

CITY OF LAKE PARK, GEORGIA

ZONING ORDINANCE

Adopted January 7, 1988

**** As amended through April 5, 2011**

Prepared and Maintained by
**Greater Lowndes Planning Commission
Southern Georgia Regional Commission**

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SECTION 1

ENACTMENT, SHORT TITLE, JURISDICTION, PURPOSE

1-1 Enactment Clause. The City Council of the City of Lake Park, under the authority of Article IX, Section 2, Paragraph 4, of the Georgia Constitution and the amendments thereto, hereby ordains and enacts into law the following regulations.

1-2 Short Title. These regulations shall be known and may be cited as the "Zoning Ordinance for the City of Lake Park, Georgia."

1-3 Jurisdiction. This ordinance shall apply only to the incorporated areas of the City of Lake Park.

1-4 Purpose. The purpose of these regulations shall be to promote the proper location, height, bulk, number of stories and size of buildings and other structures, the sizes of yards, courts, and the use of other open spaces, the density and distribution of population, and the use of buildings, structures, and land for trade, industry, residence, recreation, conservation, sanitation, protection against floods, public activities, and other purposes, so as to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; to promote desirable living conditions and the sustained stability of neighborhoods; to protect against blight and depreciation; to secure economy in governmental expenditures; to conserve the value of buildings and to encourage the most appropriate use of land, buildings, and structures and for other purposes.

SECTION 2

DEFINITIONS

For the purposes of these regulations, certain terms or words used herein shall be defined as follows:

2-1 Interpretation of Certain Terms and Words. Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.

The word "person" includes a firm, partnership, company, corporation, or association. The word "lot" includes the word "plot" or "parcel." The word "building" includes the word "structure." The word "shall" is always mandatory, and not merely directory. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

Accessory Building. A detached, subordinate structure, the use of which is clearly incidental to, customarily associated with, and related to the principal structure or use of the land, and which is located on the same lot as the principal structure or use. Accessory buildings shall comply with the size limitations provided in Section 3-9.1. *(Adopted by Lake Park Mayor/Council 6-6-06 – P. C. File # LP-2006-05).*

Administrator, Zoning. The person, officer, or official and his/her authorized representative, whom City of Lake Park has designated as its agent for the administration of these regulations. *(Refer to Section 10-1)*

Adult Entertainment. Performances by topless and/or bottomless dancers, strippers or similar entertainers, where such performances are characterized by the display or exposure of specific anatomical areas.

Adult Entertainment Establishments. Any commercial establishment, which has as its primary purpose or business the offer for sale of any book, publication, or film which depicts nudity, or sexual conduct or engages in services such as bath houses, massage parlors, wrestling parlors or like activity including a night club, cabaret, lounge or other establishment which features adult entertainment.

Agriculture. Agriculture shall be considered to mean the raising of soil crops and/or livestock in a customary manner on tracts of land at least three acres in size and shall include all associated activities. Retail selling of products raised on the premises shall be considered a permissible activity provided that space necessary for the parking of customers' vehicles shall be provided off the public right-of-way.

Boarding or Rooming House. A building dedicated to the lodging or feeding or both of three or more non-transient persons of separate families as defined herein, for compensation.

Buffer Area; Buffer Strip. A landscaped open area and/or screened area for buffering incompatible uses.

Buffer Yard. A natural and/or landscaped area of land intended to visibly separate or screen uses to shield or block noise, light, glare, or other nuisances, or to protect natural features such as streams or wetlands. *(Adopted by Lake Park Mayor/Council 5-2-06 – P. C. File # LP-2006-02)*

Building. Any structure, including mobile homes as defined herein but not including accessory trailers, which has a roof and which is for the shelter, support or enclosure of persons, animals, or property of any kind except farm accessory buildings.

Building Height. The vertical distance of a building measured from the average elevation of the finished lot grade along the front of the building to the highest point of the building.

Buildings over Water. Any structure, but not including accessory trailers, which has a roof extending over a body of water. This would include boathouses, recreation facilities, etc., but not to include non-covered docks.

Canopy Tree. A large tree or group of trees that has a distinct presence in the landscape or forest. For the purpose of this Ordinance, the Zoning Administrator shall maintain a list of all large and medium trees identified as canopy trees. *(Adopted by Lake Park Mayor/Council 5-2-06 – P. C. File # LP-2006-02)*

Club, or Lodge, Private. An incorporated or unincorporated association for civic, social, cultural, religious, fraternal, literary, political, recreational, or like activities, operated for the benefit of its members and not open to the general public.

Church. A building in which persons regularly assembly for religious worship intended primarily for purposes connected with such worship, or for propagating a particular form of religious belief.

Curb Cut. The providing of ingress and/or egress between property and an abutting public street.

Day Care Center, Licensed. A day care center licensed by the State of Georgia and/or Lowndes County that provides care, training, education, custody, treatment or supervision for children under 14 years of age, where such children are not related by blood, marriage or adoption to an owner or operator of the facility.

Director. As utilized in this ordinance the, Director shall mean the director of the Community and Economic Development Department of the South Georgia Regional Development Center. *(Adopted by Lake Park Mayor/Council 4-6-04 – P. C. File # LP-2004-03)*

Dwelling, Manufactured Home. A new or used structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq. For the purposes of the administration of this ordinance, the term manufactured home shall not be interpreted to include mobile homes. For the purposes of this definition, singlewide shall be construed as any manufactured or mobile home having a width of between 8 and 16 feet and is transported entirely in one section. *(Approved by Lake Park Mayor/Council 1-6-04 – P. C. File # LP-2003-07)*

Dwelling, Mobile Home. A new or used structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein. These were built prior to June 15, 1976 and do not meet current Department of Housing and Urban Development manufactured home codes. *(Approved by Lake Park Mayor/Council 1-6-04 – P. C. File # LP-2003-07)*

Dwelling, Modular Home. *(See Industrialized Building)* *(Approved by Lake Park Mayor/Council 1-6-04 – P. C. File # LP-2003-07)*

Dwelling, Single-Family. A detached building used and either designed or constructed for one dwelling unit.

Dwelling, Site Built. A dwelling, other than a modular home, manufactured home, or mobile home, which is constructed on site on a permanent foundation. *(Approved by Lake Park Mayor/Council 1-6-04 – P. C. File # LP-2003-07)*

Dwelling, Two Family, or Duplex. A building either designed, constructed, altered, or used for two (2) adjoining dwelling units that are connected by a party wall and/or, if two stories in height, by a party floor ceiling.

Dwelling, Multi-Family. A building either designed, constructed, altered, or used for more than two adjoining dwelling units, with each dwelling unit having a party wall or party floor ceiling connecting it to at least one other dwelling unit in the building.

Dwelling Unit. An enclosure of one (1) or more rooms, including kitchen facilities, designed or constructed as a unit for residential occupancy by one (1) family.

Family. Three or less persons occupying the same unit unless all persons are related by blood, marriage, or adoption; as distinguished from a group occupying a boarding house, lodging house, hotel, or sorority or fraternity house.

Floor Area, Gross. The total number of square feet of floor area in a building determined by horizontal measurements between the exterior faces of walls, excluding basement areas, attic, porches, carports, and garages.

Garage Apartment. A detached, subordinate building, located within the rear yard, designed for guest facilities or to provide living accommodations. Garage apartments shall comply with the size limitations of accessory buildings provided in Section 3-9.1. (*Adopted by Lake Park Mayor/Council 6-6-06 – P. C. File # LP-2006-05*).

Good Moral Character. A person is of good moral character if that person has not been convicted of a drug-related or alcohol-related felony or sex-related crime in the past 5 years.

Guest House. A detached, subordinate building, located within the rear yard, designed for lodging of temporary, non-paying guests. No such lodging unit shall be rented or otherwise used as a separate dwelling. Guest houses shall comply with the size limitations of accessory buildings provided in Section 3-9.1. (*Adopted by Lake Park Mayor/Council 6-6-06 - P. C. File # LP-2006-05*)

Home Business. Any business occupation or profession customarily conducted on residential property and carried on by an occupant thereof, which use is clearly incidental and secondary to the use of the property for residential purposes. This includes, but is not limited to, uses such as home beauty shops with more than one (1) operator, pet grooming, and other similar uses, including Home Occupation uses that do not meet the Home Occupation restrictions. Such uses are operated out of the proprietor's residence. Any use that would otherwise be allowed by right under the existing zoning, shall not be deemed to be a Home Business.

Home Occupation. Any business occupation or profession customarily conducted entirely within a dwelling and carried on by an occupant thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes. This includes, but is not limited to, uses such as accountant, architect, art instructor, beauty shop (with no more than one operator), daycare (with no more than 6 children and on a lot no smaller than 6,000 square feet), drafting, dressmaking, insurance agent, manufacturing agent (provided that no items are stored or delivered from the premises), music teacher, notary public, photographer, real estate agent, or consultant. (*Refer to Section 6-5*)

Industrialized Building. Certain manufactured buildings which are regulated by the Georgia Department of Community Affairs. Georgia law defines an Industrialized Building as “any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof.” Industrialized buildings are constructed and regulated in accordance with the “Industrialized Buildings Act”, Georgia Law 1982 (OCGA Title 8, Chapter 2, Article 2, Part 1). An industrialized building must meet all requirements of the district in which it is located. Industrialized buildings designed for residential uses are often

referred to as “modular homes”. For the purpose of enforcement of this ordinance, industrialized residential homes are subject to the same standards as site built homes. *(Approved by Lake Park Mayor/Council 1-6-04 – P. C. File # LP-2003-07)*

Junk Yard. Use of property for outdoor storage, keeping, abandonment, sale, or resale of junk including scrap metal, rags, paper or other scrap materials, used lumber, salvaged house wrecking and structural steel materials and equipment, or for the dismantling demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof.

Lot. A lot of record held in a single ownership by one person, or in common ownership by more than one, which has both lot area and lot dimensions equal to or greater than the lot width and the lot area requirements established by this ordinance for the zoning district in which such tract of land is located and for the use proposed for the tract of land.

Lot, Corner. A lot having frontage on two or more public streets at their intersection.

Lot of Record. A lot which is part of a subdivision recorded in the office of the Clerk of Superior Court, or a parcel described by metes and bounds, the description of which has been so recorded. *(Refer to Sections 3-17 and 8-1)*

Lot, Through. A lot other than a corner lot, having frontage on more than one street; or a corner lot having frontage on three or more streets.

Lot Width. The distance between the side lot lines, measured along the front yard setback line as established by this ordinance, or if no setback line is established, the horizontal distance between the side lot lines measured along the street right-of-way line.

Manufactured Home Community. A contiguous parcel of land, which has been developed for the installation of manufactured homes. Manufactured homeowners lease a site for the installation of their home, or in some cases, the developer will lease the home and site. *(Approved by Lake Park Mayor/Council 1-6-04 – P. C. File # LP-2003-07)*

Minor. Any person under 18 years of age.

Nursery School. An agency, organization, or individual providing daytime care of four or more children not related by blood or marriage or not the legal wards or foster children of the attendant adult.

Operator. The manager or other person principally in charge of an adult entertainment establishment.

Owner(s). If a sole proprietorship, the proprietor; if a partnership, all partners (general and limited); if a corporation, all officers, directors and persons holding at least 10% of the outstanding shares.

Personal Care Home. A building or group of buildings, a facility or place in which is provided two or more beds and other facilities and services, including room, meals and personal care for non-family ambulatory adults for compensation. Personal care homes are categorized as follows:

Family Personal Care Home means a home for adults in a family type residence, noninstitutional in character, which offers care to 2 through 6 persons.

Group Personal Care Home means a home for adult persons in a residence or other type building(s), noninstitutional in character, which offers care to 7 through 15 persons.

Congregate Personal Care Home means a home for adults which offers care to 16 or more persons.

Planning Commission. As utilized in this ordinance, the Planning Commission shall mean the Greater Lowndes Planning Commission, or their representative. *(Adopted by Lake Park Mayor/Council 4-6-04 – P. C. File # LP-2004-03)*

Principal Building. The building containing or to contain the principal use of a lot.

Principal Use. The principal purpose for which a lot or the main building thereon is designed, arranged, or intended, and for which it is or may be used, occupied, or maintained.

Public Street. Right-of-way dedicated to the city and held or owned by the city for public street purposes.

Residential. Pertaining to the use of land, means premises such as homes, townhomes, patio homes, mobile homes, duplexes, condominiums or apartment complexes, which contain habitable rooms for non-transient occupancy and which are designed primarily for living, sleeping, cooking, and eating therein.

School. A facility where persons regularly assemble for the purpose of instruction or education including any playgrounds, stadiums, or other structures and grounds used in conjunction therewith. This shall include but not be limited to public and private schools used for primary, secondary, or post-secondary education.

Setback. The shortest distance between the centerline of a street right-of-way and the nearest exterior wall or post of the principal building or structure on a lot.

Shopping Center. Two or more commercial establishments planned and managed as a single unit with off-street parking and loading facilities provided on the property.

Sign. *(Refer to Section 9)*

Special Exception. A Special Exception is a use which, within certain districts specified by this ordinance, is not permitted as a matter of right but may be permitted by the City Council after said Council has: (1) reviewed the property and other conditions peculiar to the particular proposal which would determine its desirability or undesirability; (2) has found the proposal not to be contrary to the intent of this ordinance; and (3) has approved the use as specified.

Specified Anatomical Areas. Shall include any of the following:

- a. Less than completely and opaquely covered human genitals or pubic region; buttock; or female breast below a point immediately above the top of the areola.
- b. Human male genitalia in a discernibly turgid state, even if completely and opaquely covered.

Storage Building. A detached, fully enclosed structure with a roof and with a maximum square footage of 1500 square feet, which is not an Accessory Building, for the shelter and storage of equipment, tools and materials for the maintenance of the lot on which the structure is located. Once a principal structure is constructed on the lot, a Storage Building located thereon will be deemed an Accessory Building. *(Adopted by Lake Park Mayor/Council 4-5-2011 – P. C. File # LP-2011-04-02)*

Structure. Anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, signs, swimming pools, and fallout shelters but does not include walls or fences.

Subdivision. For the purpose of this ordinance, a subdivision is the division, re-division, or separation of one parcel of land into two or more parcels, lots, building sites, or other divisions of land whether for the purpose of sale, legacy, or building development.

Tourist Home. A dwelling in which sleeping accommodations are provided or offered to transient visitors for compensation.

Travel Trailer. A vehicular portable structure designed as a temporary dwelling for travel, recreation, and vacation uses which is identified on the unit by the manufacturer as a "camper" or "travel" trailer, is not more than 8 feet in body width, is less than 4,500 pounds in gross weight, and does not exceed 28 feet in length.

Variance. A variance is a relaxation of the terms of the zoning ordinance that will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship. (*Refer to Section 11-6.2*)

Yard, Front. That area of a lot lying between the abutting street right-of-way and the principal building on the lot and extending across the front of a lot from side lot line to side lot line.

Yard, Rear. That area of a lot extending across the rear of a lot from side lot line to side lot line and lying between the rear lot line and the principal building on the lot.

Yard, Side. That area of a lot between the side lot line and the principal building on the lot extending from the front yard to the rear yard.

Zoning Map, Official. The zoning and other related data coverages of the computerized VALOR GIS database. Printed maps of this database are maintained and kept on file in the offices of the Zoning Administrator and the Planning Commission

Zoning Regulations. The zoning regulations enacted by the Lake Park City Council. (*Adopted by Lake Park Mayor/Council 4-6-04 – P. C. File # LP-2004-02*)

SECTION 3

GENERAL PROVISIONS

3-1 Interpretation and Application. In interpreting and applying these regulation, the requirements contained herein are declared to be the minimum requirements necessary to carry out the purpose of these regulations. Except as hereinafter provided, these regulations shall not be deemed to interfere with, abrogate, annul, or otherwise affect in any manner whatsoever any easements, covenants, or other agreements between parties.

3-2 Zoning Affects All Land and Buildings. No buildings, structures, or land shall be used or occupied; and no building, structure, or part thereof shall be erected, constructed, reconstructed, moved, enlarged, or structurally altered unless in conformity with the regulations of this ordinance. This shall not include farm accessory buildings.

3-3 Every Use Must Be Upon a Lot. No building or structure may be erected or use established unless upon a lot as defined by this ordinance except as provided in Section 8-1.

3-4 Only One Principal Building Per Lot. Except as herein provided, there shall be no more than one principal building or structure on any lot.

3-5 Open Space Not to be Encroached Upon. No open space shall be encroached upon or reduced in any manner except in conformity to the yard, setback, off-street parking spaces, and such other regulations required by this ordinance for the district in which such building is located. Shrubbery, driveways, retaining walls, fences, curbs, and planted buffer strips shall be construed not to be encroachments of yards.

3-6 Reduction of Yards or Lot Area. Except as provided in Section 3-18, no lot existing at the time of passage of this ordinance shall be reduced, divided, or changed so as to produce a tract of land which does not comply with the minimum dimension or area requirements of this ordinance for the district in which it is located unless said reduction or division is unnecessary to provide land that is needed and accepted for public use.

3-7 Encroachment on Public Rights-of-way. No building, structure, service area, or required off-street parking and loading facilities, except driveways, shall be permitted to encroach on public rights-of-way.

3-8 Every Lot Shall Abut a Street. No building shall be erected on a parcel that does not abut a public street, or road, except as otherwise provided for herein. (*Refer to Section 3-17*)

3-9 Location of Accessory Buildings or Uses. Accessory buildings on lots, when located within a front or side yard, shall be located no closer to property lines than would be allowed for a principal building. Within a rear yard, an accessory building on a residential lot shall be located at least 5 feet from all rear property lines and 8 feet from all other property lines.

3-9.1 Accessory Building – Size and Number Limitations. Accessory buildings shall be permitted on residential lots; however, swimming pools, garden arbors, playground equipment, decks, or patios shall not be considered as such. Accessory buildings shall be limited to a cumulative maximum square footage as indicated in the following:

LOT SIZE	MAXIMUM SQUARE FOOTAGE
0 - 21,780 square feet	600 square feet - No more than 3 buildings
21,781 square feet – 43,560 square feet	800 square feet - No more than 3 buildings
Over 43,561 square feet	1,500 square feet plus 150 square feet for each additional whole acre - No more than 5 buildings
The overall maximum square footage of any accessory building(s) shall be limited to 5,000 square feet collectively, provided the land area permits such.	

Any increase in square footage requirements shall be allowed only upon proper application and granting of a variance by the Zoning Board of Appeals. *(Adopted by Lake Park Mayor/Council 6-6-06 – P. C. File # LP-2006-06)*

3-9.2 Location of Storage Buildings. Storage Buildings shall be subject to the same setback and other location requirements as Accessory Buildings. *(Approved by Lake Park Mayor/Council on 4-5-2011 –P. C. File # LP-2011-04-02)*

3-10 Lots With Multiple Frontage. In the case of a corner lot, side yard setback requirements from the centerline of the street right-of-way shall be equal to 80% of that required for the front yard setback for the district. On a corner lot where the main entrance into a residence is facing a side yard, it shall be permissible for purposes of this ordinance to construe the residence to be fronting on the street other than that street which said entrance faces, and side and rear yard requirements may be proved accordingly. If a building is constructed on a through lot having frontage of two (2) roads not at an intersection, a setback from each road shall be provided equal to the front yard requirement for the district in which the lot is located.

3-11 Visibility at Intersections. On corner lots within all zoning districts, no fence, shrubbery or other obstruction to the traffic sight vision, except utility poles or light or sign standards, shall exceed a height of 3 feet within a triangular area formed by the intersection of the right-of-way lines of two (2) streets or a street intersection with a railroad right-of-way line, and a diagonal line which intersects the right-of-way lines at two (2) points, each 20 feet distance from the intersection of the right-of-way lines, or, in the case of a rounded corner, from the point of intersection of their tangents; provided, however, signs, lights, or similar objects which are totally located at least 12 feet above the finished grade shall be permitted.

3-12 Uses Prohibited. If either a use or class of use is not specifically indicated as being permitted in a district, either as a matter of right, or as a special exception, then such use, class of use, or structures for such uses, shall be prohibited in such district.

3-13 Zoning to Apply When Lot is Divided by District Boundary Line. In the event that a district boundary line on the zoning map divides a lot of record held in one ownership on the date of passage of this ordinance, each part of the lot so divided shall be used in conformity with the regulations established by this ordinance for the district in which each such parcel is located; except, however, that if the property owner of such a lot, other than a through lot, so desires, he may extend a use allowed on the greater portion of said lot 50 feet beyond the district boundary line in accordance with setbacks and yard requirements of the district into which he is encroaching.

3-14 Height Limitations of Walls and Fences. Within any residential or commercial district, no fence or wall, within or along a boundary of a front or side yard, shall exceed 8 feet in height, measured from the ground along the common lot line of the adjoining properties. *(Adopted by Lake Park Mayor/Council 5-2-06 – P. C. File # LP-2006-02)*

3-15 Buffer Yard Requirements. Buffer yards shall be required along the side and rear yards of the proposed development wherever the proposed development abuts a different existing or permitted use. The existing use of the zoning classification of the adjacent property, shall determine the type of buffer yard required. Vacant property will not require a buffer. *(Adopted by Lake Park Mayor/Council – P. C. File # LP-2006-02)*

a) Buffer Yard Specifications. The following tables prescribe buffer yard types as well as the minimum number of trees and shrubs per 100 linear feet. Where feasible and appropriate, developers are encouraged to exceed these minimum requirements.

New	Existing Development					
	Single-family Subdivision/ Duplex	Multi-family	Office/ Institutional/ Professional	Commercial	Industrial	Recreation
Single/Two family <i>(new subdivisions only)</i>		C	C	B	B	D
Multi-family	B		D	C	B	D
Office / Institutional / Professional	C	D				
Commercial	B	B				
Industrial	A	A				
Recreation	C	D				

Buffer Component (per 100 linear feet)	Buffer Type			
	A	B	C	D
# Canopy Trees	7	4	3	2
# Understory Trees	11	6	4	4
# Shrubs	50	25	20	20
Buffer Width	40	20	15	10

A minimum 50% of all canopy trees and minimum of 75% of all understory trees and shrubs shall be evergreen vegetation. Upon maturity, buffer yards shall not contain any unobstructed openings more than 10 feet in width.

b) Location. Buffer yards shall be located on the side and rear yard of the lot or parcel and extend inward from the parcel boundary line for the required depth. Buffer yards shall not be located in any portion of an existing or dedicated public right-of-way or private street, or stormwater detention/retention area. Buffer yards shall not be used for any parking or loading purposes, nor contain any structures. Only approved driveways and pedestrian pathways may encroach into a required buffer yard.

c) Existing Vegetation. Existing vegetation may be retained and used to meet buffer requirements. In the event existing vegetation does not satisfy buffer requirements, it shall be supplemented with additional plantings. Proposed plant materials shall be grouped or massed to achieve a natural looking and unified buffer.

d) Maintenance. The entire buffer yard shall be maintained as green open space. Maintenance of a required buffer yard shall be the responsibility of the property owner or any consenting grantee. If the plant materials die, they shall be replaced within 60 days.

e) Supplemental Fencing. For all buffer types, buffer yard depths may be reduced up to 50% and planting requirements may be reduced up to 25% in exchange for an opaque fence or solid wall between the height of 6 feet and 8 feet being erected along the property line where buffer yards are required. Such fence or wall shall consist of durable materials, be constructed to last at least 10 years with minimum maintenance and shall be plumb and aligned to achieve an aesthetically pleasing appearance.

3-16 Screening of Service Areas Within 100 Feet of Public Street. Any service area, loading area, refuse, or storage area between a principal building and a public street, being visible from said street, and lying within 100 feet of said street, shall be screened from view from the public street. This screening shall consist of a durable masonry wall, or fence and hedge of sufficient opacity to provide a visual blind, designed to be compatible with the character of adjoining properties. Such fences and walls shall be at least 5 feet in height, but no greater than 8 feet in height, measured from the ground along the common lot line of the adjoining properties. Hedges of comparable natural plantings shall be of such variety that an average height of at least 6 feet could be expected by normal growth within or no later than 3 years from the time of planting. *(Adopted by Lake Park Mayor/Council 5-2-06 – P. C. File # LP-2006-02)*

3-17 Screening Required (Buffers). Wherever screening is required by this ordinance, a durable masonry wall, or fence and hedge of sufficient opacity to provide a visual blind, designed to be compatible with the character of adjoining properties, shall be provided. Such fences and walls shall be at least 6 feet in height, but no greater than 8 feet in height, measured from the ground along with common lot line of the adjoining properties. Hedges or comparable natural plantings shall be of such variety that an average height of at least 6 feet could be expected by normal growth within or no later than 3 years from the time of planting.

3-18 Side and Rear Yards Not Required Next to Railroad. Within any non-residential district, side yards and rear yards shall not be required adjacent to railroad rights-of-way.

3-19 Substandard Lots of Record. Any lot of record existing at the time of the adoption of this ordinance, which has an area or a width which is less than required by this ordinance, shall be subject to the following exceptions and modifications:

3-19.1 Lot Not Meeting Minimum Lot Size Requirements: In any district, any lot of record existing at the time of the adoption of this ordinance which has an area or a width which is less than that required by this ordinance may be used as a building site for a structure or other use permitted in that zone; provided, however, that the same yard, setback, open space, and other dimensional requirements are met that would be required for a standard lot.

3-20 Modification of Sideyard Requirements. When a lot of record has a width less than the frontage required in the district in which it is located and said lot cannot be increased in width as provided in Section 3-17, then the Zoning Administrator or designated official shall be authorized to reduce the side yard requirements for such lot; provided, however, that the side yards shall not be reduced to less than 8 feet.

SECTION 4**ZONING DISTRICTS**

4-1 Establishment of Districts. In order that the purposes of this ordinance as defined in Section 1 may be accomplished, there are hereby established within City of Lake Park the zoning districts identified as follows:

R-1 Single-Family Residential: The purpose of this district is to provide for residential areas restricted to single-family uses with a minimum lot size of one acre, said areas being protected from the effects of higher density and the encroachment of those areas which are incompatible to a low density residential environment.

R-15 Single Family Residential: The purpose of this district is to provide for residential areas restricted to single family uses with a minimum lot size of 15,000 square feet, said areas being protected from the effects of higher density and the encroachment of those areas which are incompatible to a low density residential environment.

R-10 Single Family Residential: The purpose of this district is to provide for residential areas restricted to single family uses with a minimum lot size of 10,000 square feet.

R-6 Multi-Family Residential: The purpose of this district is to provide orderly development of high density residential areas for one family dwellings, with minimum lot sizes of 6,000 square feet for a one family dwelling, said areas being protected from the encroachment of those uses which are incompatible to a desirable residential environment. If developed multi-family housing, the maximum allowable density is 14 units per acre provided water and sewerage is approved by the Lowndes County Health Department.

M-H Manufactured Home Residential: The purpose of this district is to create an area that, in addition to conventional housing, allows manufactured homes as a matter of right in a conventional subdivision. Lots in this district must have a minimum of 10,000 square feet with a community water and sewage disposal system. If such a water and sewage disposal system is not available, all lots must meet the requirements of the Lowndes County Health Department.

R-P Residential Professional: The purpose of this district shall be to create an area in which residential, business, professional, educational, and institutional uses can be compatibly mixed while maintaining a healthful living environment for the residents of the district and at the same time preventing the development of blight and slum conditions.

R-C Cluster Residential: The purpose of this district is to provide areas of sufficient size and reasonable flexibility in land use for the development of a group of structures resulting in an efficient use of land with smaller utility and street systems, thus lowering housing costs. To be considered for this district, property must be located on an approved paved street or road. For a one family dwelling, the minimum lot size shall be 6,000 square feet. If developed multi-family housing, the maximum allowable density is 14 units per acre provided water and sewerage is approved by the Lowndes County Health Department.

MHC Manufactured Home Community: The purpose of this district is to provide for the development of property that is located and planned for manufactured home use. Property developed for this district is to remain under single ownership for rental purposes only. Manufactured Home Communities shall be developed per Section 6-2 of the Zoning Ordinance for City of Lake Park. *(Approved by Lake Park Mayor/Council 1-6-04 – P. C. File # LP-2003-07)*

C-C Community Commercial: The purpose of this district is to provide for and protect areas that are convenient to and will service immediately adjacent residential neighborhoods.

C-H Highway Commercial: The purpose of this district is to provide for and encourage the proper grouping and development of highway-oriented uses which include a wide variety of sales and services that will best accommodate the needs of the city and the traveling public in order to reduce highway traffic congestion, traffic hazards or blight. To be considered for this district, properties must be located on major arterial roadways as delineated in the City of Lake Park Thoroughfare Plan.

C-A Adult Commercial: The purpose of this district shall be to provide a reasonable location within the community for the development of adult-oriented businesses including adult entertainment establishments.

M-1 Manufacturing: The purpose of this district shall be to provide and protect areas for those industrial uses which do not create excessive noise, odor, smoke, dust, and which do not possess other objectionable characteristics which might be detrimental to surrounding neighborhoods, or to the other uses permitted in the district.

M-2 Manufacturing: The purpose of this district shall be to provide and protect areas for those industrial uses which cannot comply with the regulations of an M-1 district. To be considered for this classification, properties must be located on an arterial roadway as delineated in the City of Lake Park Thoroughfare Plan. *(Approved by Lake Park Mayor/Council 11-11-03 – P. C. File # LP-2003-05)*

4-2 Zoning Map and Street and Road Classification and Major Thoroughfare Plan. The boundaries of each zoning district are shown on the Official Zoning Map as defined by this ordinance. Said map shall be maintained by the Director of the Planning Commission, certified by the Zoning Administrator, and shall be kept on file in the offices of both the Planning Commission and the Zoning Administrator. Said map is hereby made a part of this ordinance.

The classification of streets and roads within City of Lake Park are shown on a map entitled "Thoroughfare Plan, City of Lake Park, Georgia." This map shall be dated and certified by the Mayor of the City of Lake Park, Georgia. Said map is hereby made a part of this ordinance. Accurate copies of the "Thoroughfare Plan, City of Lake Park, Georgia," shall be on file in the office of the Zoning Administrator or designated official at all times. Said map shall accurately show all map amendments made in accordance with the provisions of this ordinance, and the date when said amendments became effective. It shall be the duty of the Zoning Administrator or designated official to see to it that the "Thoroughfare Plan, City of Lake Park, Georgia" displayed in the office, is kept up-to-date and accurately shows all amendments.

4-3 Interpretation of Zoning District Boundaries. When uncertainty exists with respect to the location of boundaries of any zoning district as shown on the "Zoning Map of Lake Park", the following rules shall apply:

4-3.1 Unless otherwise specifically indicated, where district boundaries are indicated on the zoning map as approximately following the centerline of a street, highway, railroad right-of-way line, stream bed or river bed; such centerlines shall be construed to be such district boundaries.

4-3.2 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

4-3.3 Where district boundaries are indicated on the zoning map as approximately following the corporate limit line of the city, then such corporate limit lines shall be construed to be such district boundaries.

4-3.4 Where district boundaries are indicated on the zoning map as being set back from a street, road, highway, railroad, stream, or river, and parallel thereto, then such district boundaries unless otherwise specifically indicated, shall be construed as being at the scaled distance from the centerline of such street, road, highway, railroad, stream, or river and as being parallel thereto.

SECTION 5**SCHEDULE OF PERMITTED USES AND DEVELOPMENT STANDARDS**

5-1 Table of Permitted Uses. Within the various zoning districts as indicated on the "Zoning Map of City of Lake Park," no building or structure shall be constructed, erected, or altered except as indicated in the following schedules:

5-1.1 Uses Permitted by Right: Uses permitted as a matter of right are indicated in the following schedule by the letter "X" in the appropriate column.

5-1.2 Special Exceptions: Uses permitted only after special review and approval of the City Council are indicated on the following schedule by the letters "SE" in the appropriate column. Requests to approve a use by Special Exception shall be advertised, reviewed and processed in the same manner as an amendment to the Official Zoning Map as described in Section 12 Amendment. In the event that a rezoning is also necessary for the proposed use, the Special Exception request and rezoning request may be processed and heard in conjunction with each other at the required public hearing. (*Adopted by Lake Park Mayor/Council 4-6-04 – P. C. File # LP-2004-04*) Special Exceptions shall only be approved based on findings by the City Council that:

- a. The proposed use will not be contrary to the purpose of this ordinance.
- b. The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood nor affect adversely the health and safety of residents and workers.
- c. The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, vehicular movement, noise or fumes generation, or type of physical activity.
- d. The proposed use will not be affected adversely by the existing uses of adjacent properties; and the proposed use will be placed on a lot of sufficient size to satisfy the space requirements of said use.
- e. The parking and all development standards set forth for each particular use for which a permit may be granted have been met.
- f. Provided that the City Council may impose or require such additional restrictions and standards as may be necessary to protect the health and safety of workers and residents in the community, and to protect the value and use of property in the general neighborhood; and provided that wherever the City Council shall find, in the case of any permit granted pursuant to the provisions of these regulations that any term, condition or restriction upon which such permit was granted are not being complied with, said City Council shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity for a public hearing.
- g. Special Exceptions granted by the City Council shall be valid for 12 months from the date of approval, shall not be transferable except upon written approval of the City Council, or shall be executed within the granted period or become null and void and subject to procedures for resubmission as hereinabove established.

5-1.3 Structural modification of existing residential units shall not exceed 25% of total existing gross floor area on any property rezoned to R-P from R-15, R-10, R-6, and R-C.

LAND USE	ZONING DISTRICT												
	X — denotes use allowed as a matter of right SE --- denotes use allowed only by Special Exception												
	R-1	R-15	R-10	R-6	M-H	R-C	MHC	R-P	C-C	C-H	C-A	M-1	M-2
RESIDENTIAL & RELATED USES													
Accessory Buildings or Uses (Refer to Section 3-9)	X	X	X	X	X	X	X	X	X	X		X	X
Accessory Building over Water (Shall not extend more than 26 feet over water measured from high water mark as per survey. Variance to rear yards must be obtained in each case.)	SE	SE	SE	SE	SE	SE		SE					
Boarding or Rooming House								SE	X	X			
Church or Other Place of Worship; including Sunday School buildings, parish house, convent, nursery school, kindergarten and other related uses on the same premises and operated by the church provided that within an R-15, R-10, R-6 and R-C district: a)The lot size shall be no less than 3 acres; b) any building or structure established with any such use shall have minimum side and rear yard of 50 feet; any lot for a church shall front on an arterial roadway or collector roadway as specified on the Official Street and c) Thoroughfare Plan of the City of Lake Park, Georgia. d) Within R-15 and R-10 districts, parking access shall be separated from adjoining private properties by a distance of at least 20 feet with buffer planting provided thereon.	SE	SE	SE	SE	SE	SE		X	X	X			
Dwelling -- Single-family detached, including Residential Industrialized Buildings. (Approved by Lake Park Mayor/Council 1-6-04 – P. C. File # LP-2003-07)	X	X	X	X	X	X		X					
Dwelling -- Two-family			X		X			SE					
Dwelling -- Multi-family			X		X								
Garage Apartment; provided no more than one (1) shall be permitted on a lot with another dwelling and provided such shall be permitted only within a rear yard and provided that the lot on which such use is to be established meets the minimum lot area requirements for a two-family dwelling.	SE	SE	SE	X	SE	X		SE					
Guest House provided no more than one (1) shall be permitted on a lot with another dwelling and provided such shall be permitted only within a rear year and proved that the lot on which such use is to be established meets the minimum lot area requirements for a two-family dwelling. (Adopted by Lake Park Mayor/Council 6-6-06 – P. C. File # LP-2006-05)	X	X	X	X	X	X		X					
Home Business (Refer to Section 6-6)	SE	SE	SE	SE	SE	SE	SE	SE	X	X		X	X
Home Occupation (Refer to Section 6-5)	X	X	X	X	X	X	X	X	X	X		X	X

LAND USE	ZONING DISTRICT												
	X — denotes use allowed as a matter of right SE --- denotes use allowed only by Special Exception												
	R-1	R-15	R-10	R-6	M-H	R-C	MHC	R-P	C-C	C-H	C-A	M-1	M-2
RESIDENTIAL & RELATED USES (continued)													
Manufactured Home (Refer to Section 6-4) (Approved by Lake Park Mayor/Council 1-6-04 – P. C. File # LP-2003-07)				SE	X	SE	X						
Manufactured Home Community (Refer to Section 6-2) (Approved by Lake Park Mayor/Council 1-6-04 –P. C. File # LP-2003-07)							X						
Public Owned Recreation Center, YMCA, Boys Club, and Institutions of a similar nature						SE		SE	X	X			
School; public or private	SE	SE	SE	SE	SE	SE		SE	SE	SE			
Storage Building – Permitted only on lots of 2.5 acres or more on which no other principal building has been built. (refer to Sections 2-1 and 3-9.2) (Approved by Lake Park Mayor/Council on 4-5-2011 –P. C. File # LP-2011-04-02)	SE	SE	SE										
Tourist Home										X			
Travel Trailer Park (Refer to Section 6-3)										X			
BUSINESS USES													
Accessory Buildings or Uses		X	X	X	X	X		X	X	X		X	X
Ambulance or Rescue Squad									X	X		X	X
Amusement or Recreational Activities (Commercial); carried on outside a building such as a golf or baseball driving range, miniature golf course, softball field, and uses of a similar nature.									X	X		X	X
Amusement or Recreational Activities (Commercial); carried on outside a building which produces noise and/or noxious fumes, such as drag strips, race tracks, motorcycle races, ATV (all terrain vehicles) and uses of a similar nature.										SE		X	X
Amusement or Recreational Activities (Commercial); carried on wholly within a building, such as cinema, theater, auditorium, and uses of a similar nature.							X		X				
Animal Hospital, Commercial Kennel, Veterinary Clinic or Animal Boarding Place, located at least 300 feet from the nearest residential district.									SE	X			
Art Studio								SE	X	X			
Automobile Parking Lot or Parking Garage (Commercial)									X	X		X	X
Automobile Service Station; provided that major auto repair shall not be permitted, nor shall there be outside storage of materials or equipment other than merchandise offered for sale in a C-C or C-H district.									X	X		X	X
Automobile, Truck, Farm Equipment, Other Motorized Vehicles, Motorcycle Sales, Repair, or Upholstery, Auto Washerteria, Paint Shops, or Tire Recapping, (including rebuilding of parts or sales of parts and equipment indoors only.)										X		X	X

LAND USE	ZONING DISTRICT												
	X — denotes use allowed as a matter of right SE --- denotes use allowed only by Special Exception												
	R-1	R-15	R-10	R-6	M-H	R-C	MHC	R-P	C-C	C-H	C-A	M-1	M-2
BUSINESS USES (continued)													
Auto Washerteria									X	X			
Bait and Tackle Store									X	X		X	X
Bank, Financial Institution, or Offices not specifically listed elsewhere.								SE	X	X			
Bookbinding, Printing, Engraving, Blueprinting, Photostatting, or Letter Shop									X	X		X	X
Building Contractor and Related Activities such as sale and storage of building supplies and materials. Provided there shall be no outside storage of equipment or materials on the premises including overnight parking of equipment.									X	X		X	X
Building Contractor and Related Activities such as sale and storage of building supplies and materials, provided that outside storage is permitted in a CH district by Special Exception under the following conditions: a) minimum front yard setbacks for storage areas shall be 80 feet or equal to the principal building setback, whichever is greater. b) opaque screening of a nature not injurious to adjoining properties shall be erected on all sides to screen outside storage to a minimum height of 8 feet. Such screening shall be of a quality and design comparable to the principal building.										SE		X	X
Business School								SE	X	X			
Cabaret, Nightclub, Lounge										X	X		
Clothing or Dry Goods Store; including shoe store, men's shop, women's shop, variety store and stores of a similar nature.									X	X			
Club or Lodge (private) other than recreation oriented facilities									X	X			
Cultural Facilities; libraries, museums, and similar facilities.								SE	X	X			
Dance School or Studio								SE	X	X			
Department Store									X	X			
Drive-in Restaurant										X			
Drive-in Theater										X			
Drug Store								SE	X	X			
Electrical Repair and similar repair of a heavy commercial nature.										X		X	X
Farmers Market										X			
Feed, Seed, and Insecticides, and Fertilizer Retail Sales									X	X			

LAND USE	ZONING DISTRICT												
	X — denotes use allowed as a matter of right SE --- denotes use allowed only by Special Exception												
	R-1	R-15	R-10	R-6	M-H	R-C	MHC	R-P	C-C	C-H	C-A	M-1	M-2
BUSINESS USES (continued)													
Flower Shop									X	X			
Food Store; including retail bakery, meat market, dairy products, convenience store, and stores of a similar nature.									X	X			
Freight Express Office										X		X	X
Funeral Home								SE	X	X			
Furniture Upholstery Shop									X	X		X	X
Gardens	X	X	X	X	X	X	X	X	X	X			
Glass Sales and Storage									X	X			
Golf Course, provided that: a) It shall be for daytime use only; and b) all greens and fairways shall be setback at least 60 feet from any property line; and c) all structures shall meet minimum setback requirements for single-family residences within the district.	SE	SE	SE	SE		SE	SE	SE	X	X			
Hardware; and similar supplies including hardware store, paint store, and stores of a similar nature.									X	X			
Home Furnishings such as appliance sales and repair, furniture store, and other stores of similar nature									X	X			
Hospitals and Nursing Homes, provided that: a) Any building or structure established with any such use shall have minimum side and rear yard of 50 feet; and, b) the setback shall be 25 feet more than required for other structures within the same district; and, c) the lot upon which any hospital is built shall front on an arterial roadway or collector roadway as specified on the Official Street and Road Classification and Major Thoroughfare Plan of the City of Lake Park, Georgia. d) lot size shall be no less than 3 acres within the R-P zoning district.								SE	X	X			
Family Personal Care Home	SE	SE	SE	SE	SE	SE	SE	SE					
Group Personal Care Home, provided that minimum lot size shall be one acre.				SE		SE	SE	SE	X				
Congregate Personal Care Home, provided that minimum lot size shall be one acre.								SE	X				
Hotel									X	X			
Laboratory Serving Medical and Dental Requirements								SE	X	X			

LAND USE	ZONING DISTRICT												
	X — denotes use allowed as a matter of right SE --- denotes use allowed only by Special Exception												
	R-1	R-15	R-10	R-6	M-H	R-C	MHC	R-P	C-C	C-H	C-A	M-1	M-2
BUSINESS USES (continued)													
Launderette or Washerteria (self-service)									X	X			
Medical, Dental or Similar Clinic								X	X	X			
Motel or Tourist Home										X			
Music Teaching Studio								SE	X	X			
Neighborhood Drycleaning Plant a) Dry cleaning plants using cleaning systems which make use of solvents rated at above 40 by the Underwriter's Laboratories Inc (ULI) standard of classification known as Class I Systems shall be prohibited; and b) Dry cleaning plants which use cleaning systems which make use of solvents rated at more than 5 but less than 40 according to the ULI Standard Classification known as Class II and Class III Systems, shall not be established in buildings with other occupancy; and c) The building for a dry cleaning plant shall not contain more than 4,000 square feet of floor area inclusive of dry cleaning pick-up facilities within the building; and d) The dry cleaning plant shall be designed to operate in a manner that will not emit smoke, odor, or objectionable waste materials, and which will not produce noise that will carry beyond the walls of the building occupied by such plant; and e) Fuel for operation of equipment shall be smokeless fuel; and f) The applicant for the dry cleaning plant shall certify in writing, at the time of application, that all the above conditions will be met.									X	X			
Newspaper or Magazine Publishing and Distributing									X	X			
Nursery School, Daycare Center (with more than 6 children), Kindergarten a) Off-street loading and unloading spaces are supplied; and b) At least 100 feet of outdoor play area is supplied for each child accommodated; and c) The entire play area is enclosed by a fence having a minimum height of at least 4 feet and constructed in such a manner that maximum safety to the children is ensured; and d) Point of business signs and identification signs shall be allowed; provided copy area of sign shall not exceed 2 square feet and that sign shall be attached to principal building. The 2 square-foot sign requirement does not apply for this in a commercial district.								SE	X				
Office Equipment Sales and Service									X	X			
Pawn Shop									X	X			
Personal Service Shop; such as barber/beauty shop, shoe repair, laundry pick-up station, locksmith, gunsmith, and other services of a similar nature.								X	X	X			
Pest Control; providing no storage of chemicals and materials except in M-1 or M-2 districts. (Adopted by LP Metro Council on 5-2-06)									X	X		X	X

LAND USE	ZONING DISTRICT												
	X — denotes use allowed as a matter of right SE --- denotes use allowed only by Special Exception												
	R-1	R-15	R-10	R-6	M-H	R-C	MHC	R-P	C-C	C-H	C-A	M-1	M-2
BUSINESS USES (continued)													
Photography Studio								SE	X	X			
Professional Office to include accountants, architects, attorneys dentists, physicians, realtors, and offices of a similar nature carried on wholly within a structure and provided that the lot has direct access off a Federal or State highway.	SE	SE	SE	SE	SE	SE		X	X	X			
Radio / TV Studio								SE	X	X		X	X
Radio, TV Tower, Utility Substation; provided all buildings, masts, and other facilities are located at least 200 feet from adjacent property lines on lots within or adjoining residential districts.									SE	SE		X	X
Railroad or Bus Passenger Station										X		X	X
Residential Trailer Sales Room and Sales Lot										X			
Restaurant, Food Catering Service									X	X		X	X
Retail Auto Parts or Tire Store									X	X			
Retail Store, otherwise not covered elsewhere in this section									X	X			
Shell Home Display Yard										X			
Shrubbery Sales									X	X			
Specialty Shop; such as jewelry shop, gift shop, and stores of a similar nature.								SE	X	X			
Taxidermist									SE	X			
Taxi Service									X	X		X	X
Telegraph or Messenger Service									X	X			
Trade School									X	X			
Utility Trailer Rentals and Rent-Alls									X	X		X	X
Vending Machines; located out-of-doors subject to yard and setback requirements for the respective districts (as an accessory use only).							X		X	X		X	X

LAND USE	ZONING DISTRICT												
	X — denotes use allowed as a matter of right SE --- denotes use allowed only by Special Exception												
	R-1	R-15	R-10	R-6	M-H	R-C	MHC	R-P	C-C	C-H	C-A	M-1	M-2
MANUFACTURING, WHOLESALING and INDUSTRY													
Freezer Locker Service, Ice Storage										X		X	X
Greenhouse and Plant Nursery used for the production of plants for sale at either wholesale or retail.									X	X		X	X
Heavy Manufacturing; any manufacturing, packaging, processing, or handling of materials provided that any uses such as the manufacturing of cement, corrosive acids, bone distillation, drop forge industry, fat rendering, fertilizer manufacturing, organic material reduction, meat processing plants, and the like which produce noise, odors, dust, fumes, fire hazards, or other nuisance features shall be set back not less than 500 feet from any M-2 district boundary.													X
Junk Yard or Auto Graveyard provided that: a) If within 500 feet of a public right-of-way, an 8 foot high solid fence or wall shall be erected to screen storage yard or area from the roads; and b) shall not be located adjacent to any residential zoning district or area developed residential. Allowed only in M-2 zoning district.													X
Light Manufacturing: a) Appliance and electronic device assembly plant including the manufacturing of parts for appliances and electronic devices; and, b) manufacturing of food, cosmetic and pharmaceutical products, but not including fish and meat products, sauerkraut, vinegar, yeast, and rendering plants; and c) machine shop and related activities; and d) construction of signs, including painted signs; and e) cooperage; and f) bottling and canning plants; and g) light sheet metal products such as ventilating ducts and eaves; and h) ice manufacturing; and i) laundry, drycleaning, and dyeing plants; and j) musical instruments, toys, novelties, and similar products; and k) ceramic products provided that kilns shall only be by gas or electricity; and l) assembly of products from previously prepared materials; and m) tinsmith and roofing services; and n) other manufacturing processing, packaging, or handling of a similar nature which shall not omit or produce more smoke, noise, odor, dust, vibration or fumes than the uses listed herein.									SE		X	X	
Petroleum Bulk Plant (Storage only)										SE		X	X
Truck Terminal										SE		X	X
Warehousing (not related to sales on the premises) - Storage facilities for personal property other than commercial warehousing or storage is permitted in C-H.										X		X	X
Warehousing; storage for personal property — must be wholly contained within a building. (If storage of personal property involves marine equipment (boats, etc...), the maximum height of any structure shall be 35 feet. Any structure for the storage of boats shall be enclosed on 3 sides.)									SE	X		X	X
Wholesaling of a Light Commercial Nature when operated in conjunction with or as part of a retail outlet.									SE	X		X	X

LAND USE	ZONING DISTRICT												
	X — denotes use allowed as a matter of right SE --- denotes use allowed only by Special Exception												
	R-1	R-15	R-10	R-6	M-H	R-C	MHC	R-P	C-C	C-H	C-A	M-1	M-2
SIGNS													
Off-Premise Sign									X	X		X	X
Identification Sign or Bulletin Board	X	X	X	X	X	X	X	X	X	X		X	X
On-Premise Sign (Point of Business Sign) (Not to exceed 2 square feet if associated with Home Occupation) (For Home Business, see section 6-6) (Adopted by Lake Park Mayor/Council 3-9-04 – P. C. File # LO-2003-08)	X	X	X	X	X	X	X	X	X	X	X	X	X
Signs which do not require a permit (Refer to Section 9-6)	X	X	X	X	X	X	X	X	X	X	X	X	X
MISCELLANEOUS													
Adult Entertainment Establishment; provided that, a) No adult entertainment establishment shall advertise its location by signs more than 6 inches in height placed on the front of the building which shall state the name of the business and hours of operation only. b) No adult entertainment establishment shall advertise its location with flashing or other kinds of lights, signs, banners, or other devices, intended to attract the attention of the general public to its location. c) Adult book stores shall maintain all windows in a clear unobstructed manner so as to provide an open and unobstructed view throughout the interior of the book store. d) Adult movie houses shall maintain all windows in a clear and unobstructed manner, so that the entire reception area, lobby, ticket sales area of the theater is open and unobstructed to view by the public from all adjoining public thoroughfares and rights-of-way. e) Adult service establishments (bath houses, etc.) shall maintain all windows in a clear and unobstructed manner, so that the entire reception area, lobby, ticket sales area of the service establishment is open and unobstructed to view by the public from all adjoining public rights-of-way.											X		
Armory; for meetings and training of military organizations.										X		X	X
Carnival, Rodeo, Horse Show, or Athletic Event, Community Fair or Other Event of interest to the public									X	X		X	X
Religious Meetings held in a tent or other temporary structure not to exceed 30 days (subject to building code restrictions).												X	X
Temporary Buildings and Storage of Materials (in conjunction with construction of a building), on a lot where construction is taking place or on adjacent lots such temporary uses to be terminated upon completion of construction.	X	X	X	X	X	X	X	X	X	X	X	X	X

5-2 Development Standards. Within the various zoning districts as indicated on the "Zoning Map of the City of Lake Park, Georgia," no building or structure, excluding all signs (see Section 9 for Sign Regulations) shall be constructed or erected except as indicated in the following schedule:

DEVELOPMENT STANDARD	ZONING DISTRICT												
	R-1	R-15	R-10	R-6	M-H	R-C	MHC	R-P	C-C	C-H	C-A	M-1	M-2
Minimum Gross Floor Area Per Dwelling Unit (Sq.Ft.)	1,800	1,200	1,000	800	700	800	++++	800	---	---	---	---	---
Minimum Lot Area For Development (Sq.Ft.)	1 acre	15,000	10,000	6,000**	10,000	6,000**	---	1 acre	---	---	1 acre	---	---
Minimum Lot Width (Feet)	120	100	80	60	80	200	---	60	60	60	150	None	None
Minimum Front Yard Setback (Feet from Centerline of Right-of-way) - Arterial Streets - Collector Streets - Local Streets	80* 70* 60*	80* 65* 55*	80* 65* 55*	80* 65* 55*	80* 65* 55*	80* 70* 60*	--- --- ---	80* 65* 55*	100* 70* 65*	80* 70* N/A	100* 70* N/A	100* 70* N/A	100* 70* N/A
Minimum Side Yard Setback (Feet)	20 ++	10 ++	10	8	10	8	---	10	None +++	None +++	40	None +++	None +++
Minimum Rear Yard Setback (Feet)	40 ++	30 ++	30	30	30	30	---	30	12 ++	12 ++	40	12 ++	12 ++

* Plus ½ any amount which the right-of-way width exceeds 60 feet for residential streets, 70 feet for collector streets, and 80 feet for principal and minor arterials.

** If developed multi-family, the maximum density is 14 units per acre, provided water and sewer is approved by the Lowndes County Health Department.

++ The minimum distance from other property lines to any building over 35 feet in height shall be increased one foot for every 2 feet (or part of 2 feet) of building height greater than 35 feet.

+++ If the adjoining yard is within a residential district, the yard requirements specified in this table shall be increased 10 feet and screening shall be provided as specified in Section 3-15 along the lot line common with the residential lot.

++++ Refer to Section 6-2.

SECTION 6**SPECIAL PROVISIONS FOR CERTAIN USES**

6-1 Group Development Projects. Within any district other than R-15 or R-10, any group of buildings constructed on a plot of land not subdivided into customary streets and lots and which will not be so subdivided, intended to be operated under one management or under a condominium-type ownership arrangement, known herein as a group development project.

6-1.1 Minimum Lot Size: The minimum lot size requirement shall be sufficient so that any structure constructed on said lot or groups of lots can be located so as to meet all setback requirements, parking requirements, equal to the total for all uses in the lot, and space requirements for loading and unloading for each proposed use.

6-1.2 Street Access: All principal buildings established as a part of the group development project shall be accessible to emergency or service vehicles.

6-1.3 Setback Requirements: All buildings and structures established as a part of a group development project shall comply with the front yard setbacks and exterior side and rear yard requirements established for the district in which it is located.

6-1.4 Uses Prohibited: Uses are limited to those permitted within the district in which the project is located.

6-2 Manufactured Home Community. Manufactured home communities shall be allowed within the Manufactured Home Community (MHC) Zoning District as a matter of right provided the following requirements are met: *(Approved by Lake Park Mayor/Council 1-6-04 – P. C. File # LP-2003-07)*

a. The minimum size shall be 3 acres.

b. The community shall have minimum side yards of 20 feet and a front yard at least 20 feet greater than that required for other uses permitted in the district. *(Approved by Lake Park Mayor/Council 1-6-04 – P. C. File # LP-2003-07)*

c. Each manufactured home shall be connected to an approved water and sewer system. *(Approved by Lake Park Mayor/Council 1-6-04 – P. C. File # LP-2003-07)*

d. The minimum lot size for each manufactured home shall be 4,000 square feet with a minimum lot width of 40 feet where lots are served by both public water and public sewer systems. The minimum lot size shall be 7,500 square feet where lots are served by a community water system and a septic tank. *(Approved by Lake Park Mayor/Council 1-6-04 – P. C. File # LP-2003-07)*

e. The minimum distance between any two (2) manufactured homes or between any manufactured home and any other building in the community shall be 20 feet. *(Approved by Lake Park Mayor/Council 1-6-04 – P. C. File # LP-2003-07)*

f. Each individual manufactured home lot shall have a properly drained and weatherproofed parking space for at least two motor vehicles, designed and built in compliance with Section 7-5 as it pertains to parking stalls. *(Approved by Lake Park Mayor/Council 1-6-04 – P. C. File # LP-2003-07)*

g. Each manufactured home lot shall be clearly defined by means of concrete, steel, or iron pipe markers placed at all corners. *(Approved by Lake Park Mayor/Council 1-6-04 – P. C. File # LP-2003-07)*

- h.** At least 200 square feet per manufactured home lot not to be a part of required manufactured home lot, shall be provided in one (1) or more locations for community playground and recreation purposes. *(Approved by Lake Park Mayor/Council 1-6-04 – P. C. File # LP-2003-07)*
- i.** Any property line of a manufactured home community behind the frontyard set back which abuts or is within a residential zoning district shall be screened as called for in Section 3-15. *(Approved by Lake Park Mayor/Council 1-6-04 – P. C. File # LP-2003-07)*
- j.** No manufactured home community shall be occupied by a greater number of manufactured homes than that authorized in the approved building and inspection permit. No manufactured home community shall be enlarged or extended unless a separate building permit and a separate final inspection permit have been issued. *(Approved by Lake Park Mayor/Council 1-6-04 – P. C. File # LP-2003-07)*
- k.** Entrance to the community shall be limited to paved streets with at least 60 feet of right-of-way. *(Approved by Lake Park Mayor/Council 1-6-04 – P. C. File # LP-2003-07)*
- l.** No building permit may be issued unless the community layout has been reviewed and approved by the Planning Commission. *(Approved by Lake Park Mayor/Council 1-6-04 – P. C. File # LP-2003-07)*
- m.** An identification sign, including the name of the manufactured home community, and the name of the owner/manager or another designated individual who can act for the owner/manager, measuring not less than 10 square feet and no more than 16 square feet, shall be placed on private property, close to the entrance of the community and readily visible from both directions of the public right-of-way. *(Approved by Lake Park Mayor/Council 1-6-04 – P. C. File # LP-2003-07)*

6-3 Travel Trailer Park. A travel trailer park is permitted in a C-H district as a matter of right subject to the following conditions:

- a.** No travel trailer park shall be located except with direct access to a designated highway, or major or secondary street, with a minimum lot width of not less than 50 feet for that portion used for entrance and exit. No entrance or exit shall be through a residential district, or shall require movement of traffic from the park through a residential district.
- b.** The minimum lot area per park shall be 3 acres.
- c.** Spaces in a travel trailer park may be used by travel trailers provided they shall be rented by the day or week only, and an occupancy of such space shall remain in the same trailer park for a period of not more than 30 days.
- d.** Management headquarters, recreational facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to operation of a trailer park are permitted as accessory uses in any district in which trailer parks are allowed provided such establishments and the parking area primarily related to their operations shall not occupy more than 10% of the area of the park.
- e.** No space shall be so located that any part intended for occupancy for sleeping purposes shall be within 20 feet of the exterior property line.
- f.** In addition to meeting the above requirements, the travel trailer park site plan shall be accompanied by a certificate of approval of the Lowndes County Health Department.

6-4 Manufactured and Mobile Homes. All manufactured homes not located within a mobile home park shall meet the following requirements: *(Approved by Lake Park Mayor/Council 1-6-04 – P. C. File # LP-2003-07)*

6-4.1 No mobile homes shall be permitted within the City Limits of Lake Park. *(Approved by Lake Park Mayor/Council 1-6-04 P. C. File # LP-2003-07)*

6-4.2 Singlewide manufactured homes shall be restricted to Manufactured Home Communities. *(Approved by Lake Park Mayor/Council 1-6-04 – P. C. File # LP-2003-07)*

6-4.3 All new manufactured homes shall be installed as required by O.C.GA 8-2-160 and 8-2-164. For the purposes of administration of this section, installation shall mean the construction of a foundation system and the placement or erection of a manufactured home on the foundation system. This also includes, without limitation, supporting, blocking, leveling, securing or anchoring such home and connecting multiple or expandable sections of such home. Said installation shall be performed by a person who is able to obtain a license pursuant to the provisions of O.C.GA 8-2-164. *(Approved by Lake Park Mayor/Council 1-6-04 – P. C. File # LP-2003-07)*

6-4.4 Manufactured homes may only be used as a dwelling unit. *(Approved by Lake Park Mayor/Council 1-6-04 – P. C. File # LP-2003-07)*

6-4.5 A curtain wall, also known as skirting or underpinning, shall be constructed of masonry material a minimum of four (4) inches thick and shall be un-pierced, except for required minimum ventilation and access so that the area under the home is enclosed to the ground level. Said access shall remain closed when not being used for that purpose. *(Approved by Lake Park Mayor/Council 1-6-04 – P. C. File # LP-2003-07)*

6-4.6 After placement on the lot and before occupancy, all tongues, axles, transporting lights and other towing apparatus are to be removed from the site. *(Approved by Lake Park Mayor/Council 1-6-04 – P. C. File # LP-2003-07)*

6-4.7 Utility meters shall be mounted directly to the manufactured home, to a pedestal, or to a pole as required by the building and electrical codes as adopted by the City of Lake Park. *(Adopted by Lake Park Mayor/Council 4-6-04 – P. C. File # LP-2004-05)*

6-4.8 At all exterior doors there shall be a landing as required by the building codes as adopted by the City of Lake Park. Said landing shall be constructed in a manner as to be permanently affixed to the ground. *(Adopted by Lake Park Mayor/Council 4-6-04 – P. C. File # LP-2004-05)*

6-4.9 All new manufactured homes shall be situated on the lot so that the conventional front of the home faces the front yard as defined by this ordinance. *(Approved by Lake Park Mayor/Council 4-6-04 – P. C. File # LP-2004-05)*

6-4.10 All new manufactured homes must meet the minimum size requirements for the district in which they are to be located.

6-5 Home Occupation. A home occupation as defined by this ordinance shall be governed by the following requirements:

6-5.1 Home occupations shall be conducted entirely within the principal dwelling, unless the occupation requires off-site work, in which case only administrative functions may be conducted at the premises.

6-5.2 Only residents of the dwelling may be engaged in the home occupation.

6-5.3 The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling.

6-5.4 Except as otherwise stated by this Section, there shall be no exterior evidence of the home occupation, including but not limited to, outside storage of materials or equipment, nor shall such items be displayed in a manner to be viewed from the outside of the dwelling.

6-5.5 No internal or external alterations inconsistent with the residential use of the building shall be permitted.

6-5.6 No machinery or equipment causing noise, smoke, odor, vibration, electrical interference, or other objectionable condition may be used, nor may the occupation otherwise constitute a nuisance in the neighborhood.

6-5.7 Instruction in music and similar subjects shall be limited to two (2) students at a time.

6-5.8 No more than two (2) vehicles used in conjunction with the home occupation shall be allowed, provided that any vehicles of 7,500 pounds or greater gross vehicle weight capacity (gvwc) shall be parked in the rear yard.

6-5.9 Unless otherwise specified, there shall be no more than one (1) client or customer on the premises at any one time.

6-5.10 Signs for Home Occupations shall be limited to one (1), shall be mounted on the wall of the primary building and shall also follow the guidelines set forth in Section 5-1 of this ordinance. *(Approved by Lake Park Mayor/Council 3-9-04 – P. C. File # LP-2003-08)*

6-5.11 No variances shall be considered to the above criteria and any occupation that does not meet the above criteria shall be considered a Home Business, if it meets the Home Business restrictions.

6-6 Home Business. A home business as defined by this ordinance shall be allowed by Special Exception only, and be governed by the following restrictions:

6-6.1 Home businesses shall conform to the restrictions of the Home Occupation regulations Sections 6-5.3, 6-5.5, and 6-5.8 as it pertains to the property.

6-6.2 Accessory buildings used for home businesses shall be subject to all applicable accessory structure standards.

6-6.3 A sign for a Home Business shall be allowed as a matter of right provided that the sign is no more than two (2) square feet in size and is mounted to the wall of the primary building. Other types of signage may be allowed by Special Exception, which may be done in conjunction with the Home Business approval if included within the proposal. The total number of signs shall not equal more than one (1) per Home Business. No sign shall be approved that is larger than 2 square feet, except where located on an arterial street where a sign up to 12 square feet may be approved. No variances shall be considered to this subsection. *(Approved by Lake Park Mayor/Council 3-9-04 – P. C. File # LP-2003-08)*

SECTION 7

OFF-STREET PARKING AND SERVICE REQUIREMENTS

7-1 Scope of Provisions. Except as provided in this section, no application for a building permit shall be approved unless there is included with the plan for such building, improvements, or use, a plat plan showing the required space reserved for off-street parking and service purposes. Occupancy shall not be allowed unless the required off-street parking and service facilities have been provided in accordance with those shown on an approved plan.

7-2 Parking Spaces Shall Not Be Reduced. Off-street parking spaces shall not be reduced below the minimum required number for the use or facility to which they are assigned.

7-3 Drainage, Construction, and Maintenance. All off-street parking, loading, and service areas shall be drained so as to prevent damage to abutting properties and/or public streets and shall be constructed of asphalt, concrete or equivalent material which will assure a surface resistant to erosion. All such areas shall be at all times maintained at the expense of the owners thereof in a clean, orderly, and dust-free condition.

7-4 Separation from Walkways, Sidewalks, and Streets. All off-street parking, loading, and service areas shall be separated from walkways, sidewalks, and streets by curbing or other suitable protective device.

7-5 Parking Area Design. Parking stalls shall have a minimum width of 8½ feet and length of 20 feet. There shall be provided adequate interior driveways to connect each parking space with a public right-of-way. Interior driveways shall be at least 24 feet wide where used with 90 degree angle parking, at least 18 feet wide where used with 60 degree angle parking, at least 12 feet wide where used with 45 degree parking, and at least 12 feet wide for one-way traffic movement, and at least 24 feet wide for two-way traffic movement.

7-6 Zoning for Parking Facilities. Parking required for, or storage parking for a principal use must be located in the same zone required for the principal use, i.e., commercial vehicles or customers of a commercial use must park in a commercial district.

7-7 Number of Parking Spaces. In order to assure a proper and uniform development of public parking areas throughout the area of jurisdiction of this ordinance, to relieve traffic congestion on the streets, and to minimize any detrimental effects on adjacent properties, off-street parking space shall be provided and maintained as called for in the following schedule, the requirements shall be the same as for a similar use as mentioned herein. Parking requirements for additions to existing uses shall be based upon the new addition even if the existing use is deficient. Each off-street parking space shall be clearly marked, and directional arrows or signs shall be provided wherever necessary. Markers, directional arrows, and signs shall be properly maintained so as to ensure their maximum efficiency. There shall be adequate provision for handicap parking in accord with current regulations.

LAND USE	PARKING SPACES
Apartment and Multi-family Dwelling	Two (2) spaces for each dwelling unit.
Auditorium, Stadium, Assembly Hall, Gymnasium, Theater, Community Recreation Center, Church	(a) One (1) space per 4 fixed seats in largest assembly room , or (b) one (1) space for each 40 square feet of floor area available for the accommodation of movable seats in the largest assembly room or combination of fixed and movable seats, or (c) one (1) space per each 150 square feet of gross floor area; whichever is greatest.
Automobile Service Station	One (1) space (in addition to service area) for each pump and grease rack and one (1) space for each two (2) employees during period of greatest employment but not less than 4 spaces.
Automobile Sales and Repair, Service Stations and Auto Washerterias	Same as Section 7-7.3 above plus one (1) space for each 500 square feet of gross floor area of the shop or washerteria.
Bowling Alley	Four (4) spaces per alley plus requirements for any other use associated with the establishment such as a restaurant, etc.
Club or Lodge	One (1) space for each two (2) employees plus one (1) space for each 200 square feet of gross floor area within the main assembly area plus additional spaces for other uses permitted within the premises.
Combined Use	Parking spaces shall be the total of the spaces required for each separate use established by this schedule.
Dance School	One (1) space for each employee plus one (1) space per 150 square feet of gross floor area plus safe and convenient loading and unloading of students.
Fraternity or Sorority or College Dormitories	One (1) parking space for each two (2) residents and one (1) space for each two (2) employees.
Golf Course	Two (2) spaces for each hole and one (1) space for each two (2) employees plus requirements for any other use associated with the golf course.
High Schools, Trade Schools, Colleges and Universities	One (1) space for each two (2) teachers, employees, and administrative personnel plus safe and convenient loading of students plus 5 spaces for each classroom.
Hospital or Care Home	One (1) space for each 3 beds plus one (1) space for each two (2) employees (nurses, attendants, etc.) plus one (1) space for each staff or visiting doctor.
Hotel	One (1) space for each 3 guest rooms, suites, or units plus one (1) space for each two (2) employees.
Indoor and Outdoor Recreational Areas (Commercial), YMCA and Similar Uses	(a) One (1) space for each 150 square feet of gross floor, building, ground area, or combination devoted to such use; or (b) one (1) space per each 4 seats or facilities available for patron use; whichever is greatest.
Industrial or Manufacturing Establishment or Warehouse	One (1) space for each 300 square feet of the gross floor area, plus one (1) space for each two (2) employees.
Kindergarten and Nursery Schools	One (1) space for each 300 square feet of the gross floor area, plus one (1) space for each two (2) employees.

Motel	One (1) space for each unit plus one (1) space for each two (2) employees.
Office, Professional Building, or Similar Use	One (1) space for each 300 square feet of the gross floor area, plus one (1) space for each two (2) employees.
One-Two Family Dwelling	One (1) space per each unit (residential driveways will satisfy this need).
Personal Service Establishment	One (1) space for each 200 square feet of gross floor area, but not less than two (2) spaces for each employee.
Restaurant or Place Dispensing Food, Drink, or Refreshments	One (1) space for each two (2) seats plus one (1) space for each two (2) employees on shift of greatest employment.
Schools, Elementary	One (1) space for each teacher, one (1) space for each two (2) employees and administrative personnel, and one (1) space for each classroom, plus safe and convenient loading and unloading of students.
Swimming Pool to be Used by the Public	One (1) space for every 200 square feet of water surface area plus requirements for additional uses in association with the establishment such as a restaurant, etc.
Shopping Center	One (1) space for every 200 square feet gross floor area.
Travel Trailer or Mobile Home Park	One (1) space for each trailer stall plus one (1) space for each two (2) employees.
Retail Stores of All Types Not Mentioned Otherwise	One (1) space per 200 square feet of gross floor area.
Wholesale Establishment	One (1) space for each employee plus sufficient spaces to accommodate vehicles used in the conduct of the business.
Adult Entertainment Establishments	One (1) parking space per 100 square feet of gross building area or one (1) for each 3 customer seats, whichever is greater.

(Adopted by Lake Park Mayor/Council 11-11-03 – P. C. File # LP-2003-05)

7-8 Minimum Number of Loading Spaces Required. Industrial wholesale and retail operations shall provide loading spaces as follows:

7-8.1 Spaces Appropriate to Functions: Off-street loading spaces shall be provided as appropriate to the functions and scope of operation of individual or groups of buildings and uses.

7-8.2 Design of Loading Spaces: Off-street loading spaces shall be designed and constructed so that all maneuvering to park and unpark vehicles for loading and unloading can take place entirely within the property lines of the premises. Loading spaces shall be provided so as not to interfere with the free, normal movement of vehicles and pedestrians on public rights-of-way.

7-8.3 Ingress and Egress: Ingress and egress to off-street loading spaces shall conform to driveway entrance regulations of the City of Lake Park. (*Refer to Section 7-9*)

7-9 Curb Cut Requirements. Within any district where the lowering or cutting away of curbs or installation of ditch piping for purposes of ingress and egress is required, such curb cut shall be subject to the following provisions:

7-9.1 No more than two (2) combined entrances and exits shall be allowed any parcel of property, the frontage of which is less than 200 feet on any one street. Additional entrances or exits for parcels of property having a frontage in excess of 200 feet shall be permitted after showing of actual requirements of convenience and necessity. Where frontage is 60 feet or less, only one (1) combined entrance-exit shall be permitted.

7-9.2 At street intersections, no curb cut shall be located within 25 feet of the intersection of two (2) curb lines or such lines extended, or within 15 feet of the intersection of two (2) property lines or such lines extended, whichever is least restrictive.

7-9.3 The distance between any two curb cuts on the same side of the street shall be not less than 10 feet. Said distance shall be measured between the points of tangency of the curb return radii and the established curb line of the abutting street.

7-9.4 All driveways shall be constructed so as to be at least two (2) feet from any property lines.

7-9.5 The maximum width of any driveway shall not exceed 35 feet measured at the right-of-way line.

7-9.6 The maximum width of any curb cut including curb returns shall not exceed 50 feet except that a bona fide truck stop may exceed the maximum figure as determined by the office of the Zoning Administrator or designated official.

SECTION 8

NONCONFORMANCES

8-1 Nonconforming Lots. Any lot for which a plat or legal description has been recorded in the Office of Clerk of Superior Court of Lowndes County at the time of passage of this ordinance which fails to comply with the dimensional requirements for the district in which it is located may, if vacant, be used for any of the uses permitted within the district by this ordinance or, if occupied by a structure containing a conforming use, may have the structure improved, enlarged, or extended, provided that in either case:

- a. Minimum requirements of the District for front, side, and rear yard, height, and floor area shall be complied with.
- b. The lot may be used for duplexes or multi-family dwellings when allowed within the District only if the lot meets the minimum lot area requirements for those uses in the District.
- c. The requirements of Section 3-17 are met.

8-2 Nonconforming Open Uses of Land. Nonconforming uses consisting of lots used for storage yards, golf driving ranges, miniature golf and similar open uses where the only buildings on the lot are incidental and accessory to the open use of the lot and where such use of the land is not permitted to be established hereafter under this ordinance in the District in which it is located, shall be governed by the following restrictions in addition to the other requirements in this ordinance.

- a. When a nonconforming open use of land has been changed to a conforming use, it shall not thereafter be used for any nonconforming use.
- b. Nonconforming open uses of land shall not be changed to anything but conforming uses.
- c. A nonconforming open use of land shall not be enlarged to cover more land than was occupied by that use when it became nonconforming.

When any nonconforming open use of land is discontinued for a period in excess of 6 months, any future use of the land shall be limited to those uses permitted in that District under the provisions of this ordinance. Vacancy and/or non-use of the land, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

8-3 Nonconforming Use of Structures. Nonconforming use consists of structures used, at the time of passage of this ordinance, for purposes not permitted in the District in which they are located. They shall, in addition to the other requirements of this ordinance, be governed by the following restrictions:

- a. Any existing nonconforming use of a structure may be changed to another nonconforming use upon the finding by the Board of Appeals that the proposed nonconforming use is similar in its operation and effect on surrounding properties or may be changed to a conforming use.
- b. Any existing nonconforming use of structure shall not be changed to another nonconforming use that generates more automobile or truck traffic, creates more noise, vibration, smoke, dust or fumes, is a more intensive use of structures than the existing nonconforming use, and is in any way a greater nuisance to the adjoining properties than the existing nonconforming use.

c. A nonconforming use of a structure shall not be extended or enlarged in such a manner as to create an encroachment or extend an encroachment into the building setbacks that are required for the district in which the structure is located. In addition, no structural alterations shall be made in any structure occupied by a nonconforming use, which would in any way increase the floor space, area, or volume of space by more than 10 percent of the structure in existence at the adoption of this ordinance.

d. When any nonconforming use of a structure is discontinued for a continuous period in excess of one (1) year, any future use of the structure shall be limited to those uses permitted in that District under the provisions of this ordinance except as provided for in Section 11-6.4. Vacancy and/or non-use of the building, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

8-4 Nonconforming Signs. Nonconforming signs shall be allowed to continue except as provided in Sections 9-4 and 9-5 as follows:

a. A nonconforming sign shall not be replaced by another nonconforming sign except that the substitution or interchange of poster panels, painted boards, or demountable materials on nonconforming signs shall be permitted.

b. Minor repairs and maintenance of nonconforming signs such as repainting, electrical repairs, neon tubing repairs shall be permitted. However, no structural repairs or changes in the size or shape of a sign shall be permitted except to make the sign comply with the requirements of this ordinance.

c. New on premise signs related to legally established nonconforming uses may be erected provided they comply with the sign regulations applicable to the use in the most restrictive district in which the use is permitted.

8-5 Reconstruction of Nonconforming Structures. When a nonconforming structure or a structure containing a nonconforming use or nonconforming sign is razed or damaged by fire, flood, wind, or act of God, such structure or sign may be reconstructed as a nonconforming use only if the damage totals less than 50% of the value of the structure. Structures which do not conform to the yard requirements of this ordinance shall also be governed by this provision.

8-6 Changes in Zoning. Any nonconformances created by a change in District boundaries or ordinance regulations after the date of passage of this ordinance shall also be governed by the provisions of this Section.

SECTION 9

SIGN REGULATIONS

9-1 Signs Shall Meet Requirements of This Section. All signs shall be erected, constructed, or maintained in accordance with the provisions of this Section except within areas adjacent to any state-aid road which is also a part of the interstate and primary state system.

9-2 Definitions

a. Copy Area: The total square footage or area on which the message, display, figure, picture, drawing or other illustrated advertisement is displayed on a sign.

b. Flashing Signs: A sign, the illumination of which is not kept constant in intensity at all times when in use and which exhibits sudden or marked changes in lighting effects. Illuminated signs which indicate the time, temperature or date shall not be considered flashing signs.

c. Free-standing Signs: A permanently affixed sign which is wholly independent of any building or other structure, affixed to a substantial support structure permanently attached to the ground.

d. Identification Signs: A sign indicating the name and/or number of the owner and/or premise, or identifying multi-family units.

e. Illuminated or Lighted Signs: A sign designed to give forth artificial light directly or through transparent or translucent material from a source of light within the sign, including, but not limited to, neon and exposed lamp signs, or a sign illuminated by an external light directed primarily toward the sign and so shielded that no direct rays from the light are visible elsewhere than on the lot where the illumination occurs.

f. Instructional Signs: A sign exclusive of any commercial message that conveys directions in traffic circulation or necessary specific information to the public.

g. Nonconforming Signs: A lawfully erected sign which on the effective date of this ordinance fails to comply with the requirements of this ordinance.

h. Off-premise Signs: A sign, other than a special sign or temporary sign which identifies, advertises, or promotes a product, service, person, place, activity, event, idea, or any other thing located or obtainable elsewhere other than on the lot where this sign is located.

i. Official Signs: Any sign, symbol or device erected and maintained by a government or governmental agency for the purpose of informing or guiding the public.

j. On-premise Sign: A sign, other than a special sign or temporary sign, which identifies, advertises, or promotes a product, service, person, place, activity, event, idea, or any other thing located or obtainable on or at the lot where this sign is located.

k. Permanent Sign: Any sign attached securely to building, roof, wall, or a canopy or ground by means of concrete, bolts, metal braces, or treated wood, or wood, and continuing in the same state or without essential change to the sign structure.

l. Political Sign: Any sign used to identify and urge voters' support for a particular election issue, political party, or candidate for public office or civic non-commercial health, safety and welfare campaign.

m. Portable Display Sign: Any sign not permanently affixed to the ground or which is mounted or designed to be mounted on a trailer-type frame of portable wood or metal frame or any other sign intended by either the sign owner or property owner to be a temporary sign.

n. Private Residence: A house or dwelling wherein not less than one nor more than two families customarily reside and shall not include an apartment house having facilities for housing more than two families, a boarding or rooming house where there are 5 or more boarders or roomers, any residence which has been unoccupied for a period of 6 consecutive months immediately prior to the filing of an application for permit, or any residence that shall be a nonconforming use in a commercial zone.

o. Prohibited Sign: Any sign, other than a nonconforming sign, not conforming to this section.

p. Real Estate Sign: A sign not intended to be permanent advertising the sale, rent or lease of property on which it is located.

q. Sign: Sign means any outdoor sign, light, display, device, figure painting, drawing, message, plaque card, poster, billboard or other thing which is designed, intended or used to advertise or inform, any part of the advertising information content of which are visible from any place on a public road.

9-3 Scope. This ordinance shall not relate to the copy or message on signs; signs not intended to be viewed from a public right-of-way; window displays; score boards and athletic fields; flags or official signs of any nation or government; grave stones; commemorative plaques or display of construction not defined herein as a sign. The primary intent shall be to regulate signs intended to be viewed from any public right-of-way.

9-4 General Regulations.

a. This ordinance is intended to govern any sign erected, maintained or located in the City of Lake Park, Georgia, intended to be viewed from any public right-of-way, unless otherwise specifically excluded herein. Any signs erected, replaced, reconstructed, expanded, or relocated must secure a permit and comply with this ordinance.

b. All signs shall be located on private property.

c. No sign shall be located or maintained on any public road or right-of-way or easement.

d. No sign at its nearest point shall be located closer than 8 feet from the edge of the pavement or edge of the curb of any public road. Under no circumstances shall any sign be located on the public right-of-way. No on-premise sign shall be less than 8 feet from any other private property line. No off-premise sign shall be closer than 100 feet from the property line of a private residence, church, school, park, cemetery or premises used for governmental purposes, as measured along the same street to which the sign is oriented.

e. Height Regulations: No off-premise sign shall exceed 35 feet in height, measured from the roadway, except that signs located on property adjacent to or within 500 feet of a federal interstate highway may be a maximum of 45 feet in height measured from the roadway. On all off-premise signs there shall be a minimum height of 10 feet as measured from the roadway before beginning of display or copy area of the sign.

f. Number: In commercial and industrial zoned districts (C-C and C-H), there shall be no more than one permanent, free-standing on-premise sign for each business establishment facing one roadway. If a business establishment faces more than one roadway, it shall be allowed one permanent, freestanding, on-premise sign for each roadway. In multi-family zoned districts, one sign for each entrance to a development shall be allowed. No off-premise sign shall be located closer than 750 feet from any other off-premise sign on the same side of the roadway.

g. Copy Area: Unless otherwise provided herein, on-premise signs shall not exceed 125 square feet of copy area per sign face per side. Off-premise signs shall not exceed 400 square feet of total copy area per side. Within 500 feet of an interstate highway, the copy area of off-premise signs shall not exceed 750 square feet for a single face sign and 1,500 square feet for a multi-face sign; however, no more than 750 square feet of copy area shall be visible from any one direction. On-premise signs within 2,500 feet of an interstate highway shall have no size or height restrictions whatsoever. Provided further that the total copy area of any portable sign or portable display sign shall not exceed 75 square feet per side.

h. Zoning Classifications: Off-premise signs shall be allowed only in C-C and C-H zoning classifications. No sign shall be allowed upon any lot or parcel of land unless the square footage in the lot or parcel of land meets the minimum square footage required in this zoning ordinance for its zoning classification; except a legal nonconforming lot of record at the effective date of this ordinance.

i. Building Permit: A building permit is required for all signs, the method of construction of which is covered by the Southern Standard Code and the Building Code of the City of Lake Park. All signs shall conform to the building code and any other code of the City of Lake Park, including any sign utilizing or requiring electrical energy must obtain an electrical permit from the City of Lake Park and comply with all applicable electrical codes in effect in the City of Lake Park.

j. Portable Signs or Portable Display Signs: Portable signs shall be located no closer than eight feet from the edge of a pavement or curb on any public road and shall not, under any circumstances, be located on the public right-of-way. There shall be no more than one portable sign for each business establishment and all portable signs are subject to the 750-foot restrictions for off-premise signs as contained in Subsection f hereof. Portable signs shall not be allowed in residential zoning districts as a part of home occupation.

9-5 Prohibited Signs. The following signs are and shall be prohibited:

a. No animated, serial, lines or electric, or other flashing blinking, or other fluctuated lighted signs shall be permitted.

b. No sign shall be attached to a tree or utility pole or be painted on or otherwise attached to a natural object.

c. No sign shall be erected or maintained within any public road right-of-way, and no part of any sign shall infringe upon the public road right-of-way.

d. No sign shall be allowed which emits or utilizes in any manner any sound capable of being detected on a public road by a person of normal hearing.

e. Abandoned signs, being signs that advertise an activity, business, product or service no longer conducted or available on the premises on which the sign is located are prohibited.

f. No sign on a vehicle or trailer which is parked on a public right-of-way or public property or on private property so as to be visible from a public right-of-way which has attached thereto or located thereon any sign or advertising device for the primary purpose of providing advertisement of products, services, or events, or directing people to a business or activity located on the same or nearby property or any other premises shall be allowed.

g. Any signs, except real estate signs, construction and political signs, and signs associated with a home occupation or home business, shall be prohibited from any parcel of land zoned for any single family residential zoning classification. (*Approved by Lake Park Mayor/Council 3-9-04 – P. C. File # LP-2003-08*)

h. Any sign which is rotten, dilapidated or in such condition as to create a hazard, nuisance or to be unsafe or fail to comply with any provision of the building code of the City of Lake Park, shall be prohibited and upon proper condemnation proceedings shall be removed.

9-6 Permit, Application.

a. Except as otherwise provided herein, it shall be unlawful for any person to erect, construct, enlarge, move, or convert any sign in the city or cause the same to be done without first obtaining a sign permit from the City Clerk or designated representative. These directives shall not be construed to require any permit for change of copy on any sign, nor for the repainting, cleaning, or other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign or sign structure is not modified or enlarged in any way.

b. Applications for permits shall be upon forms provided by the City and shall contain such information as may be reasonably required by the city to assure compliance with all appropriate laws and regulations of the City, including, but not limited to the following:

- 1) Name, address, telephone number of applicant, sign erector, sign owner and property owner.
- 2) Site plans showing location of structures upon the property on which the sign is to be located and location of the sign in relation to such structures, property lines, and road right-of-way, the zoning of the property.
- 3) Plans, specifications and structural details showing the type and manner of construction, attachment to buildings or in-ground erection. A single submission may be made for standardized signs.

c. Permit fees and application forms and all supporting documentation shall be filed with the City and Building Inspector at least 16 normal working hours before any permit can be issued.

d. No application for a permit shall be processed and no permit shall be issued until the permit fees herein established are paid. Permit fees shall be established and approved from time to time by the governing authority of the City, by ordinance and a schedule shall be maintained and open for public inspection in the office of the Zoning Administrator or designated official.

e. Permit Fee: The following fees shall be payable prior to the issuance of a permit based upon the square footage of total copy size of each permanent sign as follows:

- 1) 0 - 40 square feet \$10.00
- 2) 41 - 80 square feet 25.00
- 3) 81 - 120 square feet 50.00
- 4) Over 120 square feet .50 per square foot

f. Portable Signs: The owner of any portable sign which is to be displayed at any business establishment or lot shall obtain a permit for each portable sign. The permit shall be (\$5.00) per year.

9-7 No Permit Required. No permit shall be required for the following signs, but the signs shall otherwise comply with this ordinance or they shall be prohibited signs:

a. Real Estate, For Sale, Lease, Instructional:

1) For Sale, Lease: If they advertise developed residential properties, they shall not exceed 16 square feet of copy area. If they advertise undeveloped residential properties they shall not exceed 32 square feet of copy area. If they advertise undeveloped or developed commercial properties they shall not exceed 32 square feet of copy area.

2) Instructional: This sign shall not exceed 12 square feet of copy area and may not exceed 10 feet in height.

3) Time Limitation: All such real estate signs shall be removed within 15 days of the sale or lease of the last property advertised. Two signs per property frontage shall be allowed.

4) Entrance, Exit, Instructional:

a. Such signs shall not exceed 4 square feet for each sign. Signs may be located one foot inside the right-of-way of a public street and contain no advertising thereon.

b. Such signs shall direct traffic into and from and shall not exceed 36 inches in height above the pavement/ground.

b. Official Flags, Emblems, Public Notice, Regulatory, Traffic Signs, and Similar Devices of Federal, State, and Local Government.

c. Identification Signs Indicating Name and Street Number of Owner or Occupant

1) Such signs shall not exceed two square feet of copy area and not exceed 24 inches in height from the pavement/ground.

2) Such signs are not allowed in areas where otherwise prohibited by the City of Lake Park Zoning Ordinance.

d. Signs Denoting the Name of the Project Under Construction, the Architect, Engineer or Contractor When Placed Upon Work Under Construction, Alteration, or Removal

1) Such signs shall not exceed 15 square feet in copy area in residential districts and 100 square feet in other zoning classifications.

2) Such signs shall not exceed 10 feet in height.

3) All such signs shall be removed from the site within 7 days after final completion of the project.

e. Political Signs

f. Civic Event Signs

SECTION 10**ADMINISTRATION, ENFORCEMENT, AND PENALTIES**

10-1 An administrative official designated as the Zoning Administrator by the Mayor, City of Lake Park, Georgia, shall administer and enforce the provisions of this ordinance.

10-2 Building Permit Required. A building permit, or a sign permit in case of a sign, issued by the Zoning Administrator or designated official is required in advance of the initiation of construction, erection, moving or alteration of any building or structure or sign except for farm accessory buildings which are exempted by this ordinance. No building or sign permit shall be issued except in conformity with the provisions of this ordinance; however, a building permit issued before the adoption of this ordinance shall remain valid with the same qualifications as issued under this ordinance.

10-3 Application for Building Permit. All applications for building permits shall be accompanied by a plat or plan in duplicate, drawn to scale showing the actual dimensions of the lot to be built upon; the size of the building to be erected; the location of the building on the lot, the size and location of the lot; the number of dwelling units the building is designed to accommodate; the setback lines of buildings on adjoining lots and such other information as may be essential for determining whether the provisions of this ordinance are being observed. Any building permit shall become void if the work involved has not begun within 6 months after the date of issuance of the permit, or if the work or development authorized by such permit is suspended or abandoned for a period of 6 months after the work or development is commenced; provided that extensions of time for periods not exceeding 6 months each may be allowed in writing by the Zoning Administrator or designated official. The applicant for a building permit shall submit a certificate with his/her application which certifies that the lot which he proposes to develop is a lot of record. When the lot in question does not meet the lot width and lot area requirements of this ordinance, then the applicant shall certify that such lot was a lot of record prior to the adoption of this ordinance or is a lot which has been created through governmental taking of property.

10-3A Certificate of Occupancy. A Certificate of Occupancy shall only be issued by the Zoning Administrator or designated official when a building has been completed, authorized by the building inspector, provided that building, and all zoning regulations have been satisfied.

10-4 Sign Permits. The Zoning Administrator or designated official shall receive applications for the construction of signs, as required by this ordinance. Such applications shall follow the same forms as required for building permits, and shall contain information required by this ordinance in Section 9. The Zoning Administrator or designated official shall process such sign applications and shall issue sign permits and sign permit numbers for proposed signs which comply with the requirements of this ordinance.

10-5 Violation and Penalty. Any person who violates any provision of this ordinance shall, upon conviction in Municipal Court, be penalized by the imposition of a fine not exceeding (\$500.00) and/or imprisonment in the county jail for a period not greater than 60 days.

10-6 Remedies. In case any building or structure, including signs, is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this ordinance, the Zoning Administrator or designated official or any other appropriate authority or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or procedures to prevent the violation in the case of such buildings, structure, or land.

10-7 Commissioners of Health.

10-7.1 Health Department Approval of Water and Sewer Facilities: No building permit shall be issued by the Zoning Administrator or designated official until the Lowndes County Health Department shall have approved the proposed water supply and sewage disposal facilities required in connection with the proposed building; provided that in an area served by a public utility for water or for sewage disposal, or both, the health department may elect to waive the requirement for approval. The Lowndes County Health Department shall either approve or disapprove plans for said water and sewer facilities within 30 days after receipt thereof.

10-7.2 Additional Requirements for Reasons of Health: Nothing contained in these regulations shall be deemed to prevent the Commissioner of Health, after study of the site of a proposed use, from requiring for reason of health that all or any portion of such site not be used for the intended purpose or that the minimum lot sizes set forth for the zoning district in which the use will be located be increased with regard to the proposed use; provided that the Commissioner of Health shall define his/her decision in writing, with reasons therefore, within 30 days upon being so requested by the applicant for the building permit.

10-8 Reason for Denial of Permit. When a permit is denied, the Zoning Administrator or designated official shall provide in writing, upon request of the applicant for a permit, his/her reasons for denying the permit within 10 days after said request.

10-9 Permits and Licenses Void When Issued in Conflict. Any permit or license issued in conflict with the provisions of this resolution shall be null and void.

10-10 Appeals. Appeals from the decisions of the Zoning Administrator or designated official with regard to interpretation, administration, and enforcement shall be made to the Board of Zoning Appeals in accordance with the provisions of Section 11.

10-11 Coordination with Development of Regional Impact Requirements. The Georgia Department of Community Affairs, pursuant to the Georgia Planning Act, has established criteria for the identification of certain large-scale developments, which have the potential to cause land use impacts beyond the boundaries of the respective local government where a project might be proposed. These developments, known as Developments of Regional Impact (DRIs), shall be submitted, based on established DCA standards, procedures, and format, to the South Georgia Regional Development Center (SGRDC) for review and recommendation prior to issuance of any local building or development permit, utility tap, or rezoning, whichever occurs first. As such, these requirements establish an official delay in the local permitting and/or review process to allow for compliance with these requirements. *(Adopted by Lake Park Mayor/Council 11-11-03 – P. C. File # LP-2003-04)*

SECTION 11

BOARD OF APPEALS

11-1 Membership.

11-1.1 A Board of Zoning Appeals is hereby created. It shall consist of 5 members, all residents of the City of Lake Park. The members shall be appointed by the City Council. None of the members shall hold any public office or position except that one member may also be a member of the Planning Commission.

11-1.2 Term of Office: The term of office for each member of the Board shall be for 4 years. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. If one appointee be from the Planning Commission and he ceases to be a member of said Planning Commission during the term of his/her appointment to the Board, his/her membership on the Board shall terminate and the governing authority which appointed him may name a member of said Planning Commission to fill the unexpired term of its original appointee.

11-1.3 Compensation: The Board members shall receive no compensation for their service except that they shall be reimbursed for out-of-pocket expenditures made in connection with their duties.

11-2 Rules and Procedures. The Board shall elect one of its members as Chairman, who shall serve for one (1) year or until he/she is re-elected or his/her successor is elected. The Board of Appeals shall appoint a secretary who may be an officer of the City or of the Planning Commission. The Board shall have authority to adopt rules of procedure. Meetings of the Board shall be held at the call of the Chairman and at such other times as said Board may determine; the Chairman, or in his/her absence the acting Chairman, may administer oaths and compel the attendance of witnesses by subpoena. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of Zoning Administrator or designated official and shall be a public record. The decisions of the Board shall be by resolution, which resolution shall contain a statement of the grounds of its decision or action. No appeal requesting the same relief in regard to the same property shall be received or heard by the Board for a period of 12 months following the date of said resolution, except that this limitation shall not affect the right of said Board to grant a rehearing as provided in the rules or procedure adopted by said Board.

11-3 Administrative Assistance. The Zoning Administrator or designated official shall provide such technical, administrative, and clerical assistance and office space as is required by the Board to carry out its function under the provisions of these regulations.

11-4 Appeals.

11-4.1 Who May Appeal: Appeals to the Board may be taken by any person aggrieved or by any officer, department, board, or bureau of the governing authority affected by any decision of the Zoning Administrator or designated official. Such appeals shall be filed no later than 30 days after the date of notification of the decision appealed from, by filing with the Zoning Administrator or designated official, and with the Board a notice of appeal specifying the grounds thereof. The Zoning Administrator or designated official shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

11-4.2 Legal Proceedings Stayed: An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator or designated official certifies to the Board after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the

Board or by a court of record on application, on notice to the Zoning Administrator or designated official, and on due cause shown.

11-4.3 Presentation Of Evidence: The appellant, and any public agency or private individual shall be entitled to present evidence on matters before the Board, and said Board may request technical service, advice, data or Z ONING ORDINANCE --- City of Lake Park, Georgia Page 40 factual evidence from the Planning Commission and the governing authority for assistance in reaching decisions.

11-4.4 Extent of Board of Appeals' Power: The Board may, in conformity with the provisions of these regulations, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the Zoning Administrator or designated official, and to that end shall have all the powers of the Zoning Administrator or designated official. The Board may direct the issuance of a permit. It shall be the duty of the Zoning Administrator or designated official to carry out the decisions of the Board.

11-5 Public Hearing.

11-5.1 Notice of Hearing Shall be Given: Before making its decision on any appeal, request for a variance, or any other matter within the Board's purview, said Board shall hold a public hearing thereon. At least 15 days notice of the time and place of such hearing shall be published for (2) consecutive issues of official legal organ of Lowndes County and notice of such meeting shall be sent by Zoning Administrator or designated official to the Planning Commission, and to the owners of all properties either adjoining or directly across the public right-of-way to the property effected. Said list of property owners to be supplied by applicant and attached to application.

11-5.2 Public Notice in Newspaper: The Board shall give public notice of the hearing in newspaper published and circulated in Lowndes County by advertisement published for two (2) consecutive issues at least 15 days prior to the date of the public hearing.

11-5.3 Who May Appear: Any party may appear at the public hearing in person or by agent or by attorney.

11-5.4 Time Limit on Board's Decision: The Board shall reach a decision following a public hearing within 30 days.

11-6 Powers and Duties.

11-6.1 Appeals from Actions of the Zoning Administrator: The Board shall hear and decide upon appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator or designated official in the enforcement of these regulations.

11-6.2 Request for a Variance: The Board may authorize upon appeal in specific cases such variance from the terms of these regulations as will not be contrary to the public interest owing to special conditions, a literal enforcement of provisions of these regulations will, in an individual case, result in unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done; provided, however, that a variance shall not be granted for a use of land or building or structure that is prohibited by this resolution in the district in question. Variance may be granted upon finding by the Board that certain of the following exist:

- a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography; and
- b) the application of these regulations to this particular piece of property would create an unnecessary hardship; and

- c) such conditions are peculiar to the particular piece of property involved; and
- d) relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations. In exercising the above powers, the Board shall not consider any nonconforming use of neighboring lands, structures or buildings in the same district and no permitted use of lands, structures, or buildings in other districts as grounds for the issuance of a variance.

11-6.3 Request for Extension of Nonconforming Residential Uses: The Board may authorize upon appeal in specific cases an extension or replacement of an existing nonconforming residential use which the Board is specifically authorized to pass on under the terms of this ordinance. Said extension may be granted in an individual case upon finding by the Board that:

- a) The use is a nonconforming use as defined in these regulations; and
- b) the use is in full compliance with all requirements of these regulations applicable to nonconforming uses; and
- c) the extension of said use will not further injure a permitted use on adjacent property in the same district.
- d) This section is specifically designed to allow for the replacement of homeowner occupied residential units in areas no longer zoned for residential uses. As such, this provision is not subject to the limits of Section 8-5.

11-6.4 Continuance of Nonconforming Use: The Board of Appeals may allow a nonconforming use to be reestablished after discontinuance for 12 consecutive months where it is deemed by the Board of Appeals that:

- a) the design, construction, and character of the building is not suitable for uses permitted in a district in which nonconforming use is situated, and
- b) undue hardships to the property owner would result in not allowing the building to be reopened for a nonconforming use, and
- c) adjacent property would not be unduly damaged by such use of the building, and
- d) the use is to be identical to the prior nonconforming use of the building.

11-7 Forms. Appeals shall be made on forms provided by the Zoning Administrator or designated official and all information required on said forms shall be provided by the appellant. Forms shall be filed with the Board through the Zoning Administrator or designated official. No form(s) shall be accepted by the Board unless it contains all pertinent information.

SECTION 12

AMENDMENT

12-1 General Conditions. These regulations, including the zoning map, may be amended by the City Council on their own motion, on petition or on recommendation of the Planning Commission, but no amendment shall become effective unless it shall have been proposed by or shall first have been submitted to the Planning Commission for review and recommendation. Before enacting an amendment to these regulations, the governing authority shall give public notice and hold a public hearing thereon as set forth in this section.

12-2 Application for Amendment.

12-2.1 General - Application for amendment of these regulations may be in the form of proposals for amendment of the text of these regulations or proposals for amendment of the zoning map. Applications for amendment shall be on forms provided by the Zoning Administrator or designated official and shall include a fee, set by the City Council, payable to the City, to defray expenses. A pre-application meeting shall be held with development review staff prior to submittal of the application and this must be scheduled at least 4 working days in advance. Applications shall be submitted by the 25th day of each month, as an established submittal deadline, in order for the application to be reviewed by the Planning Commission the following month, and advertised and then considered at a public hearing during a subsequent month. Only complete applications will be accepted by the established submittal deadline. No application for a zoning change affecting the same parcel of property or part thereof shall be accepted by the Zoning Administrator or designated official until the expiration of at least one year immediately following the defeat of the rezoning request by the Lake Park City Council.

12-2.2 Signature of Applicant Required: All applications shall be signed by the applicant, and shall state his/her name and address.

12-2.3 Application for Text Amendment: In the case of a text amendment, the application shall set forth the new text to be added and the existing text to be deleted.

12-2.4 Application for Map Amendment: An application for a map amendment shall include but not be limited to the following information:

- a. A legal survey plat of the lot in question, with the following data listed:
 1. Scale of drawing should be 1" = 100' or other more appropriate scale.
 2. Include a location map on drawing showing landmarks.
 3. Indicate present zoning of all contiguous property.
 4. All utility and other easements.
 5. Depict base flood lines or note that property is not within a flood zone.
 6. Include north arrow and graphic scale.
 7. The distance to the nearest fire hydrant (where applicable).

8. The location and size of existing water and sewer facilities.

 9. Existing and proposed zoning.
- b. A conceptual site plan with the following information:
 1. All existing and proposed site improvements, including all buildings with usages, roadways with names, and all other site improvements relative to the development, whether required or not.
 2. Name of the applicant.
 3. The date of the drawing and revision dates as applicable.
 4. Existing and proposed natural features, including streams and other water resources.
 5. Any additional information as necessary to allow an understanding of the proposed use and development of the property.
 - c. A legal description by metes and bounds of the area proposed for rezoning.
 - d. The community or area in which is located the land proposed to be reclassified and the street number, if any, or if none, the location with respect to the nearby public roads in common use;
 - e. The name and address of the owners of the land;
 - f. The area of the land proposed to be reclassified stated in square feet if less than one (1) acre, and in acres if one (1) acre or more;
 - g. The application number, date of application, and action taken on all prior applications filed for the reclassification of the whole or part of the land proposed to be reclassified.
 - h. A list of all current owners of record for properties located immediately adjacent to or directly across a public street or railroad right-of-way from the subject property. This shall include the current names, mailing addresses, and tax Map-Parcel numbers as reflected on the current tax roll of Lowndes County.
 - i. Letter of intent which states the nature of the request and the reasons thereof.
 - j. Letter of authorization if the applicant is not the current owner or is one of multiple owners. This shall be notarized and signed by the owner(s) authorizing the applicant to submit and be responsible for the application.
(Adopted by Lake Park Mayor/Council 11-11-03 – P. C. File # LP-2003-04)

12-2.5 Referral to Planning Commission: By the 4th working day of each month, the Zoning Administrator or designated official shall submit a copy of the completed rezoning application and accompanying materials to the Planning Commission staff, and other applicable local staff members, for review and recommendation. The Planning Commission staff shall then coordinate the review among applicable staff, and prepare a cumulative report and recommendation to the Planning Commission members. The Planning Commission shall review each application request for consistency with the adopted local Comprehensive Plan, and shall issue a finding which states the request to be either "consistent" or "inconsistent" with

said Comprehensive Plan. The finding shall then be transmitted as part of a recommendation to the City Council for either approval or denial.

12-2.6 a) Posting of Property: Not less than 15 days prior to the date set for the public hearing on any application for a map amendment, and pursuant to Chapter 66 OCGA, the Zoning Administrator or designated official shall erect at least one notification sign on the land proposed to be reclassified. Such sign(s) shall be erected by the Zoning Administrator or designated official within 10 feet of whatever boundary line of such land that abuts the street of the advertised address. If no public road abuts thereon, then such sign shall be erected along the nearest opened public right-of-way. Signs shall be erected to face in such a manner as may be most readily seen by the public. In the case of two intersecting street frontages (corner lot), a single sign may be placed at or near the corner of the intersection at the Zoning Administrator's discretion. In the case of two or more non-intersecting street frontages, a notification sign shall be placed along each non-intersecting street frontage. Each sign shall show the application file number, the present zoning classification, the proposed zoning classification, the scheduled date, time and place of public hearing, and the telephone number to call for further information. If the land sought to be reclassified lies within more than one (1) block as shown on a plat recorded in the land records of the County, then a sign shall be erected on the land in each such block.

b) Notification of Adjacent Property Owners. In the case of a map amendment, the Zoning Administrator shall prepare a "notice of public hearing" letter and send a copy by certified mail to each adjacent property owner as described above. The notice shall include the application file number, a map depicting the location of the subject property, the present zoning classification, the proposed zoning classification, the scheduled date, time, and place of public hearing, and the telephone number to call for more information. These notices shall be postmarked not less than 15 days prior to the scheduled date of public hearing. The application shall include an additional fee to defray the expense of preparing and mailing these notices. The accuracy and completeness of the list of property owners shall be the responsibility of the applicant.

c) Newspaper Advertisement. Not less than 15 days prior to the scheduled date of public hearing, and pursuant to Chapter 66 OCGA, a notice of public hearing shall be published for at least two consecutive issues in a newspaper of general circulation within the City of Lake Park. Such notice shall state the application file number, and shall contain a summary of the proposed amendment in the case of a text amendment, and the location of the property, its area, owner, the current zoning classification, and the proposed classification in the case of a map amendment.

12-2.7 Public Hearing Process

a) Notice to Interested Parties: A notice shall be given to the applicant and the Planning Commission of the date, time, and place of the public hearing. All application files shall be placed in the custody of the Zoning Administrator or designated official and be open to public inspection during regular office hours.

b) Public Hearing Procedure: All public hearings on zoning matters shall be placed on the City Council agenda under a section entitled "Public Hearings". After an initial presentation of a specific zoning and/or annexation/zoning request by the City Council or their designated staff, citizens comments will be heard in an orderly fashion. The City Council Chairman or Mayor will ask for those citizens speaking in favor of the request first, followed by those opposed to the issue. All speakers will be asked to provide his or her name and address for the public record. Citizens are requested to keep their comments as brief as possible so that all who wish to be heard will have adequate time. When there are a large number of citizens wishing to testify at a given hearing, the presiding officer may invoke time limitations on speakers. In such cases, these time limits shall apply to both sides of the issue equally, and shall be a minimum of 10 minutes per side. Citizens may address their comments to the City Council as a whole. Individual attacks or cross examination of Council Members, city employees, or other citizens will be ruled out of order. After all citizen comments have been received, all further discussion of the specific

application is reserved for the City Council. The Council retains the privilege to ask any questions of staff or any citizen present for clarification. The City Council will then vote on the application.

When, in the opinion of the City Council, the official public hearing has brought forth substantial new evidence not available to the Planning Commission at the time of their hearing, or should the City Council desire to request further study by the Planning Commission of a particular aspect of an application request, it is the policy of the City Council to table the matter and request the Planning Commission to restudy the request and affirm or amend its recommendation, which action shall be reported to the City Council prior to making a final decision.

c) Standards for Exercise of Zoning Powers: In order to promote the public health, safety, morality and general welfare of the City of Lake Park against the unrestricted use of property, the recommendation of the Planning Commission, the following standards, and any other factors relevant to balancing the above stated public interest, will be considered by the City Council in making any zoning decisions:

1. The existing land use pattern;
2. the possible creation of an isolated district unrelated to adjacent and nearby districts;
3. the existing population density pattern and the possible increase or overtaxing of the load on public facilities;
4. whether changed or changing conditions make the passage of the proposed amendment reasonable;
5. whether the proposed change will adversely influence existing conditions in the neighborhood or the community at large;
6. potential impact(s) on the environment, including but not limited to drainage, wetlands, groundwater recharge areas, endangered wildlife habitats, soil erosion and sedimentation, floodplains, air quality, and water quality and quantity;
7. the reasonableness of the costs required of the public in providing, improving, increasing or maintaining public utilities, schools, streets and public safety necessities when considering the proposed change;
8. whether the proposed change will be detrimental to the value, improvement or development of adjacent or nearby property in accordance with existing regulations;
9. whether the proposed change is out of scale with the needs of the neighborhood or the City of Lake Park;
10. whether the proposed change will constitute a grant of special privilege to the individual owner as contrasted with the adjacent or nearby neighborhood or with the general public; and
11. the extent to which the zoning decision is consistent with the adopted local Comprehensive Plan as determined by the Planning Commission.

d) Public Hearings Records Standards: If requested by any party, verbatim transcripts of a zoning public hearing can be prepared, but only if requested and purchased by the requesting party, who must arrange at his/her expense for a certified court reporter to re-record and transcribe the hearing. The applicant must then furnish the original of the transcript to the

City Council for its records. All evidence (e.g. maps, drawings, traffic studies, etc.) submitted at a zoning public hearing shall be noted as such and shall become a permanent part of a particular zoning amendment's file.

12-3 Conditional Zoning. In certain cases where it is deemed that a proposed use is compatible with the surrounding neighborhood but the required zoning would allow uses that are too intensive to mix compatibly with the surrounding area, the Mayor and Council of the City of Lake Park may, upon recommendation by the Planning Staff and/or the Planning Commission, or on its own initiative, apply certain conditions to a rezoning request in order to allow the proposed use while preserving the purpose and intent of this ordinance. In such cases where conditional zoning is approved, the approval shall be noted as follows: R-15(c), C-H(c), etc. Any uses would be subject to the conditions applied to the rezoning. (Adopted by Lake Park Mayor/ Council 3-4-03 - P.C. File # LP-2003-01.)

12-4 Administrative Map Corrections. In the event that an error is discovered with the Official Zoning Map, the Director, the Zoning Administrator, or their representative, may correct the error administratively, provided that the error can be proven and documented. A file must be created including all evidence and documentation as well as a map depicting the zoning prior to and after the correction. Such error correction shall not be considered an amendment. The Chairman of the Greater Lowndes Planning Commission shall be notified of such corrections when they occur. (Adopted by Lake Park Mayor/Council 4-6-04 – P. C. File # LP-2004-03)

SECTION 13

SCHEDULE OF FEES

13-1 Fees. The following fees, payable to the City of Lake Park to defray administrative expenses, apply.

13-1.1 Amendments to the Zoning Ordinance: There shall be a fee established by the City Council for each application for a text or map amendment in an amount adequate to defray all costs involved.

13-1.2 Special Exceptions: There shall be a fee established by the City Council for each Special Exception request in an amount adequate to defray a all costs involved.

13-1.3 Appeals and Variances: There shall be a fee established by the City Council for each appeal to the Board of Appeals for variance, or administrative decision of the Zoning Administrator or designated official in an amount adequate to defray all costs involved.

13-1.4 Building Permits and Sign Permits: Building permit and sign permit fees will be in accordance with current and duly adopted city ordinances.

SECTION 14

CONFLICT WITH OTHER LAWS

All previous zoning ordinances of the City of Lake Park, Georgia, are hereby repealed. All ordinances or parts of ordinances not specifically in conflict herewith are hereby continued in force and effect, but all such ordinances or parts of ordinances in conflict herewith are hereby repealed. Whenever other ordinances or parts of ordinances require greater restrictions than those required by this ordinance, such ordinances or parts of ordinances shall govern. Whenever other ordinances or parts of ordinances require lesser restrictions, the requirements herein shall govern.

SECTION 15

SEPARABILITY

If any section, clause, provision, or portion of these regulations shall be held to be invalid or unconstitutional by any court of competent jurisdiction, said holding shall not affect any other portion of this act.

SECTION 16

EFFECTIVE DATE

This ordinance shall take effect and be enforced from and after the date of its adoption.