
Sec. 112-62. Generally.

- (a) Only the developer may appeal an adverse decision of the city regarding stormwater development issues, including, but not limited to, stormwater runoff quantity and quality, floodplain impact, stop work orders, and impact to neighboring properties, to the Stormwater Management Board the designated Appeal Board.
1. The Stormwater Management Board will consider an appeal only with allegations of an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this section.
 2. Upon consideration of the factors noted in Sec. 112-63 and the intent of this ordinance, the Stormwater Management Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance.
 3. Stormwater Management Board decisions are binding only upon the requirements of this Section, and have no bearing on the decision of any lending institution to require the purchase of flood insurance or on the rate determination of such insurance.
- (b) All appeals and variance requests must be complete and filed on the form provided by the secretary of the board and shall include:
- (1) The name of the developer;
 - (2) The name of the developer's representative, if any;
 - (3) The case number, map number, and parcel number, if any;
 - (4) The interpretation that is claimed;
 - (5) The decision of the city engineer or his agent;
 - (6) The location of the property;
 - (7) The stormwater drainage plans which were accepted, and the deviation from the stormwater drainage plan that is being requested;
 - (8) The specific action requested of the board, and;
 - (9) The reasons justifying such action.
- (c) All appeals and variance requests must be filed within 30 days after an adverse decision of the office of the city engineer regarding stormwater development issues, including, but not limited to, stormwater runoff quantity or quality, or both, floodplain impact, stop work orders and impact to neighboring properties. The required items must be submitted ten business days prior to the regular monthly stormwater management board meeting for the appeal or variance to be heard at that meeting. A filing fee as established by the city council shall be charged to each appellant and shall be payable to the city. Appellant shall also be responsible for any and all publication fees.
- (d) All appeals and variance requests will be filed with the secretary of the board. The secretary of the board shall:
- (1) Accept all appeals and variance requests on behalf of the board;
 - (2) Assign each appeal or variance request a number;
 - (3) Number each appeal or variance request consecutively in order of receipt (beginning on January 1 of each year), preceded by a hyphen and the year of filing;
 - (4) Ensure that appeals or variance requests are heard in the order that they appear on the calendar;

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- (5) Prepare an agenda and distribute it to each board member at least five business days before each meeting;
 - (6) Send a copy of the agenda to the city public works committee, the metropolitan area planning commission, the mayor, the city clerk, the city attorney, the public works director, the city engineer, and the city floodplain administrator; and
 - (7) Include on the agenda each appeal or variance request to be heard.

(Ord. No. 08:099, § 2(7.4), 12-18-2008)