



City of Conway, Arkansas
Ordinance No. O-09-102

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#327602

AN ORDINANCE AMENDING SECTION 401.9 PLANNED UNIT DEVELOPMENT OF THE CONWAY ZONING ORDINANCE TO REQUIRE PUBLIC NOTICE OF MAJOR MODIFICATION PUBLIC HEARINGS, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES:

WHEREAS, it is desirable to provide sufficient notice to the public when approval for major modifications to Planned Unit Development final development plans are sought from the Planning Commission;

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

Section 1: That Article 401.9 (D)(2) of the Conway Zoning Ordinance as adopted by Ordinance No. O-09-69 be amended as follows:

2. Major Modifications

Major modifications are tentatively granted by the Director of Planning and Development and require City Council notification. A modification that would result in any of the following will be deemed major: expansion of the types of land uses specifically allowed in the approved development plan; change in the character, function, or number of driveways or streets approved in the development plan; foreseeable significant increase in traffic volume or foreseeable negative impacts on traffic flow; reduction in the amount and/or distribution of common open space; or any significant change to the nature or character of the approved development. Additionally, the Director of Planning and Development may elect to follow the method for major modification approval for any modification of any lesser magnitude, particularly if such modification is deemed to be in the public interest.

a. Major Modification Approved by Director of Planning and Development.

The Director of Planning and Development may approve the major modification and grant the request.

- i. City Council Notification: If the Director of Planning and Development grants the requested major modification, he/she must notify all City Council members on the same day that the modification is granted. The notification must be delivered by letter, email, telephone contact, placement of a notice in each Councilperson's mailbox at City Hall, or another manner approved by the Mayor.

ii. City Council Objections: If any individual City Council member objects to the major modification, the Council member must notify the Director of Planning and Development of such objection within no less than five (5) working days from the date of the Director's decision to grant the request. Upon receiving an objection from a Council member, the Director shall refer the major modification request to the Planning Commission for review ~~at the next scheduled meeting of the Planning Commission.~~

(a) Public Notice of Planning Commission Hearing. Prior to the Planning Commission's review of the PUD modification request, sufficient notice of a public hearing for rezoning shall be furnished in accordance with state law and per the public hearing procedure outlined in Article 901.4(C)(3) of the Conway Zoning Ordinance.

~~(a)~~ (b) Planning Commission Approval. After reviewing the major modification request, the Planning Commission may grant the request.

~~(b)~~ (c) Planning Commission Denial. After reviewing the major modification request, the Planning Commission may deny the request. If the Planning Commission denies the major modification request, the applicant may appeal the decision to the City Council by submitting a notice of appeal to the Planning and Development Department no less than thirty (30) working days from the date of the Planning Commission's decision. The appeal shall be placed on the agenda of the next scheduled meeting of the City Council. The City Council's decision is final.

b. Major Modification Denied by Director of Planning and Development. The Director of Planning and Development may deny the major modification request. The Director's decision may be appealed to the Planning Commission by notifying the Planning Commission of such appeal no less than thirty (30) working days from the date of the Director's decision to deny the major modification request.

i. Public Notice of Planning Commission Hearing. Prior to the Planning Commission's review of the PUD modification request, sufficient notice of a public hearing for rezoning shall be furnished in accordance with state law and per the public hearing procedure outlined in Article 901.4(C)(3) of the Conway Zoning Ordinance.

~~i.~~ ii. Planning Commission Approval. After reviewing the major modification request, the Planning Commission may grant the request.

~~ii.~~ iii. Planning Commission Denial. After reviewing the major modification request, the Planning Commission may deny the request. If the Planning Commission denies the major modification

request, the applicant may appeal the decision to the City Council by submitting a notice of appeal to the Planning and Development Department no less than thirty (30) working days from the date of the Planning Commission's decision. The appeal shall be placed on the agenda of the next scheduled meeting of the City Council. The City Council's decision is final.

3. Additional Rules Regarding Modifications

- a. Public Hearing. The request for a major modification shall not subject the entire development plan to a public hearing. Only the portion(s) of the development plan necessary to evaluate the major modification request under consideration is (are) subject to any required public hearing(s).
- b. Precedent. Minor and major modifications shall be considered unique and shall not set precedent for other developments.

Section 2: That all ordinances in conflict herewith are repealed to the extent of the conflict.

Section 3: 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.

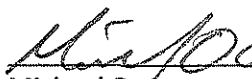
PASSED THIS 1st DAY OF SEPTEMBER, 2009.

Approved:



Mayor Tab Townsell

Attest:



Michael O. Garrett
City Clerk/Treasurer