

ORDINANCE NO. 2016-08

An ordinance amending Section 153.23 Powers of Chapter 153 Zoning Regulations of the Gregory City ordinances.

BE IT ORDAINED BY THE CITY OF GREGORY that Section 153.23 Powers of Chapter 153 Zoning Regulation of the Gregory City Ordinances be amended to read as follows:

153.23 Powers and Duties

The Planning and Zoning commission shall have the power to hear requests for conditional uses, variances, amendments, change in zoning and appeals of a decision rendered by the zoning administrator or other city official.

(A) Appeals

Any decision rendered by the Zoning Administrator or other City Official may be appealed to the Planning and Zoning Commission. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Planning and Zoning Commission, that by reason of facts stated in the certificate a stay would, in their opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the City Council or by a court of record on application or notice to the officer for whom the appeal is taken and on due cause shown. The Planning and Zoning Commission shall permit and entertain appeals from its decisions or those of any administrative official: that notice of the appeal shall be given to the Planning and Zoning Commission within 10 days from the time that the appellant is given notice of the decision, but in no event later than 60 days after the making of the decision.

(B) Conditional Uses

The Planning and Zoning Commission shall have the power to hear and make recommendations, in accordance with the provisions of this ordinance, to decide such questions as are involved in determining whether conditional uses should be recommended for approval; and to recommend for approval conditional uses with such conditions and safeguards as are appropriate under this ordinance, or to recommend denial on conditional uses when not in harmony with the purpose and intent of this ordinance. The Planning and Zoning Commission shall not review a conditional use request unless and until all documents required for said use have been satisfactorily completed and all required fees have been paid in full.

The Planning and Zoning Commission shall review all conditional use applications at an official public hearing of the Commission. Notice of the time and place of the hearing shall be given pursuant to the City Council's guidelines. The Planning and Zoning Commission shall discuss each application and recommend an action. The Planning and Zoning Commission shall forward its recommendation to the Gregory City Council at least ten (10) days in advance of the Gregory City Council meeting at which the application is being considered.

(C) Variances

The Planning and Zoning Commission shall have the power to hear requests for variances from the building permit and zoning ordinances where strict enforcement would cause unnecessary hardship, and to recommend approval only in accordance with this ordinance. The Planning and

Zoning Commission shall not review a variance unless and until all documents required for application for said request have been satisfactorily completed and all required fees have been paid in full.

The Planning and Zoning Commission shall review all variance applications at an official public hearing of the Planning and Zoning Commission. Notice of the time and place of the hearing shall be given pursuant to the City Council's guidelines.

The Planning and Zoning Commission shall discuss each application and recommend an action. The recommendation should be in the form of a motion clearly stating the Commission's recommended action. The Commission shall forward its recommendation to the City Council at least ten (10) days in advance of the City Council's meeting at which the application is being considered.

In recommending approval of any variance, the Planning and Zoning Commission 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 variance is granted, shall be deemed a violation of this ordinance.

Under no circumstances shall the Planning and Zoning Commission recommend approval of a variance to allow a use not permissible under the terms of the zoning ordinances of the City or any use expressly or by implication prohibited by the zoning ordinance in said district.

(D) Amendments and Rezoning

The Planning and Zoning Commission shall have the power to hear and make recommendations, in accordance with the provisions of this ordinance, on requests for change in zoning. Upon notification of a proposed revision, modification, change or amendment to the zoning ordinance or any part thereof, the Planning and Zoning Commission shall schedule a public hearing. Notice of the time and place of the hearing shall be given, pursuant to City Council's guidelines. Any person may appear and request or protest the proposed change. The Commission shall not review an amendment for rezone unless and until all documents required for application for said request have been satisfactorily completed and all required fees have been paid in full.

The Planning and Zoning Commission shall review all applications for amendments or rezones at an official public hearing of the Commission. The Commission shall discuss the application and formulate a recommended action. The recommendation should be in the form of a motion clearly stating the Commission's recommendation. The Commission shall forward its recommendation to the City Council at least ten (10) days in advance of the City Council's meeting at which the application is being considered.

In recommending approval of any petition for change in zone or amendment, the Planning and Zoning Commission 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.

Scott Anshutz

Mayor Scott Anshutz

ATTEST:

Al Cerny

Al Cerny Finance Officer

First Reading: 10-17-2016

Second Reading: 11-7-2016

Approval: 11-7-2016

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