

ARTICLE J – DEVELOPMENT REVIEW PROCEDURES

Section 156.J.001, Purpose and Application

Subsec. 156.J.001.1, Purpose

The purpose of this Article is to consolidate and standardize the City's development review procedures.

Subsec. 156.J.001.2, Applicability

- A. **Generally.** The sections of this Article apply to all development activity that requires a recommendation or final decision from City staff or a Council, Commission, or Board denoted in [Article I, Development Review Bodies](#).
- B. **Types of Procedures.** There are three types of development procedures applicable to this Zoning Ordinance, including:
 - 1. *Legislative.* An application recommended by a Commission, Board, or Staff that requires public notice and a hearing, and a final decision by the City Council is a legislative action.
 - 2. *Administrative.* These applications are decided by the Zoning Administrator where no public notice or hearing is required. The decision is made using clear and objective standards or approval criteria where no limited discretion is necessary.
 - 3. *Quasi-Judicial.* The Board of Adjustment (Board) reviews applications for special use permits, appeals of administrative decisions, variances, determines findings of fact, and may then approve, approve with conditions, or deny an application. The decision of the Board is final and subject only to appeal by a court of competent jurisdiction.
- C. **Sequence of Development Approval.** Where more than one development review application is required by this Zoning Ordinance in order to initiate, continue, or complete a development on the same property, development review bodies shall make final decisions in the following sequence. A development review body shall make final decisions on:
 - 1. Legislative applications prior to final decisions on all other applications;
 - 2. Quasi-judicial applications prior to final decisions on subdivision or administrative applications; and
 - 3. Applications within the same category as Table [156.J.002.12-1, Development Review Summary Table](#), assigns priority.

Section 156.J.002, Common Review Procedures

Subsec. 156.J.002.1, Pre-Application Conference

- A. **Purpose.** The purpose of a Pre-application Conference is to familiarize the applicant with the submittal requirements and review procedures, including all applicable standards and any known constraints, hazards, or special conditions associated with the subject property.
- B. **Applications Requiring a Pre-Application Conference.** Table [156.J.002.12-2, Review Steps](#), denotes the development review applications that require a Pre-Application Conference.
- C. **Scheduling.** The conference shall be scheduled at least 15 days before an application is due.
- D. **Sketch Plan.** The applicant may submit a sketch plan as a basis for discussion prior to or at the pre-application conference. The sketch plan shall be of sufficient detail to accurately convey the concept, character, location, parcel size, and the size and scale of the proposed development. The applicant may submit additional materials at his or her discretion.
- E. **Requested Submittals.** At or following the Pre-application Conference, the Zoning Administrator may request that the applicant provide additional materials at the time of application submittal as may be necessary to permit the informed exercise of judgment under the decision criteria for the application.

- F. **Disclaimer.** Outcomes of the pre-application conference shall not imply, in whole or in part, any final decision on the application.
- G. **Continuing Review Process.** After the Pre-application Conference has occurred, applications that require such conference may subsequently undergo the processes established in [Subsec. 156.J.002.3, Application Completeness](#).

Subsec. 156.J.002.2, Application and Fees

- A. **Applications and Fees.** Every development review application required by this Zoning Ordinance shall be submitted in a format and with contents established by the Zoning Administrator and shall include the corresponding application fee that is established by the City Council.
- B. **Applications Subject to Application Filing and Fees.** Table [156.J.002.12-2, Review Steps](#), denotes the development review applications that require an Application and Fees.
- C. **Authorization to Initiate an Application.** Table [156.J.002.2-1, Application Authorization](#), denotes those who are authorized to initiate each of the application types.

Table 156.J.002.2 Application Authorization			
Application Type	Council or Commission	Property Owner ¹	Party Aggrieved by an Administrative Decision ¹
Legislative Review Applications	Yes	Yes	No
Administrative Review Applications	No	Yes	No
Quasi-Judicial Applications	No	Yes	Yes

TABLE NOTES:
 "Yes" = Entity may initiate application | "No" = Entity may not initiate application
 1. Including his or her agent.

- D. **Liens, Taxes, Assessments, and Debts to Public Entities.** No application for a permit or approval will be processed for property that is the subject of outstanding liens, delinquent taxes, delinquent assessments, or any other delinquent debts, fines, or obligations to the City, County, a school district, or other public-sector entity that provides services to the property.
- E. **Representation of Facts.** It is unlawful for any person to knowingly or willfully misrepresent or fail to include any information required by this Zoning Ordinance on any application. If development is approved upon an application that contains misrepresentations or fails to contain material facts required by the application, then the City shall place a stay or stop-work order on the development or use, which shall remain in place until such time that the approval body receives the required information to its satisfaction.
- F. **Waiver of Submittal Requirements.** The Zoning Administrator may waive certain submittal requirements in order to tailor the requirements to the information necessary to review a particular application.
- G. **Deadlines.** The Zoning Administrator may establish periodic application submittal deadlines.
- H. **Continuing Review Process.** Submitted applications shall subsequently undergo the processes established in [Subsec. 156.J.002.3, Application Completeness](#).

Subsec. 156.J.002.3, Application Completeness

- A. **Generally.** The application completeness review ensures whether or not an application is sufficiently complete to be processed. After an application is submitted, the Zoning Administrator shall review the application and determine if:
 1. The application includes all required materials and information;
 2. Those parts of the application which are required to be prepared by licensed professionals are, in fact, prepared by such professionals; and

3. Any additional information that is necessary to demonstrate compliance with all of the applicable requirements of this Ordinance or that was identified as part of a Pre-Application Conference.
- B. **Applications Requiring an Application Completeness Review.** Table [156.J.002.12-2](#), *Review Steps*, denotes the development review applications that require Application Completeness.
- C. **Completeness Does Not Equate to Approval.** A determination of completeness does not mean that:
 1. During review, additional clarification or information will not be needed;
 2. The application will receive a positive recommendation or positive final decision from the applicable administrative body; or
 3. The contents of the submittal are accurate or that they comply with the standards of this Zoning Ordinance.
- D. **Incomplete Applications.**
 1. If the Zoning Administrator determines a submittal not to be complete, the Administrator shall:
 - a. Notify the applicant in writing with a list of all missing or incomplete items; and
 - b. Provide a maximum of 10 business days for the applicant to resubmit the missing or incomplete items.
 2. If the applicant does not resubmit the missing or incomplete items within 10 business days, the Zoning Administrator shall deem the submittal null and void.
- E. **Refunds.** Fees for applications deemed incomplete and null and void are non-refundable.
- F. **Continuing Review Process.** Complete applications shall subsequently undergo the processes established in [Subsec. 156.J.002.4](#), *Staff Review*.

Subsec. 156.J.002.4, Staff Review

- A. **Final Decision or Distribution.** After completeness determination, the Zoning Administrator shall, according to the review responsibilities of Table [156.J.002.12-1](#), *Development Review Summary Table*:
 1. *Review and Comment.* Review the application and provide comments to the applicant, which may include required revisions;
 2. *Review and Decide.* Review and make a final decision on the application; or
 3. *Distribute.* Distribute the application to City staff or outside agency for recommendation or final decision.
- B. **Applications Requiring Staff Review and Referral.** Table [156.J.002.12-2](#), *Review Steps*, denotes the development review applications that require a Staff Review.
- C. **Required Revisions.**
 1. *Comments.* During application review, the Zoning Administrator may provide comments from City staff or outside agencies or other administrative bodies, where applicable, to the applicant. The applicant shall revise and resubmit the application with the requested changes.
 2. *Resubmittal.* Upon receipt of the resubmittal, the Zoning Administrator may refer the application to agencies again if the changes substantially affect the interests of the agency in ways not anticipated by the agency's original comments, or require the agency's technical expertise for appropriate review.
- D. **Administrative Recommendation or Decision.** Promptly after submittal of a complete application that addresses the comments (or, after finding that no revisions are required):
 1. *Administrative Applications.* If the application is for a review procedure addressed in [Section 156.J.004](#), *Administrative Review Procedures*, then the City staff member denoted in Table [156.J.002.12-1](#), *Development Review Summary Table*, shall approve, conditionally approve, or deny the application, as appropriate. Applications receiving approval may subsequently undergo the processes established in [Subsec. 156.J.002.10](#), *Inactive or Expired Applications*.
 2. *Legislative and Quasi-Judicial Applications.* If, according to Table [156.J.002.12-2](#), the application requires a public meeting or public hearing prior to a final decision, then the applicable City staff member shall forward a recommendation to the next administrative body who will consider it for further recommendation or final decision.

- E. **Common Review Criteria.** In addition to all other applicable provisions of this Zoning Ordinance, City staff and administrative bodies shall consider the provisions of [Subsec. 156.J.002.5, Common Review Criteria](#), when making a recommendation or a final decision.
- F. **Continuing Review Process.** Applications requiring a public meeting or hearing shall subsequently undergo the processes established in [Subsec. 156.J.002.6, Public Notice](#), and [Subsec. 156.J.002.7, Public Meetings and Hearings](#).

Subsec. 156.J.002.5, Common Review Criteria

- A. **Generally.** In determining whether to approve, approve with conditions or modifications, or deny an application, the applicable review bodies shall consider the common review criteria denoted in [Table 156.J.002.5-1, Common Review Criteria Applicability](#). Additional review criteria may apply and are enumerated in the specific review procedures within this Article.
- B. **Applications Subject to Common Review Criteria.** [Table 156.J.002.5-2, Review Steps](#), denotes the development review applications that are applicable for the use of Common Review Criteria.

Table 156.J.002.5-1 Common Review Criteria Applicability			
Common Review Criteria	All Applications¹	Legislative Applications¹	Quasi-Judicial Applications
The request complies with the applicable standards of this Zoning Ordinance, the City Code of Ordinances, and any applicable county, state, or federal requirements.	Yes	No	No
The request substantially conforms to any associated prior approval for the development, including, but not limited to, a Special Use Permit, Master Development Plan, or Site Plan.	Yes	No	No
The administrative body has considered the recommendation of Staff.	No	Yes	Yes
The request is consistent with applicable policies of the Comprehensive Plan and applicable utility plans and capital improvements plans; or, if it addresses a topic that is not contained or not fully developed in the Comprehensive Plan, the request does not impair the implementation of the Comprehensive Plan.	No	Yes	Yes
The request promotes the purposes of this Zoning Ordinance as established in Section 156.A.002, Purposes , and in other applicable purpose statements in this Chapter.	No	Yes	Yes
Adequate facilities, including public or private utilities, solid waste service, roads, drainage, and other improvements are present or are planned to be provided.	Yes	Yes ²	Yes
The request demonstrates compatibility with surrounding conforming and permitted land uses and structures and with the general character of the area.	No	Yes ²	Yes
TABLE NOTES: "Yes" = Common Review Criteria applies for all applications. "No" = Common Review Criteria does not apply for all applications. 1. Excluding Appeals of Administrative Decisions. 2. Excluding Zoning Ordinance Text Amendment.			

Subsec. 156.J.002.6, Public Notice

- A. **Generally.** Public notice, if required, shall be provided in accordance with the requirements of this Subsection. The content of notices shall be according to the policies adopted by the City and as required by [Iowa Code, Sec. 362.3](#).
- B. **Required Notice.** Set out in Table 156.J.002.6-1, *Required Notice*, are the required notices established for each type of application or procedure. Administrative approvals and procedures do not require notice and therefore are not listed in the Table. It shall be the policy of the City to give as full and adequate notice as practicable to all interested persons and to the general public, but the good-faith failure to mail notice to any person entitled in this Subsection, except as specified in Chapter 414, of the Iowa Code, shall not be grounds for upsetting any action taken.
- C. **Content of Notice.** The notice shall include:
 - 1. The date, time, and place of such hearing;
 - 2. A description of the contents of the matter to be heard; and
 - 3. The address or location of the property involved and to be discussed at the public hearing.
- D. **Setting Hearing.** For all matters properly brought before the Board of Adjustment or the Plan and Zoning Commission for which a public hearing is required by this Zoning Ordinance, the development review body charged with conducting the public hearing shall, upon receipt of a completed application, select a reasonable time and place for such hearing; provided, however, that such time shall be not later than 60 days following the submission of the subject application, unless the applicant shall agree to some later time.

Table 156.J.002.6-1 Required Notice				
Review Procedure	Application Type	Review Body	Publication	Posted
Legislative Applications	Text Amendment	City Council	Required	Not Required
	Zone Change		Required	Required
Quasi-Judicial Applications	Special Use Permit	Board of Adjustment	Required	Required
	Variances		Required	Required
	Appeals of Administrative Decisions		Not Required	Not Required

- E. **Procedural Requirements for Notice.**
 - 4. *Contents.* All notices shall contain, at minimum, the following information:
 - a. The name of the owner, applicant, engineer, architect, or other parties involved;
 - b. Lot, block, and address of the subject property, or, if none apply, the general location based on the nearest street intersection;
 - c. For variances, a reference to the Zoning Ordinance provision that is the subject of the variance;
 - d. The address, date, and time of the public hearing.; and
 - e. The necessary information for obtaining assistance for physically impaired persons who wish to attend the hearing.
 - 5. *Published Notice.* The Zoning Administrator shall arrange for notice of a required public hearing to be published in one issue of an official newspaper of general circulation in the City, as applicable and as required by state law.
 - 6. *Posted Notice.* Notice is given by a sign posted on the property in one or more locations that are visible from a public street.
 - a. Notice will read “Public Hearing” and provide Housing and Community Development Office contact information.
 - b. Post notice signs on each street frontage of a site under consideration to inform the public of a proposed land use plan amendment or zone change and the time and place of the public hearing. The sign shall be black letters on a white sign board and dimensioned as established by the Zoning Administrator.

- c. If multiple properties are under consideration, post signs at least every 600 feet along each street frontage.
 - d. It is the responsibility of the property owner to ensure that the signs are maintained and visible from the street rights-of-way in accordance with the provisions of this Section. Failure to maintain the public notice signs may be considered, along with all other facts and circumstances, in determining whether the request is granted. Any person who removes a public notice sign without the property owner's consent shall be guilty of a misdemeanor.
 - e. Public notice signs must be erected no less than seven days before the hearing and shall remain in place until the final hearing.
 - f. Remove signs within seven days after a final decision has been made.
- F. **Constructive Notice.** Failure of a surrounding property owner to receive notice of a hearing shall not affect the validity of the final decision.

Subsec. 156.J.002.7, Public Meetings and Hearings

1. **Generally.** All meetings of the City Council, Plan and Zoning Commission, and Board of Adjustment shall be open to the public except as otherwise provided by the Iowa Open Meetings Law and Public Records Law set out in [Chapters 21 and 22](#) of the Iowa Code. However, not all decisions require public hearings. Therefore, recommendations and decisions that are authorized by this Zoning Ordinance are classified as requiring a "public meeting" or "public hearing."
2. **Applications Requiring Public Meetings and Hearings.** Table [156.J.002.12-2, Review Steps](#), denotes the development review applications that require public meetings and hearings.
3. **Joint Meetings.** Any public hearing required by this Ordinance or the laws of the State of Iowa may be held jointly with any public hearing required to be held by City Council or Plan and Zoning Commission, but not by the Board of Adjustment. Such joint meetings may be held after public notice as required by law.
4. **Consent Agenda.** The consent agenda may consist of all matters brought before the City Council, Plan and Zoning Commission, and Board of Adjustment for action that does not require a public hearing. All items on the consent agenda shall be approved simultaneously by motion without comment or debate. An item may be removed from the consent agenda prior to approval at the request of any member of the Board, Plan and Zoning Commission, or City Council present at the meeting, or by City staff. Items removed from the consent agenda shall be considered on the regular agenda.
5. **Public Hearings.**
 - a. *Procedures.* The City Council, Plan and Zoning Commission, and Board of Adjustment follow Robert's Rules of Order as set out in Section 2.04.030, Robert's Rules of Order, as amended from time to time, for the conduct of public hearings. All other matters pertaining to the conduct of hearings shall be governed by the provisions of this Ordinance pertaining to, and the rules promulgated by, the body conducting the hearing. The following general procedures shall be reflected in the adopted rules of procedure.
 1. Any person may appear at a public hearing, submit evidence, and be heard.
 2. If a speaker represents an organization, the body conducting the hearing may request written evidence of that person's authority to speak on behalf of the group in regard to the matter under consideration.
 3. Persons appearing at a public hearing shall identify themselves and state their address and similar information about any organization they represent.
 4. Citizens, applicants, and the City have the right to present expert witnesses.
 5. The chairperson may impose a reasonable time limit on speakers and may limit testimony that is irrelevant or redundant.
 - b. *Pre-hearing Examination.* At any time following the giving of notice as required in Subsec. [156.J.002.6, Public Notice](#), and upon reasonable request, any person may examine the application and all other documents on file with the secretary of the body holding the hearing pertaining to the matter subject to such notice. In addition, any person shall be entitled to copies of such application and documents upon reasonable request and payment of a fee as established from time to time by the City Council to cover the cost of such copies.

- c. *Right to Submit Written Statements.* Any person may at any time prior to the commencement of a hearing, or during such hearing, or within such time as may be allowed by the development review body following such hearing, submit written statements in support of or in opposition to the application being heard. Such statements shall be made a part of the public record of the hearing.
 - d. *Representation.* Persons appearing before the Board of Adjustment, Plan and Zoning Commission, or City Council may appear in person, through an online meeting platform when public hearings are held in such format, or through a representative or agent. The representative or agent shall provide satisfactory proof of his or her authority upon the request of the Board of Adjustment, Plan and Zoning Commission, or City Council.
 - e. *Quorum.* The number of members of the Board of Adjustment or Plan and Zoning Commission is required in order to constitute a quorum is set out in the applicable Subsections of [Article I, Development Review Bodies](#). The number of members of the City Council that is required in order to constitute a quorum is set out in Iowa Code [§380.4](#).
- 6. Decisions.**
- a. *All Decisions.* Except when voice votes are authorized, a vote shall be conducted in a manner that the public may know the vote of each person entitled to vote.
 - b. *Plan and Zoning Commission and City Council Decisions.* The following shall apply to applications as established in [Section 156.J.003, Legislative Review Procedures](#):
 - 1. Except where this Zoning Ordinance or state statutes provide otherwise, official action requires the concurring vote of a majority of a quorum present.
 - 2. Failure of the Plan and Zoning Commission to act within 30 days shall be deemed a recommendation to the City Council to approve applications as submitted.
 - 3. Within 60 days, or a period as may be agreed to by the applicant, following the receipt of the recommendation of the Commission, or the failure of the Commission to act as provided above, the Council shall:
 - i. By a duly adopted resolution, approve the application with or without conditions to be accepted by the applicant as a condition of approval.
 - ii. Refer the application back to the Commission for further consideration of specified matters; or
 - iii. Refuse to approve the application;
 - iv. Failure of the Council to act within 60 days shall be deemed a final denial of the application.
 - c. *Board of Adjustment Decisions.* In accordance with [Iowa Code Chapter 414](#), official actions of the Board of Adjustment require the concurring vote of three regular members of the Board.

Subsec. 156.J.002.8, Continuances and Withdrawals

- A. **Generally.** Consideration of applications may be continued, or applications withdrawn as provided in this subsection.
- B. **Applications Subject to Continuance and Withdrawal Provisions.** Table [156.J.002.12-2, Review Steps](#), denotes the development review applications that are eligible for Continuances and Withdrawals.
- C. **Continuances.**
 - 1. *Request or Motion to Continue.* Consideration of an application may be continued upon motion of the City Council, Plan and Zoning Commission, or Board of Adjustment or upon request of the applicant before a decision is made on the application.
 - 2. *Period of Continuation.* Should any item before the City Council, Plan and Zoning Commission, or Board of Adjustment be tabled in anticipation of information or events to occur prior to rendering a decision, such tabling shall be for not longer than the second meeting following the meeting at which the time was tabled.

Subsec. 156.J.002.9, Successive Applications

- A. **Generally.** It is the policy of the City not to hear successive applications for a substantially similar application after an application is denied. The limitations of this Subsection prevent the consideration of successive applications.

- B. **Applications Eligible for Successive Applications.** Table 156.J.002.12-2, *Review Steps*, denotes the development review applications that are eligible for Successive Applications.
- C. **Second Applications Without New Grounds Barred.** Whenever any application, appeal, or other request has been denied on its merits, a second application, appeal, or other request seeking essentially the same relief shall not be brought unless, in the opinion of the Zoning Administrator or development review body before which it is brought, substantial new evidence is available or a mistake of law or fact significantly affected the prior denial.
- D. **New Grounds to be Stated.** Any second application shall include a detailed statement of grounds justifying consideration of the application.
- E. **Summary Denial With or Without Hearing.** Second applications may be denied summarily, and without hearing, on a finding that no grounds appear which warrant a new hearing. In any case where an application is set for hearing, the applicant shall be required to establish grounds warranting reconsideration of the merits of the application prior to being allowed to offer any evidence on the merits. Unless such grounds are established, the application may be summarily dismissed.
- F. **Exception.**
 - 1. *One Year.* Any second application filed more than one year after the final denial of a prior application shall be presumed to be based on new grounds and shall be heard on the merits as though no prior application has been filed.
 - 2. *Final Denial.* Final denial shall be considered the occurrence of the later of the following events:
 - a. Thirty days from the date of denial by the Board, Council, or Commission; or
 - b. The date of entry of any final ruling or decision by the highest court which the Board and Council's denial is appealed to; or
 - c. The date of any voluntary dismissal of any appeal of the Board and Council's denial; or
 - d. In all other circumstances the Board, Council, and Commission shall determine, in its sole discretion, the date of final denial.

Subsec. 156.J.002.10, Inactive or Expired Applications

- A. **Generally.** Applications for development approval and permits must be diligently pursued by the applicant.
- B. **Applications Subject to Inactive and Expired Application Provisions.** Table 156.J.002.12-2, *Review Steps*, denotes the development review applications that are subject to inactive and expired application provisions.
- C. **Expiration of Inactive Applications.**
 - 1. *Application.* When an action by the applicant is required for further processing of an application (e.g., submittal of supplementary documentation), the application shall become void six months after the date that the action is requested if:
 - a. The applicant fails to take action; or
 - b. The applicant fails to request an extension of time pursuant to paragraph D, *Extension of Time*, below.
 - 2. *Development Approval.* When an action by the applicant is required for further processing of an application for development approval, the application shall become void six months from receipt of the application if the application has remained dormant during that period where no activity has occurred toward the completion of the application where changes or corrections are required or where instruments or documents requested or required is not forthcoming within that period from the property owner or authorized agent.
 - 3. *PUD Approval.* In the event the first development phase has not commenced within two years after the date of rezoning, or if subsequent phases are delayed more than two years beyond the indicated development schedule, the applicant shall file appropriate information detailing the reasons for the delay. The Zoning Administrator shall review the circumstances and prepare a report recommending appropriate action to be taken concerning the PUD. The Plan and Zoning Commission and Council shall review the matter, and may:
 - a. Continue the PUD zoning with revised time limits;
 - b. Require that appropriate amendments be made or action taken to comply with this Section;

- c. Continue with PUD zoning for part of the area, with or without revised time limits, and initiate rezoning of the remainder to an appropriate district; or
 - d. Initiate rezoning of the entire parcel to an appropriate district, provided, unless subjected to a comprehensive planning analysis, the rezoning is not to a zone more restrictive than the one applied immediately prior to the rezoning to PUD.
4. *Refunds.* No refunds of application fees will be issued to applicants whose applications expire pursuant to this Subsection.
- D. **Extension of Time.** The time for expiration of an application may be extended by up to six months upon written request of the applicant before the end of the period set out in paragraph C, *Expiration of Inactive Applications*, above.
- E. **Effect of Expiration.** Applications that expire shall automatically become null and void, closed, and discarded without further notice or activity by the City. Any application, will be treated as a new application, subject to requirements in effect at the time of the most recent submittal, and with new fees.

Subsec. 156.J.002.11, Approval Extension

- A. **Generally.** Applicants shall diligently pursue completion of development projects. Accordingly, this Subsection voids unapproved applications for Legislative, Administrative, and Quasi-Judicial applications that become stale due to inaction by the applicant. In addition, this Subsection allows for an extension of the life of such stale applications and of the expiration deadlines established in Table 156.J.002.12-1, *Development Review Summary Table*, for approved applications that may expire due to inactivity of the applicant.
- B. **Applications Subject to Approval Extension.** Table 156.J.002.12-2, *Review Steps*, denotes the development review applications that are subject to approval extension provisions.
- C. **Extension of Time.**
- 1. *Request.* Prior to the expiration of an approved application or unapproved stale application, the applicant may request in writing an extension of the expiration date of up to six months.
 - 2. *Amendments.* If the City Council amends this Zoning Ordinance or adopts other applicable regulations during the period of time when the application was stale, the application shall:
 - a. Not be subject to compliance to the new regulations until the original application is considered to be voided; and
 - b. Become subject to the new regulations and ordinances if the period of time to request an extension lapses.
 - 3. *Expiration of Extension.* Approved applications or unapproved stale applications shall expire after the six-month extension lapses if the Zoning Administrator determines that the applicant is not actively pursuing action to complete the development or address comments.

Subsec. 156.J.002.12, Development Review Summary Table

- A. **Generally.** Procedures for obtaining development review approval pursuant to this Zoning Ordinance are summarized in this Section.
- B. **Applications and Procedures.** Each application required by this Zoning Ordinance is spelled out in Table 156.J.002.12-1, *Development Review Summary Table*, below.

Table 156.J.002.12-1 Development Review Summary Table					
Development Application (Reference)	Submittal Timing	Expiration ¹	Review Responsibilities		Applicable Standards
			Recommendation	Final Decision	
ADMINISTRATIVE APPLICATIONS: Require final decisions in which City staff apply the standards in this Zoning Ordinance. Administrative applications typically require objective analysis by City staff and may involve the exercise of very limited discretion.					

**Table 156.J.002.12-1
Development Review Summary Table**

Site Plan (156.J.004.1)	In order to make a limited modification to a site plan that has already been approved but that has not received a Certificate of Occupancy	365 days	Zoning Administrator		--
Building Permit (156.J.004.2)	Prior to erecting, altering, replacing, relocating, rebuilding, repairing, or restoring a principal or accessory building or structure	180 days	Zoning Administrator	Building Official	--
Floodplain Development Permit (156.J.004.3)	Prior to initiating or continuing any development or substantial improvement within a regulatory floodplain as shown on a Flood Insurance Rate Map (FIRM)	90 days	Floodplain Administrator		Section 156.C.006
Sign Permit (156.J.004.4)	Prior to constructing, installing, placing, relocating a sign, or modifying a sign's dimensions or illumination	The use associated with the sign is abandoned; The sign is removed or abandoned; or The sign is not completely constructed, installed, placed, changed, relocated, or attached within 180 days from the date of the Sign Permit issuance	Zoning Administrator		Article G
Master Sign Plan (156.J.004.5)	Prior to or concurrent with submittal of a Site Plan, Planned Unit Development Plan, or Sign Permit	2 years	Zoning Administrator		Article G
Certificate of Occupancy (156.J.004.6)	Upon completion of construction or before a change in occupancy	None	Building Official		--
Administrative Adjustment (156.J.004.7)	In order to adjust a numeric standard in this Zoning Ordinance by up to 10 percent	Same as application being modified	Zoning Administrator		--
Temporary Use Permit (156.J.004.8)	Prior to establishing a temporary use related to a public or commercial event	180 days	Zoning Administrator		Section 156.C.008
Limited Use Permit (156.J.004.9)	Prior to establishing, changing, or expanding a limited use	180 days	Zoning Administrator		Section 156.C.004
Floodplain Variance (156.J.004.10)	Prior to or concurrent with submittal of a Floodplain Development Permit	180 days	Floodplain Administrator		Section 156.C.006
LEGISLATIVE APPLICATIONS: Require final decisions that establish or change the way the use, design, or development of land will occur on a site-specific, City-wide, or intermediate scale. Elected and appointed administrative bodies make final decisions based on general considerations of fostering and preserving the public health, safety and general welfare, including the City's fiscal well-being. Such final decisions are characterized by the exercise of broad discretion.					
Text Amendment (156.J.003.1)	Prior to amending ZO	None	Zoning Administrator	City Council	--
Zone Change (156.J.003.2)	Prior to establishing or expanding a use or residential density prohibited in the current zoning district		1st: Zoning Administrator 2nd: PZC		--
Master Development Plan (156.J.003.3)	Concurrent with or subsequent to a zone change application and	2 years	Zoning Administrator	PZC	Article D

Table 156.J.002.12-1 Development Review Summary Table					
	prior to plats, plans or permits for a mixed-use center				
QUASI-JUDICIAL APPLICATIONS: Require final decisions that establish the way design or development will occur on specific sites in manners that either vary from the standards of this Zoning Ordinance or that are contested by an aggrieved party. The Board of Adjustment makes final decisions based on findings of fact and analysis of how specific provisions of this Zoning Ordinance and the Comprehensive Plan apply to the site. Such final decisions are characterized by exercise of discretion.					
Special Use Permit (156.J.005.1)	Prior to the operation of any land use that is designated as a special use	180 days	1st: Zoning Administrator 2nd: PZC	BOA	Section 156.C.005
Variance (156.J.005.2)	Prior to or concurrent with submittal of a Site Plan, Building Permit, or Sign Permit	180 days	Zoning Administrator		Article B, Article D, Article E, Article F
Appeal of Administrative Decision (156.J.005.3)	Within 30 days after a final decision by the Zoning Administrator or Building Official on a matter addressed in this ZO	None	Zoning Administrator		--
KEY: "ZO"= Zoning Ordinance; "PZC" = Plan and Zoning Commission; "BOA" = Board of Adjustment TABLE NOTES: 1. Measured from the date of approval. Expiration occurs if the applicant does not diligently pursue completion of the project or the subsequent required approval. See Subsec. 156.J.002.10, <i>Inactive and Expired Applications</i> .					

C. **Review Steps.** Table 156.J.002.12-2, *Review Steps*, summarizes the review procedures involved in the development proposal process.

Table 156.J.002.12-2 Review Steps						
General Review Procedures (Subsection Reference)	Administrative Applications	Legislative		Quasi-Judicial		
		ZO Text Amendment	All Other	Written Interpretation	Variance	Appeals
Pre-Application Conference (156.J.002.1)	No	No	Yes	No	No	Yes
Applications and Fees (156.J.002.2)	Yes	No	Yes	No	Yes	Yes
Application Completeness (156.J.002.3)	Yes	No	Yes	No	Yes	Yes
Staff Review (156.J.002.4)	Yes	Yes	Yes	Yes	Yes	Yes
Common Review Criteria (156.J.002.5)	Yes	Yes	Yes	Yes	Yes	Yes
Public Notice (156.J.002.6)	No	Yes	No	No	Yes	Yes
Public Meetings and Hearings (156.J.002.7)	No	Yes	Yes	No	Yes	Yes
Continuances and Withdrawals (156.J.002.8)	No	No	Yes	No	Yes	Yes
Successive Applications (156.J.002.9)	No	No	Yes	No	Yes	Yes

Inactive or Expired Applications (156.J.002.10)	Yes	No	Yes	No	Yes	Yes
Approval Extension (156.J.002.11)	Yes	No	Yes	No	Yes	Yes
KEY: "Yes" = Common Review Procedure Required; No = Common Review Procedure Not Required						

SECTION 156.J.003, LEGISLATIVE REVIEW PROCEDURES

Subsec. 156.J.003.1, Text Amendment

- A. **Generally.** The text of this Zoning Ordinance may warrant amendment from time to time. In these instances, this Subsection establishes the process to change the text of this ZO.
- B. **Applicability.** This Section is applicable to Text Amendments initiated by the Plan and Zoning Commission, City Council, or any other staff or decision-making body set out in [Article I, Development Review Bodies](#). A Text Amendment may transform a legally nonconforming situation into a conforming one. However, no Text Amendment shall be for the sole purpose of curing a violation of any part of this Zoning Ordinance.
- C. **Decision Criteria.** In determining whether to approve, approve with modifications, or deny a Text Amendment, the review bodies shall consider provisions of Subsec. [156.J.002.5, Common Review Criteria](#), together with the following:
 - 1. *Impact Mitigation.* The proposed amendment helps to mitigate adverse impacts of the use and development of land on the natural or built environments, including, but not limited to, mobility, air quality, water quality, noise levels, stormwater management, wildlife protection, and vegetation; or will be neutral with respect to these issues;
 - 2. *Changing Condition.* The proposed amendment is necessary to address a changing condition that was not anticipated in the Comprehensive Plan or this Zoning Ordinance; and
 - 3. *Strategic Objectives.* The proposed amendment advances the strategic objectives of the City Council, such as fiscal responsibility, efficient use of infrastructure and public services, and other articulated City objectives.
- D. **Procedures.**
 - 1. *Review and Decision.* The Zoning Administrator shall make a recommendation on the proposed Text Amendment to the City Council, who shall subsequently conduct a public hearing before making final action to approve, approve with modifications, or deny the proposed Text Amendment.
 - 2. *Public Notice and Public Hearing.* The required public notice and public hearing as denoted in Table [156.J.002.12-2, Review Steps](#), shall be conducted in conformance with the procedures set out in Subsection [156.J.002.6, Public Notice](#), and Subsec. [156.J.002.7, Public Meetings and Hearings](#).
 - 3. *Non-Substantive Amendments.* Notwithstanding the other provisions of this Subsection, the City Council may, by resolution, without being required to comply with any public notice requirement per either state law or Subsection [156.J.002.6, Public Meetings and Hearings](#):
 - a. Correct spelling or punctuation errors;
 - b. Modify cross-references (because another area of the City's Code of Ordinances has been moved or amended);
 - c. Correct cross-reference errors; and
 - d. Other matters determined by the City Attorney to be non-substantive.
 - 4. *Substantive Amendments.* The Plan and Zoning Commission shall review and conduct a public hearing on any substantive amendment prior to making a recommendation to the City Council.
- E. **Effect of Approval.** Approval of a Text Amendment shall take effect upon the effective date of the ordinance approving the amendment.

Subsec. 156.J.003.2, Zone Change

- A. **Generally.** A Zone Change changes the zoning district of a property on the Official Zoning Map from one zoning district to another.
- B. **Applicability.** A Zone Change (map amendment) may be initiated by the owner of the property to be rezoned or their authorized agent or representative, the City Council, or the Plan and Zoning Commission (PZC). Zone change applications by property owners and their agents or representatives shall be submitted on a form approved by the Administrator.
- C. **Review Criteria.** In determining whether to approve, approve with conditions, or deny a Zone Change, the review bodies shall consider provisions of Subsection 156.J.002.5, *Common Review Criteria*, together with the following:
 - 1. *Property Dimensions.* The dimensions of the subject property to accommodate reasonable development that complies with the requirements of this ZO, including parking, open space, and buffering requirements.
 - 2. *Need.* The pace of development and the amount of vacant land currently zoned for comparable development in the vicinity of the subject property.
 - 3. *Hardship.* A comparison of the hardship to the applicant with the relative gain to the public health, safety, and welfare.
 - 4. *Consistency.* The proposed zone change is consistent with the Comprehensive Plan or Future Land Use Map and increase the likelihood of advancing the goals, objectives, and policies of the Comprehensive Plan Land Use Map, or another adopted area plan, including but not limited to redevelopment plans;
 - 5. *Compatibility.* The range of uses allowed by the proposed zoning district will be compatible with the properties in the immediate vicinity of the subject property;
 - 6. *Suitability.* The suitability of the subject property for the zoned purposes;
 - 7. *Changed Conditions.* The character of the surrounding area is transitioning or being affected by other factors, such as traffic, a new school, adjoining uses, or environmental issues; and
 - 8. *Support.* Nearby property owners are in support of, or do not oppose, the proposed map amendment.
- D. **Procedures.**
 - 1. *Review and Decision.* The Zoning Administrator shall review proposed Zone Change and give a report to the PZC. The PZC shall hold a public hearing and make a recommendation to the City Council, who shall subsequently conduct a public hearing before making final action to approve, approve with conditions, or deny the proposed Zone Change.
 - 2. *Public Notice and Public Hearing.* The required public notice and public hearing as denoted in Table 156.J.002.12-2, *Review Steps*, shall be conducted in conformance with the procedures set out in Subsection 156.J.002.6, *Public Notice*, and Subsection 156.J.002.7, *Public Meetings and Hearings*.
- E. **Effect of Approval.** A Zone Change is recorded as follows:
 - 1. *Legal Description.* The ordinance shall include a legal description of the area rezoned and a map of the same;
 - 2. *Record.* The City Clerk will maintain a record of all ordinances that change the zoning classification of real property; and
 - 3. *Map Update.* The Zoning Administrator shall update the Official Zoning Map to reflect the new zoning district for the subject property.

Subsec. 156.J.003.3, Master Development Plan

- A. **Generally.** A Master Development Plan provides a layout for a large-scale, multi-phased, or mixed-use development.
- B. **Applicability.** Plan approval is required to illustrate the nature and character of development, including:
 - 1. *Context.* The context of the proposed development relative to adjacent development and the proposal for transitioning and buffering such development;
 - 2. *Location, Scale, and Design.* The locations and types of residential, nonresidential, and mixed land uses; their scale and design relationships; and methods to ensure compatibility between the various uses and adjacent lots;

3. *Density*. Minimum and maximum gross densities, block sizes, lot patterns, and heights of residential uses;
 4. *Intensity*. Maximum gross floor areas, building coverage, and heights of nonresidential and mixed uses;
 5. *Parking and Circulation*. The proposed parking and circulation plans;
 6. *Streets*. The patterns, functional classifications, and cross-sections of streets within and adjacent to the development, along with the network of pedestrian and bicycle improvements;
 7. *Common Open Space*. General locations, means of continuity and connectivity, and the extent of common open spaces and amenities;
 8. *Environmental Protection*. Areas of environmental protection and preservation, including floodplains; and
 9. *Phases*. Phases and timing of development.
- C. **Review Criteria.** In determining whether to approve, approve with conditions, or deny a Master Development Plan, the review bodies shall consider the provisions of Subsection 156.J.002.5, *Common Review Criteria*, together with the following:
1. *Site Layout*. The subject property is laid out in an efficient manner relative to the natural and built environments and designed to achieve the aims of a compact, highly walkable environment;
 2. *Building Form and Massing*. The placement, arrangement, size, and relationships of buildings relative to streets, pedestrian and civic spaces, and one another create an urban environment;
 3. *Walkability*. The connections within and between buildings, civic spaces, parking areas, transit stations and stops, and to surrounding development; the presence of amenities and other pedestrian improvements; and the proximity of origins and destinations both internal and external to the development are such that walking and bicycling are safe and viable modes of transportation;
 4. *Undeveloped Space*. Together with the developed areas, the undeveloped spaces devoted to natural resource preservation, buffering of uses, and for passive and active use are connected and continuous throughout the development;
 5. *Complete Streets and Parking*. The streets are designed for multiple purposes, including vehicular movement, on-street parking, and safe use of pedestrians and bicyclists, and the parking is well-distributed and designed to preserve an urban streetscape;
 6. *Phasing*. The development is phased in a manner that assures an adequate mixture of residential and nonresidential land uses and allows for transition from the early phases to completion, relating to the intensity of uses and parking; and
 7. *Quality Design*. The design of buildings and hardscape and landscape areas help to establish visual interest, aesthetic appeal, and a unique identity for the development, including as key considerations human-scale amenities, integration of civic spaces for public interaction, and protection from the environmental elements.
- D. **Procedures.**
1. *Review and Decision*. The Zoning Administrator shall review and make a recommendation on the proposed Master Development Plan to the PZC, who shall subsequently conduct a public hearing before making final action to approve, approve with conditions, or deny the proposed Master Development Plan.
 2. *Public Notice and Public Hearing*. The required public notice and public hearing as denoted in Table 156.J.002.12-2, *Review Steps*, shall be conducted in conformance with the procedures set out in Subsection 156.J.002.6, *Public Notice*, and Subsection 156.J.002.7, *Public Meetings and Hearings*.
 3. *Time Frame*. Approval of a Master Development Plan shall be valid for the period of time set out in Table 156.J.002.12-1, *Development Review Summary Table*. Thereafter, the permit shall expire or be granted an extension as set out in Subsection 156.J.002.10, *Inactive and Expired Applications*, and Subsection 156.J.002.11, *Approval Extension*.
- E. **Effect of Approval.** Upon approval, all subsequent plats, plans, and permits shall clearly demonstrate consistency and conformance with the adopted Master Development Plan. Requested modifications of the plan shall be according to Subsection 156.J.004.6, *Administrative Adjustment*.

SECTION 156.J.004, ADMINISTRATIVE REVIEW PROCEDURES

Subsec. 156.J.004.1, Site Plan

- A. **Generally.** Approval of a site plan ensures that proposed development complies with all applicable standards of this Code. A site plan is not required for the construction of single-family (attached or detached) and duplex dwellings or for any emergency activity that is immediately necessary for the protection of life, property, or natural resources
- B. **Applicability.** All new development, redevelopment, and substantial improvement or expansion of multi-family, manufactured home parks, nonresidential, and mixed-use development requires site plan review and approval prior to the issuance of permits that allow for land clearing, site grading, and construction.
- C. **Review Criteria.** In determining whether to approve, approve with conditions, or deny a Site Plan, the Zoning Administrator shall consider provisions of Subsection [156.J.002.5](#), *Common Review Criteria*, together with the following:
 - 1. *Prior Approvals.* Compliance with any prior approvals and all applicable development, design and transition standards of this ZO;
 - 2. *Comprehensive Plan.* Consistency with the Comprehensive Plan and all other applicable adopted plans;
 - 3. *Access.* Adequate provision of pedestrian, transit and traffic access and on-site circulation;
 - 4. *Parking and Loading.* Sufficient space to accommodate required off-street parking and loading/unloading zones;
 - 5. *Design.* The location, arrangement, size, and design of buildings, lighting, signs, landscaping and bufferyards that conform to the standards of the applicable district(s);
 - 6. *Scale.* An appropriate scale of the proposed use(s) in relation to one another and those on adjacent properties;
 - 7. *Adequate Level of Service.* An adequate level of service of existing or proposed public facilities;
 - 8. *Nuisances.* Sufficient protection for adjacent properties against noise, glare, unsightliness, or other objectionable features;
 - 9. *Access, Circulation, and Parking.* Adequate, safe, and convenient arrangement of access, pedestrian circulation, bicycle facilities, roadways, driveways, transit access (as appropriate), off-street parking and stacking and loading spaces; and
- D. **Procedures.**
 - 1. *Review and Decision.* On receipt of a completed application for a site plan, the Zoning Administrator, together with other departments and referral agencies, as appropriate, shall review the plan to determine its compliance with the applicable provisions of this Zoning Ordinance and any conditions of an approved conditional use or variance. The Zoning Administrator shall determine if the proposed site plan satisfies the site plan approval criteria and if so, approve, approve with conditions or deny the site plan.
 - 2. *Time Frame.* Approval of a Site Plan shall be valid for the period of time set out in Table [156.J.002.12-1](#), *Development Review Summary Table*. Thereafter, the permit shall expire or be granted an extension as set out in Subsection [156.J.002.10](#), *Inactive and Expired Applications* and Subsection [156.J.002.11](#), *Approval Extension*.
- E. **Effect of Approval.** Upon approval of a Site Plan, the applicant may proceed with requests for other required approvals and permits.

Subsec. 156.J.004.2, Building Permit

- A. **Generally.** A Building Permit authorizes construction that conforms to the standards and requirements of this Zoning Ordinance and the City's Building Code.
- B. **Applicability.** A Building Permit is required before construction, alteration, movement, enlargement, replacement, significant improvement, use and occupancy, removal or demolition of any building or structure and certifies that such work complies with the construction standards in the Building Code.
- C. **Review Criteria.** The Building Official may approve, approve with conditions, or deny a Building Permit based on findings that:

1. *Generally.* All requirements of the Building Code, this Zoning Ordinance, including Subsection 156.J.002.5, *Common Review Criteria*, and all other applicable portions of the City's Code of Ordinances have been met; and
 2. *Other Required Findings.* The following have been accomplished:
 - a. All required improvements have been accepted by the City Engineer.
 - b. The building has legal access to a dedicated public street;
 - c. The building is located on a legally subdivided lot; and
 - d. The building and lot conform, or will conform, to all requirements of this Ordinance.
- D. Procedures.**
1. *Application.* Each application for a building permit shall contain or be accompanied by plans showing the following information:
 - a. Actual dimensions and shape of the lot to be built upon;
 - b. Size and location of existing buildings, if any;
 - c. Location and dimensions of the proposed new, enlarged, or altered building or structure; and
 - d. Other information or documentation as the Building Official may lawfully deem necessary or appropriate to determine conformance with this ZO.
 2. *Review and Decision.* The Building Official may approve, approve with conditions, or deny the application and is authorized to certify that work complies with the construction standards of the Building Code.
 3. *Time Frame.* Approval of a Building Permit shall be valid for the period of time set out in Table 156.J.002.12-1, *Development Review Summary Table*. Thereafter, the permit shall expire or be granted an extension as set out in Subsection 156.J.002.10, *Inactive and Expired Applications* and Subsection 156.J.002.11, *Approval Extension*.
- E. Effect of Approval.** Upon approval of a building permit, the applicant may proceed with construction.

Subsec. 156.J.004.3, Floodplain Development Permit

- A. Generally.** The approval and issuance of a Floodplain Development Permit is required for any development within or modification of a flood hazard district.
- B. Applicability.** A Floodplain Development Permit is required to:
1. *Plat.* File a plat for subdivision within a flood hazard district;
 2. *Modification.* Modify a special flood hazard district; or
 3. *Development.* Develop or construct structures and improvements within a special flood hazard district.
- C. Review Criteria.** In determining whether to approve, approve with conditions, or deny a Floodplain Development Permit, the Zoning Administrator shall consider provisions of Subsection 156.J.002.5, *Common Review Criteria* and Section 156.C.006, *Flood Hazard Districts*, together with the following:
1. *Danger to Life and Property.* The danger to life and property due to flooding or erosion damage;
 2. *Susceptibility to Flooding.* The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 3. *Sweeping of Materials.* The danger that materials may be swept onto other lands to the injury of others;
 4. *Compatibility.* The compatibility of the proposed use with existing and anticipated development;
 5. *Access.* The safety of access to the property in times of flood for ordinary and emergency vehicles;
 6. *Cost of Public Services.* The costs of providing governmental services during and after flood conditions, including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
 7. *Floodwaters.* The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action expected at the site, where applicable, are manageable;
 8. *Necessity of Water.* The necessity to the facility of a waterfront location, where applicable;

9. *Alternative Locations.* The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and
10. *Comprehensive Plan.* The relationship of the proposed use to the Comprehensive Plan for that area.

D. Procedures.

1. *Application.* Application for a floodplain development permit shall contain or be accompanied by plans drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations and existing and proposed structures in relation to areas of special flood hazard.
2. *Public Notice.* If the project requires approval of a FEMA Certified Letter of Map Revision (CLOMR) prior to construction, then public notice to the affected property owners and residents shall be required as detailed by the National Flood Insurance Program requirements. In a non-FEMA floodplain, a proposed floodplain impact matching or exceeding that of the CLOMR requirements, shall require the same public notice of affected property owners and residents.
3. *Review and Decision.* The Floodplain Administrator shall approve, approve with conditions, or deny the application for a Floodplain Development Permit.
4. *Time Frame.* Approval of a Floodplain Development Permit shall be valid for the period of time set out in Table [156.J.002.12-1, Development Review Summary Table](#). Thereafter, the site plan shall expire or be granted an extension as set out in Subsec. [156.J.002.10, Inactive or Expired Applications](#).
5. *Denials.* If a floodplain development application is denied, the Floodplain Administration shall inform the applicant, in writing, of the specific reasons for disapproval.

E. Effect of Approval.

1. *Generally.* Approval of a Floodplain Development Permit authorizes an applicant to obtain all required elevation or other required certificates and proceed with development.
2. *Certification.* The applicant shall be required to submit certification by a professional engineer or land surveyor (as appropriate) registered in the State of Iowa, that the finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this Article, prior to the use or occupancy of any structure.

Subsec. 156.J.004.4, Sign Permit

- A. **Generally.** A Sign Permit authorizes the placement of a permitted permanent or temporary sign.
- B. **Applicability.** A sign permit is required to construct, install, place, relocate, replace, attach, or modify dimensions, illumination characteristics or sign panels for all permitted signs set out in Section [156.G.004, Permanent Signs](#), and Section [156.G.006, Temporary Signs](#), other than those that are exempt in Section [156.G.002, General Requirements](#) and prohibited in Section [156.G.003, Prohibited Signs](#).
- C. **Review Criteria.** The Zoning Administrator may approve, approve with conditions, or deny a Sign Permit considering provisions of Subsection [156.J.002.5, Common Review Criteria](#) and based on findings that the permit application complies with any conditions established with the approval of a site plan or with the standards set out in [Article G, Signs](#).
- D. **Procedures.**
 1. *Review.* The Zoning Administrator shall examine the plans and specifications and the premises upon which the proposed sign is to be erected.
 2. *Building Official Review.* An application for a Sign Permit requiring electrical service shall be referred by the Zoning Administrator to the Building Official. The Building Official shall examine the plans and specifications to determine compliance with the adopted electrical code as a condition of granting the Sign Permit.
 3. *Decision.* Upon receipt of comments, the Zoning Administrator may approve, approve with conditions or deny the application for a Sign Permit. The Zoning Administrator may grant approval with conditions only to the extent that such conditions specify the actions necessary to bring the application into complete compliance with this ZO.

4. *Time Frame.* Approval of a Sign Permit shall be valid for the period of time set out in Table 156.J.002.12-1, *Development Review Summary Table*. Thereafter, the permit shall expire or be granted an extension as set out in Subsection 156.J.002.10, *Inactive and Expired Applications* and Subsection 156.J.002.11, *Approval Extension*.
 5. *Inspection.* The Zoning Administrator may inspect the sign to ascertain whether the structure is secure and in conformance with the permit application.
- E. **Effect of Approval.** Approval of a Sign Permit shall authorize the applicant to construct, install, place, relocate, replace, attach, or modify the sign that is subject to the permit.

Subsec.156.J.004.5 Master Sign Plan

- A. **Generally.** Approval of a Master Sign Plan by the Zoning Administrator allows for:
1. *Unified Design.* A unified presentation of signage throughout parcels proposed for development;
 2. *Flexibility.* Flexibility to provide for unique environments; and
 3. *Efficiency.* Prompt and efficient administrative approval of signs pre-approved by the PZC;
- B. **Applicability.** A master sign plan may be submitted for the following:
1. *Single Use.* A single-use development that exceeds 100,000 square feet of gross floor area;
 2. *Multi-Tenant.* A multi-tenant development that exceeds 50,000 square feet of gross floor area; or
 3. *Mixed-Use.* A mixed-use center.
- C. **Review Criteria.** In determining whether to approve, approve with conditions, or deny a Master Sign Plan, the review bodies shall consider provisions of Subsection 156.J.002.5, *Common Review Criteria*, and it will result in a substantially improved, comprehensive, and unified plan compared to what is allowed through strict compliance with Article G, *Signs*.
- D. **Procedures.**
1. *Review and Decision.* The Zoning Administrator shall review and render a final judgment on the proposed Master Sign Plan.
 2. *Time Frame.* Approval of a Master Sign Plan shall be valid for the period of time set out in Table 156.J.002.12-1, *Development Review Summary Table*. Thereafter, the permit shall expire or be granted an extension as set out in Subsection 156.J.002.10, *Inactive and Expired Applications*, and Subsection 156.J.002.11, *Approval Extension*.
- E. **Effect of Approval.**
1. *Future Compliance.* Upon approval of a Master Sign Plan, permitting of individual signs shall be based on compliance with the standards set out in the Master Sign Plan for the parcel proposed for development.
 2. *Bonuses.* The following increases in sign area and height apply to signs that are subject to a Master Sign Plan:
 - a. The maximum cumulative sign area for wall signs and projecting signs is increased by 10 percent. The applicant may distribute the total sign area increase for all wall signs to individual signs in the project.
 - b. For freestanding signs:
 - i. The maximum height may be increased by a maximum of 10 percent; and
 - ii. The maximum cumulative sign area may be increased by a max of 15 percent. The applicant may distribute the total sign area increase for all freestanding signs to individual signs in the project.

Subsec. 156.J.004.6, Certificate of Occupancy

- A. **Generally.** A Certificate of Occupancy certifies compliance with all applicable provisions of this ZO, the Building Code, and all other pertinent City regulations.
- B. **Applicability.** A Certificate of Occupancy is required upon completion of construction, alteration, or expansion of a building or structure or prior to installation of permanent utilities or a change in use. No building may be occupied in the City without a Certificate of Occupancy permit.
- C. **Review Criteria.** The Building Official may approve, approve with conditions, or deny a Certificate of Occupancy based on findings that:

1. *Generally.* All requirements of the Building Code, this ZO, including Subsection 156.J.002.5, *Common Review Criteria*, and all other applicable portions of the City's Code of Ordinances have been met; and
2. *Site Plans.* All terms and conditions of site plan approval have been met.

D. Procedures.

1. *Application.* Application for a Certificate of Occupancy shall be submitted in concert with an application of a Building Permit.
2. *Zoning Compliance.* Application for zoning compliance shall be deemed to be an application for a Certificate of Occupancy, as applicable.
3. *Review and Decision.* The Certificate of Occupancy shall be approved, approved with conditions, or denied by the Building Official within 10 days of the completion of construction. If a Certificate of Occupancy application is denied, the Building Official shall inform the applicant, in writing, of the specific reasons for disapproval.
4. *Time Frame.* Approval of a Sign Permit shall be valid for the period of time set out in Table 156.J.002.12-1, *Development Review Summary Table*. Thereafter, the permit shall expire or be granted an extension as set out in Subsection 156.J.002.10, *Inactive and Expired Applications* and Subsection 156.J.002.11, *Approval Extension*.
5. *Temporary Certificate.* A temporary Certificate of Occupancy may be issued before the completion of the entire work covered by the permit, provided the pertinent portion or portions shall be occupied safely and the Building Official sets a time period not exceeding nine months during which the temporary Certificate of Occupancy is valid.
6. *Partial Certificate.* The Building Official may issue a partial Certificate of Occupancy for part of the building, structure, or lot prior to the occupancy of the entire building, structure, or lot, provided that such portions of the building structure, or lot are in conformity with the site plan terms and conditions, applicable provisions of this ZO, the Building Code, and all other pertinent City regulations. However, partial certificates of occupancy shall not be issued for single-family (attached or detached) dwellings or duplex dwellings.
7. *Records.* A record of all certificates shall be kept on file in the office of the Building Official, with a copy furnished upon request of any person having a proprietary or tenancy interest in the building.

- E. Effect of Approval.** A Certificate of Occupancy certifies compliance with applicable building codes and laws and indicates a condition suitable for occupancy.

Subsec. 156.J.004.7, Administrative Adjustment

- A. **Generally.** An Administrative Adjustment may allow small changes or modifications to certain standards of a proposed development that may be approved by the Zoning Administrator.
- B. **Applicability.** The Zoning Administrator may approve minor modifications of any numeric standard in this Zoning Ordinance up to a maximum of 10 percent when there are practical difficulties in applying the development standards for a project that otherwise complies with the standards of this Zoning Ordinance.
- C. **Review Criteria.** In determining whether to approve, approve with conditions, or deny an Administrative Adjustment, the Zoning Administrator shall consider provisions of Subsection 156.J.002.5, *Common Review Criteria*, together with the following:
 1. *Maximum Percentage.* The requested adjustment does not exceed 10 percent of the minimum requirements.
 2. *Hardship.* The hardship, if any, under which the adjustment is sought, was not created by the owner or occupant of the subject property, nor was it suffered as a result of a violation of this Zoning Ordinance or any other applicable code of the City;
 3. *Minimum Necessary.* The adjustment shall be the minimum necessary to grant relief from a demonstrated hardship; and
 4. *Adjoining Property.* The adjustment shall not substantially impair the permitted use or development of adjoining property.

D. Procedures.

1. *Review and Decision.* The Zoning Administrator shall review the application and may approve, approve with conditions, or deny the application.
 2. *Time Frame.* Approval of an Administrative Adjustment shall be valid for the period of time set out in Table [156.J.002.12-1, Development Review Summary Table](#). Thereafter, the permit shall expire or be granted an extension as set out in Subsection [156.J.002.10, Inactive and Expired Applications](#) and Subsection [156.J.002.11, Approval Extension](#).
- E. **Effect of Approval.** Approval of an Administrative Adjustment enables the applicant to proceed in securing all other required approvals and permits. An Administrative Adjustment provides no assurance of subsequent approvals of other requests for Administrative Adjustments.

Subsec. 156.J.004.8, Temporary Use Permit

- A. **Generally.** A Temporary Use Permit determines the appropriateness of temporary activities at a specific location and establishes standards necessary to ensure its suitability for the area proposed and compatibility with adjoining and adjacent land uses.
- B. **Applicability.** A Temporary Use Permit is required before establishing or installing any temporary use designated as requiring a permit as set out in Section [156.C.008, Temporary Uses and Structures](#).
- C. **Review Criteria.** The Zoning Administrator may approve, approve with conditions, or deny a Temporary Use Permit based on Subsection [156.J.002.5, Common Review Criteria](#), and findings that the proposed temporary use or structure conforms to the standards set out in Section [156.C.008, Temporary Uses and Structures](#), and other applicable requirements in this Zoning Ordinance and the City's Code of Ordinances.
- D. **Procedures.**
1. *Review.* The Zoning Administrator shall examine the application and plans and the premises upon which the proposed temporary use is to be conducted.
 2. *Building Official Review.* An application for a Temporary Use Permit requiring electrical service shall be referred by the Zoning Administrator to the Building Official. The Building Official shall examine the plans and specifications to determine compliance with the adopted electrical code as a condition of granting the Temporary Use Permit.
 3. *Decision.* Upon a determination of compliance with this Zoning Ordinance and other applicable codes, the Zoning Administrator may approve, approve with conditions, or deny the application.
 4. *Time Frame.* Approval of a Temporary Use Permit shall be valid for the period of time set out in Table [156.J.002.12-1, Development Review Summary Table](#). Thereafter, the permit shall expire or be granted an extension as set out in Subsection [156.J.002.10, Inactive and Expired Applications](#) and Subsection [156.J.002.11, Approval Extension](#).
- E. **Effect of Approval.** Approval of a Temporary Use Permit authorizes the activities on the property that is subject to the permit. Permit issuance does not authorize establishment or an extension of any permanent use nor construction, reconstruction, alteration, or moving of any building or structure.

Subsec. 156.J.004.9, Limited Use Permit

- A. **Generally.** A Limited Use Permit verifies that a limited use, as denoted in Table [156.C.003-1, Use Table](#), complies with the requirements of this ZO, particularly the requirements of Section [156.C.004, Limited Use Standards](#). A Limited Use Permit may be issued simultaneously with building permits or other required administratively reviewed permits.
- B. **Applicability.** A Limited Use Permit is required in order to establish, change, or expand a limited use.
- C. **Review Criteria.** The Zoning Administrator may approve, approve with conditions, or deny a Limited Use Permit considering provisions of Subsection [156.J.002.5, Common Review Criteria](#) and based on findings that the permit application complies with its associated specific standard in Section [156.C.004, Limited Use Standards](#).
- D. **Procedures.**
1. *Review and Decision.* The Zoning Administrator shall examine the application and plans and the premises upon which the proposed limited use is to be conducted. Upon a determination of compliance with this Zoning

Ordinance and other applicable codes, the Zoning Administrator may approve, approve with conditions, or deny the application.

2. *Time Frame.* Approval of a Temporary Use Permit shall be valid for the period of time set out in Table 156.J.002.12-1, *Development Review Summary Table*. Thereafter, the permit shall expire or be granted an extension as set out in Subsection 156.J.002.10, *Inactive and Expired Applications* and Subsection 156.J.002.11, *Approval Extension*.
 3. *Termination.* Any of the following shall terminate the right to operate a limited use:
 - a. *Change in Use.* Changing to a use permitted by right;
 - b. *Discontinuance.* Discontinuing the limited use for a period of at least 12 months; or
 - c. *Violation.* Violating or failing to comply with the approved Limited Use Permit after reasonable notice has been given by the City.
- E. **Effect of Approval.** Issuance of a Limited Use Permit authorizes the filing and processing of an application for any required permits or approvals, including, but not limited to, a building permit, certificate of occupancy, or sign permit. A Limited Use Permit does not authorize the establishment or extension of any other use nor the construction, reconstruction, alteration, relocation, or demolition of any building or structure.

Subsec. 156.J.004.10 Variance, Floodplain

- A. **Generally.** A Floodplain Variance provides limited relief from the requirements of Section 156.C.006, *Flood Hazard Districts Standards*, where strict application of a particular requirement would create an unnecessary hardship by preventing the use and development of land in a reasonable manner that is otherwise allowed under this Zoning Ordinance.
- B. **Applicability.**
 1. *No Increase in Flood Level.* No Floodplain Variance shall be granted for any development within any designated floodway which would result in any increase in the 100-year level. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
 2. *Lower Flood Protection.* In cases where the Floodplain Variance involves a lower level of flood protection for buildings than what is ordinarily required by this ZO, the applicant shall be notified in writing over the signature of the Floodplain Administrator that:
 - a. The issuance of a Floodplain Variance will result in increased premium rates for flood insurance up to amounts as high as 25 dollars for every 100 dollars of insurance coverage; and
 - b. Such construction increases risks to life and property.
- C. **Review Criteria.**
 1. *Generally.* In determining whether to approve, approve with conditions, or deny a Floodplain Variance, the Floodplain Administrator shall consider the provisions of Subsection 156.J.002.5, *Common Review Criteria*, together with the following:
 - a. *Increase in Base Flood Elevation.* Variances shall not be issued within any designated floodway if any increase in base flood elevation would result;
 - b. *One-Half Acre or Less.* Variances may be issued for new construction and substantial improvements on lots of one-half acre or less which are contiguous to, and surrounded by, existing development constructed below the base flood elevation, provided:
 - i. A showing of good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, or conflict with this Zoning Ordinance or the other ordinances in the City's Code of Ordinances.

- c. *Minimum Necessary Relief.* Variances shall only be issued upon a determination that the variance is the minimum necessary to afford relief considering the flood hazard.
 - 2. *Affirmative Findings.* In order to approve a Variance, the final decision-making body shall make affirmative findings on all of the applicable decision criteria.
- D. Procedures.**
- 1. *Obligation of Applicant.* It is the obligation of an applicant, who bears the burden of proof, to present facts about the circumstances which would justify a variance in a convincing fashion so that the Floodplain Administrator may be satisfied that the request meets or exceeds the applicable review criteria described in paragraph C., above.
 - 2. *Review and Decision.* The Floodplain Administrator shall review and render judgment on requests for Floodplain Variances.
 - 3. *Alleged Error.* The Board of Adjustment shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of the requirements of Section 156.C.006, *Flood Hazard Districts Standards*, in accordance with Subsec. 156.J.005.3, *Appeal of Administrative Decision*.
 - 4. *Time Frame.* Approval of a Floodplain Variance shall be valid for the period of time set out in Table 156.J.002.12-1, *Development Review Summary Table*. Thereafter, the permit shall expire or be granted an extension as set out in Subsection 156.J.002.10, *Inactive and Expired Applications*, and Subsection 156.J.002.11, *Approval Extension*.
 - 5. *Notice of Decision.* The Zoning Administrator shall provide a copy of the decision to the applicant within 10 days of the rendered judgment.
- E. Effect of Approval.**
- 1. *Particular Variation.* Issuance of a variance shall authorize only the particular variation that is approved in the variance request. A variance shall run with the land and not be affected by a change in ownership.
 - 2. *Other Approvals.* Development authorized by the variance shall not be carried out until the applicant has secured all other development approvals required by this ZO. Approval of a variance does not guarantee that the development shall receive subsequent approval for other development review applications unless the relevant and applicable portions of this Zoning Ordinance or any other applicable provisions are met.

SECTION 156.J.005, QUASI-JUDICIAL REVIEW PROCEDURES

Subsec. 156.J.005.1, Special Use Permit

- A. **Generally.** A Special Use Permit is to determine if the Board of Adjustment should authorize a new special use to be established or for an existing special use to intensify, expand, or convert to another special use.
- B. **Applicability.** A Special Use Permit is required before establishing any use designated as a special use as in 156.C.003-1, *Use Table* or before converting a nonconforming use to another nonconforming use pursuant to the provisions in Section 156.C.005, *Special Use Permit Standards*.
- C. **Review Criteria.** In determining whether to approve, approve with conditions, or deny a Special Use Permit, the BOA shall consider the provisions of Subsection 156.J.002.5, *Common Review Criteria*, together with the following:
 - 1. *Concentration.* The special use does not create an unwanted concentration of similar special uses that is likely to discourage permitted uses by making the vicinity less desirable for them.
 - 2. *Location.* There is no practicable alternative location where the use is permitted by right within the general vicinity of the parcel proposed for development, or, if such a location exists, the proposed location is comparable or more favorable in terms of:
 - a. Providing a needed community service;
 - b. Providing a critical mass of related and mutually supportive land uses that promote quality economic development and opportunity;

- c. Providing a balance of land uses, ensuring that appropriate supporting activities, such as employment, housing, leisure-time, and retail centers are in close proximity to one another; and
 - d. Making more efficient use of public infrastructure.
3. *Affirmative Findings.* In order to approve a Special Use Permit, the final decision-making body shall make affirmative findings on all of the applicable decision criteria.

D. Procedures.

- 1. *Review and Decision.* The Zoning Administrator shall review the proposed Special Use Permit and give a report to the Plan and Zoning Commission. The PZC shall hold a public hearing and make a recommendation to the BOA, who shall subsequently conduct a public hearing before making final action to approve, approve with conditions, or deny the proposed Special Use Permit.
- 2. *Public Notice and Public Hearing.* The required public notice and public hearing as denoted in Table 156.J.002.12-2, *Review Steps*, shall be conducted in conformance with the procedures set out in Subsection 156.J.002.6, *Public Notice*, and Subsection 156.J.002.7, *Public Meetings and Hearings*.
- 3. *Time Frame.* Approval of a Special Use Permit shall be valid for the period of time set out in Table 156.J.002.12-1, *Development Review Summary Table*. Thereafter, the permit shall expire or be granted an extension as set out in Subsection 156.J.002.10, *Inactive and Expired Applications*, and Subsection 156.J.002.11, *Approval Extension*.
- 4. *Notice of Decision.* The Zoning Administrator shall provide a copy of the decision to the applicant within 10 days of the BOA's decision.

- E. **Effect of Approval.** The issuance of a Special Use Permit shall not authorize the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of an application for any permits or approvals which may be required by the City, including, but not limited to, a building permit, certificate of occupancy, and subdivision approval.

Subsec. 156.J.005.2, Variance

- A. **Generally.** A Variance provides a means by which relief may be granted from unforeseen applications of this Zoning Ordinance that create unnecessary hardships or practical difficulties.

B. Applicability.

- 1. *When Required.* A variance is required to approve a deviation from the standards of this Zoning Ordinance.
- 2. *Prohibitions and Exceptions.* Some requests for relief are not within the jurisdiction of the Board, and are therefore, either prohibited or not subject to this Section. The prohibited requests are:
 - a. *Use.* Variances that would allow a use in a district in which the use is prohibited or which would constitute a change in district boundaries;
 - b. *Limited Use or Special Use.* Variances that would modify any requirements that are set out in Section 156.C.004, *Limited Use Standards* and Section 156.C.005, *Special Use Standards*;
 - c. *Nonconformities.* Variances that would have the effect of making existing nonconforming structures, site improvements, parking, or landscaping conforming;
 - d. *Conditions of Approval.* Variances from the terms of one or more conditions of approval imposed by a development review body described in Article I, *Development Review Bodies*. Modifications to conditions of approval shall be sought from the body that granted the approval.
 - e. *City's Code of Ordinances.* Variances that would modify any requirements within the City's Codes of Ordinance, including but not limited to the Building Code.
 - f. *Other Laws or Regulations.* Variances to state or federal laws are prohibited unless such authority is expressly granted to the City.

C. Review Criteria.

1. *Generally.* In determining whether to approve, approve with conditions, or deny a Variance, the Board of Adjustment shall consider the provisions of Subsection 156.J.002.5, *Common Review Criteria*, together with the following:
 - a. *Not Self Imposed.* The granting of the Variance is not based on a hardship which is self-imposed;
 - b. *Not Based on Cost.* The hardship is not based solely on the cost of complying with the regulation, but is based on the particular physical surroundings, shape, or topographical conditions of the subject property;
 - c. *Unique Circumstances.* The hardship is based on circumstances that are unique to the property for which the Variance is sought and not circumstances common to other properties;
 - d. *Minimum Necessary Relief.* The Variance requested is the minimum necessary that will make possible a permitted use of the land, building, or structure;
 - e. *Commonly Enjoyed Rights.* A literal interpretation of the provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located; and
 - f. *Not A Special Privilege.* Granting the variance will not confer on the applicant any special privilege that is denied to other lands or structures in the same district.
2. *Affirmative Findings.* In order to approve a Variance, the Board of Adjustment shall make affirmative findings on all of the applicable decision criteria.

D. Procedures.

1. *Obligation of Applicant.* It is the obligation of an applicant, who bears the burden of proof, to present facts about the circumstances which would justify a variance in a convincing fashion so that the BOA may be satisfied that the request meets or exceeds the applicable review criteria described in paragraph C., above.
2. *Review and Decision.* The Zoning Administrator shall review and make a recommendation on the Variance application to the BOA, who shall subsequently conduct a public hearing before making final action to approve, approve with conditions, or deny the Variance.
3. *Public Notice and Public Hearing.* The required public notice and public hearing as denoted in Table 156.J.002.12-2, *Review Steps*, shall be conducted in conformance with the procedures set out in Subsection 156.J.002.6, *Public Notice*, and Subsection 156.J.002.7, *Public Meetings and Hearings*.
4. *Time Frame.* Approval of a Variance shall be valid for the period of time set out in Table 156.J.002.12-1, *Development Review Summary Table*. Thereafter, the permit shall expire or be granted an extension as set out in Subsection 156.J.002.10, *Inactive and Expired Applications*, and Subsection 156.J.002.11, *Approval Extension*.
5. *Notice of Decision.* The Zoning Administrator shall provide a copy of the decision to the applicant within 10 days of the BOA's decision.

E. Effect of Approval.

1. *Particular Variation.* Issuance of a variance shall authorize only the particular variation that is approved in the variance request. A variance shall run with the land and not be affected by a change in ownership.
2. *Other Approvals.* Development authorized by the variance shall not be carried out until the applicant has secured all other development approvals required by this ZO. Approval of a variance does not guarantee that the development shall receive subsequent approval for other development review applications unless the relevant and applicable portions of this Zoning Ordinance or any other applicable provisions are met.

Subsec. 156.J.005.3, Appeal of Administrative Decision

- A. **Generally.** An Appeal of an Administrative Decision provides a vehicle for appeal of any final decision of the Zoning Administrator, Building Official, or Floodplain Administrator on an application set out in Section 156.J.004, *Administrative Review Procedures*.
- B. **Applicability.** An application for an appeal may be submitted when it is alleged that there is an error in any requirement, decision, or determination made by an administrative official in the administration of this ZO, which is not subject to a quasi-judicial or appeal process by any other board or the PZC or City Council.

C. Review Criteria.

1. *Generally.* The BOA may reverse or affirm, wholly or partly, or may modify the requirement, decision or determination of an administrative official and, to that end, shall have all of the powers of the administrative official from whom the appeal is taken. The appeal shall specifically indicate which approval criteria are the basis for the appeal.
2. *New Evidence.* The BOA shall not consider new evidence that was not available to the administrative official.
3. *All Decisions.* An Appeal of an Administrative Decision may be reversed or affirmed, in whole or in part, or modified based on findings by the BOA making the final decision that:
 - a. The administrative decision was appropriate considering the written record of the case and the evidence presented; and
 - b. The decision reflects the requirements contained in this ZO.

D. Procedures.

1. *Notice of Appeal.* Within 30 calendar days from the date of a final decision of an administrative official, an application for an appeal may be submitted, in writing, by any person aggrieved by a decision or by any official or department of the City affected by the decision. In the notice, the appellant (applicant) shall set out all grounds for the appeal. In no event shall the appeal be heard later than 60 days after the submittal of a complete application.
2. *Burden of Proof.* The BOA shall presume the appealed final decision to be valid. The appellant (applicant) shall present sufficient evidence and have the burden to justify a reversal or modification of the decision being appealed.
3. *Public Notice and Public Hearing.* The BOA shall conduct one or more public hearings, as necessary, to receive evidence and testimony and to decide an appeal. All public hearings and public notice required as denoted in Table 156.J.002.12-2, *Review Steps*, shall be conducted in conformance with the procedures set out in Subsection 156.J.002.6, *Public Notice*, and Subsection 156.J.002.7, *Public Meetings and Hearings*.
4. *Vote.* The concurring vote of three members of the BOA shall be necessary to reverse or modify the requirement, decision or determination subject to the appeal.
5. *Stay of Proceedings.* An appeal from an order, requirement, decision or determination shall stay all proceedings unless the Zoning Administrator certifies that a stay would cause imminent peril to life or property.

E. Effect of Approval.

1. *Final Decision.* The BOA shall have the final decision-making powers of the administrative official from whom the appeal is taken.
2. *No Variance.* A decision on an appeal of an administrative decision cannot grant or issue a variance.
3. *Flood Boundary.* A decision may support, reverse or remand an order or determination of a boundary of the special flood hazard area.