

ADMINISTRATION AND PROCEDURES

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ARTICLE TWELVE – ADMINISTRATION AND PROCEDURES

1201 Purpose

The Administration and Procedures Provisions establish the methods for implementation of the Zoning Ordinance. These provisions include procedures for reviewing specific uses within certain zoning districts; amending the Zoning Ordinance; and granting variances.

1202 Site Plan Review Procedure

a. Purpose

The Site Plan Review Procedure provides for the administrative review in addition to plan review required by other sections of the Storm Lake Municipal Code of projects that have potentially significant effects on traffic circulation or a significant effect on land uses in adjacent neighborhoods. The procedure provides for review and evaluation of site development features and possible mitigation of unfavorable effects on surrounding property.

b. Administration

The Zoning Administrator or his/her designee shall review, evaluate, and act on all site plans submitted pursuant to this procedure. An applicant may appeal a denial of any application to the Board of Adjustment.

c. Uses Requiring Site Plan Review

The following selected uses shall follow the Site Plan review procedure prior to the issuance of a building permit, unless they are otherwise subject to a Conditional Use Permit procedure for specific zoning districts.

1. Multiple family developments
2. Education Facilities
3. Automotive Washing
4. Automotive Sales
5. Any use including drive-in services.
6. Any commercial, industrial, or office building providing over 15,000 square feet in building area.
7. Any industrial use adjacent to a residential zoning district.

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d. Application Requirements

The owner(s) or the owners' authorized agent of a property may file an application for a Site Plan Review with the Zoning Administrator. The application shall include the following information:

1. Name and address of the applicant.
2. Owner, address, and legal description of the property.
3. A description of the nature and operating characteristics of the proposed use.
4. A site plan, drawn to a scale sufficient to permit adequate review and dimensioned as necessary, showing the following information:
 - a) The date, scale, north arrow, title, name of owner, and name of person preparing the site plan.
 - b) The location and dimensions of boundary lines, easements, and required yards and setbacks of existing and proposed buildings and site improvements.
 - c) The location, size, and use of proposed and existing structures on the site.
 - d) The location of all proposed site improvements, including parking and loading areas, pedestrian and vehicular access, sewers, sidewalks, utilities, service areas, fencing, screening, landscaping, and lighting.
 - e) Location of any major site features, including drainage and contours at no greater than five-foot intervals.
 - f) Any other information that may be required for review by the Zoning Administrator, or his/her designee.

e. Administrative Action and Appeal

The Zoning Administrator or his /her designee must act upon each complete application within 15 working days of filing. An applicant may appeal a denial to the Board of Adjustment within ten days of the action. The Board of Adjustment shall consider the appeal at the first available meeting after the filing of the appeal.

f. Review and Evaluation

1. The Zoning Administrator, or his/her designee (or the Board of Adjustment in cases of appeal), shall review and approve the site plan based on the criteria established in Table 12-1 and conformance with applicable regulations in this Zoning Ordinance.
2. The Zoning Administrator, or his/her designee (or the Board of Adjustment in cases of appeal), shall make the following findings before approval of the site plan:

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- a) The proposed development, together with any necessary modifications, is compatible with the criteria established in Table 12-1.
- b) The site plan conforms to the Zoning Ordinance.

g. Modification of Site Plan

The Zoning Administrator, or his/her designee (or the Board of Adjustment in cases of appeal), may require modification of a site plan as a prerequisite for approval. Required modifications may be more restrictive than base district regulations and may include, but not be limited to, additional landscaping or screening; installation of erosion control measures; improvement of access or circulation; rearrangement of structures on the site; or other modifications deemed necessary to protect the public health, safety, welfare, community character, property values, and/or aesthetics.

h. Term and Modification of Approval

1. A Site Plan Approval shall become void one year after the date of approval, unless the applicant receives a Building Permit and diligently carries out development prior to the expiration of this period.
2. The Zoning Administrator, or his/her designee, may approve an application to modify a previously approved site plan if he/she determines that the modification does not affect findings related to the criteria set forth in Table 12-1.
3. The Zoning Administrator or his/her designee may revoke a Site Plan Approval if he/she determines that the development is not complying with the terms and conditions of the approval. Such revocation may be appealed to the Board of Adjustment.

i. Approval to Run With Land

An approval pursuant to this section shall run with the land until the expiration date of such approval.

1203 Conditional Use Permit Procedure

a. Purpose

The Conditional Use Permit Procedure provides for Planning and Zoning Commission review and discretionary Board of Adjustment approval for uses within zoning districts, which have unusual site development, or operating characteristics that could adversely affect surrounding properties.

b. Administration

The Planning and Zoning Commission shall review and evaluate each application and transmit its recommendation to the Board of Adjustment. The Board of Adjustment shall review, evaluate, and act upon all applications submitted pursuant to this procedure.

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c. Application Requirements

The owner(s) of a property or the owners' authorized agent may file an application for a Conditional Use Permit with the Zoning Administrator. The application shall include the following information:

1. Name and address of the applicant.
2. The address and legal description of the property.
3. A description of the nature and operating characteristics of the proposed use.
4. Any graphic information, including site plans, elevations, other drawings, or other materials determined by the Zoning Administrator to be necessary to describe the proposed use to approving agencies.

d. Approval Process

1. The Planning and Zoning Commission, following proper notice, shall hold a public hearing on each Conditional Use Permit and, following such public hearing, shall recommend action to the Board of Adjustment.
2. The Board of Adjustment shall act on the Conditional Use Permit following the public hearing held by the Planning and Zoning Commission.

e. Criteria for Review

1. The Planning and Zoning Commission and the Board of Adjustment shall review and approve the application based on the criteria established in Table 12-1 and conformance with applicable regulations in this Zoning Ordinance.

f. Scope of Board of Adjustment's Approval

1. The Board of Adjustment may, at its discretion, limit a Conditional Use Permit to a specific owner or applicant. The Board of Adjustment may establish special site development or operational regulations as a condition for approval of a Conditional Use Permit. If the application is approved, the applicant must file with the Buena Vista County Recorder, an attachment to the deed of the property for which the conditional use permit was granted, specifying the conditions and circumstances of the conditional use permit.
2. The Board of Adjustment shall not grant a Conditional Use Permit for any home occupation/home-based business, which is otherwise prohibited under Section 610 of this Ordinance.

g. Lapse and Revocation of Permit

1. A Conditional Use Permit shall become void one year after its effective date if the applicant has not carried out development or occupancy during that period.

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2. The Board of Adjustment may revoke a Conditional Use Permit should the operation of the use subject to such permit violate the conditions under which the permit was granted.

h. Previously Approved Permits

Any conditional use approved under regulations in effect before the effective date of this Ordinance shall be considered to have a valid Conditional Use Permit, subject to requirements imposed at the time of its approval.

TABLE 12-1: Criteria for Site Plan Review and Conditional Use Permits

	CRITERION	APPLICATIONS TO	
		Site Plan Review	Conditional Use Permit
Land Use Compatibility			
Use Compatibility	That the use is so designed located and proposed to be operated that the public health, safety, welfare and convenience will be protected.		X
Property Valuation	That the use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.		X
Fire Safety	That the use will not substantially increase fire hazards.		X
Zoning Compatibility	That the use will be compatible with adjoining development and the proposed character of the zone district where it is to be located.		X
Development Density	Site area per unit or floor area ratio should be similar to surrounding uses if not separated by major natural or artificial features.		X
Height and Scale			
Height and Bulk	Development should minimize differences in height and building size from surrounding structures. Differences should be justified by urban design considerations.	X	X
Setbacks	Development should respect pre-existing setbacks in surrounding area. Variations should be justified by site or operating characteristics.	X	X
Building Coverage	Building coverage should be similar to that of surrounding development if possible. Higher coverage should be mitigated by landscaping or site amenities.	X	X

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	CRITERION	APPLICATIONS TO	
		Site Plan Review	Conditional Use Permit
Site Development			
Frontage	Project frontage along a street should be similar to lot width.	X	X
Parking and Internal Circulation	Parking should serve all structures with minimal conflicts between pedestrians and vehicles.	X	X
	All structures must be accessible to public safety vehicles.	X	X
	Development must have access to adjacent public streets and ways. Internal circulation should minimize conflicts and congestion at public access points.	X	X
Landscaping	Landscaping should be integral to the development, providing street landscaping breaks in uninterrupted paved areas, and buffering where required by surrounding land uses. Parts of site with sensitive environmental features or natural drainage ways should be preserved.	X	X
Building Design	Architectural design and building materials should be compatible with surrounding areas or highly visible locations		X
Operating Characteristics			
Traffic Capacity	Project should not reduce the existing level of traffic service on adjacent streets. Compensating improvements will be required to mitigate impact on street system operations.	X	X
External Traffic Effects	Project design should direct non-residential traffic away from residential areas.	X	X
Operating Hours	Projects with long operating hours must minimize effects on surrounding residential areas.	X	X
Outside Storage	Outside storage areas must be screened from surrounding streets and less intensive land uses.	X	X
Public Facilities			
Sanitary Waste Disposal	Developments within 500 feet of a public sanitary sewer must connect to sewer system.	X	X
	Sanitary sewer must have adequate capacity to serve development	X	X

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	CRITERION	APPLICATIONS TO	
		Site Plan Review	Conditional Use Permit
Storm Water Management	Development should handle storm water adequately to prevent overloading of public storm water management system.	X	X
	Development should not inhibit development of other properties.	X	X
	Development should not increase probability of erosion, flooding, landslides, or other run-off related effects.	X	X
Utilities	Project must be served by utilities.	X	X
	Rural estate subdivisions should be located in designated areas that can accommodate utility and infrastructure installation consistent with the need to protect the environment and public health.	X	X
Comprehensive Plan	Projects should be consistent with the City of Storm Lake's Comprehensive Plan.		X

1204 Amendment Procedure

a. Purpose

The Amendment Procedures describe the methods by which changes may be made in the text of the Zoning Ordinance (text amendment) and/ or the official boundaries of zoning districts (rezoning).

b. Initiation of Amendments

1. Text amendments may be initiated by the Planning and Zoning Commission or City Council; citizens may request a change through the Planning and Zoning Commission.
2. Rezoning may be initiated by a property owner or authorized agent; the Planning and Zoning Commission; or the City Council.

c. Rezoning Application Requirements

1. Changes and amendments. This ordinance and the districts 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 an application submitted to the Planning and Zoning Commission for review and recommendation. The Planning and Zoning Commission shall hold a public hearing, for which a notice shall be published as required by Iowa Code 362.3. The Planning and Zoning Commission shall have (45) forty-five days in which to submit its report to the City Council. If the Commission fails to submit a report within the (45) forty-five-day period, the Council

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shall take action on the proposed amendment without a recommendation from the Planning and Zoning Commission.

- (a) Such application shall be filed with the Administrative Officer accompanied by a fee as determined by the City Council and approved on their most current fee resolution and shall contain the following information:
 - 1) The legal description and local address of the property.
 - 2) The present zoning classification and the zoning classification requested for the property.
 - 3) The existing use and proposed use of the property.
 - 4) The names and addresses of the owners of all property within two hundred feet (300') of the property for which the change is requested.
 - 5) A statement of the reasons why the applicant feels the present zoning classification is no longer valid.
 - 6) A plat showing the locations, dimensions and use of the applicant's property and all property within two hundred feet (300') thereof including streets, alleys, railroads, and other physical features.

All fees shall be deposited to the General Revenue fund of the City. Failure to approve the requested change shall not be deemed cause to refund the fee to the applicant.

2. In case the Planning and Zoning Commission does not approve the change or, in a case of a protest filed with the City Council against a change in district boundaries signed by the owners of (20%) twenty percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent thereto and within (200') two hundred feet of the boundaries thereof, such amendment shall not be passed except by the favorable vote of (3/4) three-fourths of all the members of the City Council.
3. Application for Change in Zoning District Boundaries. Any person may submit to the Planning and Zoning Commission an application requesting a change in the zoning district boundaries as shown on the official zoning map.
 - (a) Such application shall be filed with the Administrative Officer accompanied by a fee as determined by the City Council and approved on their most current fee resolution and shall contain the following information:
 - 1) The legal description and local address of the property.
 - 2) The present zoning classification and the zoning classification requested for the property.
 - 3) The existing use and proposed use of the property.
 - 4) The names and addresses of the owners of all property within two hundred feet (300') of the property for which the change is requested.
 - 5) A statement of the reasons why the applicant feels the present zoning classification is no longer valid.
 - 6) A plat showing the locations, dimensions and use of the applicant's property and all property within two hundred feet (300') thereof including streets, alleys, railroads, and other physical features.

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All fees shall be deposited to the General Revenue fund of the City. Failure to approve the requested change shall not be deemed cause to refund the fee to the applicant.

- (b) Upon receipt of the application by the Administrative Officer, a copy shall be forwarded immediately to the Commission for study and recommendation. The Commission shall, prior to making a recommendation determine the following:
- 1) Whether or not the current district classification of the property to be rezoned is valid.
 - 2) Whether there is a need for additional land zoned for purpose requested.
 - 3) Whether the proposed change is consistent with the current land use plan, considering such factors as:
 - i. Whether the rezoning would result in a population density or development, which would in turn cause a demand for services and utilities in excess of the capacity, planned for the area.
 - ii. Whether the rezoning would result in the generating of traffic in excess of the capacity of existing or planned streets in the vicinity.
 - iii. Whether there is intent on the part of the applicant to develop the property to be rezoned diligently and within a reasonable time.
- (c) The Planning and Zoning Commission shall report its determinations and recommendations to the Council within forty-five (45) days from receipt of the application, except that when no report is issued within that time, the application will be forwarded to the City Council without a recommendation.

d. Required Notice and Publication

Prior to consideration of amending, supplementing, changing, modifying, or repealing this ordinance by the governing body, notice of public hearings shall be provided by the three following methods, as determined by the City:

1. Notice of Meeting: A notice shall be posted as required by Iowa Code Section 21.4.
2. Publication: A notice of such hearing shall be published as required by Iowa Code Section 362.3 and Section 414.4. Such notice shall include the date, time, place, and subject matter of hearing.
3. Notification by Mail: City Staff shall mail notice of the time, place, and subject matter of the hearing to those persons who own property within 300 feet of the subject site at least seven days prior to the date of the hearing.

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e. Approval by City Council

All requests for amendments must be approved by the City Council consistent with Iowa Code of Laws.

1205 Annexed Territory

All territory, which may hereafter be annexed to the City, shall be in the RES – Reserve District. However, the Planning and Zoning Commission may recommend the appropriate district classification prior to such territory becoming part of the City and upon holding a public hearing and with approval of the City Council the territory upon becoming part of the City may be immediately so classified.

1206 Building Permits and Certificates of Zoning Compliance

a. Administration and Enforcement

1. The Zoning Administrator shall administer and enforce this ordinance.
2. If the Zoning Administrator, or his/her designee shall find that any of the provisions of this ordinance are being violated, he/she shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

b. Building Permits Required

No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefore, issued by the administrative official. No building permit shall be issued by the administrative official except in conformity with the provisions of this ordinance, unless he/she receives a written order from the Board of Adjustment in the form of an administrative review, conditional use permit, or variance as provided by this ordinance.

1. As an exception to the above, a single accessory building not exceeding 144 square feet may be constructed without a permit, providing it meets all required setbacks and is accessory to a principle use.

c. Application for Building Permit

All applications for building permits shall include plans if applicable in duplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration.

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The application shall include such other information as lawfully may be required by the administrative official, including existing or proposed building or alterations; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this ordinance.

The administrative official shall return one copy of the plans to the applicant, after he/ she shall have marked such copy either as approved or disapproved and attested to it by his signature on such copy. The administrative official shall retain one copy of the plans, similarly marked.

d. Certificates of Zoning Compliance for New, Altered or Non-Conforming Uses

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, altered, or enlarged 25% of its use or structure until a certificate of zoning compliance shall have been issued therefore by the administrative official stating that the proposed use of the building or land conforms to the requirements of this ordinance.

e. Expiration of Building Permit

1. If the work described in any building permit has not begun within 180 days from the date of issuance thereof, said permit shall expire; the administrative official shall cancel it; and written notice thereof shall be given to the persons affected.
2. If the work described in any building permit has not been substantially completed within two years of the date of issuance thereof, said permit shall expire and be canceled by the administrative official, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained.
3. The expiration date of a building permit may be established for a period longer than two years if established at the time that the City issues such permit. The Zoning Administrator, or his/her designee may, at his/her discretion extend the expiration period of the building permit.

f. Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates of Zoning Compliance

Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the administrative official authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangement, or construction at variance with that authorized shall be deemed violation of this ordinance, and punishable as provided by Section hereof.

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1207 Schedule of Fees, Charges, and Expenses

The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of zoning compliance, appeals, and other matters pertaining to this ordinance.

The schedule of fees shall be posted in the office of the administrative official, and may be altered or amended only by the City Council.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

1208 Board of Adjustment

a. Establishment

1. A Board of Adjustment is hereby established. The Board shall consist of five regular members.
2. Each member shall be appointed by the City Council for a five-year term and is removable for cause by the City Council upon written charges and after public hearings. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.
3. The Board of Adjustment shall adopt rules and regulations in accordance with this ordinance and the Code of Iowa. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. Such chairman, or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings and records shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact. The Board shall keep a record of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. A majority of the Board shall constitute a quorum for the transaction of business.

b. Procedure for Appeals

1. Appeals shall be made to the Board of Adjustment through the office of the Zoning Administrator in written form as determined by the Zoning Administrator. The Board shall fix a reasonable time for the hearing of the appeal and shall decide the appeal within 30 days of the date of the public hearing. An appeal stays all proceedings in furtherance of the action, unless the Zoning Administrator certifies to the Board that by reason of the facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property.
2. The Board shall provide a notice of a public hearing on any question before it. Notice of the hearing shall be published as required by Iowa Code Section 362.3; and by written notice to the appealing party.

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3. Upon the public hearing, any party may appear in person or by agent or attorney. The concurring vote of three out of five members of such board as so composed shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the appellant on any matter upon which it is required to pass under any zoning ordinance, or to effect any variation in such ordinance.
4. A fee as determined by the City Council and approved on their most current fee resolution shall be paid to the Administrative Officer at the time the notice of appeal is filed, which the Administrative Officer shall forthwith pay over to the credit of the General Revenue Fund of the City.

1209 Powers and Duties of the Board Of Adjustment

The Board of Adjustment shall have only the following powers and duties:

a. Administrative Review:

To hear and decide appeals where it is alleged there is error in any order, requirement, decisions or determination made by the Zoning Administrator, or his/her designee in the enforcement of this Ordinance or any regulation relating to the location or soundness of structures

b. Conditional Use Permits:

To hear and decide the approval of applications for Conditional Use permits, as provided by this Ordinance. Procedures for Conditional Use Permits are established in Section 1203.

c. Variances to Relieve Hardships Relating to Property:

To authorize, upon appeal, variances from the strict application of this Ordinance where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the zoning regulations; or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, such strict application would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property.

1. Requirements for Grant of a Variance. The Board shall authorize no such variance unless it finds that:
 - (a) Strict application of the zoning ordinance will produce undue hardship and would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
 - (b) Such hardship is not shared generally by other properties in the same zoning district and in the same vicinity.
 - (c) The authorization of such variance will not be of substantial detriment to adjacent property and the granting of the variance will not change the

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character of the district.

- (d) The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice.
 - (e) The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable a general regulation to be adopted as an amendment to this Zoning Ordinance.
 - (f) The granting of the variance will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of any Ordinance or Resolution.
2. Findings by Board. The Board of Adjustment shall make findings that the requirements of Section 1209(c)(l) have been met by the applicant for a variance.
3. Conditions for Grant of Variance.
- (a) In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 1213 of this Ordinance.
 - (b) Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.
 - (c) No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
 - (d) Effective Date of Variances/Review by Council:

Every variance granted by the Board of Adjustment shall be subject to review by the City Council, and the Council may, in its discretion, remand a decision to grant a variance back to the Board of Adjustment for further consideration.

The only persons authorized to request the remand of a decision to grant a variance shall be the Mayor, the City Administrator, the City Attorney or the Zoning Administrator, and the only grounds for requesting a remand shall be that legal error is believed to have occurred in the procedures followed by the Board of Adjustment or that the evidence presented by the applicant did not support the finding required by 1209(c)(1), or that the variance granted was beyond the authority of the Board of Adjustment. On remand, all parties shall be permitted to introduce such additional relevant evidence, as they deem appropriate.

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To facilitate review by the City Council, no variance granted by the Board of Adjustment shall become effective until the day following the next regularly scheduled council meeting, which occurs more than four calendar days after the Board of Adjustment meeting at which the variance is granted. If the Council does remand the granting of a variance back to the Board of Adjustment, the effective date of the variance is delayed for thirty days from the date of the remand.

If the granting of a variance is remanded to the Board of Adjustment for reconsideration, the Board shall notify the applicant, the City Administrator and other interested parties of the time and place that the matter will be reconsidered, and after holding the rehearing, the Board shall either reaffirm its decision to grant the variance, or alternatively, it shall deny the variance.

d. Board has Powers of Zoning Administrator on Appeals: Reversing Decisions of Zoning Administrator

In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decisions, or determination as ought to be made, and to that end shall have the powers of the Zoning Administrator from whom the appeal is taken.

The concurring vote of three members of the Board shall be necessary to reverse any order, requirements, decision, or determination of the administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in the application of this ordinance.

1210 Appeals from the Board of Adjustment

Any person or persons, or any board, taxpayer, officer, department, board or bureau of the city aggrieved by any decision of the Board of Adjustment may seek review of such decision by a court of record in the manner provided by the laws of the State and particularly by Chapter 414, Code of Iowa.

1211 Severability Clause

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the resolution as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

1212 Complaints Regarding Violations

Whenever a violation of this ordinance occurs, any person may file a written complaint. Such complaints stating fully the causes and basis thereof shall be filed with the Zoning Administrator.

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He/she may record properly such complaint immediately, investigate, and take action thereon as provided by this resolution.

1213 Penalties for Violation

a. Violation and Penalty

Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional use permits) shall constitute a municipal infraction, subject to the penalties and alternative relief authorized by Title I, Chapter 20 of the City Code and by Section 364.22 of the Code of Iowa.

b. Restraining Order

In case any building is built, developed, altered, or otherwise used in violation of this Ordinance, the City Attorney, in addition to other remedies, may institute any proper action or proceed in the name of the City of Storm Lake, to prevent such unlawful action; to restrain, correct, or abate such violation; or to prevent any illegal act, conduct, business, or use in or about said premises.

c. The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

d. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.