

Bond Case Briefs

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ZONING - IOWA

City of Okoboji v. Parks

Supreme Court of Iowa - April 26, 2013 - N.W.2d - 2013 WL 1785992

City brought declaratory judgment action seeking determination that property owner's attempt to add lounge to marina violated city's zoning regulations.

The Supreme Court of Iowa held that:

- Operation of bar on pontoon adjacent to marina constituted impermissible extension on nonconforming use;
- City was entitled to injunction; and
- Injunction was not overly broad.

Property owner's operation of a bar on floating pontoon structure that was located above state-owned lake bed and outside the geographic boundaries of the city constituted an impermissible extension of use of nonconforming marina in residential area, as the bar utilized upland marina property for ingress, egress, parking, and restroom facilities. The preexisting nonconforming use of the property owned was limited to marina operations, and use of property for ingress and egress to the bar, to provide parking for patrons of the bar, and to provide restroom facilities for patrons of the bar was inconsistent with the preexisting nonconforming use.