

provided.

- (3) A permit granted under this Section shall be null and void when the elderly, handicapped or infirm relative who is the subject of the permit moves to another residence, is absent from the residence for more than 120 days, or leaves the residence with no likelihood of returning. Exception to the 120 day absence limit may be approved by the City because of extraordinary circumstances such as extended hospitalization, but in any case, the subject unit shall not be occupied by any other person(s) than originally intended or approved for.
- (4) The owner agrees in writing to remove the unit within 30 days of the permit becoming void or revoked except as otherwise approved by the City.
- (5) The City may review permits issued under this Section at any time, and revocation thereof shall be effected upon a finding of noncompliance with the provisions of this Section or with any additional conditions set forth in the approval of said permit.
- (6) Such permits shall be nontransferable.

#### ARTICLE 5. EXCEPTIONS: NONCONFORMING USES

##### SECTION 5.010. NONCONFORMING USES.

- (1) A nonconforming use or structure may be continued but may not be altered or extended except as provided otherwise by this Ordinance. The extension of a nonconforming use for a portion of a structure which was arranged or designed for the nonconforming use at the time of passage of this Ordinance is not an enlargement or expansion of a nonconforming use. A nonconforming structure or use which conforms with respect to use may be altered or extended if the alteration or extension does not cause the structure to deviate further from the standards of this Ordinance.
- (2) If a nonconforming use is discontinued for a period of one year, further use of the property shall conform to this Ordinance.
- (3) If a nonconforming use is replaced by another use, the new use shall conform to this Ordinance.
- (4) Restoration or replacement of a nonconforming use may be permitted when the restoration or replacement is made necessary by fire, other casualty or natural disaster. Such restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster and shall be completed within not more than 18 months from the date of commencement. If such use is destroyed by any cause to an extent exceeding 80 percent of its fair market value as indicated by the records of the County Assessor and is not returned to use and in actual operating condition within 18 months from the date of destruction, a future

structure or use shall conform to this Ordinance. Such time period may be extended by the City on the basis that delay of construction was beyond the control of the owner, such as an insurance settlement.

- (5) Nothing contained in this Ordinance shall require any change in the plans, construction, alteration or designated use of a structure for which a permit has been issued by the City and construction has commenced prior to the effective date of this Ordinance, provided the structure, if nonconforming or intended for a nonconforming use, is completed and in use within two years from the date that the permit therefore was issued.

SECTION 5.020. GENERAL EXCEPTIONS TO LOT SIZE REQUIREMENTS.

If a property ownership, consisting of the entire contiguous land holdings in a single ownership on or before the effective date of this Ordinance, has an area or dimension which does not meet the standards of the zone in which the property is located, the holdings may be occupied by a use permitted in the zone, provided that if there is an area deficiency, residential use shall be limited to a single-family dwelling or to the number of dwelling units consistent with the density requirements of the zone. The record of ownership as recorded in the office of the County Clerk on the effective date of this Ordinance shall be the basis for application of this exception.

SECTION 5.030. GENERAL EXCEPTIONS TO YARD REQUIREMENTS.

The following exceptions to yard requirements are authorized for a lot in any zone:

- (1) If there are buildings on both abutting lots which are within 100 feet of the intervening lot, and the buildings have front yards less than the required depth for the zone, the depth of the front yard for the intervening lot need not exceed the average depth of the front yards of the abutting lots.
- (2) If there is a building on one abutting lot which is within 100 feet of the subject lot, and this building has a front yard less than the required depth for the zone, the front yard of the subject lot need not exceed a depth halfway between the depth of the front yard of the abutting lot and required front yard.

SECTION 5.040. GENERAL EXCEPTION TO BUILDING HEIGHT LIMITATIONS.

A vertical projection such as a chimney, spire, dome, elevator shaft housing, tower, aerial, flagpole or similar object not used for human occupancy is not subject to the building height limitations that may be set forth by the Ordinance or by any amendments hereto.

SECTION 5.050. PROJECTIONS FROM BUILDINGS.

An architectural feature such as a cornice, eave, canopy, sunshade, gutter, chimney or flue shall not project more than 24 inches into a required yard.

SECTION 5.060. EXCEPTION FOR MINOR REPAIR AND REHABILITATION.

Excepting nonconforming uses, activities involving rehabilitation, replacement, minor betterment, repairs and maintenance, improvements and other similar construction activities involving a lawful use permitted within a specific Zone are exempt from the permit requirements of this Ordinance provided such activities do not change the use or expand the capacity or use level.

ARTICLE 6. CONDITIONAL USES

SECTION 6.010. AUTHORIZATION TO GRANT OR DENY CONDITIONAL USES.

A conditional use listed in this Ordinance may be permitted, altered or denied in accordance with the standards and procedures of this Ordinance and this Article by the City. In the case of a use existing prior to the effective date of this Ordinance and classified as a Conditional Use herein, a change in use or an alteration thereof shall conform with the requirements for conditional use.

SECTION 6.020. GENERAL CRITERIA.

In determining whether or not a Conditional Use shall be approved or denied, it shall be determined that the following criteria are either met or can be met through the compliance with specific conditions.

- (1) The proposal is in compliance with the City's Comprehensive Plan and the applicable Zoning provisions.
- (2) The proposal is in compliance with specific standards applicable to the subject proposed use set forth by this Article.
- (3) That, for a proposal requiring approvals or permits from other local, state and/or federal agencies, evidence of such approval or permit compliance is established or can be assured prior to final approval.
- (4) That no approval be granted for any use which is or expected to be found to exceed resource or public service or facility carrying capacities, or for any use which is found to not be in compliance with air, water, land, solid waste or noise pollution standards.

SECTION 6.030. GENERAL CONDITIONS.

In addition to the standards and conditions set forth by this Ordinance and other applicable local, county, state and/or federal regulations, additional conditions may be imposed which are found to be necessary to avoid a detrimental impact on adjoining properties, the general area, or the City, and to otherwise protect the general welfare and interests of the surrounding area, the City as a whole, and the general public. Such conditions may include, but are not limited to, the following:

- (1) Limiting the manner in which the use is conducted, including restricting the time an activity may take place and restraints to minimize environmental effects such as noise, vibration, dust, air pollution, glare, odor, etc.
- (2) Establishing special yard, open space, lot area requirements, dimensional requirements, height limitations, size and location of a building or other structure.
- (3) Designating the size, number, location, nature, improvement and maintenance requirements for vehicle access points and facilities.
- (4) Requirements for noise and visual screening.
- (5) Limitations on signs and the lighting thereof.
- (6) Protecting and preserving existing trees, vegetation, water resources, or other significant natural resources.

SECTION 6.040. PERMIT AND IMPROVEMENTS ASSURANCE.

The City may require an applicant to furnish the City with a performance bond or such other form of assurance that is deemed necessary to guarantee development in accordance with the standards established and the conditions attached in the granting of a conditional use permit.

SECTION 6.050. STANDARDS GOVERNING CONDITIONAL USES.

A conditional use shall comply with the standards of the Zone in which it is located and with the standards and conditions set forth in this Section.

- (1) Adult Foster Home, Residential Care Facility or Residential Home.
  - a. The provider or a certified resident manager must live in the home to be used for this purpose.
  - b. Such use shall only be permitted in an existing structure previously used as a residence.
  - c. Each occupant shall be provided with a private bed and no more than two occupants shall be permitted per bedroom.
  - d. The structure shall be inspected by a certified Building Official at the cost of the applicant(s) and determined to be reasonably safe from fire and other safety hazards.
  - e. Fire alarms and at least two exits shall be provided.

- f. Appropriate handicapped facilities shall be provided.
- g. Off-street parking shall be provided as determined by the City.
- h. A copy of the annual inspection by the certifying State agency shall be provided to the City.
- i. As applicable, State licensing requirements shall be complied with on a continuing basis, and such compliance shall be a condition of City approval.
- j. Such permits may be required to be renewable on an annual basis and shall not be transferable.

(2) Automobile Wrecking Yard or Junk Yard.

- a. Such a facility shall be hidden or adequately screened by terrain, other natural objects, or by plantings, fences or other appropriate means from all major through traffic routes and from adjacent or area uses. The City may require a sight-obscuring fence not less than 6 feet in height around the total facility.
- b. Premises on the outside of the establishment shall be maintained in a clear and clean condition at all times.
- c. No activity involving any wrecking, dismantling or altering of vehicles shall be permitted outside the building, enclosure or barrier at any time.
- d. Outside display and offer for sale of vehicle parts may be permitted but shall be limited to a single defined area and shall be limited to not more than four vehicles.
- e. Additional setbacks, screening, and other limitations or conditions may be required by the City as deemed necessary to protect adjacent and area properties.

(3) Bed and Breakfast Facility.

- a. Compliance with all applicable State regulations shall be a continuing requirement and a condition of City approval.
- b. Subject facility shall be inspected by a certified Building Official at the cost of the applicant relative to structural and fire safety conditions, and the recommendations thereof may be attached as conditions.
- c. No exterior structural alterations shall be permitted to accommodate the proposed use except as approved by the City.
- d. No persons shall be employed except members of the immediate family of the owner or the resident manager and the owner or manager shall reside on the premises.
- e. Except as approved otherwise by the City, all parking demands shall be accommodated totally off-street on the subject premises.
- f. Total occupancy shall be limited to the number of available private bedroom facilities in the original residential structure.

- g. Such a use shall only be permitted in an existing structure previously used as a single-family dwelling.
- h. Such permits shall not be transferable.

(4) Dog Pounds or Kennels.

- a. Building and site design shall be adequate to minimize noise and odor.
- b. A sight-obscuring and sound reducing fence or hedge or other vegetative screening may be required.
- c. Holding cages and facilities may be restricted to being located totally within a building and extra soundproofing insulation may be required.
- d. The types of animals permitted may be specified.
- e. Receipt of a valid complaint concerning odor and/or noise shall be sufficient grounds for immediate permit review and potential revocation.
- f. A public need shall be established.

(5) Home Occupation.

- a. Shall be conducted only as an accessory use to the primary use as a residence.
- b. Shall only be operated by a resident of the property on which the business is located.
- c. Shall be conducted in and limited to either an accessory structure to the residence or to not more than 25% of the floor area of the main floor of the residence.
- d. No structural alterations or additions shall be permitted to accommodate the home occupation, except as otherwise approved by the City.
- e. Total employment shall not exceed 5 persons including the owner/operator(s) and members of the immediate family.
- f. No use shall be permitted which will be detrimental to the residential use of the subject property or to the adjoining or area properties because of noise, dust, smoke, odor, traffic, vibration, interference with radio or television reception, or other similar factors.
- g. Retail sales shall be limited to those commodities and/or materials used in conjunction with the home occupation, and no materials or commodities shall be delivered to and from the premises at a time or of such bulk or quantity as to create undesirable traffic or congestion in the general area.
- h. Hours of operation and associated activities may be limited by the City to preserve the residential character of the surrounding area, and in no case shall the use infringe upon the rights of neighboring residents to enjoy the peaceful occupancy of their homes.
- i. Except as approved otherwise by the City, all parking requirements shall be accommodated off-street on the subject premises.
- j. Signs shall be limited to one wall or ground mounted, non-

- illuminated sign not exceeding 8 square feet.
- k. Such permits shall not be transferable.

(6) Mobile Home Park.

- a. Shall be in compliance with applicable State regulations and continued compliance therewith shall be a condition of final approval.
- b. Each access road intersecting a public street shall have a surface width of not less than 30 feet; Driveways within the park shall be at least 20 feet in width, or if parking is permitted thereon at least 30 feet in width. All access roads and driveways shall be improved with a dustless-durable surface as required by the City.
- c. Each space shall be serviced with public or approved community water and sewer service, electrical power, receptacles for garbage, and fire hydrants shall be installed as deemed necessary.
- d. Mail facilities shall be as provided as approved by the U.S. Postal Service.
- e. There shall be constructed on each space, adjacent and parallel thereto, one or more wooden decks or slabs or patios of concrete, asphalt, flagstone or the equivalent thereof, totaling at least 120 square feet.
- f. In no case shall an individual space be permitted which is less than 30 feet in width or less than 40 feet in length.
- g. In no case shall a mobile home park be established on a lot or parcel less than one (1) acre, and in no case shall the overall density exceed 12 units per acre.
- h. For any mobile home park accommodating or permitting children under the age of 14 years and proposing to have any unit spaces less than 4,000 sq. ft., a separate play-ground area shall be provided. No such play area shall be less than 2,500 sq. ft. and shall contain not less than 100 sq. ft. of play area for each unit permitted to be occupied by children. Such play areas shall be developed and maintained as required by the City.
- i. No mobile home in the park shall be located closer than 15 feet from another mobile home or from a general use building in the park. No mobile home or other building or structure shall be located within 25 feet of a street right-of-way line or within 10 feet of any other property boundary line.
- j. No Recreational Vehicle shall be permitted to be located within a mobile home park and occupied as a residential use. A mobile home park may include spaces for such Recreational Vehicles on an overnight basis if planned for and approved for as a part of the overall facility design and approval.
- k. A mobile home permitted in a mobile home park shall be provided with a continuous skirting within 30 days of placement.
- l. An updated listing of the names and addresses of the

occupants of each space in a mobile home park shall be provided to the City within 5 days of the request therefore at no cost to the City.

- (7) Temporary Mobile Home Park. With the exceptions of standards concerning water supply, sewage disposal, garbage collection, mail service, setbacks, unit separations, overall density, and other factors concerning public health, safety and welfare, the City may approve a Temporary Mobile Home Park without full compliance with those requirements set forth in Subsection 6 above for the establishment of such a facility for a construction company, timber company, or farm, or by exclusive use by such companies or by a party independent thereof. Such approval may only be granted IF:
- a. There is no available space or inadequate space available in existing or planned mobile home parks for which construction has commenced within a reasonable distance; and
  - b. Such a facility is necessary for the proper housing of the subject company's employees until the construction, farm or logging project is finished;
  - c. There is an identified housing shortage in the area due to the size of the subject project to be served.
  - d. Such approval shall not exceed one year, except as approved otherwise by the City.
  - e. Such a facility shall only be occupied by those for whom the facility was intended.
  - f. Such approval shall not be transferable.
- (8) Multi-Family Dwelling Complex.
- a. All such complexes with more than 20 units shall be so located as to have direct access onto an existing improved public street except as otherwise approved by the City; Relative thereto, the City may require improvements to an existing public street as deemed necessary to serve such a complex.
  - b. Each access road permitting two-way traffic and intersecting a public street shall have a surface width of not less than 30 feet, and not less than 16 feet for single-lane, one-way traffic. Interior driveways shall not be less than 24 feet in width for two-way traffic and not less than 12 feet for one-way. All such driveways and access roads shall be improved with dustless-durable-all weather surfaces as approved and required by the City.
  - c. Each such complex and individual unit thereof shall be serviced with public or community water and sewer service, electrical power, receptacles for garbage and garbage collection service, and fire hydrants shall be installed as recommended by the City Fire Chief.
  - d. For any complex permitting or accommodating children under the age of 14 years, a separate playground area shall



be provided. No such play area shall be less than 2,500 sq. ft. and shall contain at least 100 sq. ft. of play area for each unit in the complex permitted to be occupied by children. Such playground area shall be improved, a minimum of facilities and equipment installed, and shall be secured from driveways and parking areas.

- e. For any complex permitting tenants to have recreation vehicles, boats and similar equipment, there shall be provided a separate designated parking area at a ratio of one space per each 3 units in the complex.

(9) Radio or Television Transmitter Tower, Utility Station or Substation.

- a. In a Residential Zone, all equipment storage on site shall be enclosed within a building.
- b. Perimeter fencing and landscaping may be required.
- c. Coloring of structures, buildings and other permanent installations shall be of neutral colors or as otherwise approved by the City.

(10) Recreation Vehicle Park.

- a. Compliance with applicable State regulations shall be a continuing requirement and a condition of approval.
- b. Water supply service to each camping space is not required, but at least one water supply service onsite shall be provided.
- c. In lieu of individual sewer services, an onsite sewage disposal station shall be provided.
- d. All solid waste shall be stored in individual garbage containers, storage bins or vehicles with tight-fitting lids, covers or closable tops. All solid waste shall be collected for disposal at regular intervals not to exceed at least once every 7 days.
- e. The buildings, grounds, rental units, spaces, furnishings and all other facilities shall be maintained in good repair and appearance and in clean condition at all times.
- f. Either the owner, operator, resident manager or other such supervisor shall be available on the premises of a recreation park at all times while it is open for use, except as otherwise approved by the City.
- g. Each camping space shall be large enough to accommodate the parked camping vehicle for which the space is intended or designed and to maintain at least 10 feet separation from any other camping vehicle, 10 feet from any building, 20 feet from a property line abutting a public street or highway and 10 feet from any other property line. Only one camping vehicle is permitted per space.
- h. Each recreation park shall have direct access to a major improved public street or highway. Each access road intersecting such public street or highway shall be at least 30 feet in width and driveways within the park shall be at

least 20 feet in width. All roads and driveways shall be well-drained and surfaced with a dustless-durable-all weather surface as approved by the City.

- i. Toilet facilities shall be provided in the following ratios:

<u>Number of Spaces</u>	<u>Number of Toilets</u>
1-15	2
16-30	3
31-60	5
61-100	7

- j. Temporary Facilities. The City may exempt certain temporary facilities from the construction requirements, requirements for toilets, water supply and sewage disposal, and spacing if such temporary facilities are for the purpose of accommodating a camping vehicle rally or caravan or other groups of camping vehicles assembled for the purpose of traveling together or for special events such as rodeos, derbys, hunting, etc. provided, however, that the City finds that the public health will not be endangered. The period of operation shall be as designated by the City as deemed reasonable and necessary to protect the public health and general welfare. Provisions for solid waste collection and disposal shall be required.

SECTION 6.060. APPLICATION FOR A CONDITIONAL USE.

A property owner or duly authorized agent may initiate an application for a conditional use or for the modification of an existing conditional use by filing an application with the City using forms prescribed therefore by the City. Such application shall be accompanied by the required supporting documents and the required filing fee established by the City Council.

SECTION 6.070. PROCEDURE FOR TAKING ACTION ON A CONDITIONAL USE PERMIT APPLICATION.

Before the City may act upon an application for a Conditional Use it shall conduct a public hearing in the matter thereof. Notice of the hearing shall be given in the following manner:

- (1) Notice of the hearing shall be published in a newspaper of general circulation in the City or shall be posted in three public places not less than 10 days and not more than 20 days prior to the date of said hearing.
- (2) Individual notice shall be given to all property owners within 100 feet of the subject property not less than 10 days but not more than 20 days prior to such hearing. The names and addresses of such property owners shall be as shown by the last available County Assessor's assessment rolls. Failure of any person or party to receive such notice shall not invalidate

the proceedings in connection with the application.

SECTION 6.080. DECISIONS AND NOTIFICATION THEREOF.

- (1) A decision for the approval or denial of an application for a conditional use shall be based upon and accompanied by a statement that explains the criteria and standards relied upon and considered relevant to the decision, that states the facts relied upon in rendering the decision, and explains the justification for the decision based on the criteria, standards, facts and conclusions set forth.
- (2) Within ten (10) days of such decision, written notice of the approval or denial shall be given to all parties to the proceedings regarding of the subject application.

SECTION 6.090. TIME LIMIT ON A CONDITIONAL USE PERMIT.

Authorization for a conditional use shall be void after one year or such lesser time as the City may specify unless substantial construction and/or compliance with the approval thereof has taken place or occurred. The City, however, may extend authorization for an additional period not to exceed one additional year upon request.

ARTICLE 7. VARIANCES

SECTION 7.010. AUTHORIZATION TO GRANT OR DENY VARIANCES.

The City may authorize variances from the requirements of this Ordinance where it can be shown that owing to special and unusual circumstances related to a specific lot or use that strict application of the Ordinance would cause an undue or unnecessary hardship. No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located, except as may be authorized in compliance with Subsection 4 of Section 7.020 of this Article. In granting a variance, the City may attach conditions which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purposes of this Ordinance.

SECTION 7.020. CIRCUMSTANCES FOR GRANTING A VARIANCE.

A variance may be granted unqualifiedly or may be granted subject to prescribed conditions, provided that the following findings are evident:

- (1) That the literal application of the Ordinance would create practical difficulties for the applicant resulting in greater private expense than public benefit; however, a variance is not to be granted simply because it would afford the owner a higher profit or prevent a mere inconvenience; and

- (2) That the condition creating the difficulty is not general throughout the surrounding area, but is unique to the applicant's site; Therefore, the granting of the subject variance will not set a precedent for future applications; and
- (3) That the condition was not created by the applicant. A self-created difficulty will be found if the applicant knew or should have known of the restriction at the time the site was purchased or created. Self-created hardship also results when an owner negligently or knowingly violates the Ordinance. A substandard lot, deliberately made so by the owner's conveyance, is considered a self-created hardship. Violations made in good faith, or circumstances arising from pre-existing circumstances are treated more leniently, as is the condition of an area deficiency created by the expansion of a public right-of-way, utility easement, or other public use in the public interest; and
- (4) In the case of a "Use" variance, that the literal application of the Ordinance would result in an unnecessary hardship to the applicant. An unnecessary hardship will be found when there is no reasonable return from the property as it may lawfully be used under the applicable provisions of this Ordinance.

#### SECTION 7.030. MINOR VARIANCE.

For the purposes of this Ordinance, a "Minor Variance" is an "area or dimensional" variance that meets one or more of the following conditions:

- (1) Is a variance request involving a deviation from a minimum lot size of not more than 10%; or
- (2) Is a variance request involving a deviation from a yard or setback requirement of not more than 25%; or
- (3) Involves a request for the expansion of a nonconforming use by not more than 10%.

#### SECTION 7.040. APPLICATION FOR A VARIANCE.

An application for a variance may be initiated by a property owner or authorized agent thereof by filing an application with the City Recorder using forms prescribed by the City. The application shall be accompanied by the required filing fee and any required supporting documents or information.

#### SECTION 7.050. PROCEDURE FOR TAKING ACTION ON A VARIANCE.

The procedures for taking action on applications for variances shall be as follows:

- (1) Minor Variance. An application for a Minor Variance may be approved by the City Recorder or other City official as may be

designated by the City Council in accordance with the following provisions:

- a. Upon receipt of such an application, the Recorder or other official shall provide notice thereof to all property owners within 250 feet of the subject property within 5 working days. Said notice shall provide an opportunity for response, and such response period shall not be less than 7 working days. Notice shall also be given to each member of the City Council.
  - b. If no "objections" to the subject application are received within the designated response period, the Recorder or other official may approve, approve with modifications and/or conditions, deny, or refer the application to the City Council for public hearing. If one or more objections are received, the subject application shall be referred to the City Council for public hearing at the earliest available regularly scheduled council meeting.
- (2) Variances for Council Action. Before the City Council may act on a variance application, the Council shall conduct a public hearing in the matter thereof. Notice of such hearing shall be given to the applicant, property owners within 250 feet, and other identified affected parties not less than 10 days prior to such hearing.
- a. The Council may approve, approve with modifications and/or conditions, or deny any application for a variance. Written notice of the decision shall be provided to the applicant and any other participating parties.

SECTION 7.060. TIME LIMIT ON A PERMIT FOR A VARIANCE.

Authorization of a variance shall be null and void after one year unless substantial construction has taken place or the proposed use has occurred and compliance with any conditions is evident. The City may grant an extension of time, not to exceed one year, upon request.

ARTICLE 8. AMENDMENTS

SECTION 8.010. AUTHORIZATION TO INITIATE AMENDMENTS.

An amendment to the text of this Ordinance or to a zoning map may be initiated by the City Council, by a City Official, or by an application of a property owner or the authorized agent thereof.

SECTION 8.020. APPLICATION FOR A ZONE CHANGE.

An application by a property owner shall be filed with the City Recorder on forms prescribed by the City and shall be accompanied by the required filing fee and other required and/or supporting

materials. Said application shall be filed not less than 21 days prior to the date of the Council meeting at which consideration is desired. The applicant shall provide reasons for the requested change, and shall present facts showing that the amendment will be in compliance with the City's Comprehensive Plan with applicable Statewide Planning Goals, State Statutes and Administrative Rules.

SECTION 8.030. PUBLIC HEARINGS ON AMENDMENTS.

The City shall conduct two (2) public hearings on an application for an amendment within 60 days of the receipt of a complete application, and shall, within ten (10) days following the conclusion of the second hearing, approve, approve with modifications, or disapprove the proposed amendment. The Council may recess or continue a hearing in order to obtain additional information and input on the proposed amendment, and/or in order to provide additional notice to potentially affected parties.

SECTION 8.040. PUBLIC NOTICE REQUIREMENTS.

Each notice of a public hearing regarding an amendment to this Ordinance shall be published once a week, for the two successive weeks prior to the date of the hearing in a newspaper of general circulation in the City. In the absence of a generally circulated newspaper, notice of such hearings shall be posted for two successive weeks in three public places and individual notice provided to the applicant and other potentially affected persons.

- (1) In addition to the notice requirements set forth hereinbefore, individual notice shall be provided to all property owners within 250 feet of the subject property(s).
- (2) Notice of an application for a zone change of property which includes all or part of a mobile home park shall be given, by first class mail, to each existing tenant of the subject mobile home park at least 20 days but not more than 45 days before the first hearing date.
- (3) Notice of an application for a proposed zoning amendment, together with a copy or description of the proposed amendment, shall be provided to the State Land Conservation and Development Commission (LCDC) at least 45 days prior to the date of the final hearing.

SECTION 8.050. RECORDS OF AMENDMENTS.

The duly approved and signed original, and a copy, of an amendment to the text or zoning map(s) of this Ordinance shall be maintained without change on file in the City Hall. Copies of such amendments shall be available for public review and information.

SECTION 8.060. LIMITATIONS ON REAPPLICATIONS.

No reapplication for an amendment to the text or to a zoning map of this Ordinance shall be considered by the City within a six (6) month period immediately following the previous denial of such application. However, if in the opinion of the City Council, new evidence or a change in circumstances warrants such reapplication in a lesser time, the Council may permit a new application.

SECTION 8.070. ADOPTION OF AN AMENDMENT.

An amendment to the text of this Ordinance or to a zoning map shall be approved by Ordinance only.

ARTICLE 9. ADMINISTRATIVE PROVISIONS

SECTION 9.010. ADMINISTRATION AND ENFORCEMENT.

The City Recorder, Mayor or other City Official as may be designated or appointed by the City Council shall have the powers and the duties to enforce the provisions of this Ordinance and all amendments hereto. In addition, the City Council may initiate action to enforce any provision of this Ordinance, including any violation of any restriction or condition established under this Ordinance in the granting of any permit authorized or required by the provisions of this Ordinance.

SECTION 9.020. DECISIONS AND NOTICE THEREOF.

- (1) All decisions made pursuant to the provisions of this Ordinance for the approval or denial of an application authorized or required for a use permitted by this Ordinance shall be based upon and accompanied by a statement that explains the criteria and standards relied upon and considered relevant to the decision, that states the facts relied upon in rendering the decision, and explains the justification for the decision based on the criteria, standards, facts and conclusions set forth.
- (2) Written notice of the approval or denial shall be given to all parties to the proceedings within ten (10) working days.
- (3) Except as otherwise provided in ORS 227.178 and paragraph a of this Subsection, the City shall take final action on an application for a permit or amendment, including resolution of appeals, within 120 days after the application is deemed complete. The 120 day period may be extended for a reasonable period of time at the request of the applicant.
  - a. For an application for the siting of a residential facility, the City shall take final action within 90 days after the date of application.

SECTION 9.030. PLANNING RESPONSIBILITY.

Until such time as the City Council establishes a planning commission, the Council shall perform all planning and zoning duties and responsibilities prescribed by this Ordinance or State law.

SECTION 9.040. APPEALS.

A person may appeal a decision or requirement made by the City Recorder, Mayor or other City Official made pursuant to this Ordinance to the City Council by filing a Notice of Appeal within 15 days after the decision or requirement is made. Said Notice of Appeal shall be filed on forms prescribed by the City and shall be accompanied by the required filing fee. The City Council shall duly advertise and conduct a public hearing on the appeal within 45 days of the receipt thereof, and shall render a decision within 10 days of such hearing. An appeal to a decision or requirement by the City Council may be made as provided for by State law. Such person filing an appeal shall provide evidence as complying with the following criteria:

- (1) Files a notice of appeal as provided above containing the following facts and information:
  - a. A statement of the nature of the decision or requirement being appealed; and
  - b. A copy of the decision being appealed; and
  - c. Facts that establish that the petitioner has standing; and
  - d. The date of the decision; and
  - e. The specific issues the petitioner seeks to have reviewed.

SECTION 9.050. PUBLIC NOTICE.

- (1) Unless required otherwise by this Ordinance, each notice of a hearing authorized or required by this Ordinance shall be published at least one time in a newspaper of general circulation in the City not less than 10 days prior to such hearing. In the absence of such a newspaper, such notice may be posted in three (3) public places in the City not less than 10 days prior to such hearing.
- (2) In addition, individual notice shall be provided as required by this Ordinance.
- (3) Failure of a person to receive the notice prescribed herein shall not impair or invalidate the proceedings of the subject hearing or any actions or decisions resulting therefrom.

SECTION 9.060. FORM OF PETITIONS, APPLICATIONS AND APPEALS.

Petitions, applications and appeals provided for in this Ordinance shall be made on forms provided for such purpose or otherwise prescribed by the City. Where accompanying plans and specifications must be submitted, such plans shall be legibly drawn to scale and in sufficient detail to provide the necessary information requested or



required.

SECTION 9.070. PERMIT AND IMPROVEMENTS ASSURANCES.

The City Council may require an applicant to furnish the City with a performance bond or such other form of assurance deemed necessary to guarantee development or compliance in accordance with the standards established by this Ordinance and/or conditions attached in the granting of a permit. The Council may also require an Occupancy Permit as an assurance of compliance with standards and conditions.

SECTION 9.080. REVOCATION.

The City Council may revoke or modify any permit granted under the provisions of this Ordinance on any one or more of the following grounds:

- (1) On the basis of fraud, concealment or misrepresentation by the applicant during the application process.
- (2) On the basis that the use for which the permit was issued is not exercised within the time limits set forth or otherwise applicable thereto.
- (3) On the basis that the use for which a permit was granted has ceased to exist or has been suspended for one year or more unless otherwise approved as a part of the original permit or amendments thereto.
- (4) On the basis that the permit granted is being, or recently has been, exercised contrary to the terms or conditions of such approval, or in violation of any local or state statute, code, resolution, law or regulation.
- (5) On the basis that the use for which the approval was granted is so exercised as to be detrimental to the public health, safety or general welfare, or in such a manner as to constitute a nuisance.
- (6) The City Council shall hold a public hearing on any proposed revocation after giving written notice to the permittee and other affected persons.

SECTION 9.090. INTERPRETATION.

Where the conditions imposed by a provision of this Ordinance are less restrictive than comparable provisions or conditions imposed by any other ordinance, resolution or regulation, the more restrictive shall govern.

SECTION 9.100. SEVERABILITY.

The provisions of this Ordinance are hereby declared to be severable. If any section, sentence, clause or phrase of this Ordinance is adjudged by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this

Ordinance.

SECTION 9.110. REMEDIES.

In the case that a building or other structure is, or is proposed to be, located, constructed, maintained, repaired, altered or used, or any land is or is proposed to be used in violation of this Ordinance, the City Council or person whose interest in real property in the City is or may be adversely affected by the violation, may, in addition to other remedies interest in real property in the City is or may be adversely affected by the violation, may, in addition to other remedies provided for by law, institute injunction, mandamus, abatement, or other appropriate proceedings to, temporarily or permanently, prevent, enjoin, abate, or remove the unlawful location, construction, maintenance, repair, alteration or use.

SECTION 9.120. VIOLATIONS DECLARED NUISANCES.

The location, erection, construction, maintenance, repair, alteration or use of a building or structure, or the use of land in violation of this Ordinance is hereby declared a nuisance and may be abated accordingly.

SECTION 9.130. PENALTIES.

Any person, firm or corporation who violates or refuses to comply with any provision of this Ordinance is punishable upon conviction by a fine of not more than \$500 for a noncontinuing offense, or by imprisonment of not more than 30 days, or both such fine and imprisonment for each provision violated. It shall be the responsibility of the offender to abate the violation and each day that such violation is permitted to exist shall constitute a separate offense.

SECTION 9.140. ENACTMENT; EMERGENCY DECLARED.

This Ordinance is declared to be necessary for the public health, safety and general welfare of the City, therefore an Emergency is hereby declared and this Ordinance shall be in full force and effect on and after the date of approval by the City Council and the Mayor.

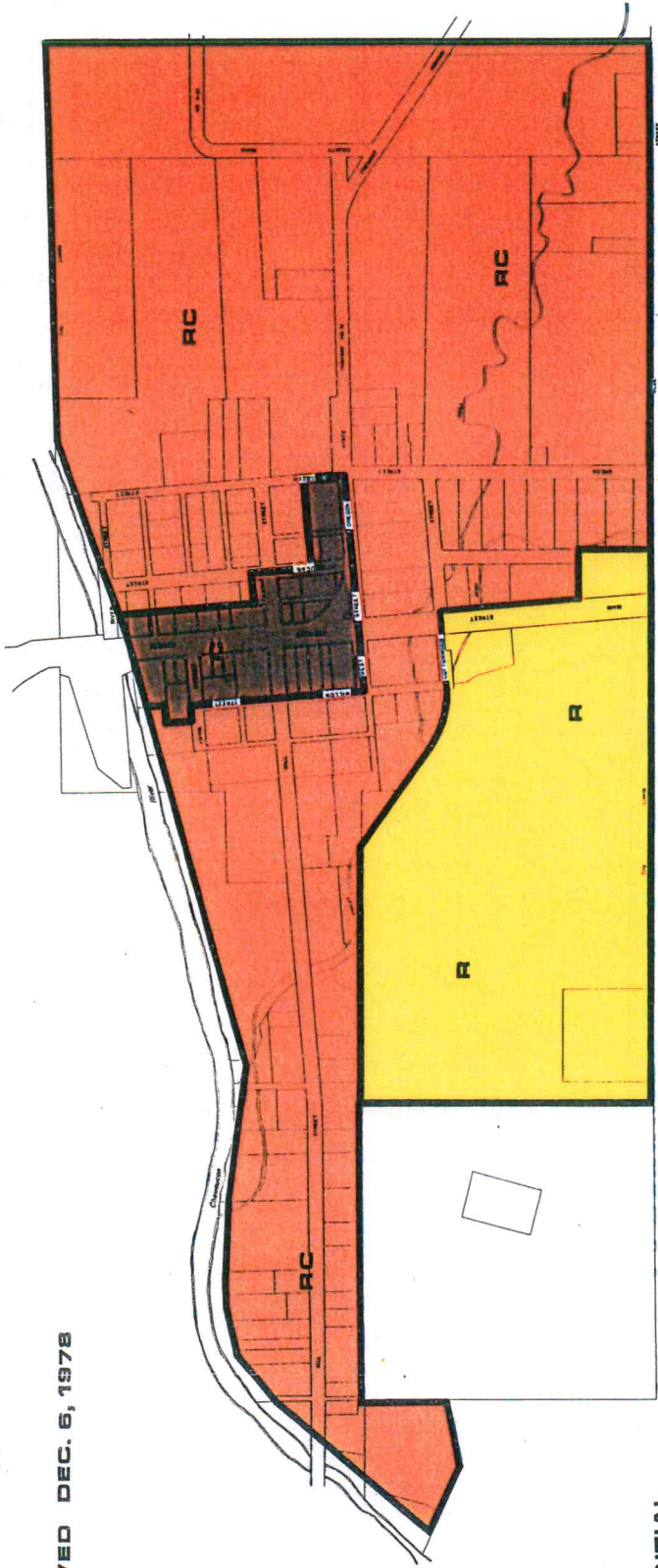
APPROVED BY THE CITY COUNCIL ON THE 6th DAY OF DECEMBER, 1988.

APPROVED BY THE MAYOR ON THE 6th DAY OF DECEMBER, 1988.

C.E. YOUNG /s/  
MAYOR

ATTEST: Theresa Vickerman  
CITY RECORDER  
December 6, 1988

APPROVED DEC. 6, 1978



- R** RESIDENTIAL
- RC** RURAL COMMUNITY
- C** COMMERCIAL

# ZONING

# CITY OF PAISLEY

