

## **TITLE 14**

### **ZONING**

#### **Chapters:**

- 14.04 Zoning Regulations and Map
- 14.08 Zoning Ordinance
- 14.12 Temporary Dwelling Structures
- 14.16 Mining and Drilling Operations
- 14.20 Annexing, Vacating and Rezoning Property

#### **CHAPTER 14.04**

### **ZONING REGULATIONS AND MAP**

#### **Sections:**

- 14.04.01 Articles
- 14.04.02 Filed

**14.04.01 Articles** The zoning regulations, consisting of seven (7) articles of narrative text and one (1) map title Official Zoning Map prepared by the Coal Hill Planning Commission and adopted and approved in all respects as an instrument to guide and influence the allocation and arrangements of land uses, the development of land, and the future buildings within the corporate limits of the city of Coal Hill. (Ord. No. 11-6-2007-1, Sec. 1.)

**14.04.02 Filed** The City Clerk is directed to file one (1) copy of said zoning regulations with the minutes of the Coal Hill City Council meeting and the City Clerk is directed to maintain not fewer than three (3) copies of said zoning regulations on file at all times and available for public review and inspection. (Ord. No. 11-6-2007-1, Sec. 2.)

## CHAPTER 14.08

### ZONING ORDINANCE

#### Sections:

- 14.08.01 Citation, purpose, nature and application of zoning ordinance
- 14.08.02 Establishment of zoning district and boundaries
- 14.08.03 Specific district regulations
- 14.08.04 Special provisions and regulations
- 14.08.05 Non-conforming structures and uses
- 14.08.06 Definitions
- 14.08.07 Administration and enforcement

#### 14.08.01 Citation, purpose, nature and application of zoning ordinance

- A. Citation This ordinance in pursuance of the authority granted by the General Assembly of the state of Arkansas in Act 186 of the 1957 Acts of Arkansas, shall be known as the Zoning Ordinance and may be cited as such.
- B. Purpose The zoning regulations set forth herein are enacted to implement the land use portion of the Comprehensive Development Plan for the city of Coal Hill and to promote, in accordance with present and future needs, the safety, order, convenience, prosperity, and general welfare of the citizens of Coal Hill, Arkansas, and to provide for efficiency and economy in the process of development for the appropriate and best use of land, for the use and occupancy of buildings, for healthful and convenient distribution of population, for good civic design and arrangement, and for adequate public utilities and facilities.
- C. Nature and application For the purposes hereinbefore stated, the city of Coal Hill has been divided into zone districts in which the regulations contained herein will govern lot coverage, open space and the uses of land, buildings and structures. In interpreting and applying the provisions of this zoning ordinance, they shall be held to the minimum requirements for the promotions of public health, safety, comfort, convenience, and general welfare.

Except as hereinafter otherwise provided, no land shall be used and no building, structure, or improvement shall be made, erected, constructed, moved, altered, enlarged, or rebuilt which is designed, arranged or intended to be used or maintained for any purpose of in any manner except in accordance with the requirements established in the district in which such land, building, structure, or improvement is located, and in accordance with the provisions of the articles contained herein relating to any or all districts.

- D. Completion of existing buildings Nothing herein shall require any change in the plans, construction, or designated use of a building under construction at the time of the adoption of this Zoning Ordinance, which was approved April 6, 1999.
- E. Area not to be diminished The lot or yard areas required by this Zoning Ordinance for a particular building or use at the time of adoption of this ordinance of later constructed or established, shall not be diminished and shall not be included as part of the required lot, open space, or yard area of any other building or use. If the lot, open space, or yard areas required by this ordinance for a particular building or use are diminished below requirements, the continued existence of such building or use shall be deemed a violation and subject to penalties as provided in this ordinance. (Ord. No. 11-6-2007-1, Sec. 1.)

#### 14.08.02 Establishment of zoning districts and boundaries

- A. Zoning districts established For the purpose of the Zoning Ordinance, the city of Coal Hill is hereby divided into land use zoning districts as follows:

R-1	Residential One	Single-Family Residential
R-2	Residential Two	Multi-Family Residential
C-1	Commercial One	Commercial Business District
I-1	Industrial One	Industrial District

- B. Zoning districts map The location and boundaries of the land use zoning districts established by this ordinance are bounded and defined as shown on the attached map designed as Official Zoning Map. The map, together with the legend, words, figures, symbols, dimensions, and explanatory material thereon, is declared to be part of this Zoning Ordinance and may be referred to variously as the Zoning District Map of the Official Zoning Map. The Official Zoning Map shall be kept and maintained by the City Clerk and shall be available for inspection and examination by the general public at all reasonable times as any other public record.

- C. Interpretation of district boundaries Where uncertainty exists as boundaries as shown on the zoning map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, alleys, and railroad lines shall be construed as following such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.



3. Boundaries indicated as approximately following city limits shall be construed as following city limits.
  4. Boundaries indicated as parallel to or extensions of features mentioned in the preceding rules shall be so construed.
  5. In circumstances not covered by the preceding rules, the Coal Hill Planning and Zoning Commission shall interpret the district boundaries.
- D. Classification of annexed lands All new additions and annexations of land to the city shall be in an R-1 (Residential, Single-Family District), unless otherwise classified by the City Council, for a period of time not to exceed one (1) year from the effective date of the ordinance annexing said addition or land area. Within this one (1) year period of time, the City Council shall instruct the city Planning and Zoning Commission to study and make recommendations concerning the use of land within said annexation to promote the general welfare and in accordance with the city's Comprehensive Development Plan, and upon receipt of such recommendations, the City Council shall, after the public hearing as required by law, establish the district classification of said annexation, provided, however, that this shall not be construed as preventing the City Council from holding public hearings prior to annexation and establishing the district classification at the time of said annexation.
- E. Vacation of public easements Whenever any street, alley, or other public easement is vacated, the district classification of the property to which the vacated portions of land accrued shall become the classification of the vacated land. (Ord. No. 11-6-2007-1, Sec. 2.)

#### 14.08.03 Specific district regulations

### RESIDENTIAL DISTRICTS

- A. General description The regulations for the residential zoning districts are designed to do the following:
1. Protect the residential character of the included areas by excluding commercial and industrial activities.
  2. Encourage a suitable environment for family life by permitting such neighborhood facilities as churches, schools and playgrounds.
  3. Permit certain community facilities and public utilities for the convenience and general welfare of the people.



4. Preserve openness of the areas and avoid overcrowding by requiring certain minimum yards, open spaces, and site area.

There is herein established two residential zoning districts which include the R-1 Single-Family and R-2 Multi-Family zoned districts.

The more specific descriptions of these districts are indicated below:

1. R-1 Single-Family Residential: This is the most restrictive district. The principal use of land is for detached single-family dwellings and related recreational, religious, and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from encroachment of uses not performing a function necessary to the residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element.
  2. R-2 Multi-Family Residential: This is a residential district to provide for medium density dwellings and shall include a wide variety of housing types. The principal use of land is for single-family, two-family dwellings, townhouses, multiple family dwellings, and rooming or boarding houses. Recreational, religious and educational uses normally located to service residential areas are also permitted to provide the basic elements of convenient, balanced and attractive living areas.
- B. Lot area Newly developed lot areas shall not be less than 8,000 square feet and in compliance with city, state and national Building Codes. Existing lots not meeting these requirements will be taken under special consideration.

Each lot shall have front, side and rear yards with the following minimum depth and width requirements:

1. Front yard: Not less than twenty-five (25) feet, or as determined by the Planning and Zoning Commission.
2. Each side yard shall not be less than eight (8) feet from the property line.
3. Rear yard: Not less than twenty-five (25) feet deep excluding outbuildings which shall be a minimum of ten (10) feet from the rear property line.

C. Permitted uses The permitted uses in the residential districts are set forth below:

1. R-1 Residential One District

- a. Single family detached dwellings.
- b. Have a minimum width of not less than twenty-two (22) feet as measured at all points perpendicular to the length of the manufactured home. This standard is intended to restrict units to the type which are brought to the site in parts, typically two halves.
- c. Have been manufactured no later than five (5) years prior to application for building permit. Proof of manufacturer's construction date shall be required before building permit is issued.
- d. Replacement manufactured homes with a minimum width of not less than twenty-two (22) feet as measured at all points perpendicular to the length of the manufactured home and must comply with 14.08.04 (H) of this ordinance. These manufactured homes shall only replace older, dilapidated mobile homes being moved out by the property owner. All permits to provide for replacement manufactured homes shall be requested before the Planning and Zoning Commission for recommendation for approval or disapproval to the Coal Hill City Council based on the following factors:
  - (1) Compatibility with the surrounding area
  - (2) Impact on adjacent or adjoining property
  - (3) Accessibility and/or availability of utilities

Manufactured homes must comply with 14.08.04 (H) of this ordinance. If dwelling is destroyed or unlivable, a trailer motor home may be used as temporary housing (up to a one (1) year period) and must be connected to water and sewer. (Amendment to Ord. No. 11-6-7-1, Sec. 1.)

2. R-2 Residential Two District

- a. Duplexes.
- b. Multiple family dwelling units, including apartment complexes, townhouses and rooming or boarding houses.

3. Permitted uses in both R-1 and R-2 zone districts

- a. Churches, parish houses, convents or similar places of worship.
- b. Public parks, public playground and recreation areas operated by membership organizations for the benefit of their members and public and not for profit.
- c. Public schools and institutions of higher education, public libraries and municipal buildings.
- d. Customary home occupations provided occupational uses would not be offensive to adjoining property owners.
- e. Other customary accessory buildings, provided that such buildings are incidental to the principal use and do not include any activity commonly conducted as a commercial business. Any accessory buildings shall be located on the same lot with the principal building.

COMMERCIAL DISTRICTS

- A. General description The commercial zoning district is intended primarily for the conduct of business and the provision of services essential to support the residents within the city and the surrounding area. There is one Commercial Zone District (C-1) within the city of Coal Hill.
- B. Lot area No lot or yard shall be established or reduced in dimension or area in any commercial district that does not meet the minimum requirements. No building or structure shall be erected or enlarged that will cause the maximum lot coverage to be exceeded for the commercial district. Lot requirements in the commercial zone area include:

At a minimum, each lot shall have front, side and rear yards with the depths that meet the following guidelines:

1. Front yard: Twenty-five (25) feet
2. Side yard: None required except where a Commercial One (C-1) Zone property abuts directly to a residential district in which case an eight (8) foot width along such property line shall be required.
3. Rear yard: Twenty-five (25) feet.



C. Permitted uses The permitted uses in the Commercial One (C-1) District is set forth below:

1. All uses permitted in any residential zoned district are subject to all provisions for such commercial districts.
2. Stores and shops for conducting retail business.
3. Person service shops (i.e., barber shops, beauty shops, laundromat facilities, etc.)
4. Banks, theaters, offices, restaurants and similar community service businesses.
5. Assembly halls, billiard or pool parlors, bowling alleys and any recreational facility.
6. Undertaking establishments, telegraph and telephone offices and switching facilities, electric substations and printing plants.
7. Garage and gasoline filling stations, subject to the following provisions:
  - a. Pumps, lubricating or other devices shall be located at least eighteen (18) feet from any street or highway right-of-way.
  - b. All fuel, oil, or similar substances shall be stored at least thirty-five (35) feet from any street or lot line.
  - c. All bulk gasoline storage tanks shall be under normal ground level.
  - d. All automobile parts, dismantled vehicles and similar articles shall be stored in buildings out of public view or behind a suitable screen enclosure approved by the Planning and Zoning Commission.
8. Other uses which, in the opinion of the Planning and Zoning Commission, are of the same general character as those listed as permitted uses and which will not be detrimental to the district in which they are located.
9. Cemeteries, airports, camps, hospitals, sanitariums, correctional institutions or facilities for the developmentally disabled, upon approval of the Planning and Zoning Commission and subject to such conditions and safeguards as deemed appropriate by such Commission.

## INDUSTRIAL DISTRICTS

- A. General description The Industrial District (I-1) is intended to provide an area where manufacturing and industrial activities can take place. The zone is intended to provide space for manufacturing, wholesaling, warehousing, processing, storage, assembling, packaging, and similar types of industrial uses and activities.

Prohibited uses in industrial zone property includes: All uses of land, buildings and structures or industrial processes that may be noxious or injurious by reason of the production of emission of dust, smoke, refuse matter, odor, gas fumes, noise, vibration or similar substances or conditions, provided, however, that any use may be permitted if approved by the Planning and Zoning Commission and subject to such conditions, restrictions, and safeguards as may be deemed necessary by said Commission for the purpose of the protection of the health, safety, morals and/or the general welfare of the community.

- B. Lot and building requirements The following area regulations apply to uses and activities in the Industrial (I-1) District:

1. All structures shall be built at least twenty-five (25) feet from all property lines, except that, where property abuts a railroad where siding facilities are utilized, structures may be built up to railroad property lines.
2. Maximum lot coverage shall not exceed forty percent (40%) of the lot area.
3. The maximum height of a structure shall be three (3) stories or forty-five (45) feet.
4. There shall be off-street parking and loading.
5. All bulk storage of goods or materials must be located within the confines of structures or enclosed entirely by a sight-proof fence not less than six (6) feet nor more than eight (8) feet in height so that said goods or materials may not be seen from the street or any adjacent property. Said screening adjacent to railroad siding facilities is not required.

- C. Permitted uses The permitted uses in the Industrial (I-1) Zone include:

1. All uses not otherwise prohibited by law.

2. Junk yards or automobile/equipment salvage and wrecking yards, scrap iron, scrap paper or rag storage, sorting or bailing, provided they are conducted within a building or where entirely enclosed within a fence or screen approved by the Planning and Zoning Commission. (Ord. No. 11-6-2007-1, Sec. 3.)

#### 14.08.04 Special provisions and regulations

- A. Accessory buildings An accessory building may be built within a required rear yard when located at least ten (10) feet from both the rear and the side lot line is not located within any public easement, and when occupying not more than thirty percent (30%) of the area of such required rear yard.
- B. Porches Any two story or enclosed porch or one having a solid foundation and capable of being enclosed shall be considered a part of the building in the determination of the size of the yard or lot coverage.
- C. Terraces A paved terrace shall not be considered in determination of yard size of lot coverage provided, however, that such terrace is unroofed and without walls, parapets, or other forms of enclosure. Such terraces, however, may have an open guard railing not over three (3) feet high. Such railing shall not project into any yard to a point closer than one (1) foot from any line.
- D. Flammable liquids and gases The storage of flammable liquids and gases shall comply with the state of Arkansas Fire Prevention Code.
- E. Child care facilities Child care centers when located in residential zoned areas, shall meet the following provisions:
  1. The center shall be located in a single-family dwelling which is the permanent residence of the operator and shall be operated in such a manner that will not change the character of the residence.
  2. All portions of the lot used for outdoor play space shall be fenced with a fence not less than four (4) feet in height.
  3. The dwelling shall meet all city, county and state Health Department requirements as to safety, design, facilities, equipment, and other features and the center shall be operated in a manner that will not adversely affect other properties and uses in the area.
  4. One off-street parking space shall be provided for each employee of the center.



5. Adequate loading and unloading space shall be required for discharging children into the center.

Commercial day care centers, kindergartens and nurseries that are operated from buildings not originally designed as dwellings shall be located in a commercial zoned district.

- F. Visibility at intersections The city does hereby adopt the Arkansas State Highway Department's standards as they relate to commercial and residential driveway widths, setback requirements from corners and the distance requirements between ingress and egress drives.

On a corner lot in any zoned district, no fence, wall, hedge or other structure or planting between two (2) feet and ten (10) feet shall be erected, placed or maintained in the triangular area formed by the intersecting street lines and a straight line joining said street at points which are twenty-five (25) feet distant from the point of intersection, measured along said street lines. Any such construction within the city of Coal Hill shall meet or exceed the requirements set forth by the Arkansas State Highway Department.

- G. Home occupations An occupation may be carried on in a residential structure in a residential zone only if the following are complied with:

1. It does not involve the use of commercial vehicles operating from or parking at the residence.
2. It does not require the use of more than two (2) rooms otherwise normally considered as living space.
3. It does not require the use of an accessory building or of yard space or an activity outside the main structure not normally associated with residential uses.
4. It does not have a sign in excess of six (6) square feet in the front yard to denote the business, occupation or profession and/or a sign not in excess of two (2) square feet attached to the residential structure.
5. It does not involve the external display of goods and services.
6. The occupation must be carried on only by the occupant family of said residence.

H. Manufactured homes The establishment, location and use of manufactured homes as scattered single-family residences shall be permitted in the R-1 and R-2 zoning districts by definition and provisions of the ordinance in 14.08.03 (A), subject to all requirements and limitations applying generally to such residential use in each of the respective districts and provided such homes shall meet all of the following requirements and limitations:

1. The home shall meet all requirements as defined (14.08.03, Permitted uses) and must possess all necessary building and occupancy permits and other certification required by the city for a dwelling unit.
2. The home must be appropriately sited on the lot with the front of the homes oriented to the front of the lot, and all required setbacks (front, side and rear) of the zoning district (14.08.03, Lot area) in which the home is located must be met without any exceptions or variances.
3. The home shall be installed in accordance with the manufacturer's installations as recognized by the Arkansas Manufactured Home Commission, including the site preparation, pier foundations-footings, pier support columns, and anchoring. Installation shall include the construction of a perimeter foundation enclosure. The enclosure shall be of materials approved by the city of Coal Hill and installed in conformance with the manufacturer's installation instructions.
4. The home shall be covered with an exterior material customarily used on site-built residential dwellings.
5. The home shall have a roof composed of a material customarily used on site-built residential dwellings, such as fiberglass, shake, asphalt or tile, which shall be installed onto a surface appropriately pitched for the materials used.
6. The dwelling shall be occupied only as a single-family residential use.
7. Manufactured dwelling units shall have all elements of transportation (hitches, wheels, axles, etc.) removed. (Ord. No. 11-6-2007-1, Sec. 4.)

14.08.05 Non-conforming structures and uses The lawful use of any building or land existing at the time of the enactment of this ordinance may be continued, although such use does not conform with the provisions of this ordinance. The following regulations, however, will apply to such properties.

- A. Unsafe structures Any structure, or portion thereof, declared unsafe by a proper authority may be restored to a safe condition.

- B. Alterations A non-conforming building may not be reconstructed or structurally altered during its life to an extent exceeding in aggregate cost, fifty percent (50%) of the assessed value of the building unless said building is changed to a conforming use.
- C. Extensions A non-conforming use shall not be extended but the extension of a lawful use to any portion of a non-conforming building which existed prior to the enactment of this ordinance shall not be deemed the extension of such non-conforming use.
- D. Restorations No non-conforming building damaged by fire and/or other natural or man-made causes to the extent of more than fifty percent (50%) of its assessed value shall be repaired or rebuilt except in conformity with the provisions of this ordinance.
- E. Abandonment Whenever use of a non-conforming property has been discontinued for a period of one (1) year, such use shall not thereafter be re-established and any future use shall be in conformity with the provisions of this ordinance.
- F. Changes Once changed to a conforming use, no building or land shall be permitted to revert to a non-conforming use.
- G. Displacement No non-conforming use shall be extended to displace a conforming use.
- H. Cessation Notwithstanding any other provision of this ordinance, any automobile wrecking yard or other junk yard in existence in any residential division on the date of the enactment of this ordinance shall, at the expiration of three (3) years from such date, become a prohibited and unlawful use and shall be discontinued. (Ord. No. 11-6-2007-1, Sec. 5.)

14.08.06 Definitions For the purpose of this ordinance certain terms or words used herein shall be interpreted or defined as follows:

Words used in the “present” tense include the “future” tense.

**Lot** shall include the terms plot or parcel.

**Manufactured home** is a residential dwelling unit built in a factory in accordance with the Federal Manufactured Home Construction and Safety Standards.

**Person** shall include a corporation as well as an individual, partnership or association.



**Shall** always means mandatory.

**Used or occupied** as applied to any land or building shall be construed to include the words “intended, arranged, designed to be use, or occupied.”

Except where specifically defined wherein, all words used in this ordinance shall carry the customary meaning. (Ord. No. 11-6-2007-1, Sec. 6.)

14.08.07 Administration and enforcement This ordinance shall be enforced by the designated official who shall perform such duty in addition to this present duties without additional compensation.

- A. Variances The Planning and Zoning Commission shall hear requests from variances from the literal provisions of the Zoning Ordinance in instances where strict enforcement of the Zoning Ordinance would cause undue hardship due to circumstances unique to the individual property under consideration and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provision of the Zoning Ordinance. The Planning and Zoning Commission shall not permit as a variance any use in a zone that is not permitted under the ordinance. The Planning and Zoning Commission may impose conditions in the granting for a variance to insure compliance and to protect adjacent property. Decision of the Planning and Zoning Commission in respect to the above shall be subject to appeal to the City Council of Coal Hill, Arkansas.
- B. Ordinance interpretation In their interpretation and application, the provisions of this ordinance shall be the minimum requirements, adopted for the purpose of the protection of the health, safety, moral and/or the general welfare of the community. Wherever the requirements of this ordinance are at variance with the requirements of any other lawful rules, regulations or ordinances, the most restrictive, imposing the higher standard, shall govern.
- C. Amendments to ordinances The regulations, conditions, restrictions and boundaries provided for in this ordinance may, from time-to-time, be amended or repealed through the following procedure:

A proposal to amend this ordinance or any part thereof may be submitted by any owner or owners of land within the zoning jurisdiction of the city of Coal Hill, Arkansas, provided that no proposal shall be considered by the Planning and Zoning Commission within five (5) days from the filing of the proposal with the Planning and Zoning Commission. The proposal shall contain the following information:

1. A description of the area, including legal description.
2. A statement of the present and proposed zoning to be applied to the area.
3. The intended use of the land/structure.
4. Such other plans and information as may be required under the provisions of this ordinance.
5. A fee of Fifty Dollars (\$50.00) paid to the city of Coal Hill.

The petitioner shall present the proposal to the Planning and Zoning Commission. The Planning and Zoning Commission, in turn, shall hold a public hearing on the proposal. Due notice of the proposal shall be published in a local newspaper as required by law, with the notice being published no less than fifteen (15) days prior to the public hearing.

Such public hearing may be recessed from time-to-time or from place-to-place, without further published notice of such time and place, if reconvening is announced at the time of recess.

The Planning and Zoning Commission shall make a recommendation for approval or disapproval of any amendment to the Zoning Ordinance or Zoning Map to the Coal Hill City Council for final approval. The City Council shall take action on the proposed amendment at their next regularly scheduled monthly meeting. If the Planning and Zoning Commission disapproves a proposed amendment, the proposed amendment may be appealed to the Coal Hill City Council. The Council may take the following actions on recommendations by the Planning and Zoning Commission:

1. Approve the recommendation.
2. Disapprove the recommendation.
3. Send the zoning proposal back to the Commission for further study.

If the Planning and Zoning Commission does not rule (approve or disapprove) within ninety (90) days, the City Council shall take such lawful action as it may deem advisable.

All amendments to this ordinance shall be listed in the order adopted in a separate register maintained by the Planning and Zoning Commission. When an application for an amendment to this ordinance for a specific parcel has been denied, re-application shall not be made for a period of one (1) year from the date of the original application.

- D. Severability clause If for any reason any one of more sections, sentences, clauses or parts of this ordinance are held invalid, such judgment shall not affect, impair or invalidate the remaining portions of this ordinance.
- E. Violations and penalties Wherever, by the provisions of this ordinance, the performance of any act is required or the performance of any act is prohibited, or litigation is imposed on the use of land, a failure to comply with the provisions of this ordinance shall constitute a violation.

Any person, firm or corporation who violates this ordinance shall be fined not less than Two Hundred Fifty Dollars (\$250.00) or more than Five Hundred Dollars (\$500.00) for each such offense.

Where the violation is of a continuing nature, every day in which the violation continues to exist shall be considered a separate offense. Upon the adoption of this ordinance, all ordinances or parts of ordinances previously enacted which are in conflict with this ordinance are hereby repealed. (Ord. No. 11-6-2007-1, Sec. 7.)

## **CHAPTER 14.12**

### **TEMPORARY DWELLING STRUCTURES**

#### **Sections:**

- |          |        |
|----------|--------|
| 14.12.01 | Permit |
| 14.12.02 | Fine   |

14.12.01 Permit No person or entity shall hereafter within the corporate limits of the city of Coal Hill, Arkansas, use a pickup camper, motorized or pull-behind travel trailer, converted bus, tent trailer, or other similar temporary dwelling structure as a permanent dwelling or primary residence without first obtaining a permit from the city of Coal Hill, Arkansas. Such permit shall allow the use of such temporary dwelling structure only during the construction by the permit applicant of a permanent dwelling residence as allowed by the zoning laws of the city of Coal Hill, Arkansas. Said permit shall be granted at the discretion of the Mayor of the city of Coal Hill, Arkansas, subject to veto of the Mayor's decision to grant or deny the permit request by a two-thirds (2/3) vote of the entire City Council of Coal Hill, Arkansas. (Ord. No. 9-3-2013-1, Sec. 1.)



14.12.02 Fine Any person, firm or corporation violating this ordinance shall be guilty of a misdemeanor and shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) per day for a violation of this ordinance. Each day shall be considered a separate violation. (Ord. No. 9-3-2013-1, Sec. 2.)

## **CHAPTER 14.16**

### **MINING AND DRILLING OPERATIONS**

#### **Sections:**

14.16.01	Mining
14.16.02	Fine
14.16.03	Drilling for oil and gas
14.16.04	Permit application
14.16.05	Compliance bond
14.16.06	Time limit
14.16.07	Fine

14.16.01 Mining It shall be unlawful for any person, firm or corporation to do any mining for any coal, minerals, stone or other commercial products within the corporate limits of the city.

**Mining** shall mean by any method, strip, shaft, slope, hydraulic or any other means, to recover any minerals, ores, stone or any commercial product. (Ord. No. 93-1, Sec. 1.)

14.16.02 Fine Any person, firm or corporation who shall violate any of the provisions of 14.16.01 hereof shall, upon conviction, be fined a sum not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00). Each day that such unlawful mining operation shall continue shall constitute a separate offense and any punishment rendered shall be cumulative or consecutive and not concurrently imposed. (Ord. No. 93-1, Sec. 2.)

14.16.03 Drilling for oil and gas It shall be unlawful to drill for oil and gas within the corporate city limits of the city of Coal Hill without complying with the requirements set forth herein. A special use permit is hereby established to set standards used in approving oil and gas well operations and to establish procedures for processing the permits. Thus, the City Council in considering each operation permit request, will review the overall compatibility of the planned use with surrounding property as well as such specific items as street standards, traffic patterns, compliance with the adopted Fire Prevention Code of the city, the amount of dust or spillage created by the operation, traffic control, etc., to make sure no harmful effects occur to nearby property or existing public property.

While nothing herein shall be interpreted or applied so as to effectively prevent or eliminate oil or gas drilling within the city limits of Coal Hill, the City Council may refuse to grant any permit if the operation in question poses an unreasonable danger to the public health, safety or welfare. (Ord. No. 93-1, Sec. 3.)

14.16.04 Permit application The application for a permit shall be made to the office of the Mayor by the owner or agent or the producer of the oil and gas well operation. The application shall include four (4) copies of the required site plan. The fee for processing a permit shall be the sum of One Hundred Dollars (\$100.00) which shall be paid at the time of the submission of the application.

A. The following information, surveys and procedures shall be required:

A survey shall be required and a site plan shall be submitted on paper no larger than 24" x 36" and no smaller than 12" x 24". The site plan shall be drawn to a scale of no less than one inch equaling twenty feet unless the City Council approves a different scale. The survey and site plan shall at a minimum contain the following information:

1. The land to be included in the proposed permit area along with a written legal description of the land.
2. The location and dimension of all public rights-of-way on or abutting the planned area.
3. Existing and proposed finished grade of the site with particular attention to drainage.
4. Location of all points of vehicular entrance and exit to the site, the location and dimensions of all existing easements and public improvements within the site.
5. The location of permanent or temporary structures or proposed structures to be located on the site.
6. The location of any reserve pit.
7. Location of closest available water to the site.
8. Exact location of the proposed drilling rig.
9. Location of an all-weather roadway (shale, SB-2, etc.) capable of supporting fire apparatus on the site.

10. Location of all security fencing around the site (if required by the City Council).
11. The complete application, including all supportive information, must be received by the Mayor at least thirty (30) working days before the date that work is to commence. The permit application shall contain the following information:
  - a. A survey and site plan of the property prepared by a certified land surveyor or registered civil engineer.
  - b. The street address or addresses of the entire property.
  - c. A description of the proposed operation, including the description of any construction of temporary structures to be erected on the property.
  - d. The projected route of truck traffic to and from the operation site including the projected number of trips. The number of trips and a route may be regulated by the City Council.
  - e. The name of the sub-contractor responsible for site preparation.
  - f. In addition to the above information, the applicant shall submit supportive information that shall be deemed necessary by the City Council. If additional information is requested, an additional seven (7) working days shall be required for the processing of the application.
  - g. The City Council may impose reasonable conditions and restrictions upon the application under consideration with the intent of minimizing the impact of the operation upon nearby property or public property. The limitations placed upon a special use permit may include but are not limited to:
    - (1) Method for cleaning up materials used in the operations that are dropped, shifted, leaked or otherwise escape onto a roadway from the vehicle transporting such materials and such materials shall be removed as necessary each day;
    - (2) Method of controlling traffic (flagman or traffic control devices may be required at the contractor's expense);



- (3) Weight limits may be placed on all haulers to minimize damage to public facilities and streets (reasonable weight limits to be determined by the Mayor or his designated agent);
- (4) The number of hours that site preparation work can be conducted on the premises may be regulated by the City Council to minimize harmful effects on nearby property owners.

B. The applicant must be in compliance with the National Fire Prevention Code and also must meet the following conditions:

1. The reserve pit shall be located a minimum of one hundred (100) feet from any structure.
2. All standing brush or trees shall be cleared for a radius of fifty (50) feet from the reserve pit.
3. Reserve pit shall be diked or otherwise constructed to protect public property and the environment.
4. Water must be available at the site or within 1,500 feet by either fire hydrant or hoses which will fit Fire Department connections.
5. Drilling platform shall be a minimum twenty-five (25) feet from any roadway.
6. An all-weather roadway capable of supporting fire apparatus shall be available at the site.
7. When surface blasting is required, the following precautions shall be taken:
  - a. Blasting shall be conducted by federally-licensed technicians.
  - b. Authorities having jurisdiction shall monitor blasting and blasting shall be limited to daylight hours between 8:00 a.m. and 5:00 p.m.
8. The drilling site shall have security fencing around the entire site or personnel on the site twenty-four (24) hours during the operation to prohibit unauthorized access.

9. A list of trained personnel to be called in case of a blowout or other emergency shall be furnished to the Coal Hill Fire Department and Mayor.
10. Temporary repairs to the city streets may be required by the Mayor or his designated agent. (Ord. No. 93-1, Sec. 4.)

14.16.05 Compliance bond All reasonable conditions required for a permit must be met before any operation may begin. The owner or applicant filing for a special use permit shall sign a binding agreement with the city of Coal Hill that all damages to public property related to this operation for which the owner or applicant is legally responsible shall be repaired at the expense of the applicant. The Mayor shall determine the condition of public facilities (including photos and documentation) prior to the initiation of the operation. A compliance bond, for a reasonable amount, shall be required prior to the beginning of operations to insure that all roads and other public property are restored to the same or better condition they were in prior to the start of operations.

Immediately after completion of the drilling of the well site, repairs will commence on the damage that has been done to the public property. Failure of the applicant to correctly repair all damaged public facilities, for which it has been determined responsible, may result in the revocation of all existing or future permits for said company and the City Attorney is authorized to take whatever means are necessary to insure that the public facilities are repaired. (Ord. No. 93-1, Sec. 5.)

14.16.06 Time limit The drilling operations must begin within six (6) months of the authorization unless a special time limit (less than 6 months) has been imposed by the Mayor or his designated agent. (Ord. No. 93-1, Sec. 6.)

14.16.07 Fine Any person, firm or corporation who shall violate any of the foregoing provisions of 14.16.03, 14.16.04 or 14.16.05 shall be deemed guilty of a misdemeanor and upon conviction shall be fined a sum not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each offense. Each day that such violation shall continue shall be deemed a separate offense and any punishment rendered shall be cumulative or consecutive and not concurrently imposed. (Ord. No. 93-1, Sec. 7.)

## CHAPTER 14.20

### ANNEXING, VACATING AND RE-ZONING PROPERTY

#### Sections:

14.20.01      Annexing

#### 14.20.01 Annexing

Ord. No. 10-4-83      S ½ of NE ¼ of Sec. 17, Twp 9 N, Range 25 West  
SE ¼ of NE ¼ of Sec. 17, Twp 9 N, Range 25 West  
Part of SE ¼ of Sec. 16, Twp 9 N, Range 25 West  
S ½ of Sec. 15, Twp 9 N, Range 25 West