ORDINANCE NO. 2008-04

AN ORDINANCE TO ALLOW FOR A **TEMPORARY** VARIANCE OF C-2 ZONING ACCORDING TO ZONING MAP OF ORDINANCE NO. 142, AT 614 NORTH MAIN STREET, AND FOR OTHER PURPOSES.

WHEREAS, application has been made for a temporary variance of C-2 zoning at 614 North Main Street;

WHEREAS, the purpose of the variance is to allow Shane House, owner of Shane's Recycling, to continue operating his business at this location, even though it is improperly zoned for this type of business, while attempting to relocate the bulk of the business elsewhere;

WHEREAS, the Mulberry Planning & Zoning Commission held a public hearing on May 19, 2008, concerning this matter; and

WHEREAS, the P&Z Commission, by vote of 4 to 0 with one member absent, recommended approval of the request with provisions as described below attached to the Variance.

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

SECTION 1. That the zoning map of Zoning Ordinance No. 142 be temporarily amended by a Temporary Variance on the following real property:

Pt SWl/4 SE1/4 S26 T10N R29W. beginning 110 ft N SW corner SW1/4 SE1/4 thence N 100 ft; thence E 210 ft thence S 100 ft, thence W 210 ft to point of beginning, known as 614 North Main Street, Mulberry.

SECTION 2. During an 18-month period beginning this date, Owner shall make every reasonable attempt to find another location to move his recycling business to. Open storage of any scrap metal or other materials is particularly offensive at this corner location, and Owner will concentrate on confining inventory during this 18-month period behind solid fence or in large containers or behind walls.

(Ordinance 2008-4 Continued)

SECTION 3. At the quarterly meetings of the P&Z Commission, reports will be reviewed documenting the progress of maintaining outside appearances of the recycling business, and also the progress of relocating the business for accumulation of inventory. If the Commission finds this agreement is not being adhered to, Mr. House will be asked to meet with the P&Z Commission for further discussion.

SECTION 4. Being necessary for the continued protection of the general public and for the peace and welfare of the citizens of Mulberry, Arkansas, an emergency is hereby declared to exist and this Ordinance shall take full force and effect immediately upon its passage.

PASSED AND APPROVED THIS 20TH DAY MAY, 2008.

APPROVED: _____
Betty Feller, Mayor

ATTEST: _____
Jerry Dickerson, Recorder-Treasurer