

ORDINANCE NO. 261

AN ORDINANCE AMENDING THE 2013 OKOBOJI ZONING ORDINANCE BY AMENDING SECTION 11.5. FENCES AND HEDGES

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 11.5. FENCES AND HEDGES to amend the language removing 'Board of Adjustment' in to be replaced with 'Zoning Administrator'.

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 11.5 FENCES AND HEDGES and replacing it with the following language:

Section 11.5. FENCES AND HEDGES

In any district, fences and walls not exceeding six feet (6') in height are permitted within the limits of side, rear and front yards, except that no fence or wall shall be permitted within the front yards of the R-3 Lakeshore District (except earth retaining walls). Fences may not extend beyond the front line (lakeshore side) of the principal dwelling in the R-3 Lakeshore District. In the case of retaining walls supporting embankments, the above requirements shall apply only to that part of the wall above the ground surface of the retained embankment.

1. Fences in excess of six feet (6') will be allowed in the cases of tennis courts and swimming pools, subject to Board of Adjustment approval. Private swimming pools in any residential district shall be completely surrounded by a fence or wall not less than six feet (6') in height and at least four feet (4') from each side of the pool. Such fence or wall shall be non-climbable and shall be constructed sufficiently strong and of such structural design as to make the pool inaccessible to small children. There shall not be a distance greater than ten (10) feet between the fence posts.
2. In any district where a fence or wall is required by a section of this ordinance, the subdivision regulations ordinance or any other ordinance, to serve as a screening wall, buffer wall or other separating or protective wall, the restrictions of Paragraph 1 above, shall yield to the requirements of the specific ordinance.
3. Fences shall not be constructed of corrugated tin, metal, or fiberglass; sheet metal or fiberglass, or non-treated wood products. Fences may be constructed from treated wood products; non-decomposing natural wood products such as cedar, redwood, etc.; chain link, molded plastic or wrought iron. The Zoning Administrator may approve other materials as presented. Fences should be constructed in an orderly and neat manner as to accent and compliment the natural landscape of the property. All fences shall be subject to a completed and approved zoning permit.
4. Determining the maximum height for fences and walls shall be made by measuring from the natural grade of the lot adjacent to the fence to the top of the finished fence structure.

Fences and walls on a corner lot shall comply with the vision clearance requirements of Section 11.3(5).

5. Disputes between two adjacent property owners concerning plantings, trees, bushes or hedges obstructing views, sunlight or air shall be considered a civil matter between parties and shall be resolved in a court of law as a civil proceeding.

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.

Motion made on September 8, 2020 by Councilmember Delperdang and a second by Councilmember Robinson to approve the first reading of Ordinance No. 261. The following Councilmembers voted "YEA": Delperdang, Robinson, Andres, Mendenhall. Motion passed 4-0.

Motion made on September 8, 2020 by Councilmember Delperdang and a second by Councilmember Robinson to waive the second and third readings of Ordinance No. 261. The following Councilmembers voted "YEA": Delperdang, Robinson, Andres, Mendenhall. Motion passed 4-0.

Motion made on September 8, 2020 by Councilmember Delperdang and a second by Councilmember Robinson to adopt Ordinance No. 261. The following Councilmembers voted "YEA": Delperdang, Robinson, Andres, Mendenhall. Motion passed 4-0.

Adopted on September 8, 2020.

Published on September 16, 2020.



Mary VanderWoude, Mayor

Attest:



Michael Meyers, City Administrator / City Clerk