

ORDINANCE NO. 213

AN ORDINANCE AMENDING TITLE 14 OF THE GREENLAND MUNICIPAL CODE REGARDING ZONING PROVISIONS AND MAP AMENDMENTS, DECLARING AN EMERGENCY TO EXIST AND FOR OTHER PURPOSES.

WHEREAS, after a thorough review of zoning provisions in the Greenland Municipal Code, the Planning Commission has recommended that revisions be made with respect to applications for amendments thereto; and,

WHEREAS, after due notice as required by law, the City of Greenland has heard all persons desiring to be heard with regard to suggested revisions; and,

WHEREAS, it is it desire of the Mayor and City Council that Planning Commission recommendations regarding zoning code amendments be approved and put into effect.

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

SECTION 1: That Section 14.16.06 D.8. Amendments be, and is hereby repealed.

SECTION 2: That Title 14. Chapter 14.04, Section 14.04.07 of the Greenland Municipal Code is hereby amended to read as follows:

14.04.07 Amendments. Two (2) types of amendments to the zoning ordinance are recognized: one being a revision in the textual provisions of the ordinance, and the other being a change of boundary in a zoning district.

(a) Amendment to Text. Amendments to the text may be initiated by the planning commission, the City Council, or by the Mayor. Proposed amendments shall be processed in accordance with the procedures set forth in this section.

1 Notice. The Recorder-Treasurer shall be responsible for scheduling a public

hearing before the planning commission. The Recorder-Treasurer shall prepare the content of a public notice, and ensure that the notice is published in a newspaper of general circulation within the City at least (15) days before the public hearing.

2. **Hearing and Recommendations by the Planning Commission.** The Planning Commission shall conduct a public hearing on the proposed amendment, hearing both the proponents and opponents, if any. Following the public hearing, the commission shall determine its recommendation(s) regarding the proposed amendment, and make such known to the City Council.

3. **Action by the City Council.** After receiving the recommendation of the planning commission, the city council may approve the amendment as submitted; may approve a revised version they deem appropriate, after referring it back to the planning commission for further study and consideration; table it; or deny it. If the City Council action does not take place within six (6) months after the planning commission's initial public hearing, the amendment process must begin anew.

(b) **Change in District Boundary.** A change in a district boundary, also referred to as a map amendment or a rezoning, may be proposed by the city council, the planning commission, or by a property owner or his legal agent. Such amendments shall be considered in accordance with the procedures set forth in this section.

**Application Submittal.** A complete application for change in a district boundary or a map amendment, hereafter referred to as a rezoning, shall be

submitted to the Recorder-Treasurer in a form prescribed for that purpose. Included in the application is as follows: (a) five (5) copies of a survey, including legal description, of the parcel to be rezoned; (b) a written description explaining the need for a zone change and how the property will relate to the surrounding area in terms of land use, traffic, appearance, signage, and other pertinent factors; (c) list of names and mailing addresses of adjacent property owners within one hundred feet (100') of the subject property; and (d) payment of a non-refundable processing fee in the amount determined by the City Council. Applications shall be filed by the 10<sup>th</sup> of the month in order to be placed on the Planning Commission agenda for the next first Monday of the month meeting. No application shall be processed until the Recorder-Treasurer determines that the application is complete and the required fee has been paid.

2. Notice. Promptly upon determining that the application is complete, and payment of the required fee, the Recorder-Treasurer shall schedule a public hearing date before the planning commission, notify the applicant of the hearing date and provide at least fifteen (15) days notice of the hearing in a newspaper of general circulation in the city. The notice shall indicate the time, date, and place of the public hearing, give the general location and description of the property, such as the street address and acreage involved, describe the nature, scope and purpose of the application, and indicate where additional information about the application can be obtained.

3. The City shall: (a) post notice on weatherproof signs; (b) place the signs on the property that is the subject of the application at least ten (10) days before the public hearing; and (c) ensure that the signs remain continuously posted until a final decision is made by the City Council.
  4. The City shall provide notice to adjacent property owners within one hundred feet (100') of the subject property at least ten (10) days prior to the planning commission public hearing. This notice shall be by certified letter, or hand delivered by code enforcement personnel. The notice shall include the address of the property, the existing and proposed zoning classifications, and the time, date, and place of the hearing.
- (c) **Hearing and Recommendation by the Planning Commission.** The planning commission shall hold a public hearing on the proposed rezoning. At the conclusion of the hearing, and after deliberation, the commission may recommend approval as submitted; may recommend approval of less area and/or of a lesser intensity, but like classification than what was applied for; table with cause, not to exceed one time for consideration at the next meeting; or deny the application; and submit an accurate written summary of the proceedings to the City Council.
1. **Hearing and Action by the City Council.** After the planning commission recommends approval of an application, the City shall be responsible for preparing the appropriate ordinance and requesting that the City Recorder-Treasurer place it on the City Council's agenda. Agenda item requests and all documentation shall be submitted in a form established by the City

If the planning commission does not recommend approval of the application, the City Council may consider the matter only after a formal request is filed by the applicant with the City Recorder-Treasurer, an appeal fee of \$100.00 is paid by the applicant, and a special public hearing is set and subsequently held by the City Council. Applicant responsibility with regard to filing documents with and paying the fee for appeal to the City Recorder-Treasurer, as described above is also applicable.

In considering an application for approval whether recommended for approval by the planning commission or not, the City Council may reduce the amount of land area included in the application but not increase it, and may change the requested classification in whole or in part, to a less intense zoning district classification than was indicated in the planning commission's required public notice.

2. Approval Criteria. The criteria for approval of a rezoning are set out in this section. Not all of the criteria must be given equal consideration by the planning commission or City Council in reaching a decision. The criteria to be considered shall include but not be limited to the following:

- (a) Consistency of the proposal with the Land Use Plan and other adopted plans of the City;
- Consistency of the proposal with the purpose of this ordinance;
- Compatibility of the proposal with the zoning, uses and character of the surrounding area;

- (d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;  
Extent to which approval of the proposed rezoning will detrimentally affect nearby property including, but not limited to, any impact on property value, traffic, drainage, visual aesthetics, odor, noise, light, vibration, hours of use/operation, and any restriction to the normal and customary use of the affected property;
- (f) Length of time the subject property has remained vacant as zoned, as well as its zoning at the time of purchase by the applicant; and  
Impact of the proposed development on community facilities and services, including those related to utilities, streets, drainage, parks open space, fire, police and emergency medical services.

3. **Successive Applications.** In the event that the City Council denies an application for a rezoning, a similar application shall not be considered by the planning commission for six (6) months from the date of the denial by the City Council, unless the planning commission, upon recommendation by the zoning official, determines that there is a significant change in the size or scope of the project, or that conditions have changed in the area affected by the proposed rezoning.

**SECTION 3:** That Ordinance No. 205, which accepted Lee Valley Subdivision - Phase 2, including street, right-of-way, and utility easement dedications therein, shall remain in full force and effect.

**SECTION 4:** That the continued development of the City is of vital interest to the City and

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affects numerous citizens. It is important that these provisions be implemented immediately since there exists a deficiency in the City's current ordinances and regulations with respect to clear guidelines for rezonings. It appears to the Council that immediate passage, approval and effectiveness of this Ordinance is necessary for the public peace, health and safety of the residents. Therefore, an emergency is hereby found to exist and is hereby declared. This Ordinance shall be in full force and effect from the day of its passage and approval.

PASSED AND APPROVED this 10<sup>th</sup> day of March, 2003.

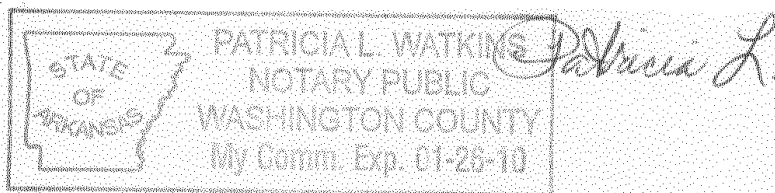
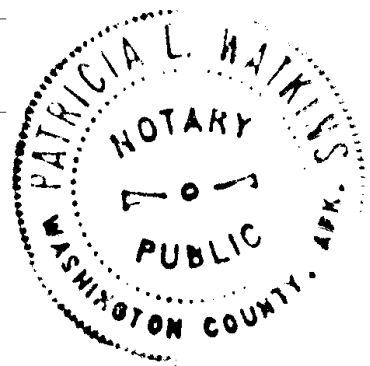
CITY OF GREENLAND

William Yoer  
WILLIAM YOES, Mayor

ATTEST:

Donna Cheevers  
DONNA CHEEVERS, Recorder-Treasurer

*Subscribed and sworn to before me this 10th of March, 2003*



*Patricia L. Watkins*