

ORDINANCE NO. 19-793

**AN ORDINANCE AMENDING PORTIONS OF TITLE 14 OF THE CITY
OF GENTRY MUNICIPAL CODE ADOPTING THE SPECIFIC PLAN
ZONING DISTRICT; DECLARING AN EMERGENCY; AND FOR
OTHER PURPOSES.**

WHEREAS, it has come to the attention of the City of Gentry that there is a need to amend portions of Section 14. of the City of Gentry Municipal Code regarding Zoning Districts as is hereinafter set forth.

NOW, therefore, be it ordained by the City Council of the City of Gentry, Arkansas:

SECTION 1. SPECIFIC PLAN (SP) ZONING DISTRICT.

- A. GENERAL DESCRIPTION. The Specific Plan (SP) district provides a means by which individualized zoning standards can be created for defined areas in which conventional zoning cannot achieve desired results. The SP district may be applied as either a base zone or an overlay zone depending on the defined area's needs and the scope of any proposed project(s) within the defined area. Any proposed change in use in the SP district constitutes a REZONING and must be accompanied by a Specific Plan, which is a small-area plan document designed with community input. Each Specific Plan has its own non-transferable set of regulations which may combine some or all of the following elements for a defined area into one document: zoning standards, list of acceptable land uses, design guidelines, infrastructure plan, phasing plan, and other elements as appropriate.
- B. PLANNING COMMISSION APPROVAL. Any rezoning of property within the SP District shall be presented to the Planning Commission for consideration. Upon Planning Commission approval, any such change in use shall be effective only upon adoption of an Ordinance approving such rezoning.
- C. SPECIFIC PLAN (SP) USES AND REQUIREMENTS.
 - 1. All legal existing uses or legal uses made of such property from and after January 1, 2016 are allowed within the SP District.
 - 2. In the event of a proposed change in usage within the SP District, the owner of the property in question must consent to the proposed change in usage.
 - 3. The Planning Commission shall be presented with a written USAGE PLAN, that includes the following items:

- a.** The legal description of the parcel subject to the proposed change;
- b.** A map or aerial photo of the parcel subject to the proposed change and the area immediately surrounding it, showing sufficient topographic data to indicate clearly the character of the terrain; waterways; and the location of existing development;
- c.** A map, drawing or plan depicting the proposed new use of the plan, including a sketch of proposed improvements;
- d.** A detailed description of the proposed new usage, including the following information:
 - i.** Minimum lot area (in square feet);
 - ii.** Minimum lot width at building line (in feet);
 - iii.** Maximum lot coverage (percent);
 - iv.** Setbacks from all sides (in feet);
 - v.** Height restrictions (in feet);
 - vi.** A list of land uses allowed by right or by condition;
 - vii.** A map depicting the location and configuration of all infrastructure and public facilities proposed within property. Such facilities include but are not limited to roads, sewers, lift stations, drainage facilities, fire stations, police substations, parks, libraries, communications equipment, and similar facilities;
 - viii.** A written and illustrated document, describing in detail any design guidelines for the development, including but not limited to architectural style, materials, colors, themes, streetscapes, public realm elements, and similar issues; and
 - ix.** Other elements as appropriate such as grading plans, wildlife mitigation plans, open space management plans, hazardous materials remediation plans, etc.

D. PROCEDURES FOR OBTAINING SP REZONING APPROVAL.

- a.** Notice of Hearing for such rezoning application shall be conspicuously posted on the property and published in a newspaper having circulation in Benton County, Arkansas, for a period of not less than 14 days prior to a public hearing which will be held by the Planning Commission for the purpose of considering the proposed rezoning. The initial public hearing should include a presentation in which the proponent of the rezoning provides possible development or redevelopment scenarios. Additional public meetings, workshops, focus group meetings, open house events, and presentations may be scheduled as requested by the Planning Commission. needed by the Planning and Development Department Director or designee. All meetings shall be advertised at least 14 days in advance via prominent signage, letter or email announcements, or any other means deemed

- practical and appropriate by the Planning Commission.
- b. Following such public hearing, the Planning Commission shall investigate or charge City personnel and/or outside contractors or professionals to investigate existing conditions and previous plans in order to determine feasible future development scenarios. Thereafter, but no sooner than the next regular Planning Commission meeting, may the Planning Commission take action on the rezoning request.
 - c. Prior to the meeting at which the Planning Commission will consider taking action on the SP rezoning request, sufficient notice of a public hearing for rezoning shall be furnished in accordance with the Gentry Municipal Code and Arkansas law. The SP rezoning request must clarify whether the rezoning will change the base zone or add an overlay to the existing base zone. The Planning Commission shall take one of four actions: send the rezoning request to the City Council with a positive recommendation; send the rezoning request to the City Council with a negative recommendation; send the rezoning request to the City Council with no recommendation; or hold the rezoning request in committee pending additional information or clarification. The Planning Commission may require additional public meetings or plan revisions prior to issuing a recommendation.
 - d. City Council Consideration. Upon receiving the SP recommendation from the Planning Commission and reviewing the SP rezoning request and Specific Plan document, the City Council shall consider an ordinance rezoning the lands in question. The City Council shall take one of three actions: approve the SP request as recommended by the Planning Commission; approve the SP request with amendment(s); or deny the SP request.

E. PROCEDURES FOR AMENDING A SPECIFIC PLAN PARCEL OR TRACT.

Changes to a parcel or tract rezoned pursuant to a Specific Plan should occur within the framework of the Specific Plan. If, at any time, any individual, organization, business, and/or City department find it necessary or desirable to amend the approved Specific Plan, a plan modification may be requested. Such request shall be made in writing to the Planning Commission, which will determine whether the requested modification meets the criteria of a minor modification or major modification. All modifications must be consistent with the intent of this ordinance.

- a. Minor Modifications. Minor modifications may be granted on vote of the Planning Commission and do not require notice, hearing or Council approval. For a requested modification to be classified as minor, the modification must alter one or more provisions of the Specific Plan and must not: expand the types of land uses specifically allowed in the approved Specific Plan; change the character, function, or number of streets approved in the Specific Plan;

create any foreseeable significant increase in traffic volume or result in any foreseeable negative impacts on traffic flow; or create any significant change to the nature or character of the approved Specific Plan.

b. Major Modifications. Major modifications may be tentatively approved by the Planning Commission, with the further requirement of Council approval by Ordinance. A modification that would result in any of the following will be deemed major: expansion of the types of land uses specifically allowed in the approved Specific Plan; change in the character, function, or number of streets approved in the Specific Plan; foreseeable significant increase in traffic volume or foreseeable negative impacts on traffic flow; or any significant change to the nature or character of the approved Specific Plan. Additionally, the Planning Commission may elect to follow the method for major modification approval for any modification of any lesser magnitude, particularly if such modification is deemed to be in the public interest.

c. Prior to the Planning Commission's review of the SP district modification request, sufficient notice of a public hearing for rezoning shall be furnished in accordance with state law and per the public hearing procedure outlined in the City of Gentry City Code for a change in zoning. After reviewing the major modification request, the Planning Commission may grant the request, which will then be presented to the City Council for final approval. If the Planning Commission denies the major modification request, the applicant may appeal the decision to the City Council by submitting a notice of appeal to the Gentry Director of Finance no more than thirty (30) days from the date of the Planning Commission's decision. The appeal shall be placed on the agenda of the next scheduled meeting of the City Council. The City Council's decision on the appeal issue is final. Minor and major modifications shall be considered unique and shall not set precedent for other SP districts or developments.

d. Changes to the Specific Plan Document. The text and any affected maps, diagrams, and/or images contained within the Specific Plan document shall be amended to reflect any modification(s) to the Specific Plan.

F. SPECIFIC PLAN AVAILABILITY. All Specific Plans approved and adopted by the City Council shall be maintained on file in the City offices and as printed documents and shall be available for public inspection during regular business hours. Individuals, businesses, and/or organizations desiring printed copies of a specific plan may do so for a reasonable administrative fee per printed page.

G. ZONING MAP DESIGNATION FOR SP DISTRICT. All Zoning Map designations for the SP District shall be noted on the official Zoning Map by the designation "SP,". In the event of adoption of Specific Plan zoning for a property or parcel, its location should be shown on the official Zoning Map and the ordinance number assigned to it upon adoption by the City

Council.

Section 4: Emergency. The lands described herein are part of certain comprehensive changes to the City Zoning Code. An emergency exists in that the zoning changes herein should be implemented immediately in order to be consistent with other zoning within the City. This Ordinance, accordingly being necessary for the preservation of the health, safety and welfare of the citizens of Gentry, Arkansas, shall be in effect immediately upon its passage, approval and publication.

PASSED AND APPROVED THIS 7th day of January, 2019.

ATTEST:

Kevin D. Johnston, Mayor

Tonya Carney, Director of Finance