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ORDINANCE NO. A-306

AN ORDINANCE ESTABLISHING A CITY PLANNING COMMISSION; PRESCRIBING THE NUMBER OF MEMBERS THEREOF; SETTING THE TERM OF OFFICE OF MEMBERS THEREOF; DESCRIBING THE POWERS AND DUTIES THEREOF; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

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

Amended A-331 SECTION 1. Pursuant to the provisions of Act 108 of the Acts of the General Assembly of the State of Arkansas for the year 1929, as amended by Act 295 of the Acts of the General Assembly of the State of Arkansas for the year 1937, there is hereby creating a City Planning Commission for the City of Conway, Arkansas to consist of nine (9) members, at least two-thirds of which members of said Commission shall hold no elective or appointive municipal office. The members of the City Planning Commission shall be nominated by the Mayor and confirmed by the City Council.

Amended A-331 SECTION 2. The members of said City Planning Commission shall each be appointed for a term of three (3) years, commencing with anniversary date of said appointment, provided that the members of said Commission first appointed on the enactment of this ordinance shall be appointed to terms as follows: Three (3) members shall be appointed initially for a term of One (1) year; three (3) members shall be appointed initially for a term of two (2) years; and three (3) members shall be appointed initially for a term of three (3) years. Upon the expiration of the term of any member of the Commission the Mayor shall nominate one person to succeed such member and upon confirmation by the City Council the person so nominated shall be duly appointed a member of the Commission, provided that any member may succeed himself. And should a vacancy occur on said Commission for any reason other than the expiration of the term of any member, then a member shall be selected in the manner aforesaid to serve the unexpired term of such member so vacating the office.

SECTION 3. At a time and place to be designated by the Mayor, which time shall be not more than sixty (60) days after the effective

date of this ordinance, the City Planning Commission shall meet and organize by electing from its members a chairman, a vice chairman and a secretary. The chairman shall hold no other municipal office or appointment.

The City Planning Commission shall make and adopt such rules and regulations to govern its proceedings, which shall provide for a regular meeting date of said Commission at least one time monthly and more often if prescribed by the Commission, and such rules and regulations shall provide for such committees within the Commission as may be found necessary and advisable, and the duties of such committees shall be prescribed by the Commission. No committee may exercise duties delegated by the Acts of the State of Arkansas and this ordinance that are organic to the Commission.

Such rules and regulations may also provide for special meetings and the manner of their calling.

SECTION 4. The City Planning Commission is hereby authorized to employ such assistance (staff, consultants, etc.) as are deemed necessary in carrying out its duties and responsibilities. The City Planning Commission cannot expend or encumber city funds without appropriation thereof having been previously made by the City Council.

SECTION 5. The City Planning Commission as hereby created is vested with all the powers and duties prescribed and set forth in said Act 108 of 1929, as amended by said Act 295 of 1937, and particularly shall make a comprehensive study of present conditions and future growth of the City of Conway and its neighboring and/or adjacent territory, for the purpose of planning a coordinated, adjusted and harmonious development of the municipality and its environs which would promote, in accordance with present and future needs, the safety, morals, order, convenience, prosperity, and general welfare of its citizens; efficiency and economy in the process of development; convenience of traffic; safety from fire and other dangers; adequate light and air; healthful and convenient distribution of population; provision of adequate open spaces; good civic design and arrangement; wise and efficient expenditure of public funds; adequate provision for public utilities; and for other matters pertaining to the public requirements.

SECTION 6. The City Planning Commission shall formulate and maintain a plan of the territory within its planning jurisdiction in accordance with said Act 108 of 1929, as amended by Act 295 of 1937, which plan shall at least embrace the subjects prescribed in said acts, and which shall be adopted by the Commission by resolution after public hearing and notice as provided in said Acts. Upon approval by the City Planning Commission of any such plan or plans the same shall be certified to the City Council of said City of Conway and shall be filed in the office of the City Clerk and in the office of the Circuit Clerk of Faulkner County, Arkansas.

The City Council of the City of Conway, upon receipt of a certified copy of a plan or plans, may accept, amend, modify or reject the plan or plans in whole or in part. On acceptance of a plan or plans by the City Council of the City of Conway they shall be and become in full force and effect and binding upon all persons within the force of the law.

Whenever a plan has been adopted by the City Planning Commission, filed for record and accepted by the City Council, all as aforesaid, the same shall not be changed, altered or amended except by the procedure required by said Act 108 of 1929 as amended by said Act 295 of 1937 for the adoption of a plan as specified above.

When a plan or plans have been so adopted, filed and become effective, no new street, square, park or other public way, ground or open space or any public building or structure or public utility, whether publicly or privately owned, shall be constructed or authorized to be constructed in any section or district of the planning jurisdiction embraced within a plan or plans until the location, character, and extent thereof shall have been submitted to the City Planning Commission in the manner prescribed in said Act 108 of 1929, as amended by said Act 295 of 1937.

SECTION 7. After a master street plan is adopted and filed as provided herein the City Planning Commission shall prepare and administer rules governing the sub-division of land within its jurisdiction in accordance with said Act 108 of 1929, as amended by said Act 295 of 1937.

SECTION 8. The City Planning Commission shall have the authority to cooperate with official and unofficial planning bodies for the purpose of coordinating the preparation of plans for the City of Conway and the adjacent territory.

SECTION 9. All ordinances or parts of ordinances in conflict herewith are hereby repealed, and the provisions of this ordinance shall be deemed to be separable so that if any clause, sentence, paragraph or section, or other portion of this ordinance be found to be unconstitutional or invalid or otherwise inoperative by a court of competent jurisdiction such finding shall not affect the validity of the remainder of these sections, nor shall any proceeding attacking any portion of these sections operate to affect any portion of the remainder of said sections not specifically attacked in said proceeding.

SECTION 10. It is ascertained and declared that it is necessary for the protection and preservation of the public health and safety, and for the protection of the property and welfare of the citizens of the City of Conway, Arkansas that the foregoing ordinance be passed and adopted; that an emergency exists; and that this ordinance shall take effect and be in force from and after its passage and publication.

PASSED Oct 11, 1955

APPROVED

M. M. Datterfield
Mayor

ATTEST

Walter Dumas
City Clerk

(SEAL)