

357

**AN ORDINANCE TO AMEND THE
OCEAN VIEW LAND USE AND DEVELOPMENT CODE
TO PERMIT ADMINISTRATIVE VARIANCES**

WHEREAS, the Town Council has the power to adopt ordinances for the protection and preservation of town property and for securing the protection and promotion of health, safety, comfort, convenience, welfare and happiness of the residents of the town; and

WHEREAS, the Town Council may exercise the planning and zoning powers conferred generally upon municipal corporations or to the Town specifically; and

WHEREAS, the Town Council of Ocean View is of the opinion that it is consistent with these powers to provide an expedited variance review process without the necessity of application to and public hearing before the Board of Adjustment.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF OCEAN VIEW:

Section 1. Amend the Ocean View Land Use and Development Code, Chapter 140, Article XVII, entitled Administrative and Beneficial Use Appeals; Variances Section by adding the following section:

§ 140-108.1. Administrative variances.

(1) Notwithstanding the provisions of Article XVII of this chapter, the Director of Planning, Zoning and Development may administratively grant yard setback, height limit, or building separation, subject to the following:

- (a) Yard setbacks: Maximum possible variance of one foot.
- (b) Height limit: Maximum possible variance of one foot.

(2) Administrative variances shall not be granted for standards pertaining to the number of dwelling units permitted, parking requirements, vision clearance area, density, or use of property.

(3) Within 30 working days after the administrative variance application is submitted and accepted, the Director may approve the administrative variance or advise the applicant requesting the administrative variance that an application must be submitted to the Board of Adjustment.

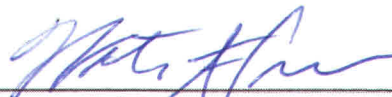
(4) In taking any such action, the Director shall be governed by all the procedures, standards, and limitations of this chapter applicable to the Board of Adjustment in granting variances, except public hearing requirements. In approving such a variance under the provisions of this section, the Director shall allow only a variance necessary to provide reasonable relief and, as deemed advisable, may prescribe such conditions, to include landscaping and screening measures to assure compliance with the intent of this chapter.

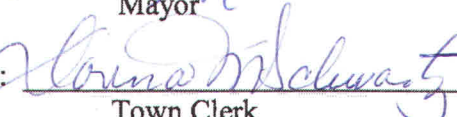
(5) Upon the approval of a variance for a particular building in accordance with the provisions of this section, the same shall be deemed a lawful building.

(6) The decision of the Director shall be appealable to the Board of Adjustment.

Section 2. This Ordinance shall take effect immediately upon its adoption by a majority vote of all the members elected to the Town Council of Ocean View.

TOWN OF OCEAN VIEW

By: 
Mayor

Attest: 
Town Clerk

{SEAL}

Adopted: 3/12/19