

CITY OF WEST OKOBOJI, IOWA
ORDINANCE NO. 136

AN ORDINANCE AMENDING THE 2018 WEST OKOBOJI ZONING ORDINANCE
BY REPEALING AND REPLACING TEXT FROM ARTICLE 10. GENERAL
ZONING REGULATIONS.

WHEREAS, the West Okoboji Zoning Ordinance and zoning map on file in the office of the City Clerk designates certain standards as provided by Chapter 414, Code of Iowa, and

WHEREAS, the West Okoboji Planning and Zoning Commission has considered the proposed zoning change and it is deemed advisable and recommended by the Planning and Zoning Commission to amend the West Okoboji Zoning Ordinance.

NOW THEREFORE IT BE ORDAINED, by the City Council of West Okoboji, Iowa;

Section 1. REPEAL & REPLACE ZONING TEXT. The West Okoboji Zoning Ordinance is hereby amended by repealing Part 6. of Section 10.8. FENCES, WALLS AND RETAINING WALLS and replacing with the following zoning text as new Part 6. of Section 10.8.

SECTION 10.8. FENCES WALLS AND RETAINING WALLS

6. Fences or walls shall be permitted on the lot line as long as the furthest projecting point of the structure (fence or wall) remains on the permit holder's property. Lot pins must be located/surveyed by a licensed reputable surveyor prior to any construction.

Section 2. REPEALER. All ordinances or parts of the previously adopted West Okoboji Zoning Ordinance in conflict with the provisions of this zoning amendment are hereby repealed.

Section 3. 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 West Okoboji Zoning Ordinance as a whole, or any part or provision of the zoning amendment not determined to be invalid or unconstitutional.

WHEREAS, a motion was made at the October 10th, 2022, meeting after public hearing by Councilmember Sieh and seconded by Councilmember Olson to consider approval of this Ordinance (first consideration) and upon roll call the following vote was recorded: AYES: Sieh, Olson, Hein, Paxton, Powers. NAYS: None. Said motion to consider approval of this Ordinance (first consideration) was approved by the City Council;

WHEREAS, a motion was made by Councilmember Hein and seconded by Councilmember Sieh to waive the second and third considerations of this Ordinance and upon roll call the following vote was recorded: AYES: Hein, Sieh, Paxton, Powers, Olson; NAYS: None. Said motion to waive the second and third considerations of this Ordinance was approved by the City Council, and therefore, the second and third considerations of this Ordinance were waived;

WHEREAS, a motion was made by Councilmember Olson and seconded by Sieh to adopt this Ordinance and upon roll call the following vote was recorded: AYES: Olson, Sieh, Hein, Paxton; NAYS: Powers. Said motion to adopt this Ordinance was approved by the City Council. Thereupon, the Mayor declared this Ordinance, passed and approved on the date shown below.

Section 4. EFFECTIVE DATE. This zoning amendment shall be in full force and effect from after passage and publication in a newspaper of general circulation.

Passed and approved this 10th day of October, 2022.

Mayor, City of West Okoboji

Attest:

West Okoboji City Administrator

I certify that the foregoing ordinance was published as Ordinance No. 136 on the 20th day of October, 2022.