

ORDINANCE NO. 2004-6

AN ORDINANCE AMENDING CITY OF OZARK ORDINANCE NO. 2001-14; ESTABLISHING, CONFIRMING, AND ADOPTING A REVISED ZONING PLAN AND A REVISED ZONING MAP; DECLARING AN EMERGENCY THEREFOR; AND FOR OTHER PURPOSES.

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

Section 1: The City of Ozark zoning plan and zoning maps as adopted by Ordinance No. 158 in 1966 and Ordinance No. 2001-14 in 2001, and as amended and modified by subsequent Ordinances, shall be and hereby are amended. Such amended zoning plan and map are set forth in the revised plan and map, attached hereto, and adopted by reference. Such plan and map set forth the entire revised zoning plan and map for the City of Ozark, Arkansas.

Section 2: Any provisions or portion of the original zoning plan and zoning map adopted in 1965 and as amended thereafter, to the extent they are in conflict with the provisions contained in the attachment hereto shall be and hereby are amended or repealed, as the case may be.

Section 3: In light of the need to revise the City of Ozark zoning plan and maps, and due to substantial changes in the City of Ozark, it is necessary for the preservation of public health, safety, and welfare, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately upon its passage.

PASSED AND APPROVED THIS 10th DAY OF May, 2004.


MAYOR, C.L. "BAT" COLEY

ATTESTED:


CITY CLERK, CAROL SNEATH

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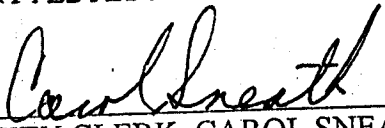
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CITY OF OZARK
ZONING ORDINANCE

NUMBER 2004-6

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ARTICLE I
CITATION, PURPOSE, AND NATURE

Section A
CITATION

This ordinance, in pursuance of the authority granted by the General Assembly of the State of Arkansas in Act 186 of the 1957 Acts of Arkansas, shall be known as the Zoning Ordinance.

Section B
PURPOSE

The Zoning Regulations set forth herein are enacted for the purpose of promoting the health, safety, order, prosperity, and general welfare of the citizens of the City of Ozark now and in the future. The Zoning Regulations shall provide for efficiency and economy in the process of development for the appropriate and best use of land, for the use and occupancy of buildings, and for healthful and convenient distribution of population.

Section C
NATURE

Except as otherwise noted hereinafter, no land shall be used and no building, structure, or improvement shall be made, constructed, moved, altered, enlarged, or rebuilt which is designed, arranged, or intended to be used or maintained for any purpose or in any manner except in accordance with the requirements established in the district in which such land, building, structure, or improvement is located, and in accordance with the provisions of the articles contained herein relating to any or all districts.

ARTICLE II
ADMINISTRATION

Section 1

The administration of these regulations and the voice behind such determination shall be the Ozark Planning and Zoning Commission., herein referred to as the Commission.

As set by ordinance, the Commission shall meet as prescribed to determine qualified applications which have met parameters set forth within this ordinance.

ARTICLE III DEFINITIONS

A. For the purpose of these regulations, certain terms or words used herein shall be interpreted as follows.

1. The words SHALL and MUST are mandatory, the word May is permissive.
2. The words USED or OCCUPIED shall include the words intended, designed, or arranged to be used or occupied.
3. The word LOT includes the words PLOT and PARCEL.
4. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

B. For the purpose of these regulations, the following terms or words are defined as follows.

1. ACCESSORY STRUCTURE. A subordinate structure located on the lot with the principal structure. Where an accessory structure is attached to the principal structure, in a substantial manner, as by a roof, such accessory shall be considered part of the principal structure. An example of an accessory structure for a non-residential structure would be the educational building of a church, with the sanctuary being the principal structure.
2. ACCESSORY USE: A use which is customarily incidental to the principal use. In buildings restricted to residential use, the office of a professional man or customary family workshops not conducted for compensation shall be deemed an accessory use.
3. ALLEY A narrow public way not in excess of 20 feet in width, which affords a secondary means of access abutting properties and not intended for general traffic circulation.
4. AREA. This term refers to the amount of land surface in a lot or parcel.
5. AREA REQUIREMENTS. The yard, lot area, width of the lot, and parking requirements as set forth in a specific district.
6. DWELLING, SINGLE FAMILY. A detached structure designed for or occupied by one family only.
7. DWELLING, TWO-FAMILY. A detached structure designed for or occupied by two families, only, with separate housekeeping and cooking facilities for each.
8. DWELLING, MULTI-FAMILY. A structure designed for or occupied by three or four families, with separate housekeeping and cooking facilities for each.

11. EXISTING. The established fact of the use of land or structure at time of the effective date of these regulations.

12. FAMILY. One or more persons occupying premises and living as a single non-profit housekeeping unit provided that, unless all members are related by blood or marriage, the number of persons shall not exceed five.

13. FLOOR AREA. The sum of gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating buildings but not including cellar or basement space not used for retailing and not including accessory off-street parking or loading space.

14. HOME OCCUPATION. Any occupation or activity which is clearly incidental and secondary to the use of the dwelling and which is carried on wholly within a main building by family member residing on the premises, and one sign not exceed more than a two foot square. A home occupation includes, but is not limited to, the following: (a) Art studio (b) dressmaking (c) Professional office of a physician, dentist, lawyer, engineer, architect, accountant, salesman, real estate agent, insurance agent, or other similar occupation; (d) Teaching, with musical instruction limited to no more than two pupils at one time. Home occupation shall not include barber shops, beauty shops, or restaurants. There shall be no exterior display of goods or services, and no yard space shall be used to further the home occupation.

15. LOT. A portion or parcel of land considered a unit, devoted to a certain use or occupied by a building or a group of buildings that are united by a common interest or use, and the customary accessories and open spaces belong to same.

16. LOT OF RECORD. A lot which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described metes and bounds, the description of which has been recorded.

17. MOBILE HOME. A dwelling unit designed to be transported after fabrication on its own wheels which arrives at the site where it is to be occupied as a complete dwelling unit, including major appliances and furniture, and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities.

18. MOBILE HOME PARK. (commercial). A commercial operation where space for mobile homes is provided by the day, week, or longer periods of time; some may provide rental units on site.

19. MANUFACTURED HOMES. A dwelling constructed off site and delivered to a suitable location to be used as a family living unit.

20. NONCONFORMING. A use or structure or both that existed prior to the adoption of these regulations, but which does not meet the requirements of these regulations. Any nonconforming structures shall be replaced only by a conforming structure, must meet all setback requirements.

24. **PROPERTY LINE.** The line bounding a lot as described herein
25. **STREET .** A public way which affords the principal access to abutting properties.
26. **STRUCTURE.** Anything constructed or erected with a fixed location on the ground. Among other things, structures include buildings, fences, billboards, and poster panels, but do not include walks, parking areas and driveways.
27. **USE OF LAND.** The unoccupied portion of a lot shall be considered to be in the same use as is the principal structure on the lot, unless such land is utilized for open storage of agriculture purposes ; such as composting for lawn home gardening.
28. **YARD.** A horizontal distance from a lot line to a parallel designated line a yard is an open space extending the full distance of the lot.
29. **SPECIAL USE & HOME OCCUPATIONS .** The granting of special use and home occupations are granted exclusively to the individual applicants, and are not transferable. In the event of a change in the ownership or type of home occupation a new request must be filed and acted upon by the commission.
30. **VARIANCES.** Variances are granted to the property and remain with the property, and transfer to changing owners or occupants.
31. **PRIVACY FENCES.** Privacy fences are types of fences that are so designed as completely block any view, and are constructed of masonry or solid wood.

**ARTICLE IV
ZONING DISTRICTS, PERMITTED USES AND PROVISIONS**

**Section A
ZONING DISTRICTS**

- R1 Residential District
- R2 Multi-family Residential District
- R3 Extensive Family Unit District
- R4 Mobile Home District
- C1 Central Business District
- C2 General Commercial District
- I1 Industrial District

**Section B
PROVISIONS AND PERMITTED USES OF DISTRICTS**

1. R1 - Residential District

The principal use of land shall be for detached, single family dwellings and such recreational, religious, and educational facilities which would require the basic elements of a balanced and attractive neighborhood area.

Permitted Uses:

- a. residential, single family dwelling
- b. public or private schools, parks, and churches
- c. municipal recreational uses
- d. accessory or incidental structures to residential use
- e. home occupations, as permitted herein

Provisions of R1:

- a. pre-existing lots 6500 sq. ft.
- b. minimum lot area 7000 sq. ft. for new subdivision lots
- c. minimum lot width: 60 ft. at building line
- d. maximum height: 3 stories or 36 ft., whichever is highest

no less than 4 in 12, the main entrance(front door) must face the street on which the property is addressed.

k. foundations;

all living units shall be built on concrete slab or on solid perimeter foundations of concrete block, brick, or stone. if the living unit is a manufactured home meeting the regulations in effect since Jan. 1-1976 , then all wheels, tires, axles, and parts used for towing same shall be removed. Tie down requirements must meet the specifications of FHA & VA.

1 Placement of temporary, portable and other storage buildings in R-1 Zoning areas of the City of Ozark.

1. All above types of buildings must meet all setback requirements of R-1 zoning.
2. Portable and temporary buildings are defined as any structure designed to be moved from one location to another and does exceed 160 square feet of floor space.
3. All other storage type buildings are to be considered permanent structures and are subject to the building codes of the City of Ozark.
4. All carports must meet the setback requirements of R-1 zoning.
5. No privacy fences shall be constructed in front setback area.

2. R2 - Multi-family Residential District

The principal use of land shall be for detached, single family dwellings, or attached dwellings for up to a four family occupancy, and such recreational, religious, or educational facilities which would require the basic elements of a balanced and attractive neighborhood. This district is designed primarily for the use of duplex, tri-plex, and four-plex style structures.

Permitted Uses:

- a. up to four family dwellings, detached or consolidated
- b. all permitted R1 uses except home occupations, which are prohibited

Provisions of R2:

- | | |
|------------------------|--|
| a. minimum lot area: | 8000 sq.ft. for the initial unit, and 1500 sq.ft. per each additional unit |
| b. minimum width | 60 ft. |
| c. maximum height | 36 ft. |
| d.. front yard: | 25 ft. |
| e. side yard: | 7.5 ft. |
| side yard with street: | 15 ft. |
| f. rear yard: | 10 ft. off of the property line |
| g. off-street parking: | two per family unit |

5. C1 Central Business District

The Central Business District is a permanent site within the city of Ozark which represents the core section of downtown, beginning at South First Street and River Street, West to South Fourth Street, then North to Market, then east to North First Street, then south to River Street. This area constitutes the "square" area and surrounding structures.

Permitted Uses:

- a. Retail establishments selling mainly goods described as grocery, pharmaceutical, hardware, variety, dry goods, automotive parts, carpentry, and like establishments.
- b. Eating establishments such as cafes and restaurants
- c. Professional offices for banking, law firms, accountants, title companies, utilities, etc.
- d. Service outlets such barber shops, beauty salons, etc.
- e. Government offices
- f. Places of public assembly

Provisions of C1:

- a. Front and Side Yards: no specific distance required
- b. Rear Yard: no requirements except on lot abutting residential lot, then setback shall be 25 feet
- c. Parking: Commercial - Two spaces per office
Places of Assembly - One space per 10 persons

* all new structures shall meet the specifications of C2 classification

** all commercial activities now in place shall be held to be in compliance, however, any new operation shall meet these codes

***no business may block any public right of way or alley for the purpose of unload or load, however, business may use right of way or alley to load and unload if such activity is done in a timely manner, not to exceed one hour

6. General Business District - C2

This district is designed for the general operation of business. Such business will cater to typical traffic flow of patrons and vendors. The idea is for such business to handle the needs of the public without creating hazard or impedance to the public

- a. All retail establishments
- b. All service establishments including motels, hotels, offices, restaurants, service stations, laundry, etc.
- c. Government offices and facilities,
- d. Place of public assembly,
- e. Medical facilities and clinics.

Provisions of C2:

1. Front Yard: minimum of 30 feet
2. Side Yard: minimum of 15 feet on property abutting a residential use zone or 5 feet on property abutting a commercial use zone.

minimum of 10 feet from rear lot line or center of

of maximum capacity.

7. Industrial District I 1.

This zone is reserved for industry capable of processing in manufacturing and agriculture. These activities may involve the storing of bulk materials and the use of such materials in processing.

Permitted Uses:

- a. The manufacturing, compounding, processing, packaging, assembling of products in large quantities and accessory mechanics of such activity
- b. Storage of materials in bulk or dry storage
- c. Use of facilities designed to load or unload to barge, airline, train, or truck for the transport and delivery of such product

Provisions of I1:

- a. All uses of this zone shall be approved by the Building Inspector prior to such activity, to determine the safety and soundness of the activity in relation to the health, safety, and welfare of the people.
- b. No residential use allowed
- c. All setbacks must be at least 25 feet from property lines. More if necessary because of safety concerns.
- d. Maximum height to be determined in consideration of other uses of the surrounding area including airports, highways, and other structures.
- e. No loading or unloading may be on or within public right of way
- f. One parking spot per 3 employees

ARTICLE V
SPECIAL PROVISIONS

Section A
Annexed Areas

1. Territory annexed into the City of Ozark after adoption of these regulations shall be given use designation within 90 days after the effective date of annexation by the Planning and Zoning Commission.
2. Before official use designation is made after annexation, all requests for permits on the annexed property shall be referred to the Commission or its designee for recommendation on the permit.

Section B
Existing Uses and Buildings

1. Nothing contained herein shall require any change in construction or designated use of a building actually under construction at the time of the adoption of these regulations. However, any existing commercial or subdivision construction within the annexed area not previously reviewed by the Commission must comply with the regulations of the City of Ozark.
2. On any lot in a residential use district which is on a plat of record at the time of passage of these regulations, a one-family structure may be erected even though the lot be of less area or width than required by the regulations of the residential use district in which the lot is located, provided all other requirements are met. All multi-family uses, as provided in R-2 and R-3, unless already under construction, must conform to these regulations in their entirety.
3. The lawful use of a building or premises at the time of adoption or amendment of these regulations may be continued although such use does not conform with the provisions of these regulations. If the non-conforming use is discontinued for a period of time exceeding 30 days, all future use of the building and premises must comply with these regulations. Any question as to the use or time is a decision placed by the Board of Zoning Adjustment.

Section C
Home Occupations

1. An occupation may be carried on in a residential structure in a residential district only if the following are complied with:
 - a. It does not involve the use of a commercial vehicle operating from the residence
 - b. It does not require the use of more than two rooms otherwise considered living space

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Section C
Home Occupations

1. An occupation may be carried on in a residential structure in a residential district described in Definition #14 only if the following are complied with:
 - a. It does not involve the use of a commercial vehicle operating from the residence
 - b. It does not require the use of more than two rooms otherwise considered living space
 - c. It does not require the use of an accessory building
 - d. No commercial activity outside of the main structure
 - e. No outdoor sign may exceed two feet square
 - f. The occupation must be carried on by a member of the family

Section D
Sexually Oriented Business

1. The purpose of this section is to regulate sexually oriented business to promote the health, safety, and general welfare of the citizens of the City of Ozark and to establish reasonable and uniform regulations to control any concentration of sexually oriented businesses within the city. The provisions this chapter have neither the purpose nor effect of imposing a limitation or restriction upon the content of any communicative materials and similarly, it is not the intent nor effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.
2. Sexually Oriented Business – Classified:
 - a. Adult arcade
 - b. Adult bookstores and video stores
 - c. Adult cabarets
 - d. Adult motion picture theaters
 - e. Adult theaters
3. Conditional Use:

All sexually oriented businesses must be within the C-2 district only. The following conditions must be met:

 - j. No sexually oriented business may be operated within 1000 feet of:
 - i. a church
 - ii. any type or facility used in or in conjunction with education, be it a public or private facility
 - iii. any type or facility used in or in conjunction with child care, be it a public or private facility
 - iv. any public park or place of public assembly
 - k. No sexually oriented business may be operated:
 - i. Within 500 feet of a boundary of a residential zone or any residential use as measured from property line of the business to the property line of the residential zone.
 - ii. Within 1000 feet of another sexually oriented business or within 200 feet of any room, building, premises, place or establishment that sells or dispenses alcohol.
4. A lawfully operating sexually oriented business shall not be rendered illegal by the subsequent location of any condition above.

ARTICLE VI
BOARD OF ZONING ADJUSTMENT

Section 1

Organization

A Board of Zoning Adjustment (Board) is created which shall consist of the Commission as a whole and the Chairman of the Commission shall likewise be the Chairman of the Board

Section 2

Meetings

The Board shall establish regular meeting dates, adopt rules for the conduct of business, establish a quorum and procedure, and keep public record of all findings and decisions. Any meeting of the Board must be published in a newspaper of general circulation in the city, at least one time seven days prior to the meeting date.

Section 3

Appeals to Board

An appeal may be taken to the Board by any person, group, or organization of a decision made by the Building Inspector. Such appeal shall be taken within a sixty (60) day period from the date of the decision by filing with the Building Inspector and the Board a notice of appeal, specifying the grounds thereof. A fee of \$ 25.00 shall accompany all notices of appeals. All fees shall be refunded upon the decision being reversed, otherwise there shall be no refund.

Section 4

Powers of Board

The Board shall be granted the following powers:

- A. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Building Inspector in the enforcement of these regulations and may affirm or reverse, in whole or part, said decision of the Building Inspector.
- B. To hear requests for variances from the literal provisions of the zoning regulations in instances where strict enforcement of the zoning ordinance would cause undue hardship due to circumstances unique to the individual property under consideration, and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning ordinance. The Board shall not permit, as a variance, any use in a zone that is not permitted under the regulations. The Board may impose conditions in granting of a variance to insure compliance and to protect adjacent property.
- C. The Board may grant special use permits to authorize special uses in any district. All special uses shall be subject to public debate through a public hearing and after a report and study made by the Building Inspector to the Board for their review. The Board may, subject to such reasonable conditions and protective restrictions as are deemed necessary, approve the following special uses:

1. Cemetery or mausoleum

- D. The Board may hear applications and take action as permitted on matters specifically referred to it under these regulations

Section 5
Appeal of Board Decision

Any appeal of a decision handed down by the Board shall be to a court of record, such as the Circuit Court of Franklin County, within 30 days of said decision.

Section 6
Notice of Public Hearing

Whenever an appeal or application for a variance or special use permit is made to the Board, the Board shall cause to have published at the expense of the appellant or applicant a notice of the time and place of the public hearing upon such appeal or application, which notice shall be published at least once not less than 7 days preceding the date of the such hearing. They shall also give reasonable notice to any person or organization which the Board deems feasible and practicable.

ARTICLE VII

Signs

The City of Ozark deems it necessary for the public health, safety, and welfare to institute a process by which signs are erected within the City. This article addresses the architectural mode of signs along with the safety issues concerning signs. This article also illustrates the process by which signs are to be permitted in the City.

Section 1

Application

All free standing signs, and signs having an electrical connection, of any type, to be erected, altered, or located within the City shall follow the regulations set forth in this article. Any person, group, or organization desiring to make application shall make application shall request from the building inspector an application for a permit for the literal application of the sign. The building inspector shall give the applicant a written reply within 3 business days. Any permit issued shall not have a fee. Any lighted sign requiring wiring or any type of electrical input shall an inspection fee. Any variance requested from these regulations must be presented to the Board of Zoning Adjustment in the manner set forth in these regulations. Any decision of the Building Inspector may be appealed to the Board in the manner set forth in these regulations.

Section 2

Guidelines

- A. No sign or poster shall be posted or fixed in any manner that contains any portion to be obscene or immoral that can be seen from the street, public ground, or public way.
- B. No person, business, group, or organization shall loosely scatter, distribute, or throw any bill, poster, or matter on the surface of any public streets or ways or in any public ground.
- C. Signs shall be designed to conform to or blend in with the decor and architecture of the principal building or the property in C-1 district.
- D. All signs shall be neat and cleanly lettered, and shall not be distracting.
- E. No sign erected in the city shall exceed 160 square feet except at the discretion of the Commission. Excluding the signs viewable from I-40 that are regulated by the State.
- F. No sign shall be placed on a tree or utility pole.
- G. No sign shall be placed on residential property, except temporary signs such as 'For Sale', 'Garage Sale', or other like signs.
- H. Signs depicting owner's name, address, and lot number shall not be in violation of this article.
- I. No signs of 160 square feet or more shall be no closer than 500 feet of another sign of like or greater dimensions.
- J. All holiday decorations shall be excluded from this ordinance, unless they are considered to create a hazard.

Section 3

Types of Signs

may move or be windblown to create attention. Any such banner must be approved by the Building Inspector, and for no more than thirty days.

- D. Portable Signs Prohibited: Any sign that is capable of being moved easily on wheels or a chassis is prohibited.
- E. Wall Sign: Outdoor advertising displays may be attached to exterior walls of businesses.
- F. Snipe Sign: Any sign or poster affixed to a tree, fence, utility pole, or placed in a public right-of-way is prohibited.
- G. Free Standing Sign: Any sign supported by poles or braces and not attached to a building is allowed.
- H. Marquee Signs: A projecting sign attached to or hung from a marquee is allowed, however, it must be at least 7 feet 4 inches above the sidewalk.
- I. Lighted Signs: No revolving or rotating beam of light that simulates any emergency light or design shall be permitted as part of any outdoor advertising sign. External lighting such as floodlights, thin-line and gooseneck reflectors are permitted. All lights shall be directed as not to distract any person or any part of the right-of-way. Flashing lights with intermittent or sequential source prohibited. All such lights require inspection.
- J. Temporary Signs: Political, community, civic, and fraternal organizations may place signs temporary on private property for a reasonable amount of time to inform the public. All such signs may only be displayed for a period of no more than 60 days

Section 4

An exception to the above requirements, shall be for signs placed on projects where the goods or services have been donated or provided to the city or to the community by businesses, citizens, or civic organizations. These signs may placed bearing the name or business of the donor, however such sign shall be no larger than 12 inches high, and 24 inches wide and so placed as not to create a hazard.

Section 5

Non-conforming Signs

All non-conforming signs in existence at the date of this ordinance shall be considered valid, except, any sign which is determined to be a safety hazard. No non-conforming sign now in existence may be replaced with a non-conforming sign.

Section 6

Enforcement

It shall be the responsibility of the Building Inspector and /or the Code Enforcement Officer, or any city Police Officer to apply these regulations to all signs in the city of Ozark.

ARTICLE VIII
Amendments to Zoning Regulations

Section 1
Amendments by the Council

- A. The City Council may direct the Commission to amend the text of these regulations or the Commission may initiate an amendment.
- B. Amendments to the text proposed by the Commission shall be advertised in a paper of general circulation at least 15 days prior to the meeting and public hearing on the proposal. After such hearing, the Commission shall make a report and recommendation to the City Council pertaining to the proposed amendments. The City Council action on the report shall be final.

Section 2
Amendments by Individual Property Owners

- A. A petition, a form referred to as the City of Ozark Rezoning Community Liaison form, and \$ 100.00 shall be presented to the Ozark City Clerk by the property owner or his legally designated representative.
 - (i) A petition shall contain the following information:
 - a. The name of the owner of the property to be rezoned
 - b. The legal description of the property
 - c. The street address of the property
 - d. The present zoning classification
 - e. The basic reasons for such action
 - f. The proposed action
 - g. A statement as to the proposed use
 - h. A statement to show a sign has been posted on the property
 - (ii) The completed form shall contain the following information and will be available at City Hall.
 - a. The recommendation of the following persons:
 - 1. Mayor
 - 2. Building Inspector
 - 3. Water Manager
 - 4. Street Manager
 - 5. Electrical Utility Manager
 - 6. Natural Gas Utility Manager
 - b. Any negative reply from above shall be heard in a public hearing.
- B. The City Clerk, upon receipt of \$ 100.00, shall issue the petitioner a sign to be posted on the subject property for not less than 14 days prior to date of hearing. The sign shall be 18"y 24" and be placed on the property so as to be clearly visible from the street or any public right-of-way. Where multiple frontage exist, whether it be or another street or any public right-of-way, on a property that is being considered for rezoning, signs posted giving notice of such request shall be placed on all frontage areas, and the building inspector shall check with the 911 addressing system to determine if any other physical address would apply to any portion of the property.

\ D. The Commission shall:

(i) hold a public hearing on the matter

(ii) approve or disapprove the matter and submit recommendation to the City Council

(iii) give any reasons for a disapproval in writing to the petitioner within 15 days of said action

(iv) give City Council the matter to adopt by ordinance or return to Commission for further study

E. Any disapproval by the Commission may be appealed to the City Council; such appeal must be given in writing to the City Clerk within 15 days of the action.

F. No application for a change in zoning reclassification shall be reconsidered by the Commission for a period of 12 months from the date of final action on the original request.

ARTICLE IX
ENFORCEMENT AND PENALTY

Section 1
Responsibility

The Building Inspector, code enforcement officer, or any Ozark city police officer shall be responsible for the administration and enforcement of these regulations.

Section 2
Permits

No structure shall be erected, moved, added to, or externally altered without a building permit. No permit shall be issued except in conformity with the provisions of these regulations.

Section 3
Violations

If the Building Inspector, Code Enforcement Officer, a city Police Officer shall find that the provisions of these regulations are being violated he/she shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. Failure to correct any violation or for any violation of these regulations, information shall be given to the City Attorney for prosecution based on the regulations herein

Section 4
Penalties

Violations of any provision of the zoning ordinance shall be considered a misdemeanor. Each day's violation shall be considered a separate offense.

The City Council, upon recommendation of the Commission, may enjoin any individual or property owner who is in violation of a planning ordinance herein, to prevent and correct the violation.

Violations shall have a penalty to no greater a sum of \$ 500.00 for any one offense or double that sum for each repetition of such offense.

If the violation continues in time the fine shall not exceed \$ 250.00 for each day the offense is unlawfully continued.

ARTICLE X
Severability

The provisions of this ordinance are hereby declared to be severable. If any section, paragraph, sentence, or clause shall be held to be invalid, the invalidity of said section, paragraph, sentence, or clause shall not affect the validity of the rest of the said ordinance.

These regulations shall take effect and be in force immediately from and after the date of their adoption; the public health, safety, and welfare so demanding.

ORDINANCE NO. 2007-19

AN ORDINANCE AMENDING CITY OF OZARK NO. 2001-14 AND 2004-6; ESTABLISHING, CONFIRMING AND ADOPTING A NEIGHBORHOOD COMMERCIAL AND QUIET BUSINESS DISTRICT; DECLARING AN EMERGENCY THEREFOR; AND FOR OTHER PURPOSES.

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

Section 1: The City of Ozark zoning plan and zoning maps as adopted by Ordinance No. 158 in 1966, Ordinance No. 2001-14 in 2001, and as amended in Ordinance No. 2004-6, shall be and hereby are amended. Such amendment is to establish a neighborhood commercial and quiet business district as follows:

SECTION IV, SUBSECTION B

7. C-3 NEIGHBORHOOD COMMERCIAL AND QUIET BUSINESS

This district is intended to accommodate quiet businesses, professional offices, medical and dental offices and essentially include facilities which can be located adjacent to or combined with multi-family residential uses without undue harmful effects to the residential uses and adjacent areas. This district can serve as a buffer between higher intensity commercial districts and residential districts. Where commercial development exists adjacent to single-family residential zoning, it should be limited to frontage lots of arterial streets only.

To reduce impact on adjacent neighborhoods, no building will be constructed or renovated with exposed metal walls on any side. This does not prohibit metal fascia or ornamental trim, nor metal siding of the type customarily used in residential construction.

C-3 examples-- such as:

- a. Professional offices
- b. Medical and dental offices
- c. Government offices and facilities
- d. Place of public assembly
- e. Florist Shop, Photographic or Music Studio
- f. Antique or Gift Shop
- g. Barber or Beauty Shop

Provisions of C-3:

1. This district will be limited to low traffic volume and with operating hours of not earlier than seven (7) a.m. and no later than nine (9) p.m.
2. Front Yard: minimum of 30 feet.
3. Side Yard: minimum of 15 feet on property abutting a residential use zone or 10 feet on property abutting a commercial use zone.

4. Rear Yard: minimum of 10 feet from rear lot line or center of alley if one exists.
5. Lot Coverage: No structure shall cover more than one-half (1/2) the lot area.
6. Load and Unload: In no way shall any public right of way or alley be blocked or traffic impeded for the purpose of load or unload; a designated loading or unloading area shall be provided on the property.
7. Parking: Commercial-one space per employee with one additional space per 200 square foot of building. Places of assembly-one space per 10 persons.

Section 2: The Industrial District I 1 shall be reflected as No. 8 of Article IV, Section B.

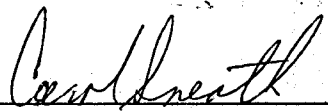
Section 3: Any provisions or portion of the original zoning plan and zoning map adopted in 1965 and as amended thereafter, to the extent they are in conflict with the provisions contained in the attachment hereto shall be and hereby are amended or repealed, as the case may be.

Section 4: In light of the need to revise the City of Ozark zoning plan and maps, and due to substantial changes in the City of Ozark, it is necessary for the preservation of public health, safety, and welfare, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately upon its passage.

PASSED AND APPROVED this 8 day of October, 2007.


MAYOR, VERNON McDANIEL

ATTESTED:


CITY CLERK, CAROL SNEATH