

ZONING CODE
NEWPORT, ARKANSAS

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SECTION I

Title

This Code shall be known, cited and referred to as:

The City of Newport Zoning Code

SECTION III

DEFINITIONS

For the purpose of this Code, the definitions contained in this Section shall be observed and applied. Words herein not defined shall be interpreted in accordance with **definitions** contained in the Webster's Dictionary.

I. CLARITY OF INTERPRETATION

The following word use shall apply in order to provide clarity of interpretation:

- A. Words used in the present tense shall include the future and past, and words used in the singular number shall include the plural number, and the plural, the singular.
- B. The word "shall" is mandatory and not discretionary.
- C. The word "may" is permissive.
- D. The word "lot" shall include the words "lot" and "parcel". **The** word "building" includes all other structures of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for". .

II. DEFINITIONS

Accessory Structure. An "accessory structure" is one which:

- A. is subordinate to and serves a principal building or principal use;
- B. is **subordinate** in area, extent or purpose to the principal building or principal use served;
- C. contributes to the comfort, convenience or necessity of occupants of the **principal** building or principal use served; and
- D. is located on the same zoning lot as the principal **building** or principal use served with the single exception of such accessory off-street parking facilities as are permitted to **be** located elsewhere than on the same zoning lot with the building or use served.

Alley. A public way, not in excess of 20 feet of right-of-way, used as a secondary means for vehicular access to the rear or side of properties otherwise abutting on a street and not intended for general traffic circulation.

Alteration. Any change, addition, or removal of or **affecting** the structural or supporting members of a building such as bearing walls, columns, beams, girders, and joists.

Apartment. A room or suite of rooms in a multiple-family dwelling, which is arranged, designed, used or intended to be used as a single housekeeping **unit**. Complete private kitchen and private bath facilities, permanently installed, must always be included for each apartment.

Area. The amount of land surface in a lot or parcel of land.

Automobile Repair. Major. Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision services, including body, frame or fender straightening or repair and **painting** of vehicles.,

Automobile 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 body work or major chassis or motor repairs are made, except incidental repairs, replacement of minor parts and motor service to automobiles, but not including and operation specified under "automobile repair, major."

Basement. A portion of a building or structure partly underground designed for human occupancy.

Billboard. See Sign.

Block. A tract of land bounded by streets or, in lieu of a street or streets, by public parks, cemeteries, **railroad rights-of-way**, bulkhead lines or shore lines of waterways or corporate **boundary** lines of municipalities.

Boarding House. A building other than a hotel or restaurant where meals, a sleeping room and one off-street parking space per guest have been provided for compensation to not more than three (3) guests who are not members of the keeper's family.

Building. Any structure having a roof supported by columns or **walls** for the sheltering or enclosure of persons, animals, chattels or property of any kind. Any structure with interior areas not normally accessible for human **use**, such as gas holders, oil tanks, water tanks, grain elevators, coal **bunkers**, oil cracking towers and other similar structures are not considered as buildings.

Country Club. A chartered, non-profit membership **club catering** primarily to its membership, providing one or more of the following recreational and social activities: golf, swimming, riding, outdoor recreation, club house, locker room., pro shop.

"Drive-In" Type Uses. Sales or service uses which offer goods or services to customers waiting in parked vehicles, such as, but not limited to drive-in **restaurants**, drive-in banks and automated car washes. Such uses create numerous vehicular conflict points thereby increasing potential traffic hazards. This Code specifically defined such uses with the intent of limiting their location to areas with adequate road accessibility and with a minimum of traffic conflict.

Driveway. An accessway to a required off-street parking **facility**.

Dwelling. A building or portions thereof designed or used exclusively **for** residential occupancy, including one-family dwelling units, two-family dwelling units and multiple-family units, which structures are approved under the adopted building codes of the City of Newport (but not including hotels, motels and boarding houses).

Dwelling. Attached. A dwelling which is joined to another dwelling **at** one or more sides by a party wall or **walls**.

Dwelling. Detached. A dwelling which is entirely surrounded by open space on the same lot.

Dwelling. Multiple-Family. A building or portions thereof designed or altered to provide dwelling units for occupancy by three (3) or more families living independently of each other, each with its own kitchen and bath facilities.

Dwelling. One-Family. A dwelling unit designed exclusively for use and occupancy by one family.

Dwelling. Townhouse. Three or more dwelling units attached at the side or sides, each unit of which has a separate outdoor entrance, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls.

Dwelling. Two-Family. A building designed or altered to provide dwelling units for occupancy by two families living independently of each other, each with **its** own kitchen and bath **facilities**.

Dwelling Unit. One or more rooms which are arranged) **designed** or **used** as living quarters for one family only. Complete single kitchen facilities, bathroom facilities and sleeping facilities shall always be included for each dwelling unit.

Easement. A grant by the property owner of the use by the public, a corporation or person(s)

Junk Yard. Any open space or area where motor vehicle (not in running condition), motor vehicle parts, paper, rags or similarly **used** but salvageable materials are bought, sold, exchanged, stored, baled, packed, disassembled or otherwise handled.

Kennel. Commercial. Any lot or premises or portion thereof, on which more than four (4) dogs, cats and other household domestic animals, over four (4) months of age, are kept, or on compensation or kept for sale.

Loading and Unloading Space or Berth. Off-Street. An obstructed; hard-surfaced area of land other than a street or a public way, the principal use of which is for the standing, loading and unloading of **motor** vehicles, tractors and trailers, to avoid undue interference with public **streets** and alleys. Such space shall not be less than ten (10) feet in width, thirty-five (35) feet in length and fourteen (14) feet in height, exclusive of access aisles and **maneuvering** space.

Lodging House. A building or premises other than a hotel, motel, inn or auto court, where lodging is provided for **compensation** for three (3) or more persons but not exceeding twenty (20) persons.

Lodging Room. A room rented as sleeping and living quarters, but without cooking facilities and **with** or without an individual **bathroom**. In a suite or **rooms** without cooking facilities, each room which provides sleeping accommodations shall be counted as a "lodging room."

Lot. A parcel of land occupied or intended to be occupied by a building and its accessory building or by a dwelling or group of dwellings and their accessory buildings, together with such **open** spaces as are required under the provisions of this Code.

Lot. Comer. A lot abutting upon two or more streets at their intersection.

Lot. Double Frontage or Through Lot. A lot which is an interior lot extending from one street to another and abutting a street on two ends.

Lot Lines. The lines bounding a lot as defined herein.

Lot Line. Front. In the case of an interior lot, the line separating said lot from that street which is designated as the front street in the request for a building **permit**.

Lot Line. Rear. The lot boundary opposite and most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line.

Lot Line. Side. Any lot line other than a front or rear lot line as defined herein.

Lot Width. The width of a lot measured at the building setback line.

Open Sales Area. Any open land or **area** used or occupied for the purpose of storing and selling new or second hand passenger cars or trucks, farm machinery, construction machinery, motor scooters or motorcycles, boats, trailers, aircraft and monuments and similar apparatus. No repair work is done in such an area except for minor incidental repair of items to be displayed and sold on the **premises**.

Parking Lot. An off-street facility including parking spaces and drives and aisles for maneuvering, and providing access and for entrance and exit, developed in a way to accommodate the parking of automobiles.

Party Wall. A common shared wall between two separate structures, buildings, or dwelling units.

Principal Use. The main use of land or builds as distinguished from a subordinate or **accessory** use.

Professional Offices. A professional office to be located in a residential district as herein permitted shall include doctor, dentist, lawyer, engineer, real estate and other professional offices.

Public and Community Service Uses. For the purpose of this Code the **term** "Public and Community Services Uses" shall include the following: police stations or sub-stations, fire stations or sub-stations; public utility stations or sub-stations, postal stations or sub-stations, sewage pumping **stations**, public library branch facilities and other similar uses.

Public Open Space. Any publicly-owned open area, including but not limited to the following: parks, playgrounds, forest preserves, beaches, waterways, parkways and streets. .

Public Utility. Any persons, firm, corporation or municipal department, duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, **communications**, transportation or water.

Recreational Vehicle. See travel trailer or mobile home.

Rehabilitative Home. Dwellings established for rehabilitative and/or **educational** purposes for temporary inhabitants.

Restrictive Covenant. A restriction on the use of land usually set **forth** in the deed. The restrictive covenant usually runs with the land and is binding upon subsequent owners **of** the property.

Retirement Home. A group of dwelling units designed specifically for the elderly and operated as a nonprofit organization.

Travel Trailer. Motor Home. or Recreational vehicle. A vehicular, portable structure, built on a chassis, with or without complete kitchen, toilet, bath and shower facilities designed to be used for temporary human habitation for travel, recreational and vacation uses. A "travel trailer" used as a permanent dwelling unit is expressly prohibited by this Code.

Variance. Permission to depart from the literal requirements of the zoning code.

Variance Hardship. A departure from the provisions of the zoning code relating to setbacks, side yards, frontage requirements, and lot size, but not involving the actual use or structure.

Warehousing. The process of storing in structures merchandise, household goods and/or **agricultural** products.

Wholesaling. Those operations that are engaged in the business of selling to retailers or jobbers rather than customers.

Yard or Setback. An open space on the same zoning lot with a **principal** building or -group of buildings which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted in this Code, and which extends along a lot line and at right **angles** thereto to a depth or width specified in the yard regulations for the district in which the zoning lot is located.

Yard or Setback,- Front.- Any yard adjoining a street shall be considered a front yard and shall meet all of the requirements for front yards in the respective districts throughout this Code, except as provided for in Section XII, VI.

Yard or Setback. Rear. **The** area extending along the full length of the rear lot line between the side lot lines. In all instances, including cover and irregular lots, the rear of the lot shall be that area opposite the front.

Yard or Seiback. Side. The area extending along a side lot line from the front yard to the rear yard.

Zero Lot Line. **The** location of a building on a lot in such a manner **that** one **or** more of the building sides rest directly on a lot line.

Zoning Lot. As used in the City of Newport Zoning Code, the term "Zoning Lot" shall mean the same as a "lot of record," the definition of which is as follows: a parcel **of land shown as** a ... separate lot on a subdivision, the map 'Or plat of which has been recorded in the office of the Recorder of Deeds of Jackson County, Arkansas, or a parcel of land, the deed to which has been recorded in the office of the **Recorder** or Deeds of Jackson County, Arkansas.

Zoning Map. The map incorporated into this Code as part hereof, designating zoning districts.

SECTION IV

GENERAL PROVISIONS

1. DISTRICTS

For the purpose and provisions of this Code, the City of Newport, **Arkansas** is hereby organized into the following districts:

- A-1 **Agricultural** District
- R-1 Single-Family Residential District
- R-2 Family Residential District
- R-3 Multi-Family Residential
- M-1 Manufactured Housing District
- C-1 Central Business District
- C-2 Commercial Community District
- C-3 Commercial Neighborhood District

- 1-1 Light Industrial District
- 1-2 General Industrial District

II. ZONING MAP

The City is hereby divided into zoning districts as shown on the Official Zoning Map which, together with explanatory information thereon, is hereby adopted by reference and declared to be part of these regulations.

The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the seal of the City.

iii. DISTRICT BOUNDARIES

When uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

District boundary lines are either the center lines of railroads, highways, streets, alleys **or** easements or the boundary lines of sections, quarter sections, divisions of sections, tracts or lots or such lines extended otherwise indicated.

In areas not subdivided into lots and blocks, wherever a district is indicated as a strip

the City Council, with reasons for such recommendations stated in writing.

5. The City Council, by majority vote, may by ordinance adopt the recommended amendment submitted by the Planning Commission or may return the proposed change in zoning classification 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.

V. COMPLETION OF EXISTING BUILDINGS

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

Nothing herein contained shall require any change in the plans, construction or designated use of a building for which a building permit has been issued within thirty (30) days prior to the adoption of these regulations, provided construction is begun within ninety (90) days of such effective date of these regulations and diligently pursued to completion.

VI. AREAS NOT TO BE DIMINISHED

No part of a yard, or other open space or off-street parking or loading space required in connection with any building or use shall, by virtue of change of ownership, or for any other reason, be used to satisfy yard, court, other open space or minimum lot area requirements for any other building. '

VII. PRINCIPAL STRUCTURE ON LOT

- A. In residential districts only one principal structure and its customary accessory structures may hereafter be erected on any lot unless otherwise provided in this Code.
- B. The equipment of an accessory structure with sink, **cook** stove or other kitchen facilities for the independent occupancy thereof other than by servants or guests shall be considered evidence that such structure is not an accessory structure but a separate dwelling and must meet all minimum lot area and yard requirements of the district in which it is located.

VIII. VISION CLEARANCE REQUIREMENTS

- A. No lot facing an intersecting street (corner lot) shall be occupied by fences,

SECTION V

AGRICULTURAL DISTRICT

I. A-1 AGRICULTURAL DISTRICT

This district provides a location for the land situated within the city limits and on the fringe of the area that is used for agricultural purposes, but will likely be undergoing urbanization in the future. Most of these areas are in close proximity to residential and commercial uses. Therefore, the agricultural activities conducted in this district should not be detrimental to urban land uses. The types of uses, land area, and intensity of use of land which are authorized in this district are designed to encourage and protect agricultural uses until urbanization is warranted and the appropriate **change** in district classification is made.

A. Permitted Uses

Unless otherwise provided in this Code, no building or land shall be used and no building shall be erected, converted, enlarged or structurally altered in the A-1 District except for one or more of the following uses:

1. Agricultural crops.
2. Detached **one-family** dwelling.

B. Conditional Uses

The following may be allowed by conditional use permit in accordance with the Provisions of Section XV.

1. Lodge hall, veteran's organization, service organization.
2. Airport or landing field.
3. Cemetery.
4. **Kennel**.
5. Radio and television station and transmission tower.
6. Stable, public.
7. **Child** care center, not part of a church.
9. **Churches**, including places of worship, religious, **education** buildings and meeting halls; day care center operated by churches permitted.
10. Public school **or** school offering general educational courses the same as ordinarily given in the public schools and having no rooms regularly used for housing or sleeping.

2. Side Yard.
 - a. For dwellings, the side yard on each side of the main building shall be not less than fifteen (15) feet.
 - b. For unattached accessory **buildings**, the side yard setback shall be ten feet.
 - c. Churches and main and accessory buildings other than dwellings and buildings accessory to dwellings shall set back from all exterior and interior side lot lines a distance of not less **than** thirty-five (35) **feet**.

3. Rear Yard. There shall be a rear yard for the main building of not less than twenty (20) feet or twenty percent (20%) of the depth of the **lot**, whichever is smaller. Unattached buildings of accessory use may be located in the rear yard of a main building.

4. Lot Width. For dwellings, there shall be a minimum lot width of one hundred twenty (120) feet at the front building **line**, and such lot shall abut on a street for a distance of not less than one hundred (100) feet.

5. Intensity of Use.
 - a. For each dwelling and buildings accessory thereto there shall be a lot area of not less than three (3) acres.
 - b. Where a lot has less area than herein required and all of the boundary lines of that lot touch lands under other ownership at the effective date on which the Zoning Code is adopted by ordinance, that lot may be used for one single-family dwelling unit or for the uses set **forth** in subsection B **above**, but not for the raising of animals.
 - c. For churches and main and accessory buildings other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by **this** section and the **off-street** parking areas required in Section XIII.

SECTION XI

INDUSTRIAL DISTRICTS

I. 1-1 UGHT INDUSTRIAL DISTRICT

The 1-1 Light Industrial District is intended to accommodate light industrial, wholesale and research establishments including light manufacturing and machinery operations that are so conducted that noise, odor and flare of **each operation** is confined completely **within** an enclosed structure. The industrial districts specifically exclude residential dwelling units on the theory that the mixture of residential uses and industrial uses is contrary to the purposes of these regulations.

A. **Required** Conditions

1. All production, processing, servicing, testing, repair or storage of materials, goods, equipment or products shall take place within completely enclosed buildings.
2. No **production** of toxic or hazardous materials.

B. Permitted Uses

Unless otherwise provided in this Code, no buildings or land shall be used or no building shall be erected, converted, enlarged or structurally altered in the 1-1 Light Industrial District except for one or more of the following uses:

1. Any production, processing, servicing, testing, **repair** or storage of materials, **goods**, equipment or products and the sale of all such products assembled, manufactured or produced on **the** property but not including any of the uses listed as permitted **in** the 1-2 General Industrial District in Section XI, N, B, 2, 3.4, 5, 6 and 7.
2. **Wholesaling** and **warehousing**, local cartage and express facilities.
3. Agricultural crops.
4. Accessory uses, including off-street parking and loading as permitted or required in Section XIII.
5. Temporary buildings for construction purposes for a period not to exceed the duration of **such** construction.
6. Signs, as **regulated** by the City Ordinance of Newport, Arkansas.

II. 1-2 GENERAL INDUSTRIAL DISTRICT

The 1-2 General Industrial District is intended to accommodate those industrial uses which may not or cannot meet standards of the I-I District.

A. Required Conditions

All production, processing, servicing, testing, repair or storage of materials or goods, equipment or products shall take place within completely enclosed buildings. All outside storage shall be screened by a site obscuring fence or shrub.

B. Permitted Uses

Unless otherwise provided in this Code, no building or land may be used and no building may be erected, converted, enlarged or structurally altered in the 1-2 General Industrial District except for one or more of the following uses:

1. All uses permitted in the I-I Light Industrial District.
2. Salvage yard.
3. Bulk plants.
4. Feed mills.
5. Compressor **stations**.
6. Production of toxic or hazardous materials.
7. Agricultural crops.

C. Lot Size

Every principal permitted use **hereafter** erected or located in the 1-2 General Industrial District shall have a lot area of not less than ten thousand (10,000) square feet, with a minimum width at the established building line of eighty (80) feet.

D. Yard Areas

No building shall be **erected** or enlarged unless the following yards are provided and maintained in **connection** with such **building**, structure or enlargement:

1. Front Yard. **Thirty** (30) **feet** from the property line or fifty-five (55) feet from center line of existing right-of-way, whichever is greater. (Any yard adjoining a street shall be considered a front yard.)
2. Side Yard. A **side** yard on each side of the zoning lot of not less than ten (10) feet.

SECTION XII

NONCONFORMING USES AND STRUCTURES

I. STATEMENT OF INTENT

Within the districts established by this Code, or amendments that may later be adopted, there exist lots, structures, uses of land and structures and characteristics of use which are lawful before the Code was passed or amended but which would be prohibited, regulated or restricted under the terms of this Code or future amendments. It is the intent of this Code to permit these nonconformities to continue until they are removed but not to encourage their survival.

To avoid hardship, nothing in this section shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Code and upon which actual building construction has been carried on diligently.

II. CONTINUANCE OF USE

- A. Any lawfully established use of a structure or land, on the effective date of this Code, or of amendments hereto, that does not conform to the use regulations for the **district** in which it is located, shall be deemed to be a legal nonconforming use and may be **continued** except as otherwise provided herein.
- B. Any legal nonconforming **structure** may be continued in use, **provided** there is no physical change other than necessary **maintenance** and repair, except as otherwise permitted herein.
- C. All outdoor advertising structures, signs and **business** signs existing on or prior to the effective date of the adoption of this Code or amendments hereto, or the effective date of a change in land use classification which may occur **hereafter**, which does not conform to the provisions of this Code **relating** to the district in which such outdoor advertising structures, signs **and** business signs are located shall be considered non **conforming** and may be continued except as otherwise provided herein.
- D. Any **structure** for which a permit has been lawfully granted prior to the effective date of this Code, or of amendments hereto, may be completed in accordance with the approval plans; provided **construction** is started within sixty (60) days and diligently prosecuted to completion within two (2) years **from** the date of

more area than was in use on the effective date of this Code.

- B. If said nonconforming use of any portion thereof is discontinued for a period of four (4) months, or changed, any future use of such-land, or change in use, shall be in conformity with the provisions of the district in which said land is located.

VI. NONCONFORMING LOTS

- A. Any single lot or parcel of land held in one ownership, which was on record at the time of adoption of this Code that does not meet the requirements of minimum lot width or area specified **for** the zoning **district** in which it is located may be utilized for a permitted use **if** all other requirements, such as yard setbacks, can be met.
- B. In a residential district, on a corner lot, the yard setbacks shall be:
 - 1. Front Yard. (Determined by owner) Thirty (30) feet from the front property line or fifty-five (55) feet from center line of existing right-of-way, whichever is greater.
 - 2. Side Yard. (Street side) Thirty (30) feet from property line.
 - 3. Side Yard. Seven (7) feet (interior lot line) from property **line**.
 - 4. Rear Yard. Ten (10) feet from rear **property** line.

VII. DETERMINATION AS TO USES NOT LISTED

In order to **insure** that the Zoning Code will permit all similar uses in each district, the Planning Commission, upon its own initiative or upon any written application shall determine whether a use not specifically listed as **a permitted** use or a **conditional** use in commercial, residential or industrial districts shall be deemed a permitted use or a conditional use in one or more districts on the basis of **similarity** to uses specifically listed.

- A. A request for determination that a specific use should be included as a permitted use or a conditional **use** in commercial, residential or industrial districts shall be made in writing to the Planning Commission and shall include a detailed description of the proposed use and such **information** as may be appropriate to assist the Commission **arrive** at a determination. Within sixty (60) days of **filing**, the application shall be scheduled for consideration by the Board at a public **meeting**.
- B. The Planning Commission shall make an investigation as deemed necessary to compare the nature and characteristics of the proposed use with those of the uses **specifically** listed in the Code and to make a determination of its classification.

SECTION XV
ADMINISTRATION

I. BOARD OF ZONING ADJUSTMENT

A. Organization

1. The Board of Zoning Adjustment shall consist of the entire membership of the Newport Planning Commission with the Chairman of the Planning Commission as the Chairman of the Board of Zoning Adjustment.

B. Meetings

1. The **Board** of Zoning 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

1. The Board of Zoning Adjustment may hear appeals from the decisions of **the** administrative officer in respect to the enforcement and application of this Code; and **may** affirm or reverse in whole or part said decision of the administrative officer. (Ark. Statutes 19-2829 par. b(1).)

D. Variances

1. The Board of Zoning Adjustment may hear requests for variances from the literal provisions of the Zoning Code **in** instances where strict enforcement of **the** Zoning Code would cause undue hardship due to circumstances unique to the individual property under consideration.
2. The Board may 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 Code.
3. The Board shall not permit as a **variance** any use in a zone that is not

- located near it.
- c. The **proposed** use is in compliance with the provisions of "Conditional Uses" as set out in **this** Code.
 - d. The proposed use is in conformance with all applicable provisions stated in this Code for the **district** in which the use is to be located. The use shall facilitate public convenience at that location.
 - e. The proposed Conditional Use is in conformance with all off-street parking and loading requirements of this Code and ingress and egress and pedestrian ways are adequate.
 - f. Safeguards limiting **noxious** or **offensive** emissions, including lighting, noise, glare, dust and odor have been addressed in the **proposed** use application.
 - g. Landscaping and **screening** of the proposed use shall be in accordance with these Code regulations.
 - h. Proposed use signs shall be in **accordance** with any provisions of this **Code**.
 - i. Open space located on the proposed use **will** be maintained by the **owner/developer**.
 - j. The size **and** shape of the site, **including** size, shape and **arrangement** of proposed structures is in keeping with the intent of this Code.
 - k. Violation of any condition imposed shall constitute grounds for revocation by the Board of Zoning Adjustment of the Conditional Use Permit.
 - k. All amendments or changes to a Conditional Use. No building permit shall be issued except in conformance with provision of this Section.
7. Applications shall be accompanied by a **filing** fee of fifty dollars (\$50.00). The applicants shall be **required** to pay the costs of public notices.
- F. Appeals from Decisions of the Board of Zoning Adjustment
1. Appeals from the decisions of the Board shall be to a court of record within thirty (30) days from the decision of the Board.

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 **applicant** 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 applicant may appeal such disapproval to the City Council, provided that the applicant 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 the Planning Commission action.

B. Resubmission of Application

1. No application for changing 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 from waiving this limitation.

C. Fee

Applications for a change in zoning shall be accompanied by a filing fee of fifty dollars (\$50.00) to assist in defraying general **expenses** in connection with the application.

m. 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 fifteen (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. If not approved, the City Council will submit in writing to the Planning Commission the reason(s) for such disapproval.