

Prepared by:
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ZONING ORDINANCE NO. 2023-1

**AN ORDINANCE AMENDING ARTICLE IV. OF THE CITY OF POTTSVILLE ZONING CODE
94-03 OF AUGUST 1994**

WHEREAS, the Pottsville Planning and Zoning Commission has proposed an amendment to Article IV. of the Pottsville Zoning Code 94-03 of 1994 which covers "Special Use Permits"; and

WHEREAS, the Pottsville City Council desires to approve the amendment to Article IV. of the Pottsville Zoning Code 94-03 of 1994.

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

SECTION 1: The Pottsville City Council hereby approves the modification of Article IV., Section 3, Subsection D. of the Pottsville Zoning Code 94-03 of 1994, and Article IV., Section 3, Subsection D. is hereby amended to read as follows:

"Special Use Permits shall be permitted for an indefinite period of time so long as the property and/or structure subject to the Special Use Permit is used and/or occupied according to the use approved by the Pottsville Planning and Zoning Commission and approved by the Pottsville City Council in a resolution approving the Special Use Permit. If at any point in time, the property subject to the Special Use Permit is not used in accordance with the stipulations set forth in the resolution approving the Special Use Permit for a period of more than six (6) months, the Special Use Permit shall be revoked and all future use of the property and/or structure subject to the previously approved Special Use Permit shall comply with the then-existing permissible uses as set forth in the Pottsville Zoning Code."

SECTION 2: Any and all prior resolutions, ordinances, or parts of the same, which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3: If any provision of this ordinance or the application thereof to any person or circumstances is declared to be invalid, such invalidity shall not affect the other provisions or applications of the ordinance which may be given effect without the invalid provision(s) or application(s), and to this end the provisions of this ordinance are declared severable.

SECTION 4: EMERGENCY CLAUSE: This Ordinance being necessary for the orderly planning and zoning of the City of Pottsville, Arkansas, and in turn protect the health, safety, and welfare of the City and residents of the City of Pottsville, Arkansas, an emergency is declared to exist and this Ordinance shall go into effect immediately upon and after passage by the City Council.

PASSED AND APPROVED THIS 22 day of May 2023.

RS 788
RANDY TANKERSLEY, MAYOR

ATTEST:

I, Holly Fowler, City Clerk of Pottsville, Arkansas, hereby certify that the above and foregoing is a true and correct copy of Zoning Ordinance No. 2023- 1 passed by the Pottsville City Council on the 22 day of May 2023.

Holly Fowler
HOLLY FOWLER

