

BINGEN MUNICIPAL CODE

Chapter 17.76

INTENT TO REZONE

Sections:

- 17.76.010 Purpose.
- 17.76.020 Resolution intent to rezone.
- 17.76.030 Site plan required –Variance.
- 17.76.040 Site plan—Contents.
- 17.76.050 Resolution of intent—Binding when.
- 17.76.060 Resolution of intent—Void when.

17.76.010 Purpose.

It is the purpose and intent of this chapter to provide additional procedures in the manner of zoning reclassifications so that the health, safety and general welfare and environmental amenities of the citizens of the city are insured as certain development occurs, and further, to prevent speculative holding of real property after rezoning. (Ord 440 Att. A (part), 1997).

17.76.020 Resolution intent to rezone.

If, from facts presented and findings made, the city council determines that the public health, safety, welfare and convenience will be best served by this reclassification or any portion thereof, it may indicate its general approval in principle of the reclassification by the adoption of a resolution of intent to rezone said property. This resolution shall include any conditions, stipulations or limitations which the council may feel necessary to require in the public interest as a prerequisite to final action, including those provisions which the council may feel necessary to prevent speculative holding of the property after reclassification. (Ord 440 Att. A (part), 1997).

17.76.030 Site plan required –Variance.

A site plane approved by the planning commission may be required and if such requirement is made in the resolution of intent issued under Section 17.76.020 it shall be binding upon the property. Upon classification, the property having an approved site plan under this section be plainly marked as subject to approved site plan on the official zoning map. Any approved site plan may be amended or a variance there from obtained, or the property may be released from the restrictions of such site plan by action of the council on recommendation from the planning commission. No other changes shall be made constituting a departure from the approved site plan except by amendment or variance as provided in this section unless the property has been released from the site plan. (Ord 440 Att. A (part), 1997).

17.76.040 Site plan—Contents.

Where a site plan is required pursuant to Section 17.76.030 it shall include the following:

- A. Location of existing and proposed buildings, structures, accesses, off-street parking and loading spaces and landscaping;
- B. Topography, existing and proposed;
- C. Mechanical roof facilities if subject property is so oriented as to become part of the view from adjacent properties;
- D. Architectural perspective, layout and all elevations drawn without exaggeration except where noted including locations, area and design of signs and all landscaping. (Ord 440 Att. A (part), 1997).

17.76.050 Resolution of intent—Binding when.

The fulfillment of all conditions, stipulations and limitations contained in the resolution of intent to rezone on the part of the applicant shall make this resolution a binding commitment on the council. (Ord 440 Att. A (part), 1997).

17.76.060 Resolution of intent—Void when.

Upon completion of compliance action by the applicant, the council shall by ordinance effect the reclassification. The failure of all conditions, stipulations or limitations contained in a resolution of intent to rezone, including the time limit placed in the resolution, shall render the resolution null and void, unless an extension is granted by the council upon recommendation of the planning commission. In the event a reclassification is approved by the council, but not on the basis of a resolution of intent to rezone, the council shall by ordinance effect such reclassification. (Ord 440 Att. A (part), 1997).