

SECTION 35 INITIATION

Amendments to this ordinance may be initiated by the City Council, Planning Commission or any owner of property in the City of Rogers.

SECTION 36 CITY COUNCIL AND PLANNING COMMISSION APPLICATION

The City Council or Planning Commission may initiate an amendment to this ordinance by passage of a resolution setting forth the requested change. Upon receipt of the resolution the Planning Commission shall hold a public hearing and all procedures shall be the same as an application from a property owner.

SECTION 37 PROPERTY OWNER APPLICATION

Any owner of property or their authorized agent in the City of Rogers may request an amendment to this ordinance by filing an application and payment of fees with the Planning Administrator on forms provided by the City. Upon receipt of an application and payment of fees the Planning Administrator shall schedule a public hearing and publish a public notice in a newspaper having general circulation in the city at least one time fifteen (15) days prior to the day of the public hearing. The public notice shall state the nature of the request and the time, date and location of the public hearing.

SECTION 38 PUBLIC HEARING PROCEDURE

The Chairman shall call the Commission to order and cause the members present or absent to be recorded. The Chairman shall advise those present of the procedure followed in the hearing, announce the name of the applicant, the location of the property involved and the nature of the request.

The Chairman shall first call upon the applicant to present his/her case and all evidence supporting the request, Commission members may question the applicant after his/her presentation. The Chairman shall then inquire if there are others who support the request and allow them to speak. Commission members may question others following their presentation. The applicant shall then have the right to rebuttal to arguments presented by the opposition. Following the rebuttal and any other questions by Commission members, the Chairman shall close the public hearing. During the public hearing, each side shall proceed without interruption and all arguments and pleadings shall be addressed to the Commission. No questioning and arguments between individuals will be permitted.

SECTION 39 PLANNING COMMISSION ACTION

Following the public hearing the Planning Commission may approve the proposed amendment as presented, approve a modified form of either less land area or more restrictive zone or deny the application. An application may be tabled to a time and date certain for further study. If no action is taken by the Planning Commission within forty-five (45) days of the public hearing date then the application shall be considered approved and shall be forwarded to the City Council for consideration. The forty-five (45) days period may be extended if the applicant agrees to the extension either by so stating at a public meeting of the Planning Commission or in writing to the Planning Commission.

An approved application or an approved modified application shall be forwarded to the City Council for final consideration. A denied application may be appealed by the applicant to the City Council. The applicant may appeal a denied application by filing a letter of appeal with the City Clerk with fifteen (15) days of the public hearing at which the application was denied. The letter of appeal shall state why the applicant feels the Planning Commission decision was in error.

An application may be withdrawn by the applicant any time prior to the public notice being give to the newspaper. After public notice has been give only the Planning Commission by majority vote in a public meeting may allow an application to be withdrawn.

Any part or all of a property involved in an application which was denied or withdrawn after public hearing shall not be resubmitted for a period of one (1) year from the date of last action on the application.

The Planning Commission may allow an application to filed in less than one (1) year if by majority vote it finds that a public benefit would result or that new information has been presented which was not available at the previous hearing.

SECTION 40 CITY COUNCIL ACTION

The City Council may approve a recommended amendment submitted by the Planning Commission, modify a recommended amendment to a more restrictive district or to include less land, table a recommended amendment for referral back to the Planning Commission for further study and subsequent recommendation or deny a recommended amendment. Any action of the City Council shall be by majority vote and all approved amendments shall be by ordinance.

SECTION 41 ENFORCEMENT

The Planning Administrator designated by the City Council shall enforce the zoning ordinance. The building permit and the occupancy permit process shall be the tools used by the City for enforcement.

No building permit or occupancy permit shall be issued for a structure, which proposed a use that is not permitted in the zoning district in which the structure is located. No use of a property shall be permitted which is contrary to the requirements of the district in which that property is located. No building permit or occupancy permit shall be issued for a structure, which does not conform to the bulk and area requirements of this ordinance after the effective date of this ordinance.

No building or other structure shall be erected, moved, added to or structurally altered without a building permit issued by the enforcement official. No building or other structure shall be occupied without an occupancy permit issued by the enforcement official.

SECTION 42 PENALTIES

Violation of the provisions of this ordinance including any special conditions established under conditional uses or by Board of Adjustment action shall constitute a misdemeanor. Any person, firm, corporation, etc., that violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined in the sum not to exceed two-hundred and fifty dollars (\$250.00) for each day that the violation may be unlawfully continued.

SECTION 43 ADMINISTRATION

This ordinance shall be administered by the Planning Administrator designated by the City Council. The administrative office shall be responsible for receiving applications, public notices, agendas, processing applications, Planning Commission and Board of Adjustment meetings, and any other administrative requirements of this ordinance.

Any person may file a complaint of an alleged violation of this ordinance. The administrative officer shall investigate all complaints and determine if a violation exists. If a violation exists, the administrative officer shall inform the owner of the property in violation in writing citing the section of the ordinance in violation and give the owner thirty (30) days to correct the violation. The administrative officer may give the owner a specified period of time greater than thirty (30) days if the nature of the violation requires a greater time period. If the violation is not corrected in the time period specified, the administrative officer shall refer the matter to the City Attorney for appropriate action.

SECTION 44 PURPOSE

The purpose of this article is to provide the minimum standards to safeguard life, health, property, public welfare and community aesthetics, by regulating and controlling the location, design and quality of maintenance of signs visible to the public.

SECTION 45 ADMINISTRATION

The requirements of this article shall be administered by the City Planning Department and or it's designated representative.