

**016893**

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 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 26<sup>th</sup> day of June, 2007.

Approved:



Mayor Tab **Townsell**

Attest:



Michael O. Garrett  
City **Clerk/Treasurer**