

AN ORDINANCE TO AMEND CHAPTER 117, SECTION 117-32, OF THE CODE OF ORDINANCES OF THE CITY OF JONESBORO, ARKANSAS, TO CLARIFY THE APPEAL PROCESS FOR ADMINISTRATIVE SITE PLAN REVIEWS BY THE METROPOLITAN AREA PLANNING COMMISSION, AND DECLARING AN EMERGENCY TO UPDATE THE EXISTING ORDINANCES FOR THE PURPOSE OF PROMOTING AND ACCOMMODATE SOUND GROWTH WITHIN THE DEVELOPMENT COMMUNITY

WHEREAS, the Arkansas State Code grants local governments the authority to adopt a Zoning Ordinance under Section 14-56-416, which consists of both a map and text, and

WHEREAS, such ordinance may regulate the location, height, bulk, number of stories, and size of buildings; open space; lot coverage; density and distribution of population; and the uses of land, buildings, and structures, and

WHEREAS, such ordinance may provide for districts of compatible uses, for large scale unified development, for elimination of uses not in conformance with provisions of the ordinance, and for such other matters as are necessary to the health, safety, and general welfare of the municipality, and

WHEREAS, Arkansas State Code Section 14-56-425 establishes procedures for appeals to circuit court on administrative decisions of such zoning issues, and

WHEREAS, the Metropolitan Area Planning Commission considered the subject text amendment and forwards its recommendation to the City of Jonesboro Public Works Council Committee for further consideration during its regular session on December 10, 2013.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF JONESBORO THAT:

SECTION 1: CHAPTER 117, SECTION 117-32, SECTION (D) SHALL BE AMENDED TO READ AS FOLLOWS:

(d) Site plans shall be required for all multifamily development proposals of five units or more, as well as for all new commercial and industrial development and substantial redevelopment. Such plans shall be reviewed and approved at the staff level, subject to appeal by the applicant to the Metropolitan Area Planning Commission; provided that, large-scale commercial development of over 75,000 square feet of gross floor area, and multifamily developments of more than 48 units shall be approved by the Metropolitan Area Planning Commission.

If the Metropolitan Area Planning Commission denies a Site Plan application, the reasons for such action shall be given to the applicant within 15 days from the date of the decision. The applicant may appeal such commission action (denial), to the city council within 30 days of the commission's action. The appeal shall be in writing to the city clerk, and shall specifically state why the Metropolitan Area Planning Commission's findings and decision was arbitrary, capricious, or otherwise inappropriate.

Appeals of final administrative or quasi-judicial approvals by the Metropolitan Area Planning Commission shall be taken before the County Circuit Court.

SECTION 2: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: It is further found that due to the immediate need to provide clarity to the existing ordinances, an emergency is declared to exist and this ordinance being necessary for the preservation of the public peace, health and safety, shall take effect from and after its passage and approval.