

ORDINANCE NO. 249

AN ORDINANCE AMENDING THE 2013 OKOBOJI ZONING ORDINANCE BY AMENDING SECTION 2.1. GENERAL ZONING DEFINITIONS AND SECTION 11.12. ACCESSORY BUILDINGS AND USES.

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 Section 2.1. General Zoning Definitions by creating new zoning definitions and amending Section 11.12 Accessory Uses Buildings and Uses to clarify regulations pertaining to attached and roofed buildings.

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

Section 1. REPEAL AND REPLACE ZONING TEXT. The Okoboji Zoning Ordinance is hereby amended by repealing the existing **Definition 6. ATTACHED in Section 2.1.** and replacing it with the following new definition.

6. ATTACHED: Having one or more solid and impenetrable walls and roof in common with a principal use building or structure on the property; or the act of joining any accessory use building or structure to the principal dwelling or building by any permanent and solid roofed porch, breezeway, addition, covered passageway, or any other permanent and solid or enclosed above ground connection.

Section 2. ADD NEW ZONING TEXT. The Okoboji Zoning Ordinance is hereby amended by creating the following new zoning definitions in **Section 2.1. General Zoning Definitions**

13.2. BREEZEWAY: A breezeway is an architectural feature similar to a hallway or corridor that allows the passage of a breeze between structures to accommodate winds, allow for circulation of air, or for aesthetic purposes. A breezeway with a solid and impenetrable roof shall be considered a means of attaching two buildings or a principal use and accessory use building.

13.3. BOARDWALK, PASSAGEWAY, OR WALKWAY: Is a surfaced treated area providing pedestrian access to and from a driveway, street, or other condominium common space and a dwelling or other principal use building. These accesses are only considered a means of attaching any principal use to an accessory use building or structure if they are roofed and permanently attached to such principal and accessory use buildings.

54.2. GAZEBO: A gazebo is a roofed, open sided structure designed and used for outdoor living space. Gazebos require zoning permits and must meet the minimum yard setback requirements as other above ground accessory buildings and structures.

97.2. PERGOLA: A freestanding structure usually consisting of parallel colonnades supporting open girders and cross rafters. A pergola is typically built as an outdoor sitting area with lattice or open slat coverings for partial shade and is not considered a roofed structure.

114.2. ROOF (OR ROOFED): The outside solid and impenetrable covering over any building or structure intended to protect a space from the outside elements.

Section 3. REPEAL AND REPLACE ZONING TEXT. The Okoboji Zoning Ordinance is hereby amended by repealing the existing Part 2. in **Section 11.12. Accessory Buildings and Uses** and replacing it with the following new text.

2. Any detached accessory building may become and shall be considered "attached" to the principal dwelling or building on the lot by any solid and impenetrable roofed walkway, passageway, breezeway, addition, or other covered structure or enclosed building. When such detached accessory building becomes attached to the principal use, it shall be considered a part of such principal use building and shall conform to all bulk regulations of the lot.

Section 4. 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 5. 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 6. EFFECTIVE DATE. This zoning amendment shall be in full force and effect from after passage and publication in a newspaper of general circulation in the City of Okoboji.

Passed on the first reading on February 12, 2019.

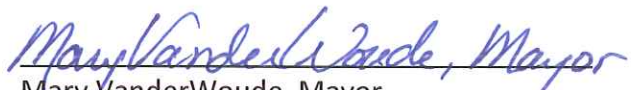
Passed on the second reading on March 12, 2019.

Third reading was waived on March 12, 2019.

Approved on the final consideration on March 12, 2019.

Adopted on March 12, 2019

Published on March 20, 2019


Mary VanderWoude, Mayor

Attest:


Michael Meyers, City Administrator / City Clerk