

**ORDINANCE 2018-06**

**ORDINANCE AMENDING FAIRMONT CITY CODE ARTICLE II,**

**SECTION 26-58 BOARD HEARING**

**WHEREAS**, changes have been made to the City of Fairmont organizational chart and management staff since adoption of the Zoning Code in 1986; and,

**WHEREAS**, zoning applications and processes have changed as a direct result of organizational chart and staffing changes; and,

**WHEREAS**, prior Councils have not formally changed the City Code on zoning applications and processes; and,

**WHEREAS**, it is in the best interest of the City to codify the current practice of the Community Development staff.

**NOW THEREFORE THE CITY OF FAIRMONT DOES ORDAIN**, that Fairmont City Code Section 26-58 shall be amended as follows:

**Sec. 26-58. – Board Hearing.**

Upon filing in the office of the ~~city engineer~~ Community Development Director a petition for a variance or appeal from an administrative order or determination, a hearing date shall be set. The date of this hearing shall be no more than thirty (30) days from filing of the request. Notice of such hearing shall be mailed not less than ten (10) days before the date of hearing to the petitioner and each owner of property situated wholly or partly within three hundred and fifty (350) feet of the petitioner's property, insofar as the names and addresses of such owners can be determined by the city clerk from records available to the public. Failure of property owners to receive the notice shall not invalidate the proceedings. The board of appeals and adjustments shall hold the hearing to consider the petition and its relation to the intent and purpose of the regulations of this chapter and the comprehensive plan. The petitioner may appear in person, or be represented by an agent or attorney. The board shall make its order deciding the matter within sixty (60) days of the date of hearing. Findings of fact and other testimony relevant to the board's decision shall be made part of the record of the hearing.

**ORDINANCE 2018-06**

Motion by:  
Seconded by:  
All in Favor:  
Opposed:  
Abstained:  
Absent:

PASSED, APPROVED AND ADOPTED THIS \_\_\_\_\_ day of February 2018.

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Deborah J. Foster, Mayor

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Patricia J. Monsen, City Clerk

1<sup>st</sup> Reading: January 22, 2018  
2<sup>nd</sup> Reading: February 12, 2018