

AN ORDINANCE AMENDING TITLE 14 OF THE GREENLAND MUNICIPAL CODE REGARDING THE BOARD OF ZONING ADJUSTMENT, 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 the Board of Zoning Adjustments; 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 the desire of the Mayor and City Council that the Planning Commission recommendations regarding board of Zoning Adjustments amendments be approved and put into effect.

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

SECTION 1: That title 14, Chapter 14.28, of the Greenland Municipal Code is hereby amended to read as follows:

Chapter 14.28

Sections:

- 14.28.01 Establishment, organization, and meetings
- 14.28.02 Functions
- 14.28.03 Variances
- 14.28.04 Fees
- 14.28.05 Appeals

14.28.01 Establishment, organization, and meetings

- A. A Board of Zoning Adjustment is hereby established, the membership of which shall be composed of the Planning Commission as a whole.
- B. The Board of Zoning Adjustment shall establish regular meeting dates, adopt rules and procedures for the conduct of its business, and keep a public record of all findings and decisions. A quorum shall consist of a majority of the Board's authorized membership, and an affirmative vote of majority of the Board's authorized membership shall be required for passage of any motion. The chairman shall have full voting status.
- C. Each session of the Board shall be a public meeting with public notice of said meeting and business to be carried on published in a newspaper of general circulation in the City at least one (1) time, seven (7) days prior to the meeting. The City shall also post notice on property that is the subject of variance request by means of a sign. Such sign to be posted at least ten (10) days prior to the meeting, and shall indicate that a public hearing is to be held.

14.28.02 Functions

- A. Hear appeals from decisions of the Enforcement Officer in respect to the enforcement and application of this Ordinance; and may affirm or reverse, in whole or in part, said decision of the Enforcement Officer.
- B. Hear requests for variances from the literal provisions of this Ordinance instances where strict enforcement would cause undue hardship due to circumstances unique to the individual property under consideration, and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of this Ordinance. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under this Ordinance. The Board may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

14.28.03 Variances

- A. A variance is authorized only for height, area, and size of structure, or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited, or not specifically permitted, shall not be allowed by a variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining district.
- B. The Board of Zoning Adjustments shall issue approval of a variance only after finding that:

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are applicable to other lands, structures, or buildings in the same district;
2. Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;
3. The special conditions and circumstances do not result from the actions or proposed actions of the applicant; and,
4. Granting the variances requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.

14.28.04 Fees

Applications for variances made to the Board shall be made in writing on forms prescribed for that purpose, and shall be submitted and received no later than the 10th day of the month preceding the Board's regular meeting to be held on the 1st Monday of each month. The application shall be accompanied by a non-refundable processing fee in an amount determined by the City Council.

14.28.05 Appeals

Any resident or taxpayer of the City of Greenland aggrieved by any decision of the Board of Zoning Adjustment may appeal said decision only to a court of record having jurisdiction.

SECTION 2: That the current code provisions do not clearly set forth the procedures and standards to be applied in consideration of variances and who shall hear and decide such issues. 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 10th day of March, 2003.

CITY OF GREENLAND

William Yoer

WILLIAM YOES, Mayor

ATTEST:

Donna Cheevers
DONNA CHEEVERS, Recorder-Treasurer