

**ORDINANCE NO 247**

**AN ORDINANCE AMENDING THE 2013 OKOBOJI ZONING ORDINANCE BY  
AMENDING ARTICLE XIV 'NONCONFORMANCE'.**

**WHEREAS**, the 2013 Okoboji Zoning Ordinance on file in the office of the City Clerk designates certain standards as provided by Chapter 414, Iowa Code, and

**WHEREAS**, it is deemed advisable and recommended by the Planning and Zoning Commission to amend Article XIV by adding new language.

**NOW THEREFORE IT BE ORDAINED**, by the City Council of Okoboji, Iowa;

**Section 1. ADD NEW ZONING TEXT.** The Okoboji Zoning Ordinance is hereby amended by repealing:

Section 14.9. NONCONFORMING BUILDINGS AND STRUCTURES Where a lawful building or structure exists at the effective date of adoption or amendment of this ordinance that is not permitted under the terms of this ordinance because of restrictions on lot area, lot coverage, height, yard setbacks, or any other site development requirements; such building or structure may continue to be used so long as it remains otherwise lawful. Furthermore, no such nonconforming structure shall be enlarged, structurally altered, or rebuilt in a way or manner that increases the nonconformity of such building or structure on the lot. However, notwithstanding any limitation imposed by other provisions of this zoning ordinance, nonconforming buildings and structures that are conforming uses, may be structurally altered or enlarged in a way that does not specifically change the nature or intensity of the nonconforming use or increases the level of nonconformity that existed prior to the effective date of this ordinance.

**Section 3. REPEALER.** All ordinances or parts of the previously adopted 2013 Okoboji Zoning Ordinance in conflict with the provisions of this zoning amendment are hereby repealed.

**Section 4. SEVERABILITY CLAUSE.** If any section, provision, or any part of this zoning amendment is determined to be invalid or unconstitutional, such adjudication shall not affect the validity of the previously adopted Okoboji Zoning Ordinance in its entirety.

**Section 5. EFFECTIVE DATE.** This zoning amendment shall be in full force and effect from after passed and published in a newspaper of general circulation in the City of Okoboji.

**Section 6. PUBLICATION.** The City Clerk/Administrator is hereby authorized and directed to publish this Ordinance in a newspaper of general circulation in Dickinson County, Iowa in conformance with the Iowa law.

WHEREAS, a motion was made by Councilmember Andres and seconded by Councilmember Mendenhall to consider this Ordinance and upon roll call the following vote was recorded: AYES: Delperdang, Hentges, Andres, Robinson, Mendenhall; NAYS: None. Said motion to consider this Ordinance was approved by the City Council;

WHEREAS, a motion was made by Councilmember Mendenhall and seconded by Councilmember Robinson to waive the second and third considerations of this Ordinance and upon roll call the following vote was recorded: AYES: Delperdang, Hentges, Andres, Robinson, Mendenhall; NAYS: None. Said motion to waive the second and third considerations of this Ordinance was approved by the City Council, and therefore, the second and third considerations of this Ordinance were waived;

WHEREAS, a motion was made by Councilmember Hentges and seconded by Robinson to adopt this Ordinance and upon roll call the following vote was recorded: AYES: Delperdang, Hentges, Andres, Robinson, Mendenhall; NAYS: None. Said motion to adopt this Ordinance was approved by the City Council. Thereupon, the Mayor declared this Ordinance, passed and approved on the date shown below;

NOW, THEREFORE, BE IT ENACTED by the City Council of the City of Okoboji, Iowa:

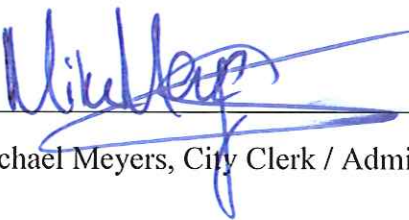
Passed and approved this 9th day of October, 2018.



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Mary Vander Woude, Mayor

ATTEST:



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Michael Meyers, City Clerk / Administrator

I, the undersigned, hereby certify that I am the duly appointed, qualified and acting City Deputy Clerk for the City of Okoboji, Iowa, and the foregoing Ordinance was duly adopted by the City Council of the City of Okoboji, on the 9th day of October, 2018, and thereafter on the 17th day of October, 2018, the same was published in the Dickinson County News, a weekly newspaper published in Dickinson County, Iowa.

Dated this 17th day of October, 2018.



Michael Meyers

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Michael Meyers, City Clerk / Administrator