ORDINANCE NO. 85-14

AN ORDINANCE AMENDING PARTS OF ARTICLE 8-2 OF THE ATKINS LAND DEVELOPMENT CODE RELATING TO THE PROCEDURES INVOLVED IN OBTAINING CHANGES IN ZONING CLASSIFICATIONS FOR LAND LOCATED IN THE CITY OF ATKINS, AND FOR OTHER PURPOSES.

WHEREAS, some confusion presently exists concerning the correct procedures to follow in re-classifying land in the City of Atkins from one zone to another zone, and

WHEREAS, this problem must be immediately corrected to allow for the uninterrupted and proper re-classifying of property in the City of Atkins,

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

SECTION 1. Article 8-2 B. 2. is amended to read as follows:

Following the public hearing, the proposed amendment may be approved as presented or in modified form by a majority vote of the entire membership of the Planning Commission and recommended for adoption by the City Council, with reasons for such recommendation stated in writing.

SECTION 2. Article 8-2 B. 4. is amended to read as follows:

Following approval by the Planning Commission of a proposed amendment and after receiving from the Planning Commission the reasons for such recommendation, the City Council shall by a majority vote of its entire membership either adopt by ordinance the recommended amendment submitted by the Planning Commission, deny the recommended amendment submitted by the Planning Commission, or return the proposed amendment to the Planning Commission for futher study and recommendation. If the City Council returns the proposed amendment to the Planning Commission for further study and recommendation, the Planning Commission shall thereafter re-examine the petitioner's request for a zoning classification change and then shall submit its recommendation to the City Council. The City Council shall then by a majority vote of its entire membership, grant the request for amendment of the

ordinance or deny the petitioner's request for a change in zoning classification.

SECTION 3. Article 8-2 B.5. is amended to read as follows:

Following disapproval by the Planning Commission, of a proposed amendment, the petitioner may appeal such disapproval to the City Council by filing a notice of appeal with the City Clerk. The petitioner shall state specifically in the notice of appeal the reasons for disagreement with the Planning Commission's findings and decision. Such appeal shall be filed with the City Clerk within 15 days of the date the petitioner receives the notice of disapproval from the Planning Commission. The procedure for review by the City Council shall be the same as the procedure to be followed when a proposed amendment has been recommended by the Planning Commission for approval by the City Council.

SECTION 4. Article 8-2 C. is amended to read as follows:

No application for a zoning amendment will be considered by the Planning Commission within twelve months from the date of the last disapproval of a proposed amendment by the Planning Commission or the City Council, unless the Planning Commission by a majority vote of its entire membership waives this provision.

SECTION 5. This ordinance being necessary for the preservation of the health and safety of the residents of Atkins, an emergency is hereby declared to exist and this ordinance shall be effective immediately upon and after its passage and approval, this 13th day of August, 1985.

Dallas L. Swain
DALLAS L. SWAIN, MAYOR

ATTESTED:
Syble Marple
SYBLE MARPLE, CITY CLERK