

CHAPTER 14: NOTIFICATION AND PUBLIC HEARINGS

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CHAPTER 14: NOTIFICATION AND PUBLIC HEARINGS

14.01 General Requirements/ Information

- (A) *Purpose.* Notification is to be provided for public hearings in accordance with the requirements herein. The purpose of providing notification of public hearings is to ensure that all applications comply with state statutes and that affected or interested property owners are notified of the action being considered.
- (1) The applicant shall be responsible for public notification as required herein. In calculating the time period for public notification the day of publishing, posting, or mailing shall be counted toward the total number of days required. The day of the hearing shall not be counted toward this total.
 - (2) The degree of accuracy required for the information contained in these public notices shall be that of substantial compliance with the provisions of this section.
 - (3) In the event the applicant does not provide notice as required herein, the requested application may not be considered until all notification requirements are met.
- (B) *Written Notice.* Notice shall include the following information, unless specific requirements herein provide otherwise:
- (1) The applicant shall mail a written notice of the hearing by certified mail to the address of each adjacent landowner as such address is shown in the records of the Washington and/or Benton County Assessor's Office. Adjacent landowners include those across street rights-of-way.
 - (2) Notice shall include the following information, unless specific requirements herein provide otherwise:
 - (a) *Project description.* Brief written description of the project or request, project type, and location.
 - (b) *Use.* The proposed use of the property.
 - (c) *Zoning.* Current zoning.
 - (d) *Size.* Acreage of project.
 - (e) *Density/Intensity.* Include number of residential units and/or square feet of nonresidential use(s), as applicable.
 - (f) *Public hearing.* Time, date, place, and location of public hearing.
 - (g) *Name.* The property owner's and/or the developer's name.
 - (h) *Review location.* City of Elm Springs 479-248-7323, 289 Jayroe Ave., Elm Springs, AR 72728.
- (3) By the revision submittal prior to the hearing, the applicant shall provide the following to the City:
- (a) alphabetical list of the landowners receiving notification;
 - (b) map showing the landowners' relationship to the site;
 - (c) copy of the notice sent to the landowners; and
 - (d) certificates of mailing.
- (4) In the event that the applicant fails to mail a notice to an adjacent landowner or otherwise fails to comply with the written notice required in this section, the adjacent landowner may waive such notice by submitting a written waiver to the City Division prior to the hearing or by appearing at the hearing.
- (C) *Posted Notice.* The applicant shall post a notice on the land for which the use is requested.
- (1) The notice shall consist of at least one (1) sign adjacent to the street, unless otherwise determined by the City. The sign shall be placed in a visibly prominent location no more than ten (10) feet from the street, and shall not impede the vision of drivers or pedestrians.
 - (2) In the event the City determines a sign cannot be placed adjacent to such street and be visible to the public or that there is no adjacent public or private street open for travel, the City may require an alternate location for a sign.
 - (3) Additional signs may be required by the City, especially in the case of properties with multiple street frontages, to ensure nearby property owners are well-informed.
 - (4) Signs shall be made available to the applicant by the City. A \$5 fee per sign shall be remitted by the applicant.

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- (D) *Who may be heard.* Any person desiring to be heard at a public hearing may appear in person, by agent, or by attorney.
- (E) *Additional notification required.* In the event a project is tabled and a date for the new public hearing is not set at a public meeting, all notification requirements shall again be required pursuant to this chapter.

14.02 Development

Notification of public hearings for development applications shall occur as follows:

- (A) *Public hearing required.* A public hearing shall be held at the meeting of the Planning Commission, in accordance with the established bylaws of the Planning Commission.
- (B) *Applicability:* Development applications include, for the purpose of notification, preliminary plats, concurrent plats, and large scale developments. If an application does not require a public hearing, notification is not required.
- (C) *Notice of public hearing.* The applicant shall provide the following notice:
 - (1) *Who gets notice.* Notice of the proposed development shall be given to all adjacent landowners.
 - (2) *Methods of notice.* Notice shall be provided by the following methods, as required by this chapter:
 - (a) *Written notice.* Written notice shall be provided at least fifteen (15) days prior to Planning Commission. Proof of notice shall be provided as required by this chapter.
 - (b) *Posted Notice.* The applicant shall post notice at least fifteen (15) days prior to Planning Commission. Proof of notice shall be provided as required by this chapter.

14.03 Annexation And Zoning Map Amendments (Rezoning)

Notification of public hearings for annexation petitions and zoning map amendments shall occur as follows:

- (A) *Public hearing required.* Upon receipt of a petition for an annexation or an amendment to the zoning map, the Planning Commission shall hold a public hearing on the proposed amendment.
- (B) *Notice of public hearing.* The applicant shall provide the following notice:

- (1) *Who gets notice.* Notice of the proposed annexation or zoning map amendment shall be given to all adjacent landowners.
- (2) *Methods of notice.* Notice shall be provided by the following methods, as required by this chapter:
 - (a) *Written notice.* Written notice shall be provided at least fifteen (15) days prior to Planning Commission. Proof of notice shall be provided as required by this chapter.
 - (b) *Posted Notice.* The applicant shall post notice at least fifteen (15) days prior to Planning Commission. Proof of notice shall be provided as required by this chapter.
 - (c) *Published Notice.* Notice of public hearing shall be given by the city by publishing a notice in a newspaper of general circulation in the city, at least one time, at least fifteen (15) days prior to Planning Commission.

14.04 Conditional Use Permit

Notification of public hearings for conditional use permits shall occur as follows:

- (A) *Public hearing required.* A public hearing shall be held by the Planning Commission for consideration of a conditional use permit.
- (B) *Notice of public hearing.* The applicant shall provide the following notice:
 - (1) *Who gets notice.* Notice of the proposed conditional use permit shall be given to all adjacent landowners.
 - (2) *Methods of notice.* Notice shall be provided by the following methods, as required by this chapter:
 - (a) *Written notice.* Written notice shall be provided at least fifteen (15) days prior to Planning Commission. Proof of notice shall be provided as required by this chapter.
 - (b) *Posted Notice.* The applicant shall post notice at least fifteen (15) days prior to the Planning Commission meeting. Proof of notice shall be provided as required by this chapter.
- (C) *Special Uses.* The following conditional use permits require more stringent notification. Applicants applying for consideration of the

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following uses must meet the following additional notification criteria:

- (1) Dance halls; Facilities emitting odors and facilities handling explosives; wireless communication facilities; carnival, circus, amusement park or similar temporary open-air enterprise; manufactured and mobile homes; outdoor music establishments; sexually oriented business;
- (a) Who gets notice. All landowners within 500 feet of the boundary line of the property on which the use is proposed.

14.05 Accessory Structures

- (A) *Public hearing required.* A public hearing shall be held at the meeting of the Planning Commission, in accordance with the established bylaws of the Planning Commission.
- (B) *Notice of public hearing.* The applicant shall provide the following notice:
 - (1) *Who gets notice.* Notice of the proposed accessory structures shall be given by the applicant to all persons owning property adjacent to the subject. Adjoining property notification forms with responses shall be submitted to the City with the accessory structure application.
 - (2) *Methods of notice.* Notice shall be provided by the following methods, as required by this chapter:
 - (a) *Written notice.* Written notice shall be provided at least fifteen (15) days prior to the Planning Commission meeting. Proof of notice shall be provided as required by this chapter.

14.06 Vacations Of Rights-Of-Way And Easements

- (A) *Public hearing required.* The City Council shall hold a public hearing, after receiving a recommendation by the Planning Commission, on applications requesting vacation of rights-of-way or easements.
- (B) *Notice of public hearing.* The applicant shall provide the following notice:
 - (1) *Who gets notice.* Notice of the proposed vacation shall be given by the applicant to all persons owning property adjacent to a utility easement and all property owners adjacent to or within the same block as a public right-of-way. Adjoining property notification forms

with responses shall be submitted to the City with the vacation application.

- (2) *Methods of notice.* Notice shall be provided by the following methods, as required by this chapter:
 - (a) *Written notice.* Written notice shall be provided at least fifteen (15) days prior to the Planning Commission meeting. Proof of notice shall be provided as required by this chapter.
 - (b) *Posted Notice.* The applicant shall post notice at least fifteen (15) days prior to Planning Commission. Proof of notice shall be provided as required by this chapter.
 - (c) *Published Notice.* Notice of the City Council hearing shall be published, by the City Clerk, in a newspaper of general circulation in the city prior to the City Council hearing.

14.07 Board of Adjustment

Notification of public hearings for zoning variances and appeals shall occur as follows:

- (A) *Public hearing required.* Upon receipt of a petition for a variance or appeal of staff decisions/interpretations concerning Zoning, Chapters 1 through 6, the Board of Adjustment shall hold a public hearing.
- (B) *Notice of public hearing.* The applicant shall provide the following notice:
 - (1) *Who gets notice.* Notice of the proposed variance or appeal shall be given to all adjacent landowners.
 - (2) *Methods of notice.* Notice shall be provided by the following methods, as required by this chapter:
 - (a) *Written notice.* Written notice shall be provided at least fifteen (15) days prior to the meeting of the Board of Adjustment. Proof of notice shall be provided as required by this chapter.
 - (b) *Posted Notice.* The applicant shall post notice at least fifteen (15) days prior to the meeting of the Board of Adjustment. Proof of notice shall be provided as required by this chapter.

14.08 Manufactured Homes And Manufactured Home Parks

- (A) Whenever the enforcement officer determines that there are reasonable grounds to believe that there has been a violation of any provision of city code or any regulation adopted pursuant thereto, he/she shall give notice of such alleged violation to the owner of the park and to the person to whom the operator's permit was issued, as hereinafter provided.
- (B) Such notice shall:
- (1) Be in writing;
 - (2) Include a statement of the reasons for its issuance;
 - (3) Allow a reasonable time for the performance of any act it required;
 - (4) Be served upon the owner and the operator; provided, that such notice or order shall be deemed to have been properly served upon such owner or operator when a copy thereof has been sent by certified mail to their last know address, or when they have been served with such notice by any other method authorized or required by the laws of the state; and,
 - (5) Contain an outline of remedial action, which, if taken, will effect compliance with the provisions of city code and with regulation adopted pursuant thereto.

14.09 Fire Prevention Code

Blasting. In addition to the requirements and regulations provided in the Fire Prevention Code, the applicant for a blasting permit shall notify all residential property owners located within 200 yards of a blasting site. Notification may be personal contact, or by written notice left at the residence and shall contain the dates of any blasting activity.