

ORDINANCE NO. 2016-09

An ordinance adding Section 153.18 of chapter 153 Zoning regulations of the City of Gregory ordinances.

BE IT ORDAINED BY THE CITY OF GREGORY that Section 153.18 be added to Chapter 153 Zoning Regulations of the Gregory City Ordinances.

153.18 Powers and Duties

The Board of Adjustment shall have the power to hear appeals, requests for rezoning and amendment of the Zoning Ordinance.

153.19 Change in Zone

The Board of Adjustment shall have the power to hear and decide, in accordance with provisions of this ordinance, petitions for change in zoning. A petition for change in zoning will not be decided until:

1. The individual petitioner provides a completed change in zone request. Said request must clearly state that special conditions and circumstances exist which require the land to be rezoned; that the special conditions and circumstances do not result from the actions of the applicant; and that granting the change in zoning will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structure, or buildings in the area.
2. The Planning and Zoning Commission has reviewed the application pursuant to section 153.23 of the City of Gregory Ordinances.
3. Notice of public hearing shall be given as pursuant to Gregory City council guidelines.
4. The public hearing shall be held. Any party may appear in person or by agent or attorney.
5. The Board of Adjustment shall make findings that the requirements of this Section have been met by the applicant for a change in zone; the Board shall further make a finding that the reasons set forth in the application justify the granting of the change in zone, and the change in zone will make possible the reasonable use of the land, building, or structure; the Board of Adjustment shall further make a finding that the granting of the change in zone will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
6. No petition for change in zone shall be authorized unless the Board of Adjustment finds that the condition, situation or the intended use of the property concerned is not of so general or recurring nature as to make reasonably practicable the change in zone.
7. Nonconforming use of neighboring lands, structures, or buildings in the same district, and permitted or nonconforming use of lands, structures or buildings in other districts shall be considered as reasons for the issuance of a change in zone.
8. In granting any petition for change in zone, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the change in zone is granted, shall be deemed a violation of this ordinance.



Mayor Scott Anshutz

ATTEST: 
Finance officer Al Cerry

First Reading: 10-17-2016
Second Reading: 11-7-2016
Approval: 11-7-2016
Publication: 11-16-2016