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MAY-23-1995 16:52 FROM HARPER &amp; BLOCKER

WASHINGTON CO AR  
K. HARNESSORDINANCE NO. 158

AN ORDINANCE AMENDING ORDINANCE NUMBERS 93 AND 94, WHICH HAVE BEEN CODIFIED IN THE GREENLAND CITY CODE IN VARIOUS SECTIONS; DEALING WITH THE PROCEDURE AND FEES ASSOCIATED WITH MAKING APPLICATIONS FOR VARIOUS LAND USES WITHIN THE CITY OF GREENLAND, ARKANSAS; DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES.

WHEREAS, Ordinance Numbers 93 and 94, set forth procedures and fees associated with making application for land uses within the City Limits of Greenland, Arkansas.

WHEREAS, the Planning Commission, Board of Adjustment, has determined by a public meeting held on the 26 day of MAY 1995, that the procedures are inconsistent for making application for various land uses within the City of Greenland, Arkansas, as well as the process of appeals for those citizens who do not agree with the finding of the Planning Commission, Board of Adjustment; and

WHEREAS, the Planning Commission has determined that the fees are inconsistent by not covering the actual costs of the processing and the costs of notification for various applications of land uses within the City of Greenland, Arkansas; and

WHEREAS, the City Council is determined that a uniform procedure and fees concerning various land uses to include a variance of zoning, variance of subdivision, subdivision regulations, conditional use, building permit applications, and lot-split applications, are needed to ensure that uniform procedure and fee collection is implemented for all citizens of Greenland, Arkansas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENLAND, ARKANSAS, AS FOLLOWS:

Section 1: Variance For Zoning Regulations: that portion of Ordinance 93 codified in the Greenland City Code as Section 14.28.05 is hereby amended and should read as follows:

APPEAL FROM DECISION OF THE BOARD**95041819**

- a. The decision of the board in respect to appeals from the decision of the enforcement officer and to request for variances shall be subject to appeal to the City

Council and from there to a court of record having jurisdiction.

- b. Any person affected by the decision of the Board of Adjustment concerning a request for variance of the zoning regulations, may request, and shall be granted, a hearing on the matter before the City Council. Such person must file in the office of the Recorder/Treasurer, a written petition requesting such hearing and stating the reasons of objections to the Board's decision within fifteen (15) days after the decision of the board.

Section 14.28.04 is hereby amended to read as follows:

#### VARIANCE ZONING APPEAL FEE

The appellant to the Board of Adjustments shall pay to the Recorder/Treasurer, a filing fee of Fifty Dollars (\$50.00), to cover such other costs as may be incurred in connection with such appeal.

Section 2: That the portion of Ordinance 94 Article I. Section 1.5, dealing with variance in Subdivision which is codified in the Greenland City Code at 15.04.05, is changed as follows:

#### VARIANCE SUBDIVISION

If the provisions of this ordinance are shown by the subdivider to cause undue hardship because of some unique feature of the land, then the Board of Adjustment may grant a variance subject to appeal by any affected party to the City Council, provided the variance will not have the effect of nullifying the intent and purpose of this ordinance.

- a. The appellant to the Board of Adjustment shall pay to the Recorder/Treasurer, a filing fee of Fifty Dollars (\$50.00), to cover such costs as may be incurred in connection with such appeal.
- b. Any person affected by the decision of the Board of Adjustment concerning a request for a variance of the subdivision regulations, may request and shall be granted, a hearing on the matter before the City Council. Such person must file in the office of the Recorder/Treasurer, a written petition requesting such hearing and stating the reasons of the objections to the Board's decision within fifteen (15) days after the decision of the Board.

Section 3: That portion of Ordinances 93 & 94 that are

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codified in Greenland City Code 14.16.06.7 are amended as follows:

FEES

The applicant for a change in zoning, or conditional use, shall pay to the Recorder/Treasurer, a filing fee of Fifty Dollars (\$50.00), and actual cost of notification as may be incurred in connection with such application.

Section 4: That portion of Ordinance 94 Article II. Section 2.2 codified by the Greenland City Code 15.08.02 dealing with subdivision regulations, is hereby amended as follows:

APPEAL DECISION OF ENFORCEMENT OFFICER

The subdivider may appeal any decision of the enforcement officer to the Board of Adjustment by filing a letter of intent with Recorder/Treasurer, at least fifteen (15) days prior to the next regular meeting of the Board.

APPEAL DECISION OF BOARD OF ADJUSTMENT

Any person affected by the decision of the Board of Adjustment concerning the enforcement of the subdivision regulations, may request, and shall be granted, a hearing on the matter before the City Council. Such person must file in the office of the Recorder/Treasurer, a written petition requesting such hearing and stating the reasons of objections to the Board's decision within fifteen (15) days after the decision of the Board.

FEE

The applicant for a subdivision shall pay to the Recorder/Treasurer, a filing fee of Fifty Dollars (\$50.00) and actual costs of notification as may be incurred in connection with such application.

Section 5: That that section of Ordinances 93 and 94, dealing with building permits contained in the Greenland City Code, Section 14.32.01, is amended as follows:

That paragraph C will be added, entitled, "FEES". The applicant for a building permit shall pay to the Recorder/Treasurer, a filing fee of Fifty (\$50.00), and actual costs of notification as may be incurred in connection with such application.

Section 6: Entitled Lot-Split Procedure

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- a. To allow the transfer of land ownership without requiring an official plat, the following lot-split

procedure is created.

Lot-split requests shall include a survey with a legal description and scale drawing of the partial being split, showing dimensions of the new partials created and shall include all rights-of-way and easements required for utilities and drainage;

The survey shall be filed with the transferred documents if the request is approved;

The applicant for a lot-split shall pay to the Recorder/Treasurer, a filing fee of Fifty Dollars (\$50.00), and actual costs of notification as may be incurred in connection with such application.

Notice that all requirements to make application and approval of a conditional use are required of the applicant seeking a lot-split. The posting of the sign will indicate lot-split rather than a conditional use, but all other requirements are the same.

- b. Two kinds of land ownership transfers are permitted under this procedure.

Transfer of land in residential lot, with frontage on existing dedicated road which meets the major street plan standards. No partials shall be less than minimum lot size required for the sewer or septic tank installation are required by the governing zoning district.

- (2) Transfer portions of the plats, to correct errors in survey, building placement which created substandard yard areas, or any other errors of a similar nature. To allow for the increase in lot area by attaching portions of other lots or tracts, provided the part being split off and attached to another tract is less than the minimum lot standard, and the remainder is greater than five (5) acres.

In the case of splits involving tracts larger than a residential lot, no more than two (2) such splits shall be allowed before a subdivision plat is required.

- (4) The deed or other instrument of transfer shall be brought to the enforcement officer for processing.
- 5) The enforcement officer shall check to see that

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all subdivision requirements, such as necessary easements, right-of-ways, dedication, etc., are being met.

The lot-split should also be reviewed by the technical review committee.

Once the lot-split has met all requirements, the enforcement officer shall place the lot-split application on the agenda for the next Planning Commission meeting. If the application meets with the Planning Commission's approval, it shall be signed by the Secretary of the Planning Commission or the elected official of the Planning Commission. The stamp should indicate the lot-split number and the date of approval.

The end result of the lot-split should not create any lots which would be below the area standard adopted by the City of Greenland, Arkansas.

Appeal. Any person affected by the decision of the Board of Adjustment concerning the denial of the lot-split application may request, and shall be granted, a hearing on the matter before the City Council. Such person must file in the office of the Recorder/Treasurer, a written petition requesting such hearing and stating the reasons of objections to the Board's decision within fifteen (15) days after the decision of the Board.

Section 7: Any ordinance or parts of ordinance in conflict herewith or in conflict with the Greenland City Code adopted herein, is hereby repealed.

Section 8: The provisions of this ordinance are hereby declared to be severable. If any section, paragraph, sentence or clause of this ordinance shall be held invalid in the validity of such section, paragraph, sentence or clause, shall not affect the validity of the remaining portion of said ordinance.

Section 9: It is hereby found and declared by the City Council of Greenland, Arkansas, that uniform procedures and fees for land use within Greenland, Arkansas, is needed to insure the development of the City in accordance with present and future needs, morals, order, convenience, prosperity and general welfare of the City in the process of development; to provide for adequate fees to off-set the costs of processing said applications; to provide for proper procedure for the public to follow and the Planning Commission to adhere to, and in an appellate process, to make certain that all citizens receive equal treatment; to stabilize property value; and to ensure

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orderly development of the community for the general welfare of the citizens of Greenland, Arkansas.

Section 10: Emergency Clause: It is hereby declared that an emergency exists and that this ordinance being necessary for the preservation of health, safety and welfare of the citizens of Greenland, Arkansas, shall become effective immediately upon its passage, approval and publication.

PASSED AND APPROVED this 12th day of June 1995.

Roy Barnett  
MAYOR

ATTEST:

Donna Cheevers  
RECORDER/TREASURER

Michel Block  
CITY ATTORNEY

Subscribed and sworn to before me this 14th day of August, 1995.

Patricia L. Watkins

My commission expires 1-26-2000



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