

THE CITY OF GREENBRIER, ARKANSAS

ORDINANCE NO. 2025-01

**AN ORDINANCE AMENDING ORDINANCE #06-95
OF THE GREENBRIER MUNICIPAL CODE,
COMMONLY KNOWN AS GREENBRIER ZONING
ORDINANCE AND SUBDIVISION REGULATIONS
TO MODIFY PUBLIC HEARING NOTIFICATION
REQUIREMENTS FOR VARIANCES, SPECIAL USE
PERMITS, AND REZONING APPLICATIONS**

WHEREAS, the Greenbrier City Council is vested with authority to govern the planning and zoning of property within its city limits and territorial jurisdiction, and

WHEREAS, certain amendments are needed to clarify and simplify notification requirements for public hearings and public notices required for applicants seeking variances, special use permits, and rezoning ordinances, and

WHEREAS, at its regularly scheduled meeting held on January 20, 2025, the Greenbrier Planning Commission recommended certain changes be amended to Greenbrier Ord. #06-95, commonly known as the Greenbrier Zoning Ordinance and Subdivision Regulations, which the City Council now desires to adopt as an amended Ordinance.

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

SECTION 1: Greenbrier Zoning Ordinance No. 06-95 is hereby amended to replace current language affixed to this Ordinance at Part I, Article X, Section 6, which shall replace, in its entirety, the existing section titled Notification Requirements. The amended section shall be titled **Notification Requirements (Revised)**

(See Attachment for full text)

SECTION 2. Greenbrier Zoning Ordinance No. 06-95 is hereby amended to replace existing language with the language set forth below, at Part 1, Article IV, Section 3, Procedure for Authorizing, where existing language is stricken as noted, and new language added where underlined:

~~The City Planning Commission shall hold a public hearing thereon. At least fifteen (15) days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Greenbrier at the petitioner's expense. The Public notice shall give the particular location of the property and the type of use for which the permit is requested. Additionally, the petitioner shall post on the property in a conspicuous location a sign~~

~~provided by the City Building Inspector which shall notify the general public of the proposed use and public hearing. See additional notice requirements, also applicable to Special Use Permits, listed under this Ordinance, Part I, Article X, Section 6 (Notification Requirements)”~~

The City Planning Commission shall hold a public hearing thereon. Notification for the public hearing should follow the notice requirements listed under this Ordinance, Part I, Article X, Section 6, Subsection A (Public Hearing Notification Requirements)

SECTION 3. Greenbrier Zoning Ordinance No. 06-95 is hereby amended at Part I, Article IX, Section 3, Subsection B “Variances” to include new sub-paragraph below the existing language:

(8) The City Planning Commission shall hold a public hearing for variance requests. Notification for the public hearing should follow the notice requirements listed under this Ordinance, Part I, Article X, Section 6, Subsection A (Public Hearing Notification Requirements)

SECTION 4. Greenbrier Zoning Ordinance No. 06-95 is hereby amended at Part II, Article V, Section 2, Subsection B “Submission Requirements” to include new sub-paragraph below the existing language:

5) Proof that notification has been made following the requirements outlined in this Ordinance, Part I, Article X, Section 6, Subsection B (Lot-Split, Minor Subdivision, and Subdivision Notification Requirements)”

SECTION 5. Greenbrier Zoning Ordinance No. 06-95 is hereby amended at Part II, Article VII, Section 2, “Procedure” to include new paragraph below the existing language:

“The Application for Approval of Lot-Split or Minor Subdivision shall consist of a letter, a map, proof that notification has been made following the requirements outlined in this Ordinance, Part I, Article X, Section 6, Subsection B (Lot-Split, Minor Subdivision, and Subdivision Notification Requirements), and such other data and information as may be desirable to support the Planning Commission’s approval. Three (3) copies of the Plat Map shall be included with the Application; and the letter shall state the subdivider’s intentions regarding the lot-split or minor subdivision. The required content of the plat is set forth below in Section 3.”

SECTION 6. Greenbrier Zoning Ordinance No. 06-95 is hereby amended at Part II, Article VIII, Section 3, “Variances” to include new paragraph below the existing language:

5) The City Planning Commission shall hold a public hearing for variance requests. Notification for the public hearing should follow the notice requirements listed under this Ordinance, Part I, Article X, Section 6, Subsection A (Public Hearing Notification Requirements)."

SECTION 7: That all ordinances in conflict herewith are repealed to the extent of the conflict.

SECTION 8: The provisions of this ordinance are hereby declared to be severable and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases, or provisions.

SECTION 9: It is hereby found and determined that zoning regulations and modifications are immediately necessary in order to insure the proper and orderly growth of the City and is necessary for the immediate preservation of the public health, safety, and welfare; THEREFORE, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED:

2/3/2025
Date

APPROVED:

Sammy Joe Hartwick
Sammy Joe Hartwick, Mayor

ATTEST:

Hunter Thrasher
Hunter Thrasher, City Recorder

Prepared by Dustin Chapman, City Attorney

Part I, Article X, Section 6. Notification Requirements (Revised)

The following shall replace the entirety of what currently makes up I/X/6 of the code book labeled "Notification Requirements"

A. Public Hearing Notification Requirements

A public hearing shall be required before a variance, special use permit, or rezoning application shall be considered by the Planning Commission, or for whatever other purpose this Ordinance may specify. Public hearings will take place at the regularly scheduled Planning Commission or City Council meeting where the item is scheduled to be considered. Public notice for variance, special use permit, and rezoning applications shall consist of a legal notice in a publication of general circulation within the City of Greenbrier, public notice signs on the property, and mailed notice to property owners within two hundred feet (200') or within two (2) adjacent lots. No application may be heard for a public hearing by the Planning Commission until all forms of public notice have been made and proof of notice is presented. The following requirements shall satisfy public notice requirements:

1. Legal Notice

The applicant shall be responsible for publication of a legal notice in a publication of general circulation within the City of Greenbrier. Notice must be published once at least fifteen (15) days prior to the public hearing. The notice shall include:

- a. Requested use sought in the application and current zoning of the property
- b. Location including accurate legal description and address. If no address is assigned, a general description of the location in relation to a nearby address shall suffice.
- c. Time, date, and location of the public hearing.

An affidavit of publication shall be provided to the City's Administrative Official at least 10 (10) days prior to the public hearing.

2. Public Notice Signs

The applicant shall be responsible for posting a sign or signs of public notice on the property at least fifteen (15) days prior to the public hearing. Sign posting shall meet the following requirements:

- a. Sign or poster shall be supplied by the City of Greenbrier upon a payment of twenty dollars (\$20) per sign made at the City of Greenbrier City Hall during normal business hours.
- b. Sign shall be conspicuously placed at the property line nearest the street, and be clearly visible to passing vehicle and pedestrian traffic. If the property is located at an intersection of two roads, a sign on each road shall be required.
- c. Sign shall include the requested use sought in the application and the time, date, and location of the public hearing.
- d. For properties that have 150 feet (150') or more of road frontage, signs shall be placed every 150 feet (150'), and be clearly visible to passing vehicle and pedestrian traffic.

Photographic proof of posting of the required public notice signs shall be provided to the City's Administrative Official at least ten (10) days prior to the public hearing.

3. Letters of Public Notice

The applicant shall mail, by USPS First class mail with Certificates of Mailing, a notice of the public hearing to all property owners within two hundred feet (200') of the property or within two (2) adjacent lots. Notice must be mailed at least fifteen (15) days prior to the public hearing. The applicant shall be responsible for obtaining an accurate list of the names and last known addresses of the owners of record of all property within two hundred feet (200') or within two (2) adjacent lots.

Notice shall be made using a completed form provided by the City of Greenbrier which shall at least include a description of the requested use, location, and the date, time, and location of the public hearing. The applicant may include additional information regarding the application.

Proof of mailing, including Certificates of Mailing, a copy of the notice letter, and an accurate list of the names and last known addresses of the owners of record for properties within two hundred feet (200') or within two (2) adjacent lots shall be provided to the City's Administrative Official at least ten (10) days prior to the public hearing.

B. Lot-Split, Minor Subdivision, and Subdivision Notification Requirements

No public hearing shall be required for any lot-split, minor subdivision, or preliminary subdivision approval application. Yet public notice shall be required for such applications to properly inform surrounding property owners to developments within their vicinity. Public notice of applications for lot-splits within recorded subdivisions (family or otherwise), minor subdivisions, and preliminary approval for subdivisions shall consist of public notice signs on the property and mailed notice to property owners within two hundred feet (200') or within two (2) adjacent lots. No specified application may be heard by the Planning Commission until all forms of public notice have been made and proof of notice is presented. The following requirements shall satisfy public notice requirements:

1. Public Notice Signs

The applicant shall be responsible for posting a sign or signs of public notice on the property at least fifteen (15) days prior to the application being heard by the Planning Commission. Sign posting shall meet the following requirements:

- a. Sign or poster shall be supplied by the City of Greenbrier upon a payment of twenty dollars (\$20) per sign made at the City of Greenbrier City Hall during normal business hours.
- b. Sign shall be conspicuously placed at the property line nearest the street, and be clearly visible to passing vehicle and pedestrian traffic. If the property is located at an intersection of two roads, a sign on each road shall be required.
- c. Sign shall include the requested use sought in the application and the time, date, and location of the public hearing.

- d. For properties that have 150 feet (150') or more of road frontage, signs shall be placed every 150 feet (150'), and be clearly visible to passing vehicle and pedestrian traffic.

Photographic proof of posting of the required public notice signs shall be provided to the City's Administrative Official at least ten (10) days prior to the Planning Commission meeting where the application will be considered.

2. Letters of Public Notice

The applicant shall mail, by USPS First class mail with Certificates of Mailing, a notice of consideration to all property owners within two hundred feet (200') of the property or within two (2) adjacent lots. Notice must be mailed at least fifteen (15) days prior to the application being considered by the Planning Commission. The applicant shall be responsible for obtaining an accurate list of the names and last known addresses of the owners of record of all property within two hundred feet (200') or within two (2) adjacent lots.

Notice shall be made using a completed form provided by the City of Greenbrier which shall at least include a description of the requested use, location, the date and time where the application will be considered, and shall specify that no public hearing will be held regarding the application. The applicant may include additional information regarding the application.

Proof of mailing, including Certificates of Mailing, a copy of the notice letter, and an accurate list of the names and last known addresses of the owners of record for properties within two hundred feet (200') or within two (2) adjacent lots shall be provided to the City's Administrative Official at least ten (10) days prior to the application being considered by the Planning Commission.

Additional Changes to Zoning Ordinances/Subdivision Regulations

Part I, Article II, Section 6:

No changes need to be made, the current section already states that applications for rezoning need to refer to I/X/6 "Notification Requirements".

Part I, Article IV, Section 3 (Procedure for Authorizing): *All of the bullet point "2." should be replaced.*

~~"The City Planning Commission shall hold a public hearing thereon. At least fifteen (15) days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Greenbrier at the petitioner's expense. The Public notice shall give the particular location of the property and the type of use for which the permit is requested. Additionally, the petitioner shall post on the property in a conspicuous location a sign provided by the City Building Inspector which shall notify the general public of the proposed use and public hearing. See additional notice requirements, also applicable to Special Use Permits, listed under this Ordinance, Part I, Article X, Section 6 (Notification Requirements)"~~

Added: *"The City Planning Commission shall hold a public hearing thereon. Notification for the public hearing should follow the notice requirements listed under this Ordinance, Part I, Article X, Section 6, Subsection A (Public Hearing Notification Requirements)"*

Part I, Article IX, Section 3, Subsection B "Variances": *An additional bullet point should be added at the end of the subsection stating the following:*

" (8) The City Planning Commission shall hold a public hearing for variance requests. Notification for the public hearing should follow the notice requirements listed under this Ordinance, Part I, Article X, Section 6, Subsection A (Public Hearing Notification Requirements). "

Part II, Article V, Section 2, Subsection B "Submission Requirements": *An added bullet point to the list of submission requirements will specify the need for proof that notification requirements have been met.*

"5) Proof that notification has been made following the requirements outlined in this Ordinance, Part I, Article X, Section 6, Subsection B (Lot-Split, Minor Subdivision, and Subdivision Notification Requirements)"

Part II, Article VII, Section 2 "Procedure": Additional language should be added to the second paragraph, indicating the need for notification for minor subdivisions and lot-splits.

"The Application for Approval of Lot-Split or Minor Subdivision shall consist of a letter, a map, *proof that notification has been made following the requirements outlined in this Ordinance, Part I, Article X, Section 6, Subsection B (Lot-Split, Minor Subdivision, and Subdivision Notification Requirements)*, and such other data and information as may be desirable to support the Planning Commission's approval. Three (3) copies of the Plat Map shall be included with the Application; and the letter shall state the subdivider's intentions regarding the lot-split or minor subdivision. The required content of the plat is set forth below in Section 3."

Part II, Article VIII, Section 3 "Variances": An additional bullet point should be added at the end of the subsection stating the following:

" 5) The City Planning Commission shall hold a public hearing for variance requests. Notification for the public hearing should follow the notice requirements listed under this Ordinance, Part I, Article X, Section 6, Subsection A (Public Hearing Notification Requirements)."

AFFIDAVIT OF POSTING OF ORDINANCE NO. 2025-01

I, the undersigned Affiant, having been properly sworn, do hereby state under oath that, while acting in the capacity of employee or official of the City of Greenbrier, and pursuant to the direction of the City Administration and the City's current "Posting" Ordinance, I have personally posted a true, correct, and legible copy of the above-designated City Ordinance at the following locations on the dates and at the times indicated:

1. Tires For Less, Inc. at 110 S. Broadview, on February 4, 2025 at 8:53 am/pm
2. Double B's Conoco at 4 N. Broadview, on February 4, 2025 at 9:03 am/pm
3. Same Ole Joe's Pizza at 44 S. Broadview, on February 4, 2025 at 8:57 am/pm
4. Satterfield's Station at 104 S. Broadview, on February 4, 2025 at 8:47 am/pm
5. American Drugs & Herbs at 1 E. Main St., on February 4, 2025 at 9:00 am/pm

EXECUTED this 4 day of February 4, 2025

Josh Acre
Printed Name of Affiant

[Signature]
Signature of Affiant

ACKNOWLEDGMENT

STATE OF ARKANSAS
COUNTY OF FAULKNER

BE IT REMEMBERED That on this date came before the undersigned Notary Public, duly commissioned and acting within and for the County aforesaid, Josh Acre, satisfactorily proven to be the person whose name is subscribed to the foregoing instrument, who, after having been properly placed sworn, subscribed the same under oath, acknowledging that he/she executed the same for the consideration and purposes therein mentioned and set-forth.

WITNESS my hand and seal as such Notary Public, this 4th day of February, 2025

My Commission expires: 10/19/2033
(SEAL)

