

ORDINANCE NO. 230

AN ORDINANCE AMENDING THE CITY CODE OF ORDINANCES OF THE CITY OF OKOBOJI, IOWA, 2013 BY AMENDING ARTICLE VII LAKESHORE RESIDENTIAL DISTRICT (R-3) SECTION 7.6 – LANDSCAPING OF LAKESHORE PROPERTY, PARAGRAPH FIVE (5) EXCEPTIONS, TITLED “ZONING REGULATIONS”, BY ADDING 7.6(5)(a) – MORATORIUM ON EXCEPTIONS – SPECIAL LAKESHORE LANDSCAPING PERMITS

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

Section 1. Purpose. The purpose of this ordinance is to add a provision to the 2013 Okoboji City Code Article VII.

Section 2. Section 7.6(5)(a). “Moratorium on Exceptions” is hereby added as follows.

7.6(5)(a) “Moratorium on Exceptions”

1. Preamble.

A special lake shore landscaping permit was issued on or about June 7, 2016. This applicant’s property incurred severe erosion, some of which went into West Lake Okoboji.

There is a need to study this issue to determine what, if any, additional regulatory controls need to be adopted to protect the public health, safety and welfare, including protection of West Lake Okoboji.

The Council finds, therefore, that a moratorium is required to prevent the approval of exceptions under 7.6(5-7) within the city limits. At the present time, it is expected that the necessary study and implementation of any potential amendments can be completed within six (6) months.

2 Applicability.

The moratorium shall be applicable to property throughout the City.

A. There is hereby established a moratorium on special lakeshore landscaping permits within the City for six (6) months from the adoption of this amendment.

B. During the period of the moratorium, applications for special lakeshore landscaping permits shall not be accepted by the City except as set forth in the next paragraph.

C. Exception to Moratorium. An applicant contending that irreparable harm will occur to their property may file an application for a conditional use permit. Such applicant shall: (1) meet all the requirements of Article XVIII (conditional uses), including the requirements under 18.1 through 18.6; (2) meet the requirements of Section 7.6(5-7); and (3) show that irreparable harm will occur without the permit. The determination shall be made by the Board of Adjustment.

Section 3. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. Severability Clause. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 5. When Effective. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed and approved by the City Council on this 9th day of August, 2106.



Mary VanderWoude, Mayor



Lissa Ballis, Deputy City Clerk