

**CITY OF BUFFALO
ORDINANCE NO. 424**

An Ordinance amending Section 6-7.0215(5) of the Municipal Code of the City of Buffalo
relating to Variance Application Fee.

WHEREAS, from time to time it is necessary to amend the Buffalo Municipal Code to ensure the public health and safety.

THEREFORE, be it resolved that the following amendment is to be made to the Buffalo Municipal Code:

1. Section 6-7.0215(5) is hereby amended to read as follows:

5. Appeals, Variances and Special Permits. Prior to considering all appeals and proposed special permits and variances to the ordinance codified in this chapter, a property owner shall submit to the city clerk a down payment in the amount of one hundred fifty dollars (\$150.00). The down payment shall reimburse the city for the cost of meetings, administrative costs, engineering costs, legal fees, newspaper publishing costs. After applying the one hundred fifty dollars (\$150.00) 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 one hundred fifty dollars (\$150.00) 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 chapter, 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 per-mitted uses of such district under the terms of this chapter;

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 in-habitants 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.

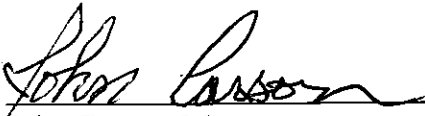
Repealer. This ordinance shall be construed to repeal any prior ordinance inconsistent herewith.

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.

Adopted by the City Council of the City of Buffalo, Iowa, the 3 day of November, 2008.

Approved and signed by the Mayor of Buffalo, Iowa, the 3 day of November, 2008.



John Carson, Mayor

Attest: 

Tanna Carter, City Clerk

Date of First Reading	September 8, 2008
Date of Second Reading	October 6, 2008
Date of Third Reading	November 3, 2008
Date of Publication	November 14, 2008