

CITY OF COTTER, ARKANSAS

AN ORDINANCE AMENDING ORDINANCE #158-71 TO ADD 3 LODGING DISTRICTS, PROVIDING A UNIFORM SET OF RULES GOVERNING LODGIN FACILITIES WITHIN 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 2015-03 will be adopted by reference to Chapter III, USE ZONES of the City of Cotter, Arkansas Zoning Regulations and upon passage will be known as the **LODGING DISTRICTS ORDINACE**.

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

Section 1 Adoption by Reference

The document titled "LODGING DISTRICTS", dated February 9, 2015, is incorporated, in its entirety, into the City of Cotter, Arkansas Zoning Regulations.

Section 2 Separability

1. 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 the 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 here 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

1. In their interpretation and application, the provision 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 this ____ day of _____, 2015

APPROVED:

Peggy Hammack
Mayor

ATTEST:

Recorder, Treasurer

LODGING DISTRICTS

February 9, 2015

Insert under CHAPTER III, USE ZONES

Lodging Zones:

The purpose and intent of this ordinance is to provide a uniform set of rules and regulations governing and controlling lodging facilities. The provisions of this ordinance shall be in addition to existing laws and ordinances.

SECTION 7. Lodging: L-1, L-2, L-3

A. Definitions:

1. **Bed and Breakfast:** An occupied private dwelling which provides temporary travelers' accommodations in a single-family residence for a fee.

2. **Boardinghouse:** A building with at least two but not more than five rooms offered for lodging.

3. **Group Residence or Transitional Housing Facility:** A building with at least two rooms offered for non-temporary, transitional lodging to persons not within second degree of kindred to each other; but shall not include convalescent or nursing homes, rest homes or other facilities providing elder or regulated health care.

4. **Hotel:** A building or buildings intended and designed for transient, overnight or extended occupancy, divided into separate units within the same building with or without a public dining facility.

B. Permitted uses:

1. The following uses of buildings and premises shall be permitted in the L-1 district:

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- (a) Any principal use permitted in the R-1 district;
- (b) Any principal use permitted in the R-2 district; and
- (c) Licensed bed and breakfast

2. The following uses of buildings and premises shall be permitted in the L-2 district:

- (a) Any principal use permitted in the L-1 district; and
- (b) Hotels and Motels

3. The following uses of buildings and premises shall be permitted in the L-3 district:

- (a) Any principal use permitted in the MU-1 district;
- (b) Any principal use permitted in the C-2 district; and
- (c) Any licensed boardinghouse, group residence, or transitional housing facility

C. Conditions:

1. The facilities must be maintained in acceptable condition as deemed by the building inspector. Conditions shall not create an unsafe environment for guests, a public health hazard, or a nuisance condition at the establishment or to surrounding community.

2. All facilities shall comply with all local building codes, fire codes and ordinances

3. All facilities shall provide suitable fire escapes, which shall be kept in good repair and accessible at all times.

4. Facilities shall be kept in a clean and sanitary condition, in good repair, and shall be maintained and operated with strict regard to the health and safety of the patrons.

D. Permit: A person may not operate a lodging establishment without a valid permit to operate issued by the regulatory authority. The permit shall be issued only after an application has been submitted and approved on

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the forms to be furnished by the building inspector and the applicable fee paid. Permits are not transferable with any changes in ownership.

E. Construction or Remodeling: Prior to a lodging establishment being constructed, extensively remodeled, or an existing structure converted for use as a lodging establishment, properly prepared plans and specifications for the construction, remodeling, or conversion must be submitted to the building inspector for review and approval before construction, remodeling, or conversion can begin. The plans and specifications must indicate the proposed layout, arrangement, construction materials of work areas and the type of proposed fixed equipment. The establishment must be constructed and finished in conformance with the approved plans.

F. Parking: Off street parking facilities shall be provided as follows: 1 space per 2 beds or 1 space per room, whichever is greater.

G. Density: A boardinghouse, group residence, or transitional housing facility shall not be located:

1. Within one thousand (1000) feet of another boarding house, group residence, transitional housing facility, or multi-family dwelling or,
2. Within one thousand (1000) feet of a public or private elementary school, middle school, secondary school or other educational institution serving children 18 years of age or younger.

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