

**ORDINANCE NO. 2019-\_\_**

**CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS**

**AN ORDINANCE AMENDING SECTION 153.122(B)(2): PROCEDURES FOR AUTHORIZING, SECTION 153.263(B): PROCEDURE FOR APPLICATION AND APPEALS AND SECTION 153.283(F)(2): AMENDMENTS OF CHAPTER 153: ZONING REGULATIONS OF THE TONTITOWN MUNICIPAL CODE IN ITS ENTIRETY OF THE CITY OF TONTITOWN AND DECLARING AN EMERGENCY**

**WHEREAS**, on or about May 2, 2017, the City Council of Tontitown adopted Ordinance No. 2017-05-635 to adopt zoning regulations within the city and said Ordinance No. 2017-05-635, as it has been amended from time to time and as was thereafter codified within in Chapter 153: ZONING REGULATIONS in the Tontitown Municipal Code; and

**WHEREAS**, the City Council of the City of Tontitown now finds it to be in the best interest of the citizens of the City of Tontitown to amend Section 153.122(B)(2): PROCEDURES FOR AUTHORIZING, Section 153.263(B): PROCEDURE FOR APPLICATION AND APPEALS and Section 153.283(F)(2): AMENDMENTS of Chapter 153: ZONING REGULATIONS of the Tontitown Municipal Code; and

**WHEREAS**, the Tontitown Planning Commission has reviewed the revisions of Section 153.122(B)(2): PROCEDURES FOR AUTHORIZING, Section 153.263(B): PROCEDURE FOR APPLICATION AND APPEALS and Section 153.283(F)(2): AMENDMENTS and recommends to the City Council that these revisions be approved; and

**WHEREAS**, having fully reviewed the proposed amendment, the Tontitown City Council has determined that Section 153.122(B)(2): PROCEDURES FOR AUTHORIZING, Section 153.263(B): PROCEDURE FOR APPLICATION AND APPEALS and Section 153.283(F)(2): AMENDMENTS of Chapter 153: ZONING REGULATIONS, of the Tontitown Municipal Code should be revised and restated in its entirety as incorporated herein below.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED**, by the City Council of the City of Tontitown, as follows:

**Section 1.** That Section 153.122(B)(2): PROCEDURES FOR AUTHORIZING, of Chapter 153: ZONING REGULATIONS, of the Tontitown Municipal Code is hereby revised, and shall now read as follows:

**153.122 PROCEDURE FOR AUTHORIZING.**

(B)(2) The applicant shall present evidence to the zoning official, at least ten days prior to the required public hearing, that all property owners within two hundred (200) feet of the boundaries of the subject property have been notified of the proposed use, and of the time, date, and place of the public hearing. Such evidence shall consist of postmarked, certified receipts and/or return receipts.

**Section 2.** That Section 153.263(B): PROCEDURE FOR APPLICATION AND APPEALS, of Chapter 153: ZONING REGULATIONS, of the Tontitown Municipal Code is hereby revised, and shall now read as follows:

**153.263 PROCEDURE FOR APPLICATION AND APPEALS.**

- (B) *Public hearing and notice.*
- a) The board shall fix a reasonable time for the public hearing of an application or appeal, give public notice of the time and place thereof, as well as due notice to the parties in interest, and decide same within a reasonable time. Said public notice shall be published at least once not less than seven days preceding the date of such hearing, in a newspaper of general circulation in the city. The public notice shall give the particular location of the property on which the application or appeal is requested, as well as a brief statement of what the application or appeal consists.
  - b) Evidence of notification of all adjoining property owners shall accompany all applications for variances. The applicant shall present evidence to the zoning official, at least ten days prior to the required public hearing, that all property owners within two hundred (200) feet of the boundaries of the subject property have been notified of the particular location of the property, a brief statement of what the application or appeal consists, and of the time, date, and place of the public hearing. Such evidence shall consist of postmarked, certified receipts and/or return receipts.
  - c) Public hearings may be adjourned from time to time, and, if the time and place of the adjourned meeting is publicly announced when the adjournment is made, no further notice of such adjourned meeting need be published. At a public hearing any party may appear in person, by agent, or by attorney.

**Section 3.** That Section 153.283(F)(2): AMENDMENTS of Chapter 153: ZONING REGULATIONS, of the Tontitown Municipal Code is hereby revised, and shall now read as follows:

**153.283 AMENDMENTS.**

(F) (2) Individual property owners applying for changes to the official zoning map shall present evidence to the zoning official, at least ten days prior to the required public hearing, that all property owners within two hundred (200) feet of the boundaries of the subject property have been notified of the proposed zoning change, and of the time, date, and place of the public hearing. Such evidence shall consist of postmarked, certified receipts and/or return receipts.

**Section 4.** In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

**Section 5.** Declaration of Emergency. It is hereby found and determined that Section 153.122(B)(2): PROCEDURES FOR AUTHORIZING, Section 153.263(B): PROCEDURE FOR APPLICATION AND APPEALS and Section 153.283(F)(2): AMENDMENTS of Chapter 153: ZONING REGULATIONS, of the Tontitown Municipal Code should be immediately amended in order to clarify and amend zoning regulations within the City of Tontitown. Therefore, an emergency is declared to exist, and this act, being immediately necessary for the preservation and protection of the public peace, health, safety and welfare of the City and its citizens, shall become effective on the date of its passage and approval by the Mayor. If the Ordinance is neither approved nor vetoed by the Mayor, it shall become effective on the expiration of the period of time during which the Mayor may veto this Ordinance. If the Ordinance is vetoed by the Mayor and the veto is overridden by the City Council, it shall become effective on the date the City Council overrides the veto.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

APPROVED:

\_\_\_\_\_  
Paul Colvin, Jr., Mayor

ATTEST:

\_\_\_\_\_  
Rhonda Ardemagni, City Recorder-Treasurer  
(SEAL)