

ARTICLE I

Basic Provisions

Article 1: Basic Provisions

- Section 1.1. Title
- Section 1.2. Jurisdiction
- Section 1.3. Purpose
- Section 1.4. Repeal and Saving Clause
- Section 1.5. Severability Clause
- Section 1.6. Interpretation of Regulations
- Section 1.7. Mandatory Application of Low Impact Development Provisions
- Section 1.8. Low Impact Development Not to Create Nonconforming Use
- Section 1.9. Low Impact Development Not Required for Certain Improvements to Already Improved Lots
- Section 1.10. Comprehensive Plan Relationship

Section 1.1. TITLE.

This ordinance shall be known and may be cited and referenced as the “Okoboji, Iowa Zoning Ordinance”.

Section 1.2. JURISDICTION.

In accordance with the provisions of Chapter 414, Code of Iowa and amendatory acts thereto, this ordinance is adopted by the City of Okoboji, Iowa governing the zoning of all lands within the corporate limits of the city.

Section 1.3. PURPOSE.

The various zoning districts, created by this ordinance and the various articles and sections of this ordinance, are adopted for the purpose among others of:

1. Carry out the intent and spirit of the Okoboji Comprehensive Plan;
2. Promoting the public health, safety, morals, comfort, general welfare, and preserving the natural resources, scenic and environmentally sensitive areas of the city;
3. Helping to achieve greater efficiency and economy of land development by promoting the grouping of those activities which have similar needs and are compatible;
4. Encouraging classification of land use and distribution of land development within the city that will facilitate adequate and economic provision of transportation, communication, water supply, drainage, sanitation, education, recreation, and other public requirements;
5. Helping to insure all residential and commercial structures as well as other types of structures will be accessible to fire fighting and other emergency equipment;
6. Promoting the development of residential neighborhoods in which each dwelling is assured the provision of light, air, and open spaces;
7. Prohibit the formation or expression of nonconforming uses of land, buildings, and structures which adversely affect the character and value of desirable development in each district;
8. Helping to prevent and minimize the effect of nuisance producing activities;
9. Conserving the taxable value of the land and buildings throughout the city;
10. Defining powers and duties of City Council, Board of Adjustment and Zoning Administrator.

Section 1.4. REPEAL AND SAVINGS CLAUSE.

Effective on the effective date of this ordinance, the previous zoning ordinance (Ordinance 178) and amendments thereto are hereby repealed. The repeal of said ordinance shall not have the effect to release or relinquish any penalty, forfeiture or liability incurred under said ordinance or any part thereof.

Section 1.5. SEVERABILITY CLAUSE.

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 1.6. INTERPRETATION OF REGULATIONS.

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements. Where this ordinance imposes a greater restriction than is imposed or required by other provisions of law, other rules, regulations, or ordinances, the provisions of this ordinance shall govern. This ordinance is not intended to abrogate or annul any easement, covenant or other private agreement provided that where any provision of this ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant or other private agreement, the provision of this ordinance shall govern.

Section 1.7. MANDATORY APPLICATION OF LOW IMPACT DEVELOPMENT PROVISIONS.

All low impact development provisions listed within this ordinance, effective upon adoption and publication of this ordinance, are mandatory.

Section 1.8. LOW IMPACT DEVELOPMENT NOT TO CREATE NONCONFORMING USE.

At such time as low impact development provisions of this ordinance became mandatory, application of such provisions to properties within the city shall not render said properties nonconforming for purposes of Article XI, General Regulations, of this ordinance; provided any proposed expansion, extension, construction or reconstruction of such property is made to come into compliance with all existing and applicable low impact development provisions of this ordinance.

Section 1.9. LOW IMPACT DEVELOPMENT NOT REQUIRED FOR CERTAIN IMPROVEMENTS TO ALREADY IMPROVED LOTS.

Compliance with the low impact development measures of this ordinance is not required for proposed improvements to an already improved lot if the net increase of impervious surface is five hundred square feet (500 sq.ft.) or less.

Section 1.10. COMPREHENSIVE PLAN RELATIONSHIP.

These regulations are designed to implement various elements, goals and policies of the comprehensive land use plan as required by Iowa Code. Any amendment to the district regulations or map shall conform to the comprehensive land use plan adopted by the City Council.