

## ARTICLE VII

### Lakeshore Residential District (R-3)

Article 7: Lakeshore Residential District

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**Section 7.1 INTENT.**

The Lakeshore Residential District consists of property for residential use having lake frontage or adjacent thereto. Because of the uniqueness of this water-abutting district, in any instance in which any regulation of the R-3 district conflicts with other provisions of this ordinance, the R-3 district regulations shall prevail. In all cases, all setbacks should take into consideration a low impact development plan for storm water management in order to mitigate imperviousness. Low impact development practices shall be constructed to cool, treat and filter the first 1.25 inches of rainfall from all impervious surfaces.

**Section 7.2. PRINCIPAL PERMITTED USES.**

Within the (R-3) Lakeshore Residential District, unless otherwise provided, a building or premises shall be used for only the following purposes.

Residential Uses	Civic Uses
Cottage Single Family Residential Residential Renting	Local Utility Services Park and Recreation Services

**Section 7.3. CONDITIONAL USES.**

The following uses and structures are allowed subject to specific conditions and requirements as approved by the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

Residential Uses	Civic Uses	Commercial Uses
Relocated Residential	Major Utility Facilities	

**Section 7.4. PERMITTED ACCESSORY USES.**

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

1. Essential Services.
2. Lakeshore lots are not to be used for commercial access purposes.
3. Travel trailers and recreational vehicles may be stored, in compliance with Section 11.17.
4. Private garages, carports or storage building as an accessory to the principal building.
5. Patios, cabanas, porches, gazebos, and incidental household storage buildings.
6. Normal accessory buildings and structures for a dwelling such as private swimming pools children's playhouses and tents, radio and television receiving antennas, antennas, barbecue pits, playground equipment, tennis courts, etc.
7. Normal accessory buildings and structures for public recreation areas such as refreshment stands, playground equipment, all-weather shelters, tennis courts, barbecue pits, etc.
8. Flower and vegetable gardening for noncommercial purposes.
9. Greenhouses and horticultural nurseries for noncommercial purposes.
10. Domestic animals such as cats and dogs may be permitted; provided however, no more than 3 cats or dogs over six months of age are allowed. Horses, cows, sheep, chickens, etc., or wild and untamed animals shall be excluded except as otherwise provided for in this ordinance.
11. Home occupations in accordance with Section 11.19.
12. Customary accessory uses and structures incidental to permitted uses; however, the storage of any unlicensed and/or inoperable vehicle for more than three months is expressly prohibited.
13. Temporary buildings for uses incidental to construction, which buildings shall be removed upon the completion or abandonment of construction, and in compliance with Section 11.16.
14. Accessory buildings and uses customarily incidental and subordinate to the above permitted and conditional uses, and in accordance with Section 11.12.

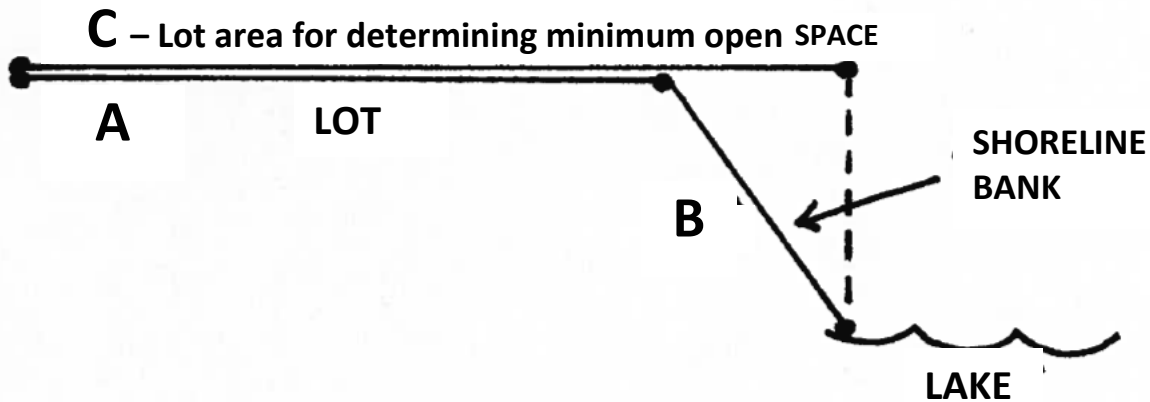
**Section 7.5. BULK REGULATIONS.**

The front property line shall be the “ordinary high water mark” on the lake side of the littoral lot. The following minimum requirements shall be provided for light and open space around permitted and conditional uses and structures in the (R-3) Lakeshore Residential District, subject to the Supplemental District Regulations.

Minimum Lot Area -	6,500 square feet
Minimum Lot Width -	75 feet (on the lakeshore side of the lot) <i>See also: Section 11.2. Lot of Record</i>
Height -	35 feet maximum height, provided that no structure shall be permitted to extend into approach zones, clear zones or other restricted air space required for the protection of any public airport.
Residential Density -	Not more than one (1) dwelling unit per lot
Minimum Open Space -	Minimum of 30% of the total lot area.

<u>Yard Setback Requirements</u>	<u>For Littoral Lots (Lakeshore)</u>	<u>For Non-Littoral Lots (Non-Lakeshore)</u>
Required Front Yard -	35 feet minimum setback <i>See also Section 11.11 Block Frontage Continuity</i>	30 feet minimum setback
Required Side Yard -	10% of lot width, but no less than 5 feet minimum	10% of lot width, but no less than 5 feet minimum
Street Side Yard (Corner Lot) -	35 feet minimum setback <i>See also Section 11.11 Block Frontage Continuity</i>	30 feet minimum setback
Required Rear Yard -	no minimum setback	35 feet minimum setback

In determining the 30% minimum open space requirements stated above, the 30% shall be calculated from the overall horizontal projection of the lot as portrayed in plan or plat view. As shown below, part (C) shall be the lot area from which the 30% minimum open space is calculated; not the combination of parts (A) and (B) combined. In other words, the vertical distance of the shoreline bank (B) shall not be considered when calculating the minimum 30% open space requirement. *See Diagram below.*



Low impact development storm water management systems should be installed on the lake shore property to mitigate imperviousness and treat storm water.

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

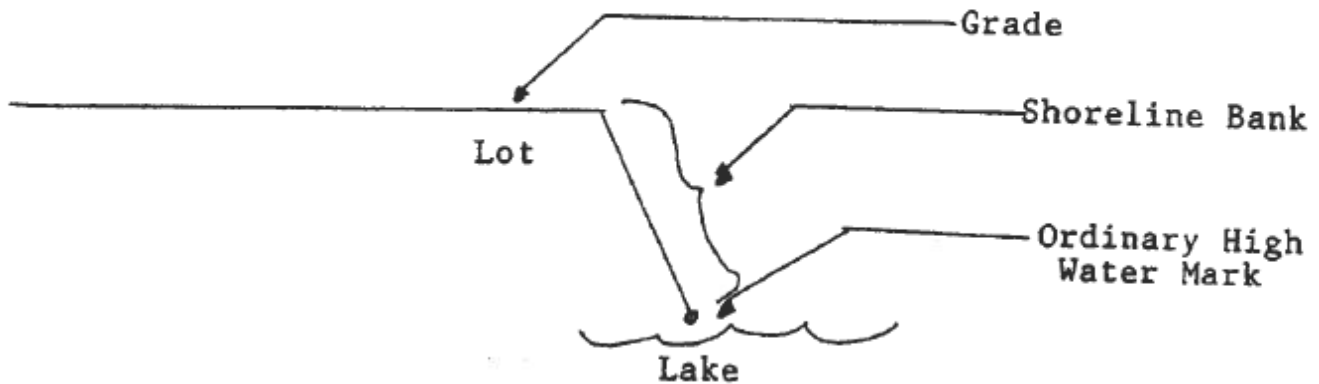
Manufactured or mobile homes placed in designated residential subdivisions must be converted to real property in conformance with Section 135D.26, Code of Iowa.

**Section 7.6. LANDSCAPING OF LAKESHORE PROPERTY.**

The Lakeshore Landscaping regulations within the City of Okoboji are intended to preserve and protect the natural shorelines and natural terrain of those lakeshores of West Okoboji Lake and East Okoboji Lake located within the city limits of Okoboji.

1. *Definitions.* The following terms used in this section for purposes of this ordinance shall include:

- a. *Shoreline Bank.* The shoreline bank of the Okoboji lakes, for the purpose of this ordinance, shall include any real property within a Lakeshore Residential District which is above the "ordinary high water mark" and which is below the existing grade of the lot or lots of which the shoreline bank is a part. *See Diagram below.*



- b. *Ordinary High Water Mark.* As used in this ordinance, the term "ordinary high water mark" means the line located as such by the Iowa Department of Natural Resources.
- c. *Landscaping.* Landscaping shall mean that comprehensive array of activities pursuant to which rock or soil is cut into, dug, quarried, uncovered, displaced or relocated and which includes removal of viable plant life, rock or soil deposited by persons in the past or by natural means, and replace by any manner or terracing by rock, timbers, retaining walls or other conventional means. Landscaping shall not mean the act of excavating real property for construction of a foundation or otherwise preparing the same for the construction or erection of a dwelling or other building.
2. *Unlawful Act.* It shall be unlawful for any individual, person, corporation or other entity to landscape shoreline bank in any manner unless native shoreline plant communities, are installed to replace non-native plant communities.
3. *Unlawful Acts.* It shall be unlawful for any individual, corporation or other entity to permanently remove viable native vegetation or other viable plant life from the lakeshore bank without replacing the same with other native vegetation that is equally effective in retarding erosion and preserving the natural appearance of the lakeshore bank. Proper restoration techniques should be applied to the lakeshore bank. Any degraded remnants should be supplemented with a proper mix of native species to enhance the site. This provision shall not be construed to prohibit the pruning or trimming of existing vegetation nor shall it prohibit the removal of harmful, poisonous or noxious plant life from the lakeshore bank.
4. *Penalty.* Any violation of these lakeshore landscaping provisions may be enforced in accordance in accordance with Article XVI of this ordinance.

5. *Exceptions.* It is acknowledged that in certain areas lakeshore bank is subject to erosion and siltation due to the terrain of adjacent real estate and due to the drainage of surface water therefrom into the Okobojis. It is further acknowledged that in certain areas lakeshore bank is subject to bank erosion due to wave action of the lake. A special landscaping permit may be obtained from the Zoning Administrator for the purpose of allowing the performance of limited landscaping of lakeshore bank in order to prevent erosion and siltation in such instances.
6. *Requirements for Obtaining Special Permits.* Upon the written application of the title holder of any real estate in a Lakeshore Residential District, on forms furnished by the city and upon the payment to the city of the permit fee, the Zoning Administrator may issue a special lakeshore landscaping permit upon the demonstration of the following necessity:
  - a. Erosion of the lakeshore bank occurs as a result of the drainage of surface water from the subject property and adjacent property in the lake; or
  - b. Erosion of the lakeshore bank occurs as a result of the wave action of the lake against the lakeshore, and landscaping the lakeshore bank will prevent further erosion from occurring.
  - c. The proposed rehabilitation plan makes use of native plants in a manner to stabilize the lakeshore bank to prevent erosion. A sediment control plan must be included.
7. *Procedure for Obtaining Special Permit.* Any written application submitted under this ordinance shall be accompanied by a plan prepared and certified to by a professional engineer, landscape architect, or certified professional in erosion and sediment control or a qualified representative of the Dickinson County Soil and Water Conservation District. This plan shall set out the necessity for the proposed landscaping, as well as the corrective measures proposed and the material to be used. Any corrective measures proposed in a plan submitted under this Ordinance shall minimize, as far is reasonably possible, any change in the level in the finished surface of the ground proposed to be landscaped and shall minimize permanent removal of vegetation or plant cover.
8. *Appeal.* Appeals of any decision by the Zoning Administrator denying the issuance of a special lakeshore landscaping permit may be appealed pursuant to Section 17.3 of the this ordinance.

**Section 7.7. OFF-STREET PARKING.**

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

**Section 7.8. SIGN REGULATIONS.**

Sign regulations shall be required for activities in the (R-3) Lakeshore Residential District in accordance with the provisions of Article XIII of this ordinance.

**Section 7.9. ZONING PERMIT REQUIRED.**

Zoning permits shall be required in accordance with the provisions of Section 15.4 of this ordinance.