

ORDINANCE NO. 2009 - 09 - 344

AN ORDINANCE AMENDING CHAPTER 153.034 OF THE TONTITOWN CODE OF ORDINANCES (THE TONTITOWN ZONING ORDINANCE)

WHEREAS, after thorough consideration of comments and views expressed by all interested persons, said Commission unanimously approved an amendment to said plan and has certified the adopted plan, as amended, for consideration of the City Council.

WHEREAS, on August 25, 2009, a public hearing was held for public comment specifically for code section 153.034, and after all public comments were heard, the Planning Commission reviewed and approved the amendment to Tontitown Code Section 153.034 on which has been forwarded to the City Council for consideration.

WHEREAS, it is the desire of the mayor and city council that said code amendment recommendations be approved and put into effect.

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

SECTION 1. That under Section 153.034 the subsection (A) "Normal maintenance of a nonconforming structure or of a conforming structure containing a nonconforming use is permitted. Such structures may be expanded once, a maximum of 25% in gross floor area or expansion of 5,000 square feet, whichever is less" shall be removed.

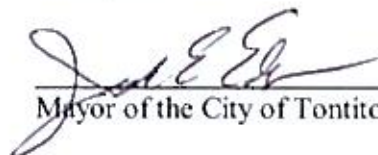
Further, Section 153.034 will now read:

(A) Alterations may be made when required by law, or when such alterations will actually result in eliminating the nonconformity.

(B) No structure partially occupied by a nonconforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such nonconforming use.

(C) A structure that is nonconforming with respect to yards, height or any other element of bulk regulated by these regulations, shall not be altered or expanded in any manner that would increase the degree or extent of its nonconformity with respect to the bulk regulations for the district in which it is located.

PASSED AND APPROVED THIS 1st DAY OF September 2009.



Mayor of the City of Tontitown

ATTEST:

Becky Alston
Recorder - Treasurer of the City of Tontitown

SPONSOR:

Planning Commission

Roll Call

Shall the Ordinance Pass:

	Yea	Nay
Alderman David Bolinger	<u>✓</u>	_____ Ward 1, Position 1
Alderman Henry Piazza	<u>✓</u>	_____ Ward 1, Position 2
Alderman Arthur Penzo	<u>✓</u>	_____ Ward 2, Position 1
Alderman Bobby Pianalto	<u>✓</u>	_____ Ward 2, Position 2
Alderman Julie Bowling	<u>✓</u>	_____ Ward 3, Position 1
Alderman Ken Robertson	<u>✓</u>	_____ Ward 3, Position 2
Mayor Joe Edgmon	_____	_____
TOTALS	<u>6</u>	_____

Ordinance amending **Chapter**
153.034 of the Tontitown Code of
Ordinances (The Tontitown Zoning
Ordinance)