

ORIGINAL

**ORDINANCE NO. 2011-07**

**AN ORDINANCE AMENDING ORDINANCE NO. 158-7 TO ADD AN ARCHITECTURAL OVERLAY DISTRICT, DEFINING RULES TO PROMOTE THE REASONABLE, ORDERLY AND EFFECTIVE DEVELOPMENT AND RENOVATIONS TO BUILDINGS WITHIN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF COTTER, ARKANSAS CONSISTENT WITH THE CITY POLICY TO PROTECT THE PUBLIC INVESTMENT IN THE STREETS AND HIGHWAYS, TO PROMOTE THE SAFETY AND RECREATIONAL VALUE OF PUBLIC TRAVEL AND TO PRESERVE NATURAL BEAUTY, AND TO PROMOTE THE HEALTH, SAFETY, MORALS, ORDER, AND GENERAL WELFARE OF THE CITY.**

**WHEREAS**, it was found and determined by the City of Cotter Planning Commission the need to regulate the construction, repair, alteration, renovation, and maintenance of buildings within the city limits of the City of Cotter, Arkansas to promote the health, safety, morals, order, and general welfare of the City.

**WHEREAS**, Ordinance No. 2011-07 will be adopted by reference to Chapter \_\_\_, Section \_\_\_, **ARCHITECTURAL OVERLAY DISTRICT** of the City of Cotter, Arkansas Zoning Regulations and upon passage will be know as the **COTTER ARCHITECTURAL DISTRICT ORDINANCE**.

**NOW, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COTTER, ARKANSAS THAT:**

**Section 1. Adoption by Reference**

The document titled "COTTER, ARKANSAS ARCHITECTURAL OVERLAY DISTRICT", dated April 21, 2011, and is incorporated in its entirety into the City of Cotter, Arkansas Zoning Regulations.

**Section 2. Severability**

Should any section or provision of this Ordinance, or its referenced documents be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

### **Section 3. Penalties**

1. Violations of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not less than five hundred (\$500.00) dollars, nor more than one thousand (\$1,000.00) dollars. Each day such violation continues shall be considered a separate offense. Also, upon conviction for a violation, a person will be required to make restitution to the City for any expense incurred by the city in the removal or alteration of unsafe and/or unlawful buildings or portions thereof.
2. The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, or maintains such violation may be found guilty of a separate offense and suffer the penalties herein provided.
3. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

### **Section 4. Provisions Declared to be Minimum Requirements**

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety and general welfare. Wherever the requirements of the Ordinance are at variance with the requirements of any other ordinances, the highest or most restrictive standard shall apply.

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.**

\_\_\_\_\_  
Peggy Hammack, Mayor

ATTEST:

\_\_\_\_\_  
Sharon Sugg, Recorder/Treasurer