

ORDINANCE NO. 2009- 67

BE IT ORDAINED BY THE QUORUM COURT
OF THE COUNTY OF WASHINGTON,
STATE OF ARKANSAS, AN ORDINANCE
TO BE ENTITLED:

KAREN COMBS PRITCHARD
CO. & PROBATE CLERK
WASHINGTON CO. ARK.

2009 DEC 14 AM 9:34

FILED

AN ORDINANCE AMENDING ORDINANCE
NO. 2009-43 AUTHORIZING THE ZONING
BOARD OF ADJUSTMENT TO RECONSIDER
CONDITIONS IF NO APPEAL HAS BEEN
FILED; AND AMENDING OTHER MATTERS
CONCERNING APPEALS.

WHEREAS, Ordinance No. 2009-43 provided a mechanism
for the Zoning Board of Adjustment to reconsider Conditional Use Permits prior to the
expiration for appeals; and,

WHEREAS, it has been determined that there also needs to
be a mechanism to reconsider certain conditions after the time for appeals has run.

NOW, THEREFORE, BE IT ENACTED BY THE QUORUM
COURT OF WASHINGTON COUNTY, ARKANSAS:

ARTICLE 1. Ordinance No. 2009-43 is hereby amended by
adding the following:

11-206. Appeals from Board.

- (a) Decisions of the Board shall be appealed first to the Quorum Court; said appeal shall be perfected by filing a Notice of Appeal on a form to be provided by the Planning Administrator and filed with the County Clerk no later than thirty (30) days after the decision of the Board.
- (b) Before said thirty (30) day period has expired, upon concurrence of the Planning Director and the Planning Board Chairman, any decision made by the Board shall be reconsidered by the Board, in which event the thirty (30) day period to appeal shall be tolled and begin anew once the Board has reconsidered its decision.
- (c) After the expiration of said thirty (30) day period, if no appeal has been filed, upon concurrence of the Planning Director and Planning Board Chairman, the Board shall reconsider any conditions it has imposed due to unforeseen circumstances or consequences; such shall be heard by the Board in the same manner as the original Conditional Use Permit application; however, no submittal fees shall be charged.

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- (d) No hearing shall be set until the full thirty (30) day appeal period has run.
- (e) Individual notice to surrounding property owners shall be given by regular mail to those who were notified of the Board meeting no less than ~~ten (10)~~ twenty (20) days prior to said hearing by the Planning Office.
- (f) Any written documents that are to be submitted to the Quorum Court shall be submitted to the County Judge's Office no later than ~~five (5)~~ ten (10) days prior to the hearing; by majority vote of the Quorum Court, any submission later than ~~five (5)~~ ten (10) days prior to the meeting may be received.
- (g) The Quorum Court will follow the same procedures as the Board, unless it decides otherwise by majority vote.
- (h) After the decision by the Quorum Court, an appeal may be taken to Circuit Court within thirty (30) days from said decision.



MARILYN EDWARDS, County Judge

12/14/09

DATE



KAREN COMBS PRITCHARD, County Clerk

Sponsor: Candy Clark
Date of Passage: December 10, 2009
Votes For: 13 Votes Against: 0
Abstention: 0 Absent: 0