

ORDINANCE #122

AN ORDINANCE AMENDING ORDINANCE #119, ARTICLE 2 (General Provisions)
OF THE CITY OF JORDAN VALLEY, OREGON ORDAINS AS FOLLOWS:
The City Council of Jordan Valley, Malheur County, State of Oregon, does ordain as follows:
Article 2, is amended to read, addition of Section 2.5 of Ordinance #119.
THE CITY OF JORDAN VALLEY, OREGON ORDAINS AS FOLLOWS:

ARTICLE 1. PURPOSE AND DEFINITIONS

Section 1.1: Title. This ordinance shall be known as the “Zoning Ordinance of the City of Jordan Valley, Oregon,” and the map herein referred to shall be known as the “Zoning Map of the City of Jordan Valley, Oregon”. Said map and all explanatory matter thereon are hereby adopted and made a part of this ordinance.

Section 1.2: Purpose. The purpose of this ordinance is to establish for the City of Jordan Valley a comprehensive zoning plan designed to regulate and restrict the location and use of buildings, structures, and land for recreational, education, residential, commercial and industrial purposes; to regulate and limit the height, number of stories, and percent of lot coverage of buildings and other structures hereafter erected or altered; to establish minimum widths and areas for the subdivision or resubdivision of lots; to provide for the protection of future primary roads and the widening of certain existing roads; and to promote the retention and development of a high quality natural and community environment.

Section 1.3: Definitions. For the purposes of this ordinance, all words in the present tense shall include the future; all words in the singular number shall include the plural; the masculine shall include the feminine and neuter and the word (shall) is mandatory. The following words and terms are construed and defined as follows:

1. Access. Means the place, means or way by which pedestrians, vehicles or utilities shall have safe ingress or egress to a property, use or parking space.
2. Accessory use or structure. A use or structure incidental and sub ordinance to the main use of the property and located on the same lot as the main use (e.g. a garage or storage building).
3. Affected area. Property within the area of a subject property. Specifically, that area of a subject property. Specifically, that area within one-hundred feet, excluding streets and alleys.
4. Alley. A public way which affords a secondary means of vehicular access to property.
5. Building. Any temporary or permanent structure, but not a mobile home, built and maintained for the support, shelter or enclosure of people, motor vehicles, animals, or personal or real property of any kind. The words “building” and “structure” shall be synonymous.
6. Business Office. An office which provides non-retail services such as insurance, real estate, finance, travel and any office of similar nature and impact.
7. City. City of Jordan Valley, Oregon.
8. Dwelling, multi-family. A building or portion thereof, containing three or more dwelling units.
9. Dwelling, duplex or two-family. A detached building containing two dwelling units.
10. Dwelling, single family. A detached building containing one dwelling unit, excluding mobile homes.
11. Dwelling, three-plex or four-plex. A detached building containing three or four dwelling units, respectively.
12. Dwelling unit. One or more rooms, plus a bathroom and one kitchen designed for occupancy by one family on a temporary or permanent basis but excluding hotels and motels.
13. Fence, sight obscuring. A fence or plants arranged in such a way as to obstruct vision.

14. Garage. A structure used for the parking of automobiles for the tenants, or owners of the property for which the parking spaces contained in or on said garage are required by this ordinance.
15. Height of building. The vertical distance from the average finished grade at the front of a building to the highest point of the coping of a flat roof or to a deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.
16. Home occupation. A lawful activity carried on within a dwelling provided that the residential character of the dwelling is maintained and the activity is conducted in such a manner as not to give an outward appearance of a business. The activity must not infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.
17. Livestock. Domestic animals of types raised or kept on farms.
18. Lot. A parcel or tract of land.
19. Lot area. The total horizontal area within the boundary lines of a lot.
20. Lot, corner. A lot abutting on two or more streets other than an alley at their intersection.
21. Lot, double frontage. A lot, two or more non-connecting sides of which abut a street.
22. Lot lone. The property line bounding a lot.
23. Lot line, front. The lot line which is opposite and most distant from the front lot line.
24. Lot line, rear. The lot line not a front or rear lot line.
25. Lot line, side. Any lot line not a front or rear lot line.
26. Lot width. The average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.
27. Mobile home. A vehicular or portable structure which is designed and constructed for movement on the public highways and which is approved for use as residential dwelling unit by the Oregon Department of Commerce.
28. Mobile home park. A plot of ground under one ownership upon which more than two mobile homes are located for dwelling or sleeping purposes.
29. Non-conforming structure or use. A lawful structure or use existing at the time this ordinance or any amendment thereto becomes effective and which does not conform to the requirements of the zone in which it is located.
30. Open area. The portion of a lot required by this ordinance to be landscaped and kept free of structures or paved surfaces. For purposes of calculation, the required area shall include property extending from the curbs but shall not include sidewalks.
31. Owner. An owner of property or the authorized agent of an owner; also, a contract purchaser of property.
32. Person. Includes natural person, firm, association, partnership, company, corporation, estate, branch of government, or any group of combination acting as a unit.
33. Parking garage/lot. An off-street parking area or structure capable of accommodating 20 or more cars in 2 or more rows.
34. Parking space, off-street. An off-street parking space shall comprise an area not less than nine feet by twenty feet (9' x 20') of parking stall.

35. Professional offices. Offices or clinics for doctors, dentists, lawyers or architects and any office of similar nature and impact.
36. Public parking area. An off-street area used for the temporary parking of automobiles and available for public use or as an accommodation for clients or customers.
37. Sign. An identification, description, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land and which directs attention to a product, place, activity, person, institution, or business.
38. Street. The entire width between right-of-way lines of every way for vehicular and pedestrian traffic and includes the terms, “road”, “place”, “avenue”, “alley”, and other similar designations. Its purpose is to provide ingress and egress from abutting property.
39. Structure. See “Building”.
40. Structural alteration. A change to the supporting members of a structure including foundations, bearing walls, or partitions, columns, beams, girders, or any structural change in the roof or exterior walls.
41. Studio. One room, plus a bathroom and one kitchen, but excluding a separate bedroom, designed for occupancy by a single individual
42. Use. The purpose for which land or a structure is designed or arranged, or for which it is occupied or maintained.
43. Utility structure. A structure attached or free standing which is designed for storage use or as a work area.
44. Vision clearance. Vision clearance shall mean a triangular area the street corner of the corner lot, the space being defined by a line across the corner, the ends of which are on the street lines or alley lines, distance of 15 feet from the corner and containing no planting, walls, structures or temporary or permanent obstruction from 36 inches in height above the curb level.
45. Yard. An open space on a lot which is unobstructed by structures except as otherwise provided in this ordinance.
46. Yard, front. An area lying between side lot lines, the depth of which is a specified horizontal distance between the street line and a line parallel thereto on the lot.
47. Yard, side. A yard extending from the front yard to the rear lot line on the street side of a corner lot.
48. Yard, rear. An area lying between side lot lines, the depth of which is a specified horizontal difference between the rear lot line and a line parallel thereto on the lot.

ARTICLE 2. GENERAL PROVISION

Section 2.1: Compliance. No lot or structure shall be used, no structure shall be erected and no existing structure shall be altered except in conformity with the regulations for the zone in which the lot, structure, or use is located.

Section 2.2: Establishment of Zones. For the purposes of this ordinance the following zones are hereby established:

<u>Zone</u>	<u>Abbreviated Designation</u>
Residential	R
Commercial	C
General Use	G

Section 2.3: Zone Location. The boundaries for each zone listed in this ordinance are indicated on the Jordan Valley zoning map which is hereby adopted by reference. The boundaries shall be modified in accordance with procedures for zone changes as described in this ordinance. The zoning map or zoning map amendments shall be dated with the effective date of the ordinance that adopts the zone or zone changes. A certified print of the adopted map amendments shall be maintained by the City Recorder.

Section 2.4: Zone Boundaries. Wherever any uncertainty exists as to the boundary of a zone as shown on the zoning map, the following regulations shall control:

1. Where a boundary line is indicated as following a street or alley, it shall be construed as following the center line of such street or alley.
2. Where a boundary line follows or approximately coincides with a lot or property ownership line, it shall be construed as following such line.
3. Where a boundary line is not indicated as following or approximately coinciding with a street, alley, lot line or property ownership line, the boundary line shall be determined by the use of the scale designated on the zoning map.

Section 2.5: Historical Resources. All proposals to alter or destroy structures indentified as historical sites in the Comprehensive Plan shall be reviewed through the Public Hearing process outlined in Article 10 of the Zoning Ordinance. At the hearing, citizens will have opportunity to consider incentives or make suggestions that would protect the site.

ARTICLE 3. RESIDENTIAL USE ZONE

Section 3.1: Purpose. The residential zone (R) is intended for single-family and multi-family use, together with compatible uses determined to be desirable and/or necessary.

Section 3.2: Permitted Uses. The following uses and their accessory uses are permitted in an R Zone.

1. Single family dwellings
2. Mobile home
3. Duplex dwellings
4. Crop cultivation including farm, truck garden, or pasture, and non-commercial animals
5. Home occupation as defined in Section 1.3

Section 3.3: Conditional Uses in an R Zone. The following uses and their accessory uses are permitted when authorized in accordance with the provisions of Article 6.

1. Mobile home parks
2. Multiple family dwelling, town house, or condominium
3. Church
4. School
5. Publicly owned parks, playgrounds and community recreation centers
6. Professional and business offices or any office demonstrating to the satisfaction of the City Council that it is of similar character and impact to that of professional and business offices
7. Public or semi-public buildings such as fire stations and power substations and other uses essential to physical, economic and social welfare of the area.

Section 3.4: Setback Requirements.

1. The front yard shall have a minimum depth of 10 feet measured from the front lot line.
2. Side yards shall have a minimum width of 5 feet on each side. On a corner lot, the side yard for all buildings shall be a minimum of 15 feet on the side abutting a street.
3. Dwelling units shall be set back no less than 5 feet from the rear property line.
4. No detached structures shall exist in the side yard within 10 feet of the front property line. Vision clearance shall be maintained.

Section 3.5: Height of Structures. Buildings shall not exceed a maximum of 3 stories above ground level.

Section 3.6: Lot Area. The minimum lot size shall be as follows:

<u>Use</u>	<u>Minimum Square Feet</u>
Single family	5,000
Mobile home	5,000
Two family, duplex	6,000
Professional office	4,000
Dwelling, three-plex	7,000
Dwelling, four-plex	9,000

Section 3.7: Minimum Lot Area per Multi-Family Dwelling Unit Other Than Those Referred to in Section 3.6. The minimum lot area per dwelling unit related to the number of bedrooms in each dwelling unit shall be as prescribed in the following table:

Studio or efficiency	750 square feet
1 bedroom	1000 square feet
2 bedroom	1500 square feet
3 bedroom	2250 square feet
4 bedroom	2500 square feet

Section 3.8: Lot Coverage. The lot coverage occupied by buildings and area used for parking and circulation of the automobile, shall not exceed 80% of the total lot area.

ARTICLE 4. COMMERCIAL ZONE

Central Commercial (CC)
Commercial Residential (CR)
Commercial Industrial (CI)

Section 4.0: Purpose. The Commercial Zone is intended to provide area for a wide range of commercial establishments. It also takes into account the need for mixed-usage, typical for cities of Jordan Valley's size and growth potential. There are three zones in which commercial activities are allowed outright: Central Commercial (CC); Commercial-Residential (CR); and Commercial-Industrial (CI).

Section 4.1: Central Commercial (CC). The intent of this zone is to concentrate commercial activities in the City's central business district. Factors that led to the creation of this zone include existing land use, energy efficiency, and compatibility of commercial activities with other uses in the Central Business District.

Section 4.2: Permitted Uses.

1. Retail or wholesale trade establishments
2. Repair and maintenance services
3. Professional medical, dental, or business service establishment
4. Eating or drinking establishment
5. Financial institution
6. Sign
7. Amusement establishment
8. Hotel or motel
9. Service Stations

Section 4.3: Conditional Uses. The following uses and their accessory uses are permitted when authorized in accordance with Article 6.

1. Single family, duplex, and multiple family
2. Mobile homes and mobile home parks
3. Public and semi-public buildings such as fire stations, power substations and other uses essential to the physical, economical and social welfare of an area
4. Mortuary
5. Livestock feed yards
6. Churches
7. Schools

Section 4.4: Commercial Residential Zone (CR). This zone takes into account an existing mix of residences and commercial enterprises. It enhances energy efficiency through the location of residences in the proximity of compatible commercial activities.

Section 4.5: Permitted Uses:

1. Retail or wholesale trade establishments
2. Professional medical, dental, or business service establishment
3. Financial institution
4. Storage facilities.
5. Service Stations.
6. Cafes.
7. Schools.
8. Churches.
9. Mobile homes and mobile home parks.
10. Single family, duplex, and multiple family.
11. Mortuaries.
12. Repair and maintenance services.

Section 4.6: Conditional Uses:

1. Drive-in restaurants.
2. Amusement establishments.
3. Taverns.
4. Police or fire stations.
5. Garages; heavy equipment repair.
6. Signs.

Section 4.7: Commercial-Industrial. The intent of the Commercial-Industrial zone is to provide an area for a mix of those activities. The location of this zone takes into account compatibility with residential uses, proximity to sewage treatment and transportation facilities (e.g., air strip and highway).

Section 4.8: Permitted Uses.

1. Retail or wholesale trade establishments.
2. Repair and maintenance services.
3. Service Stations.
4. Storage facilities.
5. Bulk plants.
6. Garages; heavy equipment repair.
7. Manufacturing, repairing, compounding and processing.
8. Activities associated with transportation (e.g., air; highway).
9. Livestock feed yards.
10. Fire and police stations.

Section 4.9: Conditional Uses:

1. Single and multi-family residences..
2. Cafes.

Section 4.10: Standards in the C-I Zone.

3. The lot area shall be adequate to meet the needs of the establishment, the requirements of the Oregon State Structural Specialty Code and Fire and Life Safety Code, and the requirements of the City fire department.
4. Materials shall be stored and ground shall be maintained so as not to constitute a safety or health hazard.
5. Any use of property within 100 feet of a lot in a residential zone shall be subject to the review and approval of the City Planning Committee.

ARTICLE 5. GENERAL USE ZONE

Section 5.1: Purpose. The General Use Zone is intended to provide flexibility in the orderly development of large contiguous tracts and to provide a holding zone for agricultural lands. As parcels of the general use zone are required for more intensive land use activity they should be rezoned into appropriate residential or commercial zone classifications. Rezoning from General to other land-use designations requires a consideration of natural/historical resources; conflicts will be identified and resolved.

Section 5.2: Permitted Uses.

1. Agricultural and farm related activities including row cropping, pasture, and rangeland.

Section 5.3: Conditional Uses. The following uses and their accessory uses are permitted when authorized in accordance with Article 7.

1. Livestock feed yards
2. Church
3. School
4. Uses permitted in Commercial zone
5. Uses permitted in Residential zone
6. Cemetery
7. Utility Structures

ARTICLE 6. CONDITIONAL USE PERMITS

Section 6.1: Purpose and Description. Certain types of uses require special consideration prior to their being permitted in a particular district. The reasons for requiring such special considerations involve, among other things, the effect such uses have on the public utility systems, the effect such uses have on any adjoining land uses, and the effect such uses have on the growth and development of the community as a whole.

The authority for the location and operation of certain uses shall be subject to review and approval by the City Council prior to issuance of a conditional use permit. The purpose of review shall be to determine that the characteristics of a proposed conditional use shall be compatible with the type of uses permitted in surrounding areas, and for the further purpose of stipulating such conditions as may be reasonable so that the basic purposes of this ordinance shall be served, nothing herein shall require the city to grant a conditional use permit.

Section 6.2: Applications. The application for a conditional use permit shall be made in writing to the City Recorder by the owner of the land in consideration. The application shall be submitted no less than 15 days prior to the next regularly scheduled City Council meeting. The application shall be accompanied by the following information;

1. Site and building plans and elevations
2. Existing conditions on the site and within 200 feet (excluding streets and alleys) of the site
3. Utility and access data
4. Operational data
5. All other information requested by the City Council

Section 6.3: Procedures for Application.

1. An applicant must provide the City Council and property owners within 200 feet (excluding streets and alleys) with a written, easy to understand explanation of the proposed conditional use.
2. An applicant must provide the City Council a document, such as a map, indicating the responses of the immediately affected (as defined above) property owners.
3. An applicant must prepare a map indicating existing zoning classification of adjacent and nearby areas. Map must be of sufficient scale for display to City Council and audience.
4. An applicant must provide the City Council a plan for public facility development which shows existing and proposed rights-of-way, water, storm and sanitary sewers, streets, curbs and gutters, sidewalks and such other public facilities as may be required.

Section 6.4: Public Hearing and Notice. The City Council shall hold at least one public hearing on each conditional use permit application. The procedures for the public hearing and notice shall conform to the requirements as stated in Article 10.

Section 6.5: Effective Date. No conditional use permit granted by the City Council shall become effective until after an elapsed time of 10 days from the date the notice of the action or decision by the City Council. The City Recorder shall notify the applicant of their decision within 10 days of taking action.

Section 6.6: Expiration of Conditional Use Permits. A conditional use permit shall be subject to the plans and other conditions upon the basis of which it was granted and shall terminate and become void unless:

1. The use authorized for such permit shall be commenced or construction necessary thereto shall have commenced, on or before the time limit specified in such permit and thereafter diligently advanced, or
2. If no time limit is specified, on or before six months after the date the permit became effective.
3. Such period of time may be extended by the City Council for a period of six months but not in excess of 18 months from the date the first order granting became effective.

Section 6.7: Revocation. The City Council, after notice and public hearing, may revoke any conditional use permit on the basis of any one or more of the following grounds;

1. Violation of any of the provisions of the zoning ordinance
2. Failure to comply with any prescribed requirements of the conditional use permit
3. The use for which the permit was granted has ceased to exist or has been suspended for six consecutive months or for 18 months during any three-year period.

Section 6.8: General Criteria. A conditional use permit may be granted only if the proposal conforms to all the following general criteria, as well as other conditions required by the City Council. Lot areas, dimensions, and yard requirements generally should conform to those required in the zones and to the requirements placed on the same or similar uses in other zones.

1. That the location, size, design and operating characteristics of the proposed development will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and surrounding neighborhood, with consideration to be given to harmony in scale bulk, coverage, and density; to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development.
2. That the location, design and site planning of the proposed development will provide a convenient and functional living, working, shopping or civic environment, and will be as attractive as the nature of the use and setting will allow.
3. That the proposed development shall be compatible with the general purpose and intent of the adopted city comprehensive plan
4. That the required dedication and improvement of streets within the development site for the proper extension and/or connection of necessary streets shall be made.
5. That the required dedication of right-of-way within the development site for the extension of collector and arterial streets shall be made
6. That the reasonable capacity of affected public facilities and services will not be exceeded.
7. That there will be adequate automotive, pedestrian and emergency ingress and egress to and from the vicinity, the subject property and proposed structures.
8. That the uses of the development site shall not adversely affect access to and subdivision of abutting properties.

Section 6.9: General Conditions. The City Council shall designate conditions in connection with the conditional use permit as it deems necessary to secure the purpose of this Section and may require the guarantees and evidence that such conditions may include:

1. Regulation of uses, special yard setbacks, overage and height
2. Requiring fences, walls, screens, landscaping and maintenance
3. Improvement of street system, including paving, curbs, sidewalks, and signals
4. Regulation of signs and lighting
5. Regulation of noise, vibration, odors and sightlines
6. Requiring provision of additional parking areas
7. Requiring rehabilitation plans
8. Improvement or enlargement of public utilities and facilities serving the proposed use
9. Requiring a time period within which the proposed use shall be developed
10. Requiring bonds adequate to ensure performance of special conditions
11. Dedication or enlargement of public utility and facility easements
12. Such other conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purposes set forth in this Section.

ARTICLE 7. NON-CONFORMING LOTS AND USES

Section 7.1: Purpose. There exist lots, structures and uses of structures and land which were lawful before this ordinance was issued or amended, but which would be prohibited, regulated or restricted under the terms of this ordinance. It is the intent of this ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. Such non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same zone.

Section 7.2: Non-Conforming Lots of Record.

1. In any zone in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected, notwithstanding limitations imposed by other provision of this ordinance, on any single lot of record at the effective date of adoption or amendment of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. A single family dwelling and customary accessory buildings may be erected even though such lot fails to meet the requirements for area or width, or both; however, yard dimensions and other requirements not involving area or width or both shall conform to the regulation for the zone in which such lot is located, unless a variance to yard requirements is granted in accordance with the procedures of Article 9.
2. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are on record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this ordinance, no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or areas below the requirements stated in the ordinance.

Section 7.3: Non-Conforming Uses If a use of a building, structure, or land exists at the effective date of adoption or amendment of this ordinance and such a use is not allowed in the zone under the terms of this ordinance, the use may be continued so long as it remains otherwise lawful, subject to the following provisions;

1. A non-conforming use or structure may be continued but may not be altered or extended to another part of the structure or site without the explicit permission of the City Council.
2. If a non-conforming structure or a structure containing a non-conforming use is destroyed by any cause to an extent exceeding 60 percent of its fair market value as indicated by the records of the county assessor, a future structure or use on the site shall conform to this ordinance
3. 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 and construction has commenced prior to the adoption of this ordinance, provided the structure, if non-conforming or intended for a non-conforming use, is completed and in use within two years from the time the permit is issued.

ARTICLE 8. VARIANCES

Section 8.1: Purpose. The purpose of a variance shall be to prevent or to lessen such practical difficulties and unnecessary physical hardships which are inconsistent with the objectives of this ordinance. A practical difficulty or unnecessary physical hardship may result from the size, shape or dimensions of a site or the location of existing structures thereon, from geographic, topographic or other physical conditions on the site or in the immediate vicinity.

Section 8.2: Limitations. A variance shall not be granted as a substitute for, or in lieu of, a change in zone. The power to grant variances does not extend to use regulation. The City Council may grant a variance to a regulation prescribed by this ordinance with respect to the following;

1. Fences, hedges, or walls
2. Site area, width, frontage, depth, or coverage
3. Front, side or rear yards
4. Height of structures
5. Distance between structures

Section 8.3: Application. The applicant shall set forth a detailed description including the following items, at the time the application is submitted to the City Council. The application shall be submitted no less than 15 days prior to the next regularly scheduled City Council meeting.

1. Existing conditions on the site
2. Reasons for the requested variance
3. Reasons for a variance being the most practicable solution to the problem
4. All other information requested by the City Council.

Section 8.4: Procedures for Applicant.

1. An applicant must provide the City Council and property owners within 200 feet (excluding streets and alleys with a written, easy to understand explanation of the proposed variance
2. An applicant must provide the City Council a document, such as a map, indicating the responses of the immediately affected (as defined above) property owners.
3. An applicant must prepare a map indicating existing zoning classification of adjacent and nearby areas. Map must be of sufficient scale for display to City Council and audience.
4. An applicant must provide the City Council a plan for public facility development which shows existing and proposed right-of-way, water, storm and sanitary sewers, streets, curbs and gutters, sidewalks and such other public facilities as may be required.
5. An applicant must provide the City Council a graphic representation of anticipated effects on traffic flow patterns and loads likely to result from the proposal.

Section 8.5: Criteria. The City Council may grant a variance to a regulation prescribed by this ordinance if on the basis of the petition, investigation and evidence submitted, all of the following conditions are found to exist:

1. Strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or necessary physical hardship inconsistent with the objectives of the zoning ordinance.
2. Strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zone.
3. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties classified in the same zone.
4. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations on other properties classified in the same zone.
5. The granting of the variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.
6. The variance requested is the minimum variance which would alleviate the difficulty.

Section 8.6: Period of Validity. No order of the City Council granting a variance shall be valid for a period longer than six months unless such permitted use is established within such period, or in event such permitted use is dependent upon the erection or alteration of a building, unless a building permit for said erection or alteration is obtained within such six month period, provided, however, that the City Council, upon a written request of the applicant, may extend the period six months but not in excess of 18 months from the date of the first order granting the variance was given.

Section 8.7: Public Hearing. Upon the filing of a verified application for variance, the City Council shall set a time and place for a public hearing of the request, in accordance with the requirements of Article 10.

Section 8.8: Expiration. Authorization of a variance shall be void after one year unless substantial construction has taken place.

ARTICLE 9. AMENDMENTS

Section 9.1: Purpose. As Jordan Valley develops and policies associated with the Comprehensive Plan are implemented, there will be a need for changes in zone boundaries and other provisions of this ordinance. Also, as changes occur in development and government practices, additional changes to the provisions of this ordinance may be warranted. Such changes or amendments will be made in accordance with the procedures established in this article.

Section 9.2: Authorization to Initiate Amendments. An amendment to the text of this ordinance or to a zone boundary may be initiated by the City Council, or by application of an owner. The request for an amendment shall be accomplished by filing an application with the City Recorder no less than 15 days prior to the next regularly scheduled City Council meeting.

Section 9.3: Procedures for Application

1. An applicant must provide the City Council and property owners within 200 feet (excluding streets and alleys) with a written, easy to understand explanation of the proposed zone change.
2. An applicant must provide the City Council a document, such as a map, indicating the responses of the immediately affected (as defined above) property owners.
3. An applicant must prepare a map indicating existing zoning classification of adjacent and nearby areas. Map must be of sufficient scale for display to City Council and audience.
4. An applicant must provide the City Council a plan for public facility development which shows existing and proposed rights-of-way, water, storm and sanitary sewers, streets, curbs and gutters, sidewalks and such other public facilities as may be required.

Section 9.4: Record of Amendments.

1. The City Recorder shall maintain records of amendments to the text and zoning map of the ordinance.
2. Within 5 working days after a decision has been rendered with reference to a zoning amendment application, the City Recorder shall notify the applicant with written notice of the decision of the City Council. Construction or use permitted within that zone designation and in accord with other provisions of the ordinance may commence 10 days after the passage of the zoning amendment by the City Council if no appeal has been filed.

Section 9.5: Limitation on Reapplications. No application of a property owner for an amendment to the text of this ordinance or to a zone boundary shall be considered by the City Council within the 6 months period immediately following a previous denial of such request, except the City Council may permit a new applicant if in the opinion of the City Council, new evidence or a change of circumstances warrant it.

ARTICLE 10. PUBLIC HEARINGS

Section 10.1: Purpose. The purpose of this section is to assure public notification and establish procedures for public hearings pertaining to matters contained in this ordinance and to assure that hearings are conducted in a fair and consistent manner.

Section 10.2: Notice of Public Hearing.

1. Notice of the public hearing for each application shall be by one publication in a newspaper of general circulation in the City, not more than seven days prior to the date of the public hearing.
2. Additional notice of public hearing may be given in the following manner;
 - a. By posting the notice of hearing at least seven days, but not more than 15 days prior to the date of the public hearing, at the City Hall and Post Office
 - b. By mailing the notice of hearing to the owners of record of property within 200 feet of the property, excluding streets and alleys, for which the proceedings are being held. The mail notice shall be first class mail at least 10 days prior to the date of the hearing.
3. Notices of public hearing shall contain the following information:
 - a. The date time and place of the hearing
 - b. A description of the subject property, presented in a manner to give a reasonable person an actual understanding of its location and size. The applicant shall provide the description.
 - c. The nature of the proposed action
 - d. A notice that all interested parties may appear and be heard, or provide written testimony prior to the public hearing. The term “interested parties” shall refer to:
 - (a) Those persons residing or owning property within 200 feet, excluding streets and alleys, of the property under consideration.
 - (b) Any other person, agency, firm, or group who demonstrates to the presiding official that his legal rights are affected by the hearing and the subsequent action on a specific application.
 - e. A notice that the hearing shall be held pursuant to the provisions of this article.

Section 10.3: Order of Procedure.

1. Call for abstentions
2. Proponent’s case. The proponent and those favoring the proposal will be heard first.
3. Questioning of each proponent by the City Council
4. Opponent’s case. Those opposed shall be heard next. Groups who are represented by a spokesman or who are entitled to receive notice of the hearing are requested to proceed first. Opponents may submit questions of the proponent to the Chair.
5. Questioning of each opponent by the City Council.
6. Rebuttal. Both the proponents and opponents may submit rebuttal testimony; the proponents shall have final opportunity.
7. close the hearing.

Section 10.4: Burden and Criteria.

1. The proponent of the change has the burden of proving justification for the change; the more drastic the change or the greater the impact of the change in the neighborhood, the greater is the burden on the proponent.
2. The Hearing Body shall consider the following criteria to be relevant in making its decision on the proposed change:

- a. That the change is in conformance with the comprehensive plan by showing that there is a public need for the change and that that need will be best served by allowing the change requested a compared with other available property.
- b. If other areas in the city are designated for a use as requested in the application, then a showing of the necessity for introducing that zone into an area not now so zoned and why the owners there should bear the burden, if any, of introducing that zone into their area.
- c. Mistake in the original comprehensive plan or change in the character of the neighborhood.

ARTICLE 11. ADMINISTRATIVE PROVISIONS

Section 11.1: Filing Fees. The following fees shall be paid to the City Recorder upon filing of an application. Such fees shall exceed the direct costs to the City and shall not be refundable.

1. A fee for advertising costs, rounded to the nearest dollar, based on a scale derived from current advertising charges. This scale shall be maintained by the City Recorder.
2. Additional fees as follows;
 - a. Zone change proposed by property owner \$25.00
 - b. Conditional Use request \$15.00
 - c. Variance request \$15.00

Section 11.2: Interpretation. Where a provision of this ordinance is less restrictive than another ordinance or requirement of the City or State the provision or requirement which is more restrictive shall govern.

Section 11.3: Severability. The provisions of this ordinance are severable. If a section, sentence, clause or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this ordinance.

Section 11.4: Abatement and Penalty.

1. A person violating a provision of the ordinance shall, upon conviction, be punished by imprisonment for not more than 50 days, or by fine of not more than \$500.00, or both. A violation of this ordinance shall be considered a separate offense for each day the violation continues.
2. In case a building or other structure is or is proposed to be located, constructed, maintained, repaired, altered, or used, or land is or is proposed to be used, in violation of this ordinance, the building or land thus in violation shall constitute a nuisance and the city may, as an alternative to other remedies that are legally available for enforcing this ordinance, institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin temporarily or permanently, abate or remove the unlawful location, construction, maintenance, repair, alteration, or use.