

CITY OF CONWAY, ARKANSAS

REZONING GUIDELINES AND PROCEDURES

Effective on and after March 28, 1995

NOTE: This handout does not cover all requirements for Planned Unit Development (PUD). See Conway Zoning Ordinance.

This handout is available as a Word and PDF document at the Conway Planning & Development Department's website: www.conwayplanning.org

Guidelines for decision making by the City Council

1. The City Council may consider various recommendations and planning documents from several sources such as the Planning Commission, planning staff and the Comprehensive Plan in determining if a rezoning is appropriate.
2. Any denial of a rezoning by the City Council shall be final for one year and the same application may not be reinitiated until the expiration of that deadline.
3. No petition for rezoning shall be reviewed by the City Council without a report from the Planning Commission.

Procedure

1. The Petitioner must pay a filing fee of \$325 for any rezoning request other than PUD. If the requested rezoning is PUD, Petitioner must pay \$1,125 for non-residential; for residential up to 10 units the fee is \$525, for up to 25 units the fee is \$725, or for 26 units or more the fee is \$1,125.
2. The Application for Rezoning must be submitted to the Planning Commission **no less than 17 days prior to the public hearing.** (See attached Planning Commission schedule)
3. The Application must include a statement and a diagram explaining why the proposed rezoning will not conflict with surrounding land use.
4. An original proposed ordinance for rezoning the property will also be submitted with the application. (See attached sample ordinance)
5. The petitioner must place a notice of public hearing in the Log Cabin Democrat appearing **at least once, 15 days prior to the public hearing.** The notice must include:
 - (a) The current zoning and the rezoning being sought,
 - (b) The location (including legal description and address. If no address is available, a description, that is clear to the average person, will suffice) and
 - (c) The time, date, and place of the public hearing. (See attached copy of the scheduled Planning Commission dates. Meetings are held each month at 7:00 pm in the District Court Building, 810 Parkway.)The public notice must be headed "Public Notice" and include the name of the current chairperson of the Planning Commission.
6. The petitioner must post one or more public hearing signs on the property to be rezoned. The sign(s) should be clearly visible and unobstructed to the passing general public. The sign(s) must be posted on or near the front property line **no later than 15 days prior to the public hearing.** The disposable sign(s) is obtained from the Planning & Development Department. The cost of the sign is \$7.50. The sign(s) should remain on the property until the public hearing before Planning Commission.
7. The petitioner for rezoning must notify by certified letter and / or petition, **no less than 15 days prior to the public hearing,** all property owners within 200 feet of the petitioner's property, of the intention to rezone. The petitioner must state the date and time of the public hearing in the certified letter and / or petition. The postmarked certified receipts and / or return receipts and / or petition must be submitted to the Planning & Development Department staff **no later than 10 days prior to the public hearing.** A **map** showing the

location of the property and a **letter** from the petitioner certifying that the map shows a complete list of those property owners should also be submitted at that time. This map is used to verify that all property owners have been notified.

8. Following the public hearing, the proposed rezoning may be approved as presented, or in modified form, by a majority vote of the Planning Commission. The recommendation for approval is then sent to the City Council.
9. If the Planning Commission recommends disapproval of a proposed amendment, the reasons for disapproval will be given in writing to the petitioner within 30 days from the date of the public hearing and the recommendation for disapproval will be sent to the City Council.
10. The City Council then acts on any Planning Commission rezoning recommendation. A petitioner may withdraw the request for rezoning prior to action by the City Council.
11. If the rezoning ordinance is passed, it is required that the City Clerk publish the ordinance in the Log Cabin Democrat. The City Clerk will bill the petitioner for the publication fee.

It should be noted that this is not an exhaustive guideline regarding rezoning and applications for rezoning. Additional information is available in the City of Conway Zoning Ordinance.

Checklist of Items for Rezoning

- ❑ **Application for Rezoning** – Filed with the Planning & Development Department no later than 17 days prior to the public hearing.
- ❑ **Statement and Diagram Explaining Why Changes Will Not Conflict With Surrounding Uses** – Filed with the Planning & Development Department no later than 17 days prior to the public hearing.
- ❑ **Copy of Ordinance** – Filed with the Planning & Development Department no later than 17 days prior to the public hearing
- ❑ **Filing Fee of \$325** or as applicable for PUD (see item 1 under Procedures on preceding page) – Paid at the Planning & Development Department no later than 17 days prior to the public hearing.
- ❑ **Sign** – The disposable sign is obtained at the Planning & Development Department. The cost of the sign is \$7.50. The sign must be posted no later than 15 days prior to the public hearing.
- ❑ **Proof of Publication** – Obtained from the Log Cabin Democrat after the placement of the public notice. The ad must appear at least once no later than 15 days prior to the public hearing. Filed with the Planning & Development Department.
- ❑ **Certified Letters and / or Petitions to All Owners within 200 Feet** – After notification, the postmarked certified receipts and / or return receipts and / or petition are filed with the Planning & Development Department. Notification must be made no later than 15 days prior to the public hearing.
- ❑ **Map showing Property Owners within 200 Feet** – A map including the names of property owners. Filed at the Planning & Development Department along with the certified receipts-returns and / or petitions no later than 10 days prior to the public hearing.
- ❑ **Planning Commission bylaws require a representative be present at the Planning Commission meeting for each request. If no representative is present, the request will be held in committee.**

**Application for Zoning Change
Conway Planning Commission
City of Conway, Arkansas**

Present Zoning Classification: _____

Classification Desired: _____

Location of Property involved (Legal Description):

Street Address: _____

Date: _____

Signature of Owner / Applicant: _____

Home Address: _____

Phone: _____

Notice of Public Hearing and Certified Letter Format

The information below is to be included in the newspaper notification and certified letters.

Notice is hereby given that (name) _____ has filed an application with the Conway City Planning Commission requesting to rezone from (present zoning) _____ to (requested zoning) _____ the following described property:

Legal Description

The Address (Number & Street)

(If no address is available, provide a description that is clear to the average person)

A public hearing on said request will be held at 7:00 p.m. (date) _____, in the District Court Building, 810 Parkway.

Craig Cloud
Chairman 2012
City Planning Commission
Conway, Arkansas

NOTE: Please remember to replace the signature block in your certified letters with your own name and information. The letters are from you the applicant. The Legal Notice in the paper requires the Planning Commission chair's info.

This notice is to be run in the legal notices section of the Log Cabin Democrat no later than 15 days prior to the public hearing.

Deadline for Legal Notices

The deadline for the legal notices is 2 pm two business days before publication (*see note below if you are in doubt about the deadline for a particular edition*). Legals that are longer than two typewritten pages of 8 1/2" x 14" double-spaced material will require an extra day for preparation. Legals may be e-mailed to legals@thecabin.net or faxed to 501-327-6787 or dropped off at the office at 1058 Front Street. Questions concerning the Log Cabin Democrat's procedures should be directed to:

Legals
Log Cabin Democrat
1058 Front Street
PO Box 969
Conway, AR 72032
501-327-2727

Log Cabin Democrat Deadlines

Edition..... Deadline

Sunday..... 2 p.m. Thursday

Monday..... 2 p.m. Thursday

Tuesday..... 2 p.m. Friday

Wednesday..... 2 p.m. Monday

Thursday..... 2 p.m. Tuesday

Friday..... 2 p.m. Wednesday

Saturday..... 2 p.m. Thursday

(Sample Ordinance for Zone Change. Final copy must be typewritten or equivalent)

Ordinance No. O - 12 – _____

AN ORDINANCE AMENDING SECTIONS 201.1 AND 201.3 OF THE CONWAY LAND DEVELOPMENT CODE:

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

Section 1: That the Zoning District Boundary Map of the Conway Land Development code be amended by changing all the **(existing zone)**_____ symbols and indications as shown on the Zoning District Boundary Map in an area described as follows:

(Provide a complete, legal description of the property.)

to those of **(zone being requested)**_____, and a corresponding use district is hereby established in the area above described and said property is hereby rezoned.

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

PASSED this _____ day of _____, 20____.

APPROVED:

Mayor

ATTEST:

City Clerk

2012

CONWAY PLANNING COMMISSION SCHEDULED MEETING DATES

MONTH	MEETING DATE	SUBMISSIONS DUE
January	<u>Tuesday</u> , January 17	Friday, December 30
February	<u>Tuesday</u> , February 21	Friday, February 3
March	Monday, March 12	Friday, February 24
April	Monday, April 16	Friday, March 30
May	Monday, May 21	Friday, May 4
June	Monday, June 18	Friday, June 1
July	Monday, July 16	Friday, June 29
August	Monday, August 20	Friday, August 3
September	Monday, September 17	Friday, August 31
October	Monday, October 15	Friday, September 28
November	Monday, November 19	Friday, November 2
December	Monday, December 17	Friday, November 30

Planning Commission meetings begin at 7:00 p.m. in the Russell L. “Jack” Roberts District Court Building located at 810 Parkway, Conway, Arkansas. The agenda with supporting information for each meeting is posted at www.conwayplanning.org.