

ORDINANCE NO. 677

THIS IS AN ORDINANCE ADOPTING THE ZONING MAP
AND AMENDING CHAPTER 19 OF THE ZONING ORDINANCES
OF THE CITY OF RUSSELLVILLE, ARKANSAS, AND FOR
OTHER PURPOSES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
RUSSELLVILLE, ARKANSAS:

Section 1. That the Zoning Map adopted by the City of
Russellville Planning Commission on the 15th day of August,
1968, is hereby adopted and approved.

Section 2. That a copy of said map be filed with the
City Clerk of the City of Russellville, Arkansas.

Section 3. That Chapter 19 of the Code of Ordinances
of the City of Russellville, Arkansas, is amended to read as
follows:

Clerks Copy-Return

CHAPTER 19

ZONING REGULATIONS

Section 19-1. Purpose. The purpose of these regulations is to insure the health, safety, and general welfare of the municipality; by establishing zoning districts; by regulating within such zoning districts the uses, lot area, yards, lot width, lot coverage and parking; and by establishing such other requirements as are necessary for the coordinated, adjusted and harmonious development of the municipality.

Section 19-2. Authority. The authority to prepare, adopt, enforce, and amend these regulations is authorized by Act 186 of the 1957 Acts of Arkansas as amended. The application of these regulations is to the property within the corporate limits of the City of Russellville.

Section 19-3. Definitions

- A. For the purpose of these regulations, certain terms or words used herein shall be interpreted or defined as follows:
1. Words used in the present tense include the future tense.
 2. Words in the singular include the plural, and words in the plural include the singular.
 3. The word "shall" is mandatory, not directive, and the word permissive.
 4. The word "lot" includes the word "plot" or "parcel."

B. Certain words in these regulations are defined for the purpose hereof as follows:

1. Accessory Building or Use. A building located on the same lot with the main structure, or a subordinate use of land, either of which is customarily incidental to the main building or to the principal use of the land. Where a substantial part of the wall of the accessory building is a part of the wall of the main building, or where an accessory building is attached to the main building in a substantial manner as by a roof, such accessory building shall be considered a part of the main building.
2. Alley. A minor public way used for utility easements and vehicular service access to the back or side of property facing a street.
3. Area. This term refers to the amount of land surface in a lot or parcel of land.
4. Area Requirement. The yard, lot area, width of lot, height of structure, and parking requirements as set forth for a specific zone in these regulations.
5. Building. A constructed edifice designed to stand more or less permanently, covering a space of land and serving as a place for residence, business, industry, public purposes and similar uses.
6. Building, Height of. The vertical distance from the established average sidewalk grade or street grade or finished grade at the building line, whichever is highest, to the highest point of the building, excluding spires, towers, and domes not for human occupancy. flag poles, masts, and aerials.
7. Building, Principal. A building or structure in which is conducted the principal use of the lot on which it is located. In any residential district any dwelling shall be deemed to be the principal building on the lot on which same is located.
8. District. A section or sections of the City of Russellville for which regulations governing the use of building and premises, and building height and area are prescribed.
9. Dwelling. A house, apartment building, or other building designed or used primarily for human habitation. The word "dwelling" includes the following:

- a. Single-family dwelling: A detached residence designed for or occupied by one family only.
 - b. Two-family dwelling: A residence designed for or occupied by two families only, with separate housekeeping and cooking facilities for each.
 - c. Multi-family dwelling: A residence designed for or occupied by three or more families with separate housekeeping and cooking facilities for each.
10. Family. One or more persons related by blood or marriage or group of not more than four persons who need not be related by blood or marriage, living together and subsisting in common in a dwelling unit as a separate non-profit housekeeping unit, which provides only one kitchen as distinguished from a group occupying a boarding house.
 11. Gasoline Service Station. An establishment the business of which is the operation of a motor fuel dispensing station, where repair work is limited to lubricating and washing of motor vehicles, changing and minor repairs of tires, and where no major body work or major chassis or motor repairs are made.
 12. House, Boarding. A dwelling where meals, or lodging and meals, are provided for persons for compensation, pursuant to previous arrangements, but not available to the public or to transients.
 13. 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.
 14. Lot, Corner. A lot which has primary access provided by two streets. The front of the corner lot shall be determined by the platting on the filed plat.
 15. Lot Line or Property Line. The boundary dividing a given lot from a street, an alley, or adjacent lots.
 16. Lot of Record. A lot which is a 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.
 17. Mobile Home. A single-family dwelling unit that has the following characteristics:
 - a. Designed for long-term occupancy, containing sleeping accommodations, flush toilet, tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.

- b. Designed to be transported after fabrication on its own wheels, flat bed, other trailers or detachable wheels.
 - c. Arrives at site where it is to be occupied as a dwelling unit complete with major appliances and furniture and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities and the like.
 - d. A mobile home when located in a residential zoning district shall be considered as a single-family dwelling and meet all requirements pertaining to a single-family dwelling.
18. Mobile Home Park. Any plot of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.
19. Mobile Home Space. A plot of ground within a mobile home park designated for the accommodation of one mobile home.
20. Motel. A motorists' hotel where no portion of the building is over two stories in height and where at least fifty per cent or more of the guest rooms are on the ground floor level and open directly on a private roadway or court, and where at least one parking space is provided for each guest room.
21. Nonconforming. That use or building which does not meet the requirements of the zone in which the use or building is located at the time of the effective date of these regulations.
22. Nonconforming Use of Land. That use of land which does not conform to the permitted uses of land in the zone in which it is located and which does not utilize a principal or permanent building.
23. Nonconforming Use of Building. That use of a building which does not conform to the permitted use of buildings of the zone in which it is located.
24. Nonconforming Building. That building which by its nature is not intended for uses permitted within the zone in which it is located and/or that building which does not conform to the area requirements of the zone in which it is located.
25. Nursing Home. Any building where more than three persons, not members of the same family, are lodged, furnished with regular meals and/or provided medical or nursing care.

26. Open Space. Any unoccupied space on the lot that is open and unobstructed to the sky and occupied by no structures or portion of structures whatever.
27. Parking Space. Two hundred (200) square feet of usable space plus accessibility.
29. Places of Public Assembly. A meeting place for more than thirty-five (35) persons to which the public or membership groups are assembled regularly or occasionally, including but not limited to schools, churches, theatres, auditoriums, funeral homes, stadiums, and similar places of assembly. Classrooms within a school or schools without auditoriums or gymnasiums and a public or private building or institution without auditorium space are not, according to this definition, places of public assembly.
29. Principal Use. The main recognized use of a structure or of land.
30. Restaurant. A place of business that serves meals only within the building as opposed to a drive-in cafe where food and drink may be purchased for carry-out, for consumption on the premises including but not limited to within the building.
31. Story. That portion of a building included between the upper surface of any floor and 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.
32. Street. A public or private thoroughfare which affords the principal or primary access to property.
33. Structure. Anything constructed or erected, which requires location on the ground or attached to something having a location on the ground, including, but not limited to, buildings, advertising signs, billboards and poster panels; but exclusive of customary fences or boundary or retaining walls.
34. Yard. The horizontal distance from a lot line to a parallel designated line. An unoccupied space to the sky, on the same lot with a building or structure.
 - a. Yard, front. A yard between the front line of a building and the front boundary line of the lot on which the building is situated, and extending the full width of the lot.
 - b. Yard, rear. A yard between the extreme rear line of a building and the rear of the lot on which the building is situated, and extending the full width of the lot.

c. Yard, side. A yard extending from the front yard or from the front lot line where no front yard is required by these regulations, to the rear yard, or rear lot line, between the side lot line and nearest wall of the main building or of accessory building attached thereto.

d. Yard, side street. A yard on the side-street side.

Section 19-4 Zoning Map

- A. The City of Russellville is hereby divided into zoning districts as described in these regulations and as shown on the Official Zoning Districts Map which is hereby adopted by reference and declared to be a part of these regulations.
- B. The Official Zoning Districts Map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in Sec. 19-4 of Ordinance Number _____ of the City of Russellville, Arkansas" together with the date of adoption of these regulations.

Section 19-5 Application of Zoning District Regulations

- A. The regulations pertaining to each zoning district establish the character of the zoning district, and the regulations shall be applied uniformly within the zoning district.
- B. The uses permitted or prohibited in each zoning district shall include but shall not be limited to those uses enumerated as being permitted or prohibited within the respective zoning district.
- C. When a use is proposed for a zoning district that is not explicitly permitted or prohibited within the zoning district, the planning commission shall determine whether said use is compatible (i.e., in character) and if it so finds that it is, authorize said use to be established. The planning commission shall decide each application on its merits, taking into consideration such factors as existing uses, access, location, major streets, plans, etc. The planning commission may impose conditions under which a use may be permitted in order to insure compatibility. The finding of a use to be compatible in one location does not mean the same use is compatible at another location, even within the same zoning district.
- D. No building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the zoning district in which it is located.

Section 19-6 Residential Zoning Districts

A. The residential zoning districts are intended as areas of residence with permitted related uses as churches, schools and recreational facilities. The permitted uses and the area requirements establish the character of the zoning districts.

1. Residential zoning district R-1 is of low density permitting single-family structures with large lot area.
2. Residential zoning district R-2 is of medium density permitting single, two, and multi-family structures with modest lot area.
3. Residential zoning district R-3 is of higher density than R-2 permitting single, two, and multi-family structures on relatively small lot area.

B. Permitted Uses. (A YES indicates the use is permitted, a NO indicates the use is prohibited.)

	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>
1. Single-family structure	YES	YES	YES
2. Two-family structure	NO	YES	YES
3. Multi-family structure	NO	YES	YES
4. Mobile Home with adequate storage space	NO	NO	YES
5. Mobile Home Park	NO	NO	YES
6. Churches and educational buildings	YES	YES	YES
7. Public parks, playgrounds, recreation buildings	YES	YES	YES
8. Existing farms, truck gardens, nurseries	YES	YES	YES
9. Hospitals	NO	YES	YES
10. Medical or dental clinics	NO	YES	YES
11. Professional offices	NO	NO	YES

B. <u>Permitted Uses</u> (Cont'd.)	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>
12. Nursing homes	NO	YES	YES
13. Public schools	YES	YES	YES
14. Clubs, lodges, etc.	NO	YES	YES
15. Rooming houses	NO	NO	YES
C. <u>Area Requirements - Residential Structures</u> (N/A - requirement not applicable).			
	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>
1. Minimum lot area (in square feet)			
a. Single-family structure	10,000	7,500	5,000
b. Two-family structure	N/A	10,000	7,500
c. (1) Multi-family dwelling	N/A	11,000	8,500
(2) For each dwelling unit over three	N/A	1,000	1,000
2. Minimum Yard, Single-family (in feet)			
a. Front	25	25	25
b. Side (each)	10	8	7
c. Rear	25	25	25
3. Minimum Yard, Two-family (in feet)			
a. Front	N/A	25	25
b. Side (each)	N/A	10	10
c. Rear yard	N/A	25	25
4. Minimum Yard, Multi-family (in feet)			
a. Front	N/A	25	25
b. Side (each)	N/A	12	10
c. Rear	N/A	25	25
5. Minimum lot width (at front yard line) (in feet)			
a. Single-family structure	75	60	50
b. Two-family structure	N/A	75	60
c. Multi-family structure	N/A	90	75
6. On-lot parking (spaces per dwelling unit)			
a. Single-family structure	2	1	1
b. Two-family structure	N/A	1	1
c. Multi-family	N/A	1.5	1.5

C. Area Requirements - Residential Structures (Cont'd.)

	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>
7. Maximum Height			
a. Stories	2½	2½	2½
b. Not to exceed in feet	30	30	30

D. Area Requirements - Places of Public Assembly Constructed or Established after Effective Date of These Regulations on a New Site

	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>
1. Yard (in feet)			
a. Front	50	50	50
b. Side (each)	50	50	50
c. Rear	50	50	50
2. On-lot parking (spaces per seating capacity)	1 for 4	1 for 4	1 for 4
3. Minimum lot area			
a. Churches (per each 100 seating capacity or portion thereof)	1 acre	1 acre	½ acre

E. Churches. Churches may expand on existing site in residential zoning district provided such expansion is approved by the Planning Commission. The Planning Commission in approving such expansion shall require that yard requirements are met and may establish such other requirements in regard to such expansion as deemed necessary to protect adjacent residential structures.

F. Sign Requirements

1. No billboard or other commercial advertising signs shall be permitted in residential zoning districts.
2. One (1) sign not greater than one hundred (100) square feet in area may be erected for the purposes of advertising a land subdivision when located on the land to which the sign refers.
3. One "For Rent" or "For Sale" sign is permitted on premises for sale of individual parcels. Such sign shall not exceed four (4) square feet.
4. Public and quasi-public uses may display a sign not to exceed eighteen (18) square feet.
5. All signs shall be located on or behind the front property line.

G. Corner Lot

1. In a residential zoning district the minimum depth of a yard along the side line of the corner lot shall be 15 feet.
2. If there is a need to determine which is the front of a corner lot, the Board of Adjustment shall make said determination.

Section 19-7 Business Zoning Districts

A. Business Zoning Districts are intended for the conduct of business and provision of services.

1. The Business Zoning District B-1 represents the established central business district. Due to the nature of this district, structures may be built up to front and side property lines.
2. The Business Zoning District B-2 represents uses established on major streets. Adequate yards and control of coverage of lot by building are important factors in providing off-street parking.

B. Permitted Uses. (A YES indicates the use is permitted, a NO indicates the use is prohibited.)

	<u>B-1</u>	<u>B-2</u>
1. Retail establishments selling goods, as grocery, drug, hardware, variety, dry goods, etc.	YES	YES
2. Eating establishments (cafes, restaurants)	YES	YES
3. Offices for professional and service people, including doctors, dentists, lawyers, realtors, radio and TV service and repair	YES	YES
4. Banks, Savings and Loan Associations, etc.	YES	YES
5. Dry cleaning and laundry establishments	YES	YES
6. Automotive Service Stations	YES	YES
7. Automotive Repairs and Sales (New and Used)	YES	YES
8. Commercial billboards and signs	YES	YES
9. Motion Picture Theaters	YES	YES
10. Commercial recreation, as bowling alleys, golf driving ranges, drive-in theaters, skating rinks, etc.	NO	YES

B. Permitted Uses (Cont'd.)	<u>B-1</u>	<u>B-2</u>
11. Automatic laundries (unattended)	YES	YES
12. Funeral homes	YES	YES
13. Professional offices	YES	YES
14. Veterinarian clinics	NO	YES
15. Drive-in restaurants, ice cream stands, etc.	NO	YES
16. Mobile-home parks	NO	YES
17. Hotels, motels and motor hotels	YES	YES
18. Places of public assembly	YES	YES
19. Single-family structure	NO	NO
20. Two-family structure	NO	NO
21. Multi-family structure	NO	YES
22. Hospitals, Nursing Homes	NO	YES
C. <u>Area Requirements</u>		
1. Minimum yard (in feet)		
a. Front (street)	None	25
b. Side--Street (corner lot)	None	10
c. Rear (from property line or center of alley if one exists)	20	15
2. On-lot Parking		
a. Motels, hotels. (Parking space per sleeping unit)	1	1
b. Places of public assembly (space per seating capacity)	1 for 4	1 for 4
3. Maximum lot coverage (percent of lot covered by structures)	All	:60
4. Maximum height		
a. Stories	N/A	1½
b. Not to exceed in feet	N/A	30

- D. Residential Structures. Residential structures permitted in the B-2 Business Zoning Districts shall meet the area requirements for the R-3 Residential Zoning District.
- E. On-lot parking space shall be provided for employees and customers in Business Zoning District B-2.
- F. When any Business Zoning Districts abut any Residential Zoning Districts, a minimum side yard of ten (10) feet is required and a minimum rear yard of twenty-five (25) feet is required for structures in the Business Zoning Districts.

Section 19-8. Commercial Zoning Districts

- A. Commercial Zoning Districts are intended for general manufacturing and industrial activities, and for the bulk storage of goods.
1. The Commercial Zoning District C-1 represents the industrial park areas. This District is intended for those operations carried on within the structure, with adequate land area for parking and landscaping. This District is intended for those uses that place a value upon aesthetics and public relations.
 2. Commercial Zoning District C-2 represents areas for normal industrial activities, including bulk storage of goods in the open.
- B. Permitted Uses
1. Commercial Zoning District C-1
 - a. Manufacturing, compounding, processing, packaging, and/or assembling of products which, by the nature of the operation, does not produce noise, dust, odor, or vibration that is detrimental or dangerous to the health, safety, or general welfare of the community.
 2. Commercial Zoning District C-2
 - a. Permitted uses in Commercial Zoning District C-1 as provided by B-1-a, this section.
 - b. Storage of bulk materials when it is found that the specific location and the safeguards provided will so reduce the danger from fire or explosion so as not to be dangerous to the health, safety, or general welfare of the community.
- C. Area Requirements
1. Commercial Zoning District C-1
 - a. Lot coverage: Structures shall not cover more than 33 1/3 per cent of the lot area.
 - b. Yards: All structures shall be built at least 40 feet from the front property line and 25 feet from all other property lines, except that, where property abuts a railroad where siding facilities are utilized, structure may be built up to railroad property lines.

- c. On-lot parking: Adequate on-lot parking space shall be provided for all employees and visitors.
 - d. On-lot parking loading and unloading facilities: Each structure or use shall provide on-lot loading and unloading facilities which shall not block a street, alley, or other public way.
 - e. Storage: All bulk storage must be within the confines of structures.
2. Commercial Zoning District C-2
- a. Lot coverage: Structure shall not cover more than 50 per cent of the lot area.
 - b. Yards: All structures shall be built at least 25 feet from all property lines, except that, where property abuts a railroad where siding facilities are utilized, structures may be built up to railroad property lines.
 - c. On-lot parking: Adequate on-lot parking space shall be provided for all employees and visitors.
 - d. On-lot loading and unloading facilities: Each structure or use shall provide on-lot loading and unloading facilities which shall not block a street, alley, or other public way.
- D. Approval of Industrial Uses by Planning Commission. When an application is submitted for a building permit for an industrial use in a commercial district, the application shall be referred to the Planning Commission to:
- 1. Determine if the industry meets the general character of the commercial zoning district in which proposed.
 - 2. Determine if any safeguards are necessary and if so, to so stipulate to protect the health, safety, and general welfare of the community in general and abutting property in particular.
 - 3. Approve or disapprove the application.

Section 19-9 General Provisions

A. Annexed Area

1. Territory annexed to the City of Russellville after adoption of these regulations shall be given district designations within 120 days after the effective date of annexation in accordance with the amendment procedures of these regulations.
2. Before official zoning district designation is made after annexation, all applications for building permits shall be referred to the City Planning Commission or a committee thereof. The Planning Commission or its designated committee may recommend approval of the application for a building 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. The recommendation shall be forwarded to the City Council for its acceptance or rejection.

B. Completion of Existing Buildings. Any building for which a valid building permit was issued prior to the adoption of these regulations may be completed provided construction is started within one year of the effective date of these regulations.

C. Principal Building on Lot. In a residential district only one building and its customary accessory structures may hereafter be erected or located on any lot unless otherwise provided in these regulations.

D. Lots of Record

1. In any district in which single-family dwellings are permitted, notwithstanding other requirements of these regulations, a single-family dwelling and customary accessory buildings may be erected on a single lot of record at the effective date of these regulations.
2. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the zoning district, provided that yard dimensions and other requirements not involving lot area or width, or both, of the lot shall conform to the regulations for the zoning district in which such lot is located.
3. When two or more adjacent lots are in common or joint ownership on the effective date of these regulations, the area requirements shall apply.

E. Occupations Permitted in Residential Buildings Utilized for Residential Purposes in Residential Zones

1. An occupation may be carried on in a residential building in a residential zone only if the following are complied with:
 - a. It does not involve the use of commercial vehicles operating from the residence.
 - b. It does not require the use of more than two rooms otherwise normally considered as living space.
 - c. It does not require the use of an accessory building or of yard space or an activity outside the main building not normally associated with residential uses. When a State statute or regulation requires the operation of an occupation separate from the living quarters, an accessory building may be utilized if already in existence at time of adoption of these regulations and with the approval of the Board of Zoning Adjustment.
 - d. It does not have a sign in excess of four square feet to denote the business, occupation or profession, and such sign must be attached to the structure.
 - e. It does not involve the external display of goods and services.
 - f. The occupation must be carried on by an occupant of said residence.
2. Existing occupations carried on in a residential building in a residential district at the time of the passage of these regulations which do not comply with Section 19-9-E1 may not be continued should there be a change in ownership by sale of property.

F. Areas Not To Be Diminished. The lot or yard areas required by these regulations for a particular building or use at the time of passage of these regulations or later constructed or established shall not be diminished and shall not be included as a part of the required lot, open space or yard area of any other building or use. If the lot, open space, or yard areas required by these regulations for a particular building or use are diminished below requirements, the continued existence of such building or use shall be deemed a violation and punished as provided in these regulations.

C. Vision Clearance Requirement. No lot abutting a street intersection shall be occupied by plantings which will obstruct vision for vehicle drivers. Such plantings shall not be permitted within ten (10) feet of the right-of-way of an intersecting street.

H. Mobile Home Park. A mobile home park shall conform to the following requirements:

1. The minimum area for a mobile home park shall be two (2) acres.
2. The park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
3. Mobile home spaces shall be provided consisting of a minimum of two thousand four hundred and fifty (2,450) square feet for each space which shall be at least thirty-five (35) feet wide and clearly defined.
4. Mobile homes shall be so harbored on each space that there shall be at least a fifteen (15) foot clearance between mobile homes and a minimum of ten (10) feet end to end clearance.
5. All mobile home spaces shall abut a driveway of not less than twenty (20) feet in width, which shall have unobstructed access to a highway or major street.
6. Each mobile home space shall be provided water, sewer, and electrical service as approved by the City.
7. One parking space to accommodate a motor vehicle shall be provided on each mobile home lot.

Section 19-10 Nonconforming

- A. Nonconforming Uses of Land. Where, at the effective date of adoption or amendment of these regulations, lawful use of land exists that is made no longer permissible under the terms of these regulations as enacted or amended, such use may be continued, so long as it remains otherwise lawful subject to the following provisions:
1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of these regulations.
 2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of these regulations.
 3. If any such nonconforming use of land ceases for any reason for a period of more than 90 days, any subsequent use of such land shall conform to the regulations specified by these regulations for the district in which such land is located.
- B. Nonconforming Buildings
1. Where a lawful building exists at the effective date of adoption or amendment of these regulations that could not be located on the lot in conformity with the area requirements of the zoning district in which located, such building may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - a. No such building may be enlarged or altered in any way to increase its nonconformity.
 - b. Should such building be totally destroyed, it shall not be reconstructed except in conformity with the provisions of these regulations.
 2. Where a lawful building exists at the effective date of adoption or amendment of these regulations that could not be built under these regulations as said building is for a use or uses not permitted in the zoning district in which located, such building may be continued as long as it remains otherwise lawful, subject to the following provisions:
 - a. No such building may be enlarged.
 - b. Should such building be totally destroyed, any new structure shall be in conformity with these regulations.
- C. Nonconforming Uses of Structures. If a lawful use of a building, or of building and premises in combination, exists at the effective date of adoption or amendment of these regulations, that would not be allowed in the district under the terms of these regulations, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing building devoted to a use not permitted by these regulations in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the building to a use permitted in the district in which it is located.
 2. Any nonconforming use may be extended throughout any part of a building which was manifestly arranged or designed for such use at the time of adoption or amendment of these regulations, but no such use shall be extended to occupy any land outside such building.
 3. If no structural alterations are made, any nonconforming use of a building, or building and premises, may be changed to another nonconforming use provided that the Planning Commission, by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Planning Commission may require appropriate conditions and safeguards in accord with the provisions of these regulations.
 4. Any building, or building and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
 5. When a nonconforming use of a building, or building and premises in combination, is discontinued or abandoned for six consecutive months or for eighteen (18) months during any three-year period, the building, or building and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.
 6. Where nonconforming use status applies to a building and premises in combination, removal or destruction of the building shall eliminate the nonconforming status of the land.
- D. Repairs and Maintenance. Nothing in these regulations shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, and upon the order of such official.

Section 19-11 Board of Adjustment

- A. Members. A Board of Adjustment consists of three members nominated by the Planning Commission and confirmed by the City Council. Two members shall be members of the Planning Commission and one member shall be a citizen at large.
- B. Meetings
1. The Board of Adjustment shall establish regular meeting dates, adopt rules for the conduct of its business, establish a quorum and procedures, and keep a public record of all findings and decisions. (Ark. Statutes 19-2829 par. b(2)).
 2. Each session of the Board 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 (1) time seven (7) days prior to the meeting. (Ark. Statutes 19-2829 par. b(2)).
- C. Appeals from Decision of Enforcement Officer. The Board may hear appeals from the decisions of the administrative officers in respect to the enforcement and application of these regulations; and may affirm or reverse, in whole or in part, said decision of the administrative officer. (Ark. Statutes 19-2829 par. (b(1)).
- D. Variances. The Board may hear requests for variances from the literal provisions of the zoning ordinance 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 ordinance. The Board may impose conditions in the granting of a variance to insure compliance and to protect adjacent property. (Ark. Statutes 19-2829 par. b(2)).
- E. Fee. The appellant or applicant shall be required to pay to the City Clerk a filing fee of fifteen dollars (\$15.00) to cover such other costs as may be incurred in connection with such appeal or application.
- F. Appeal from Decisions of the Board. Decisions of the Board in respect to appeals from the decisions of the administrative officers and to requests for variances shall be subject to appeal only to a court of record having jurisdiction. (Ark. Statutes 19-2829 par. b(2)).

Section 19-12 Amendment to Text of Regulations

- A. The City Council may recommend to the Planning Commission amendments to the text of these regulations, or the Planning Commission may on its own motion initiate amendments.
- B. Proposed amendments to the text 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 19-13 Changes in Zoning District Classifications

- A. Initiation and Procedures for Change in Zoning Classification
 1. A proposed change in a zoning district classification may be initiated by a letter of request by one or more owners or lessees of property within the area proposed to be changed. Such a letter shall be addressed to the Planning Commission and shall be filed with the Secretary of the Planning Commission not less than forty-eight (48) hours prior to a regular monthly meeting. The City Planning Commission shall determine whether the extent and boundaries of the area proposed to be changed are such as to constitute a new district or an extension of an existing district.
 2. On the basis of the Planning Commission's delimitation of an area proposed to be changed, the proponent of the change shall file an application for change in zoning classification on forms provided by the Planning Commission who shall schedule same for a public hearing before the commission not less than thirty (30) days and not more than ninety (90) days from date of filing. The commission shall publish or require the petitioner to publish a notice upon approval of the Planning Commission in Zoning District classification, which notice shall be published at least once not less than fifteen (15) days preceding the date of such hearing, in an official paper or a paper of general circulation in Russellville; said notice shall contain description of property and change proposed. The cost of the publication of the notice shall be paid for by the petitioner. The Planning Commission shall give or cause to be given such additional notice of such hearing to interested persons and organizations as it shall deem feasible and practicable.

3. The Planning Commission shall conduct the public hearing on the proposed change in zoning classification.
4. Following the public hearing, the proposed change in zoning classification may be approved as presented or in modified form by a majority vote of the Planning Commission and recommended for adoption by the City Council, with reasons for such recommendation stated in writing.
5. The City Council, by majority vote, may by ordinance adopt the recommended amendment submitted to the Planning Commission or may return the proposed change in zoning classification to the Planning Commission for further study and recommendation.

If the City Council does not concur with the recommendation of the Planning Commission, the City Council shall return the recommendation to the Planning Commission for further study and report. After resubmission of the recommendation, the City Council may, by majority vote, accept, reject, or modify the recommendation pertaining to the proposed change in zoning classification.

6. If the Planning Commission disapproves a proposed change in zoning classification, notice of disapproval with the reasons for such disapproval shall be given in writing to the petitioner within fifteen (15) days from the date of the decision.
 7. Following disapproval of a proposed change in zoning classification 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 to be in error. Such appeal shall be filed with the City Clerk within fifteen (15) days of receipt of notice of Planning Commission action.
- B. Resubmission of Application. No application for change of zoning for a given property may be resubmitted within twelve (12) months from date of action by the Planning Commission, unless the Planning Commission finds that a substantial reason exists for waiving this limitation.
- C. Fee. Applications shall be accompanied by a filing fee of twenty-five dollars (\$25.00) to assist in defraying general expenses in connection with the application for a change in zoning.
- D. Posting of Sign. The proponent of change shall post a sign 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 existing and proposed change in zoning classification.

Section 19-14 Enforcement

- A. The provisions of these regulations shall be administered by an enforcement officer designated by the City Council.
- B. A building permit will be issued only when the application has been approved by the enforcement officer as meeting requirements of these regulations. All applications for building permits shall be accompanied by a plan in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building to be erected and its location on the lot, and such other information as may be necessary to provide for the enforcement of these regulations. A record of such application and plats shall be kept in the office of the City Clerk and submitted to the Planning Commission at the next regular meeting for review.

Section 14-15 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 therein, or who shall build or alter any buildings 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 shall be 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.

Section 19-16 Validity of Regulations

- A. If any section, paragraph subdivision, clause, phrase, or provision of these regulations shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of these regulations as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

Section 19-17 Conflicting Provisions Repealed

- A. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

This 10 day of October, 1968.

ATTEST:

Charles B. Jones
CLERK

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Jack Price
MAYOR