

## **ORDINANCE NO. 260**

AN ORDINANCE AMENDING THE 2013 OKOBOJI ZONING ORDINANCE BY AMENDING SECTION 11.4. STEPS, DECKS, AND PATIOS.

**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 11.4. Steps, Decks, and Patios to clarify regulations pertaining to steps, decks, patios, driveways, and walkways.

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 Section 11.4. Steps, Decks, and Patios and replacing it with the following language:

Section 11.4 Steps, Decks, Patios, Driveways, and Walkways.

1. Walkways, sidewalks, or other pathways are permitted within the side yards of all zoning districts, except for the R-3 zoning district, provided that such paving or impervious surfaces comply with the minimum open space provisions for the district in which it is located. Pervious surfaces, permeable, or similar landscaped walkways, pathways, or sidewalks are permitted within the side yard of R-3 lots.
2. Driveways and parking areas within the front yard area and side yard area of residentially zoned properties (or the rear yard area in R-3 zoning districts) are permitted if the designated surfaced or concrete driveway is no larger than the width of the garage or designated parking space it is for (providing not greater than thirty two (32') and extends from the garage or designated parking space to the street. Furthermore, additional off street paved parking in the front yard (or the rear yard area in R-3 zoning districts) shall be limited to no more than twelve (12') beyond either side of the driveway to be used for auxiliary parking spaces. All such driveways and parking areas factor in as impervious surfaces (unless such pervious paving or other pervious surfaces are utilized) when calculated the open space on a lot.
3. Steps or stairs providing access to any dwelling, building or structure may not encroach into any required yard setback. Steps or stairs as part of a walkway, sidewalk, or pathway are permitted in all yards.
4. Patios, paver patios, or other hard surfaced, pervious surfaced or impervious surfaced areas shall conform to the required setbacks in all yard areas except for patios within R-1 and R-2 zoning districts may encroach 10' into any required front or rear yard. A patio, pervious or impervious, shall not encroach within the

front yard (or lakeside) within a R-3 zoning district. Impervious patios and other hard surfaced areas shall not constitute open space.

5. Decks of any height, including ground level decks, shall conform to required setbacks in all yard areas except for decks within R-1 and R-2 zoning districts may encroach 10' into any required front or rear yard. Retractable roofs or roll up awning covers over an open unenclosed deck shall be treated as a temporary cover and will be permitted to be located over such open unenclosed deck. A deck shall not encroach within the front yard (or lakeside) within a R-3 zoning district. Decks shall not constitute open space.

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 passage and publication in a newspaper of general circulation in the City of Okoboji.

Passed on the first reading on September 8, 2020.

Passed on the second reading on October 13, 2020.

Third reading was waived on October 13, 2020.

Approved on the final consideration on October 13, 2020.

Adopted on October 13, 2020.

Published on October 21, 2020.



Mary VanderWoude, Mayor

Attest:



Michael Meyers, City Administrator / City Clerk