ORDINANCE NO. O-07-73

AN ORDINANCE AMENDING THE CONWAY ZONING ORDINANCE TO REQUIRE NOTIFICATION OF THE PUBLIC OF AN APPEAL TO THE CITY COUNCIL OF A PLANNING COMMISSION DENIAL, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES:

Whereas, the City of Conway wishes to alert the public of a pending City Council review, and:

Whereas, the City of Conway wishes to encourage public input on appealed Planning Commission denials:

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

Section 1: Conditional Use Permit – That Section 901.2.F. Disapproval of the Conway Zoning Ordinance as adopted by Ordinance 0-94-54 on September 27, 1994 is hereby amended to add the following language:

F. Disapproval: If a conditional use permit request is disapproved by the Planning Commission, the petitioner may appeal such disapproval to the City Council in writing, stating why he considers the Planning Commission’s findings and decisions to be in error. Such appeal shall be filed with the Designated Agent within thirty (30) days of the date the Planning Commission disapproves the conditional use permit request. A public hearing sign announcing the appeal must be posted on the property no later than 7 days prior to the City Council meeting at which the appeal will be heard. The applicant shall obtain the sign from the Conway Planning Department and shall pay a fee as established by the City of Conway for the sign. The fee is not refundable and the sign is not required to be returned. If such a request is not appealed, the decision of the Planning Commission shall be final and no further action on the request shall take place.

Section 2: Rezoning – That Section 901.4.C.3.G Disapproval of the Conway Zoning Ordinance as adopted by Ordinance 0-94-54 on September 27, 1994 is hereby amended to add the following language:

g. Following disapproval of a proposed amendment by the Planning Commission, the petitioner may appeal such disapproval to the City Council in writing, stating why he considers the Planning Commission’s findings and decisions to be in error. Such appeal shall be filed with the Designated Agent within thirty (30) days of the date the Planning Commission disapproves the request. A public hearing sign announcing the appeal must be posted on the property no later than 7 days prior to the City Council meeting at which the appeal will be heard. The applicant shall obtain the sign from the Conway Planning Department and shall pay a fee as established by the City of Conway for the sign. The fee is not refundable and the sign is not required to be returned. If such a request is not appealed, the decision of the Planning Commission shall be final and no further action on the request shall take place.
Section 3: Building Moving - That Section 1001.5. Hearing of the Conway Zoning Ordinance as adopted by Ordinance 0-94-54 on September 27, 1994 is hereby amended to add the following language:

At the time of the scheduled public hearing, any person may appear before the Planning Commission of the City of Conway and make objections to the granting of said permit. After hearing the application and all objections, if any, to such application for a permit, the Planning Commission of Conway shall approve or disapprove of the application.

Following disapproval of a proposed building moving permit request by the Planning Commission, the petitioner may appeal such disapproval to the City Council in writing, stating why he considers the Planning Commission’s findings and decisions to be in error. Such appeal shall be filed with the Designated Agent within thirty (30) days of the date the Planning Commission disapproves the request. A public hearing sign announcing the appeal must be posted on the property no later than 7 days prior to the City Council meeting at which the appeal will be heard. The applicant shall obtain the sign from the Conway Planning Department and shall pay a fee as established by the City of Conway for the sign. The fee is not refundable and the sign is not required to be returned. If such a request is not appealed, the decision of the Planning Commission shall be final and no further action on the request shall take place.

The City Council of the City of Conway may in its discretion either grant or deny the application for a permit, and may attach any conditions to said permit deemed necessary by said council.

Section 4: That any ordinances or parts of ordinances in effect at the time of the passage of this ordinance that are in conflict with this ordinance are repealed to the extent of the conflict.

Section 5: That this ordinance is necessary for the protection of the public peace, health and safety and an emergency is hereby declared to exist, and this ordinance will be in full force and effect from and after its passage and approval.

PASSED this ______ day of ______, 2007.

Approved:

[Signature]
Mayor Tab Townsell

Attest:

[Signature]
Michael O. Garrett
City Clerk/Treasurer