

ORDINANCE NO. 2008-13

**AN ORDINANCE AMENDING
ORDINANCE NO. 2003-18 TO IMPOSE CERTAIN
CONSTRUCTION CONDITIONS AND A ONE YEAR
LIMITATION ON THE EFFECTIVE
PERIOD FOR ALL BUILDING PERMITS AND
CONDITIONAL USE PERMITS ISSUED BY
THE CITY OF CLINTON**

WHEREAS, on December 11, 2003 the City of Clinton, Arkansas (the "City") passed and adopted its ordinance creating and establishing a comprehensive zoning system; and

WHEREAS, the Zoning Commission has experienced unnecessary delays in further actions, and other difficulties, after building permits and conditional use permits have been granted and issued; and,

WHEREAS, due to the unnecessary delay in acting on permits issued in the ordinary course of operations, developments and improvements, and due to changing conditions, the Zoning Commission has determined that for more efficient administration of the Comprehensive Zoning Ordinance and as a means of controlling unnecessary and avoidable circumstances that retard orderly development of the City it is necessary to impose a time limit within which such permits will be effective:

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Clinton, Arkansas that Ordinance No. 2003-18, Article 8, Sections 8-1 B and C, are hereby amended to add the following:

Section 8-1 Administration

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B. Zoning Permits Required

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4. That, notwithstanding any provision in the Comprehensive Zoning Ordinance to the contrary, all building permits issued by the Zoning Official for the City of Clinton will automatically expire one year following the date of issue unless within one year of the date of issuance the holder thereof commences construction with the demonstrated, clear and unambiguous intent of completing all work within a reasonable time period.
5. The City of Clinton shall have the right to cancel any building permit and condemn any property on which meaningful progress towards completion is not demonstrated in a clear and unambiguous manner.

6. Any party aggrieved by sub-section 5 herein may appeal the decision of the Zoning Commission to the full Clinton City Council.
7. Any person holding a properly issued permit that expires for failure to commence meaningful construction under the provisions of this Ordinance may re-apply for a new permit in which case the application will be heard a-new upon payment of all fees applicable.

NOW, BE IT FURTHER ORDAINED by the City Council of the City of Clinton, Arkansas that Ordinance No. 2003-18, Article 8, Section 8-1 Administration, Subsection C, Conditional Uses - Procedures, is hereby amended by adding a new Clause 4 as follows:

Section 8-1 Administration

* * *

C. Conditional Uses-Procedures

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4. Conditional Use Permits, when and if issued, shall run with the land to which the temporary use applies and shall not be portable, and shall expire automatically one year after issuance unless after proper

application and payment of fees, it is renewed by the Zoning Official for good cause. A Conditional Use Permit is a privilege that may be withdrawn at any time for good cause and The Zoning Commission shall retain the right to review and to revoke any Conditional Use Permit. Continued use of such property affected by a temporary Conditional Use Permit shall be on a case-by-case basis, at the discretion of the Zoning Commission and shall be subject to any reasonable conditions imposed. The decision of the Zoning Commission is subject to review by the Clinton City Council.

NOW, BE IT FURTHER ORDAINED that any provision or any part of any Ordinance of the City of Clinton in conflict herewith is repealed.

PASSED: October 9, 2008

APPROVED:

Roger L. Rorie, Mayor

GIVEN under my hand and seal this _____
day of August 14, 2008.



Merl Eoff, City Recorder

(SEAL)

Approved as to Legal Form:

Joseph B. Marshall
City Attorney