



## Legislation Details (With Text)

<b>File #:</b>	ORD-14:056	<b>Version:</b>	1	<b>Name:</b>	Amend Chapter 117 to clarify the appeals process for conditional use reviews
<b>Type:</b>	Ordinance	<b>Status:</b>			Passed
<b>File created:</b>	8/28/2014	<b>In control:</b>			Public Works Council Committee
<b>On agenda:</b>	9/2/2014	<b>Final action:</b>			9/16/2014
<b>Title:</b>	AN ORDINANCE TO AMEND CHAPTER 117, ARTICLE V. CONDITIONAL USES, SECTION 117-199, SECTION (3) C., OF THE CODE OF ORDINANCES OF THE CITY OF JONESBORO, ARKANSAS, TO CLARIFY THE APPEAL PROCESS FOR CONDITIONAL USE 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				
<b>Sponsors:</b>	Planning				
<b>Indexes:</b>	Code of Ordinances amendment				
<b>Code sections:</b>	Chapter 117 - Zoning				
<b>Attachments:</b>	1. MEMO_Conditonal Use Appeals MAPC Report, 2. Proposed Ordinance_Conditional Use Appeals_Markup, 3. Conditional Use Appeal Process_Memo of Research				

Date	Ver.	Action By	Action	Result
9/16/2014	1	City Council	Passed	Pass
9/2/2014	1	Public Works Council Committee	Recommended to Council	Pass

AN ORDINANCE TO AMEND CHAPTER 117, ARTICLE V. CONDITIONAL USES, SECTION 117-199, SECTION (3) C., OF THE CODE OF ORDINANCES OF THE CITY OF JONESBORO, ARKANSAS, TO CLARIFY THE APPEAL PROCESS FOR CONDITIONAL USE 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

BE IT ORDAINED by the City Council for the City of Jonesboro, Arkansas that:

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, 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, as voted on during its regular session on August 26, 2014.

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

SECTION 1: ARTICLE V. CONDITIONAL USES, SECTION 117-199, SECTION (3) C. SHALL BE AMENDED TO READ AS FOLLOWS:

If the planning commission disapproves or denies a conditional use application, the reasons for such action shall be given to the applicant with 15 days from the date of the decision. The applicant may appeal such commission action, or any condition placed upon application approval, to the city council within 30 days of the commission's action. A property owner or leaseholder who owns or leases property within 200 feet of the subject property to which the conditional use applies, who is aggrieved by such decision of the planning commission shall have the right to appeal 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 planning commission's findings and decision was arbitrary, capricious, and inappropriate. If denied, no application for such use or similar use shall be permitted involving any part of the same property for a period of six months.

The applicant shall:

1. Post notice on weatherproof signs provided by the city;
2. Place the signs on the property that is the subject of the application at least ten days before the public hearing; and
3. Ensure that the signs remain continuously posted until a final decision is made by the Metropolitan Area Planning Commission. At least one sign shall be posted by the applicant for each 150 feet of street frontage, up to a maximum of five signs. Signs shall be placed along each abutting street in a manner that makes them clearly visible to neighboring residents, and passersby. There shall be a minimum of one sign along each abutting street.

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.

PASSED AND ADOPTED this 16th of September, 2014.