

ARTICLE XV

Zoning Administration and Enforcement

Article 15: Zoning Administration and Enforcement

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Section 15.1. ZONING ADMINISTRATOR.

The Okoboji City Council shall appoint a Zoning Administrator, and it shall be the duty of said administrator to enforce this ordinance. Such administrator may be a person holding other appointive office in the city or in another governmental agency. Once the Zoning Administrator is appointed by the City Council that appointment becomes perpetual until such further decision and notification is made. Additionally, termination of the Zoning Administrator and/or certain duties or responsibilities shall also be upon consideration and discretion of the City Council.

Section 15.2. ZONING ENFORCEMENT.

The provisions of this ordinance shall be enforced and administered by the Zoning Administrator. If the Zoning Administrator shall find that any of the provisions of this ordinance are being violated, the administrator shall notify in writing the person(s) responsible for such violations indicating the nature of the violation and ordering the action necessary to correct it. The Zoning Administrator shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done, or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of its provisions.

Section 15.3. COMPLAINTS REGARDING ZONING VIOLATIONS.

Whenever a violation of this ordinance occurs or is alleged to have occurred, any persons may file a written complaint. Such complaint stating fully the causes and basis shall be filed with the Zoning Administrator. The administrator shall record properly such complaint, immediately investigate, and take action thereon as provided by this ordinance.

Section 15.4. ZONING PERMIT REQUIRED.

No land shall be occupied or used, and no buildings, structures or signs hereafter erected, moved or structurally altered and no building shall be occupied in whole or in part for any purpose whatsoever, without a zoning permit issued by the Zoning Administrator. Zoning permits shall be issued in conformance with the provisions of this ordinance, or upon written order from the Board of Adjustment, but shall be null and void if the purpose for which the permit issued is not commenced with one (1) year from the date of issuance.

Section 15.5. APPLICATION FOR ZONING PERMIT.

Zoning permits shall be kept on file in the office of the Zoning Administrator, and copies shall be furnished on request. Zoning or sign permits shall be issued to complying applicants within seven (7) days after application is made.

Section 15.6. SITE PLANS OR PLATS REQUIRED.

All applications for zoning permits involving new construction, expansion or moving of a building or structure shall be accompanied by a site plan or other drawings as requested on the zoning permit application or by the Zoning Administrator. In the case of moving an existing building, the application shall be accompanied by a photo of the structure to be moved. Other building projects including sheds, outbuildings, decks, patios, fences and other yard structures, although not required to submit a site plan, shall still file a zoning permit to ensure setback distances and compliance with other provisions of this ordinance. Furthermore, each application for a sign permit shall be accompanied by a plan showing the dimensions of the sign, the size, the shape and location of where the sign is to be erected, and such other information as may be necessary to provide for the enforcement of this ordinance.

Section 15.7. ZONING FEES.

Before receiving a zoning permit, the owner or the owner's agent shall pay to the city the permit fee as provided by resolution of the City Council. Tax levying governmental agencies shall be exempted from paying said fees. Fees for zoning permits issued after the construction, alteration, placement or moving has begun shall be double the original fee.

Section 15.8. CONSTRUCTION & USE TO BE AS APPROVED IN APPLICATION, PLANS & PERMIT.

Zoning permits or sign permits issued on the basis of applications and plans approved by the Zoning Administrator; authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Failure to comply with applications, plans, and construction at variance with that authorized shall be deemed a violation of this ordinance and punishable as provided by Article XVI.

Section 15.9. APPROVAL OF CONDITIONAL USES.

A zoning permit for a conditional use may be issued by the Zoning Administrator after review by the Planning and Zoning Commission, and upon the order of the Board of Adjustment.

Section 15.10. PERMIT TO EXCAVATE OR FILL CERTAIN LAND.

1. Excavation and Fill Defined. The term "excavation" means the act by which soil or rock is cut into, dug, quarried, uncovered, displaced or relocated, and which includes removal from an area of rubbish, rock or soil deposited by persons in the past in an area to be excavated. Also included is the condition resulting from any of the foregoing acts. "Fill" means the earth, rock or other materials and their placement or construction by artificial means.
2. Wetlands Defined. The term "wetlands" means those areas, located at any elevation, with characteristics defined jointly by the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency as areas subject to being inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support,

a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, bogs and similar areas, but can appear dry any part of the year.

3. When a Fill Permit is Required. Whenever it is proposed for any parcel of land containing marked depressions whether low lying areas or with the appearance of being wetlands, the Zoning Administrator shall determine the following:
 - a. Whether a fill permit from the city is, or is not, required.
 - b. Whether the applicant has obtained a permit from the United States Corps of Engineers allowing filling on the parcel or a written finding from the Corps that the parcel has no wetland or wetlands located on it and that no permit is thereby required. If the applicant proposes to fill a wetland or wetlands, then the Zoning Administrator shall require the applicant to provide a drainage plan detailing the proposed drainage of storm water and other water flowing on, from, or across the subject parcel. The plan shall be prepared by a professional engineer and shall show the existing and proposed topographical features on the parcel as well as those on the adjacent parcels, and the plan shall contain details of the location or locations where said drainage water shall lawfully be deposited.
 - c. Any land disturbing activity that will affect more than one acre must get a National Pollution Discharge Elimination System (NPDES) permit from the Department of Natural Resources. This permit ensures that an adequate erosion and sediment control plan has been developed, that it is installed and that it is maintained.
4. Notification of Iowa Department of Natural Resources. The Zoning Administrator shall immediately inform the applicant the applicant must apply to the Iowa Department of Natural Resources for a determination as to whether the proposed area requires a fill permit from said Iowa Department of Natural Resources. The Zoning Administrator shall give assistance, to the best of the administrator's abilities, by providing telephone numbers and addresses such as will expedite the applicant's procedure.
5. Conditions of the Issuance of a Permit. The Zoning Administrator shall not issue a fill permit or a zoning permit pertaining to the subject parcel until the following occurs:
 - a. The United States Corps of Engineers issues a wetlands permit for the proposed property, or
 - b. The United States Corps of Engineers provides the applicant with written clearance providing no such permit is required for the applicant's proposed filling, or
 - c. The Iowa Department of Natural Resources issues a permit allowing the proposed excavation and filling, or
 - d. The Iowa Department of Natural Resources provides the applicant with a written clearance exempting the subject parcel from the requirements of obtaining such a permit, and
 - e. The Zoning Administrator determines the proposed excavation and/or filling conforms to the city's policy pertaining to the excavation and filling of the lowlands as hereafter stated.
6. Permit Fee. The permit fee shall be established by resolution of the City Council.
7. City Lowlands Policy. The City Council adopts the following policy and criteria for excavating or filling or both, of lowlands:

- a. Wetlands shall be preserved and where feasible, enhanced, and not reduced, to the end that natural areas for bird, animal and plant life will remain available for their use and growth.
 - b. Lowlands and depressions which provide routes for water to drain or places for retention of storm water so as to reduce flooding or flash flows may be reserved by the city from development, by conservation easements or deed restrictions, to protect those purposes. Alternates to flow channels or retention ponds located on the property may be submitted to the city's engineer who shall review them and approve those plans providing adequate drainage for the flows calculated. The use of underground piping shall be avoided where there will be a tendency to speed flows so as to increase erosion of channels below their outlets. Retention ponds or areas may be proposed by the city and the affected owners.
 - c. The Zoning Administrator is directed to enforce this Article to coordinate with zoning provisions of city law to the end that urban development is made compatible with natural areas in the city which the council finds are valuable characteristics for this city and do it in a manner that will preserve the natural settings for the enhancement of the city's quality of life in neighborhoods or commercial settings.
8. Violation and Penalty. Any violation of any provision of this article may be enforced in accordance with Article XVI of this ordinance.