

An Ordinance Providing

ZONING REGULATIONS

for the City

of

BARLING, ARKANSAS

ORDINANCE NO. 183

ORDINANCE NO. 183

AN ORDINANCE PROVIDING ZONING REGULATIONS
FOR THE CITY OF BARLING, ARKANSAS

BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY
OF BARLING, ARKANSAS:

ARTICLE I Purpose

The zoning regulations and districts as herein set forth are enacted to implement in part the land use plan of the City and to promote the health, safety, morals, convenience, order, prosperity, and general welfare of the community; to provide for the establishment of districts within the corporate limit; to regulate within such districts the location, height, bulk, number of stories, and size of buildings and structures, the percentage of lot occupancy, the required open spaces, the density of the population, and the uses of land and buildings. These Regulations have been made with reasonable consideration, among other things as to the character of each district and its peculiar suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

ARTICLE II Definitions

Unless otherwise stated, the following words shall, for the purpose of this Ordinance, have the meaning herein indicated.

1. Accessory use or building. A use or building customarily incident and subordinate to the actual principal use or building and located on the same lot with such actual principal use or building.
2. Alley. A minor public way used for utility easements and vehicular service access to the back or the side of properties abutting a street.
3. Area. This term refers to the amount of land surface in a lot or parcel of land.
4. Area Requirements. The yard, lot area, width of lot, height of structure, and parking requirements as set forth for a specific zone in the Ordinance.
5. Dwelling. A unit intended to be occupied as a housekeeping unit.
6. Family. One or more persons occupying premises and living as a single, non-profit housekeeping unit.

7. Lot. Land occupied or to be occupied by a structure or use and its accessory structures and uses, and including such open spaces as are required under these Regulations and having its principal frontage upon a public street or officially approved place.

8. Mobile Home. Any vehicular or similar portable structure originally having no foundation other than wheels, jacks, or skirtings and so designed or constructed as to permit occupancy for dwelling or sleeping purposes.

9. Non-conforming use of land. That use of land which does not conform to the permitted use of land in the zone in which it is located and which does not utilize a principal or permanent structure.

10. Non-conforming use of structure. That use of a structure which does not conform to the permitted use of structures of the zone in which it is located.

11. Non-conforming structure. That structure which, by its nature, is not intended for uses permitted within the zone in which it is located and/or that structure which does not conform to the area requirements of the zone in which it is located.

12. Open space. Any unoccupied space on the lot that is open and unobstructed to the sky and occupied by no structure or portion of structures whatever.

13. Parking space. Two hundred and fifty (250) square feet of useable and accessible space.

14. Principal use. The chief or main recognized use of a structure or of land.

15. Property line. The line bounding a lot as defined herein.

16. Story. That portion of a structure included between the upper surface of the floor next above; also any portion of a structure used for human occupancy between the topmost floor and the roof. A basement shall not be counted as a story unless the height of the surface of the first floor above the average elevation of the finished lot grade at the structure exceeds four (4) feet.

17. Street. A public way of more than twenty (20) feet established by or maintained under public authority, a private way open for public use, and a private way plotted or laid out for ultimate public use, whether or not constructed.

18. Structure. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structure includes buildings, walls, fences, billboards, and poster panels.

19. Yard. The horizontal distance from a lot line to a parallel designated line. A yard is an open and unoccupied space extending the full distance of the lot.

ARTICLE III Establishment of Districts

Section 1. Classification of Districts.

For the purpose of these Regulations, there are established five (5) zoning districts designated as follows:

- R-1 Single-Family Residential District
- R-2 General Residential District
- C-1 Central Commercial District
- C-2 Highway Commercial District
- I-1 Restricted Industrial District

Section 2. Boundaries of Districts.

1. The boundaries of the zoning districts are on the official zoning map known as the Zoning Districts Map approved and adopted by the Board of Directors and which is a part of these Regulations.
2. Unless otherwise indicated on the Zoning Districts Map, the district boundaries are lot lines, the centerlines of streets or alleys or a specified distance therefrom, railroad rights-of-way, or the city limit lines as they existed at the time of the enactment of these Regulations. Questions concerning the exact locations of district boundaries shall be determined by the Board of Adjustment.
3. When the street or property layout existing on the ground is at variance with that shown on the Zoning Districts Map or with other requirements of this Article, the Board of Adjustment shall interpret and determine the property lines.
4. Where a district boundary line divides a lot in single ownership at the time of passage of these Regulations, the use, height, and area authorized in the least restricted district shall apply to the entire lot, but shall not extend more than twenty-five (25) feet beyond the more restricted district boundary line. The use so extended shall be deemed to be conforming. Where the district boundary is on a platted lot line, this extension is not permitted.
5. Where a lot under single ownership at the time of passage of these Regulations is a double frontage lot and where the frontage on one street is in a commercial or industrial district (except corner lots) and the frontage of the other street is in a residential district, any commercial or industrial uses placed upon this lot shall be fronted onto the street in the commercial or industrial district.

In all cases of ambiguity or uncertainty, the Board of Adjustment shall have the authority to determine on which street the commercial or industrial use shall face or front so that the spirit of these Regulations shall be observed.

6. Where a corner lot with commercial zoning is located on a predominantly commercial street, i.e., located in a block in which the frontage is 51% or more residential frontage, any commercial use placed on the corner lot must have its principal frontage on the predominantly (51% or more) commercial street.

ARTICLE IV

General Provisions

For the purpose of these Regulations, there shall be certain general provisions which shall apply to the City as a whole, as follows:

Section 1. Use of Buildings and Land. No building or land shall hereafter be used and no building or part thereof shall be erected, moved, or altered unless for a use expressly permitted by and in conformity with the Regulations herein specified for the district in which it is located.

Section 2. Non-conforming Uses. Any lawful use of buildings or land existing at the time of the enactment of these Regulations but not in conformity with its provisions may be continued, subject to the following limitations:

1. A non-conforming use of land --
 - a. Shall not be changed unless changed into a conforming use.
 - b. Which shall cease for a continuous period of more than one year shall be deemed discontinued and any use thereafter established must be in conformity with these Regulations.
 - c. In all other use districts may be continued until deemed permanently discontinued.

2. A non-conforming use of structure --
 - a. May be continued and is subject to such regulations as to maintenance of premises and conditions of adjacent property as

approved by the Board of Adjustment.

- b. May be extended to any portion of a structure arranged or designed for such non-conforming use at the time of passage of these Regulations.
- c. May be changed to a similar use if no structural changes are necessary.
- d. Once changed to a conforming use, all new uses shall be conforming uses.

3. A non-conforming structure --

- a. May, with the approval of the Board of Adjustment, be remodeled to maintain the premises in a safe and useable condition regardless of use of structure.
- b. May, with the approval of the Board of Adjustment, be added to if said addition meets the area requirements of the zone district in which the structure is located.

4. Any use of a structure not permitted or any structure not intended for the uses permitted may not be rebuilt or re-established. If damaged less than two-thirds of its value, the structure may be rebuilt, restored, and used as before, provided that restoration or reconstruction is completed within twelve (12) months of such happening.

Section 3. Principal Building on Lot.

1. In residential districts only one principal building and its customary accessory buildings may hereafter be erected on any lot unless otherwise permitted by these Regulations.

2. The equipment of an accessory building with sink, cookstove, or other kitchen facilities for independent occupancy shall be considered evidence that such building is not an accessory building but a separate dwelling and must meet all minimum lot requirements of the district in which it is located.

Section 4. Reduction of Lot Area or Yard Requirements.

1. No lot shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of these

Regulations are not maintained. This Section shall not apply when a portion of a lot is acquired for a public purpose.

2. No yard or lot area requirements for buildings existing at the time of the passage of these Regulations shall be considered as yard or lot area requirements for any other building.

Section 5. Zoning of Annexed Territory.

All territory which may hereafter be annexed to the City shall be governed by and subject to the requirements of R-1 Single-Family Residential District until such time as the Zoning Districts Map shall have been amended to authorize other use or uses for the newly annexed territory.

Section 6. Off-street Loading and Unloading Space.

Every building or structure hereafter constructed for commercial or industrial uses shall provide space for the loading and unloading of vehicles off the street or public alley. The adequacy of such space shall be determined by the City Administrator or his designee.

Section 7. Visual Clearance Requirements.

No lot facing an intersection street shall be occupied by hedges, tall plantings, fences or structures which will obstruct vision for drivers of automobiles or similar modes of transportation. Such plants or structures shall not be permitted within fifteen (15) feet of an intersection street corner.

Section 8. Home Occupations in Residential Districts.

(a) Residents of residential zones may, as a conditional usage, engage in occupations, operate businesses and offer professional services in their homes provided that those activities do not conflict with the purposes and objectives of the Zoning Ordinance as stated in Article 1 of this Ordinance and provided such activities comply with the conditions and limitations set forth in this Section. Home occupations are intended to be activities that are incidental to the residential nature of the areas in which they are allowed and are not intended in any way to detract from or infringe upon the residential character of those areas.

(b) The following and all essentially similar usages are allowed as a Home Occupation:

- | | |
|-----------------------|-------------------------|
| Art and Music Lessons | Interior Decorators |
| Baking | Mail Order Business |
| Catering | Photography Shop |
| Clock Repair | Portrait Painting |
| Craft Shop | Professional Consultant |

Flower Arranging	Sewing, Draperies
Furniture Reupholstery	Telephone Order Business
Gift Shop	Typing, Mailing
Hair Styling	Sales Representatives

(c) Any of the above-listed activities or essentially similar activities allowed as home occupations are permitted only if those activities are conducted in such a manner so that the proprietor has control of the number of patrons that will be present on the premises at any one time under normal circumstances.

Generally, only such activities as those conducted by appointment are considered to meet the requirements of this Section. The number of patrons on the premises will be limited to two at any given time under normal circumstances.

(d) A business, occupation, or profession may be established in approved zones only if it complies with the following:

- (1) Requires the use of no more than two (2) rooms otherwise normally considered as living space, but in any case no more than twenty (20%) percent of the total floor space of the living quarters.
- (2) Requires the use of no accessory building or yard space, provided, however, that a detached garage building may be used if the garage building does not exceed four-hundred fifty (450) square feet of floor space.
- (3) Requires no activity outside the main structure not normally associated with residential use.
- (4) Has no sign in excess of four (4) square feet to denote the business, occupation, or profession. Lighted or animated signs are not permitted.
- (5) Involves no outdoor display of goods and services.
- (6) Requires approval of parking by the Planning Commission according to the following restrictions:
 - i. On-street parking is not permitted;

- ii. A maximum of two (2) parking spaces, in addition to those currently in use for residential purposes;
- iii. Backing vehicles onto streets may be permitted as an exception in cases when safety is not affected, such as near the end of a dead-end street;
- iv. All parking spaces must be completely contained on private property;
- v. A parking site plan must be approved by the Planning Commission.

(e) Businesses, occupations, or professions conducted at the time of the effective date of these Regulations in a residential structure, or accessory building in a residential use area may be continued until such use of the structure is abandoned provided that this shall not be construed to approve continuation of any activity constituting a common law nuisance, or any activity prohibited by statutes, ordinance, or restrictive covenants applicable to the area.

(f) Home occupations must be operated by the residents of the structure in which the home occupation is contained.

(g) It shall be unlawful for residents of residential zones to commence or engage in occupations, operate businesses and offer professional services in their homes, until the City Administrator or his designee has issued a "Home Occupations Permit". The applicant for a home occupation permit shall obtain an application from the City Clerk. Upon return of the completed application, the filing of a parking site plan, and payment of a fee of \$10.00, to the City Clerk, plus the actual cost of publication of required notices, the applicant will be instructed to present the parking site plan to the Planning Commission for approval at the next regularly scheduled meeting. Upon approval of the parking site plan by the Planning Commission, the City Administrator or his designee will inspect the residence for compliance with other requirements of this Section within thirty (30) days of the approval of the parking site plan. If the applicant conforms with all provisions, the City Administrator or his designee will issue a home occupation permit. If a home occupation permit is refused, the City Administrator or his designee will state such refusal in writing with an explanation of the reasons for the refusal.

(h) A parking site plan must indicate the location and names of nearby alleys and streets, the size of the lot on which the application proposes to engage in home occupation, the size and location of existing parking spaces, lots, and buildings, and the proposed parking spaces. The parking site plan must be prepared in a legible manner on a sheet 8½ inches by 13 inches.

ARTICLE V Provisions Governing Zoning Districts

Section 1. R-1 Single-Family Residential District

1. Permitted Uses

- a. Detached one family dwellings
- b. Churches
- c. Library
- d. Schools offering a general education course
- e. Municipal recreation or water supply use
- f. Accessory structures and uses pertinent to the principal structure and use
- g. Signs: (1) Nameplates shall not be over one square foot in area
(2) Temporary real estate signs shall not be over three (3) square feet.
(3) Lighted signs are not permitted.
(4) For places of public assembly, shall not exceed thirty (30) square feet.

2. Lot Area. One-family dwelling: Minimum 9,000 square feet subdivision.

3. Yard Requirements.

- a. Front yard: Twenty-five (25) feet from property line or fifty (50) feet from centerline of existing right-of-way, whichever is greater.
- b. Side Yard: Minimum 7½ feet measured from roof line to property line.
- c. Side yard facing street: Same as front yard.
- d. Rear yard: Minimum of twenty (20) feet from property line or center of alley where one exists.

4. Width. Minimum width of a lot at the front yard line or building line shall be seventy-five (75) feet for one-family dwellings.

5. Height. No building shall be more than thirty-five (35) feet in height or contain more than two and one-half stories, whichever is greater.

6. One family. Minimum one-lot parking space shall be provided.

7. Places of Public Assembly.

- a. Height. Maximum height shall be two stories and not to exceed thirty-five (35) feet for that portion of the structure utilized for assembly or offices.
- b. Yard Requirements. Minimum of twenty-five (25) feet from all property lines. On property abutting a street, twenty-five (25) feet from center of street, whichever is greater.
- c. Places of public assembly shall provide one on-lot parking space per each four (4) persons accommodated in the assembly hall.

Section 2. R-2 General Residential District

1. Permitted Uses.

- a. One-family dwellings
- b. Two-family dwellings
- c. Multi-family dwellings not to exceed four units per each detached structure
- d. Churches
- e. Parks, playgrounds, etc.
- f. Schools offering a general education course
- g. Kindergarten (public and private)
- h. Hospitals, nursing homes, doctor and dental clinics, etc.
- i. Accessory structures and uses pertinent to the principal structure and use
- j. Manufactured home parks as defined under Ordinance No. 170 of the City of Barling
- k. Signs--same as R-1
- l. All uses permitted in R-1.

2. Lot area.

- a. One-family: minimum 9,000 square feet for first unit.

- b. Two-family: minimum 9,000 square feet.
- c. Three-family: minimum 10,000 square feet.
- d. Four-family: minimum 10,000 square feet.

3. Yard Requirements.

- a. Front yard: twenty-five (25) feet from property line or fifty (50) feet from centerline of existing right-of-way, whichever is greater.
- b. Side yard: minimum of 7½ feet measured from roof line to property line.
- c. Rear yard: minimum of 7½ feet measured from roof line to property line.

4. Width. Minimum width of a lot at the front yard line or building line shall be seventy-five (75) feet for one-family dwelling and seventy-five (75) feet for two-family dwelling. For each additional unit over one, an additional ten (10) feet shall be added to minimum width requirement for two-family dwellings.

5. Height. No building shall be more than thirty-five (35) feet in height or contain more than two and one-half stories, whichever is greater.

6. On-Lot Parking Space.

- a. One-family and two-family: one on-lot parking space shall be provided for each family unit.
- b. Multi-family: four on-lot parking spaces shall be provided for the first two family units, plus one on-lot parking space for each additional family unit.

7. Places of Public Assembly.

- a. Height. Maximum height shall be two and one-half stories and not to exceed thirty-five (35) feet for that portion of the structure used for assembly or offices.
- b. Yard Requirements. Minimum of twenty-five (25) feet from all property lines. On property abutting a street, twenty-five (25) feet from property line or fifty (50) feet from center of street, whichever is greater.
- c. On-lot Parking. Places of public assembly shall provide one on-lot parking space per each four persons accommodated in the assembly hall.

Section 3. C-1 Central Commercial District.

1. Permitted Uses.

- a. Retail establishments providing goods and services such as grocery, drug, hardware, variety stores and similar uses, and hotels, motor hotels, restaurants.
- b. Office and bank buildings and uses.
- c. Processing and manufacturing that by reason of operation are not a nuisance in respect to noise, odor, dust, vibration, etc.
- d. Wholesaling and warehousing.
- e. Bulk storage of non-combustible materials.
- f. Automotive service, repair and storage, provided that wrecked or salvage vehicles are stored inside a building or are enclosed by a solid fence and are not visible to the public from the street or sidewalk.
- g. Signs--all must be on private property.
- h. All uses permitted in R-1 and R-2.

2. Height. Maximum height of a structure shall be three (3) stories and not to exceed forty-eight (48) feet.

3. Rear Yard. Minimum: twenty (20) feet from property line or center of alley where one exists.

4. Loading and Unloading. Loading and unloading facilities shall be provided so as not to block any public way.

Section 4. C-2 Highway Commercial District

1. Permitted Uses

- a. Retail establishments providing goods or services for the motoring public.
- b. Office buildings and uses.
- c. Automobile service, repair and storage provided that wrecked or salvage vehicles are stored inside a building or are enclosed by a solid fence and are not visible to the public from the street or sidewalk.
- d. Motels, tourist courts, etc.
- e. Veterinarian clinics.
- f. Signs--advertising signs not over 300 square feet in area.
- g. All uses permitted in R-1, R-2 and C-1.

2. Street Yard Requirements. Minimum of twenty-five (25) feet from all street property lines or fifty (50) feet from centerline of existing right-of-way, whichever is greater.

3. Height. Maximum height of a structure shall be three (3) stories and not to exceed forty (40) feet.

4. On-Lot Parking Space.

- a. On-lot parking facilities shall be provided all employees.
- b. Provisions shall be made for on-lot and customer parking to handle normal anticipated demand.
- c. Motels and tourist courts shall provide one on-lot parking space for each sleeping unit.

5. Loading and Unloading. Loading and unloading facilities shall be provided so as not to block any public way.

Section 5. I-1 Restricted Industrial District

1. Permitted Uses.

- a. The manufacturing, compounding, processing packaging, or assembling of those products that will require cleaner and more quiet industries and will involve a minimum of noise, dust, odor, or vibration.
- b. The storage of bulk materials that will not endanger the health, safety, and general welfare of the people.
- c. Retail uses that are accessory to the above operations and other essentially similar uses such as animal hospitals, repair shops, transportation terminals, wholesale outlets, farm machinery sales, laundries, lumber yards, restaurants, and service stations.
- d. All uses permitted in all other zones.

2. Area. Lot coverage: no structure may cover more than 33 1/3 percent of the lot area.

3. Yards.

- a. All structures shall be built at least twenty-five (25) feet from all property lines.
- b. Where property abuts a railroad where siding facilities are utilized, structures may be built up to the railroad property line.

4. Height.

- a. Maximum height of a structure shall not exceed fifty (50) feet.

- b. The Board of Adjustment may waive the height requirements when it is demonstrated that the equipment and the structure to house the operation require greater height.

5. On-Lot Parking. Adequate on-lot parking space shall be provided for all employees and visitors.

6. On-Lot Loading and Unloading Facilities. Each structure or use shall provide on-lot loading and unloading facilities which will not block a street, alley, or public way.

ARTICLE VI Board of Adjustment

Section 1. Creation and Appointments.

These Regulations provide for a Board of Adjustment in accordance with Act 186 of the 1957 General Assembly. The Board of Adjustment shall be made up of Planning Commission membership as a whole. All members of said Board shall serve without pay. The term of membership shall be four (4) years. Vacancies shall be filled for the unexpired term of any member in the same manner as original appointments.

The Board shall meet and organize annually to elect its own chairman and vice-chairman, each of whom shall serve for one (1) year or until his successor duly qualifies. The Board shall appoint a secretary who shall hold office at the will and pleasure of the Board and who shall receive such compensation from the City as may be fixed from time to time by the Board of Directors of the City.

Section 2. Procedure.

Meetings of the Board of Adjustment shall be held at such times and at such places within the City as the Board may designate, or at the call of the chairman subject to Arkansas law, but the Board shall have at least one meeting each month. All meetings shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if a member is absent or fails to vote, noting such fact. The Board shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the City Clerk and shall be a public record.

The presence of three (3) members shall be necessary to constitute a quorum and the majority vote of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any administrative officer or to decide in favor of the application on any matter upon which it is required to pass under the zoning ordinance or to effect any variation in such regulations.

The Board shall cause notice to be published of all meetings in a newspaper of general circulation specifying the business to be conducted at said meetings at least seven (7) days prior to each meeting.

The City Administrator or his designee shall attend each meeting of the Board and shall make available all plans, specifications, plats and papers relating to any case before the Board for consideration.

Section 3. Appeals or Variances.

Any appeal or application for variance to the Board of Adjustment may be taken by any person, firm, or corporation aggrieved, or by any governmental officer, department, board or bureau affected by any decision of the enforcement officer, based in whole or in part, upon the provisions of these Regulations. A sign one foot by two feet shall be placed upon the property by the City Administrator or his designee giving the date and place of the public meeting and stating the nature of the appeal or variance requested fifteen (15) days before the date of the public meeting. Upon the date of the hearing, any party may appear before the Board in person or by attorney.

The applicant shall be required to pay a filing fee of fifty dollars (\$50.00) to cover the cost of publishing and mailing notices and such other expenses as may be incurred in connection with such appeal or application.

Section 4. Expiration of Permits.

1. No order of the Board permitting the erection or alteration of a building shall be valid for a period longer than ninety (90) days unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

2. No order of the Board permitting a use of the building or premises shall be valid for a period longer than ninety (90) days unless such use is established within this period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect, if a building permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of the permit.

Section 5. Powers.

The Board of Adjustment shall have the following powers:

1. Administrative Review. To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirements, permits, decision, determination or refusal made by the City Administrator or his designee in the carrying out or enforcement of any provision of these Regulations.

2. Special Exceptions. To hear and decide applications for special exceptions upon which the Board of Adjustment is specifically authorized to pass.

3. Variance. To hear and decide applications for variance from the terms of these Regulations in cases where a specific piece of property characterized by exceptional narrowness, shallowness, or shape was a lot of record at the time of adoption of these Regulations; or where, by reason of exceptional topographic conditions or other extraordinary or exceptional situations or conditions of a piece of property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of these Regulations.

Section 6. Appeal from Decision of the Board.

1. In granting a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purpose of these Regulations.

2. Before any variance is granted, it shall be shown that special circumstances are attached to the property which do not generally apply to other property in the neighborhood.

ARTICLE VII

Enforcement

Section 1. Enforcing Officer.

The provisions of this Ordinance shall be administered and enforced by the City Administrator or his designee who shall have the power to make inspection of buildings or premises necessary to carry out his duties in the enforcement of these Regulations.

Section 2. Building Permits.

1. Building Permit Required. It shall be unlawful to commence the excavation for the construction of any building, including accessory building, or to commence the moving or alteration of any building, including accessory buildings, until the City Administrator or his designee has issued a building permit for such work.

2. Issuance of Building Permit. When applying to the City Administrator or his designee for a building permit, the applicant shall submit a plat and/or plans in duplicate drawn to scale, showing the actual dimensions of the lot to be built upon, the size, height, and location on lot of all buildings to be erected, altered, or moved and of any building already on the lot. The applicant shall also state the existing and intended use of all such buildings and supply

such other information as may be required by the City Administrator or his designee for determining whether the provisions of these Regulations are being observed.

If the proposed excavation is in conformity with the provisions of these Regulations and with other Ordinances of the City now in force, the City Administrator or his designee shall issue a building permit for such excavation or construction. If a building permit is refused, the City Administrator or his designee shall state such refusal in writing with an explanation of the reasons for the refusal.

- a. The issuance of a permit shall in no case be construed as waiving any provisions of these Regulations.
- b. A building permit shall become void six (6) months from the date of issuance unless work has been started on the project described therein.
- c. A building permit shall become void twenty-four (24) months from the date of issuance unless the construction work has been completed.

3. Records. A complete record of all certificates, plats, and plans shall be maintained in the office of the City Clerk for inspection or use by the public.

Section 3. Violation Penalty.

Any person, firm, or corporation violating or not complying with any provision of these Regulations shall be guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000.00). Each day such violation exists shall constitute a separate offense.

ARTICLE VIII

Amendment

Section 1. Amendment Procedures for Private Parties.

1. Fee. Any private party or parties desiring a zoning change shall pay a fee of fifty dollars (\$50.00) to the City Clerk to cover the costs of public notices and related expenses.

2. Petition. Any private party or parties desiring an amendment to these Regulations, upon payment of the above fee, shall submit to the Planning Commission a petition giving the legal description of the property involved and the zoning classification requested for the property. The petition shall also include a statement and diagram explaining why the proposed changes will not conflict with surrounding land uses.

3. Public Hearing. Upon receipt of a petition for an amendment, the Planning Commission shall hold a public hearing on the proposed amendment, after:

- a. publishing a notice in a newspaper of general circulation in the City at least one time fifteen (15) days prior to the public hearing, setting forth the time and place of such hearing and the amendment proposed.
- b. posting a sign one foot by two feet in size at a conspicuous place on the property, fifteen (15) days prior to the date of the public hearing and on which is set forth the date and place of the hearing and the amendment proposed.

4. Action by Planning Commission. Following the public hearing, the proposed amendment may be approved as presented or in modified form by a majority of the Planning Commission and recommended for adoption by the Board of Directors, with reasons for such recommendation stated in writing.

If the Planning Commission disapproves a proposed amendment, the reasons for such disapproval shall be given in writing to the petitioner.

If the Planning Commission neither approves nor disapproves a proposed amendment within forty-five (45) days after receipt of a petition for amendment, the Secretary, upon request of the applicant, shall refer the proposed amendment to the Board of Directors for its action.

5. Action by the Board of Directors. The Board of Directors, by majority vote, may, by ordinance, adopt the recommended amendment submitted by the Planning Commission or may return the proposed amendment to the Planning Commission for further study and recommendation.

If the Board of Directors does not concur with the recommendation of the Planning Commission, either as first submitted or as submitted after restudy, the Board of Directors may, by a majority vote, amend these Regulations by granting the original request for amendment in full or in modified form.

6. Appeal by Petition to the Board of Directors. Following disapproval of a proposed amendment by the Planning Commission, the petitioner may appeal such disapproval to the Board of Directors, provided that the petitioner states specifically in writing to the City Clerk why he considers the Planning Commission's findings and decisions are in error. Such appeal shall be filed with the City Clerk within fifteen (15) days from the date of the Planning Commission action.

7. Re-Petition for Amendments. No application for zoning amendments will be considered by the Planning Commission within twelve (12) months from the date of final disapproval of a proposed amendment unless there is evidence submitted to the Planning Commission which justifies reconsideration.

Section 2. Amendment Procedure for Members of the Board of Directors.

1. The Board of Directors may from time to time amend these Regulations by majority vote of the Board of Directors.

2. When members of the Board of Directors desire to initiate amendments to these Regulations other than by direct presentation to the Board of Directors, such proposals shall be referred by resolution to the Planning Commission for study and recommendations. Following public hearing as provided for in Article VIII, Section 1.3., the Planning Commission and Board of Directors shall act in accordance with the procedures set forth in Article VIII above.

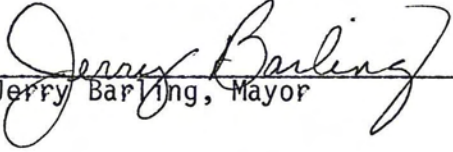
ARTICLE IX

Legal Status Provisions

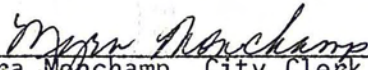
Section 1. Severability. If any section, clause, provision or part of these Regulations shall be held invalid or unconstitutional by any court of competent jurisdiction, such section, clause, provision, or part shall be deemed severable and separable, and the remainder of these Regulations shall be and remain in full force and effect. It is hereby declared to be the intent of the Board of Directors that these Regulations would have been passed and adopted had such invalid or unconstitutional provisions, if any, not been included here.

Section 2. Effective Date. It is specifically found that the absence of zoning districts in the City of Barling has caused, and will continue to cause, an adverse impact upon the value of property, the wholesome and attractive environment of neighborhoods, the ability to plan for and administer the various public resources of the City and the structuring of the continuing growth of the City. This Ordinance being necessary for the preservation of the public peace, health, comfort, convenience, morals, safety, and welfare of the City of Barling as set forth, an emergency is declared to exist and this Ordinance shall be in full force from the date of its approval.

PASSED AND APPROVED this 3 day of March, 1988.


Jerry Barling, Mayor

ATTEST:


Myra Monchamp, City Clerk