material used, that is erected, maintained or used for public display of posters, painted signs, or wall signs, whether the structure be placed on the wall or painted itself, pictures or other pictorial reading material which advertise a business or attraction which is not carried on, manufactured, grown or sold on the premises where said sign or billboard is located.
- 1.7. Block: Property abutting on at least one (1) street and lying within two (2) or more intersecting or parallel streets or unsubdivided acreage or railroad right-of-way.

- 1.8. Boarding, Rooming, or Lodging House (Also, Bed and Breakfast): A building other than a hotel where for compensation, and by arrangement, lodging is provided.
- 1.9. Body Shop: A building or portion thereof, designed, intended, or used for the equipping, servicing, selling, hiring, storing, care, or repair of motor vehicles, and which is operated for commercial purposes.
- 1.10. Buildable Area: The portion of a lot remaining after required yards have been provided.
- 1.11. Building: A structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property.
- 1.12. Building, Height of: The vertical distance from the average natural grade at the building line, to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.
- 1.13. Business: The words business, commercial, and manufacturing when used herein refers to the engaging in the purchase, sale or exchange of goods or services, or the operation for profit of offices or recreational amusement enterprises.
- 1.14. Carport: Space for the housing or storage of motor vehicles and enclosed on not more than two (2) sides by walls. A carport is attached to the principal structure on the lot.
- 1.15. Club or Lodge (Private): An association of persons for the promotion of a nonprofit objective, who are bonafide members paying annual dues, which owns, hires, or leases a building, or portion thereof, the use of such premises being restricted to members and their guests. It shall be permissible to serve food and meals to members and their guests on such premises provided adequate dining room space and kitchen facilities are available and are operated in compliance with state and municipal laws.
- 1.16. Day Nursery or Nursery School: Any private agency, institution, establishment or place which provides, for compensation, supplemental parental care and/or educational work, other than overnight lodging, for six (6) or more unrelated children.
- 1.17. Driveway: A traffic way providing access for vehicles to a building on property abutting a public street. A driveway shall not be wider than twenty-four (24) feet at its junction with the public street.
- 1.18. Dwelling: Any building or portion thereof designed or used exclusively for residential purposes. A mobile home which has been converted to real estate and is greater in width than twenty (20) feet and has a permanent foundation and is attached to normal city utilities, is considered a dwelling for purposes of this ordinance. A dwelling shall not include tents, seasonal trailers, hotels, motels, tourist courts, cabins, hospitals, rest homes, orphanages, and homes for the aged.

- 1.19. Dwelling, Multiple: A residence designed for the occupancy by three (3) or more families, with separate housekeeping and cooking facilities for each.
- 1.20. Dwelling, Single Family: A detached residence designed for or occupied by only one (1) family and contains independent cooking facilities for the family.
- 1.21. Dwelling, Two Family: A residence designed for or occupied by two (2) families, with separate entrances, housekeeping, and cooking facilities for each.
- 1.22. Essential Services: The erection, construction, alteration or maintenance by developers, public utilities, or governmental agencies of underground or overhead gas, telephone, television, electrical, wastewater, water transmission, distribution, or treatment systems, including poles, wires, mains, drains, sewers, pipes, plants, substations, conduits, cables, traffic signals, hydrants, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or governmental agencies or for public health or safety or general welfare.
- 1.23. Family: One (1) or more persons occupying a dwelling and living as a single housekeeping unit, as distinguished from a group occupying a boarding or lodging house, nursing or convalescent home, hotel or motel, as herein defined.
- 1.24. Farm/Agriculture: An area which is used for the growing of the usual farm products such as vegetables, fruits and grains and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals, but not including the concentrated feeding of animals within a confined area. The definition includes the operating of such area for one (1) or more of the above uses with the necessary accessory uses for treating or storing the produce, provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activity and such accessory uses do not include the feeding of garbage or offal to swine or other animals.
- 1.25. Fence: An erection intended to prevent escape or intrusion or to mark a boundary. For purposes of this Ordinance a fence is composed of posts, wire, or boards. Within a required front yard fences shall not exceed forty-eight (48) inches in height and shall not be opaque.
- 1.26. Flammable Liquids: Any liquid which gives off flammable vapors, as determined by the flash point from an open-cup tester as used for test of burning oils, at or below a temperature of eighty degrees (80°) Fahrenheit, is flammable.
- 1.27. Foundation Required: Every structure over eighty (80) square feet in area shall have a permanent foundation. The permanent foundation is the masonry or concrete structure which directly supports the above ground

structure along its entire perimeter and at points within its perimeter where needed. A foundation shall be at least forty-eight (48) inches in depth.

- 1.28. Garage, Private: An enclosed structure intended for and used for the parking of the private motor vehicles of the families resident upon the premises.
- 1.29. Gasoline Service Stations: Any building or premises used for the retail sale of liquid fuels, oils and other items customarily associated with the sale of such products, but not for the purpose of making other than minor repairs (not including extensive body repair).
- 1.30. Grade: The average level of the finished surface of the ground adjacent to the exterior walls of the building.
- 1.31. Granny Flat: A temporary accessory residential structure placed on a residential zoned lot and occupied by elderly relatives of the owner(s) of the lot on which it is located.
- 1.32. Home Occupation: An occupation or a profession conducted in a dwelling unit, which:
 - 1.32.1. Is customarily carried on in a dwelling unit or accessory buildings, and;
 - 1.32.2. Is carried on by a member of the family residing in the dwelling unit, and;
 - 1.32.3. Is clearly incidental and secondary to the use of the dwelling unit for residential purposes, and;
 - 1.32.4. Does not employ more than two (2) person(s) outside the immediate family, and;
 - 1.32.5. Has 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, other than one (1) exterior sign mounted flush with the face of the building, which sign shall not exceed four (4) square feet in area, and;
 - 1.32.6. Does not occupy more than thirty (30) percent of the area of the dwelling unit, and;
 - 1.32.7. Produces no offensive noise, vibration, smoke, excessive congestion, dust, odors, heat or glare rendering such building or premises objectionable or detrimental to the residential character of the neighborhood.
- 1.33. Juice Bar: A commercial establishment where non-alcoholic beverages are served while actors/dancers exhibit various forms of male/female nudity.
- 1.34. Junk Yard or Salvage Yard: Any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled, kept, stored or handled, including house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and

structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building, and not including automobile, tractor or machinery wrecking and used parts yards, and the processing of used, discarded or salvaged materials as part of manufacturing operations.

Where permitted by district regulations salvage shall either be located within a rear yard or fully enclosed within a building. In addition, junk yards located within one thousand (1,000) feet of a state, federal, or county highway shall obtain a current "Recycler's License" from the Iowa Department of Transportation. Junk Yards located over one thousand (1,000) feet from a state, federal, or county highway shall be screened from view from a public street by the same screening regulations as provided by the Iowa Department of Transportation when granting a "Recycler's License."

- 1.35. Junk Vehicle (Junk Machinery): Any vehicle or portion thereof not in running condition and/or not licensed for the current year as provided by law and not legally placed in storage with the Treasurer of Calhoun County, or any other vehicle or machinery which, because of its defective or obsolete condition, or rotted, rusted or loose parts, or in any other way constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of Section 657.1, Code of Iowa. Junk and Junk Vehicles are abated according to Title VI, Chapter 3, Article 2, Code of Lake City, Iowa.
- 1.36. Kennel, Dog: Any premises on which four (4) or more dogs, six (6) months old or older, are kept.
- 1.37. Livestock: All non-human vertebrates, which shall include all animals and all forms of poultry.
- 1.38. Lot: A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area to provide such yards and other open space as herein required. Such lot shall have frontage on a public street and may consist of: (a) a single lot of record; (b) a portion of a lot of record; (c) a combination of complete lots of record; of complete lots of record and portions of lots of record; or of portions of lots of record; and (d) a parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.
- 1.39. Lot Area: The area of a horizontal plane bounded by the front, side and rear lot lines.
- 1.40. Lot, Corner: A lot fronting on two (2) intersecting streets.
- 1.41. Lot Depth: The mean horizontal distance between the front and rear lot lines.
- 1.42. Lot, Interior: A lot other than a corner lot.
- 1.43. Lot Lines: The lines bounding a lot.

- 1.44. Lot Line, Front: In the case of an interior lot, abutting on only one (1) street, the front line is the street line of such lot. In the case of any other lot, the front lot line shall be considered as the line adjacent to the street upon which the lot has its least dimension.
- 1.45. Lot Line, Rear: That boundary line which is opposite and most distant from the front line.
- 1.46. Lot Line, Side: Any boundary line not a front lot line or a rear lot line.
- 1.47. Lot of Record: A lot which is a part of a subdivision recorded in the office of the county recorder of Calhoun County, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
- 1.48. Lot, Through: An interior lot having frontage on two parallel, or approximately parallel streets and also known as a double fronted lot.
- 1.49. Lot Width: The width of a lot as measured at the required front yard set-back line.
- 1.50. Mobile Home: A vehicle used, or so originally constructed as to permit being used, as conveyance upon the public streets or highways and duly licensed as such, and constructed in such a manner as will permit occupancy thereof for human habitation, dwellings, or sleeping places for one (1) or more persons, provided further that this definition shall refer to and include all portable contrivances used or intended to be used generally for living and sleeping quarters and which is capable of being moved by its own power, towed, or transported by another vehicle. Mobile homes of less than twenty (20) feet in width may be used as a dwelling only when placed in a Mobile Home Park.
- 1.51. Mobile Home Converted to Real Estate: A mobile home, at least twenty (20) feet in width, which has been attached to a permanent foundation on real estate, which has had the vehicular frame destroyed rendering it impossible to reconvert to a mobile home, and which has been inspected by the assessor, the mobile home title, registration, and license plates collected from the owner and the property entered on the tax rolls of the county.
- 1.52. Mobile Home Park or Trailer Park: Any lot or portion of a lot upon which one (1) or more mobile homes or trailers for dwelling or sleeping purposes are located regardless of whether or not a charge is made for such accommodations.
- 1.53. Motel, Motor Court, Motor Lodge or Tourist Court: Any building or group of buildings containing guest rooms primarily for temporary occupancy, and laid out to provide space for parking vehicles used by the traveling public. Such building or group of buildings may include quarters for the use of the operating personnel.
- 1.54. Nursing Home (Including Convalescent and Group Homes): A building or structure having accommodations and where care is provided for invalid,

infirm, aged, convalescent, or physically disabled or injured persons, but not including penal or disciplinary cases.

- 1.55. Parking Space: A surfaced area of not less than one hundred eighty (180) square feet plus necessary maneuvering space for the parking of a motor vehicle. Space for maneuvering, incidental to parking or unparking, shall not encroach upon any public right-of-way.
- 1.56. Porch, Unenclosed: A roofed projection which is partially enclosed by a building or siding material other than meshed screens.
- 1.57. Principal Use: The main use of land or structures as distinguished from an accessory use. The house on a single family residential lot is the principal use while a detached garage or storage shed is an accessory use.
- 1.58. Professional Office: Any building or part thereof used by one (1) or more persons engaged in the practice of law, accounting, architecture, medicine, engineering or other occupation customarily considered as a profession.
- 1.59. Roadside Stand: A temporary structure, unenclosed, and so designed and constructed so the structure is easily portable or can be readily moved, and which is adjacent to a road and used for a sale of farm products produced or grown on the premises.
- 1.60. Sign Area: The surface area of a sign shall be computed as including the entire area within a regular geometric form or combination of such forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.
- 1.61. Sign, Exterior: A sign which directs attention to a business, profession, service, product or activity sold or offered upon the premises where such sign is located. An exterior sign may be attached flat against a building or structure, painted on the building or structure, projecting out from a building or structure, or erected upon the roof of a building or structure.
- 1.62. Sign, Free Standing or Post: Any sign erected or affixed in a rigid manner to any pole or post, and which carries any advertisement strictly incidental and subordinate to a lawful use of the premises on which it is located, including signs, or sign devices indicating the business transacted, services rendered or goods sold or produced on the premises by an occupant thereof.
- 1.63. Split Level: A story having not more than one-half (1/2) of its height below grade. A split-level story is counted as a story for purposes of height regulations.
- 1.64. Stable: An accessory structure including, but not limited to a corral or paddock for the keeping of hoofed animals owned or controlled by the occupants of the premises and which are kept for pets, board, propagation, sale, or lease.

- 1.65. Story: That portion of a building, other than a basement, 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.
- 1.66. Story, Half: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than four (4) feet above the top floor level.
- 1.67. Street Line: The right-of-way line of a street, road or highway.
- 1.68. Street, Public: A public thoroughfare more than twenty feet in width.
- 1.69. Structural Alteration: Any replacement or changes in the type of construction or in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, beyond ordinary repairs, and maintenance.
- 1.70. Structure: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, billboards, decks, poster panels, and carports.
- 1.71. Variance: A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. A variance may be authorized only for height of structures and area and size of lots, 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 adjoining zoning districts.
- 1.72. Yard: An open space on the same lot with a building or structure. In measuring a yard for the purpose of determining the depth of a front yard or the depth of a rear yard, the least distance between the lot line and the main 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 permitted building shall be used.
- 1.73. Yard, Front: A yard extending across the full width of the lot and measured between the front lot line and the building or any projection thereof, other than the projection of the usual steps and eaves. In the case of corner lots, the front yard shall be considered as the yard adjacent to the street upon which the lot has its least dimension, unless the structure can be placed on the lot and meet all required yard requirements, in which case either street side may be the front yard.
- 1.74. Yard, Rear: A yard extending across the full width of the lot and measured between the rear lot line and the structure or any projections other than uncovered steps, balconies or eaves. On both corner lots and

interior lots the opposite end of the lot from the front yard shall be considered the rear yard.

- 1.75. Yard, Side: A yard extending from the front yard to the rear yard and measured between the side lot lines and the nearest building.
- 1.76. Zoning Administrative Officer: The individual appointed by the City Council of Lake City, Iowa to administer and enforce the provisions of this Ordinance.
- 1.77. Zoning Compliance Permit: A permit issued by the Zoning Administrative Officer, authorizing the use of land in the manner and for the purpose specified in the application.

ARTICLE 4/DISTRICTS

Section 1. For the purpose and intent of this Ordinance the City of Lake City, Iowa, if hereby divided into zoning district classifications as follows:

- A-1 Agricultural District
- R-1 One (1) and Two (2) Family Dwelling District
- R-2 Multiple Family Dwelling District
- R-3 Mobile Home Park District
- C-1 Central Commercial District
- C-2 Highway Commercial District
- M-1 General Industrial District

Section 2. BOUNDARIES AND OFFICIAL MAP. The boundaries of these districts are indicated and established as shown upon maps designated as the Official Zoning Map of Lake City, Iowa, which, with all their notations, designations, references, and other matters shown thereon, shall be as much a part of this Ordinance as if fully described and set forth herein. The Official Zoning Maps shall be identified by the Mayor and attested by the City Clerk and/or City Administrator under the following words:

"This is to certify that this is the Official Zoning Map referred to in Article 4 of the Lake City Zoning Ordinance, dated this _____ Day of _____, 1995.

Mayor

City Clerk and/or City Administrator

Amendments, supplements, or changes of the boundaries of districts as shown on the Official Zoning Map shall be made by an ordinance amending this 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 and/or City Administrator 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 current zoning status of land and water areas, buildings, and other structures in the City.

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such corrections shall have the effect of amending the original Official Zoning Ordinance or any subsequent amendment thereof.

Section 3. INTERPRETATION OF DISTRICT BOUNDARIES. Where uncertainty exists as to boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- 3.1. Boundaries indicated as approximately following the center lines of streets, highways, alleys or other public rights-of-way shall be construed to follow such center lines;
- 3.2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- 3.3. Boundaries indicated as approximately following section lines, quarter section lines, or quarter-quarter section lines shall be construed as following such lines;
- 3.4. Boundaries indicated as approximately following city limits shall be construed as following such city limits;
- 3.5. Boundaries indicated as approximately following the center line of streams, rivers, canals, lakes or other bodies of water shall be construed as following such center lines;
- 3.6. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- 3.7. Boundaries not capable of being determined in the previous paragraphs shall be as dimensioned on the Official Zoning Map or if not dimensioned shall be determined by the scale shown on the map.

Section 4. ANNEXED TERRITORY. All territory which may hereafter be annexed to the city shall be considered as lying in the Agricultural District (A-1) until such classification shall have been changed by amendment.

Section 5. GENERAL REGULATIONS. Except as herein provided:

- 5.1. No building or structure shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be

used, which does not comply with all of the district regulations for the district in which the building or land is located.

- 5.2. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum required. No part of a yard or other open space, or off street parking or loading space provided about any building, structure, or use for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard, open space, or off street parking or loading space required under this Ordinance for another building, structure, or use.
- 5.3. Every building hereafter erected or subject to structural alteration shall be located on a lot as herein defined and in no case shall there be more than one (1) main building on one (1) lot unless otherwise provided in this Ordinance.

ARTICLE 5/AGRICULTURAL DISTRICT (A-1)

Section 1. INTENT. The intent of the (A-1) District is to allow for the agricultural use of certain areas until such time as streets, utilities and community facilities may be provided or programmed to ensure the orderly and beneficial conversion of these lands to nonagricultural uses.

Section 2. PRINCIPAL USES PERMITTED. Only the following uses and structures shall be permitted in the (A-1) District.

- 2.1. Agriculture consisting of the raising of crops. The raising of any animals or livestock shall be limited as follows:
 - 2.1.1. On tracks of less than ten (10) acres in size there shall be no more than three (3) animals per acre if there are any houses within one-hundred (100) feet of said tract;
 - 2.1.2. No livestock shall be maintained in any area which is within one hundred-fifty (150) feet from any dwelling unless the owner or occupant of said dwelling gives written permission for the raising of livestock in that area, which written permission may be withdrawn at any time by the owner or occupants of the surrounding dwellings or their successors in interest;
 - 2.1.3. No concentration of livestock greater than three (3) head per acre shall be permitted in any area which is within one-thousand (1,000) feet of any adjacent dwelling;
 - 2.1.4. No new confinement feeding operation or feedlots, or substantial increase in the size of any existing operation, shall be undertaken without obtaining a permit from the City Council. The request for permit must be accompanied by a written statement containing a detailed plan of the proposed operation and a detailed plan of the

proposed method for treatment and disposal of all animal wastes. Before ruling, the City Council must give notice to the public and hold a public hearing on the matter. After the public hearing, the Council shall issue the permit only if it appears that the proposed operation will not interfere with the surrounding owners use and enjoyment of their property and will not constitute a health hazard or a public or private nuisance to the surrounding property owners.

- 2.2. Cemeteries;
- 2.3. Churches, chapels and similar places of worship;
- 2.4. Kennels or stables, provided that exercise areas not be closer than two hundred (200) feet to any residential dwellings other than the owner's;
- 2.5. Public parks, golf courses, playground, and recreation areas, including private, non-commercial, country clubs, golf courses, and swimming pools;
- 2.6. Nurseries, greenhouses, and truck gardens;
- 2.7. Single family dwellings, provided that public water and sewer is available;

Needs waiver from Council if not Accessible 9-26-14
Section 3. PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted:

- 3.1. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures and to uses and structures permitted as exceptions;
- 3.2. Essential services;
- 3.3. Home occupations;
- 3.4. Private garage or carport;
- 3.5. Roadside stands for the sale of agricultural produce grown on the premises;
- 3.6. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

Section 4 SPECIAL EXCEPTION USES AND STRUCTURES. The following uses may be permitted in the Agricultural District (A-1) subject to approval by the Board of Adjustment as provided for in Articles 16 and 20 of this Ordinance.

- 4.1. Grain storage and grain drying facilities;
- 4.2. Transmitters, towers, receiver equipment.

Section 5. BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article 12:

- 5.1. Lot Area: The minimum lot area shall be one (1) acre.
- 5.2. Lot Width: The minimum lot width shall be sixty-six (66) feet;
- 5.3. Front Yard: The minimum front yard shall be twenty-five (25) feet;

- 5.4. Side Yard: The minimum side yard shall be eight (8) feet;
- 5.5. Rear Yard: The minimum rear yard shall be twenty-five (25) feet;
- 5.6. Maximum Height: No building shall exceed a height of two and one-half (2 1/2) stories or thirty-five (35) feet, unless otherwise provided.

Section 6. OFF-STREET PARKING. Off-street parking shall be provided in accordance with the provisions of Article 13.

Section 7. OFF-STREET LOADING. Off-street loading shall be provided in accordance with the provisions of Article 14.

Section 8. SIGNS. Signs are permitted subject to the provisions of Article 15.

ARTICLE 6/ONE (1) AND TWO (2) FAMILY RESIDENTIAL DISTRICT (R-1)

Section 1. INTENT. The intent of the (R-1) District is to provide for low to medium density residential development with a limited number of institutional and recreational facilities permitted.

Section 2. PRINCIPAL USES PERMITTED. Only the following principal uses and structures shall be permitted in the (R-1) District:

- 2.1. Churches, chapels, temples and similar places of worship;
- 2.2. Funeral home;
- 2.3. One (1) and two (2) family dwellings;
- 2.4. Publicly owned and operated buildings, parks, playgrounds, golf courses, and recreation areas;
- 2.5. Schools and colleges having curriculums approved by the State of Iowa.

Section 3. PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted:

- 3.1. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures and to uses and structures permitted as exceptions;
- 3.2. Essential services;
- 3.3. Home occupations;
- 3.4. Private garage or carport;
- 3.5. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

Section 4. SPECIAL EXCEPTION USES AND STRUCTURES. The following uses and structures may be permitted in the (R-1) District subject to provisions of Articles 16 and 20 of this Ordinance and with the approval of the Board of Adjustment:

- 4.1. Boarding or Lodging house;
- 4.2. Day nursery or nursery school;
- 4.3. Hospitals, rest homes, nursing homes, and convalescent homes.

Section 5. BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article 12:

- 5.1. Lot Area: The minimum lot area shall be: Single family dwelling - eight thousand (8,000) sq. ft. Two family dwelling - ten thousand (10,000) sq. ft. Other uses - eight thousand (8,000) sq. ft.
- 5.2. Lot Width: The minimum lot width shall be sixty-six (66) feet;
- 5.3. Front Yard: The minimum front yard shall be twenty-five (25) feet;
- 5.4. Side Yard: The minimum side yard shall be eight (8) feet;
- 5.5. Rear Yard: The minimum rear yard shall be twenty-five (25) feet;
- 5.6. Maximum Height: No building shall exceed a height of two and one-half (2 1/2) stories or thirty-five (35) feet, unless otherwise provided.

Section 6. OFF-STREET PARKING. Off-street parking shall be provided in accordance with the provisions of Article 13.

Section 7. OFF-STREET LOADING. Off-street loading shall be provided in accordance with the provisions of Article 14.

Section 8. SIGNS. Signs are permitted subject to the provisions of Article 15.

ARTICLE 7/MULTI FAMILY RESIDENTIAL DISTRICT (R-2)

Section 1. INTENT. The intent of the (R-2) District is to provide for living areas within the City for development of multiple family dwellings and single family dwellings which are compatible in character and density with the multiple family residential environment.

Section 2. PRINCIPAL USES PERMITTED. Only the following principal uses and structures shall be permitted in the (R-2) District:

- 2.1. Boarding or lodging houses;
- 2.2. Churches, chapels, temples and similar places of worship;
- 2.3. Day nursery or nursery schools;
- 2.4. Funeral Homes;
- 2.5. Multi-family dwellings;

- 2.6. One (1) family dwelling;
- 2.7. Publicly owned and operated buildings, parks, playgrounds, golf courses, and recreation areas;
- 2.8. Rest homes, nursing homes, and convalescent homes;
- 2.9. Schools and colleges having curriculums approved by the State of Iowa;
- 2.10. Two (2) family dwellings (duplexes).

Section 3. PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted:

- 3.1. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures permitted as exceptions;
- 3.2. Essential services;
- 3.3. Home occupations;
- 3.4. Private garage or carport;
- 3.5. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

Section 4. SPECIAL EXCEPTION USES AND STRUCTURES. The following uses and structures may be permitted in the (R-2) District subject to provisions of Articles 16 and 20 of this Ordinance with the approval of the Board of Adjustment:

- 4.1. None.

Section 5. BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article 12:

- 5.1. Lot Area: The minimum lot area shall be: One (1) family dwelling - eight thousand (8,000) sq. ft. Two family dwelling - ten thousand (10,000) sq. ft. Multi-family dwelling - three thousand (3,000) sq. ft. per dwelling unit, but in no case less than a total of twelve thousand (12,000) sq. ft. Other uses - eight thousand (8,000) sq. ft.;
- 5.2. Lot Width: The minimum lot width shall be sixty-six (66) ft.
- 5.3. Front Yard: The minimum front yard setback shall be twenty-five (25) ft.
- 5.4. Side Yard: For one (1) and two (2) family dwellings there shall be a side yard not less than eight (8) feet. For multiple family structures and other uses there shall be a side yard of twelve (12) feet;
- 5.5. Rear Yard: The minimum rear yard shall be twenty-five (25) feet;
- 5.6. Maximum Height: No building shall exceed a height of two and one-half (2 1/2) stories or of thirty-five (35) feet unless otherwise provided.

Section 6. OFF-STREET PARKING. Off-street parking shall be provided in accordance with the provisions of Article 13.

Section 7. OFF-STREET LOADING. Off-street loading shall be provided in accordance with the provisions of Article 14.

Section 8. SIGNS. Signs are permitted subject to the provisions of Article 15.

ARTICLE 8/MOBILE HOME PARK DISTRICT (R-3)

Section 1. INTENT. The (R-3) District shall provide for mobile home developments in areas of the community where their use is compatible with existing and future residential areas. This district shall be well served by arterial streets to provide adequate access and planned development that is compatible with the character of neighboring uses.

Section 2. PRINCIPAL USES PERMITTED. Only the following principal uses and structures shall be permitted in the (R-3) District.

- 2.1. Day nursery or nursery schools;
- 2.2. Mobile homes located within planned mobile home parks in accordance to provisions of State Statutes and any City Regulation;
- 2.3. Publicly owned and operated buildings, parks, playgrounds, and recreation areas.

Section 3. PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted:

- 3.1. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures and to uses and structures permitted as exceptions;
- 3.2. Essential services;
- 3.3. Home occupations;
- 3.4. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

Section 4. SPECIAL EXCEPTION USES AND STRUCTURES. The following uses may be permitted in (R-3) District subject to approval by the Board of Adjustment as provided for in Articles 16 and 20 of this Ordinance.

- 4.1. None.

Section 5. BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article 12:

- 5.1. Minimum lot area for mobile home park:
 - 5.1.1. The minimum total area shall be two (2) acres;
 - 5.1.2. All front yards shall be a minimum of twenty-five (25) feet;

- 5.1.3. Each mobile home located within a Mobile Home Park shall be located on a sub-lot containing at least three thousand (3,000) square feet and shall measure at least forty (40) by seventy-five (75) feet.
- 5.1.4. Mobile homes shall be located on each space so there will be at least a twenty (20) foot clearance between each mobile home, a five (5) foot open space between the mobile home including any permanently enclosed appendage, and any driveway, walkway, or mobile home space boundary; and a ten (10) foot open space at the rear of the mobile home.
- 5.2. Plan required:
 - 5.2.1. Each petition for a change to the R-3 zoning classification shall be accompanied by a plan. Said plan shall show each mobile home space, the water, electrical and sewer lines serving each mobile home space, the location of garbage cans, water hydrants, service buildings, driveways, walkways, recreation areas, required yards, parking facilities, lighting and landscaping. The plan shall be considered by the Planning and Zoning Commission and the Council, who may approve or disapprove said plan or require such changes as are necessary to effectuate the intent of this ordinance;
 - 5.2.2. The plan shall show how the mobile home park is to be provided with emergency storm shelters to accommodate all park residents in the case of severe storms and natural disasters.

Section 6. OFF-STREET PARKING. Off-street parking shall be provided in accordance with the provisions of Article 13.

Section 7. OFF-STREET LOADING. Off-street loading shall be provided in accordance with the provisions of Article 14.

Section 8. SIGNS. Signs are permitted subject to the provisions of Article 15.

ARTICLE 9/CENTRAL COMMERCIAL DISTRICT (C-1)

Section 1. INTENT. The intent of the (C-1) District is to provide for a commercial area to serve the shopping needs of the trade area and to permit uses which will strengthen the central business district as the center of trade, service, government and cultural activities.

Section 2. PRINCIPAL USES PERMITTED. Only the following principal uses and structures shall be permitted in the (C-1) District:

- 2.1. Antique shops;
- 2.2. Art and hobby shops;

- 2.3. Auto parts store;
- 2.4. Automobile sales and service by a recognized auto dealer (but not including body work as a primary function);
- 2.5. Bakery, retail;
- 2.6. Bank, savings and loans, including drive-ins;
- 2.7. Barber shop, beauty parlor;
- 2.8. Billiard or pool hall;
- 2.9. Bookstore;
- 2.10. Catering;
- 2.11. Churches, chapels and similar places of worship;
- 2.12. Clothing or apparel store;
- 2.13. Convention building for private display;
- 2.14. Dairy store;
- 2.15. Day nursery or nursery school;
- 2.16. Department store;
- 2.17. Drug store;
- 2.18. Dry goods and notions store;
- 2.19. Eating and drinking establishments, but not including "juice bars";
- 2.20. Electrical equipment and appliance stores;
- 2.21. Florist shop;
- 2.22. Furniture store;
- 2.23. Gift shop;
- 2.24. Grocery store;
- 2.25. Gymnasium, bowling alleys, dance studios;
- 2.26. Hardware store;
- 2.27. Heating and air conditioning sales;
- 2.28. Jewelry store;
- 2.29. Laundry facility;
- 2.30. Multi-family residential uses, provided that such uses not be in the first, ground, or basement floor of any structure;
- 2.31. Office equipment store;
- 2.32. Optical goods store;
- 2.33. Paint, lumber, and building supplies store;
- 2.34. Pharmacy;
- 2.35. Photography and camera shops;
- 2.36. Plumbing, heating, sheet metal, and woodworking shops;
- 2.37. Publicly owned buildings;
- 2.38. Printing, newspaper, commercial;

- 2.39. Private parking lots;
- 2.40. Professional offices;
- 2.41. Retail pet shop;
- 2.42. Shoe store and repair shop;
- 2.43. Sporting goods store;
- 2.44. Upholstery shop.

Section 3. PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted:

- 3.1. Accessory uses and structures normally incidental and subordinate to the permitted uses and to uses and structures permitted as exceptions;
- 3.2. Essential services;
- 3.3. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

Section 4. SPECIAL EXCEPTION USES AND STRUCTURES. The following uses and structures may be permitted in the (C-1) District subject to provisions of Articles 16 and 20 of this Ordinance and with the approval of the Board of Adjustment.

- 4.1. None.

Section 5. BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article 12.

- 5.1. Lot Area: No minimum lot area shall be required;
- 5.2. Lot Width: No minimum lot width shall be required;
- 5.3. Front Yard: No minimum front yard shall be required;
- 5.4. Side Yard: No minimum side yard shall be required, except when adjoining an "R" District, in which case eight (8) feet shall be provided;
- 5.5. Rear Yard: No minimum rear yard is required except when adjoining an "R" District in which case a rear yard of twenty-five (25) feet shall be provided;
- 5.6. Maximum Height: No building shall exceed a height of two and one-half (2 1/2) stories or thirty-five (45) feet unless otherwise provided.

Section 6. OFF-STREET PARKING. Off-street parking shall be provided in accordance with the provisions of Article 13.

Section 7. OFF-STREET LOADING. Off-street loading shall be provided in accordance with the provisions of Article 14.

Section 8. SIGNS. Signs are permitted subject to the provisions of Article 15.

ARTICLE 10/HIGHWAY COMMERCIAL DISTRICT (C-2)

Section 1. INTENT. The intent of the (C-2) District is to establish the location of areas best suited to the needs of highway related businesses whose primary function is catering to traffic generated by the adjacent roadway. These uses are characterized by the need for larger lot sizes and the need to supply their own off-street parking.

Section 2. PRINCIPAL USES PERMITTED. Only the following principal uses and structures shall be permitted in the (C-2) District:

- 2.1. Academy for riding, dancing etc.;
- 2.2. Auditorium, exhibition hall, club;
- 2.3. Automobile service station (but not including body shop as a principal use);
- 2.4. Automobile sales and service;
- 2.5. Bowling alley;
- 2.6. Car wash
- 2.7. Carpentry shop;
- 2.8. Churches, chapels and similar places of worship;
- 2.9. Commercial nurseries and greenhouses;
- 2.10. Commercial recreation or amusement;
- 2.11. Day nursery or nursery school;
- 2.12. Discount department store;
- 2.13. Drive-in establishment;
- 2.14. Dry cleaning and coin operated laundry;
- 2.15. Eating and drinking establishments, but not including "juice bars";
- 2.16. Furniture and appliance stores;
- 2.17. Garden supplies stores;
- 2.18. Hay, grain, feed, seed, retail;
- 2.19. Lumber and building materials;
- 2.20. Mobile homes and recreational vehicle sales;
- 2.21. Motels, and motor lodges;
- 2.22. Open-air sales of autos, implements, trucks;
- 2.23. Private clubs;
- 2.24. Private parking lots;
- 2.25. Professional office;
- 2.26. Publicly owned buildings.

- 2.27. Retail pet shop and veterinarian;
- 2.28. Sign painting or manufacture;
- 2.29. Supermarkets, grocery store;
- 2.30. Underground storage of flammable liquids, not to exceed twenty-five thousand (25,000) gallons and provided it be located at least two hundred (200) feet from any "R" District. Above ground storage of flammable fuels must be in accordance with current regulations of the State Fire Marshall and any applicable requirements of the Lake City Fire Department;
- 2.31. Wood working shop.

Section 3. PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted:

- 3.1. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures and to uses and structures permitted as exceptions;
- 3.2. Essential services;
- 3.3. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

Section 4. SPECIAL EXCEPTION USES AND STRUCTURES. The following uses and structures may be permitted in the (C-2) District subject to provisions of Articles 16 and 20 of this Ordinance and with the approval of the Board of Adjustment.

- 4.1. None.

Section 5. BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article 12:

- 5.1. Lot Area: The minimum lot area shall be ten thousand (10,000) square feet;
- 5.2. Lot Width: The minimum lot width shall be sixty-six (66) feet;
- 5.3. Front Yard: The minimum front yard shall be twenty-five (25) feet;
- 5.4. Side Yard: No minimum side yard shall be required, except when adjoining an "R" District, in which case eight (8) feet shall be provided.
- 5.5. Rear Yard: No minimum rear yard is required except when adjoining an "R" District in which case a rear yard of twenty-five (25) feet shall be provided;
- 5.6. Maximum Height: No building shall exceed a height of two and one-half (2 1/2) stories or thirty-five (35) feet unless otherwise provided.

Section 6. OFF-STREET PARKING. Off-street parking shall be provided in accordance with the provisions of Article 14.

Section 7. OFF-STREET LOADING. Off-street loading shall be provided in accordance with the provisions of Article 14.

Section 8. SIGNS. Signs are permitted subject to the provisions of Article 15.

ARTICLE 11/GENERAL INDUSTRIAL DISTRICT (M-1)

Section 1. INTENT. The intent of the (M-1) District is to provide space for certain commercial and a wide range of industrial uses and structures which are able to meet certain performance standards to protect nearby non-industrial uses from undesirable environmental conditions.

Section 2. PRINCIPAL USES PERMITTED. Only the following principal uses and structures shall be permitted in the (M-1) District, except those uses which by reason of the emission of odor, excessive congestion, dust, fumes, smoke, noise and other obnoxious characteristics would be injurious to the public health, safety and general welfare of the community.

- 2.1. Assembly or fabrication of metal, rubber, cloth, plastic, stone, leather, wood, or similar raw materials;
- 2.2. Auto service, assembly, repair; and body shop;
- 2.3. / Beverage bottling or processing;
- 2.4. Blacksmith;
- 2.5. Cement warehousing and mixing;
- 2.6. Feed mixing;
- 2.7. Fertilizer mixing and storage;
- 2.8. Food processing, but not including packing or rendering plants
- 2.9. Grain storage elevators;
- 2.10. Hatchery;
- 2.11. Lumber yard;
- 2.12. Moving company;
- 2.13. Private parking lots;
- 2.14. Produce warehouse;
- 2.15. Publicly owned buildings;
- 2.16. Transfer company;
- 2.17. Underground storage of flammable liquids, not to exceed twenty-five thousand (25,000) gallons and provided it be located at least two hundred (200) feet from any "R" District. Above ground storage of flammable fuels must be in accordance with current regulations of the State Fire

Marshall and any applicable requirements of the Lake City Fire Department;

2.18. Warehouse.

Section 3. PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted:

- 3.1. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures and to uses and structures permitted as exceptions;
- 3.2. Day nursery or nursery schools provided by an employer for the benefit of employees working on the premises;
- 3.3. Essential services;
- 3.4. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

Section 4. SPECIAL EXCEPTION USES AND STRUCTURES. The following uses and structures may be permitted in the (M-1) District subject to provisions of Articles 16 and 20 of this Ordinance and with the approval of the Board of Adjustment:

- 4.1. Dairy products manufacture;
- 4.2. Explosive manufacturer;
- 4.3. Fertilizer manufacture;
- 4.4. Gas manufacture;
- 4.5. Manufacture or smelting of metal, rubber, plastic, stone, leather, or wood products from basic raw materials;
- 4.6. Meat packing plants;
- 4.7. Salvage or junk yard;
- 4.8. Stockyard;
- 4.9. Transmitters, towers, receiver equipment.

Section 5. BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article 12:

- 5.1. Lot Area: The minimum lot area shall be ten thousand (10,000) square feet;
- 5.2. Lot Width: The minimum lot width shall be sixty-six (66) feet;
- 5.3. Front Yard: The minimum front yard shall be twenty-five (25) feet;
- 5.4. Side Yard: No minimum side yard shall be required, except when adjoining an "R" District, in which case eight (8) feet shall be provided.
- 5.5. Rear Yard: No minimum rear yard is required except when adjoining an "R" District in which case a rear yard of twenty-five (25) feet shall be provided;

- 5.6. Maximum Height: No building shall exceed a height of two and one-half (2 1/2) stories or thirty-five (35) feet unless otherwise provided.

Section 6. OFF-STREET PARKING. Off-street parking shall be provided in accordance with the provisions of Article 13.

Section 7. OFF-STREET LOADING. Off-street loading shall be provided in accordance with the provisions of Article 14.

Section 8. SIGNS. Signs are permitted subject to the provisions of Article 15.

ARTICLE 12/ADDITIONAL AREA AND HEIGHT REGULATIONS

Section 1. INTENT. The regulations set forth in this Article qualify, supplement or modify the area and height regulations set forth elsewhere in this Ordinance.

Section 2. LOT AREA AND WIDTH. Any lot of record at the time of passage of this Ordinance having less area or width than herein required may be used for a single family dwelling where such uses are permitted as provided in this Ordinance; provided, however:

- 2.1. A lot of record at the time of passage of this Ordinance having a lot width of sixty-six (66) feet or less shall maintain the required side yard on each side of the dwelling, but such yard shall not be less than five (5) feet;
- 2.2. A lot of record at the time of passage of this Ordinance having a lot depth of one hundred (100) feet or less may have the required rear yard reduced to not less than twenty (20) feet.

Section 3. YARDS.

- 3.1. Where thirty (30) percent or more of the block front is improved with buildings, then no part of any new building shall project beyond a line joining the two (2) adjacent corners of the buildings on either side thereof, or, where there is a building on only one (1) side, beyond a line projected from the corresponding adjacent corners of the two (2) nearest buildings, except that no building shall be required to provide a front yard greater than that required for the district in which it is located. Where an official line has been established for future widening or opening of a street upon which a lot abuts, then the depth of a front or side yard shall be measured from such official line;
- 3.2. In the case where the block front improved with buildings amounts to less than thirty (30) percent of the total number of lots, including vacant lots, on one (1) side of the street between two (2) intersecting streets, the required minimum yards of the district shall be observed;

- 3.3. Buildings on through lots shall provide the required front yard on both streets;
- 3.4. The required side yard on the street side of a corner lot shall be not less than fifty (50) percent of the front yard required on the lots to the rear of the corner lot, and no accessory building shall project beyond the required front yard on either street.

Section 4. USE OF PUBLIC RIGHT-OF-WAY. No portion of the public road, street or alley right-of-way shall be used for display purposes or to provide any parking or loading space required by this Ordinance.

Section 5. TEMPORARY BUILDING. Temporary building(s) with construction work 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.

Section 6. ACCESSORY BUILDINGS. Accessory buildings and uses customarily incidental to that of the main building may be erected or established as permitted, provided they comply with the following:

- 6.1. No accessory building shall be located within two (2) feet of any side or rear lot line, and shall not be located within five (5) feet of any alley line;
- 6.2. Accessory building(s) in any district shall not occupy more than thirty (30) percent of the required yard(s);
- 6.3. No accessory building is permitted within the limits of the front yard;
- 6.4. No accessory building shall be used for dwelling purposes;
- 6.5. Any open unenclosed uncovered steps, ground level patios, eaves not more than two (2) feet in width, or concrete slab driveways may project into a required yard;
- 6.6. Accessory buildings attached to, or connected to the principal building by a breezeway shall be considered to be a part of the principal building and must meet the yard requirements of the principal building;
- 6.7. Satellite television reception discs shall be considered to be an accessory building and as such shall not be located within a front yard.

Section 7. BUILDING HEIGHT.

- 7.1. The height regulations shall not apply to television and radio towers, church spires, belfries, monuments, farm buildings, tanks, water and 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 apparatus which may be erected to any height not in conflict with any other applicable regulations.

ARTICLE 13/OFF STREET PARKING

Section 1. INTENT. After the effective date of this Ordinance 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:

Section 2. GENERAL PROVISIONS:

- 2.1. Except in the Central Commercial District (C-1) all buildings, structures, and uses of lands shall provide accessory parking as required under this section;
- 2.2. In non-residential districts all yard areas may be used to satisfy the off-street parking requirements.
- 2.3. Except in the Central Commercial District (C-1) no portion of the public right-of-way shall be used for off-street parking.
- 2.4. In residential districts off-street parking is allowed in all yards except the front yard extending from the front building line to the curb line of the street. However, that portion of a driveway extending into or through a front yard may be used to satisfy the off-street parking requirements.

Section 3. OFF-STREET PARKING REQUIREMENTS. At the time of construction, alteration, moving in, enlargement of a structure or building, or change in the use of the land, off-street parking spaces shall be provided, constructed, and maintained for all uses as follows:

- 3.1 Residential or multiple family - two (2) spaces per dwelling unit;
- 3.2 Mobile Home Park - Two (2) spaces per mobile home;
- 3.3 Hotel and Motel - One (1) space per lodging unit;
- 3.4 Nursinghomes, retirement centers, rest homes, or similar uses - One (1) space for every four (4) patient beds;
- 3.5 Places of public assembly such as auditoriums, theaters, stadiums, funeral homes, churches, community hall, public buildings, etc. - The greater of one (1) space for every four (4) seats or one (1) space per five hundred (500) square feet of gross floor area;
- 3.6 Retail sales and service uses such as stores, restaurants, taverns, banks, professional offices, etc. - One space per three hundred (300) square feet of gross floor area;
- 3.7 Manufacturing, wholesaling, warehousing, and similar uses - One (1) space for every two (2) employees in the largest working shift;
- 3.8 Salvage yards - One (1) space per one thousand (1000) square feet of display or floor area.

ARTICLE 14/OFF-STREET LOADING

Section 1. REQUIREMENTS. At the time of construction, alteration, or enlargement of a structure or building off-street loading areas shall be provided and maintained for all uses as follows:

- 1.1. One (1) one thousand (1000) square foot off-street loading area shall be provided for each use, building, or structure of a size between five thousand (5,000) and twenty thousand (20,000) square feet;
 - 1.1.1. For larger uses, buildings, and structures one (1) one thousand (1000) square foot off-street loading area shall be provided for each additional twenty thousand (20,000) square feet or fraction thereof.
- 1.2. Screening by Residential Districts:
 - 1.2.1. Where the off-street loading space borders a Residential District it shall be set back five (5) feet and shall be effectively screen planted.

ARTICLE 15/SIGNS

Section 1. REQUIREMENTS. Billboards and signs that are located in conjunction with principal permitted uses are allowed subject to the following regulations:

- 1.1. Agricultural District (A-1):
 - 1.1.1. Church bulletin boards are permitted;
- 1.2. All Residential Districts, except the Mobile Home District (R-3):
 - 1.2.1. Church bulletin boards are permitted;
- 1.3. Mobile Home District (R-3):
 - 1.3.1. One sign may be erected facing each public street on which the mobile home park borders. Such sign shall not have an area of more than ten (10) square feet.
- 1.4. Central Commercial District (C-1):
 - 1.4.1. Signs are permitted provided that they are either attached flush to the building, painted on the building, hang from an attached canopy, or are attached to the building but not extend over the sidewalk;
 - 1.4.2. Signs may be painted on awnings that extend over the sidewalk (as part of a mainstreet type program);
 - 1.4.3. One (1) free standing or post sign referring to a use or uses conducted on the premises may be erected in any yard abutting a public street; however, such sign shall not obstruct the public view.

1.5. Highway Commercial District (C-2); and General Industrial District (M-1);

1.5.1. Outdoor advertising signs and billboards are permitted, provided that the yard and height requirements for a principal structure are met.

Section 2. SIGNS FOR SPECIAL EXCEPTION USES. In all cases where a use is permitted as a special exception, signs will be allowed only through Board of Adjustment approval.

Section 3. INFORMATIONAL SIGNS. Public service (churches, public functions, school activities, etc.) permanent informational and directional signs will be permitted in all districts, but portable informational and directional signs will be permitted for a duration of not more than seven (7) days.

Section 4. REAL ESTATE SIGNS. Real estate signs advertising for sale, rental, or lease only, the premises, lot or tracts on which they are located will be allowed in all districts. The area of such sign shall not exceed fifty (50) square feet in area in all Nonresidential Districts and five (5) square feet in area in any Residential District.

Section 5. INTERMITTENT FLASHING TYPE SIGNS. No intermittent flashing type signs are permitted, except those which are also public service informational-type signs

ARTICLE 16/SPECIAL EXCEPTION USES

Section 1. PROCEDURES AND REQUIREMENTS. Allowable special exception uses may be permitted, enlarged, or altered upon application for a special exception use permit in accordance with the rules and procedures of the Board of Adjustment. 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 may prescribe and impose appropriate conditions, safeguards, and a specified time limit for the performance of the special exception use permit.

Section 2. APPLICATION FOR SPECIAL EXCEPTION USE PERMIT. An application for a special exception use permit may be initiated by a property owner or his authorized agent by filing an application with the Zoning Administrator upon forms prescribed for the purposes. The application shall be accompanied by a site plan and other such plans and data showing the dimensions, arrangements, descriptive data, and other materials constituting a record essential to an understanding of the proposes 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.

Section 3. PROCEDURE. A special exception permit shall not be granted by the Board of Adjustment unless and until the following procedures have been fulfilled:

- 3.1. The Board of Adjustment shall schedule a public hearing in relation to the special exception request. Notice shall be given to the public hearing as required by State Statute by publication in a newspaper of general circulation in the City. If feasible, notice of the public hearing will be mailed to property owners within two hundred (200) feet of the exception request;
- 3.2. The Board of Adjustment shall determine that is empowered under this Ordinance to grant the special exception as described in the application, and that granting of the special exception will not adversely affect the public interest pursuant to testimony presented at the public hearing;
- 3.3. 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 20 of this Ordinance;
- 3.4. The concurring vote of three (3) members of the Board of Adjustment grants a special exception use permit. No order of the Board of Adjustment granting a special exception use permit shall be valid for a period longer than six (6) months 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 six (6) month period and construction is commenced;
- 3.5. The City Council may, after a decision of the Board of Adjustment is made, vote to delay the implementation of such decision for a period of thirty (30) days. The Council may not overturn a decision of the Board of Adjustment. During the thirty (30) day period the Board of Adjustment may or may not reconsider its decision.

Section 4. STANDARDS. No special exception use permit shall be granted by the Board of Adjustment unless such Board shall find:

- 4.1 That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community;
- 4.2 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;
- 4.3 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;

- 4.4 That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided;
- 4.5 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;
- 4.6 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
- 4.7 as are normally used in handling of any such material;
- 4.8 The use shall not include noise which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled;
- 4.9 The use shall not include vibration which is discernible without instruments on any adjoining lot or property;
- 4.10 The use shall not involve any malodorous gas or matter which is discernible on any adjoining property;
- 4.11 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 can cause soiling, discomfort, or irritation;
- 4.12 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;
- 4.13 The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are initiated to limit traffic hazards and congestions;
- 4.14 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;
- 4.15 That the use will not be in major conflict with the Comprehensive City Plan.

ARTICLE 17/NONCONFORMING USES

Section 1. INTENT. Within the various districts established by this ordinance or amendments that may later be adopted there exists structures and uses of land and structures which were lawful prior to the adoption of this ordinance but which would be prohibited, regulated, or restricted under the provisions of this ordinance. It is the intent of this ordinance to permit these nonconformities to continue until they are discontinued, but not to encourage their survival. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved.

Section 2. NONCONFORMING LOTS OF RECORD IN ANY RESIDENTIAL DISTRICT. 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 even though such lot fails to meet the requirements for area or width, or both,

that are generally applicable in that district. The yard dimensions and other bulk regulations for the district in which such lot is located shall apply. 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 3. NONCONFORMING USES OR STRUCTURES IN ANY RESIDENTIAL DISTRICT. Existing structures or premises devoted to a use not permitted by this Ordinance in the district which such structure or premise is located shall not be enlarged, extended, reconstructed, substituted, or structurally altered, except when required by law, unless:

- 3.1 The use is changed to a use permitted in the district in which such structure or premises is located;
- 3.2 A nonconforming use of a structure may be changed to another nonconforming use of the same or more restrictive classification, provided no structural alterations are made;
- 3.3 If a nonconforming use of any structure or premises is discontinued for a period of one (1) year, the use of the same shall conform thereafter to the uses permitted in the district in which it is located.

Section 4. NONCONFORMING USES OR STRUCTURES IN ANY DISTRICT OTHER THAN A RESIDENTIAL DISTRICT. The regulations described in Section 3 of this Article shall apply to nonconforming uses in a commercial, industrial, or agricultural district, subject to the following exception:

- 4.1 Nonconforming structures shall not be externally structurally altered or enlarged.. Internal alterations may be undertaken in conformity with the lot area, lot width, yard, and height requirements of the district in which such use is located. Such construction shall be limited to buildings on a lot of record (or a combination of lots of record in the same ownership) prior to the effective date of this Ordinance. The structural alteration or enlargement of structures shall not change the nature of the nonconforming use that existed prior to the effective date of this Ordinance.
- 4.2 If a nonconforming use of any structure or premises is discontinued for a period of one (1) year, the use of the same shall conform thereafter to the uses permitted in the district in which it is located.

Section 5. PERMITTED STRUCTURES AND USE OF LAND AND STRUCTURES MADE NONCONFORMING BY THE REQUIREMENTS OF THE BULK REGULATIONS. A permitted structure or use that fails to meet the established bulk regulations of the district in which it is located may be structurally altered or extended provided that the alteration or extension is in compliance with the bulk regulations of the district in which it is located. Any variance must be obtained through action of the Board of Adjustment.

Section 6. REPLACING DAMAGED BUILDINGS. Any nonconforming building or structure damaged more than fifty (50) percent of its replacement value (inclusive of the foundation) 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, but if less than fifty (50) percent of the structure is damaged, it may be restored, reconstructed, or used as before provided that reconstruction be started within one (1) year of such happening.

Section 7. USES UNDER SPECIAL EXCEPTION PROVISIONS. Any use for which a special exception is permitted as provided in this Ordinance shall not be deemed a conforming use. Any additions shall be with Board of Adjustment approval.

ARTICLE 18/ADMINISTRATION

Section 1. ADMINISTRATOR. The City Council of Lake City, Iowa, shall appoint a Zoning Administrative officer, 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.

Section 2. ZONING COMPLIANCE PERMITS. No land shall be occupied or used, and no building hereafter erected or structurally altered shall be occupied or used in whole or in part for any purpose whatsoever, until a permit is issued by the Zoning Administrator, stating that the building and use comply with the provisions of this Ordinance.

No change of use shall be made in any building or part thereof, now or hereafter erected or structurally altered, without a permit being issued therefore by the Zoning Administrative Officer. No permit shall be issued to make a change unless the changes are in conformity with provisions of this Ordinance.

Nothing in this part shall prevent the continuance of a nonconforming use as hereinbefore authorized, unless a discontinuance is necessary for the safety of life or property.

Section 3. APPLICATION FOR COMPLIANCE PERMIT. Compliance permits shall be obtained from the Zoning Administrative Officer before starting or proceeding with the erection, construction, moving in, or the structural alteration of a building or structure. Permits shall be kept on file in the office of the Zoning Administrative Officer, and copies shall be furnished on request to any person having a proprietary or tenancy interest

in the building affected. Compliance permits shall be issued to complying applicants within ten (10) days after application is made. If construction does not commence within ninety (90) days from the date the permit was issued the permit shall become null and void.

Section 4. PLATS. Each application for a compliance permit shall be accompanied by either a dimensioned drawing or plat drawn to scale showing the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected, the dimensions of the required yards, parking and open spaces, and such other information as may be necessary to provide for the enforcement of this Ordinance.

Section 5. CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATION, PLANS AND PERMIT. Compliance permits issued on the basis of plans and applications, approved by the Zoning Administrative Officer, 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 19.

Section 6. FEES. Before receiving a compliance permit, the owner or his agent shall pay to the City the permit fee as provided by resolution of the Council.

Section 7. SPECIAL EXCEPTIONS. A compliance permit for a special exception may be issued by the Administrative Officer upon the order of the Board of Adjustment.

ARTICLE 19/VIOLATION AND PENALTY

Section 1. VIOLATION AND PENALTY. The violation of any of the provisions of this Ordinance shall constitute a misdemeanor. Any person, firm, or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be subject to a fine of not more than one hundred dollars (\$100) or imprisonment of not more than thirty (30) days for each offense. Each day that a violation is permitted to exist constitutes a separate offense.

Section 2. RESTRAINING ORDER. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure of 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 City, to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, conduct, business or use in or about said premises.

ARTICLE 20/BOARD OF ADJUSTMENT

Section 1. CONFIRMATION OF EXISTING BOARD OF ADJUSTMENT. The members of the existing Board of Adjustment are hereby confirmed to continue their appointed terms of office. Future 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 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 chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, 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 Administrative Officer. The presence of three (3) members shall constitute a quorum.

Section 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 City affected by a decision of the Administrative Officer. Such appeals should be taken within a reasonable time, not to exceed thirty (30) days, by filing with the Administrative Officer and with the Board of Adjustment, a notice of appeal specifying the grounds thereof. The Administrative Officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed was taken.

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

A fee to be determined by resolution of the City Council shall be paid to the Administrative Officer at the time the notice is filed.

Section 4. STAY ON PROCEEDINGS. An appeal stays all proceedings in furtherance of the action appealed, unless the Administrative Officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of

record on application, on notice to the Administrative Officer from whom the appeal is taken and upon due cause shown.

Section 5. POWERS AND DUTIES. The Board of Adjustment shall have the following powers and duties:

- 5.1. 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 Administrative Officer in the enforcement of this Ordinance.
- 5.2. 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 16.
- 5.3. 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. A variance from the terms of this Ordinance shall not be granted by the Board of Adjustment unless and until:
 - 5.3.1. A written application for a variance is submitted demonstrating:
 - 5.3.1.1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
 - 5.3.1.2. 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;
 - 5.3.1.3. That the special conditions and circumstances do not result from the actions of the applicant;
 - 5.3.1.4. 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 the same district, and no permitted use of land, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
 - 5.3.2. A public hearing shall be held, with the notice of such hearing being provided according to state statute. If feasible, notice of the public hearing shall be mailed to property owners within two hundred (200) feet of the proposed variance.
 - 5.3.3. 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.
- 5.3.4. 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.
 - 5.3.5. The application for a variance shall be accompanied by a fee to be determined by resolution of the City Council.
 - 5.3.6. 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 19 of this Ordinance.

Section 6. DECISIONS OF THE BOARD OF ADJUSTMENT. In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination as ought to be made and to that end shall have powers of the Administrative Officer from whom the appeal is taken. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Administrative Officer, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variation in application of this Ordinance.

Section 7. APPEALS FROM THE BOARD OF ADJUSTMENT. Any person(s), board, taxpayer, department, 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 Chapter 414, Code of Iowa. The City Council may vote to delay a decision of the Board of Adjustment for a thirty (30) day period, but such vote may not overrule a decision of the Board of Adjustment. During the thirty (30) day delay the Board of Adjustment may, or may not review its previous decision.

ARTICLE 21/CHANGES AND AMENDMENTS

Section 1. This Ordinance and the districts 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 Commission shall have thirty (30) days in which to submit its report to the City Council. If the Commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed amendment.

A public hearing shall be held by the City Council before adoption of any proposed amendment to this Ordinance. A notice of such public hearing shall be published according to state statute. Such notice shall include the time and place for the public hearing.

In the case of a written protest against a change or repeal which is filed with the City Clerk and/or City Administrator and signed by the owners of twenty (20) percent or more of the area of the lots included in the proposed change or repeal, or by the owners of twenty (20) percent or more of the property which is indicated within two hundred (200) feet of the exterior boundaries of the property for which the change or repeal is proposed, the change or repeal shall not become effective unless it receives the favorable vote of at least three fourths (3/4) of all the members of the City Council.

Section 2. APPLICATION FOR CHANGE IN ZONING DISTRICT BOUNDARIES.
Any person may submit to the Council an application requesting a change in the zoning district boundaries as shown on the official zoning map.

- 2.1. Such application shall be filed with the Administrative Officer accompanied by a fee as determined by resolution of the City Council and shall contain the following information. Failure to approve the requested change shall not be deemed cause to refund the fee to the applicant.
 - 2.1.1. The legal description and local address of the property;
 - 2.1.2. The present zoning classification and the zoning classification requested for the property;
 - 2.1.3. The existing use and proposed use of the property;
 - 2.1.4. The names and addresses of the owners of all property within two hundred (200) feet of the property for which the change is requested;
 - 2.1.5. A statement of the reasons why the applicant feels the present zoning classification is no longer valid;
 - 2.1.6. A plat showing existing and proposed locations, dimensions and use of the applicant's property and all property within two hundred (200) feet thereof, including streets, alleys, railroads, and other physical features;
- 2.2. Upon receipt of the application by the Administrative Officer a copy shall be forwarded immediately to the Commission for study and recommendation. The Commission shall, prior to making a recommendation, determine the following:
 - 2.2.1. Whether or not the current district classification of the property to be rezoned is valid;
 - 2.2.2. Whether there is a need for additional land zoned for the purpose requested;
 - 2.2.3. Whether the proposed change is consistent with the current land use plan, considering such factors as:

- 2.2.3.1. Whether the rezoning would result in a population density or development which would in turn cause a demand for services and utilities in excess of the capacity planned for the area;
- 2.2.3.2. Whether the rezoning would result in the generating of traffic in excess of the capacity of existing or planned streets in the vicinity.
- 2.2.4. Whether there is an intent on the part of the applicant to develop the property to be rezoned diligently and within a reasonable time.
- 2.3. The Commission shall hold a public hearing (the notice of which shall be according to state statute) and report its determinations and recommendations to the Council within thirty (30) days from receipt of the application, except that when no report is issued within that time, the application will be deemed approved by the Commission. If feasible, notice of the public hearing will be mailed to all property owners within two hundred (200) feet of the proposal.

ARTICLE 22/SEVERABILITY CLAUSE

Section 1. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

ARTICLE 23/REPEAL OF CONFLICTING ORDINANCES

Section 1. All Zoning Ordinances and parts of the Zoning Ordinances in conflict herewith are repealed. These Ordinance Numbers are: Original Ordinance 297 and amendments thereto.

ARTICLE 24/ADOPTION

This Ordinance shall be in full force and effect from and after _____, 1995.

Passed this _____ day of _____, 1995

Mayor, City of Lake City