CITY OF MULBERRY

ZONING ORDINANCE # 142

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AMENDMENTS - Ord. # 87-8

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CHAPTER I

AUTHORITY - PURPOSE

SECTION 1. Authority

Act 186 of 1957 of the General Assembly of the State of Arkansas, as amended, empowers the City of Mulberry to enact zoning regulations and to provide for their administration, enforcement and amendment. The Mulberry City Council, pursuant to the provisions of Act 186 of 1957 of the General Assembly, as amended, has established a planning commission, which has divided the City into districts and has prepared regulations pertaining to these districts in accordance with the Comprehensive Development Plan. These regulations apply to all land and structures and are in effect throughout the entire corporate area of Mulberry.

SECTION 2. Purpose

A. The City Council deems it necessary, for the purpose of promoting the health, safety, morals, order, and general welfare of the City, to enact these zoning regulations.

B. These zoning regulations are designed to lessen congestion in the streets; to secure safety from fire and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; to stabilize property values; and to insure orderly development of the community for the general welfare of the citizens.

C. These zoning regulations provide for zoning districts of suitable and harmonious uses with the purpose of conserving the value of buildings and encouraging the most appropriate use of land in the City of Mulberry.

CHAPTER 2

DEFINITIONS

SECTION 1. Definitions

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

1. The word shall is 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 as a part of the principal structure. An example of an accessory structure for a non-residential structure would be the educational buildings 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 which affords a secondary means of access to 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 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 more families, with separate housekeeping and cooking facilities for each.

9. Dwelling Unit. A structure or portion thereof providing complete housekeeping facilities for one family. The term shall not be deemed to include motels, rooming houses, or mobile homes.

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

11. Family. One or more persons occupying premises and living as a single, non-profit housekeeping unit.

12. Floor Area. The sum of the 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.

13. Home Occupation. Any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling and which is carried on wholly within a main building or accessory building by a member of a family residing on the premises, in connection with which there is no advertising other than an identification sign of not more than one square foot in area, and no other display or storage of materials or exterior indication of the home occupation or variation from the residential character of the main building or accessory building; and in connection with which not more than one person outside the family is employed and no equipment used which creates offensive noise, vibration, smoke, dust, odors, heat or glare. When within the above

requirements, 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 one or two pupils at a time; however, a home occupation shall not be interpreted to include barber shops and restaurants.

14. Lot. A portion or parcel of land considered as 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 belonging to same.

15. 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 by metes and bounds, the description of which has been so recorded.

16. Mobile Home. A dwelling unit designed to be transported after fabrication on its own wheels or on a flat-bed or other trailer and 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 and the like.

17. Mobile Home Park (commercial). A commercial operation where space for mobile homes is provided by the day, week, or longer periods of time.

18. 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.

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

20. Parking Space. An on-lot available for the parking of one motor vehicle and having an area of not less than 200 square feet exclusive of space necessary to provide access to a street or alley.

21. Principal Use. The chief or main recognized use of a structure, of lot, or of land.

22. Property Line. The line bounding a lot as described herein.

23. Street. A public way which affords the principal means of access to abutting properties.

24. 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, structures include buildings, fences, billboards, and poster panels, but do not include walks, parking areas and drives.

25. Use of Land. The unoccupied portion of a lot shall be considered to be in the same use as is the principal structure located on the lot unless such land is utilized for open storage or agriculture outside of the structure, then the use of land shall be classified according to the nature of its use.

26. 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.

CHAPTER 3

USE ZONES

The City of Mulberry is divided into the following use zones as indicated on the Zoning Map, which is a part of these regulations.

Residential Use Zone

The residential use zone is intended primarily for residences, with permitted related uses such as churches, schools and recreational facilities. The permitted uses and the area requirements establish the character of the use district.

R-1	Residential

Commercial Use Zones

Commercial Use Zones are intended for the conduct of business and provision of services and the processing and manufacturing of goods which by the nature of the operation do not constitute a nuisance or a danger to the community.

C-1	Central Business District Commercial
C-2	General Commercial

Industrial Use Zone

Industrial Use Zone is intended for general manufacturing and industrial activities, and for the bulk storage of goods.

I-1	Industrial

Flood Plain Zone

The Flood Plain Zone is intended for the protection of persons and property from the hazards of development in floodable areas.

FP-1	Flood Plain

The boundaries of these districts are shown on the Zoning Map which accompanies and is made a part of these regulations. The original of this map is properly attested and on file with the City Clerk, and said map and all the information shown thereon shall have the same force and effect as if fully set forth or described herein.

Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply.

a) Boundaries indicated as approximately following the centerlines of streets, highways and alleys shall be construed as following such center lines.

b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

c) Boundaries indicated as approximately following city limits shall be construed as following city limits.

d) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

e) Boundaries indicated as parallel to or extensions of features mentioned in the preceding rules shall be so construed.

f) In circumstances not covered by the preceding rules, the Board of Adjustment shall interpret the district boundaries.

SECTION 1. Residential R-1

This zone is intended primarily for residential neighborhoods characterized by residential dwellings containing a suitable lot area.

A. Permitted Uses

1. Residential structures.

2. Public schools, parks, churches and religious educational buildings.

3. Municipal recreational uses and public utilities and structures.

4. Accessory structures or uses incidental to the permitted principal use.

5. Home occupations, as defined.

B. Area Requirements, Residential

1. Minimum lot area:

   a. Single-family.....7,000 sq. ft.

   b. Multi-family.....3,000 sq. ft. per unit

2. Minimum lot width: (at front yard building line)

   a. Single-family or Multi-family.....60 feet

3. Front yard: minimum of 25 feet. On corner lots the front yard shall be considered as parallel to the street upon which the lot has the least dimension.

4. a. Side yard (each:) Minimum 7½ feet from each property line.

   b. Side yard street: Same as side yard.

5. Rear yard: minimum 10 feet from rear lot line or center of alley if one exists.

6. Off-street parking

   a. Single-family: Parking space shall be provided on the lot to accommodate one motor vehicle for each family unit.

   b. Multi-family dwellings: Four on-lot parking spaces shall be provided for the first two families, plus one on-lot parking space for each additional family unit.

C. Area Requirements, Place of Public Assembly

1. Height

   a. Maximum height shall be two and one-half stories and not to exceed 35 feet for that portion of the structure used for assembly or offices.

2. Yard Requirements

   a. Minimum of 25 feet from all property lines.

3. On-lot parking

   a. Places of public assembly shall provide one on-lot parking space to accommodate one motor vehicle for each ten persons accommodated in the assembly hall.

SECTION 2. Central Business District C-1

The Central Business District represents the area of intensive commercial uses, including retail stores, banks, offices and the like. It is the retail core of the city. Due to the permanency of the existing structures, and the nature of this district, structures may be built to the front and in most cases, side property line.

A. Permitted Uses

1. Retail establishments selling goods as grocery, drug, hardware, variety, dry goods, automotive parts, etc.

2. Eating establishments as cafes and restaurants.

3. Banks and offices for professional and service people.

4. Motion picture theater and places of amusement unless otherwise prohibited.

5. Barber shops and beauty shops.

6. Printing offices.

7. Commercial billboards and signs.

8. Places of Public Assembly.

B. Area Requirements

1. Front yard: No front yard is required.

2. Side yard: No side yard is required, except when a lot abuts a lot in the Residence District, in which case a side yard of five feet shall be provided.

3. Rear yard: No rear yard is required, except on a lot abutting a lot in the Residence Districts, in which case a rear yard of 25 feet shall be provided.

C. Loading and Unloading

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

D. Parking Requirements

1. Commercial uses -- one parking space for each 200 square feet of floor area.

2. Places of public assembly -- one parking space for each 10 persons.

SECTION 3. General Commercial C-2

This General Commercial Zone is intended for those businesses which cater to the highway traffic, and provide convenience shopping and services for the surrounding area.

A. Permitted Uses

1. Any retail or personal service business, motels, service stations, restaurants, office buildings.

2. Commercial warehousing and wholesaling.

3. Commercial billboards and signs.

4. Dry cleaning and laundry establishments (attended or unattended).

5. Automotive repairs and sales (new and used).

6. Places of public assembly.

7. Farm implement sales and storage.

B. Area Requirements

1. Front yard: minimum of 30 feet.

2. Side yard: a minimum of 5 feet on property abutting a residential use zone.

3. Rear yard: minimum of 10 feet from rear lot line or center of alley if one exists.

4. Lot coverage: no structure shall cover more than one-half of the lot area.

C. Off-street Loading and Unloading

1. Loading and unloading facilities shall be provided so as not to block any public right-of-way.

D. Off-street Parking

1. Commercial uses -- one parking space for each 200 square feet of floor area.

2. Places of public assembly -- one parking space for each 10 people.

SECTION 4. Industrial I-1

This zone will provide space for manufacturing and agricultural processing activities. It is also intended for the storage and sale of bulk materials which are prohibited in the commercial zones.

A. Permitted Uses

1. The manufacturing, compounding, processing, packaging or assembling of such products when it is found by the enforcement officer that the location and the safeguards taken will so reduce the noise, dust, odor, or vibration as not to be detrimental or dangerous to the health, safety, or general welfare of the people.

2. Storage of bulk material when it is found by the enforcement officer that the specific location and safeguards taken will so reduce the danger of fire or explosion as not to be dangerous to the health, safety, or general welfare of the people.

B. Residential Uses Prohibited

1. No structure may be constructed or altered for residential use.

C. Area Requirements

1. All structures shall be built at least twenty-five feet from all property lines.

D. Height

1. Maximum height of a structure shall be three stories and not to exceed 45 feet.

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

E. Off-street Parking

1. Adequate on-lot parking shall be provided for all employees and visitors. The adequacy of such space shall be determined by the enforcement officer.

F. Off-street Loading and Unloading Facilities

1. Each structure or use shall provide off-street loading and unloading facilities which will not block a street, alley, or other public way.

SECTION 5. Flood Plain FP-1

This district is designed for those areas of the City of Mulberry that are subject to periodic flooding and are, therefore, not suitable for certain types of urban development. This District is designed to help protect persons and property from the hazards of development in these floodable areas, and to protect the community from the costs which may be incurred when unsuitable development occurs in these areas.

A. Permitted Uses

1. Public or non-profit recreation facilities such as a park, playground, swimming pool, golf course, or play field.

2. Temporary buildings, the uses of which are incidental to construction operations being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction or upon the expiration of a period of two years from the time of erection of such temporary building, whichever is sooner.

3. Agricultural uses such as orchards for growing or propagation of plants, trees, and shrubs.

4. Railroad rights-of-way, including a strip of land with tracks and auxiliary facilities for track operations.

B. Exception

1. Uses and structures permitted in a district adjacent to the Flood Plain District on a lot within a subdivision located at the edge of the "FP" District, or partly within the adjacent district when such subdivision has been approved. According to the regulations governing the subdivision of land and on condition that the subdivision improvements such as filling, channel improvement, or drainage structures, will protect the lot from periodic flooding. Plans for such improvements shall be reviewed and processed according to the requirements for other subdivision improvements.

SECTION 6. Special Uses

The City Council of Mulberry or the Board of Zoning Adjustment, by special permit, after public hearing and after study and report by the Planning Commission subject to such reasonable conditions and protective restrictions as are deemed necessary, may authorize the following special uses in any district from which they are otherwise prohibited:

1. Cemetery or mausoleum.

2. Funeral home.

3. Greenhouse or nursery.

4. Hospital, clinic or institution not primarily for the mentally ill or those with contagious diseases, provided that less than 40 percent of the total land area is occupied by buildings and that all the required yards are increased by one foot for each foot of building height in excess of height limits specified in these regulations.

5. Nursing home.

6. Radio tower or broadcasting station.

7. Mobile home.

   a. Definition: mobile home means a transportable, single family dwelling unit suitable for year-round occupancy and containing the same water supply, waste disposal, and electric conveniences as immobile homes.

   b. Condition of occupancy: a mobile home may be placed on an individual residential lot for temporary occupancy for a period not to exceed one year. One year from the date of first occupancy, the procedure for obtaining a special permit under this section must be complied with to reinstate this as a special use.

8. Mobile home park.

   a. Definitions

      (1) Mobile home park means a parcel of land under single ownership which has been planned and improved for the placement of mobile homes for nontransient use.

      (2) Mobile home space means a plot of ground within a mobile home park designed for the accommodation of one mobile home.

   b. A mobile home park shall conform to the following requirements:

      (1) Federal Housing Administration approved mobile home parks. Mobile home parks designed and constructed to meet Federal Housing Administration Minimum Property Standards for Mobile Home Courts and Parks shall be approved as substantially complying with the standards of the City of Mulberry. Proof of approval and certification by the Federal Housing Administration shall be furnished to the Planning Commission prior to approval by the City.

(2) Other mobile home parks. Mobile home parks not subject to Federal Housing Administration approval shall conform to the following minimum requirements:

(a) The park shall be located on a site that is properly graded to insure rapid and complete drainage.

(b) Each mobile home space shall contain a minimum of 1,500 square feet with a minimum frontage of 30 feet. Lot frontages shall be increased one foot for each one foot of width expansion of the mobile home or additions constructed thereto.

(c) Mobile homes shall be so harbored on each space that there shall be at least 15 feet of clearance between the mobile home and mobile homes or structures on adjacent sites.

(d) Mobile homes shall abut a driveway no less than 10 feet in width for the exclusive use of the tenants. Said driveway shall have unobstructed access to a street. If the mobile home park is designed so that a driveway is shared by occupants of two mobile homes, the driveway shall be at least 20 feet in width.

(e) Water, sanitary sewers, and electric service outlets shall be provided on each mobile home site. Such plumbing and electrical service connections shall, at the time of installation, meet the requirements of the plumbing and electrical codes of the City.

(f) Each mobile home park shall provide service buildings to house such toilet, bathing, laundry, and other sanitation facilities as the City may specify.

(g) Mobile home parks shall provide common recreation areas consistent with the standards for recreation adopted by the City.

9. Public utility structure.

CHAPTER 4

GENERAL REGULATIONS

SECTION 1. Annexed Area

A. Territory annexed to the City of Millersport after adoption of these regulations shall be given use designations within 90 days after the effective date of annexation in accordance with the amendment procedures of these regulations.

B. Before official use designation is made after annexation, all requests for building permits shall be referred to the City Planning Commission or a committee thereof. The Planning Commission or its designated committee may recommend issuance of the permit if said use conforms to the land use plan and the structure meets the requirements of the zone in which it is to be located.

SECTION 2. Completion of Existing Buildings

A. Nothing herein contained shall require any change in construction or designated use of a building actually under construction at the time of the adoption of these regulations.

SECTION 3. Home Occupations

A. An occupation may be carried on in a residential structure in a residential district only if the following are complied with:

1. It does not involve the use of commercial vehicles operating from the residence.

2. It does not require the use of more than two rooms otherwise normally considered as living space.

3. It does not require the use of an accessory building or of yard space or an activity outside the main structure not normally associated with residential uses.

4. It does not have a sign in excess of two square feet to denote the business, occupation, or profession.

5. It does not involve the external display of goods and services.

6. The occupation must be carried on only by a member of the family residing in the dwelling unit.

7. The occupation must be of a nature that does not cater to the day to day needs of the general public, i.e., the merchandising of convenience goods, such as groceries, sundries, etc.

B. Occupations carried on in a residential structure or accessory building in a residential district at the time of the adoption of these regulations must comply with the regulations established in Section 3 of this chapter, within two years of the date of the passage of these regulations, or said business, occupation, or profession shall be deemed in violation of these regulations.

SECTION 4. Existing Lots and Lot Area

A. 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 area in which the lot is located, provided all other area requirements are met.

SECTION 5. Nonconforming Buildings and Uses

The lawful use of a building or premises existing at the time of adoption or amendment of these zoning regulations may be continued although such use does not conform with the provisions of these regulations. Such nonconforming use may not be extended. The total structural repairs or alterations in such a nonconforming building shall not exceed 50 percent of the assessed value of the building unless permanently changed to a conforming use. If such nonconforming use is discontinued for a period of 12 months, any future use of the building and premises shall conform to these regulations. Whether a nonconforming use exists shall be a question of fact and shall be decided by the Board of Zoning Adjustment after public notice and in accordance with the rules of the Board.

CHAPTER 5

BOARD OF ZONING ADJUSTMENT

SECTION 1. Organization

A. A Board of Zoning Adjustment is hereby created which shall consist of the Planning Commission as a whole and the Chairman of the one shall likewise be the Chairman of the other.

SECTION 2. Meetings

A. The Board of Zoning Adjustment shall establish regular meeting dates, adopt rules for the conduct of its business, establish a quorum and procedure, and keep a public record of all findings and decisions. Each session of the Board of Zoning Adjustment shall be a public meeting with public notice of said meeting and business to be carried on published in a newspaper of general circulation in the city, at least one time seven days prior to the meeting.

SECTION 3. Appeals from Decision of Building Official

A. An appeal may be taken to the Board of Zoning Adjustment by any person, group, or organization, public or private, affected by a decision of the Building Official. Such appeal shall be taken within such time as prescribed by the Board by general rule, by filing with the Building Official and with the Board a notice of appeal, specifying the grounds thereof. A fee of $5.00 shall accompany all notices of appeals.

SECTION 4. Powers

The Board of Zoning Adjustment shall have 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 Official in the enforcement of these regulations and may affirm or reverse, in whole or part, said decision of the enforcement officer.

B. To hear requests for variances from the literal provisions of the zoning regulations in instances where strict enforcement of the zoning regulations 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 regulations. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the regulations. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

C. To hold public hearings on, and decide the following exceptions to or variations of these regulations:

1. To permit the extension of a district where the boundary line thereof divides a lot held in a single ownership at the time of adoption of these regulations.

2. Interpret the provisions of these regulations in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning Map where the street layout on the ground varies from the street layout as shown on this map.

3. Classify commercial or industrial uses which are likely to create hazards and review the locations of proposed industrial uses.

SECTION 5. Variance and Special Use Permits

A. The Board shall hear requests for variances from the stated provisions of the zoning regulations in instances where strict compliance with the provisions of the regulations would cause undue hardship due to the circumstances unique to the individual property under consideration.

B. The Board may grant variances or special use permits only when it is demonstrated that such action will be in keeping with the spirit and intent of the zoning regulations.

C. The Board shall not permit as a variance any use in a zone that is not permitted under these regulations in conformance with Act 186 of 1957 as amended.

D. The Board may impose conditions in the granting of the variance or special use permit to insure compliance and to protect adjacent property.

SECTION 6. Other Functions of Board

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

SECTION 7. Appeals from Decisions of the Board

A. Appeal from the decision of the Board shall be to a court of record within 30 days from the decision of the Board in accordance with Act 186 of 1957 as amended.

SECTION 8. Notice of Public Hearing

A. 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 seven (7) days preceding the date of such hearing in an official paper or a paper of general circulation in Mulberry, said notice to designate the particular location with which the appeal or application is concerned, and a brief statement as to what the appeal or application consists of. The Board shall also give or cause to be given such additional notice of such hearing to interested persons and organizations as it shall deem feasible and practicable.

CHAPTER 6

AMENDMENTS TO ZONING REGULATIONS

SECTION 1. Amendments by Public Body

A. The City Council may suggest that the Planning Commission amend the text of these regulations, or the Planning Commission itself may desire to initiate an amendment.

B. Amendments to the text proposed by the Planning Commission shall be advertised in a paper of general circulation at least 15 days in advance of a public hearing to be conducted by the Planning Commission. After the public hearing, the Planning Commission shall make a report and recommendation to the City Council pertaining to the proposed amendment to the text. The City Council action on the report and recommendation shall be final.

SECTION 2. Amendments by Individual Property Owners

A. A petition, giving the legal description of the property involved and the zoning classification requested for the property, or indicating the proposed amendment, shall be submitted to the Planning Commission by the property owner or his legally designated agent. The petition shall also include a statement and diagram explaining the proposed change.

B. Upon receipt of the petition, the Planning Commission, in accordance with Act 186 of the 1957 General Assembly as subsequently amended, shall proceed as follows:

1. The Planning Commission shall hold a public hearing on a proposed amendment. Notice of the public hearing shall be published in a newspaper of general circulation in the City, at least one time fifteen (15) days prior to the hearing.

2. Following the public hearing, the proposed amendment may be approved as presented or in modified form by a majority vote of the Planning Commission and recommended to the City Council for adoption.

3. If the Planning Commission disapproves a proposed amendment, the reasons for such disapproval shall be given in writing to the petitioner within fifteen (15) days from the date of the decision.

4. The City Council, by majority vote, may by ordinance adopt the recommended amendment submitted by the Planning Commission or may return the proposed change to the Planning Commission for further study and recommendation.

   If the City Council does not concur with the recommendation of the Planning Commission, either as first submitted or as submitted after re-study, the City Council may, by a majority vote, amend these regulations by granting the request for the proposed change in zoning classification in full or in modified form.

5. Following disapproval of a proposed amendment by the Planning Commission, the petitioner may appeal such disapproval to the City Council, 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 of receipt of notice of Planning Commission action.

C. No application for a change in zoning classification will be reconsidered by the Planning Commission within twelve (12) months from date of final disapproval unless the Commission finds that a substantial reason exists for waiving this limitation.

D. Before any action shall be taken as provided in this section, any person or persons proposing a change in the zoning classification of his property shall deposit with the City Clerk the sum of twenty-five dollars ($25.00) to cover the approximate cost of this procedure, and under no condition shall said sum or any part thereof be refunded for failure of said change to be approved by the Planning Commission and adopted by the City Council.

CHAPTER 7

ENFORCEMENT AND ADMINISTRATION

SECTION 1. Responsibility

A. The Building Inspector shall be responsible for the administration and enforcement of these regulations.

SECTION 2. Building Permits

A. No structure shall be erected, moved, added to, or structurally altered without a building permit. No building permit shall be issued except in conformity with the provisions of these regulations, except after written order by the Board of Adjustment.

B. All applications for building permits shall show dimensions and shape of the lot to be built upon; the sizes and locations on the lot of structures already existing, if any, and the location and dimensions of the proposed structure or alteration. The application shall include such other information as lawfully may be required, including existing or proposed structural alterations; existing or proposed uses of structure and land; the number of families, housekeeping units, or rental units the structure is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, these regulations.

SECTION 3. Violations

A. If the Building Inspector shall find that the provisions of these regulations are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it.

B. Should the person responsible for such violation fail to take the necessary action to correct it, the Building Inspector shall notify the City Council of the violation, said City Council shall certify the violation to the City Attorney, and said City Attorney shall within seven (7) days thereafter apply to Chancery Court for an injunction, mandamus, or other process to prevent, enjoin, abate, or remove said violation to these regulations.

SECTION 4. Certificate of Occupancy

A. It shall be unlawful to use or occupy, or permit the use or occupancy of any structure or land, or both, hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued by the Building Inspector stating that the proposed use of structure or land conforms to the requirements of these regulations.

B. The Building Inspector shall maintain a record of all certificates of zoning compliance, and copies shall be furnished upon request to any person.

SECTION 5. Penalty for Violation

A. Any person or corporation who shall violate any of the provisions of these regulations or fail to comply therewith or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement of plan submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable to a fine of not more than one hundred dollars ($100.00). Each day such violation is permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof where anything in violation of these regulations shall be placed, or shall exist, and any architect, builder, contractor, agent, person, or corporation employed in connection therewith and who may have assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction thereof, shall be fined as hereinbefore provided.

CHAPTER 8

SEVERABILITY -- EFFECTIVE DATE

SECTION 1. Severability

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

SECTION 2. Effective Date

A. 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.