

**ORDINANCE NO. 2023-10**

**AN ORDINANCE TO AMEND ORDINANCE NO. 2021-02 ESTABLISHING THE CITY OF MALVERN, ARKANSAS PLANNING COMMISSION; AND DECLARING AN EMERGENCY**

WHEREAS, the City of Malvern previously established the City of Malvern Arkansas Planning Commission through Ordinance No. 2021-02; and

WHEREAS, it has been observed that there is a lack of participation from each ward on the Planning Commission, making it challenging to maintain representation from each ward; and

WHEREAS, to address this issue and promote efficiency, it is deemed necessary to amend Ordinance No. 2021-02 to appoint all members of the Planning Commission as at-large members as allowed under A.C.A. §14-56-405;

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

**SECTION 1. Amendment of Membership Composition:**

1. The City of Malvern Planning Commission, as established by Ordinance No. 2021-02, shall be amended as follows:
  - a. The Planning Commission shall consist of five (5) citizen members.
  - b. All members of the Planning Commission shall be at-large members that reside within the city limits of Malvern.
2. The members of the Planning Commission shall continue to be nominated by the Mayor and approved by the City Council.
3. The Planning Commission shall consist of five (5) members, all serving two-year terms following their initial terms as set out herein. The length of the initial terms shall be one (1) year for three (3) of the members and two (2) years for the remaining two (2) members.
4. Any vacancy on the Planning Commission shall be filled by appointment of the Mayor and approval by the City Council for the unexpired portion of the term.
5. The Chairman of the Planning Commission shall continue to be elected by a majority of the members of the Commission.

SECTION 2. Retaining Powers and Duties:

1. The City of Malvern Planning Commission shall retain all powers necessary to carry out duly adopted zoning regulations, land use regulations, and subdivision regulations as set out in Ordinance 601 and all amendments thereto, and other duties and responsibilities as authorized by A.C.A. §14-56-412.

SECTION 3. Repeal of Conflicting Ordinances:

1. Any Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby deemed null and void.


SECTION 4. Effective Date:

1. This ordinance shall become effective immediately upon its passage and approval in accordance with the emergency clause set forth below.

EMERGENCY CLAUSE: It is hereby found and determined that the immediate preservation of the public peace, health, safety, and welfare of the City of Malvern requires the amendment of Ordinance No. 2021-02 to appoint all members of the Planning Commission as at-large members. Therefore, an emergency is declared to exist, and this ordinance being necessary for the immediate preservation of the public peace, health, safety, and welfare of the City of Malvern, shall become effective immediately upon its passage and approval.

PASSED AND ADOPTED this 11<sup>th</sup> day of September 2023

  
Brenda J. Weldon, Mayor

ATTEST:  
  
Kim Taber, City Clerk/Treasurer

