

ORDINANCE NO. 270

CITY OF OKOBOJI, IOWA

AN ORDINANCE AMENDING 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)

WHEREAS, the Council ("Council") of the City of Okoboji, Dickinson County, Iowa ("City") is considering an amendment to Section 11.11, Section 11.4.4, Section 11.4.5, Section 2.1.31, Section 2.1.97 and Section 7.5 of the 2013 Okoboji Zoning Ordinance;

WHEREAS, the City is considering the addition of Section 11.21 to the 2013 Okoboji Zoning Ordinance;

WHEREAS, the current language reads as follows:

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.

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

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 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 2.1.32 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.

SECTION 2.1.97 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

SECTION 7.5

<u>Yard Setback Requirements</u>	<u>For Littoral Lots (Lakeshore)</u>	<u>For Non-Littoral Lots (Non-Lakeshore)</u>
Required Front Yard -	35 feet minimum setback <i>See also Section 11.11 Block Frontage Continuity</i>	30 feet minimum setback
Required Side Yard -	10% of lot width, but no less than 5 feet minimum	10% of lot width, but no less than 5 feet minimum
Street Side Yard (Corner Lot) -	35 feet minimum setback <i>See also Section 11.11 Block Frontage Continuity</i>	30 feet minimum setback
Required Rear Yard -	no minimum setback	35 feet minimum setback

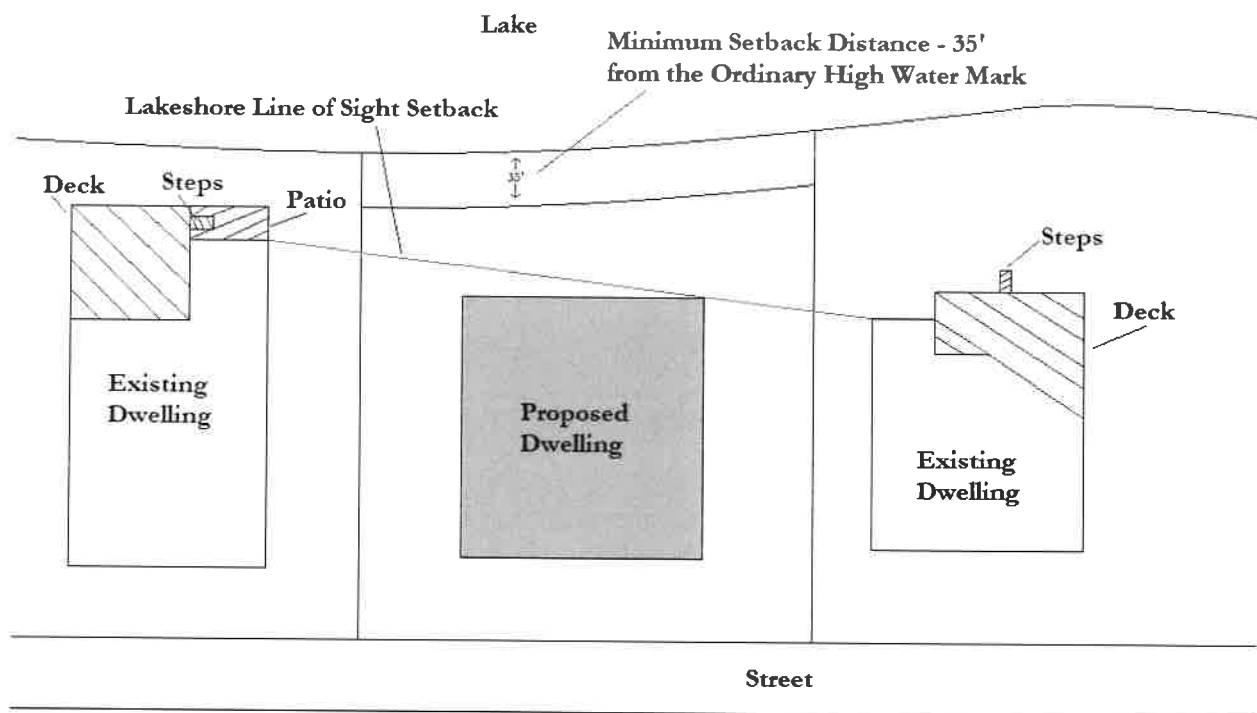
WHEREAS, the proposed amendment reads as follows:

SECTION 11.11. BLOCK FRONTAGE CONTINUITY 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) SECTION 11.21. LAKESHORE YARD SETBACK DETERMINATION

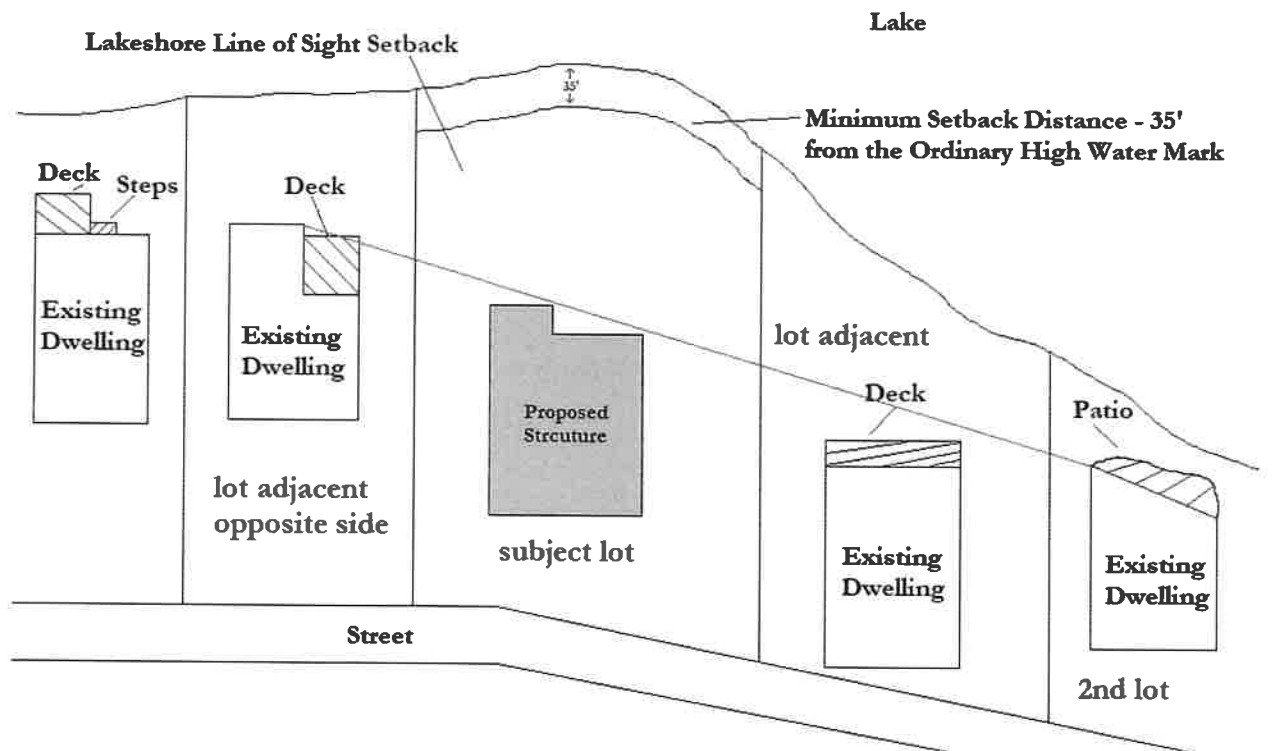
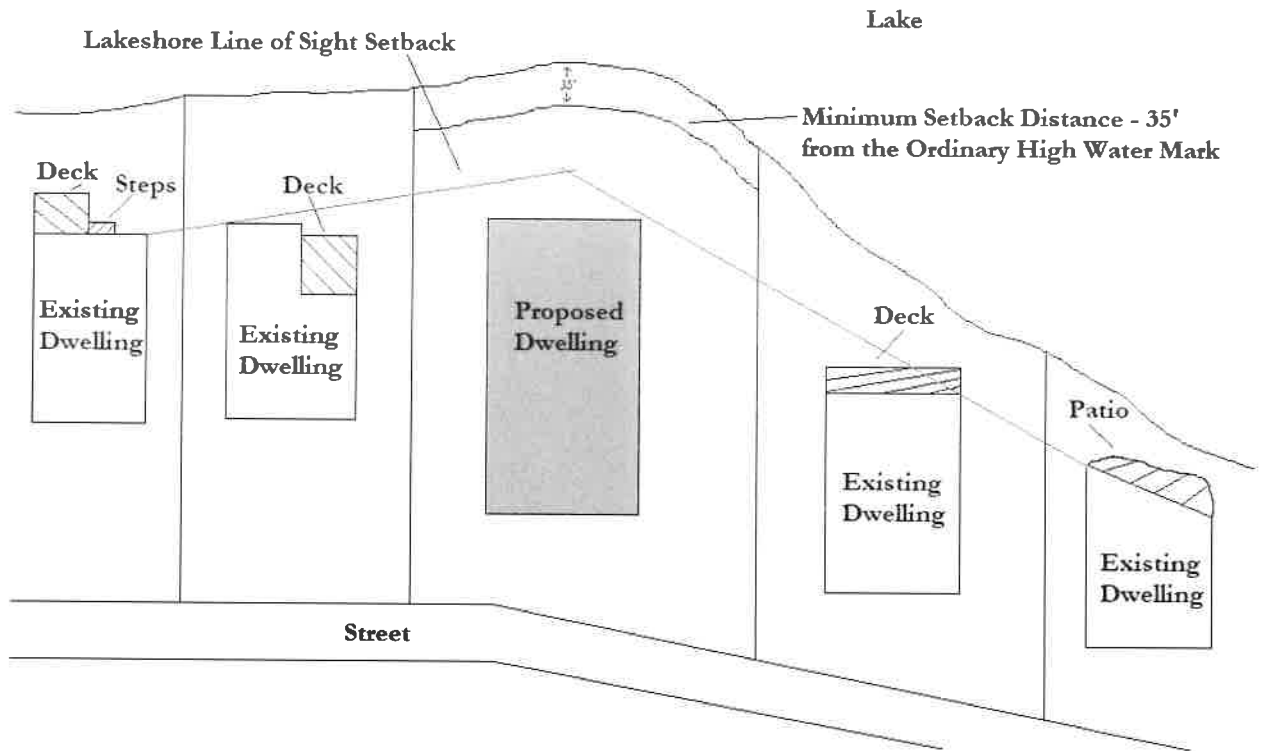
On any property that abuts West Lake Okoboji, East Lake Okoboji, or any other natural or manmade littoral shoreline within any zoning district in the City of Okoboji there shall be minimum lakeshore yard (front yard) setback established for each property based upon the relationship of developed adjoining 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. A vacant or empty lot or any structure located entirely on the rear one-half (1/2) of a lot shall not be considered in determining a front yard setback. This lot shall be skipped and the next adjacent lot used in determining the lakeshore yard setback



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. A vacant or empty lot or any structure located entirely on the rear one-half (1/2) of a lot shall not be considered in determining a front yard setback. This lot shall be skipped and the next adjacent lot used in determining the lakeshore yard setback. Furthermore, in the event the lot adjacent to the subject lot has a structure that is setback further than that of the second lot then

the structure on the adjacent lot will be skipped and the structure on the second lot will be utilized. In this scenario, the setback line will be the furthest projecting point from the second structure to the structure on the adjacent lot on the opposite side of the subject lot.



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 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.

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 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.

SECTION 2.1.32 DECK: 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.

SECTION 2.1.97 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.

SECTION 7.5

<u>Yard Setback Requirements</u>	<u>For Littoral Lots</u> <i>(Lakeshore)</i>	<u>For Non-Littoral Lots</u> <i>(Non-Lakeshore)</i>
Required Front Yard -	35 feet minimum setback See also Section 11.11 Block Frontage Continuity See also Section 11.21 Lakeshore Yard Setback Determination	30 feet minimum setback
Required Side Yard -	10% of lot width, but no less than 5 feet minimum	10% of lot width, but no less than 5 feet minimum
Street Side Yard (Corner Lot) -	35 feet minimum setback See also Section 11.11 Block Frontage Continuity	30 feet minimum setback
Required Rear Yard -	no minimum setback	35 feet minimum setback

WHEREAS, The City of Okoboji Planning and Zoning Commission met on June 13, 2022 and held a public hearing to consider the amendments;

WHEREAS, The City of Okoboji Planning and Zoning Commission met on June 20, 2022 and formally recommended the amendments for approval by a vote of 3-0;

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

SECTION 1. The 2013 City of Okoboji Zoning Ordinance is hereby amended as detailed above;

SECTION 2. REPEALER. All Ordinances or part of Ordinances in conflict with the provision of this Ordinance are hereby repealed.

SECTION 3. 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 invalidated or unconstitutional.

SECTION 4. PUBLICATION. The City Clerk / Administrator is hereby authorized and directed to publish this Ordinance in the newspaper of general circulation in Dickinson County, Iowa, in conformance with Iowa Law.

A motion was made on July 12, 2022 at a regular meeting after a public hearing by Councilmember Mendenhall and a second by Councilmember Hentges to consider approval of this Ordinance on its first consideration and upon roll call the following vote was recorded:

AYE: Andres, Delperdang, Hentges, Mendenhall, Sanders NAY:

Motion approved

A motion was made on July 12, 2022 at a regular meeting by Councilmember Hentges and a second by Councilmember Andres to waive the second and third readings of Ordinance No. 270 and upon roll call the following vote was recorded:

AYE: Andres, Delperdang, Hentges, Mendenhall, Sanders NAY:

Motion approved

A motion was made on July 12, 2022 at a regular meeting by Councilmember Andres and a second by Councilmember Hentges to adopt Ordinance No. 270 and upon roll call the following vote was recorded:

	AYE	NAY
Councilmember Andres	✓	
Councilmember Delperdang	✓	
Councilmember Hentges	✓	
Councilmember Mendenhall	✓	
Councilmember Sanders	✓	

THEREUPON, the Mayor declared this Ordinance, passed and approved on the date shown below.

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

PASSED AND APPROVED this 12th day of July, 2022.



Mary VanderWoude, Mayor

ATTEST:



Michael Meyers, City Administrator