CITY OF WEST OKOBOJI, IOWA
ORDINANCE NO. 2026-03

AN ORDINANCE AMENDING THE 2018 WEST OKOBOJI ZONING ORDINANCE BY REPEALING AND REPLACING TEXT PERTAINING TO PUBLIC HEARING NOTICE

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 changes 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 AND REPLACE ZONING TEXT. The West Okoboji Zoning Ordinance is hereby amended by repealing and replacing the PUBLIC NOTICE definition in Section 2.1 GENERAL ZONING DEFINITIONS in ARTICLE 2. DEFINITIONS.

SECTION 2.1. GENERAL ZONING DEFEINITIONS

112. PUBLIC NOTICE: The publication of the time and place of any public hearing for zoning purposes not less than four (4) days or not more than twenty (20) days prior to the date of said hearing in one newspaper of general circulation in the city.

Section 2. REPEAL AND REPLACE ZONING TEXT. The West Okoboji Zoning Ordinance is hereby amended by repealing and replacing Part 2 of Section 20.3 PROCEDURES in ARTICLE 20. VARIANCES.

SECTION 20.3. PROCEDURES

2. Notice of public hearing shall be given by publication of a legal notice in a newspaper of general circulation in the city no less than four (4) days and no more than twenty (20) days prior to the date of the hearing. Notice shall be given by mail to the applicant and to the owners of each property residing within the city limits of West Okoboji within two hundred feet (200') of the subject property prior to the date of the hearing. In the event there is more than one property owner for any parcel of property it shall be sufficient to notify only one owner of each parcel by mail. The public hearing notice and letter to neighboring property owners shall include appropriate information pertaining to the general nature of the application or decision, and identifying the applicant, the subject property, the time and place of the meeting or hearing, and the address and telephone number from which additional information may be obtained.

Section 3. REPEAL AND REPLACE ZONING TEXT. The West Okoboji Zoning Ordinance is hereby amended by repealing and replacing Part 3 of Section 21.4 PROCEDURES in ARTICLE 21. CONDITIONAL USES.

SECTION 21.4. PROCEDURES

3. Within thirty (30) days of receipt of the planning and zoning commission's recommendation, the city shall schedule a public hearing for a conditional use request. Notice shall be given of the public hearing within four (4) days and no more than twenty (20) days prior to the public hearing as required by state statute by publication in a newspaper of general circulation in the city. A courtesy mailed notice shall be given by mail to all property owners within the city limits of West Okoboji who are within two hundred feet (200') feet of the property in question. Such notices shall contain the time and location of such hearing. In the event there is more than one property owner, it shall be sufficient to notify only one (1) owner of each property by mail.

Section 4. REPEAL AND REPLACE ZONING TEXT. The West Okoboji Zoning Ordinance is hereby amended by repealing and replacing Section 22.2 PROCEDURES in ARTICLE 22. CHANGES AND AMENDMENTS.

Section 22.2. PROCEDURES.

This ordinance and the zoning districts map created by said ordinance may be amended from time to time. However, no amendment shall become effective unless it shall have been proposed by or shall have been first submitted to the planning and zoning commission for review and recommendation. The planning commission shall submit a report and/or recommendation to the city council. The planning and zoning commission shall determine whether the rezoning change or text amendment is consistent with the objectives of this zoning ordinance and is consistent with the city's comprehensive plan. The planning and zoning commission shall recommend to the city council whether the text amendment or rezoning request be approved, approved with modifications or changes, or denied. Before adoption of any proposed amendment to this ordinance the city council shall hold a public hearing following the recommendation of the planning and zoning commission. A public hearing shall be held by the city council on each Zoning Ordinance application for any proposed text amendment or rezoning. A notice of such public hearing shall be published no less than four (4) days and no more than twenty (20) days prior to the date established for such hearing, per Iowa Statute, in a newspaper of general circulation in the city. A courtesy letter notifying property owners of the public hearing shall also be sent by mail to owners of all property within the city limits of West Okoboji which are within two hundred feet (200') of the property for which the rezoning change is requested. The courtesy letter is not required or necessary in the instance of a zoning text amendment. If there is more than one property owner for any parcel of property, it shall be sufficient to notify only one (1) owner of each parcel. In no case, shall the public hearing be held earlier than the next regularly scheduled city council meeting following the published notice. Such notices shall include the time and place of the public hearing. At the public hearing, the city council shall review the application and receive pertinent evidence relating to consistency with the objectives of this ordinance and development policies of the city. Following the public hearing, the city council shall make a specific finding as to whether the current district classification of the property to be rezoned is valid, whether there is a need for additional land zoned for the purpose requested, whether there is an intent on the part of the applicant to develop the property to be rezoned diligently and within a reasonable time and whether the proposed change is consistent with the city's current land use plan. If the change is consistent, the city council shall introduce an ordinance amending the zoning text or zoning map, whichever is appropriate. If the city council finds the change is not consistent is shall deny the application.

Section 5. 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 6. 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.

Section 7. 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 9th day of November 2026.

Mike Paxton
Mayor Pro Tem, City of West Okoboji

Attest:

Carol Chicoine
West Okoboji City Administrator