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ORDINANCE NO. A- 520

99 AN ORDINANCE TO AMEND SECTION 10-29.1(1) OF THE ZONING ORDINANCE OF THE CITY OF CONWAY, ARKANSAS, ADOPTED DECEMBER 22, 1970: DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the Planning Commission of the City of Conway, Arkansas did, on May 17, 1971, conduct a public hearing to ascertain the advisability of amending Section 10-29.1(1) of the Zoning Ordinance of the City of Conway, said hearing having been held following proper call and notice thereof for the time and in the manner required by law and following such hearing it was determined that said Ordinance should be amended as is hereinafter set forth:

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

SECTION 1. That Section 10-29.1(1) of the Zoning Ordinance of the City of Conway, Arkansas, adopted by reference by Ordinance No. A-508 on the 22nd day of December, 1970, be and the same hereby is amended, upon recommendation of the Planning Commission of said City, to read as follows:

"Alteration or Enlargement of Building;; and Structures:

A building or structure which is conforming as to use, but is non-conforming as to yards or height or off-street parking space, may be structurally enlarged or added to provided that the enlargement or addition complies with the yard and height and off-street parking requirements of the district in which such building or structure is located. No Non-conforming structure or building shall be moved, in whole or in part, to another location on the lot unless every portion of such building or structure is made to conform to all of the regulations of the district in which it is located. A non-conforming building or structure may be structurally enlarged or rebuilt on the lot only when all of the following conditions have been met:

- (a) The use of such building or structure will be the same as the use made of such building or structure prior to such enlargement or rebuilding.
- (b) The Planning Commission shall have determined, after a public hearing, that the conforming building or structure and the use thereof provided a needed service to the residents of the immediate area.
- (c) The Planning Commission shall have determined, from plans presented to them of the proposed rebuilding, that all dimensional requirements of the zone are met and that arrangement of the walks, parking and other design features are compatible with the adjoining properties.
- (d) A statement shall be presented to the Planning Commission, signed by each and every property owner and occupant whose property adjoins a lot upon which a non-conforming building or structure is situated, and including those property owners and occupants which face the non-conforming building or structure across a public street, stating that the property owners and occupants have no objection to the continuation of the non-conforming use and the enlargement or rebuilding of the structure.

Nothing in the provisions of the foregoing regulation shall in any manner prevent or prohibit normal maintenance of the premises. 11

SECTION 2. This ordinance is hereby declared to be necessary for the harmonious growth and development of the City of Conway and, therefore, necessary for the preservation and protection of the property, health, safety and welfare of the inhabitants of the City, and an emergency is hereby declared to exist and this ordinance shall take effect and be in force from and after its passage and publication.

PASSEL): June 8, 1971,

APPROVED: _____
Mayor

ATTEST: _____
Clerk-Treasurer