

BINGEN MUNICIPAL CODE

Chapter 17.84

ADMINISTRATION

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17.84.010 Applicability.

The provisions of this title shall be the minimum requirements for the promotion of the public health, safety, and general welfare; therefore, where this title imposes greater restriction than is imposed or required by other laws, ordinance rules or regulations, the provisions of this title shall prevail. (Ord 440 Att. A (part), 1997).

17.84.020 Exception—Granting authority.

Recognizing that there are certain uses of property that may or may not be detrimental to the public health, safety, and general welfare, depending upon the facts of each particular case, the planning commission shall have limited power to issue special permits for new or unusual uses which are of similar character and not specifically mentioned elsewhere in this title as a permitted use. (Ord 440 Att. A (part), 1997).

17.84.030 Special use authorization—Record to be kept.

The planning commission may permit by interpretation in a zoning district any uses not described in this title, not a prohibited use, or not expressly allowed in a less restrictive district, and deem it to be in general keeping with the uses authorized in such district. A record shall be kept of such interpretations to facilitate equitable future administration and to permit periodic amendments to this title. (Ord 440 Att. A (part), 1997).

17.84.040 Zoning map interpretation.

It shall be the duty of the planning commission to interpret the provisions of this title in such a way as to carry out the intent and purpose of the official zoning plan as shown by the zoning map and file in the city clerk, county auditor and other offices. (Ord 440 Att. A (part), 1997).

17.84.050 Comprehensive plan interpretation authority.

It shall be the duty of the planning commission, board of adjustment and city council to interpret and/or administer the provisions of this title in such a way as to carry out the intent and purpose of the Bingen Comprehensive Plan as required by the RCW Chapter 35.63 and adopted by the city council. (Ord 440 Att. A (part), 1997).

17.84.060 Hearing—Notice—Fee.

Whenever public hearing is required by this title, no less than three notices thereof shall be posted by the administrator in conspicuous places on or adjacent to the tract, lot or other land or building area affected. Written notices shall be mailed to adjacent land owners of record or others likely to be affected. Such notices shall state the time and the place of such hearing and nature of the question to be heard, and shall be posted not less than fourteen days prior to the date of the hearing. Notices shall be sent to owners of record of all property within a distance of three hundred feet, streets and alleys excluded, which is the subject of the public hearing. Notices may also be sent to other property owners who might be affected. In addition to a list of land owners of record, the applicant shall supply any other data required by the administrator. The person requesting a public hearing shall pay the city a processing fee at the time of application in an amount established by ordinance. In addition to the processing fee, the applicant shall pay within ten days of billing, the costs incurred in mailing notices to the interested parties specified herein and any other processing costs that exceed the processing fee. (Ord 440 Att. A (part), 1997).

17.84.070 Conflict of provisions.

In the event of conflict of provisions in this title, the most restrictive requirements shall prevail. (Ord 440 Att. A (part), 1997).

17.84.080 Permit and exceptions—Declaration of restrictions and covenants.

Whenever any permit or exception is issued pursuant to provisions of this title, such permit or exception shall remain effective only for twelve months, unless the use allowed is begun within that time. If not in use, or if related construction is not undertaken within twelve months, the authorized use shall become invalid and the principal uses permitted outright in the district shall prevail, provided that one twelve-month extension may be granted upon proof of need and timely application therefore is made to the zoning administrator. (Ord 440 Att. A (part), 1997).

17.84.090 Permit and exceptions—Declaration of restrictions and covenants.

To insure the perpetuation of any and all conditions and limitations agreed upon as conditions of the special permit or exception authorized, the owner and/or owners of the property affected may execute a declaration of restrictions and covenants to be duly recorded covering said property. Said requirements may not be relaxed without rehearing. The covenant is waived and terminated at such time as the use is abandoned as to any duties not yet due to be performed under the

covenant at the time of abandonment of use. Also, any permits or rights granted on the basis of a variance or conditional use is abandoned. (Ord 440 Att. A (part), 1997).