

Chapter 118

ZONING*

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¹**Editor's note** — The zoning map referred to in this Chapter is on file in the city clerk-treasurer's office.

Cross references — Alcoholic beverages, ch. 6; keeping swine, etc., § 10-5; aviation, ch. 14; buildings and building regulations, ch. 18; board of adjustment and appeals, § 18-13; businesses, ch. 22; cemeteries, ch. 26; weeds, litter, etc., § 42-57; planning, ch. 86; conflict with zoning ordinance, § 94-59; subdivisions, ch. 98.

State law references — Authority to legislate on matters pertaining to municipal affairs, A.C.A. § 14-43-601 et seq.; municipal zoning, A.C.A. § 14-56-416; procedure for adoption of plans, etc., A.C.A. § 14-56-422.

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ORDINANCE NO. A-627

AN ORDINANCE TO AMEND SECTION 118-506 OF THE CODE OF ORDINANCES OF THE CITY OF CROSSETT, ARKANSAS TO AUTHORIZE THE LOCATION OF NURSING HOMES AND ASSISTED LIVING HOMES TO BE LOCATED IN THE DISTRICT OF C-H (HIGHWAY-COMMERCIAL) AS A MATTER OF RIGHT AND DECLARING AN EMERGENCY.

WHEREAS, presently section 118-506 does not permit nursing homes to be located in the C-H (Highway-Commercial) zone as a matter of right; and

WHEREAS, section 118-506 does not specifically authorize the location of assisted living homes in any zoning district provided by the code of ordinances for the City; and

WHEREAS, it is desirable to amend section 118-506 of the code of ordinances to permit nursing homes to be located in the C-H (Highway-Commercial) district as a matter of right and to authorize assisted living homes to be located in C-H (Highway-Commercial) districts.

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

Section 1: That section 118-506 is amended to authorize the location of nursing homes in the C-H (Highway-Commercial) zoning district as a matter of right.

Section 2: That section 118-506 is amended by adding an additional use to be known as “assisted living home or facility” and to provide that assisted living homes or facilities may be located in the A-G and R-M districts provided a prior site plan is approved by the City Planning Commission and assisted living homes or facilities may be located in the C-H (Highway-Commercial) district as a matter of right.

Section 3: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 4: Emergency Clause. The City Council finds that there is a critical need for the construction of nursing homes and assisted living facilities in the City of Crossett to provide for the welfare of the older citizens of our community so that an emergency is declared to exist, this

ordinances shall become effective upon its adoption and publication as required by law.

ADOPTED THIS 21ST DAY OF SEPTEMBER, 1998.

CITY OF CROSSETT, ARKANSAS

WILLIAM C. FINCH, MAYOR

ATTEST:

SHARON STRICKLAND,
CITY CLERK-TREASURER

ARTICLE I. IN GENERAL

Sec. 118-1. Title.

This Chapter shall be known as the Zoning Ordinance for the City of Crossett, Arkansas.
(Ord. No. A-445, § 1(art. 1, § 1), 8-15-83)

Sec. 118-2. Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. In case of any difference of meaning or implication between the text of this Chapter and any caption, illustration or table, the text of this Chapter shall control. Words not specifically defined in this section shall be interpreted in accord with their usual dictionary meaning and customary usage.

“Accessory structure or use” means a structure or use which:

- (1) Is subordinate to and serves a principal building or a principal use;
- (2) Is subordinate in area, extent, and purpose to the principal structure or principal use served;
- (3) Contributes to the comfort, convenience or necessity of the occupants, business or industry in the principal structure or principal use served; and
- (4) Is located on the same zoning lot as the principal structure or principal use served.

“Administration” means the mayor of the City of Crossett and the administrative aides of the mayor.

“Adult Daycare Center” means an establishment that provides, on a regular basis, assistance or care for five or more unrelated adults for a period of less than twenty-four hours a day and which receives a payment, fee or grant for the adults attending the facility, whether or not operated at a profit.

“Advertising Sign or Structure” means any cloth, card, paper, metal, glass, wooden, plastic, plaster, stone or other sign, device, or structure of any character whatsoever, including statuary placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, or structure. The term ‘place’ shall include erecting, constructing, posting, painting, printing, tacking, mailing, gluing, sticking, carving, or otherwise fastening, affixing, or making visible in any manner whatsoever. The area of an advertising structure shall be determined as the area of the largest cross section of the structure. Neither directional, warning, nor other signs posted by public officials in the course of their public duties nor merchandise or materials being offered for sale shall be constructed as advertising signs for the purpose of this Code.

“Agriculture” means the use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, and animal poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities

“Alley” means a public right-of-way which affords only a secondary means of access to the property abutting thereon.

“Apartment” means a multiple family dwelling (see “Dwelling, Multiple).

“Automotive dismantlers and recyclers” means any person, firm, association, corporation or trust resident or nonresident who is engaged in the business and/or providing facilities for the purpose of recovering parts from automobiles and trucks which have been wrecked or otherwise rendered inoperable as transportation vehicles with said parts recovered being resale and further reducing used automobiles and trucks to a condition capable of salvage for their metal scrap content by scrap processors.

“Automobile Junk or Salvage Yard” means an area outside of a building where motor vehicles are disassembled, dismantled, junked, or “wrecked”, or where motor vehicles not in operable condition or used parts of motor vehicles are stored.

“Automotive service station” means any building, structure or land used for the dispensing, sale or offering for sale at retail of automotive fuel oils and accessories in connection therewith or for the servicing of motor vehicles. When such dispensing, sale or offering for sale is incidental to the conduct of a commercial garage, the premises shall be classified as a commercial garage.

“Basement” means a story having part but not more than one-half its height below grade. A basement is counted as a story for the purpose of height regulations if subdivided and used for dwelling purposes other than by a janitor employed on the premises.

“Bed and Breakfast Inn” means an owner-occupied dwelling unit that contains no more than three guest rooms where lodging, with or without meals, is provided for compensation. The operator of the inn shall live on the premises or in adjacent premises.

“Billboard” means any advertising structure that has at least one dimension of greater than 12 feet. See “Signs” below for further definition.

“Block Front” means all of the property on one side of the street between two intersecting streets or between an intersecting street and the dead end of a street.

“Buffer Area” means a landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

“Buildable Area” means the area of that part of the lot not included within the yards or open spaces herein required.

“Building” means any structure, including a roof supported by walls, designed or built for the support, enclosure, shelter or protection of persons, animals, chattel or property; and forming a construction that is safe and stable; the word building shall include the word structure.

“Building code” means the building codes of the city, as amended from time to time.

“Building, Coverage” means the percentage of the lot area covered by the building. The building area shall include all overhanging roofs.

“Building height” means the vertical distance measured from grade to the highest point of the roof or flat roofs, to the deck line for mansard roofs or to the mean height between eaves and ridge for gable, hip and gambrel roofs (see Figure 1, section 118-501).

“Building Line” means the line of the face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.

“Building official” means the person designated by the City of Crossett to enforce the Zoning and Subdivision Ordinances.

“Building, principal” means a building in which is conducted the main or principal use of the lot on which the building is situated.

“Bulk” means the minimum or maximum lot area, yard area, height or dwelling unit density permitted or required in any zoning district (see Figure 2, section 118-502).

“Bus terminal or service facility” means any building where intercity or intra city bus trips begin or terminate or the building or land where buses used in such trips are parked, serviced or repaired.

“Business vehicle” means any vehicle owned, leased or used by a business and its employees exclusively in the conduct of the business.

“Car Wash” means a building or area that provides facilities for washing and cleaning motor vehicles, which may use production line methods with a conveyor, blower, or other mechanical device, and which may employ some hand labor.

“Cellar” means a story having more than one-half of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.

“Cemetery” means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

“Certificate of occupancy” means the authorization of the building official to occupy premises affirming that the use and conditions of the premises comply with this Chapter or are permitted by a planned development approved by the Crossett City Council.

“Church or Place of Religious Worship” means an institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The term “church” shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

“City” means the City of Crossett

“City Council” means the Crossett City Council.

“Clinic” means an establishment where patients are not lodged overnight but are admitted for examination and treatment by one or more physicians or dentists practicing their profession therein.

“Club or Lodge” means a membership organization established for specific purposes, having a charter of by-laws, and operating in other localities in addition to the City of Crossett.

“Commercial Message” means any sign, wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

“Commercial Warehouse” means space used by one or more parties for the storage of merchandise. Material may be transferred into and out of a commercial warehouse by the owner or other authorized persons.

“Commission” means the Crossett Planning Commission.

“Comprehensive Plan” means the general plan for the city containing as a minimum the Land Use Plan, Master Street Plan, and the Community Facilities Plan.

“Controlled Access Highway” means any state or federal numbered highway, including an interstate highway, within the City of Crossett, Arkansas.

“Convenience Store.” Any retail establishment that is 3,500 square feet or less in gross floor area which offers for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption. (For establishments greater than 3,500 square feet see “Truck Stop”.)

“Country club” means a private club for members, their families, and invited guests for the purpose of social and recreational activities.

“Day care center” means a place or facility providing or designed to provide care and supervision for less than 24 hours a day for children.

“Density” means the number of dwelling units per acre of gross land area.

“Department or discount store” means a retail establishment with 35,000 or more square feet of floor area which sells a general line of merchandise including apparel and some home furnishings, including, but not limited to, furniture or major home appliances.

“District” means a portion of the city within which specified regulations and requirements thereof apply pursuant to the provisions of this Chapter.

“Drive-in Commercial Uses” means any retail commercial use providing considerable off-street parking and catering primarily to vehicular trade such as drive-in restaurants, drive-in theaters, and similar uses.

“Duplex.” (See Dwelling, Two-Family)

“Dwelling, Attached” means a dwelling having any portion of one or more walls in common with adjoining dwellings.

“Dwelling, Detached” means a dwelling having open space on all sides.

“Dwelling, multiple-family” means a dwelling designed for occupancy by three or more families living independently of each other, exclusive of auto or trailer courts or camps, hotels, or resort type hotels.

“Dwelling, single-family” means a building having accommodations for and occupied exclusively by one family.

“Dwelling, townhouse” means a row of three or more adjoining dwelling units, each of which is separated from the others by one or more unpierced common walls extending from ground to roof.

“Dwelling, two-family” means a building designed for and occupied by not more than two families in separate dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall.

“Dwelling unit” means any building or portion thereof providing complete independent permanent facilities for living, sleeping, cooking, eating, and sanitation designed for or used exclusively as living quarters by one family but not including a tent, cabin, travel trailer, a room in a hotel, motel or boardinghouse.

“Easement” means a property interest granted to a public utility company, the City, or other public bodies, or the general public for the establishment, use, maintenance or enlargement of specified uses, such as, but not limited to utilities, drainage, and pedestrian or vehicular access. A person may build over a utility easement at his own risk.

“Eave” means the overhanging lower edge of a roof.

“Enlargement” means an addition to the floor area of an existing building, an increase in the size of any other existing structure or an increase in the portion of a tract of land occupied by an existing use.

“Erect” means to build, construct, attach, hang, place, suspend, or affix, and shall also include the painting of wall signs.

“Factory-built Home” means any dwelling that is wholly, or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly on a building site. Factory-built homes shall include, but are not limited to, manufactured homes, modular homes and mobile homes.

“Family” means one or more persons occupying a dwelling and living as a single housekeeping unit, all of whom or all but two of whom are related to each other by birth, adoption or marriage, but if not related to each other by birth, adoption or marriage than no more than three persons, as distinguished from a group occupying a boardinghouse or hotel.

“Fast-Food Restaurant.” (See Restaurant, Fast-Food, and Restaurant, Drive-In)

“Fence” means a type of structure utilized for enclosure or screening.

“Flood Plain or flood-prone area” means any land area susceptible to being inundated by water from any source.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point.

“Floodway Fringe” means all that land in a flood plain not lying within a delineated floodway. Land within a floodway fringe is subject to inundation by relatively low velocity flows and shallow water depths.

“Floor area, Gross” means the sum of the horizontal areas of the several floors of all buildings on a lot measured from the exterior face of exterior walls and including intervening partitions, halls, lobbies, stairways, and elevator shafts. The following shall be excluded from calculation of the floor area:

- (1) Open exterior balconies or other covered open spaces.
- (2) Uncovered terraces, patios, porches, atriums or steps
- (3) Garages, carports or other areas, enclosed or unenclosed, used for the parking or circulation of motor vehicles.
- (4) Areas for housing major mechanical equipment which serves the building as a whole or major portion thereof, but not including utility areas within individual dwelling units.
- (5) Areas for common special purpose use by a substantial portion of the occupants of the premises, including laundries, recreation areas, sitting areas, libraries, storage areas, and areas devoted exclusively to management and/or maintenance of the premises but not including incidental commercial activities.

“Floor Area Ratio” is determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

“Fraternity and sorority houses” means a dwelling maintained exclusively for members of an organization that is affiliated with an academic or professional college, university, or other recognized institution of higher learning.

“Frontage, building” means the exterior wall of a building facing the front lot line of a lot.

“Frontage, lot” means all the property fronting on one side of a street, measured along such street, between lot lines, an intersecting or intercepting street, a right-of-way in excess of 30 feet, an end of a dead-end street, a river, a lake or a governmental boundary.

“Garage, commercial” means a building, or portion thereof, other than a private garage, used primarily for the parking and storage of vehicles.

“Garage, private residential” means a garage that is accessory to residential building and is used primarily for the parking and storage of vehicles owned or operated by the residents of dwelling units located in such building and not as a separate commercial enterprise available to the public at large.

“Gasoline or Service Station” means any building, structure, or land used primarily for the dispensing, sale of fuels, oils, accessories, or maintenance and repair services.

“Gasoline Service or Filling Station” means any area of land, including structures thereon, that is used for the retail sales of gasoline or oil fuel, or other automobile accessories, and incidental services including facilities for lubricating, hand washing and cleaning, or otherwise servicing automobiles, but not including painting, major repair, or automatic automobile washing or the sale of butane or propane fuels.

“Grade” means:

- (1) For buildings and structures more than five feet from any street line, the average level of the finished surface adjacent to the building or structure.
- (2) For buildings or structures any portion of which is located within five feet of a street line or lines, the curb level or the average of the curb levels, or their equivalent established ground surface, adjacent to such street line or lines.

“Gross floor area.” See Floor Area, Gross.

“Gross land area” means the area of a lot within the property lines, plus not more than one-half the width of abutting public street and alley rights-of-way.

“Halfway House” means a licensed home for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently. Such placement is pursuant to the authority of the State Department of Corrections.

“Hedge” means a barrier or boundary formed by a dense row of shrubs or low trees.

“Highway” means any roadway identified on the major street plan of the city, as amended.

“Home occupation” means any activity carried out for gain by a resident and conducted as a customary, incidental, and accessory use in the resident’s dwelling unit.

“Homeowners association” means a group of owners of property in a development, which group is responsible for the maintenance, development and enforcement of rules and regulations governing the common areas of such development.

“Hospital” means an institution providing health services and medical or surgical care, primarily for temporary inpatients, to persons suffering from illness, disease, injury, deformity or other abnormal physical or mental condition, and including as an integral part of the institution related facilities such as laboratories, outpatient facilities or training facilities. “Hospital” does not include institutions for the permanent care of or occupation by the poor, infirm, incurable or insane.

“Hotel” means a building in which lodging or boarding and lodging are provided and offered to the public for compensation, and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to a boardinghouse or apartment.

“Illumination, Direct” means illumination that is so arranged that the light is directed into the eyes of the viewer from the light source.

“Illumination, Indirect” means illumination that is so arranged that the light is reflected from the sign to the eyes of the viewer.

“Illumination, Spot Light” means illumination that comes from lamps, lenses, or devices designed to focus or concentrate the light rays of the source.

“Institution” means a building occupied or operated by a nonprofit society, corporation, individual foundation, or governmental or similar services of nonprofit character to the public.

“Kennel” means any lot or premises in which four or more dogs, more than six months of age are kept for personal use or boarding.

“Land-lease Community” means a residential development typified by single ownership of the land within the development, with the landowner retaining the rights of ownership. Home sites within the community are leased to individual homeowners, who retain customary leasehold rights.

“Landfill” means land area consisting of waste, rubbish or garbage which has been treated and disposed of in accordance with all applicable laws.

“Landmark object or building” means an object or building which has been designated by the Crossett City Council to be of significant aesthetic, functional, architectural or historical importance or value.

“Landscaped area” means an area that is permanently devoted and maintained for the growing of trees, shrubbery, grass and other plant materials.

“Loading space” means an unobstructed, hard surfaced area no part of which is located in any street or public right-of-way and the principal use of which is for the standing, loading or unloading of trucks and trailers.

“Lot” means a parcel of land having its principal frontage upon a road or street and occupied by or designated to be developed for a building and its accessory buildings, or a principal use, together with such open spaces and yards as are designed and arranged or required under this Chapter to be used with such buildings or use.

“Lot area” means the total horizontal area included within lot lines.

“Lot area per dwelling unit” means that amount of the lot area required, by the applicable provisions of this Chapter, for each dwelling unit located on a lot.

“Lot, corner” means a lot which adjoins the point of intersection or meeting of two or more streets.

“Lot coverage” means the percentage of lot area occupied by the ground area of principal and accessory buildings on such lot.

“Lot, depth of” means the horizontal distance between the front and the rear lot lines.

“Lot, double frontage” means a lot having frontage on two nonintersecting streets.

“Lot, flag-shaped” means a lot, with a minimum street frontage of 25 feet, on which the buildable area is separated by a considerable distance from the street line, so that the distance along the building line is at least four times greater than the distance along the front lot line.

“Lot, interior” means a lot other than a corner lot.

“Lot line, front” means, in the case of an interior lot abutting upon only one street, the line separating such lot from such street; in the case of a double frontage lot or a corner lot, each line separating such lot from the street shall be considered a front lot line.

“Lot line, rear” means that lot line which is parallel to and most distant from the front lot line of the lot; provided, however, that in the case of an irregular or triangular lot, a line ten feet in length, entirely within the lot, parallel to, and at the maximum possible distance from, the front lot line shall be considered to be the rear lot line.

“Lot line, side” means any lot line other than a front or rear lot line.

“Lot lines” means the lines bounding a lot.

“Lot, minimum area of” means the smallest lot on which a particular use or structure may be located in a particular district.

“Lot of record” means a lot which is a part of a subdivision, the map of which has been recorded in the Office of the Ashley County Circuit Clerk and Recorder; or a parcel of land, the deed to which was recorded in the Office of the Ashley County Circuit Clerk and Recorder prior to December 10, 1949.

“Lot, width of” means the distance on a horizontal plane between the side lot lines measured at right angles to the lot depth at the minimum front yard line, except for flag-shaped lots.

“Lot, zoning” means a parcel of land that is designated by its owner or developer as a tract all of which is to be used, developed, or built upon as a unit under single ownership. As long as it satisfies the above requirements, such lot may consist of:

- (1) A single lot of record;
- (2) A portion of a lot of record; or
- (3) A combination of complete lots and portions of lots of record, or portions of lots of record.

“Mall” means any concentration of retail stores and/or service establishments that share customer parking areas and are located within an enclosure having public walkways whereby a customer in one store or establishment may walk to another store or establishment without leaving the enclosure.

“Mansard Roof” means any roof that has an angle greater than 45 degrees and which derives part of its support from the building wall and is attached to, but not necessarily a part of a low slope roof and which extends along the full length of a side building wall of $\frac{3}{4}$ of the length of a side building wall. For purposes of this Chapter, a low slope roof shall mean any roof with a pitch less than 3 inches rise per 12 inches horizontal.

“Manufactured Home” means a dwelling built in factory in accordance with the Federal Manufactured Home Construction and Safety Standards.

“Manufactured Home Park” means land or property containing a minimum of 3 acres which is used or intended to be used or rented for occupancy by manufactured homes or movable sleeping quarters of any kind.

“Manufactured Home Subdivision” means a subdivision in which lots are platted to be served by public rights-of way, designed and intended for sale to individuals who will place thereon a manufactured home unit or joining of units, and meeting the requirements of Article III, Division 2, Section 118-129 of this Chapter, as amended from time to time.

“Manufacturing” means the processing and converting of raw, unfinished or finished materials or products, or any of these, into an article or substance of different character, or for use for a different character, or for use for a different purpose.

“Map, zoning” means a map delineating the boundaries of the zoning districts provided for in this Chapter, as amended from time to time.

Mobile home means a dwelling that was fabricated in an off-site manufacturing facility, designed to be a permanent residence, built prior to enactment of the Federal Manufactured Home Construction and Safety Standards, and consistent with any existing state definitions.

“Modular home” means a residential dwelling, constructed in a factory to a residential construction code other than the Manufactured Home Construction and Safety Standards.

“Motel” means a building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which at least a portion of the rooms are directly accessible from a public or private right-of-way, from a parking lot or space or from the exterior of the building. As such, it is open to the public in contrast to a boardinghouse or apartment.

“Motor vehicle sales” means the display, sales, storage, servicing and repairing of new and used motor vehicles.

“Motor vehicle service” means a building or portion thereof to be used for equipping, servicing and repair of motor driven vehicles, with or without the sale of motor fuels and oils.

“Motor vehicle storage” means the use of any premises for outdoor parking of wrecked or abandoned vehicles.

“Museum” means a nonprofit, noncommercial establishment operated as a repository or a collection of nature, scientific, or literary curiosities or objects of interest or works of art, not including the regular sale or distribution of the objects collected.

“Non-Commercial Message” means any sign wording, logo, or other representation that does not directly or indirectly name, advertise, or call attention to a business, product, service, or other commercial activity. Non-commercial signs include, but are not limited to signs expressing a political or religious view and signs of nonprofit organizations related to their tax-exempt purposes.

“Nonconforming building or structure” means any building or structure, other than a sign, lawfully existing on the effective date of the ordinance from which this Chapter is derived, or any amendment thereto rendering such building or structure nonconforming, which does not comply with all of the regulations of this Chapter, or any amendment thereto, governing parking or space and bulk requirements for the zoning district in which such building or structure is located; or is located on a lot which does not, or is so located on a lot as not to, comply with the yard requirements for the zoning district in which such building or structure is located; provided, however, any building containing more than one dwelling unit in addition to the number permitted by the district regulations in the district where it is located shall be deemed to be a nonconforming use rather than a nonconforming building.

“Nonconforming lot of record” means a lot of record which does not comply with the lot requirements for any permitted use in the district in which it is located.

“Nonconforming use” means any use lawfully being made of any land, building, or structure, other than a sign, on the effective date of the ordinance from which the Chapter is derived, or any amendment thereto rendering such use nonconforming, which does not comply with all of the regulation of this Chapter, or any amendment thereto, governing use for the zoning district in which such land, building or structure is located.

“Nonresidential district” means any district whose designation does not begin with the letter R.

“Nonresidential use or purpose” means any building or portion of a building which is not used as a dwelling unit.

“Nursing home” means an establishment which provides full-time convalescent or chronic care, or both, for three or more individuals who are not related by blood or marriage to the operator or who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

“Open space” means the area of all uncovered space within the gross land area attributed to a lot, plus the area of all eligible covered open space within the lot. Covered open space is usable open space closed to the sky, but having two clear unobstructed open or partially open sides. Partially open is to be construed as 50 percent open or more.

“Open space, common” means open space held in private ownership, recorded in the Office of the Ashley County Circuit Clerk and Recorder, and regularly available for use by the occupants of more than one dwelling.

“Open space, uncovered” means exterior space open to the sky including usable roof area.

“Overlay District” means a district that encompasses one or more underlying zones and that imposes separate requirements in addition to those required by the underlying zone.

“Owner” includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by this Chapter, full disclosure of all legal and equitable interests in the property is required.

“Park” means an area that is open to the general public and reserved for recreational, educational, cultural, or aesthetic use.

“Parking lot” means any land area used or intended to be used for the parking of one or more vehicles.

“Parking space” means a space for the parking of a motor-driven vehicle within a parking lot and having a permanent means of access to a street right-of-way.

“Planned Unit Development (PUD)” means a development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

“Planning Commission” means the Crossett Planning Commission.

“Portable Sign” means any sign that is moveable, portable, capable of or intended to be moveable or portable. Also, a sign which is not permanently secured in or on the surface upon which it rests or a sign erected on a frame, platform, trailer, or other portable or moveable structure. Includes signs non-illuminated, illuminated, or capable of being illuminated.

“Premises” means a lot, plot or parcel of land together with the buildings and structures thereon.

“Principal Use” means the specific primary purpose for which land, building, or structure is used or intended to be used.

“Private club or lodge” means a building and related facilities owner or operated by a corporation, association or group of persons for social, educational or recreational purposes of members regularly paying dues, but not primarily for profit nor to render a service which is customarily carried on as a business and which is not a country club.

“Processing” means the procedure adopted by a person or party for the conversion of unprepared scrap materials into prepared grades of metallic suitable for remelting, rerolling, reforming, extruding and utilization in metallics manufacture, both ferrous and nonferrous.

“Professional Office” means a professional office is defined as an office in which a member of a recognized profession maintains for the conduct of that profession.

“Public Assembly” means a space, room, or structure designed or used for occupancy by 20 or more persons who are gathered for a non-commercial purpose. Clubs, lodges, halls, and churches are places of public assembly.

“Public Utility” means any person, firm, corporation, municipal department, or board, duly authorized to furnish and furnishing under regulations to the public, electricity, gas, telephone, television cable, telegraph, transportation, drainage, water, or sanitary sewage, or other regulated services.

“Recreational Vehicle (RV) Park” means a self propelled or towed temporary living quarters equipped with minimum of bed, sanitation, bath and cooking facilities.

“Residential building” means a building the principal use of which is a residential use.

“Residential district” means any district whose designation begins with the letter R.

“Residential use or purpose” means any building or portion of a building used as a dwelling unit.

“Restaurant” means an establishment where food is available to the general public primarily for consumption within a structure on the premises, where the consumption of food in motor vehicles on the premises is neither encouraged nor permitted and where food is not served in disposable containers.

“Restaurant, carryout” means an establishment which by design of physical facilities or by service or packaging procedures permits or encourages the purchase of prepared, ready-to-eat foods intended to be consumed off the premises, and where the consumption of food in motor vehicles on the premises is neither permitted nor encouraged.

“Restaurant, drive-in” means an establishment where food is served in disposable containers and which be design of facilities or by the type of service and packaging permits or encourages the purchase of prepared, ready-to-eat foods for consumption on or off the premises and which does permit consumption on the premises in motor vehicles.

“Right-of-Way” means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other special use.

“School” means a facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools.

“School, private” means a school which is privately owned or operated with a curriculum comparable to that of a public school.

“Scrap metal processors” means any persons or parties having facilities for processing and storing iron, steel or nonferrous scrap and whole principal product in scrap iron and steel or nonferrous materials for resale or for remelting purposes.

“Screening” means the use of vegetation or fencing to block the view of one premises from another (see Figure 3, section 118-503).

“Secondary material dealers” means any person who shall engage in the business of buying, storing, and selling secondary materials consisting of old or scrap copper, brass, rope, rags, batteries, paper, rubber, iron, steel, and other old scrap, ferrous or nonferrous.

“Self-Storage” means a structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

“Service Station.” (See Gasoline Service Station)

“Setback” means the required minimum horizontal distance between the structure line and the related front, side, or rear property line.

“Shopping Center” means two or more retail stores and/or service establishments, or one retail store and one service establishment, sharing customer-parking areas, regardless of whether said stores and/or service establishments occupy separate structures or are under separate ownership.

“Special Permit Use” means a use that may or may not be located within various districts depending upon review and approval by the Crossett Planning Commission and Crossett City Council.

“Storage, Mini” means a building or group of buildings designed to contain multiple storage compartments for use by individuals on a short-term or long-term basis.

“Storm Shelter” means storm shelters are not regulated by this Code.

“Story” means that portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it or, if there is not floor above it, the space between the floor and ceiling next above it. A half story is a partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than 4 feet above the floor of each story.

“Street” means a public or private way, square or lane, permanently open to common and general use, which affords the principal means of access to abutting property.

“Street line” means a lot line separating a street from other land.

“Structural alteration” means any change in either the supporting members of a building, such as bearing walls, columns, beams and girders, or in the dimensions or configurations of the roof or exterior walls.

“Structure” means anything built or constructed, but not including paving or surfacing of the ground. Structures include buildings, walls, fences and signs.

“Structure, Single-Family” means a detached residence designed for occupancy by one family only, and having a minimum of 500 square feet of living space.

“Structure, Two-Family” means a detached residence designed for occupancy by one family only, and having a minimum of 500 square feet of living space.

“Structure, Multi-Family” means a residence designed for occupancy by three or more families, with separate housekeeping and cooking facilities for each.

“Subdivision regulations” means the subdivision regulations of the City of Crossett set out in Chapter 90 of the Code of Ordinances of the City of Crossett, as amended from time to time.

“Trailer Court.” (See Manufactured Home Park)

“Transitional home” means a residence used for the purposes of rehabilitating persons from correctional facilities, mental institutions, and alcoholic and drug treatment centers and operated by a public or private agency duly authorized and licensed by the state, which agency houses individuals being cared for by the agency and deemed by the agency to be capable of living and functioning in a community and which provides continuous professional guidance.

“Truck or motor freight terminal, service facility” means an establishment engaged in transporting good or commodities for another business enterprise, including the parking and repair of the motor vehicles used in providing such service.

“Variance” means administrative relief from the literal provisions of this Chapter in instances where enforcement would cause undue hardship due to circumstances unique to the individual property under question.

“Vision triangle” means a distance of 30 feet from the rights-of-way lines of two intersecting streets.(See Section 118-504)

“Wall” means an upright structure of masonry, wood, plaster, or other building materials serving to enclose, divide, or protect an area.

“Warehousing” means for building code purpose, warehouse space used in connection with and on the same premises as wholesale or retail operations.

“Wholesale establishment” means a business engaged in the sale of commodities in quantity, usually for resale or business use, chiefly to retailers, other businesses, industries and institutions.

“Yard” means a required open space on a lot between a lot line and a building or structure which is unoccupied and unobstructed from grade to the sky, except for the following permitted obstructions.

- (1) Accessory uses, subject to the provisions of section 118-211 to 214.
- (2) Statuary, arbors, trellises and barbecue stoves.
- (3) Awnings and canopies.
- (4) Bay windows, porches and balconies projecting not more than 36 inches from an exterior wall for a distance not more than one-third of the length of such wall.
- (5) Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters, and the like projecting not more than 24 inches from an exterior wall.
- (6) Fire escapes or outside stairways projecting from an exterior wall not more than four feet.

- (7) Flagpoles.
- (8) Nonmechanical laundry drying equipment, except in a front yard.
- (9) Off-street parking and loading but only as expressly authorized in sections 118-176 and 118-177.
- (10) Terraces.
- (11) Recreational equipment except in front yards.

“Yard, front” means a yard extending across the entire front of the lot measured between the front lot line of the lot and a line drawn between the front lot line of the lot and a line drawn parallel to the front lot line at the building on the lot, or any projections thereof other than those permitted in defining “yard.” On corner lots, the front yard shall face the shortest street dimension of the lot, except that if the lot is square or almost square, i.e., has dimensions in a ratio of from 3:2 to 3:3, then the front yard may face either street.

“Yard, rear” means a yard opposite from the front yard and parallel to the rear lot line, extending across the entire rear of a lot and measured between the rear lot line and the rear of the building, or any projection thereof other than those expressly permitted in defining “yard.”

“Yard requirements” means the regulations of this Chapter establishing minimum front, side and rear yard requirements and setback requirements for various uses, structures and districts (see Figure 5, section 118-505).

“Yard, side” means a yard extending along a side lot line from the front yard to the rear yard and measured between the side lot line and the side of the building, or any projection thereof other than those expressly permitted in defining “yard.”

(Ord. No. A-445, § 1(art. 2, § 2), 8-15-83; Ord. No. A-507, § 1, 2-19-90)

Cross reference — Definitions generally, § 1-2.

Sec. 118-3. Violations and penalties.

- (a) The owner or agent of a building or premises in or upon which a violation of any provision of this Chapter has been committed or shall exist, or the lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which such violation shall exist, shall be guilty of a misdemeanor.
- (b) In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this Chapter, the appropriate authorities of the city, in addition to other remedies, may institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violation, or to prevent the occupancy of the building, structure or land.
(Ord. No. A-445, § 1(art. 9, § 3.4), 8-15-83)

Sec. 118-4. Purpose.

The zoning regulations and districts as established in this Chapter have been made in accordance with a master plan, to promote, in accordance with present and future needs, the safety, order, convenience, prosperity, and general welfare of the citizens of the city and to provide for efficiency and economy in the process of development, for the appropriate and best use of land, for convenience of access and of traffic and circulation of people and goods, for the appropriate use and occupancy of buildings, for healthful and convenient distribution of population, for protection against overcrowding of land, undue density of population in relation to the community facilities existing or available, to encourage good civic design and arrangement to facilitate the creation of a convenient, attractive and harmonious community, and for adequate public utilities, public services and facilities, by regulating and limiting or determining height and bulk of buildings and structures, the area of yards and other open spaces, and the density of use. They have been made with reasonable consideration, among other things, for the existing use and character of property, the existing land use plan, to the character of the district and its peculiar suitability for particular uses, to trends of growth or change, and with a view to conserving natural resources and the value of land and buildings and encouraging the most appropriate use of land throughout the city.

(Ord. No. A-445, § 1(art. 1, § 3), 8-15-83)

Sec. 118-5. Application.

This Chapter shall apply to all structures, land and uses within the corporate limits of the city.

(Ord. No. A-445, § 1(art. 1, § 2), 8-15-83)

Sec. 118-6. Interpretation.

In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. It is not intended by this Chapter to interfere with, or abrogate or annul any easements, covenants, or other agreement between parties; provided, however, that where this Chapter imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces than are imposed or required by other resolutions, ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this Chapter shall govern.

(Ord. No. A-445, § 1(art. 1, § 4), 8-15-83)

Sec. 118-7. Conformance with regulations required.

No building or land shall hereafter be used, and no building or part thereof shall be erected, reconstructed, converted, enlarged, moved or structurally altered unless in conformity with the regulations as set forth in this Chapter.

(Ord. No. A-445, § 1(art. 4, § 1), 8-15-83)

Sec. 118-8. Lots of record required; one main building per lot.

Every building hereafter erected, reconstructed, converted, moved or structurally altered shall be located on a lot of record and in no case shall there be more than one main building on one lot unless otherwise provided in this Chapter.

(Ord. No. A-445, § 1(art. 4, § 2), 8-15-83)

Sec. 118-9. Encroachment; reduction of lot area.

The minimum yards, height limits, parking space, open spaces, including lot area per family, required by this Chapter for each building existing at the time of the passage of these regulations or for any building hereafter erected, shall not be encroached upon or considered as required yard or open space for any other building, except as hereinafter provided, nor shall any lot area or lot dimensions be reduced below the requirements of these regulations.

(Ord. No. A-445, § 1(art. 4, § 3), 8-15-83)

Sec. 118-10. Location of proposed street or park.

No building shall be erected within the right-of-way of a proposed street or proposed common open space or park, when such areas have been located on a city plan and such plan has been duly adopted by the commission and the City Council.(Ord. No. A-445, § 1(art. 4, § 4), 8-15-83)

Sec. 118-11. Uses not permitted are prohibited.

For the purpose of this Chapter, permitted uses are listed for the various districts. Unless the contrary is clear from the context of the lists or other regulations of this Chapter, uses not specifically listed are prohibited. (Ord. No. A-445, § 1(art. 4, § 5), 8-15-83)

Sec. 118-12. Nonconforming uses.

- (a) Except as otherwise provided in this Chapter, the lawful use of a building or structure, or the lawful use of any land as existing and lawful at the effective date of the ordinance from which this Chapter is derived, or in the case of a change of regulations, then at the time of such change, may be continued although such use does not conform to the provisions hereof. Except as provided in this article, such nonconforming use may not be enlarged, extended, reconstructed or structurally altered except in compliance with the provisions of this Chapter.
- (b) If a nonconforming use of any building or premises is discontinued for a period of two years, the use of the same shall thereafter conform to the use regulations of the district in which it is located.
- (c) No existing building or premises devoted to a use not permitted by this Chapter in the district in which such building or premises is located, except when required to do so by law or order, shall be enlarged, extended, reconstructed, or structurally altered beyond the floor area of such building at the time of approval of this Chapter.
- (d) When a building, the use or minimum floor area, lot size, height, area, or density requirements of which do not conform to the provisions of this Chapter, is damaged by fire, explosion, act of God, the public enemy or other unforeseen and unintended casualty, it shall not be restored except in conformity with the district regulations (exclusive of use) of the district in which the building is situated except that minimum floor area restrictions and lot size shall not apply; however, in no event shall the restored building have less floor area than it did prior to its destruction.

(Ord. No. A-445, § 1(art. 4, § 6), 8-15-83)

Sec. 118-13. Nonconforming lots of record.

(a) ***Authority to utilize for single-family residence.*** In any district in which single-family detached dwellings are a permitted use, notwithstanding the regulations imposed by any other provisions of this Chapter, a single-family detached dwelling which complies with the restrictions of subsection (b) of this section may be erected on a nonconforming lot that is not less than 25 feet in width, and which:

- (1) Has less than the prescribed minimum lot area, width and depth, or any of them;
- (2) Is shown by a recorded plat or deed to have been a lot of record owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size, depth and width at such location would not have been prohibited by any zoning or other ordinance; and
- (3) Has remained in separate and individual ownership from adjoining tracts of land continuously since September 19, 1949.

(b) ***Regulations for single-family use of nonconforming lots.***

A nonconforming lot authorized to be used pursuant to subsection (a) of this section may be used for single-family dwellings and permitted accessory uses thereto and no other structures. Construction of such single-family dwellings shall comply with all the regulations (except lot area, width and depth) applicable to single-family dwellings in the zoning district in which such lot is located, except that the following side yard requirements shall apply in place of the side yard requirements otherwise applicable:

- (1) The dwellings shall be placed on the lots as to provide a yard on each side of the dwellings;
- (2) The widths of the two side yards on such lots shall not be less than five feet, unless approved according to the fire raking of sidewall by the Crossett Fire Chief.

(Ord. No. A-445, § 1(art. 4, § 7.2), 8-15-83)

Secs. 118-14— 118-35. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. GENERALLY

Sec. 118-36. Initiation of change, amendment.

The Crossett City Council may, from time to time, amend, supplement or change, by ordinance, the boundaries of the districts or the regulations established in this Chapter. Any such amendment may be initiated by resolution of the Crossett City Council, by motion of the Crossett Planning Commission, or by petition of any property owner, owners under contract, or their representative addressed to the Crossett City Council. Petitions for change or amendment shall be on forms and filed in a manner prescribed by the city. (Ord. No. A-445, § 1(art. 8, § 1), 8-15-83)

Sec. 118-37. Amendments to text.

The Crossett City Council may suggest that the Crossett Planning Commission amend the text of this zoning ordinance or the Crossett Planning Commission itself may desire to initiate an amendment. Should the Crossett Planning Commission, after study, request a change in the text, it shall conduct a public hearing on the proposed textual amendment. Following the public hearing, such recommendation shall be submitted to the Crossett City Council for adoption in the form of an ordinance amending this zoning ordinance.

Sec. 118-38. Action on changes by the Planning Commission.

- (a) Any proposed amendment, supplement, change, modification, or repeal shall first be submitted to the building official for their recommendations and report. Upon the filing of any proposed amendment, supplement, change, modification, or repeal, the building official shall schedule a public hearing with the Planning Commission in relation thereto, giving at least a 15-day notice of the time and place of such hearing, which notice shall be published at least once in a newspaper having a general circulation in the city.
- (b) A property owner or his designated agent may submit a request for change of zoning classification by completing forms provided by the building official according to a schedule maintained in the his office. In addition to the information requested in the rezoning packet, the owner shall furnish a legal description prepared by a professional surveyor or certified abstractor. The building official shall cause a notice of public hearing to be placed in a newspaper of general circulation at least 15 days prior to the date of the public hearing. The owner shall post a sign on the property. The sign shall be of at least 15 square feet in area with a white background and black letters at least four inches high. The sign shall contain notice of the time and place of the public hearing to be held by the City Council and stating the district to which the property is to be considered for rezoning and the general nature of the use of the property. If the property fronts on two or more streets, a sign as described above shall be placed on the property facing each such street. The sign shall be posted for a period of 15 days prior to the public hearing.

- (c) If all procedural requirements are met, the Planning Commission shall conduct the public hearing on the proposed amendment to the zoning ordinance and/or the official zoning map.
- (d) Following the public hearing, the Planning Commission may approve the proposed amendment or change of district boundary as presented or in modified form. The commission may take the matter under advisement and defer its decision for not more than 30 days from the date of the first public hearing on such request for amendment. Following its decision, the commission shall make a written recommendation to the City Council giving its decision and announcing the reasons therefore.
- (e) The City Council, by a majority vote, may, by ordinance, adopt the recommended amendment submitted by the Planning Commission or may return the proposed amendment to the Planning Commission for further study and recommendation.
- (f) If the City Council does not concur with the recommendation of the Planning Commission, either as first submitted or as submitted after re-study, the City Council, may, by majority vote, amend this ordinance by granting the request in full or in modified form.
- (g) No application for a zoning amendment will be reconsidered by the Planning Commission for a period of 6 months of elapsed time from the date of final disapproval of the proposed amendment, unless the Planning Commission determines by 3/4 majority vote that a substantial reason exists for waiving this mandatory waiting period.

(Ord. No. A-445, § 1(art. 8, § 2), 8-15-83)

Cross references— Boards, commissions and committees, § 2-86 et seq.; planning, ch. 86.

Sec. 118-39. Additions to official zoning map.

Following the adoption and effective date of an ordinance changing a zoning district classification, the building official shall note such change on the official zoning map of the city.

(Ord. No. A-445, § 1(art. 8, § 3), 8-15-83)

Sec. 118-40. Fee deposit for proposing change.

Before any action shall be taken, as provided in this article, the party or parties proposing or recommending a change in the district regulations or district boundaries shall deposit with the city clerk-treasurer the sum of \$35.00 and shall be required to pay, prior to the public hearing, the cost of publishing notice of the public hearing before the Planning Commission to cover the approximate cost of this proceeding, and under no conditions shall such sum or any part thereof be refunded for failure of the change to be adopted by the City Council.

(Ord. No. A-445, § 1(art. 8, § 4), 8-15-83)

Sec. 118-41. Enforcement.

- (a) **Generally.** It shall be the duty of the building official to enforce this Chapter. He shall receive applications required by this Chapter, issue permits and furnish the prescribed certificates. He shall examine premises for which permits have been issued, and shall make necessary inspections to see that the provisions of law are complied with. He shall enforce all laws

relating to the construction, alteration, repair, removal, demolition, equipment, use and occupancy, location, and maintenance of buildings and structures, except as may be otherwise provided for. He shall, when requested by the mayor or City Council, or when the interests of the city so require, make investigations in connection with matter referred to in this Chapter and render written reports on the same. For the purpose of enforcing compliance with law, he shall issue such notices or orders as may be necessary.

- (b) **Inspections.** Inspection shall be made by the building official or a duly appointed assistant.
 - (c) **Rules.** For carrying into effect its provisions, the building official may adopt rules consistent with this Chapter.
 - (d) **Records.**
 - (1) The building official shall keep careful and comprehensive records of applications, of permits issued, or certificates issued, of inspections made, of reports rendered, and of notices or orders issued. He shall retain on file copies of all papers in connection with building work so long as any part of the building or structure to which they relate may be in existence.
 - (2) All such records shall be open to public inspection at reasonable hours, but shall not be removed from the office of the building official.
 - (e) **Cooperation of other officials.** The building official may request and shall receive, so far as may be necessary in the discharge of his duties, the assistance and cooperation of the chief of police in enforcing orders, of the city attorney in prosecuting violations, and of other city officials.
- (Ord. No. A-445, § 1(art. 9, § 1.4), 8-15-83)

Sec. 118-42. Site plans required.

- (a) The City Council may approve an amendment to classify property as a planned development (R-PD, C-PD or I-PD) district or approve a special use permit only when the City Council concurrently approves a comprehensive site plan for the same property. The approved site plan shall bind the applicant, owner, and mortgages, if any, and the City Council with respect to the content of such plan.
- (b) Administrative site plan review and approval by the Planning Commission shall be required for the following:
 - (1) Multiple family dwellings;
 - (2) Any other use indicated on Chart 1 (section 118-506) or article III as requiring site plan review and approval including any development of four or more acres located in a nonresidential district.

Approval of an administrative site plan shall permit the applicant to apply for any other permits and approvals including, but not limited to, those permits and approvals required by this Chapter, the subdivision regulations and the building code.

(Ord. No. A-445, § 1(art. 9, § 3.4), 8-15-83)

Sec. 118-43. Site plan review.

- (a) **Authority.** The City Council shall have the authority to grant site plan approval concurrent with its action on planned developments or special use permits in accordance with the provisions of the planned development districts (R-PD, C-PD and I-PD) in sections 118-111, 118-130, 118-134, 118-137, criteria and standards in article V, Planned Unit Development and this section. The Planning Commission shall have authority to grant site plan approval for specified uses set forth on Chart 1 (section 118-506) or article III in accordance with the provisions of this section.
- (b) **Purpose.** Site plan review ensures that careful attention is given to site design for those uses and developments which, by reason of their size, location, nature or other characteristics, may be capable of adversely affecting other uses located in the same zoning district unless the site on which such developments are located are properly designed.
- (c) **Initiation.** An application for site plan approval may be initiated by the owner or other person having a contractual interest in the property for which site plan approval is requested or by the authorized agent of such owner or other person.
- (d) **Application.** Applications for site plan approval shall be filed as follows:
 - (1) At the time an applicant files a petition for zoning reclassification to a planned development with the building official.
 - (2) Prior to the date an applicant files an application for a building permit for a multiple-family dwelling, or any other use indicated in Chart 1 (section 118-506) as requiring site plan review and approval.
- (e) **Amendments.** If a proposed amendment to a site plan deviates from the approved site plan, such approved site plan shall be amended in accordance with the procedure and standards which governed its approval.

Secs. 118-44 — 118-55. Reserved.

DIVISION 2. BOARD OF ADJUSTMENT*

Sec. 118-56. Created; members.

A board of adjustment is hereby created. Such board shall consist of five members all of whom shall be taxpayers and residents of the city. They shall be appointed by the mayor with the consent of the City Council. One member of the board shall be appointed to serve for a period of one year, two for a period of two years, and two for a period of three years. Thereafter, members shall be appointed for a term of three years. Vacancies shall be filled by appointment for the unexpired term only. Members of the board shall serve without compensation.

Sec. 118-57. Meetings; officers; quorum; records.

The members of the board of adjustment shall meet at such time and place as they may fix by resolution. They shall select one of their number as chairman and one as vice-chairman, who shall serve one year and until their successors have been selected. Special meetings may be called at any time by the chairman or in his absence, by the vice-chairman. A majority of the board shall constitute a quorum for the transaction of business. The board shall cause a proper record to be kept of its proceedings. Each session of the board of adjustment shall be a public meeting with public notice of the meeting and business to be carried or published in a newspaper of general circulation in the city at least one time seven days prior to the meeting. The concurring vote of three members of the board shall be necessary to reverse any order, requirement, decision or determination of the building official, or to decide in favor of the applicant upon any matter upon which it is required to pass under this Chapter or to affect any variation in this Chapter.

Sec. 118-58. Powers and duties.

The board of adjustment shall have the following powers and it shall be its duty:

- (1) To hear appeals from the decision of the building official in respect to the enforcement and application of this ordinance, and may affirm or reverse, in whole or in part, the decision of the building official.
- (2) To hear requests from variances from the literal provisions of this zoning ordinance in instances where strict enforcement of this Chapter 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 provisions of this Chapter.
- (3) The board shall not permit, as a variance, any use in a zone that is not permitted under this Chapter.
- (4) The board may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

Sec. 118-59. Appeal procedure.

- (a) Appeals to the board of adjustments may be taken by any person aggrieved or by any officer, department or bureau of the city affected by any decision of the building official. Such appeal shall be taken within 30 days of the final decision of the building official, by filing with the building official and with the board a notice of appeal specifying the grounds thereof. The building official shall forthwith transmit to the board all the papers constituting the record upon which the action appealed is taken.
- (b) An appeal stays all proceedings in furtherance of the action appealed from, unless the building official certifies to the board after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board, or by a court of record on application or notice to the building official on good cause shown.
- (c) The board shall fix a reasonable time for the hearing of the appeal, giving not less than five days' public notice thereof by the posting of not less than one sign of at least fifteen square feet in area with a white background and black letters at least four inches high containing notice of the hearing in a conspicuous place on or near the property upon which application for appeal is made, as well as due notice to the parties in the interest, and decide the same within 30 days. Upon the hearing, any party may appear in person, by agent or by attorney.
- (d) Each session of the board of adjustment shall be a public meeting with public notice of the meeting and business to be carried or published in a newspaper of general circulation in the city at least one time seven days prior to the meeting.
- (e) The concurring vote of three members of the board shall be necessary to reverse any order, requirement, decision or determination of the building official, or to decide in favor of the applicant upon any matter upon which it is required to pass under this Chapter or to affect any variation in this Chapter.

Decisions of the Board of Adjustment shall be subject to appeal only to a court of record having jurisdiction.

Sec. 118-60. Action.

In exercising its powers, the board of adjustment may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the building official from whom the appeal is taken. Every variation granted or denied by the board shall be accompanied by a written finding of fact, based on testimony and evidence and specifying the reason for granting or denying the variation.

Secs. 118-61— 118-70. Reserved.

DIVISION 3. PERMITS

Secs. 118-71. Building permits.

(a) *When required.*

(1) It shall not be lawful to construct, alter, repair, remove or demolish, or to commence the construction, alteration, removal or demolition of a building or structure without first filing with the building official an application in writing and obtaining a formal permit.

(2) The issuing of a formal permit shall not be required provided that interior repairs, alterations, painting, papering, sanding, varnishing, finishing, constructions of closets, cabinets, installation of appliances, removing of partitions, placing of partitions, flooring, placing of tile, general repair or improvements and other work which is performed solely within the interior walls of a single or two-family dwelling, the re-flooring of porches or the screening of same with screen wire, and which work does not extend, enlarge or change the outside walls, lines, foundation, or contour of the building.

(3) This section shall not be construed as applying to new construction or the enclosing of porches with any material other than screen wire nor shall it be construed as changing, amending or modifying the use of any building which is not in conformity with the district use regulations applicable thereto.

(b) *Form.*

(1) An application for a permit shall be submitted in such form as the building official may prescribe.

(2) Such application shall be made by the owner or lessee, or agent of either, or architect, engineer, or builder employed in connection with the proposed work. If such application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner in fee, or the person making the application that the proposed work is authorized by the owner in fee and that the person making the application is authorized to make such application.

(3) Such application shall contain the full names and addresses of the applicant and of the owner, and, if the owner is a corporate body, of its responsible officers.

(4) Such application shall describe briefly the proposed work and shall give such additional information as may be required by the building official for an intelligent understanding of the proposed work.

(c) *Plans.* Application for permits shall be accompanied by such drawings of the proposed work, drawn to scale, including such floor plans, sections, elevations and structural details, as the building official may require.

(d) *Plot diagram.* There shall also be filed a plot diagram in a form and size suitable for filing permanently with the permit record, drawn to scale, with all dimensions figured, showing accurately the size and exact location of all proposed new construction or, in the case of demolition, of such construction as is to be demolished, and of all existing buildings and structures that are to remain.

(e) *Amendments.* Nothing in this division shall prohibit the filing of amendments to an application or to a plan or other record accompanying same, at any time before the completion of the work for which the permit was sought. Such amendments, after approval, shall be filed with and be deemed a part of the original application.

(f) *Action on Application.* It shall be the duty of the building official to examine applications for permits, within a reasonable time after filing. If, after examination, he finds no objection to the same and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto, he shall approve such application and issue a permit for the proposed work as soon as practicable. If this examination reveals otherwise, he will reject such application, noting his finding in a report to be attached to the application and delivering a copy of the applicant.

(g) *Approval in part.* Nothing in this division shall be construed to prevent the building official from issuing a permit for the construction of part of a building or structure before the entire plans and detailed statements of the building or structure have been submitted or approved, if adequate plans and detailed statements have been presented for the same and have been found to comply with this Chapter.

(h) *Conditions of permit.*

- (1) All work performed under a permit issued by the building official shall conform to the approved application and plans, and approved amendments thereof.
- (2) The location of all new construction as shown on the approved plot diagram, site plan, or an approved amendment thereof, shall be strictly adhered to.
- (3) It shall be unlawful to reduce or diminish the area of a lot or plot of which a plot diagram has been filed and has been used as the basis for a permit, unless a revised plot diagram showing the proposed change in conditions shall have been filed and approved; provided that this shall not apply when the lot is reduced by reason of a street opening or widening or other public improvement.

(i) *Signature to permit.* Every permit issued by the building official under the provisions of this Chapter shall have his signature affixed thereto; but this shall not prevent him from authorizing a subordinate to affix such signature.

(j) *Limitation.* A permit under which no work is commenced within one year after issuance shall expire by limitation.

(k) *Posting of permit.*

- (1) A copy of the permit shall be kept on the premises open to public inspection during the prosecution of the work and until the completion of the same.

- (2) The building official may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof.
- (3) The building official shall be given at least 12 hours' notice of the starting of work under a permit.

Sec. 118-72. Occupancy permit.

- (a) Certificates for occupancy and compliance shall be applied for coincidentally with the application for a building permit, and shall be issued within ten days after the lawful erection or alternation of the building is completed. A record of all certificates shall be kept on file in the office of the building official and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.
- (b) No permit for the erection or alteration of any building shall be issued before the application has been made for certificate of occupancy and compliance, and no building or premises shall be occupied until that certificate and permit is issued.

Sec. 118-73. Special Historical Renovation Permit.

- (a) *Authorized.* The Planning Commission may, by special use permit, subject to the restrictions stated in this section and those restrictions deemed appropriate for the protection of adjacent property and the general welfare, authorize the use and occupancy of historical houses in any district from which they are prohibited by the provisions of Ordinance No. A-445.
- (b) *Historical house defined.* A historical house is defined as any house located in Crossett, substantially its original condition, constructed prior to 1920 and which is unique due to its size and architectural style.
- (c) *Public hearing.* Before issuing a special use permit, the city Planning Commission shall conduct a public hearing and afford all interested parties an opportunity to be heard on the proposed issuance of the special use permit. Prior to conducting the public hearing, the Planning Commission shall post a sign on the affected property for a period of 15 days, giving notice of the time, date and place of the public hearing. Additionally, notice of the time, date and place of the public hearing shall be published at least one time in a newspaper having general circulation in the city. The published notice shall be at least 15 days prior to the date of the hearing.
- (d) *Criteria for issuing permit.* In determining whether to issue a special use permit, the Planning Commission shall consider the proposed use of the house, the availability of adjacent or nearby parking, traffic congestion, the beneficial or detrimental affect that the use would have on the neighborhood, the physical condition of the house prior to restoration and the physical condition of the house after restoration, and other factors that the Planning Commission deems appropriate in determining the best interest of the adjacent property owners and the general welfare of the neighborhood.

- (e) *Application.* Before conducting a public hearing on issuance of a proposed special use permit, the Planning Commission shall require the owner, or the owner's agent, to make written application to the Planning Commission for issuance of the special use permit. The application shall state, in detail, the proposed uses for the house and the manner in which the house will be restored. The house shall not be used for any purpose other than those stated on the application and as set forth in subsection 6 of this section.
- (f) *Uses permitted.* The Planning Commission, by issuance of the special use permit, may permit the use of a historical house for other than single-family purposes but such use shall be restricted to the following uses:
 - a. Antique shop.
 - b. Art gallery.
 - c. Bed and breakfast lodging facilities.
 - d. Bridal shop or bridal receptions.
 - e. Photography studio.
 - f. Receptions for individuals, religious groups and school groups.
 - g. Weddings and wedding receptions.
- (g) *Purpose.* The purpose of this section is to encourage the preservation and restoration of historical houses in Crossett and to provide for use of those historical houses for other than single-family dwellings.
- (h) *Appeal procedure.*
 - (1) Any person aggrieved by the action of the Planning Commission in granting or refusing to grant a special use permit may appeal the decision to the City Council. Appeals shall be taken within 15 days of the date of action by the Planning Commission by filing in the office of the city clerk-treasurer written notice of the appeal and specifying the basis of the appeal. The city clerk-treasurer shall immediately notify the mayor of the appeal and request the mayor to set the matter for hearing before the City Council.
 - (2) An appeal stays all proceedings in furtherance of the action from which the appeal is taken until the matter has been heard by the City Council.
 - (3) The mayor and City Council shall fix a reasonable time for hearing of the appeal and give not less than seven days' public notice of the hearing time and date. Notice shall be posted in a conspicuous place on the property affected by the appeal and by publication one time in a local newspaper of general circulation in the city.

- (4) On appeal, the City Council may reverse or affirm, wholly or partly, or may modify the decision appealed from and may make such decision, requirement or determination as it deems in the best interest of the parties and the public.
- (5) At the hearing by the City Council, any party may appear in person, by agent or by attorney. Parties to the appeal will be entitled to present evidence for consideration by the City Council and any member of the public will be afforded an opportunity to be heard.

Sec. 118-74. Revocation.

The building official may revoke a permit or approval issued under the provisions of this Chapter in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

Secs. 118-75— 118-105. Reserved.

ARTICLE III. DISTRICT REGULATIONS

DIVISION 1. GENERALLY

Sec. 118-106. Establishment of districts.

In order to regulate and restrict the location and use of buildings and land for trade, industry, residence, and other purposes in accordance with the objectives of the land use plan; to regulate and restrict the location, height and size of buildings hereafter erected or structurally altered, the size of yards and other spaces, and the density of population, the following zoning districts are hereby established:

AG	Agricultural
R-S1	Single-Family Residential
R-S2	Single-Family Residential
R-S3	Single-Family Residential
R-D	Duplex Residential
R-M	Multifamily Residential
R-MH	Manufactured Home
R-PD	Planned Residential Development
R-PD-II	Planned Residential Development, Two
C-N	Neighborhood Commercial
C-H	Highway Commercial
CBD	Central Business District
C-PD	Planned Commercial Development
I-L	Light Industrial
I-H	Heavy Industrial
I-PD	Planned Industrial Development

Sec. 118-107. Zoning district map.

The zoning district map, and as hereafter may be amended, is hereby adopted as the official zoning district map for the city and all lands within the city are hereby zoned to the classification shown on the district zoning map.

Sec. 118-108. Interpretation of district boundaries.

Where any uncertainty exists with respect to the boundaries of the various districts as shown on the district map incorporated in this Chapter, the following rules apply:

- (1) Where district boundary lines are indicated as following streets, alleys or similar rights-of-way, they shall be construed as following the centerlines thereof.
- (2) Where district boundary lines are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.

- (3) Where a lot held in one ownership and of record on the effective date of the ordinance from which this Chapter is derived is divided by a district boundary line, the location of the district boundary shall be determined by the use of the scale appearing on the map.

Sec. 118-109. Vacation of streets, alleys or public ways.

Whenever any street, alley, or other public way is vacated by official action of the City Council, the zoning districts adjoining each side of such street, alley, place, or public way shall be automatically extended to the center of such vacation, and all areas included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

Sec. 118-110. Annexed territory.

All territory which hereafter be annexed into the City shall be initially zoned agriculture (AG). The Planning Commission shall, within sixty (60) days of said annexation, recommend to the City Council the appropriate zoning district classification for the subject territory.

Sec. 118-111. Special Use regulations.

- (a) The uses permitted in any district and the uses for which site plan review and proposal are required are listed in Chart 1, section 118-506, unless otherwise regulated in this Chapter.
- (b) The City Council may, by special permit after public hearing, and subject to those restrictions deemed appropriate for the protection of adjacent property and the general welfare, authorize the location of any of the following buildings or uses in any district from which they stated as requiring a special use permit by Chart 1, section 118-506.
- (c) Uses for which site plan review and approval are required shall be permitted in accordance with the provisions of section 118-43. Such uses shall be permitted or allowed in the appropriate district only after such site plan review and approval and compliance with any and all other applicable provisions of this article as may be required.

Sec. 118-112. Bulk regulations.

The minimum lot and yard requirements, maximum height and maximum gross dwelling unit density which govern any development in any district are listed in Chart 2, section 118-507, unless otherwise regulated in this article.

Secs. 118-113— 118-122. Reserved.

DIVISION 2. SPECIFIC DISTRICTS

Sec. 118-123. AG agricultural district.

The AG district is intended to conserve agricultural land and undeveloped natural amenities while preventing the encroachment of urban and other incompatible land uses on farm or timberland and other undeveloped areas. The types, area and intensity of permitted land uses in this district are designed to encourage and protect agricultural use and conservation of undeveloped areas. Development should be compatible with preservation of floodplain, wetland, etc. Development should be limited so that it does not require untimely extension of public services and facilities (e.g., sewer, water, roads, etc.).

Sec. 118-124. R-S1 single-family residential district.

The R-S1 district is intended to permit the development of single-family residential areas characterized by overall density with lots of at least 15,000 square feet per dwelling unit. Other uses such as schools, churches, and specified services associated with or compatible with the residential uses allowed in this district are also permitted. It is also intended that the low density of this district will permit, to the extent possible, the preservation of open space and natural amenities.

Sec. 118-125. R-S2 single-family residential district.

The R-S2 district is intended to permit the development of single-family residential areas characterized by overall density with lots of at least 13,500 square feet per dwelling unit. Other uses such as schools, churches and specified services associated with or compatible with the residential uses allowed in this district are also permitted.

Sec. 118-126. R-S3 single-family residential district.

The R-S3 district is intended to permit the development of single-family residential areas characterized by relatively moderate overall density with lots of at least 8,000 square feet per dwelling unit. Other uses such as schools, churches, and specified services associated with or compatible with the residential uses allowed in this district are also permitted.

Sec. 118-127. R-D duplex residential district.

The R-D district is intended to permit the development of residential areas characterized by single and two-family dwellings on lots of at least 13,500 square feet. Other uses such as schools, churches, and specified services associated with or compatible with the residential uses allowed in this district are also permitted.

Sec. 118-128. R-M multifamily residential district.

The R-M district is intended to permit the development of residential areas characterized by a broad range of residential housing types except manufactured homes and mobile homes, but including single and two-family dwellings and multiple-family dwellings up to 35 to 45 feet in height. Other uses such as churches, schools, institutional uses, and specified services associated with or compatible with the residential uses allowed in this district are also permitted.

Sec. 118-129. R-MH Manufactured Home district.

- (a) *Purpose.* The purpose of the R-MH district and the regulations and standards contained herein is to establish a zoning category which will permit manufactured homes to be located in manufactured home subdivisions specially designed and set aside therefore. Also, to ensure that manufactured home subdivisions are developed in accordance with specified design criteria to assure harmonious development, both within the manufactured home subdivision and with other adjacent zoning districts.
- (b) *Approvals required.* Prior to the development of any property classified in the R-MH district with a manufactured home subdivision, the following approvals shall be required for manufactured home subdivisions. In addition to a subdivision plan submitted and approved in accordance with the provisions of the subdivision regulations, a site plan submitted and approved in accordance with the provisions of the subdivision regulations, a site plan submitted and approved in accordance with the provisions of section 118-43 shall be required prior to the issuance of any building permits for the development of a manufactured home subdivision.
- (c) *Standards for manufactured home subdivision sites.* Manufactured home subdivisions shall be located on sites which satisfy the following standards:
 - (1) The site for a Manufactured home subdivision shall be a minimum of three acres.
 - (2) The site must provide direct access to major or collector streets as designed on the major street plan as amended.
 - (3) The site must be served by public sanitary sewer and water facilities.
 - (4) A 25-foot landscaped area shall be provided around the entire perimeter of a manufactured home subdivision. The landscaped area shall consist of the trees and other natural vegetation growing in that area which will be cleared so as to constitute a natural visual barrier to the adjacent neighborhood. No tree having a diameter at the stump of 12 inches or more shall be removed from the landscaped area unless located in an entrance or exit way. No construction of any type shall be permitted on the 25-foot landscaped area except for construction of a maximum of four entrances and exits (driveways and sidewalks) across the landscaped area.
- (d) *Requirements for manufactured home lots.* Each manufactured home lot and manufactured home shall comply with the following requirements:
 - (1) Each manufactured home shall have a concrete manufactured home pad upon which manufactured home is to sit measuring at least nine by 60 feet.
 - (2) Each manufactured home shall be provided with anchors and tiedowns such as cast-in-place concrete deadman eyelets imbedded in concrete slabs, screw augers, arrowhead anchors or other devices to be used to stabilize the manufactured home.
 - (3) Skirting shall be provided around the perimeter of each manufactured home.

Sec. 118-130. R-PD Planned Residential Development.

- (a) *Purpose.* The R-PD district is to encourage the use of innovative techniques of residential land development and site design, to encourage variety in housing types, offer an opportunity for design flexibility which may result in an improved use of land, provision of open space, and protection of the natural beauty of the land.
- (b) *Application.* The R-PD district is created as a special overlay district to be superimposed on other residential districts contained in these regulations.
- (c) *Minimum district area.* The minimum area for a R-PD district shall be three acres.
- (d) *Ownership and control.* In order that the purpose of this district shall be realized, all of the land, buildings, and appurtenant facilities shall be either in a single ownership, or under management or supervision of a central authority, or they shall be subject to protective covenants, or owners or their representative or other such supervision under contract or lease, or other ownership control or agreement as may be necessary to carry out the provisions of this Chapter relating to the R-PD district.
- (e) *Permitted uses.* A building or land shall be used only for the permitted uses as shown in Chart 1, section 118-506. Furthermore, the permitted commercial uses shall be allowed only as secondary uses in a residential building and shall be limited to a maximum of 50 percent of the gross ground floor area of the building. Commercial uses shall not be permitted as freestanding separate commercial establishments.
- (f) *Dwelling units permitted.* The total number of dwelling units permitted shall be determined by dividing the net development area by the minimum lot area per dwelling unit for the district or districts in which the area is located. Net development area shall be determined by subtracting the area set aside for churches, schools or other nonresidential uses from the gross development area and deducting 20 percent of the remainder for streets. Where more than one residential district exists within the R-PD, the number of dwelling units to be generated by each shall be in proportion to their share of the total area within the R-PD district. The area of land set aside for common open space or recreational use shall be included in determining the number of dwelling units permitted.
- (g) *Design standards and criteria.* Developers of a R-PD district project shall meet the design standards for planned developments as outlined in article IV and other applicable design standards, specified in the subdivision regulations for the city and city construction specifications and building codes.
- (h) *Procedures.* Establishment of a R-PD district shall follow the procedures for changes and amendments specified in section 118-36 and procedures for submittal and approval of a site plan as contained in section 118-41.

Sec. 118-130A. R-PD-II, Planned Residential Development Two.

- (a) *Purpose.* The purpose of the R-PD-II district is to encourage the use of innovative techniques of residential land development and site design, offer an opportunity for design flexibility which may result in improved land use, and provide for the safety and well being of the persons residing in the district.
- (b) *Site plan.* Any developer who requests that lands be rezoned to an R-PD-II district shall be required to submit a site plan to the city Planning Commission at the time of the rezoning request. The site plan shall show (a) the configuration of the lots and blocks which will be located in the R-PD-II district; (b) the location of any streets and easements for public utilities; (c) a legal description of the lands covered by the R-PD-II district; (d) the name of the subdivision; and (e) such other matters as the city Planning Commission may require by rule or regulation.
- (c) *Boundary fence.* The developer of the R-PD-II district shall have the option of constructing a fence up to eight feet in height around the entire R-PD-II district. The fence shall be located wholly within the R-PD-II district and may be constructed of brick, masonry stone, wood or wrought-iron or a combination of these materials. The location and type of fence shall be shown on the site plan referred to in subsection (b), above.
- (d) *Private street.* The developer of a R-PD-II district may provide that the street will be a private street or provide that it will be a public street. If it is a private street, the developer may provide a security gate at the entrance to the R-PD-II district. If it is a private street, the homeowner in the R-PD-II subdivision shall be obligated to maintain the streets. Either the private street or public street may be a cul-de-sac extending up to but not in excess of 800 feet from its point of origin.
- (e) *Permitted uses.* A building or land shall only be used for the permitted uses allowed in the R-PD-II district as shown on Chart I, section 118-506.

Sec. 118-131. C-N Neighborhood Commercial District.

The C-N district is intended to permit the development of commercial areas designed to be compatible with and to serve a local neighborhood residential area.

Sec. 118-132. C-H Highway Commercial District.

The C-H district is intended to permit the development of general commercial uses located in a linear fashion along major roads, highways, near other transportation facilities and/or industrial areas.

Sec. 118-133. CBD Central Business District.

The purpose of the CBD district is to allow the maintenance and development of uses which will reinforce the vitality of the central business district as a commercial, governmental and cultural center of the city.

Sec. 118-134. C-PD Planned Commercial Development District.

- (a) *Purpose.* The C-PD district is to encourage planned commercial development characterized by a single structure or an integrated complex of structures with specific building locations, parking, loading areas, driveways in connection therewith, and landscaping. The proper design of such developments will allow the C-PD to be used as a transition zone from intense commercial areas to an area developed at a lower density. The district can also be used to control the character of new commercial development in outlying undeveloped areas. Such planned commercial developments may be designed to serve areas ranging from individual neighborhoods to the entire urban region. This district is intended to provide for the commercial development of relatively large tracts of land or of unified development of a number of continuous tracts of land under an approved site plan.
- (b) *Application.* The C-PD district is created as a special overlay district to be superimposed on other commercial districts and the R-M and AG districts contained in these regulations.
- (c) *Ownership and control.* In order that the purpose of this district shall be realized, all of the land, buildings, and appurtenant facilities shall be either in a single ownership, or under management or supervision of a central authority, or they shall be subject to protective covenants, or owners or their representative or other such supervision under contract or lease, or other ownership control or agreement as may be necessary to carryout the provisions of this Chapter relating to the C-PD district.
- (d) *Design standards and criteria.* Developers of a C-PD district project shall meet the design standards for planned developments as outlined in section 118-161 and other applicable design standards specified in the subdivision regulations for the city and city construction specifications and building codes.
- (e) *Procedures.* A planned commercial development district may be established provided that the site plan and the application for zoning change are approved by the city under the procedures contained in section 118-36 and section 118-41.

Sec. 118-135. I-L Light Industrial District.

The I-L district is for industrial activities including small manufacturing, assembling, fabrication, distribution or warehousing. These uses should not be obnoxious or offensive due to emission of noise, odor, dust, gas, smoke, or vibration. The regulations of this district are designed to minimize the adverse impact such uses may have on nearby districts.

Sec. 118-136. I-H Heavy Industrial District.

The I-H district is for most types of industrial use. In general, the activities in this district are of a heavy industrial character.

Sec. 118-137. I-PD Planned Industrial Development District.

- (a) *Purpose.* The I-PD district is to encourage planned industrial developments characterized by an integrated complex of structures with specific building locations, parking, loading areas,

driveways in connection therewith, and landscaping. This district is intended to provide for the industrial development of relatively large tracts of land or of unified development of a number of continuous tracts of land under an approved site plan.

- (b) *Application.* The I-PD district is created as a special overlay district to be superimposed on other industrial districts contained in these regulations.
- (c) *Ownership and control.* In order that the purpose of this district shall be realized, all of the land, buildings, and appurtenant facilities shall be in a single ownership, or under management or supervision of a central authority, or they shall be subject to protective covenants, or owners or their representative or other such supervision under contract or lease, or other ownership control or agreement as may be necessary to carry out the provisions of this Chapter relating to the I-PD planned industrial district.
- (d) *Design standards and criteria.* Developers of a I-PD district project shall meet the design standards for planned developments as outlined in section 118-161 and other applicable design standards specified in the subdivision regulations for the city and city construction specifications and building codes.
- (e) *Procedures.* A planned industrial development district may be established provided that the site plan and the application for zoning change are approved by the city under the procedures contained in section 118-36 and section 118-41.

Sec. 118-138. South Highway 133 Corridor Overlay District

a. Purpose

The purpose of establishing this district is to protect and enhance the visual appearance and character, promote traffic safety and maintain harmony with adjacent residential neighborhoods along one of the major gateways into the City. More particularly, the purpose of this district is to:

1. To allow land use patterns compatible with present and future traffic capacity for the Arkansas Highway 133 South leading into the City.
2. To create a visually pleasing atmosphere along a major corridor leading into the City, especially as a means to promote a positive image of the City to visitors and residents alike.
3. To minimize the number of curb cuts along designated highways so that the roadways will function at an efficient level of service.
4. To establish land uses that will facilitate transition of areas from less to more intense land uses along designated arterials without the undesired effects of small lot strip development.
5. To set standards for landscaping, signage, design and parking lot lighting which are in keeping with the intent of this Article.

b. District Name and Boundaries

The district shall be known as the Highway 133 Overlay District and shall encompass all land with Arkansas Highway 133 frontage lying within three hundred feet (300') of each side of the right-of-way of Arkansas State Highway 133 from Gibson Street to the city limits.

c. Application of District Regulations

The regulations in this Article shall be in addition to and shall overlay all other zoning districts and other ordinance requirements regulating the development of land so that any parcel of land lying in the overlay district shall also lie within one or more of the other underlying zoning districts. Therefore, all property within this overlay district will have requirements of both the underlying and overlay zoning district in addition to other ordinance requirements regulating the development of land. In case of conflicting standards between this Article and other city ordinances, this Article shall control.

d. Site Design and Development Standards

1. Setback from right-of-way. All principal and accessory nonresidential structures shall have a fifty foot (50') building setback from the highway right-of-way. Nonresidential uses may reduce the building setback to twenty-five feet (25') if parking is not located between the structure and highway right-of-way.
2. Green space. A minimum of twenty-five feet (25') of landscaped green space exclusive of right-of-way shall be provided along the highway right-of-way and any public street to which the development has frontage.

Parking lots shall not encroach into the green space and shall be screened when abutting a required green space area. Trees shall be planted at the interval of one tree per thirty linear feet (30') of green space area when practicable.

3. Parking lots. All parking lots for nonresidential development shall have one (1) tree per ten (10) parking spaces. Trees shall be placed uniformly within the parking lot or in islands within the lot providing a minimum of twenty-five (25) square feet of unpaved area per tree. Parking lots shall be set back a minimum of five feet (5') from any side property line.
4. Landscaping treatment. Landscaping shall be required which is sufficient to provide soil stability and promote suitable drainage. Tree species planted within the overlay district should be consistent with other species present, preferably native. Trees shall be one-and-one-half inches (1 ½) caliper at planting with an expected height of sixty feet (60') or more at maturity. Species selection shall be at the discretion of the developer but if root or branching habits of plant material should be a nuisance (e.g., roots breaking through the sidewalk, messy fruit, etc.) plant materials shall be replaced at the owner's expense. Caliper is defined in Section 118-166(c).
5. Curb cuts. One (1) curb cut shall be allowed per two hundred feet (200') of frontage. No curb cuts shall be allowed within one hundred feet (100') of any intersection.

6. Lighting. All parking and loading areas shall have lighting. Lighting facilities shall be designed so that there is no light trespass on adjacent properties, roadways, or other areas. Lighting shall not exceed thirty-five feet (35') in height and shall utilize sodium lighting fixtures.
7. Screening. All mechanical and utility equipment, trash enclosures, and parking lots shall be screened in the following manner:
 - i. All mechanical and utility equipment on side of the building and/or on the ground shall be screened by fencing and/or vegetation if visible from the highway or residential property. Screening of roof-mounted utilities shall be incorporated into the structure, utilizing materials compatible with the supporting building.
 - ii. Trash enclosures shall be screened on three (3) sides with the access not visible from the highway.
8. All buildings will have a masonry façade extending a minimum of eight feet on each sidewall.
9. Utilities. Above-ground utilities may be located at the rear property line. In the event it is not feasible to place utilities at the rear property line, utilities shall be placed underground.
10. Signage. All signs shall be ground-mounted and shall be no more than eight feet in height. Flashing signs and pole-mounted signs are prohibited.

e. Review Procedure.

All nonresidential development within the corridor overlay district shall be reviewed through the special use permit procedure (Section 118.111), except that no public hearing or notification of nearby property owners shall be required if the proposed use is permitted by right in the underlying zoning district.

f. Multiple Building Sites.

In the case of nonresidential development multiple building sites, whether one or more platted lots, the requirements of this section shall apply to development as an entire tract rather than to each platted lot. If any part of the development lies within the corridor overlay district, the entire development shall be subject to the provisions of this section.

g. Permitted Land Uses

1. Professional Office Buildings
2. Strip commercial developments not exceeding 15,000 square feet in gross floor area.
3. Planned Unit Developments not exceeding five acres.
4. Multi-family developments not exceeding 12 units per acre.

Secs. 118-139 — 118-160. Reserved.

**ARTICLE IV. SUPPLEMENTAL
REGULATIONS**

DIVISION 1. GENERALLY

Sec. 118-161. Additional height, area and bulk regulations generally.

The district regulations set forth in this division qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Chapter.

Sec. 118-162. Height.

- (a) *Generally.* Public, semipublic or public service buildings, hospitals, institutions or schools, when permitted in a district, may be erected to a height not exceeding 60 feet, and churches and temples may be erected to a height not exceeding 75 feet if the building is set back from each yard line at least one foot for each two feet of additional building height above the height limit otherwise provided in the district in which the building is located.
- (b) *Towers generally.* Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, stack, stage towers or scenery lofts, tanks, water towers, ornamental towers and spires, church steeples, or necessary mechanical appurtenances may be erected to a height in accordance with existing or hereafter adopted ordinances of the city.
- (c) *Radio towers.* The maximum height of radio towers in commercial highway (C-H), commercial business district (CBD), commercial planned development (C-PD), light industrial (I-L), heavy industrial (I-H) and industrial planned district (I-PD) zoning districts is established at 175 feet provided the towers comply with the requirements stated in subsection (1) below:
 - (1) Any tower in excess of 100 feet in height shall have a red or white blinking light on top of the tower and shall comply with all requirements, rules and regulations of the Federal Aeronautics Association concerning lighting and structural requirements.
 - (2) All other radio towers located within the city shall not exceed a maximum height of 200 feet.
 - (3) No radio towers located within the permit has been obtained from the building inspector.
 - (4) This section shall not apply to commercial radio or television towers which are regulated by the Federal Communications Commission.

Sec. 118-163. Area.

- (a) *Hospitals, clinics and institutions.* Hospitals, clinics and institutions, including educational, religious and philanthropic institution buildings, shall not occupy over 40 percent of the total area of the lot and will not have any serious and depreciating effect upon the value of the surrounding property; provided that the buildings shall be set back from all yard lines a distance of not less than two feet for each foot of building height and that adequate off-street parking space will be provided.
- (b) *Residential, institutional, and hotel buildings.* If a lot is to be occupied by a group of two or more related buildings to be used for residential, institutional or hotel purposes, there may be more than one main building on the lot; provided, however, that open space between buildings that are parallel or within 45 degrees of being parallel, shall have a minimum dimension of 30 feet for one-story buildings, 60 feet for two-story buildings, and 70 feet for 2 ½-story buildings.
- (c) *Minimum width of open space.* Where an open space is more than 50 percent surrounded by a building, the minimum width of the open space shall be at least 30 feet for one story buildings, 60 feet for two-story buildings, and 70 feet for 2 ½-story buildings.

Sec. 118-164. Front yard.

The front yards heretofore established shall be adjusted in the following cases:

- (1) Where 40 percent or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have observed (with a variation of five feet or less) a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the front yard so established by the existing buildings.
- (2) Where 40 percent or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have not observed a front yard as described above, then:
 - a. Where a building is to be erected on a parcel of land that is within 100 feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent buildings on the two sides; or
 - b. Where a building is to be erected on a parcel of land that is within 100 feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.

Sec. 118-165. Side yard.

- (a) *Residential corner lot.* The City Council may, upon petition filed in accordance with the provisions of section 118-36, authorize the issuance of a special permit to the owner of a single-family dwelling, existing before September 19, 1949, and situated on a lot

bordered by two intersecting streets, to extend the single-family dwelling, for that purpose only, to within ten feet of the property line in the side yard adjacent to the street intersecting the street upon which the dwelling is fronted. Provided, however:

- (1) No more than one house shall be located facing the side street (which is the street in the direction of which the proposed extension is to be made) in an area bordered by the street on which applicant's dwelling is fronted and the next parallel street to the rear thereof, the adjacent side street line on the one side and the applicant's opposite property line on the other.
- (2) This authority shall be confined to R residential districts.
- (3) No interference with the right of enjoyment of property or the diminution in property values shall be occasioned to any other property owner by the issuance of such permit.
- (4) Notice by registered or certified mail shall be given by the city clerk-treasurer to any property owner directly affected by the issuance of such permit and to such other property owners as the City Council may direct at least 20 days prior to the date of a public hearing.
- (5) The need for such extension for family purposes shall be established by the applicant to the satisfaction of the City Council.
- (6) The building official and board of adjustments are without authority to issue such permit and such lack of authority shall be certified by the city attorney and attached to the applicant's petition.

If a special permit is authorized by the City Council under these provisions, and the extension authorized by the special permit is made, may, under the terms, conditions and provisions of subsection (a) of this section, to extend the front of the dwelling toward said side street to a distance not exceeding that distance to which the dwelling contemplated in section 118-164 was actually extended.

- (b) *Two-family dwelling.* For the purpose of the side yard regulations, a two-family dwelling shall be considered as one building occupying one lot.

Sec. 118-166. Large Retail Development – Landscaping Requirements

Retail developments, which contain 15,000 or more square feet in gross floor area or have a parking area with twenty-five (25) or more spaces, including handicapped spaces, shall adhere to the following landscaping requirements:

- (a) *Green space.*

The developer shall provide a minimum of twenty-five feet (25') of landscaped green space exclusive of right-of way along the right-of-way of any public street to which the development has frontage. Within the landscaped area, trees shall be planted at the interval of at least one tree per thirty linear feet (30') of green space area.

Parking lots shall not encroach into the green space and shall be screened with perimeter plantings or berms when abutting a required green space area. Screenings shall be designed to restrict the view of parking immediately adjacent to the right-of-way. If a berm is used to satisfy the screening requirement, only groundcover is required. When a berm is not used, plants of sufficient thickness to provide a visual screen will be planted and maintained.

(b) *Parking lots.*

All parking lots shall have one (1) tree per ten (10) parking spaces. Trees shall be placed uniformly within the parking lot or in islands within the lot providing a minimum of twenty-five (25) square feet of unpaved area per tree. Parking lots shall be set back a minimum of five feet (5') from any side property line.

(c) *Landscaping treatment.*

Landscaping shall be required which is sufficient to provide soil stability and promote suitable drainage. Tree species planted should be consistent with other species present, preferably native. Trees shall be one-and-one-half inches (1 ½) caliper at planting with an expected height of sixty feet (60') or more at maturity. Species selection shall be at the discretion of the developer but if root or branching habits of plant material should be a nuisance (e.g., roots breaking through the sidewalk, messy fruit, etc.) plant materials shall be replaced at the owner's expense.

Caliper – plant size measurement, diameter of a plant trunk measured six inches above grade. (used only on plants six inches or less)

(d) *Landscaping Plans*

Landscaping plans must be approved by the Planning Commission prior to issuance of a building permit.

Secs. 118-167— 118-175. Reserved.

DIVISION 2. PARKING AND LOADING

Sec. 118-176. Off-street parking requirements.

- (a) *Specific requirements by use.* Except as otherwise provided in this Chapter, when any building or structure is hereafter erected, structurally altered, or converted, accessory off-street parking spaces shall be provided as listed below. All parking required by this ordinance shall be paved and approved by the Building Inspector.

<u>Use or Use Category</u>	<u>Off-Street Parking Spaces Required</u>
* One-, two-, or three family dwelling	* 2 per dwelling unit
* Townhouse	* 2 per dwelling unit
* Multiple-family dwelling, more than three dwelling units:	* 2 per dwelling unit for all classifications thereunder
Efficiency apartments	
One bedroom apartments	
Two or more bedroom apartments	
* Church, temple, synagogue, or similar place of assembly	* 1 per 4 seats or bench seating spaces (seats in main auditorium only)
* College or high school	* 1 per 4 seats or bench seating spaces (seats in main auditorium or field house only) or 1 for each 4 students, whichever is greater
* Elementary, junior high, or nursery school	* 1 per 10 seats in main assembly room or 2.5 per classroom, whichever is greater
* Country club or golf club	* 1 per 5 members or one for each 400 square feet of floor area, whichever is greater
* Public library, museum, art gallery, or community center	* 10 per use plus 1 additional space for each 300 square feet of floor area in excess of 1,000 square feet
* Office or office building (other than medical), post office, studio	* 1 per 400 square feet of floor area, 3 spaces minimum
* Medical offices or clinic	* 1 per 200 square feet of floor area, 10 spaces minimum for a clinic
* Funeral home	* 1 per 50 square feet of floor area excluding storage and work area, 30 spaces minimum

<i>Use or Use Category</i>	<i>Off-Street Parking Spaces Required</i>
* Restaurant or other establishment for consumption of food or beverages inside a building on the premises	* 1 per 100 square feet of floor area, 3 spaces minimum
* Retail store or personal service establishment and banks	* 1 per 200 square feet of floor area; retail food stores over 4,000 square feet: 1 per 150 square feet of floor area
* Automobile service station	* 3 for each service bay; 3 spaces minimum
* Showrooms such as machinery equipment and automobile and boat sale and service	* 1 per 300 square feet of floor area; 2 spaces minimum. Automobile sales and service 10 spaces minimum
* Auditorium, theater, gymnasium, stadium, arena, or convention hall	* 1 per 4 seats or seating spaces
* Bowling alley	* 5 per lane
* Amusement place, dance hall, skating rink, swimming pool, discotheque or exhibition hall without fixed seats	* 1 per 100 square feet of floor area
* General service or repair establishment; printing publishing, plumbing, or heating	* 1 per 1 employee on premises, plus 1 per 1,000 square feet of floor area
* Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, wholesale, or similar establishment	* 1 per 2 employees on maximum working shift plus space for storage of trucks or other vehicles used in connection with the business or industry

(b) *Interpretation of specific requirements.*

- (1) The parking requirements in this division do not limit other parking requirements contained in the district regulations.
- (2) The parking requirements in this division do not limit special requirements which may be imposed through site plan review or approval of planned developments.
- (3) Where fractional spaces result the parking spaces required shall be construed to be the next highest whole number.
- (4) Except as otherwise provided, the number of employees shall be complied on the basis of the maximum number of persons employed on the premises at one time

on an average day or average night, whichever is greater. Seasonal variations in employment may be recognized in determining an average day.

- (5) The parking space requirements for a use not specifically listed in the chart shall be the same as for a listed use of similar characteristics of parking demand generation.
 - (6) Whenever a building or use constructed or established after the effective date of the ordinance from which this Chapter is derived is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise to create a need for an increase of ten percent or more in the number of parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of the ordinance from which this Chapter is derived is enlarged to the extent of 50 percent or more in floor area or in the area used, the building or use shall then thereafter comply with the parking requirements of the district in which it is located.
- (c) *Location of parking space.* All parking spaces required in this section shall be located as follows:
- (1) The parking spaces required for residential buildings or uses shall be located on the same lot with the building or use served. The parking spaces required for any other building or use may be located on an area within 300 feet of the building and two or more owners of buildings may join together in providing the required parking spaces. When the required parking spaces are not located on the same lot with the building or use served, the usage of the lot or tract upon which the parking spaces are provided shall be restricted by an instrument of record describing the premises for which the parking is provided and assuring the retention of such parking so long as required by this Chapter.
 - (2) No parking spaces may be located in a front yard in any R residential district.
- (d) *Design standards.*
- (1) *Minimum space area.* For the purpose of these regulations, an off-street parking space is an all-weather surfaced area, either asphalt, concrete, or other material approved by the Planning Commission not in a street or alley and having an area of not less than 180 square feet, exclusive of driveways, permanently reserved for the temporary storage of one vehicle and connected with a street or alley by a paved driveway which affords ingress and egress for an automobile without requiring another automobile to be moved.
 - (2) *Drainage and maintenance.* Off-street parking facilities shall be drained to eliminate standing water, prevent damage to abutting property, public streets, and/or alleys, and surfaced with erosion resistant material in accordance with

applicable city specifications. Off-street parking areas shall be maintained in a clean, orderly and dust-free condition at the expense of the owner or lessee and not used for the sale, repair or dismantling or servicing of any vehicles, equipment, materials or supplies.

- (3) *Entrances and exits.* Location and design of entrances and exits shall be in accordance with the requirements of applicable regulations and standards for access and egress to any public right-of-way and shall occur only in locations approved by the city.
- (4) *Lighting.* Adequate lighting shall be provided if off-street parking spaces are to be used at night. The lighting shall be arranged, installed, and the light source shielded in the manner required by the ordinances and approved by the building official of the city.
- (5) *Landscaping.* In parking areas of one-half acre or more in the R-M multifamily residential, or commercial districts there shall be one shade tree planted for each 2,500 square feet of parking area. Such trees at time of planting shall have a trunk diameter not less than three inches. Trees acceptable for compliance under this section include but are not limited to such long lived deciduous trees as oaks, maples, sycamore, linden, pecan and beech.

Sec. 118-177. Off-street loading requirements.

- (a) *Specific requirements by use.* Except as otherwise provided in this Chapter, when any building or structure is hereafter erected, or structurally altered to the extent of increasing the floor area by 25 percent or more, or any building is hereafter converted for the uses listed below, and such buildings contain the floor areas specified, accessory off-street loading spaces shall be provided as required or as required in subsequent sections of this division.

<u>Use or Use Category</u>	<u>Floor Area In Square Feet</u>	<u>Loading Spaces or Required</u>
Retail store, department store, restaurant, wholesale house, warehouse, general service, manufacturing, or industrial	2,000 — 10,000	1
	10,000 — 20,000	2
	20,000 — 40,000	3
	40,000 — 60,000	4
	Each 50,000 over 60,000	1 additional
Apartment building, offices or office building, or places of public assembly	5,000 — 10,000	1
	10,000 — 100,000	2
	100,000 — 200,000	3
	Each 100,000 over 200,000	1 additional
Funeral home or mortuary	2,500 — 4,000	1
	4,000 — 6,000	2
	Each 10,000 over 6,000	1 additional

(b) *Interpretation of specific requirements.*

- (1) The loading space requirements in this division do not limit special requirements which may be imposed in connection with uses permitted by approval of a planned development.
- (2) Under the provisions of article II, division 2, the Planning Commission may reduce the loading space requirements whenever the character of the use is such as to make unnecessary the full provision of loading facilities where provision is made for community loading facilities, or where provision of loading space requirements is impractical under certain conditions for uses which contain less than 10,000 square feet of floor area.

(c) *Design standards.*

- (1) *Minimum size.* For the purpose of these regulations, a loading space is a space within the main building or on the same lot, providing for the standing, loading, or unloading of trucks, having minimum area of 540 square feet, minimum width of 12 feet, a minimum depth of 35 feet, and a vertical clearance of at least 15 feet.
- (2) *Drainage and maintenance.* Off-street loading facilities shall be drained to eliminate standing water, prevent damage to abutting property, public streets, and/or alleys and surfaced with corrosion-resistant material in accordance with applicable city specifications. Off-street loading areas shall be maintained in a clean, orderly and dust free condition at the expense of the owner or lessee and not used for the sale, repair, dismantling or servicing of any vehicles, equipment, materials or supplies.

Sec. 118-178 — 118-190. Reserved.

DIVISION 3. SIGNS

Sec. 118-191. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned sign means any sign which does not have a sign permit or is not properly maintained as required by this division or for which no owner can be found.

Animated sign means any sign which incorporates in any manner visible mechanical movement or apparent movement achieved by electrical pulsations or by other means such as sequential light phasing.

Building-mounted sign means any sign which uses a building or structure other than, or in addition to, its own for support.

Bulletin board sign means a sign which identifies a nonprofit institution or organization on whose premises it is located and which contains the name of the institution or organization, the name or names of the persons connected with it, and greetings, announcements of events or activities occurring at the institution or similar messages.

Construction sign means a temporary sign at a construction site advertising construction work in progress.

Ground-mounted sign means any sign which uses no building or structure other than, or in addition to, its own for support.

Illumination, indirect means illumination in which the light source itself is not visible from the street or adjacent property.

Nonconforming sign means a sign which does not conform to the provisions of this division.

Off-premises sign means a commercial advertising structure which advertises a business, project or service, not on or offered on the premises on which subject sign is located.

On-premises sign means a sign which advertises a business, product or service, on or offered on the premises on which subject sign is located.

Permanent sign means all signs other than those defined as temporary signs by this division.

Political campaign sign means any sign which makes the known name of or information on a person running for a political office or any other information concerning a political campaign or any participant.

Prohibited sign means signs which are not allowed within the city.

Public service sign means an electronically controlled sign which, by means of intermittent lighting, displays only the current time of day and/or temperature, or financial market quotations.

Real estate sign means a temporary sign denoting the sale, rental or lease of property.

Sign means any letter, figure, design, symbol, trademark, or device mounted or otherwise placed and intended to be visible from the outside of a building, for display as an advertisement, announcement or notice. It does not include signs or placards located inside a business or attached to windows or doors of businesses.

Sign area means that area enclosed by one continuous line, connecting the extreme points or edges of a sign. The area shall be determined using the largest sign area or silhouette visible at any one time from any one point. This area does not include the main supporting sign structure but all other ornamental attachments, inner connecting links, etc., which are not a part of the main support of the sign are to be included in determining sign area.

Temporary signs means those signs listed in section 118-195(e).

Sec. 118-192. Purpose and intent.

It is a purpose of this division to establish effective sign regulations which recognize the public as well as private interest and investment in our environment and to regulate the size, use and location of signs; prohibit unsafe and undesirable signs; require removal of abandoned and nonconforming signs and to promote and protect the health, safety, welfare and convenience and enjoyment of the city for its residents and visitors.

Sec. 118-193. Scope.

This division applies to all signs in the city except traffic control signs erected by governmental agencies. Other signs erected by local, state and federal governmental agencies are subject to the provisions of this division as are all other signs.

Sec. 118-194. District regulations.

Permitted signs in each zoning district are listed in Chart 3, section 118-508. Permitted signs are subject to all other applicable provisions of this division.

Sec. 118-195. Regulations applicable to each functional type of sign.

(a) *On-premises signs.*

(1) Maximum gross surface area:

a. AG zoning district.

1. Building-mounted signs: Sign area shall not exceed one square foot area for each linear foot of building frontage facing the front yard.

2. Ground-mounted signs: Sign area for each face of ground-mounted sign shall not exceed a total of 50 square feet per face or a total of 100 square feet for all faces. The maximum number of ground-mounted signs allowed is presented below in subsection (a)(5) of this section.

b. CBD zoning district.

1. Building-mounted signs: Sign area shall not exceed three square feet area for each linear foot of building frontage facing the front yard.

2. Ground-mounted signs: Sign area for each face of a ground-mounted sign shall not exceed a total of 200 square feet for all faces. The maximum number of ground-mounted signs allowed is presented in subsection (a)(5) of this section.

c. C-H, I-L and I-H zoning districts.

1. Building-mounted signs: Sign area shall not exceed four square feet of area for each linear foot of building frontage.

2. Ground-mounted signs: Sign area for each face of ground-mounted sign shall not exceed a total of 200 square feet for all faces. The maximum number of ground-mounted signs allowed is presented in subsection (a)(5) of this section.

d. C-PD and I-PD zoning districts.

1. Building mounted signs: Sign area shall not exceed four square feet in area for each linear foot of building frontage.

2. Ground-mounted signs: Sign area for each face of a ground-mounted sign shall not exceed a total of 50 square feet per face or a total of 100 square feet for all faces. The maximum number of ground-mounted signs allowed is presented below in subsection (a)(5) of this section.

e. R-M zoning district.

1. Building-mounted signs: Sign area shall not exceed one square foot area for each linear foot of the largest building located on the premises.

2. Ground-mounted signs: Sign area for each face of a ground-mounted sign shall not exceed a total of 32 square feet per face or a total of 64 square feet for all faces. The maximum number of ground-mounted signs allowed is presented below in subsection (a)(5) of this section.

f. C-N zoning district.

1. Building-mounted signs: Sign area shall not exceed one square foot area for each linear foot of building frontage facing the front yard.

2. Ground-mounted signs: Sign area for each face of a ground-mounted sign shall not exceed a total of 50 square feet per face or a total of 100 square feet for all faces. The maximum number of ground-mounted signs allowed is presented in subsection (a)(5) of this section.

(2) Maximum height:

a. Building-mounted signs: Maximum height of any building-mounted sign shall be the height of the building upon which the sign is attached.

b. Ground-mounted signs: Maximum height of any ground-mounted sign shall be 35 feet above the ground level.

(3) Required setback:

a. Building-mounted signs shall be within the building setback line required by the zoning district in which the sign is located.

b. Ground-mounted signs shall be at least ten feet distance from any lot line.

(4) Illumination: direct or indirect illumination allowed.

(5) Number permitted:

a. AG zoning district.

1. Building-mounted signs: The number of building-mounted signs is not limited except by the total sign area of all building-mounted signs as specified above.

2. Ground-mounted signs: The number of ground-mounted signs shall not exceed one per 400 feet or property frontage or one per lot or tract of land.

b. C-N zoning district.

1. Building-mounted signs: The number of building-mounted signs is not limited except by the total sign area of all building-mounted signs as specified above.

c. C-H, CBD, C-PD, I-L, I-H, I-PD zoning districts.

1. Building-mounted signs: The number of building-mounted signs is not limited except by the total sign area of all building-mounted signs as specified above.

2. Ground-mounted signs: The number of ground-mounted signs shall not exceed one per 200 feet of property frontage or one per lot or tract of land.

(b) *Bulletin board signs.*

- (1) Maximum gross surface area: 32 square feet per side or a total of 64 square feet for all sides.
- (2) Maximum height: 15 feet above ground level.
- (3) Required setback: at least five feet distance from any lot line.
- (4) Illumination: Direct or indirect illumination is allowed.

(c) *Public service signs.* Public service signs shall meet the same requirements as an on-premises sign.

(d) *Home occupation signs.* Home occupation signs shall be allowed in accordance with section 118-2.

(e) *Temporary signs.* The following are considered temporary signs and shall be subject to the following requirements:

- (1) *Construction sign:* One construction sign shall be permitted for each street that the property fronts on. Construction signs may be erected at such time as the building permit for the building being constructed is obtained. The signs are allowed as long as construction is underway but shall be removed within ten days after completion of the building.
- (2) *Political signs:* Political campaign signs can be erected up to 60 days prior to the actual election date and shall be removed within ten days after the election or run-off election.
- (3) *Real estate sign:* One real estate sign per lot or building premise shall be permitted.

(4) *Holiday and signs of nonprofit organizations:* Signs used in celebrating holidays or announcing functions of nonprofit organizations are excepted from the area and location requirements of this section provided they are removed within ten days after the event being celebrated or advertised.

(5) *Portable trailer signs:* Trailer or other portable signs which are normally used for commercial advertising are permitted subject to the following restrictions:

a. Such signs shall only be located in the C-H, CBD, C-N, I-L, and I-H zoning districts and then only if they comply with the standards set out in the following subsections b. through e.

b. The lighted panel of such signs shall not exceed 65 square feet.

c. They shall not be located on the street right-of-way.

d. No such sign shall have an oscillating, rotating, or flashing light or create a traffic hazard.

e. Such signs may be located in or upon such lands at any time, and for any length of time.

f. The permit fee for such sign shall be \$2.00. The street address of the property and a freehand sketch of the premises upon which such sign is to be placed with its approximate location will be the only information necessary to be filed with the application for a permit. No additional fee or permit shall be required when the same sign owner locates a trailer sign on the same premises.

(6) *Waste receptacle and bench signs:* The city may permit the location of waste receptacle and bench signs from time to time and under such rules and regulations as the city may adopt for the location of such signs on city premises.

(f) *Off-premises signs.* Off-premises signs shall be permitted in the city under the following terms, limitations and specific conditions:

(1) *Size of sign.* The sign shall not exceed 12 feet in width by 12 feet in height.

(2) *Configuration.* The sign shall contain a maximum of 12 individual signs, per side, listing the name and address of businesses and industries located in the adjacent industrial park. Each individual sign shall not exceed a maximum of four feet in height and eight feet in width. Individual signs shall be permitted on both sides of the sign.

- (3) *Number of signs.* Only one sign shall be permitted for each industrial park.
- (4) *Unlighted.* The sign shall not be directly or indirectly illuminated.
- (5) *Content of information on sign.* The only information permitted on the sign shall be the name and address of the industrial park and the name and address of each business or industry located in the industrial park and an arrow pointing in the direction of the business.
- (6) *Location on street right-of-way prohibited.* Off-premises signs shall not be located on any part of the street right-of-way of any city street in the city.
- (7) *Where permitted.* Off-premises signs shall be located either (a) on property which is zoned and used as I-H (heavy industrial) zoning districts; (b) within 700 feet of an industrial park which is zoned I-L (light industrial) and the sign shall be located on property which is zoned C-H (highway commercial) and only if the sign complies with all of the requirements set forth in subsections (1) — (7) of this subsection (f).
- (8) *Purpose.* The purpose of permitting the above exception to location of off premises signs in the city is deemed necessary in order to provide directions to out-of-town and out-of-state drivers who pick up and deliver goods and materials to those industrial parks which are not readily identifiable from the highway.

Sec. 118-196. Prohibited signs.

The following is a list of those signs or sign conditions which are hereby prohibited within the city:

- (1) *Signs on fences and utility poles.* No sign shall be written on or affixed to fences or utility poles.
- (2) *Signs on trees:* No sign shall be affixed to trees.
- (3) *Oscillating, rotating or flashing lights.* There shall be no flashing, rotating, or oscillating lights located within 100 feet of the right-of-way of any street or public thoroughfare.
- (4) *Signs creating a traffic hazard.* No sign shall be permitted which by reason of size, shape, content, coloring, location, or manner of illumination interferes with driver visibility of any traffic control or emergency device or sign, or which otherwise creates any traffic hazard is not allowed.

- (5) *Signs placed without permission of owner.* No sign shall be placed on, in or over any private property without the consent of the property owner nor shall any sign be placed on, in or over any public property including the public right-of-way without the written consent of the city except as specifically provided by ordinance.
- (6) *Off-premises signs.* Off-premises signs are prohibited except as provided in section 118-195(f).
- (7) *Unattached signs.* Signs not permanently attached to the ground or a building are prohibited, except for temporary signs as provided for in section 118-195(e).
- (8) *Billboards.* Billboards as defined in Section 118-2, are prohibited.

Sec. 118-197. Administration and enforcement.

The responsibility for the implementation and enforcement of this division is vested in the office of the building official.

- (1) *Permits required.* No sign other than temporary signs shall be erected, relocated, or otherwise altered in height or size without securing an appropriate permit from the building official. Any sign so erected shall be removed at the owner's expense.
- (2) *Issuance of permits.* A permit shall be required for construction of all permanent signs. Each person desiring to construct or alter a sign shall file a written application with the building official's office on forms to be provided by the building official. The application shall state the address where the sign is to be located, the size of the sign, the exact location of the sign and such other information as the building official shall determine to be desirable in the enforcement of the provisions of this division.
- (3) *Permit fee.* A fee shall be charged for the issuance of each permanent sign permit in accordance with the schedule set forth in section 107.4 of the Standard Building Code.

Sec. 118-198. Right of review.

Any interested person or any officer of the city affected by a decision of the building official in granting or failing to grant a sign permit shall be entitled to pursue the appeal procedure set forth in section 118-56 and the board of adjustment is granted the same powers, duties and authorities with respect to appeals from this division, as it has under section 118-56 with respect to appeals from zoning matters.

Sec. 118-199. Nonconforming signs.

All permanent nonconforming signs which are in existence on the date of adoption of this ordinance shall be permitted to remain on the premises but they shall not be altered or replaced without complying with all requirements of this division.

Secs. 118-201— 118-210. Reserved.

DIVISION 4. ACCESSORY STRUCTURES AND USES

Sec. 118-211. Authorization.

Accessory structures and uses are permitted in any zoning district in connection with any lawfully existing principal structure and use.

Sec. 118-212. Particular permitted accessory structures and uses.

Accessory structure and uses include, but are not limited to, the following; provided, however, that each structure or use shall comply with the standards and requirements of sections 118-213, 118-214, 118-215:

- (1) Private residential garages and carports.
- (2) A structure for storage incidental to a permitted use, provided no such storage structure that is accessory to a residential building shall exceed 500 square feet of gross floor area. An accessory structure shall not exceed 25 percent of the gross floor area of the principal building. Only one accessory storage structure per lot in residential districts shall be permitted.
- (3) Tennis courts, lighted or unlighted, accessory to a residential building and limited to use by the occupants thereof and their guests.
- (4) A private swimming pool and bathhouse accessory to a residential building and limited to use by the occupants thereof and their guests; provided that such swimming pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access to such swimming pool from the street or from adjacent properties. Such swimming pool shall not be located in any required front or side yard.
- (5) Fences, walls and hedges.
- (6) Outdoor storage of not more than two boats and boat trailers and not more than one camping trailer or recreational vehicle per dwelling unit. Only one boat and trailer, camping trailer or recreational vehicle may be located in the front yard. No boat, camping trailer, recreational vehicle or other vehicle may be used for living, sleeping or housekeeping purposes.
- (7) Radio and television antennas subject to the height restrictions of the district in which they are located; provided, however, that dish (satellite) type antennas shall only be located in the rear yard and shall be required to comply with all setback requirements for an accessory building or structure in the district in which it is located.
- (8) Off-street parking subject to the provisions of section 118-176.
- (9) Signs subject to the provisions of section 118-191.

Sec. 118-213. Prohibited accessory structures and uses.

Outdoor storage is prohibited, except as expressly permitted.

Sec. 118-214. Bulk and location regulations.

Accessory structures and uses, except parking, parking areas and lots and signs which are subject, respectively, to the provisions of sections 118-176 and 118-191 shall be subject to the following bulk and location regulations:

- (1) In all residential districts, detached accessory structures and uses, except fences, walls, and hedges, shall be located in the rear yard, not less than 60 feet from the front line, not less than ten feet from the principal structure on the zoning lot, and not less than five feet from any side and rear lot lines.
- (2) In all residential districts attached accessory structures and uses shall maintain the same front yard as required for the principal structure, shall project no more than ten feet from the principal structure into the required rear yard and may be located no closer than five feet to any side lot line.
- (3) No accessory structure or use in any residential district shall occupy more than 30 percent of the required rear yard.
- (4) No accessory structure shall exceed the height limitations of the district in which such structure is located.
- (5) In commercial and industrial districts accessory structures and uses, except fences, walls, and hedges, shall maintain the same front, side, and rear yard as is required for the principal structure, shall be no closer than ten feet to any other accessory structures on a zoning lot, and detached accessory uses and structures shall be no closer than ten feet to the principal structure on a zoning lot.
- (6) On corner lots no accessory structure or use nor planting of any type extending more than three feet above curb level shall be established or maintained within the area of the vision triangle (see Figure 4, section 118-504).
- (7) Regulations regarding fences shall be as follows:
 - a. No fence more than six feet high shall be erected in any zoning district within the city except in heavy industrial (I-H), light industrial (I-L) or planned industrial district (I-PD). A fence more than six feet high but less than eight feet high may be located in either an I-L, I-H or I-PD district unless the property on which the fence is to be located abuts, is adjacent to or is contiguous to any district in which a residential structure may be constructed, in which event no fence more than six feet high may be located on that property. For purposes of this section, property will be considered to abut, be adjacent to or contiguous to residential property if it is only separated from that property by an alley.
 - b. No fence more than 30 percent opaque or more than three feet high may be located within 35 feet of a street intersection.

- c. Fences six feet high or less may only be erected on those parts of a lot that are at least as far back from the street as the rear of the main building, provided, however, fences six feet high or less may be located closer to the side street than the rear of the main building if all of the following requirements are met:
1. The fence is located on a corner lot;
 2. The house is the lot where the fence is to be erected faces the opposite direction from the house that is located on the lot immediately to its rear, or on the lot on which the fence is to be erected abuts to commercially zoned property;
 3. The fence does not extend beyond the rear wall of the main building toward the street that the house faces;
 4. The fence is located at least 17 feet from the back of curb, if the street has curbs and gutters, or at least 17 feet from the edge of the paved street, if the street has no curbs and gutters. For purposes of this section, side street is defined as the street on which the corner lot abuts but the house does not face; and
 5. The fence does not extend beyond the property owner's lot line and does not encroach on any existing sidewalk.
- d. Except as provided in subsection (7)b. above, fences less than four feet high may be located on any part of a lot provided that the fence does not encroach on the street right-of-way or public sidewalk.
- e. Fences or portions of fences in front yards shall be constructed of masonry, wrought iron, or wooden pickets. Fences in rear yards may be constructed of masonry, wrought iron, wooden pickets or chain links. Any other material must be approved by the Board of Adjustment.
- f. All fences located in the city on March 28, 1995, which are not in compliance with the terms, conditions and restrictions contained in this subsection, are "grandfathered" in and shall be considered a nonconforming use. A list of those fences by street address is attached to Ordinance No. A-574 as Exhibit A and incorporated herein. Provided, however, if any nonconforming use fence is dismantled, torn down, demolished or destroyed, either voluntarily or involuntarily, the owner of that property shall not rebuild the fence until the owner obtains a building permit from the city building official, and the new fence shall only be constructed in strict compliance with the terms, conditions and restrictions of this subsection (7). For purposes of this subsection, if 50 percent or more of the fence is being replaced or rebuilt, the property owner shall obtain a building permit and construct the fence in accordance with the terms, conditions and restrictions of this subsection (7).

Sec. 118-215. Use limitations.

- (a) All accessory structures and uses shall comply with the use limitations applicable in the zoning district in which they are located.
- (b) No accessory structure or use shall be constructed or established on any lot prior to the time of the substantial completion of the construction of the principal structure to which it is accessory.

Sec. 118-216— 118--221. Reserved.

DIVISION 5. LOCATION OF COMMERCIAL COMMUNICATION TOWERS

Sec.118-222. Purpose.

The purposes of these regulations are described as follows:

1. To establish a system of administering requests for the siting of commercial communication towers in accordance with provisions of the Federal Telecommunications Act of 1996, 47 U.S.C.A §§ 151 et. seq. (2001) as amended from time to time (FTA).
2. To minimize the number of new towers needed by encouraging the use of existing towers and existing public and private structures.
3. To preserve the stability of land values of properties near and adjacent to proposed commercial tower locations.
4. To protect the public health, safety, and welfare through the use of good engineering and urban design principles.

Sec. 118-223. Definitions.

In addition to other definitions contained in Section 118-2, the following definitions apply to the administration of commercial communication tower regulations as hereinafter set forth.

- a. “*Antenna Array*” means one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include an omni-directional antenna (rod), a directional antenna (panel) and a parabolic antenna (disc). The Antenna Array does not include the Support Structure defined below.
- b. “*Attached Wireless Communications facility (Attached WCF)*” means an Antenna Array that is attached to an existing building or structure which shall include, but not be limited to, utility poles, signs, water towers, with any accompanying poles or device which attaches the Antenna Array to the existing building or structure and associated connection cables, and any Equipment Facility which may be located either inside or outside the Attachment Structure.
- c. “*Collocation or Site Sharing*” means use of a common WCF or common site by two or more wireless license holders or by one wireless license holder for more than one type of communications technology or placement of a WCF on a structure owned or operated by a utility or other public entity.
- d. “*Derrick Tower*” means a structure constructed of lattice steel and which is entirely self-supporting.

- e. “*Equipment Facility*” means any structure used to contain ancillary equipment for a WCF, which includes cabinets, shelters, and a buildout of an existing structure, pedestals, and other similar structures.
- f. “*FAA*” means the Federal Aviation Administration.
- g. “*FCC*” means the Federal Communication Commission
- h. “*FTA*” means the Federal Telecommunications Act of 1996, 47 U.S.C.A §§ 151 et. seq. (2001) as amended from time to time.
- i. “*Guy-Wired Tower*” is a structure constructed of lattice steel and which is supported by guy-wires extending at angles from the structure to ground anchors.
- j. “*Height*”. When referring to a WCF, Height shall mean the distance measured from ground level to the highest point on the WCF, including the Antenna Array.
- k. “*Monopole Tower*” is a supporting structure composed of a solid pole without any guy-wired support.
- l. “*Setback*” means the required distance from the WCF to the property lines of the parcel on which the WCF is located.
- m. “*Stealth Technology*” means systems, components and materials used in the construction of the WCF, which are designed to mask or conceal the WCF to make it compatible with the surrounding property.
- n. “*Support Structure*” means a structure designed and constructed specifically to support an Antenna Array, and may include a monopole, guy-wire support tower, or derrick tower. Any device used to fasten an Attached WCF to an existing building or structure shall be excluded from the definition of and regulations applicable to Support Structures.
- o. “*Tower Use Permit (TUP)*” means a permit issued by the City specifically for the location, construction and use of a WCF subject to an approved site plan and special conditions determined by the Crossett Planning Commission and Crossett City Council to be appropriate under the provisions of this Article.
- p. “*Wireless Communications*” means any personal wireless service as defined in the Telecommunications Act of 1996, which includes FCC-licensed commercial wireless communications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.

- q. “*Wireless Communication Facility (WCF)*” means any unstaffed facility for the transmission or reception of wireless telecommunications services, usually consisting of an Antenna Array, connection cables, an Equipment Facility, and a Support Structure to achieve the necessary elevation.

Sec. 118-224. Location and Application

Tower Use Permit (TUP) for the following may be processed and approved, with necessary information and agreements, through administrative review:

- a. An attached Wireless Communications Facility (Attached WCF) to be attached to an existing monopole, tower, or structure.
- b. Facilities to be located in I-L (Light Industrial), I-H (Heavy Industrial) or I-PD (Planned Industrial Development) zoning districts.
- d. Facilities to be located in parks or other public areas upon approval by the Crossett City Council and adjacent property owners. If the City does not approve a TUP for any of the above, the Applicant may elect to apply for a Special Use Permit under the conditions set forth in Section 118-111.
- e. The following applications are subject to acquisition of a Special Use Permit by the Crossett Planning Commission under the conditions set forth in Section 118-111:
 - 1. Facilities to be located in any residential use zoning district.
 - 2. Facilities to be located in any commercial use zoning district.
- f. Any TUP applications for new tower construction will be considered by the Crossett Planning Commission only after the applicant has demonstrated to the satisfaction of the Building Official that:
 - (1) No existing towers or structures are located within the geographic area that would meet applicant’s engineering requirements.
 - (2) Existing towers or structures are not of sufficient height to meet applicant’s engineering requirements.
 - (3) Existing towers or structures do not have sufficient structural strength to support applicant’s proposed antenna and related equipment.
 - (4) The applicant’s proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant’s proposed antenna.

- (5) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure, or to adapt an existing tower or structure for sharing, are unreasonable. Any such costs that exceed the cost of new tower development are presumed to be unreasonable.
- (6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable
- i. All applications shall include, in addition to the other requirements specified in Section 118-111, if applicable, a scaled site plan, a scaled elevation view and other supporting drawings. The Applicant shall also submit calculations and other documentation showing the location and dimensions of the WCF and all improvements associated therewith, including information concerning specifications, antenna locations, equipment storage facilities, landscaping, parking, access, fencing, and if relevant as determined by staff, topography, adjacent uses, and existing vegetation.
- j. A TUP involving only a change of property ownership for a facility previously granted a TUP, and involving no new construction may be approved administratively by the Mayor upon a recommendation by the Crossett City Council.

Sec. 118-225. Development Standards

a. Height

- (1) An attached WCF shall not add more than 20 feet in height to the existing building or structure to which it is attached.
- (2) WCF with support structures shall have a maximum height of 400 feet in industrial and agricultural zones, 250 feet in commercial zones, and 150 feet in residential zones.

b. Setbacks

- (1) Attached WCF: Antenna Arrays for Attached WCF are exempt from the setback provisions of the zone in which they are located. An Attached WCF Antenna Array may extend up to 30 inches horizontally beyond the edge of the Attached Structure so long as the Antenna Array does not encroach upon an adjoining parcel.
- (2) A WCF with support structures shall meet the setback requirements for principal structures of the underlying zone in which they are located, except for residential zoning districts.
- (3) A WCF with support structures abutting residential property on any side shall be set back from any adjoining property line a distance at least 50 percent of the height of the tower measured from the base of the tower to the property line of the residential lot. Guy-

wired anchors shall meet the setback ordinance requirements of the specific district in which the WCF is located.

c. Landscaping and Aesthetics

- (1) Existing mature tree growth and natural landform on the site shall be preserved to the extent feasible; provided, however, that vegetation that causes interference with the antenna or inhibits access to the equipment storage may be trimmed. Any trees in excess of six (6) inches in diameter which are to be cut must be indicated on the site plan.
- (2) WCF shall be designed so as to be compatible with the existing structures and surroundings to the extent feasible. Such requirements shall not interfere with normal functioning of the WCF and may include the use of compatible or neutral colors, or stealth technology.

d. Lighting

- (1) WCF shall not be artificially illuminated, directly or indirectly, except as may be required by state or federal law or for security of the equipment building. It shall be the Owner's responsibility to meet FAA lighting requirements, if necessary.
- (2) WCF shall not display any signage or message of a commercial nature except for an inconspicuous message containing provider identification and emergency telephone numbers.
- (3) Lighting shall be of a type not directly visible from the ground.

e. Security Fencing

A WCF with support structures shall be enclosed by a security fence not less than six (6) feet.

Sec. 118-226. Collocation

- a. All WCF with supporting structures shall be designed to accommodate a minimum of three antenna arrays where technically feasible and visually desirable.
- b. All applicants for WCF with supporting structures are required to execute a statement upon filing the application agreeing to allow collocation of other WCF providers at a lease rate not to exceed the commonly accepted market terms as determined by the City of Crossett.

Sec. 118-227. Conditions

- a. Support Structures for wireless communication facilities shall be of the monopole type construction except as specified below.

- b. Support structures in the I-L, I-H, and I-PD zones may be of monopole derrick tower or guy-wired supported tower construction.
- c. Support structures located in the Central Business District zone shall only use Stealth Technology with a design to be approved by the Crossett Planning Commission and the Crossett City Council.

Sec. 118-228. Abandonment

Agreements accompanying a request for new supporting structures or attached WCF shall include the following to be executed with the City of Crossett:

- a. Any Wireless Communication facility (WCF) whose use is discontinued shall be removed by the owner, and shall be reported to the City of Crossett immediately. All discontinued facilities shall be removed within six months and the site restored to its original condition, all at the owner's expense.
- b. Any discontinued WCF not removed within six months may be removed by the City at the owner's expense.

Sec. 118-229. Environmental Impact

Assessments of environmental impact are required by federal law to be prepared by personal wireless service carriers when the following environmental impacts occur:

- (1) Facilities which are located in officially designated wilderness or wildlife areas.
- (2) Facilities which threaten endangered species or critical habitats.
- (3) Facilities which affect historic sites or structures.
- (4) Facilities which are to be located in flood plains.
- (5) Facilities which will significantly change a surface area involving wetlands, deforestation, or water diversions.

Since these assessments are already required by federal law, these provisions are incorporated into this ordinance and certification of compliance with the National Environmental Policy Act (NEPA) (43 U.S.C. Section 4321) must be provided before any permits will be issued.

Sec. 118-230. Review

The City of Crossett shall complete final action upon any TUP within 90 days of the filing of the application unless a request for extension is filed by the Applicant. Any decision to deny a

request will be made in writing and will be supported by substantial evidence contained in a written record.

DIVISION 6. SELF-STORAGE.

Sec. 118-231. Self-Storage

The following are prohibited uses of self-storage facilities or areas:

- 1.Storage of flammable or hazardous chemicals or explosives;
- 2.Auctions, commercial, wholesale, or retail sales, or miscellaneous or garage sales;
- 3.The servicing, repairing, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment;
- 4.The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
- 5.The establishment of a transfer and storage business; and
- 6.Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.

DIVISION 7. Reserved.

Sec. 118-232.-118-233. Reserved.

DIVISION 8. HOME OCCUPATIONS

Sec. 118-234. Requirements.

Home occupations shall conform to the following:

- (1) No sign shall be used other than a nameplate not more than one square foot in area;
- (2) No display shall be used that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling;
- (3) No commodity shall be sold upon the premises, except that which is prepared on the premises;
- (4) No person other person shall be employed other than a member of the immediate family residing on the premises; and
- (5) No mechanical equipment shall be used except of a type that is similar in character to that normally used for purely domestic or household purposes, or equipment which is purchased and designed for and used primarily as equipment in the pursuit of a hobby, shall be considered as used for purely domestic or household purposes, unless such equipment shall be used to produce and sell

products regularly, as compared to occasionally, of any description or in connection with the sale of the services of an operator of such equipment. The presence on the premises of less than two of any particular units of such mechanical equipment shall not alone be deemed to constitute equipment of a type other than normally used for purely domestic or household purposes;

- (6) Nonoffensive home occupations that do not create disturbing noise, traffic and parking problems, or unsightly open storage, such as a beauty shop, a barbershop, a ceramic shop, a photography studio, etc., are generally allowed. However, such activities as auto repair, which produce disturbing noise, traffic and parking problems, or unsightly open storage, that would disturb the surrounding residents shall not be permitted as home occupations;
- (7) Home occupations shall include the use of premises by a physician, surgeon, dentist, lawyer, clergyman, or other professional person for consultation or emergency treatment, but not for the general practice of this profession; and
- (8) Any person desiring to use premises in a residential zone shall, before making such use of the premises, make application for and obtain from the City Clerk-Treasurer a special home occupation tax license, authorizing the conduct of such business. The amount of the tax to be paid shall be the same amount outlined in Crossett Code § 102-26 et. seq., for such business. Before issuance of such license, the City Clerk-Treasurer shall submit the application to the building official who shall inspect the proposed premises to determine whether the issuance of such special home occupation license will authorize a use of premises in violation of any of the provisions of this Chapter. The building official shall furnish to the City Clerk-Treasurer and to the applicant a written report of his findings and conclusions. Any use of premises for a home occupation without first obtaining such special home occupation license shall not be deemed a home occupation within this definition, but instead shall be deemed a use of the premises contrary to the provisions of this Chapter, and constitute a violation of this Chapter and shall be punishable as provided in this Chapter. The use of such premises contrary to this Chapter may be enjoined or otherwise prohibited as provided by other provisions of this Chapter.

Sec. 118-235. Reserved.

ARTICLE V. PLANNED UNIT DEVELOPMENT

Sec. 118-236. General purpose of planned developments.

Most of the development in the city has taken place under requirements of uniform regulations within each zoning district that may on occasion prevent or discourage innovative site design and development that will respond to new market demands. The use of improved techniques for land development is often difficult under traditional zoning regulations designed to control single buildings on individual lots. Proper private development of older areas within the city, together with advantageous development of larger area of substantially vacant land, require a flexible approach to be available both to the city and to the landowner. The city may, upon proper application, grant approval of a planned development to facilitate the use of innovative techniques of land development and site design in the development of land in order to obtain one or more of the following objectives:

- (1) Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development plan.
- (2) Provision of a transition from an intensely developed area to an area developed at a lower density. Transition could be from commercial to residential, industrial to residential, high density residential to low density residential, or other similar transitional locations.
- (3) Diversification in the uses permitted and variation in the relationship of uses, structures, and open space in developments intended as cohesive, unified projects.
- (4) Functional and beneficial uses of open space areas.
- (5) Preservation of natural features of a development site and good environmental design in the development of land.
- (6) Rational and economic development in relation to public services.
- (7) Efficient and effective traffic circulation, both within and adjacent to the development site.
- (8) Creation of a variety of housing compatible with surrounding neighborhoods to provide a greater choice of types of environment and living units.
- (9) Revitalization of established commercial areas in order to encourage the rehabilitation of such areas to meet current market preferences.
- (10) Provision of attractive and appropriate locations for business and manufacturing uses in landscaped, well-designed buildings.

Sec. 118-237. General standards and criteria.

The Planning Commission may recommend to the City Council and the City Council may approve a planned development upon written findings by the Planning Commission that the planned development meets the applicable standards and criteria contained in this section.

- (1) The proposed development will not substantially injure or damage the use, value, and enjoyment of surrounding property nor hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the city.
- (2) An approved water supply, community wastewater treatment and disposal, and stormwater drainage facilities that are adequate to serve the proposed development have been or shall be provided.
- (3) The location and arrangement of the structures, parking areas, walks, lighting, and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for structures, parking and loading areas or access ways shall be landscaped or otherwise improved except where natural features are such as to justify preservation.
- (4) Any modification of the zoning or other regulations that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein and are not inconsistent with the public interest.
- (5) Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common community facilities.

Sec. 118-238. Specific standards and criteria for planned residential developments.

In addition to the standards and criteria set forth in section 118-237, planned residential developments shall comply with the following standards and criteria:

- (1) *Design and preservation of common open space.* Common open space may be provided as a condition to the approval of a planned residential development.
- (2) *Off-street parking.* Off-street parking shall be conveniently accessible to all dwelling units and other uses. Where appropriate, common driveways, parking areas, walks and steps may be provided, maintained and lighted for night use. Screening of parking and service areas shall be required through ample use of trees, shrubs, hedges, and screening walls.
- (3) *Pedestrian circulation.* The pedestrian circulation system and its related walkways shall be insulated as completely as possible from the vehicular street system in order to provide separation of pedestrian and vehicular movement.
- (4) *Privacy.* The planned residential development shall provide reasonable visual and acoustical privacy for dwelling units within and adjacent to the planned residential development. Protection and enhancement of property and the privacy of its occupants may be provided by the screening of objectionable views or uses and reduction of noise through the use of fences, insulation, natural foliage, berms and landscaped barriers. (Ord. No. A-445, § 1 (art. 6, § 5.3), 8-15-83)

Sec. 118-239. Specific standards and criteria for planned commercial or industrial developments.

In addition to the applicable standards and criteria set forth in section 118-237, planned commercial or industrial developments shall comply with the following standards:

- (1) *Residential use.* Except for hotels and motels, no building shall be designed, constructed, structurally altered, or used for dwelling purpose except to provide, within permitted buildings, facilities for a custodian, caretaker or watchman employed on the premises.
- (2) *Screening.* When structures or uses in a planned commercial or industrial development abut a residential district, sight proof screening may be required.
- (3) *Display of merchandise.* All business, manufacturing and processing shall be conducted, and all merchandise and materials shall be displayed and stored within a completely enclosed building or within an open area which is completely screened from the view of adjacent properties and public rights-of-way; provided, however, that when gasoline sales are permitted in a planned commercial development, gasoline may be sold from pumps outside of a structure.
- (4) *Accessibility.* The site shall be accessible from public roads that are adequate to carry the anticipated traffic of the proposed major street network in the vicinity and the traffic that will be generated by the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the enterprises located in the proposed development and may be designed to discourage outside through traffic from traversing the development.
- (5) *Landscaping.* Landscaping shall be required to provide screening of objectionable views or uses and the reduction of noise. High-rise buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining low-rise buildings. (Ord. No. A-445, § 1 (art. 6, § 5.4), 8-15-83)

Sec. 118-240. Additional use regulations.

- (a) *Generally.* The regulations set forth in this section qualify or supplement, as the case may be, the regulations appearing elsewhere in this division.
- (b) *Impact on sewer system.* No permit shall be issued or granted for the use of premises or a building for the uses listed below, unless and until there shall be presented to the building inspector a certificate from the city engineer, or until such time as there shall be a city engineer, the city sewer committee certifying that the sewer facilities to which it is proposed to connect are adequate for such use and that the proposed use has been so planned and will be so installed as to not cause damage to the sewer facilities, and no such use shall commence operation until the installation and connection to existing sewer facilities shall have been approved by the city engineer or city sewer committee.

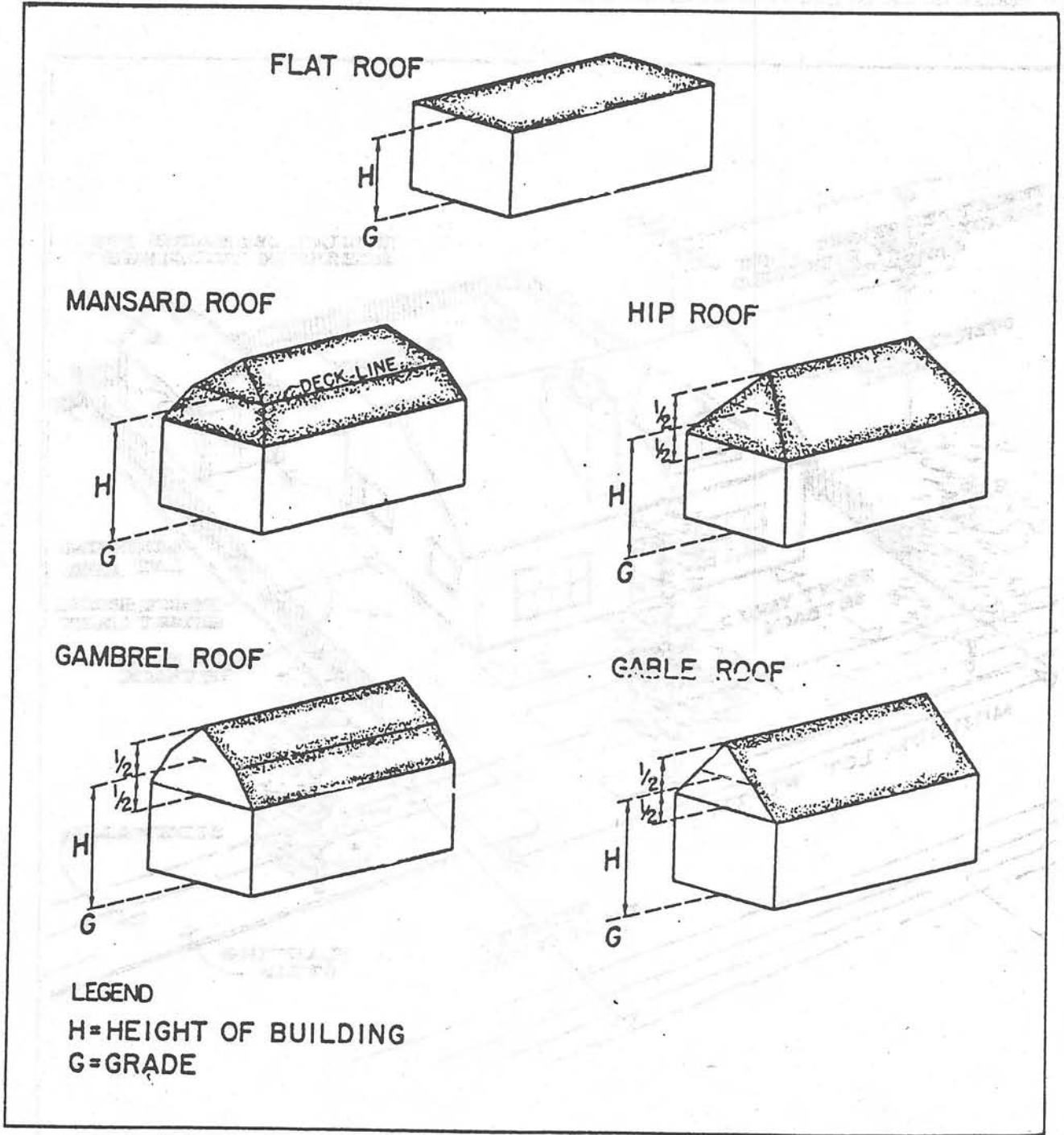
The provisions of this subsection shall apply to the following uses:

- (1) Multifamily.
 - (2) Hotel.
 - (3) Motel.
 - (4) University or college.
 - (5) Hospital or clinic.
 - (6) School.
 - (7) Laundromat.
 - (8) Vehicle wash.
 - (9) Industrial uses.
- (c) *Temporary buildings.* Temporary buildings that are used in conjunction with construction work only may be permitted in any district during the period that the building is being constructed, but such temporary buildings shall be removed upon completion of the construction work.
- (d) *Commercial or industrial buildings.* Where a lot or tract is used for commercial or industrial purpose, more than one main building may be located upon the lot or tract but only when such buildings conform to all yard requirements around the lot for the district in which the lot or tract is located.

Sec. 118-241— 118-500. Reserved.

ARTICLE VI. TABLES AND CHARTS

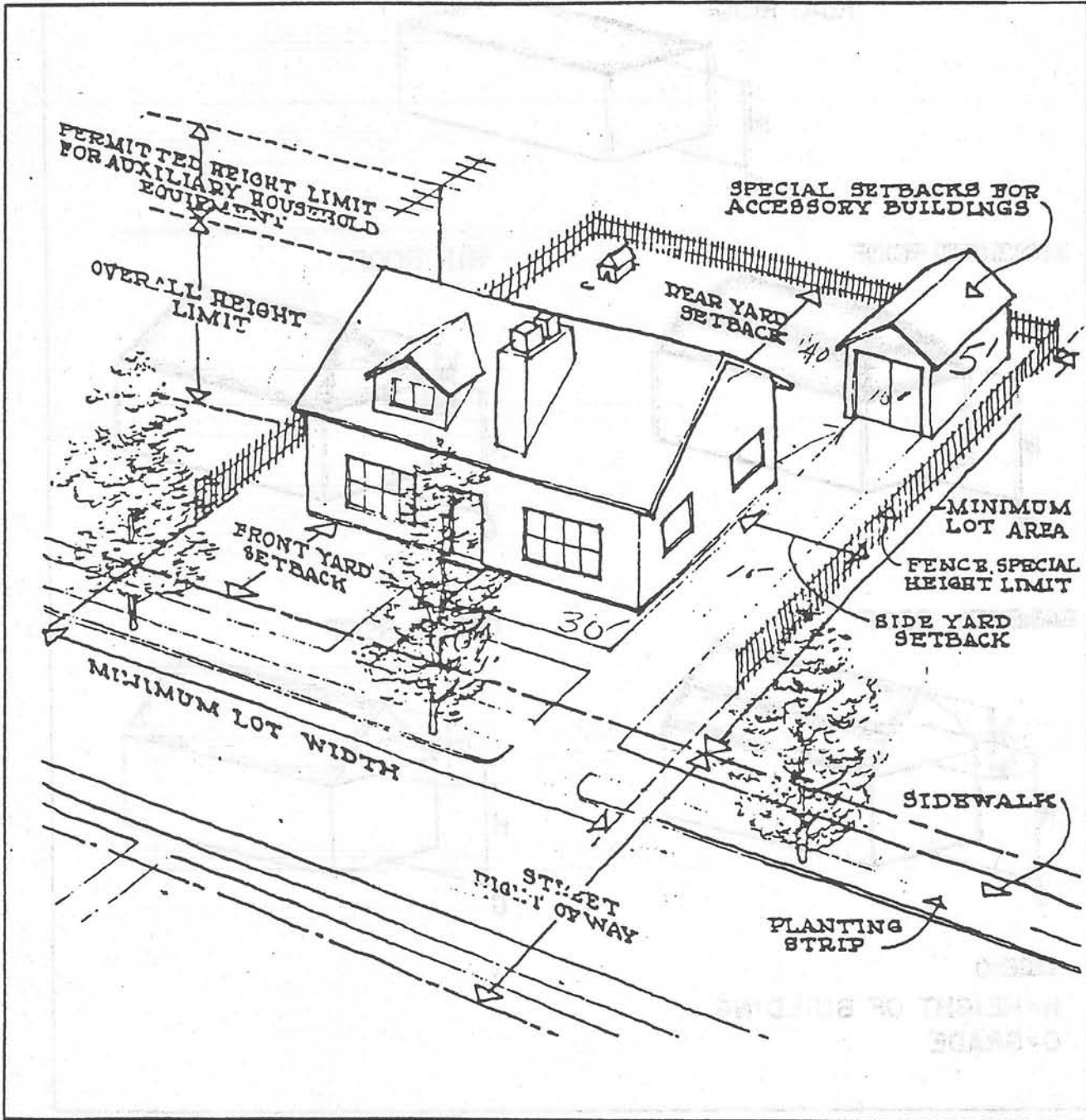
Sec. 118-501. Building height (Figure 1).



(Ord. No. A-445, 8-15-83)

Sec. 118-502. Bulk regulations (Figure 2).

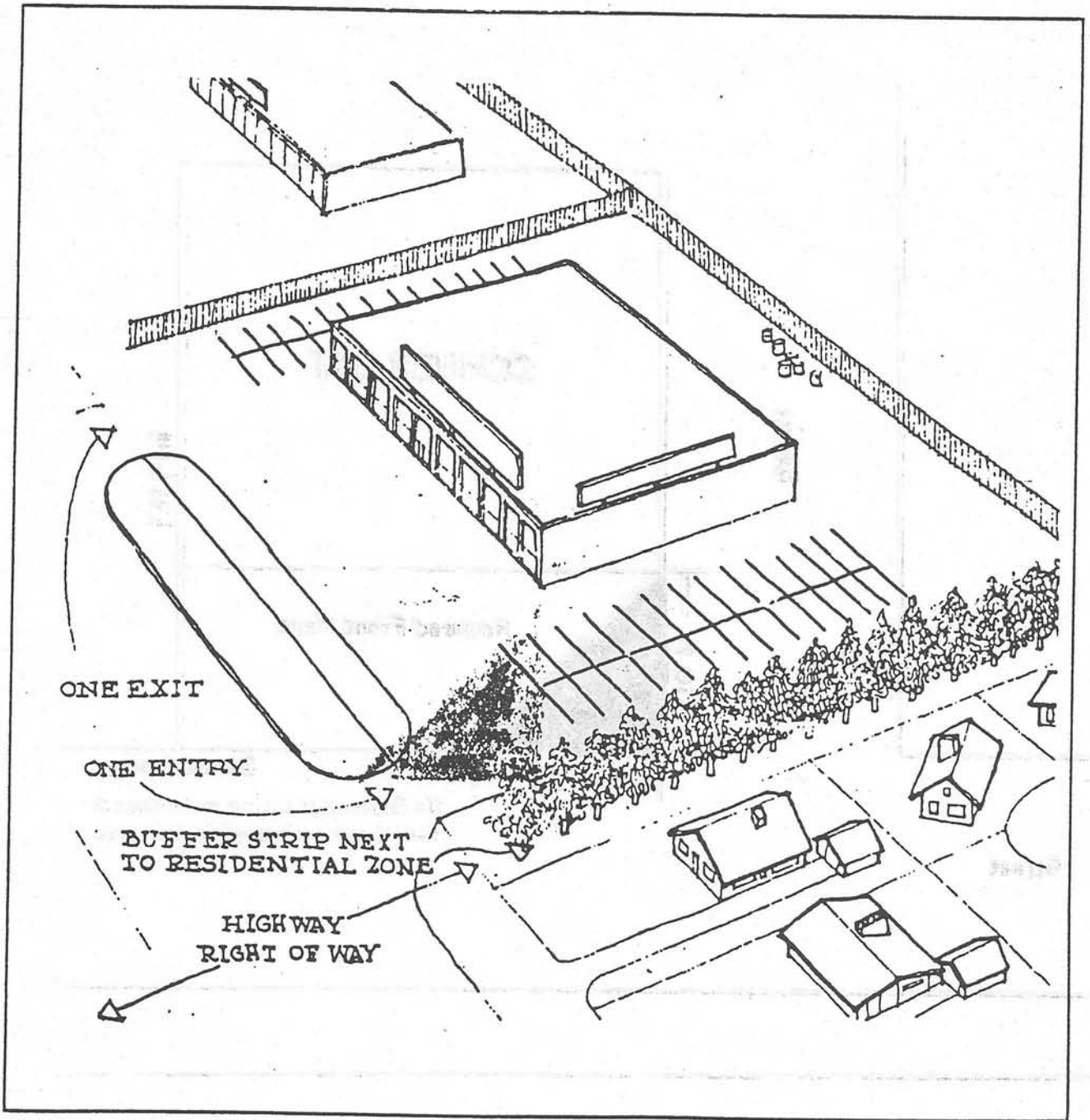
A property owner in this residential zone knows in advance exactly what and how he is permitted to build because all the requirements are spelled out.



(Ord. No. A-445, 8-15-83)

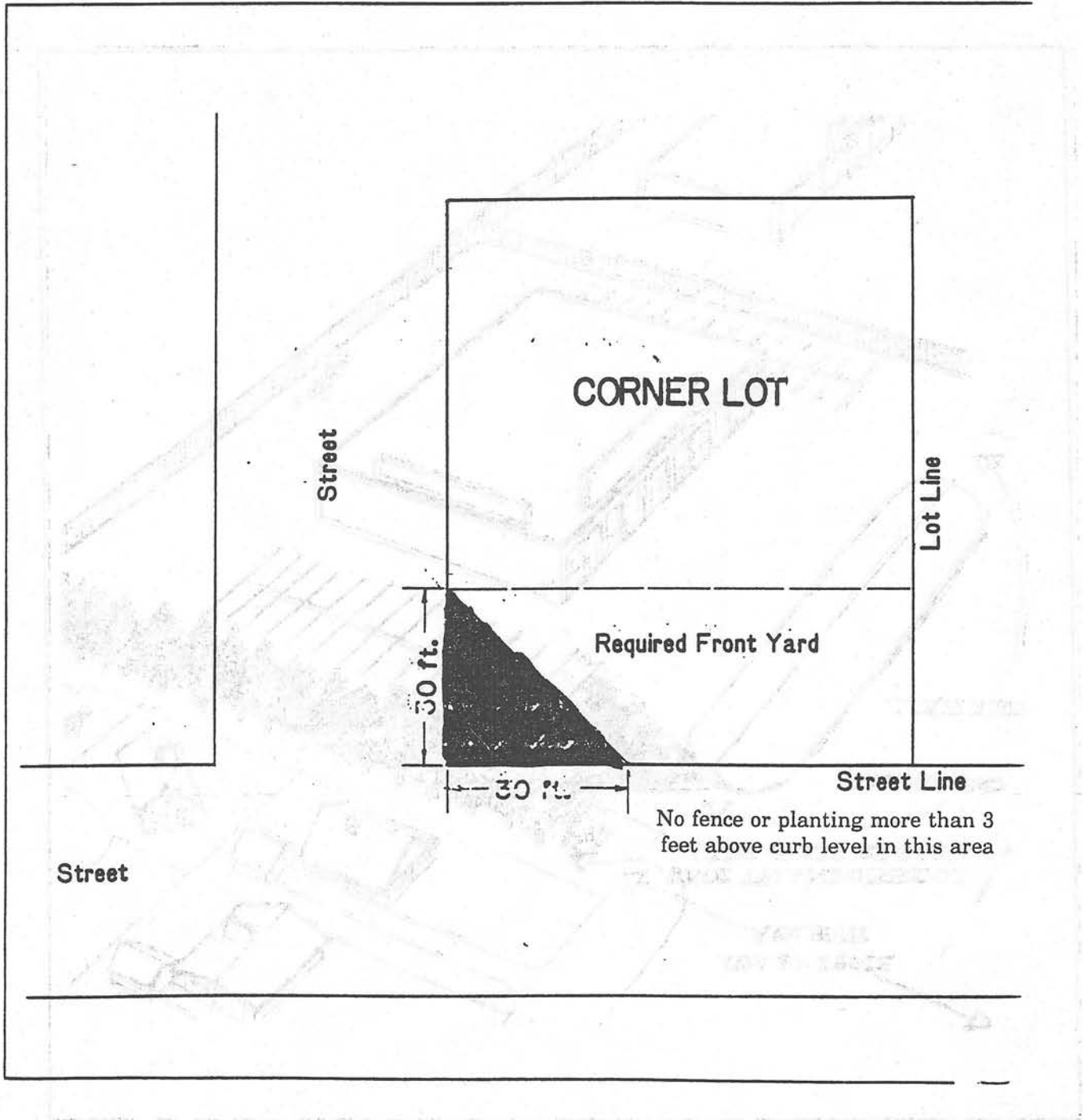
Sec. 118-503. Screening (Figure 3).

"Conflicting" land uses must often be separated by planting strips or other buffers.



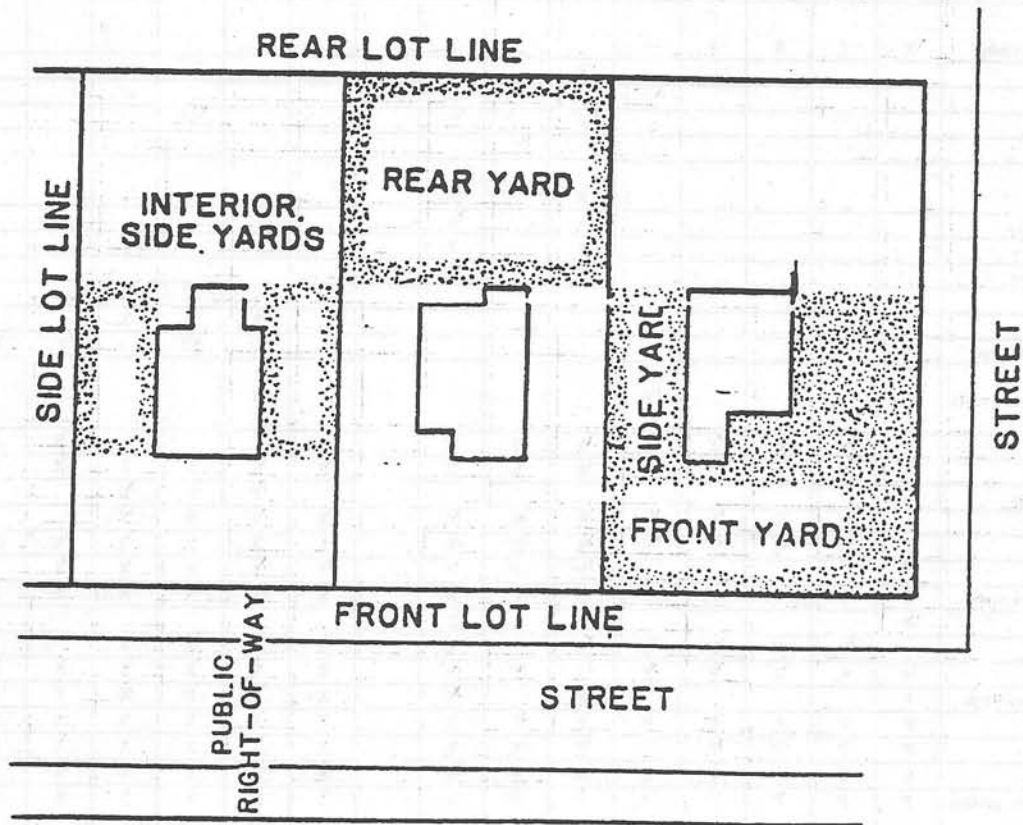
(Ord. No. A-445, 8-15-83)

Sec. 118-504. Vision triangle at intersections (Figure 4).



(Ord. No. A-445, 8-15-83)

Sec. 118-505. Required yards (Figure 5).



Notes: A corner lot used for single-family or duplex residential purposes shall have two front yards and two side yards, i.e., no rear yard. A corner lot used for nonresidential purposes shall have one front yard, two side yards and one rear yard.

(Ord. No. A-445, 8-15-83; Ord. No. A-461, § 1, 10-21-85)

Sec. 118-506. Uses permitted in zoning districts (Chart 1).

X = Use permitted by right.

P = Use requiring site plan (See note 1).

Y = Use requiring special permit (See section 118-111)

Uses Permitted	ZONING DISTRICTS															
	AG	R-S1	R-S2	R-S3	R-D	R-M	R-MH	R-PD ²	R-PD-II	C-N	C-H	CBD	C-PD ²	I-L	I-H	I-PD ²
<i>Dwellings</i>																
Single-family detached	X	X	X	X	X			X	X							
Townhouse						X		X				X ³				
Two-family					X			X								
Multiple-family						P		X				X ³				
Mobile homes							P									
<i>Other housing</i>																
Boardinghouse						X		X								
Fraternity-sorority						X		X								
Student dormitory						X		X								
Transitional home						X		X								
Hotel											X	X	X			
Motel											X	X	X			
Accessory dwelling unit											X ⁴	X ⁴		X ⁴	X ⁴	X ⁴
<i>Institutions</i>																
Assisted living home or facility	P				P						X					
Cemetery	X	X	X	X	X	X	X	X						X	X	X
Church	X	P	P	P	P	X	X	X		X	X	X	X	X	X	X
University, college											P	P	X			
Day care center		Y	Y	Y	Y	X	X	X		X	X	X	X			
Golf course	X	X	X	X	X	X	X	X		X	X	X	X	X	X	X
Hospital, clinic	P					P	P	X		P	X	X	X	X		
Lodge, club, country club	X					P	P	X		X	X	X	X	X	X	X
Nursing home	P					P		X			X					
Nursery school		Y	Y	Y	Y	X		X		X	X	X	X			
Park	X	X	X	X	X	X	X	X		X	X	X	X	X	X	X
Philanthropic institution	P					P		X		X	X	X	X	X	X	X
Museum	P	P	P	P	P	P	P	X		X	X	X	X	X	X	X
Public building	P	P	P	P	P	P	X	X		X	X	X	X	X	X	X
Recreation field	X	P	P	P	P	X	X	X		X	X	X	X	X	X	X
School, public or private, grades K-12	P	P	P	P	P	P	P	X		X	X	X	X	X	X	X
<i>Agricultural uses</i>																
Grain, fruit, field crop and vegetable cultivation and storage	X													X	X	X
Timber tracts, forest nursery gathering of forest products	X													X	X	X
<i>Commercial</i>																
Amusements, commercial, indoor											X	X				
Amusements, commercial outdoor	P										X	X				
Automobile service station									P	X	X			X	X	X
Art or photo studio or gallery										X	X	X	X			
Bakery, retail									X	X	X	X				
Bank									X	X	X	X	X	X	X	X
Barbershop or beauty shop								X		X	X	X				
Boat rental, sale, storage or repair										X	X			X	X	X
Business school									P	X	X	X	X	X	X	X
Campground, travel trailer park										X				X	X	X

Uses Permitted	ZONING DISTRICTS															
	AG	R-S1	R-S2	R-S3	R-D	R-M	R-MH	R-PD ²	R-PD-II	C-N	C-H	CBD	C-PD ²	I-L	I-H	I-PD ²
Catering establishment										P		X	X	X	X	X
Cleaning establishment											X	X		X	X	X
Cleaning, pickup station											X	X	X	X	X	X
Department or discount store								X		X	X	X	X	X	X	X
Drive-in theaters	P										X	X				
Financial services										X	X	X	X	X	X	X
Flower or plant store										X	X	X	X	X	X	X
Garage, commercial										P	X	X	X	X	X	X
Gasoline sales										X	X	X	X	X	X	X
General service and repair shop										P	X	X	X	X	X	X
Greenhouse or nursery, commercial	P									P	X	X	X	X	X	X
Grocery store										X	X	X	X			
Laboratories											X	X	X	X	X	X
Lawn, tree or garden service										P	X	X	X	X	X	X
Laundromat										X	X	X	X	X	X	X
Liquor store											X	X	X			
Lumberyard											X	X		X	X	X
Mobile home sales											X	X		X	X	X
Motor vehicle sales											X	X		X	X	X
Motor vehicle service											X	X		X	X	X
Music or dancing academy										X	X	X	X	X	X	X
Offices										X	X	X	X	X	X	X
Pawnshop										X	X	X	X	X	X	X
Personal service establishment										X	X	X	X	X	X	X
Photofinishing											X	X		X	X	X
Photofinishing pickup station										X	X	X	X	X	X	X
Plumbing shop											X	X		X	X	X
Processing and manufacture incidental to retail establishment											X	X	X	X	X	X
Radio or TV studio											X	X	X	X	X	X
Restaurant and carry-out restaurant										P	X	X	X	X	X	X
Restaurant, drive-in											X	X		X	X	
Retail shop, other											X	X	X	X	X	X
Services, other business and personal									X ⁵		P	X	X	X	X	X
Sheet metal shop											X	X		X	X	X
Tavern, cocktail lounge, nightclub											X	X		X	X	X
Undertaking establishment											X	X	X	X	X	X
Used goods, secondhand sales										X	X	X	X	X	X	X
Vehicle wash										P	P	P		P	P	X
Veterinary clinic	P										X	X		X	X	X
Warehouse											P	X	X	X	X	X
Wholesale display											X	X		X	X	X
<i>Industrial</i>																
Manufacture, storage, distribution of:																
Asbestos products																
Automobile dismantlers and recyclers															X	X
Chemical, cosmetics, drug, soap, paints, fertilizer and abrasive products														X	X	X

CROSSET CODE

Uses Permitted	ZONING DISTRICTS															
	AG	R-S1	R-S2	R-S3	R-D	R-M	R-MH	R-PD ²	R-PD-II	C-N	C-H	CBD	C-PD ²	I-L	I-H	I-PD ²
Contractor's storage, indoor											X	X		X	X	X
Contractor's yard or storage, outdoor											P			X	X	X
Electrical or electronic equipment, appliances and instruments														X	X	X
Explosives															X	
Fabricated metal products and machinery														X	X	X
Food and beverage products except animal slaughter, stockyards, rendering and brewery														X	X	X
Animal or poultry slaughter, stockyards, rendering															X	
Brewery															X	
Furniture and fixtures														X	X	X
Jewelry, silverware, plated ware, musical instruments, toys, sporting goods, office, art supplies														X	X	X
Leather and leather products except tanning and finishing														X	X	X
Leather and leather products, tanning and finishing															X	
Lumber and wood products														X	X	X
Paper products except pulp mills														X	X	X
Petroleum, liquefied petroleum gas and coal products except refining															X	
Petroleum and coal products refining															X	
Primary metal manufacturing															X	
Primary metal distribution and storage														X	X	X
Printing and publishing											X	X		X	X	X
Pulp mills															X	
Radioactive materials															X	
Rubber and plastic products except rubber manufacture														X	X	X
Rubber and plastic products, rubber manufacture															X	
Scrap metal processors															X	
Scrap processing yard															X	
Secondary material dealers															X	
Stone, clay, glass and concrete products															X	
Textile, apparel, products, cotton factoring, grading														X	X	X
Textile, apparel, products, cotton gin															X	
Tobacco products														X	X	X

Uses Permitted	ZONING DISTRICTS															
	AG	R-S1	R-S2	R-S3	R-D	R-M	R-MH	R-PD ²	R-PD-II	C-N	C-H	CBD	C-PD ²	I-L	I-H	I-PD ²
Transportation equipment														X	X	X
<i>Transportation and public utilities</i>																
Airline terminal, freight, service facility												P		X	X	X
Bus terminal or service facility											P	P		X	X	X
Garbage or refuse collection service															X	
Gas, electric, water, sewerage; production, treatment, or service facility	P											P		P	P	X
Landfill	P															
Post office or postal facility															P	
Railroad switching yard, terminal, piggyback yard										P	X	X	X	X	X	X
Telephone service center	P											X	X	X	X	X
Telephone switching center, electric transmission, gas piping, water pumping station	P	P	P	P	P	P	P	P		P	X	X	X	X	X	X
Taxicab dispatch station											X	X		X	X	X
Truck or motor freight terminal service facility														P	P	
<i>Other</i>																
Home occupations	X ⁶	X ⁶	X ⁶	X ⁶	X ⁶	X ⁶	X ⁶	X ⁶								
Metal, sand, stone, gravel, clay, mining and other related processing															X	X
Warehouse, self-service, mini-storage											X	X		X	X	X
Wholesale establishment											P	X		X	X	X

Notes:

¹Site plan review and approval shall be pursuant to and in accordance with the provisions of section 118-42. Any development of three or more acres to be located in a nonresidential district (AG, C-N, C-H, CBD, I-L or I-H) shall require site plan review and approval.

²The planned development districts (R-PD, C-PD, and I-PD) require review and approval of a comprehensive site plan in accordance with section 118-42.

³Permitted as a secondary use only.

⁴A single dwelling unit shall be permitted as an accessory use in conjunction with a commercial or industrial use if such dwelling unit is attached to or located within the commercial or industrial building and is occupied by an employee of the business establishment occupying the commercial or industrial building.

⁵Limited to retail stores for sale of books, gifts, flowers, tobacco, drugs, and sundries in conformance with the regulations of the planned residential development district.

⁶The home occupation shall be in conformance with the definition contained in section 118-2. (Ord. No. A-445, 8-15-83; Ord. No. A-465, § 1, 2-17-86; Ord. No. A-479, § 1, 7-27-87; Ord. No. A-627, §§ 1, 2, 9-21-98; Ord. No. A-638, § 3, 1-18-99)

Sec. 118-507. Bulk regulations (Chart 2).

Zoning District	Primary Uses	Minimum Lot Requirements			Minimum Yard Requirements			Minimum First Floor Area (sf)	Maximum Height (ft.)
		Total	Area Sq. Ft. Per Family	Width (ft.)	Front (ft.)	Side (ft.)	Rear (ft.)		
AG	Agricultural								
	Single-family dwelling	43,560 (1 acre)	1 acre	60	60	5	30	35	
	Institutional uses	1 acre	None	60	60	(1)	(1)	35	
	Country club	1 acre	None	60	60	(1)	(1)	35	
	Other uses	1 acre	None	60	60	(1)	(1)	35	
R-S1	Single-family residential	15,000	15,000	90	30 ²	10	40 ³	1,200	35
R-S2	Single-family residential	13,500	13,500	90	30 ²	10	40 ³	800	35
R-S3	Single-family residential	9,750	9,750	75	25 ²	10	30 ⁴	500	35
R-D	Duplex residential								
	Single-family dwellings, other	13,500	13,500	90	25 ²	10	30 ⁴	500	35
	Two-family dwellings	13,500	6,750	90	25	10	30 ⁴	500 ¹⁰	35
R-M	Multifamily residential								
	Two-family dwelling	8,000	4,000	60	25	10	30	500 ¹⁰	35
	Townhouse dwelling	10,000	3,000	60	25	10 ⁵	30	500 ¹⁰	35
	Multiple-family dwelling	10,000	2,500	100	25	10 ⁶	30 ⁷	500 ¹⁰	45
	Other uses	10,000	NA	100	25	10	30		45
R-MH	Mobile home	4,000	4,000	40	25	5	15	500 ¹⁰	12
R-PD	Planned residential development	3 acres ⁸	(8)	(8)	(8)	10 ⁵ & ⁶	30 ⁷	500 ¹⁰	45
R-PD-II	Planned residential development, two	1.5 acres	4,000	50	10	4	15	500	35
C-N	Neighborhood commercial	None	None	None	25	10 ⁹	30 ⁴		35
C-H	Highway commercial	None	None	None	15	10 ⁹	15		35
CBD	Central business district	None	None	None	15	10 ⁹	None (when abuts residential 15')		75
C-PD	Planned commercial development	3 acres	None	100	30	20	25		35
I-L	Light industrial	None	None	60	25	20 ⁹			45
I-H	Heavy industrial	None	None	60	30	20 ⁹			Unlimited
I-PD	Planned industrial development	5 acres	None	100	50	20	40		45

Notes:

¹Buildings shall be set back, from side and rear lot lines, two feet for each foot of building height.

²A corner lot used for single-family purposes shall have two front yards and two side yards; i.e., no rear yard. A corner lot used for non-single-family purposes shall have two front yards, one side yard, and one rear yard.

³The size of the required rear yard shall be 40 feet or 30 percent of the depth of the lot, whichever is smaller.

⁴The size of the required rear yard shall be 30 feet or 20 percent of the depth of the lot, whichever is smaller.