

## OKOBOJI PLANNING AND ZONING COMMISSION

### NOTICE OF PUBLIC HEARING FOR THE AMENDMENT OF THE 2013 OKOBOJI ZONING ORDINANCE BY AMENDING SECTION 11.11, SECTION 11.4.4, SECTION 11.4.5, SECTION 2.1.32, SECTION 2.1.97 AND SECTION 7.5 AND TO CONSIDER THE ADDITION OF SECTION 11.21 ALL PERTAINING TO THE ESTABLISHMENT OF THE FRONT YARD SETBACK FOR R-3 (LAKESHORE RESIDENTIAL) ZONED PROPERTIES (ALSO KNOWN AS THE LINE OF SIGHT SETBACK).

The City of Okoboji Planning and Zoning Commission will conduct a public hearing to consider the amendments to Section 11.11, Section 11.4.4, Section 11.4.5, Section 2.1.32, Section 2.1.97, and Section 7.5 and to consider the addition of Section 11.21 on Monday, June 13, 2022 at 5:30 PM at the Okoboji City Hall (1322 Highway 71 N., Okoboji, Iowa 51355). The proposed amendment is as follows:

#### AMENDMENT TO - SECTION 11.11

#### Section 11.11. BLOCK FRONTAGE CONTINUITY (~~IN FRONT YARDS & LAKESHORE YARDS~~)

In any residential district there shall be a minimum front yard required as stated in the bulk regulations for that particular district; provided however that where lots comprising thirty percent (30%) or more of the frontage within 200 feet of either side lot line are developed with buildings at a greater or lesser setback, the front yard minimum requirements shall be the average setbacks of the existing buildings within 200 feet of either side of the property proposed to be developed. Where there are existing buildings on only one side, then the setback line shall be established by a line projected from the average setbacks of the existing buildings within 200 feet of the one side where existing development exists. In computing the average setback, buildings located on reverse corner lots or entirely on the rear half of lots, shall not be counted. The front yard depth of any lot abutting a street shall be measured from the proposed right-of-way lines shown on the official street plan. **For those properties abutting any body of water, the front yard setback shall be determined by following the requirements set forth in Section 11.21 Lakeshore Yard Setback Determination.**

#### NEW SECTION ADDITION – SECTION 11.21

#### **Section 11.21. LAKESHORE YARD SETBACK DETERMINATION**

**On any property that abuts West Lake Okoboji, East Lake Okoboji, or any other natural or manmade littoral shoreline within any zoning district in the City of Okoboji there shall be minimum lakeshore yard (front yard) setback established for each property based upon the relationship of developed adjoining properties. The “line of sight” method for establishing a lakeshore yard setback is used to protect the view of the lakes as much as possible and to prevent lakeshore creeping of new buildings or structures. With that stated, any property owner is not guaranteed a view of the water any more than the perpendicular protection from the entire width from the owner’s lot.**

- 1. Line of sight determination for dwellings or principal buildings on straight lakeshores. The setback line is determined by a line of sight joining the farthest projecting portion of**

the building (closest point of the principal dwelling or building to the ordinary high water mark) of the nearest building on either side of the subject property. In most cases, the farthest projecting portion of the building will be the overhangs. Existing steps, decks, railing, patios or other non-permanent ancillary structures or attachments shall not be used in determining the line of sight. In any instance, no such building or permanent structure shall be permitted to be built closer than 35 feet from the ordinary high water mark.

2. Line of sight determination for dwellings or principal buildings on a curved shoreline or a point of a curved shoreline. When a new structure is to be built on a lakefront of a shoreline point, outside curve, or other curve the line of sight determination shall be made by extending the sight lines from the farthest projecting portion of the building (closest point of the principal dwelling or building to the ordinary high water mark) of the two nearest building on either side of the subject property. In most cases, the farthest projecting portion of the building will be the overhangs. Existing steps, decks, railing, patios or other non-permanent ancillary structures or attachments shall not be used in determining the line of sight. In any instance, no such building or permanent structure shall be permitted to be built closer than 35 feet from the ordinary high water mark.

#### AMENDMENT TO – SECTION 11.4.4

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~~ **patios in all residentially zoned** districts may encroach 10' into any required front or rear yard. A patio, pervious or impervious, shall not encroach **any further than 10'** within the front yard (lakeside) within a R-3 zoning district. Impervious patios and other hard surfaced areas shall not constitute open space.

#### AMENDMENT TO – SECTION 11.4.5

Decks of any height, including ground level decks, shall conform to required setbacks in all yard areas except for decks within a residentially zoned district ~~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. **Pergolas or any other “open” roofed structure, including permanent fabric covers or soft roofs (not including retractable or roll up awning type covers), which are constructed, erected, or located above an open unenclosed deck shall be treated the same as a permanent roofed structure and shall comply.**

#### AMENDMENT TO – SECTION 2.1.32

~~32. DECK: An elevated structure made up of cement, asphalt, or wood that exceeds the height limitations of a patio shall be considered a deck and will be considered part of the principle dwelling. A deck therefore will be required to fall within all setback requirements and will require a building permit.~~ **A non-roofed elevated structure projecting from the front, side, or rear wall of a building. Decks will be considered part of the principal structure unless otherwise mentioned in this ordinance. A deck will require a zoning permit.**

AMENDMENT TO – SECTION 2.1.97

97. PATIO: A structure made up of cement, asphalt, or wood. Despite its height, length, or width, a patio is a structure and is subject to all provisions of this ordinance, including yard setback requirements **unless otherwise mentioned in this ordinance. A patio will require a zoning permit.**

AMENDMENT TO – SECTION 7.5

Required Front Yard -	For Littoral Lots – 35 feet minimum setback
	For Non-Littoral Lots – 30 feet minimum setback
	<del>See also Section 11.11 Block Frontage Continuity</del>
	<b><u>See also Section 11.21 Lakeshore Yard Setback Determination</u></b>

The City of Okoboji Planning and Zoning Commission will hold a public hearing on the 13<sup>th</sup> day of June, 2022 at the hour of 5:30PM at the Okoboji City Hall (1322 Highway 71 N., Okoboji, Iowa 51355). The terms and conditions of this amended/new/replaced language will be discussed/revised/changed and determined by the City’s Planning and Zoning Commission and may be modified at the public hearing. Following said hearing the Planning and Zoning Commission may take action and make a recommendation to the City of Okoboji City Council.

MICHAEL MEYERS  
CITY ADMINISTRATOR  
CITY OF OKOBOJI, IOWA