

ZONING ORDINANCE
Morrow County, Oregon
AN ORDINANCE
ESTABLISHING ZONING
REGULATIONS FOR PORTIONS
OF
MORROW COUNTY, OREGON

The County of Morrow, Oregon, ordains as follows:

Section 1. Title. This ordinance shall be known as the "zoning ordinance" of Morrow County.

Section 2. Purpose. The several purposes of this ordinance are: to encourage the orderly growth of the county; to promote appropriate uses of land; to conserve and stabilize the value of property; to aid in the rendering of fire and police protection; to provide adequate light and air; to lessen congestion; to prevent undue concentration of population; to facilitate adequate provisions for community facilities such as water supply and sewerage; to protect and enhance the appearance of the countryside; and in general to promote the public health, safety, convenience, and general welfare.

Section 3. Definitions. As used in this ordinance the masculine includes the feminine and neuter and the singular includes the plural. The following words and phrases, unless the context otherwise requires, shall mean: (1) Accessory structure or use. A structure or use incidental and subordinate to the main use of the property, and which is located on the same lot with the main use.

(2) Building. A structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

(3) County. The County of Morrow, Oregon.

(4) Dwelling Unit. One or more rooms designed for occupancy by one family and not having more than one cooking facility. In this ordinance the term "dwelling unit" does not include "trailer house."

(5) Family. An individual, or two or more persons related by blood, marriage, legal adoption, or guardianship living together in a dwelling unit in which board and lodging may also be provided for not more than four additional persons, excluding servants; or a group of not more than five persons who need not be related by blood, marriage, legal adoption, or guardianship living together in a dwelling unit.

(6) Farming, farm use. The use of land for raising and harvesting crops or for the feeding, breeding and management of livestock or for dairying or any other agricultural or horticultural use of any combination thereof and includes the preparation of the products raised thereon for man's use and disposal by marketing or otherwise. It includes the construction and use of dwellings and other buildings customarily provided in conjunction with the farm use.

(7) Floor area. The area included in surrounding walls of a building, or portion thereof, exclusive of vent shafts and courts.

(8) Grade (ground level). The average of the finished ground level at the center of all walls of the building. In case a wall is parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.

(9) Height of building. The vertical distance from the "grade" to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.

(10) Home occupation. An occupation carried on within a dwelling or within an area of less than 400 square feet in a building accessory to a dwelling, by members of the family occupying the dwelling, provided that the residential character of the building is maintained and the occupation is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes. A home occupation does not involve the retail sale of a product on the premises nor does it occupy more than 30 percent of the floor area of a dwelling. A home occupation is an accessory use.

(11) Lot. A parcel or tract of land.

(12) Lot area. The total horizontal area within the lot lines of a lot.

(13) Lot, corner. A lot abutting on two intersecting streets other than in an alley, provided that the streets do not intersect at an angle greater than 135 degrees.

(14) Lot, depth. The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line.

(15) Lot, interior. A lot other than a corner lot.

(16) Lot line. The property line bounding a lot.

(17) Lot line, front. In the case of an interior lot, the lot line separating the lot from the street other than an alley, and in the case of a corner lot, the shortest lot line along a street other than an alley.

(18) Lot line, rear. A lot line which is opposite and most distant from the front lot line, and in the case of an irregular, triangular, or other shaped lot a line 10 feet in length within the lot parallel to and at a maximum distance from the front lot line.

lot lines, ordinarily measured parallel to the front lot line. (21) Nonconforming structure or use. A lawful existing structure or use at the time this ordinance or any amendment thereto becomes effective which does not conform to the requirements of the zone in which it is located.

(22) Parking space. A rectangle not less than 20 feet long and 8 1/2 feet wide together with maneuvering and access space required for a standard American automobile to park within the rectangle.

(23) Person. Every natural person, firm, partnership, association, or corporation.

(24) Sign. A device designed to inform or to attract the attention of persons not in the premises. The area of a sign is the total of the exposed exterior display surfaces.

(25) Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the top story shall be that portion of a building included between the upper surface of the top floor and the ceiling above. If the finished floor level directly above a basement or cellar is more than six feet above grade, the basement or cellar shall be considered a story.

(26) Street. The entire width between the boundary lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic and including the terms "road," "high way," "lane," "place," "avenue," "alley," or other similar designations, at other similar designations.

(27) Structure. That which is built or constructed. An edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner and which requires location on the ground or which is attached to something having a location on the ground.

(28) Structural alteration. Any change to the supporting members of a structure including foundations, bearing walls or partitions, columns, beams, girders or the roof.

(29) Trailer house. A building or vehicle originally designed or presently constructed to be used as a dwelling or lodging place and to be movable from place to place on streets.

(30) Trailer park. A plot of ground upon which one or more trailer houses occupied for dwelling or sleeping purposes are located, regardless of whether a charge is made for such accommodation.

(31) Use. The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

(32) Yard. An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this ordinance.

(33) Yard, front. A yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of the main building.

(34) Yard, rear. A yard extending between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of the main building.

(35) Yard, side. An open space between the front and rear yards measured horizontally and at right angles from the side lot line to the nearest point of a building.

Section 4. Compliance with Ordinance Provisions. (1) No structure or lot shall hereafter be used or occupied and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged, or otherwise altered except as permitted by this ordinance.

(2) The planning commission may rule that a use not specifically listed among the allowed uses in a zone shall be permitted as an allowed use if it is similar to the allowed uses in the zone and if it is not specifically listed as an allowed use in another zone.

Section 5. Classification of Zones. For the purposes of this ordinance the county or portion thereof is divided into zones designated as follows:

Zone Abbreviated Designations Agricultural A-5 Agricultural-Residential AR-1 Commercial C Industrial M

Section 6. Zoning Maps. The location and boundaries of the zones designated in Section 5 are hereby established as shown on maps entitled "Zoning Maps of Morrow County." The effective date of zoning is the date shown on the zoning maps. The maps shall be referred to as the zoning maps.

AGRICULTURAL ZONE A-5 Section 7. Uses Permitted Outright. In an A-5 zone, the following uses and their accessory uses are permitted outright:

(1) Single-family dwelling. (2) Farming. (3) Occupied trailer when occupant is employed on the premises.

Section 8. Conditional Uses Permitted. In an A-5 zone, the following uses and their accessory uses are permitted in accordance with the requirements of Sections 41 to 45:

(1) Airport. (2) Cemetery including mausoleum, crematorium, columbarium. (3) Church. (4) Commercial feed lot. (5) Community club building. (6) Grain elevator. (7) Occupied trailer. (8) Public building or use such as a park, golf course or fire station. (9) Public utility such as a

railroad or power line. (10) School, nursery, primary, elementary, high.

(11) Surface mining, rock crushing, asphalt plant. Section 9. Lot Size. In an A-5 zone the lot size shall be as follows:

(1) The minimum lot area shall be five acres. (2) The minimum lot width shall be 200 feet. (3) The minimum lot depth shall be 200 feet.

Section 10. Yards. In an A-5 zone yards shall be as follows: (1) The front yard shall be a minimum of 30 feet. (2) The side yard shall be a minimum of 20 feet. (3) The rear yard shall be a minimum of 20 feet.

(4) No structure permitted as a conditional use shall be closer to a lot line than a distance equal to its height. (5) A building shall be a minimum of 60 feet from the center line of a street.

AGRICULTURAL-RESIDENTIAL ZONE AR-1 Section 11. Uses Permitted Outright. Any use permitted outright in an A-5 zone is permitted outright in an AR-1 zone.

Section 12. Conditional Uses Permitted. In an AR-1 zone the following uses are permitted in accordance with the requirements of Sections 41 to 45:

(1) A conditional use permitted in an A-5 zone. (2) Trailer park. Section 13. Signs. In an AR-1 zone signs shall be limited to those identifying the use of the premises or advertising the sale, rental or lease of the property or the products produced on the premises. Signs shall not be directly illuminated.

Section 14. Lot Size. In an AR-1 zone the lot size shall be as follows: (1) The minimum lot area shall be one acre. (2) The minimum lot width shall be 100 feet.

Section 15. Yards. In an AR-1 zone the yards shall be as follows: (1) The front yard shall be a minimum of 30 feet. (2) Each side yard shall be a minimum of 10 feet. (3) The rear yard shall be a minimum of 10 feet. (4) No structure permitted as a conditional use shall be closer to a lot line than a distance equal to its height. (5) A building shall be a minimum of 60 feet from the center line of a street.

Section 16. Height of Buildings. In an AR-1 zone no building shall exceed a height of 35 feet or two and one-half stories, whichever is lower.

Section 17. Lot Coverage. In an AR-1 zone buildings shall not cover more than 30 per cent of the lot area.

COMMERCIAL ZONE C Section 18. Uses Permitted Outright. In a C zone the following uses and their accessory uses are permitted outright:

(1) A use permitted outright in an AR-1 zone. (2) A conditional use permitted in an AR-1 zone except for the following:

(a) Cemetery including mausoleum, crematorium, columbarium. (b) Occupied trailer. (c) Trailer park. (d) Surface mining, rock crushing, asphalt plant. (e) Multi-family dwelling. (3) Retail store. (4) Commercial or professional service establishment unless otherwise listed.

Section 19. Conditional Uses Permitted. In a C zone the following uses and their accessory uses are permitted when authorized in accordance with the requirements of Sections 41 to 45:

(1) Animal hospital. (2) Occupied trailer. (3) Trailer park. Section 20. Signs. In a C zone within 100 feet of an A-5 zone or an AR-1 zone the following signs are permitted:

(1) A sign permitted in an AR-1 zone. (2) A sign identifying a business establishment or business use, subject to the following restrictions:

(a) The sign shall be set back at least 10 feet from a lot in an A-5 zone or an AR-1 zone. (d) Moving or intermittent flashing signs are prohibited. (c) A free-standing sign shall not exceed an area of 25 feet on each side.

Section 21. Lot Size. In a C zone the lot size shall be as follows: (1) The minimum lot area shall be 10,000 square feet. (2) The minimum lot width shall be 100 feet.

Section 22. Yards. In a C zone the yards shall be as follows: (1) The front yard shall be a minimum of 40 feet. (2) Each side yard shall be a minimum of 10 feet. (3) The rear yard shall be a minimum of 10 feet.

Section 23. Lot Coverage. In a C zone buildings shall not occupy more than 50 per cent of the lot area.

INDUSTRIAL ZONE M Section 24. Uses Permitted Outright. In an M zone the following uses and their accessory uses are permitted outright:

(1) A use permitted outright in an AR-1 zone. (2) Manufacturing, repairing, compounding, processing or storage. (3) Railroad tracks and related facilities. (4) Wholesale distributing facility.

Section 25. Conditional Uses Permitted. In an M zone the following uses and their accessory uses are permitted when authorized in accordance with the requirements of Sections 41 to 45:

(1) A use permitted as a conditional use in an AR-1 zone. (2) Junk yard or wrecking yard. (3) Surface mining, rock crushing or asphalt plant. Section 26. Limitations on Use. In an M zone the following limitations and conditions shall apply:

(1) A use which creates a nuisance because of noise, smoke, odor, dust, or gas is prohibited. (2) Materials shall be stored and grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents, or otherwise create a health hazard. (3) Any use of property within 100 feet of a lot in an A-5 zone or an AR-1 zone shall be subject to the review and approval of the planning commission. The planning commission may impose such limitations as may be required to reduce conflicts between uses.

OFF-STREET PARKING AND LOADING Section 27. Off-Street Parking. At the time a new structure is erected or enlarged or the use of an existing structure is changed, off-street parking shall be provided in accordance with the requirements of this section unless greater requirements are otherwise established. If parking space has been provided in connection with an existing use or is added to an existing use, the parking space shall not be eliminated if it would result in less space than is required by this ordinance. When square feet are specified, the area measured shall be the gross floor area of the building but shall exclude space devoted to off-street parking or loading. When the number of employees is specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season. Fractional space requirements shall be counted as a whole space.

(1) Commercial. (a) Bowling alley: Five spaces per alley plus one space per two employees. (b) Bank, office (except medical and dental): One space per 600 square feet of floor area plus one space per two employees. (c) Dance hall; skating rink: One space per 100 square feet of floor area plus one space per two employees. (d) Eating or drinking establishment: One space per 200 square feet of floor area. (e) Medical or dental clinic: One space per 300 square feet of floor area plus one space per two employees. (f) Retail store, except as provided in paragraph (g) of this subsection: One space per 200 square feet of floor area. (g) Service or repair shop; retail store handling exclusively bulky merchandise such as automobiles and furniture: One space per 600 square feet of floor area. (2) Industrial. (a) Storage warehouse; manufacturing establishment; rail or trucking freight terminal: One space per employee. (b) Wholesale establishment: One space per employee plus one space per 700 square feet of patron serving area. (3) Place of public assembly. (a) Church, auditorium, meeting room: One space per four seats or eight feet of bench length, whichever is greater. (b) Community club building, lodge, grange hall: One space per 100 square feet of floor area. (c) Elementary or junior high school: One space per classroom plus one space per administrative employee or one space per four seats or eight feet of bench length in the auditorium or assembly room, whichever is greater. (d) High school: One space per classroom plus one space per administrative employee plus one space for each six students or one space per four seats or eight feet of bench length in the auditorium, whichever is greater.

Section 28. Off-Street Loading. (1) A school having a capacity greater than 25 students shall have a driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children. (2) Buildings or structures to be built or substantially altered and which receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to handle adequately the needs of the particular use. Loading space that has been provided in connection with an existing use or is added to an existing use shall not be eliminated if it would result in less space than is required to handle the needs of the particular use. Off-street parking space used to fulfill the requirements of this ordinance shall not be used for loading and unloading except during periods of the day when it is not required to meet parking needs.

Section 29. General Provisions - Off-Street Parking and Loading. (1) The provision and maintenance of off-street parking and loading spaces are continuing obligations of the proper-

ty owner. No building or other permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of the property shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this ordinance. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be a violation of this ordinance to begin or maintain such altered use until the required increase in off-street parking or loading is provided.

(2) Parking and loading requirements for types of buildings and uses not specifically listed herein shall be determined by the planning commission, based upon the requirements for comparable uses listed.

(3) If several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.

(4) Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the county court in the form of deeds, leases, or contracts to establish the joint use.

(5) Required parking spaces shall be located not more than 500 feet from the building or use they serve.

(6) Required parking spaces shall be available for the parking of passenger automobiles of residents, customers, patrons, employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

(7) Design requirements for parking lots. (a) Areas used for parking and maneuvering shall have durable and dustless surfaces maintained adequately for all weather use. (b) Access aisles shall be wide enough to permit easy turning and maneuvering. (c) Groups of more than four parking spaces shall be served by a driveway so that no backing movements or other maneuvering is required within a street.

Section 30. Zone Boundaries. Unless otherwise specified, zone boundaries are section lines or subdivision lines or lot lines or the center lines of streets, alleys or railroad right of ways, or such lines extended. When a zone boundary divides a lot between two zones, then the entire lot shall be placed in the zone with the greater area by the adjustment of the boundaries, provided the boundary adjustment is a distance of less than 20 feet. If the adjustment involves a distance of more than 20 feet, the procedure for a zone change shall be followed.

Section 31. Projections from Buildings. Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, and other similar architectural features may project not more than two feet into a required yard or into required open space as established by coverage standards.

Section 32. Maintenance of Minimum Ordinance Requirements. No lot area, yard, or other open space, or required off-street parking or loading area existing on or after the effective date of this ordinance shall be reduced in area, dimension, or size below the minimum required by this ordinance, nor shall any lot area, yard, or other open space or off-street parking or loading area which is required by this ordinance for one use be used to meet the lot area, yard, or other open space or off-street parking or loading area requirement for any other use, except as provided in section 29 (4).

Section 33. General Exception to Lot Size Requirements. A lot, or the aggregate of contiguous lots or land parcels held in a single ownership at the time this ordinance is adopted, has an area of dimension which does not meet the lot size requirements of the zone in which the property is located, the lot or aggregate holdings may be occupied by a use permitted outright in the zone subject to the other requirements of the zone.

Section 34. General Exception to Building Height Limitations. The following type of structures or structural parts are not subject to the building height limitations of this ordinance: chimneys, tanks, church spires, bell towers, domes, monuments, fire and hose towers, observation towers, masts, aerials, cooling towers, elevator shafts, transmission towers, smokestacks, flagpoles, radio and television towers, and other similar projections.

NONCONFORMING USES AND STRUCTURES Section 35. Continuation of Nonconforming Use or Structure. ZONING ORD. CONT'D A structure conforming with respect to use but nonconforming with respect to height, setback, or coverage may be altered or extended if the alteration or extension does not deviate further from the standards of this ordinance.

Section 36. Discontinuance of a Nonconforming Use. (1) If a nonconforming use involving a structure is discontinued from use for a period of one year, further use of the property shall be for a conforming use.

(2) If a nonconforming use not involving a structure is discontinued for a period of six months, further use of the property shall be for a conforming use.

Section 37. Termination of Certain Nonconforming Uses. (1) A nonconforming use not involving a structure having an assessed value of less than \$200.00 shall be discontinued within two years from the date this ordinance is adopted.

(2) A use which is nonconforming with respect to provision for screening shall provide screening within a period of five years from the date this ordinance is adopted.

Section 38. Change of a Nonconforming Use. If a nonconforming use is replaced by another use, the new use shall conform to this ordinance and shall not subsequently be replaced by a nonconforming use.

Section 39. Destruction of a Nonconforming Use. If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to an extent exceeding 80 per cent of the fair market value as indicated by the records of the county assessor, a future structure or use shall conform to this ordinance.

Section 40. Completion of Structure. Nothing contained in this ordinance shall require any change in the plans, construction, alteration, or designated use of a structure for which a permit has been issued and construction work has commenced prior to the adoption of this ordinance, except that if the building is nonconforming or is intended for a nonconforming use it shall be completed and use within two years from the time the permit was issued.

Section 41. Authorization to Grant or Deny Conditional Uses. Uses designated in this ordinance as conditional uses may be permitted, enlarged, or otherwise altered upon authorization by the planning commission in accordance with the standards and procedures set forth in Sections 41 through 45. Conditional uses are those which may be appropriate, desirable, convenient, or necessary in the district in which they are allowed, but which by reason of their height or bulk or the creation of traffic hazards or parking problems or other adverse conditions may be injurious to the public safety, welfare, or comfort, and convenience unless appropriate conditions are imposed. In permitting a conditional use or the modification of an existing conditional use, the county may impose, in addition to those standards and requirements expressly specified by the ordinance, any additional conditions which the county considers necessary to protect the best interests of the surrounding property or the county as a whole. These conditions may include increasing the required lot size or yard dimensions, limiting the height of buildings, controlling the location and number of vehicle access points, increasing the street width, increasing the number of off-street parking and loading spaces required, limiting the number, size, and location of signs, and requiring diking, fencing, screening, or landscaping to protect adjacent or nearby property. In the case of a use existing prior to the effective date of this ordinance and which is classified in this ordinance as a conditional use, any change in use or in lot area or any alteration of the structure shall conform with the requirements dealing with conditional uses.

Section 42. Application for a Conditional Use. A request for a conditional use or for modification of an existing conditional use may be initiated by a property owner or his authorized agent, by filing an application with the county. The application shall be accompanied by plans of the proposed use, drawn to scale, and the names and addresses of the owners of property within 500 feet. The application shall be accompanied by a fee as established by the county court.

Section 43. Public Hearing on a Conditional Use. Before the planning commission acts on a request for a conditional use it shall hold a public hearing. The hearing shall be held within 40 days after the application for the conditional use is filed. The county shall give notice of the hearing in the following manner: (1) Notice of the hearing shall be published in a newspaper of general circulation in the county not less than ten days prior to the date of the hearing. (2) Not less than ten days prior to the date of the hearing, notices shall be mailed to all property owners within the area enclosed by lines parallel to and 500 feet from the exterior boundaries of the property involved. The names and addresses of property owners shall be those shown in the records of the county assessor. Failure to send notice to a person specified in this section or failure of a person to receive the notice shall not invalidate the proceedings in connection with the application for a conditional use.

Section 44. Notice to Applicant. Within five days after a decision has been rendered, the county shall notify the applicant of the planning commission's action.

Section 45. Appeal. The action of the county planning commission may be appealed to the county court according to the

provisions of Section 52 if notice of the appeal is given within 15 days after the planning commission has rendered its decision.

VARIANCES Section 46. Authorization to Grant or Deny Variances. The planning commission may authorize variances from the requirements of this ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of this ordinance would cause an undue or unnecessary hardship, except that no variance shall be granted to allow the use of property for purposes not authorized within the zone in which the proposed use would be located. In granting a variance the planning commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and to otherwise achieve the purposes of this ordinance.

Section 47. Conditions for Granting a Variance. No variance shall be granted unless it can be shown that all of the following conditions exist: (1) Exceptional or extraordinary conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size or shape, topography, or other circumstances over which the applicant has no control. (2) The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity. (3) The authorization of the variance will not be materially detrimental to the purposes of this ordinance, be injurious to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any county development plans or policies. (4) The variance requested is the minimum variance which will alleviate the hardship.

Section 48. Variance Procedure. The procedure to be followed in applying for and acting on a variance shall be substantially the same as those provided in Sections 41 through 45 of this ordinance for the case of a conditional use.

Section 49. Authorization to Initiate Amendments. An amendment to the text of the zoning ordinance may be initiated by the county court, by the planning commission, or by a property owner or his authorized agent.

Section 50. Application and Fee. An application for an amendment by a property owner or his authorized agent shall be filed with the county at least 14 days prior to the meeting at which the proposed amendment is to be considered. The application shall be accompanied by a fee established by the county court.

Section 51. Public Hearing on an Amendment. A public hearing shall be held by the planning commission and by the county court on any amendment to the zoning ordinance. (1) Notice of hearing before the planning commission. Notice of the time and place of the public hearing and the purpose of the proposed amendment shall be given in the following manner: (a) If an amendment to the text of this ordinance is proposed, notice shall be by publication in a newspaper of general circulation in the county not less than ten days prior to the date of the hearing. (b) If an amendment to the zoning map is proposed, notice shall be by publication in a newspaper of general circulation in the county not less than ten days prior to the date of the hearing and by mailing written notice not less than ten days prior to the date of the hearing to owners of property within an area enclosed by lines parallel to and 500 feet from the exterior boundaries of the property involved, using for this purpose the names and addresses of the owners as shown upon the records of the county assessor. Where all property so located is in the same ownership, owners of property abutting the property in the same ownership shall be notified in this section. Failure to send notice to a person specified in this section or failure of a person to receive a notice shall not invalidate any proceedings in connection with the proposed zone change. (2) Recess of hearing before the planning commission. The planning commission may recess a hearing in order to obtain additional information, or to serve further notice upon other property owners or persons it decides may be interested in the proposed amendment. Upon recessing for this purpose the commission shall announce the time and date when the hearing will be resumed. (3) Recommendation by the planning commission. Within 40 days after the hearing, recommendation to the county court approval, disapproval, or modification of the proposed amendment. (4) Notice of hearing before the county court. After receiving the recommendation of the planning commission, the county court shall hold a public hearing on the proposed amendment. Notice of the hearing shall be by publication in a newspaper of general circulation in the county not less than ten

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