

WHEREAS: The City of Buffalo currently charges fees for a change in zoning district boundaries, variances and appeals to the variance board, and;

WHEREAS: It is in the interest of the City of Buffalo to increase the fees to cover the costs associated with changing zoning district boundaries, approving variances and of adjustment hearing appeals of the zoning commissioner.

THEREFORE: Be it resolved that the Buffalo Municipal Code is changed as follows:

Section 6-7.0104 Application For Change In Zoning District Boundaries. Any person may submit to the Council an application requesting a change in zoning district boundaries as shown on the official zoning map. Such application shall be filed with the enforcement officer and accompanied by a down payment of \$500.00. The \$500.00 down payment shall reimburse the City for the cost of meetings, administrative cost, attorneys fees, engineering fees, and newspaper publishing expenses. After applying the \$500.00 down payment to the costs incurred by the City, any excess funds remaining shall be returned to the applicant. If the costs are more than \$500.00, the balance must be paid in full before the final decision is given. The application shall contain the following information:

1. Location. The legal description and address of the property.
2. Zoning Classifications. The present zoning classification and the zoning classification requested for the property.
3. Use of property. The existing use and proposed use of the property.
4. Owners of Adjacent Property. The names and addresses of the owners of all property within two hundred (200) feet to the property for which the change is requested.
5. Reason for change. A statement of the reasons why the applicant feels the present zoning classification is no longer valid.
6. Plat. A plat showing the location, dimensions and use of the applicants property within two hundred (200) feet thereof, including streets, alleys, railroads, and other physical features.

Section 6-7.0215 Board of Adjustment: Powers and Duties. The Board of Adjustment shall have the following powers and duties:

5. Appeals, variances and special permits. Prior to considering all appeals and proposed special permits and variances to the ordinance a property owner shall submit to the City Clerk a down payment in the amount of \$500.00. The down payment shall reimburse the City for the cost of meetings, administrative costs, engineering costs, legal fees, newspaper publishing costs. After applying the \$500.00 down payment to the costs incurred by the City, any excess funds remaining shall be returned to the applicant or homeowner. If the costs exceed the \$500.00 down payment, the balance must be paid in full before the final decision is given. In considering all appeals and proposed special permits and variances to this ordinance, the board before making any specific permit variance or decision on appeal in a specific case, shall first determine:
 - A. That the granting of exception will not permit any use in any district which would be in conflict with the permitted uses of such district under the terms of this ordinance;
 - B. That it will not impair an adequate supply of light and air to adjacent property.
 - C. That it will not unreasonably increase the congestion in public streets.
 - D. That it will not increase the danger of fire or of the public safety.
 - E. That it will not unreasonably diminish or impair established property values within the surrounding area.
 - F. That it will not in any other respect impair the public health, comfort, safety, morals or welfare of the inhabitants of the city.

Full force and effect. This ordinance shall be in full force and effect from the date of passage and publication as required by law.

Repealer. This ordinance shall be construed to repeal any prior ordinance inconsistent herewith.

Severability of provisions. If any section, subsection, sentence, clause, phrase, or portion of this ordinance be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as separate, distinct, and independent provision as such holdings shall not be affected the validity of the remaining portion hereof.

Passed by the City Council of the City of Buffalo, IA, this 5 day of April, 2004.

Approved and signed by the Mayor of the City of Buffalo, IA, this 5 day of April, 2004.

Signed: Betty O. Walters
Betty O. Walters,

Attest: Carol A. Bernauer
Carol A. Bernauer, City Clerk CMC
Finance Officer Buffalo, IA

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