

ORDINANCE 355

AN ORDINANCE AMENDING ORDINANCE 312, ZONING ADOPTED JUNE 1, 1981

WHEREAS, The Town Council of Mills has determined that there is a need for amendment of the variance provisions of Ordinance 312, Zoning, to allow for variances to be granted based on hardship other than irregular lot size, shape, or topography and;

WHEREAS, the Town Council of the Town of Mills has determined that the cessation of a non-conforming use should be limited to 180 consecutive days;

THEREFORE, Section 18.16.035 of Ordinance 312 is hereby amended to read:

18.16.035
VARIANCES

A. The Town Council shall have the authority, in specific instances and on petition of the Landowner, to grant a variance from the provisions of this ordinance; when, owing to special conditions a literal enforcement of the provisions of this ordinance will result in unnecessary hardships. Such variation of the provisions of the ordinance shall be determined by the Town Council to not be contrary to the public interest and that the spirit of the ordinance shall be observed and substantial justice done.

B. The Town Council shall have the authority to vary or adjust the provisions of the ordinance with the exception that variances may not be granted to allow non-conforming uses in any district.

C. The Council may grant a variance in the instance of:

1. Unique physical circumstances or conditions, such as irregularity, narrowness or shallowness of the lot, or exceptional topographical or physical conditions peculiar to the affected property:

or

2. Other circumstances where the landowner establishes that a hardship exists on the affected property.

D. The Council may grant a variance only if it makes findings that substantial compliance with the following is established:

1. That there are unique physical circumstances or conditions, such as irregularity, narrowness or shallowness of the lot, or exceptional topographical or other physical conditions peculiar to the affected property;

or

2. That there exist other certain circumstances or conditions peculiar to the property:

And because of such circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of the zoning ordinance.

E. The Council must make findings that:

1. That such unnecessary hardship has not been willfully created by the applicant;

2. That the variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, not substantially or permanently impair the appropriate use or development of adjacent property;

3. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the Zoning Ordinance provisions which are in question.

F. In the instance where unusual hardship is claimed, other than that created by unique physical circumstances, a variance may be granted only after substantial compliance is established with one or more of the criteria established in Paragraphs D and E and only on the affirmative vote of at least 4 council members. The burden of establishing a unique hardship and compliance with necessary criteria shall be the petitioner's.

G. Upon request to grant variances where it has been shown that an illegal construction or a non-conforming building or use has existed for a period of at least five years in violation of this chapter and the Town has not taken steps toward enforcement, the Council may grant a variance to the applicant.

H. Application for Variances

All applicants for a variance shall follow the procedures for Zone Change Requests as outlined in Section 18.16.040 of this ordinance. Review and hearing of variance petitions shall be in accordance with Section 18.16.040.

I. A variance, unless otherwise noted, shall be granted for a period of 180 days only, after which time the owner must make a reapplication.

AND THEREFORE,

Section 18.16.050, Section 1, Ordinance 312, Zoning, is hereby amended to read:

18.16.050
NON-CONFORMING USE

General Provisions

1. If for any reason other than seasonal agricultural or residential use, any non-conforming use, or use of any non-conforming building or lot is discontinued for a period of more than 180 days, any future use of the building or lot shall conform with the provisions of this Ordinance.

APPROVED on first reading this 4th day of January, 1984.

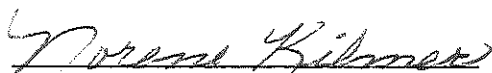
APPROVED on second reading this 8th day of February, 1984.

APPROVED on third and final reading this 7th day of March, 1984.



Alan Sword
Mayor

ATTEST:



Norene Kilmer
Town Clerk

ORDINANCE NO. 355

I, Norene Kilmer, Town Clerk of the Town of Mills, Wyoming, do hereby certify the foregoing is a true and correct copy of Ordinance No. 355, entitled, "AN ORDINANCE AMENDING ORDINANCE NO. 312, ZONING ADOPTED JUNE 1, 1981" passed on third and final reading by the Governing Body of the Town of Mills, Wyoming, at a regular meeting held in the Council Chambers at 704 4th Street, on the 7th day of March, 1984.

Signed *Norene Kilmer*
Norene Kilmer, Town Clerk

I, regularly appointed, duly qualified and acting Town Clerk of the Town of Mills, Wyoming, do hereby certify that signed, attested, sealed, and certified copies of this Ordinance No. 355, approved and passed as certified above, were, following its passage by the Governing Body, posted up in the Mills Post office and the Town Clerk's Office for a period to ten days as required by law, that it took effect and became in force as a legal Ordinance of the Town of Mills, Wyoming, on the 22nd day of March, 1984.

Signed *Norene Kilmer*
Norene Kilmer, Town Clerk