

ORDINANCE NO. 2015-07-_____**AN ORDINANCE ADOPTING CERTAIN REVISED SECTIONS OF CHAPTERS 152 AND 153 OF THE MUNICIPAL CODE FOR THE CITY OF TONTITOWN, ARKANSAS, AND FOR REPEALING CERTAIN SECTIONS OF CHAPTER 152 AND 153; AND FOR OTHER PURPOSES.**

WHEREAS, the city of Tontitown, Arkansas, has adopted a Municipal Code of Ordinances; and

WHEREAS, the Tontitown Planning Commission has found that the current Chapter 152 of the Tontitown Municipal Code is in need of certain revisions; and

WHEREAS, after due notice as required by law, the Tontitown Planning Commission has heard all persons desiring to be heard regarding the proposed revisions of the Municipal Code; and

WHEREAS, after thorough consideration of the comments and views expressed by all interested persons, the Tontitown Planning Commission has approved certain revisions to Chapter 152 of the Tontitown Municipal Code, and it has certified those revised sections of Chapter 152 for the consideration of the Tontitown City Council; and

WHEREAS, the Planning Commission certifies and proposes revisions of the following sections of Chapter 152 of the Tontitown Municipal Code: §§ .081, .082, .095, .140, .148, .149, .193, .195, .196, .197, .199, .206, and .237. A copy of each revised section of Chapter 152 is attached hereto and incorporated herein by reference; and

WHEREAS, the Planning Commission certifies and proposes revisions of the following sections of Chapter 153 of the Tontitown Municipal Code: §§ .067, .072, .073, and .090. A copy of each revised section of Chapter 153 is attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the city of Tontitown, Arkansas:

Section 1: That Sections .081, .082, .095, .140, .148, .149, .193, .195, .196, .197, .199, .206, and .237 of Chapter 152 of the Tontitown Municipal Code are hereby repealed.

Section 2: That Sections .081, .082, .095, .140, .148, .149, .193, .195, .196, .197, .206, and .237 of Chapter 152 of the Tontitown Municipal Code, as revised and attached hereto as Exhibits "A" - "J," "L," and "M" and made a part of this ordinance, are hereby adopted.

Section 3: That Sections .067, .072, and .073 of Chapter 153 of the Tontitown Municipal Code are hereby repealed.

Section 4: That Section .090 of Chapter 153 of the Tontitown Municipal Code is hereby repealed and replaced with the proposed Section .090 of Chapter 153 of the Tontitown Municipal Code, as revised and attached hereto as Exhibit "N, " and it is incorporated by reference.

PASSED AND APPROVED this 21st day of July, 2015.

PAUL COLVIN, JR., Mayor

ATTEST:

ALICIA COLLINS, City Clerk-Recorder

§ 153.090 ACCESSORY NONRESIDENTIAL BUILDINGS IN COMMERCIAL OR INDUSTRIAL ZONES.

An accessory nonresidential building may be erected detached from the principal building, ~~or, except when a stable, may be erected as an integral part of the principal building.~~ **When permitted simultaneously.**

~~(A) Approval. No accessory structure shall be erected on any property prior to the construction of the principal structure unless such accessory structure shall have been approved by the Planning Commission as a conditional use.~~

(B) ~~Attached accessory.~~ **Accessory Buildings.** An accessory building attached to a main building shall be made structurally a part and have a common wall with the main building and shall comply in all respects with the requirements of this chapter applicable to the principal building.

~~(C) Portable accessory. A portable accessory building shall not be connected to any utilities and shall not be allowed in the front yard or side yard. On a corner lot, it may be located in one side yard.~~

(D) *Size.* Accessory buildings shall follow the provisions set by the appropriate table for zoning district in which it is located as outlined herein and shall have a similar architecture, building materials, color schemes and roof slopes to that of the main structure. A variance to the requirement may be requested in accordance with § [153.027](#).

(E) *Setbacks.* No detached accessory nonresidential building shall be located closer than five feet to any side or rear lot line. In the case of a corner lot, said accessory building shall not project beyond the building line required or existing on the adjacent lot. Accessory buildings shall meet the front building setbacks for the zone it is to be located.

(F) *Height.* Accessory buildings shall not exceed the maximum height as allowed by the appropriate table for zoning district in which it is located.

(G) *Barns and stables.* Barns and stables shall not be considered nonresidential accessory structures and shall meet the setback requirements as set forth in the zoning district in which it is located.

(Ord. 2012-07-393, passed 7-3-12; Am. Ord. 2012-11-401, passed 11-7-12; Am. Ord. 2013-04-417, passed 4-2-13; Am. Ord. 2013-09-441, § 153.601.1, passed 9-3-13; Am. Ord. 2014-12-489, passed 12-2-14)

******Delete Entire Section******

 ~~§ 153.073 DRIVEWAY DESIGN.~~

~~—Driveway design shall be in accordance with the design criteria outlined in § 152.148 and § 152.149.~~

~~(Ord. 2014-12-489, passed 12-2-14)~~

§ 153.090 ACCESSORY BUILDINGS IN COMMERCIAL OR INDUSTRIAL ZONES.

An accessory nonresidential building may be erected detached from the principal building, when permitted simultaneously.

- a) *Accessory Buildings.* An accessory building attached to a main building shall be made structurally a part and have a common wall with the main building and shall comply in all respects with the requirements of this chapter applicable to the principal building.
- b) *Size.* Accessory buildings shall follow the provisions set by the appropriate table for zoning district in which it is located as outlined herein and shall have a similar architecture, building materials, color schemes and roof slopes to that of the main structure. A variance to the requirement may be requested in accordance with § [153.027](#).
- c) *Setbacks.* No detached accessory nonresidential building shall be located closer than five feet to any side or rear lot line. In the case of a corner lot, said accessory building shall not project beyond the building line required or existing on the adjacent lot. Accessory buildings shall meet the front building setbacks for the zone it is to be located.
- d) *Height.* Accessory buildings shall not exceed the maximum height as allowed by the appropriate table for zoning district in which it is located.
- e) *Barns and stables.* Barns and stables shall not be considered nonresidential accessory structures and shall meet the setback requirements as set forth in the zoning district in which it is located.

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