

**HELENA-WEST HELENA
ARKANSAS**

ZONING CODE

ACKNOWLEDGEMENTS

Mayor

City Council

Planning Commission

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ARTICLE 1. CITATION, PURPOSE, NATURE AND APPLICATION

1.1 Citation: This Code, in accordance with Arkansas Code Annotated §§ 14-46-401 et. seq., shall be known as the Helena-West Helena Zoning Code and may be cited as such.

1.2 Purpose: These Zoning Regulations serve to implement the Future Land Use Plan for the City of Helena-West Helena and to promote, in accordance with present and future needs, the safety, order, convenience, prosperity, and general welfare of the citizens of Helena-West Helena, Arkansas, and to provide for efficiency and economy in the process of development for the appropriate and best use of land, for the use and occupancy of buildings, for healthful and convenient distribution of population, for good civic design and arrangement, and for adequate public utilities and facilities.

1.3 Nature And Application: For the purposes hereinbefore stated, the City has been divided into zone districts in which the regulations contained herein will govern lot coverage; the height, area, bulk, location, and size of buildings; open space and the uses of land, buildings, and structures. In interpreting and applying the provisions of this Zoning Code, they shall be held to the minimum requirements for the promotion of public health, safety, comfort, convenience, and general welfare.

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

No proposed plat of any new subdivision of land shall hereafter be considered for approval by the Helena-West Helena Planning Commission unless the lots within such plat equal or exceed the minimum size and area regulations specified in the applicable land use zoning district of this Code.

1.4 Completion of Existing Buildings: Nothing herein shall require any change in the plans, construction, or designated use of a building under construction at the time of the adoption of this Zoning Code. Nothing herein contained shall require any change in plans, construction, or designated use of a building for which a building permit has been issued within 30 days prior to the adoption of this Code, provided construction is started on said building within 60 days after adoption of this Zoning Code.

1.5 Area Not To Be Diminished: The lot or yard areas required by this Zoning Code for a particular building or use at the time of adoption of this Code or later constructed or established, shall not be diminished and shall not be included as part of the required lot, open space, or yard area of any other building or use. If the lot, open space, or yard areas required by this Code for a particular building or use are diminished below requirements, the continued existence of such building or use shall be deemed a violation and subject to penalties as provided in this Code.

ARTICLE 2. ESTABLISHMENT OF ZONING DISTRICTS AND BOUNDARIES

2.1 Zoning Districts Established: For the purpose of this Zoning Code, the City is hereby divided into land use zoning districts, as follows:

| | |
|------|-------------------------------------|
| R-1 | Single Family Residential |
| R-2 | Mixed-Use Residential |
| R-3 | Multi-Family Residential |
| R-3X | Affordable Housing Residential |
| C-1 | Mixed-Use Central Business District |
| C-2 | Mixed-Use General Commercial |
| C-3 | Mixed-Use Low Impact Commercial |
| I-1 | General Industrial |
| PUD | Planned Unit Development |

2.1.1 Overlay Districts: In addition to the stated zoning districts, certain portions of the city may be designated as special overlay districts. Areas designated as such shall retain the characteristics of the underlying zoning district to the extent that those characteristics are not overridden by the specific provisions set forth as overlays.

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

2.3 Interpretation of District Boundaries: Where uncertainty exists as the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways and alleys shall be construed as following such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following city limits shall be construed as following city limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as parallel to or extensions of features mentioned in the preceding rules shall be so construed.
6. In circumstances not covered by the preceding rules, the Helena-West Helena Planning Commission shall interpret the district boundaries.

2.4 Classification of Annexed Lands: All new additions and annexations of land to the City shall be in an R-1 Residential, Single-Family District, unless otherwise classified by the City Council, for a period of time not to exceed one year from the effective date of the Code annexing said addition or land area.

Within this one-year period of time, the City Council shall instruct the City Planning Commission to study and make recommendations concerning the use of land within said annexation to promote the general welfare and in accordance with the City's comprehensive development plan, and upon receipt of such recommendations, the City Council shall, after the public hearing as required by law, establish the district classification of said annexation; provided, however, that this shall not be construed as preventing the City Council from holding public hearings prior to annexation and establishing the district classification at the time of said annexation.

2.5 Vacation of Public Easements: Whenever any street, alley, or other public easement is vacated, the district classification of the property to which the vacated portions of land accrue shall become the classification of the vacated land

ARTICLE 3. SPECIFIC DISTRICT REGULATIONS

3.1 Residential Districts: Residential Districts shall be in compliance with the following regulations:

3.1.1 General Description: The regulations for the residential zoning districts are designed to carry out or protect the provisions of the city's adopted Future Land Use Plan and other adopted plans that might be affected by land-use regulations. The regulations reflect a number of facts unique to the city's planning area boundary. These facts include the following.

1. The present city represents the consolidation of two cities, Helena and West Helena, each previously administering its own zoning code. This required a consolidation of the two previous codes.
2. Both cities are relatively old, by regional standards and, as such contain a wide variety of building types and condition that must be taken into account.
3. The city of Helen-West Helena has a per capita income well below the state average and thus a significant need for affordable housing and neighborhood services.
4. The area is of historical significant and contains a number or historical sites and structures.

3.1.2 Specific Districts: The following residential districts (1) protect the residential character of the included areas by excluding destabilizing uses, (2) encourage a suitable environment for family life by permitting neighborhood facilities, (3) permit certain community facilities and public utilities for the convenience and general welfare of the people, and (4) preserve openness of the areas and avoid overcrowding by requiring certain minimum yards, open spaces, and site area.

1. *R-1 Single-Family Residential* This is the most restrictive residential district. The principal use of land is for detached single-family dwellings and related recreational, religious, and public facilities normally required to provide the basic elements of a balanced and attractive residential area. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element.
2. *R-2 Mixed-use Residential District* This is a residential district to provide for a slightly higher population density and a greater diversity of housing types, but with basic restrictions similar to the R-1 district. The provisions in this district are also designed to accommodate older neighborhoods in the city that may have varying density levels.
3. *R-3 Multi-Family Residential District* This is a residential district to provide for medium density dwellings and includes a wide variety of housing types. The principle use of land is for single-family, two-family dwellings, townhouses, multiple family dwellings. Recreational, religious and educational uses normally located to service residential areas are also permitted to provide the basic elements of convenient, balanced and attractive living areas.
3. *R-3X Affordable Housing District* This is a residential district to provide for medium density dwellings and includes a wide variety of housing types, including manufactured homes. The principle use of land is for single-family, two-family dwellings, townhouses, multiple family

dwellings. Recreational, religious and educational uses normally located to service residential areas are also permitted to provide the basic elements of convenient, balanced and attractive living areas. The following additional regulations apply to the R-3X District.

A. All single family units constructed in or set up in this district, whether by new construction, addition to and existing unit, placement of a multi-section manufactured or modular home, or combination of three or multiple single-section manufactured home, shall have a minimum dimension on any one side of 20 feet.

B. All single family units or portions thereof constructed or set up in this district and not built on a slab shall have continuous masonry underpinning around any crawl space.

C. All single family units constructed or set up in this district shall have the front door oriented toward the front yard unless approved as a planned unit development.

D. All single family units constructed or set up in this district shall have sloped and shingled roofs unless specifically approved by the Planning Commission.

E. All single family units constructed or set up in this district shall have a covered front landing, accessible by stairs with handrails, of at least six feet by six feet and oriented to the front yard.

F. All single family units shall have either:

- 1) A carport capable of housing two vehicles with a driveway capable of stacking two more for a total of four off-street vehicle parking spaces; or
- 2) A paved drive and parking area capable of providing four off-street vehicle parking spaces.

G. All single family units constructed or set up in this district shall have foundation systems that meet the city's building code or, in the case of manufactured housing, be anchored in accordance with the manufacturer's instructions, the regulations of the Arkansas Manufactured Home Commission, or Federal Housing Administration standards, whichever is most stringent.

H. All units moved into this district from off site shall be new and under warranty or inspected by the city's code enforcement officer prior to being moved on site to ensure compliance with the following standards.

- 1) All roofing material shall be secure without gaps or damaged shingles
- 2) All windows shall be operative without broken panes or damaged trim or screening.
- 3) All exterior siding shall be in place and undamaged. No dented, torn, burned, loose or mildewed siding shall be allowed.
- 4) All kitchen and bathroom facilities shall be fully operational.
- 5) Any attached gutters shall be secure and functional
- 6) All cornice materials shall be in place and undamaged.
- 7) Paint shall be uniform and unblemished.
- 8) Doors shall be plumb and fully operational. No damaged screening or door fixtures shall be allowed.
- 9) All flooring shall be structurally undamaged, and secure. Holes in the flooring, or flooring that is missing, dented, broken, or in a state of damage or decay shall not be allowed.

3.1.2 Uses Permitted: The permitted uses in the residential districts are set forth below. Where the letter "X" appears opposite a permitted use and underneath a residential zoning district, the listed use is permitted in that district subject to (A) the providing of off-street parking in the amount required, (B) conformance to the special conditions applying to certain uses as set forth in Article 5, and (C) the providing of adequate subdivision sites for the appropriate and designed type of dwelling unit or units. Where the letters "SP" appear instead of an "X", this use is permitted subject to acquiring a Special Use Permit as set forth in Article 4.

| PERMITTED USES | ZONING DISTRICT | | | |
|--|-----------------|-----|-----|------|
| | R-1 | R-2 | R-3 | R-3X |
| Bed and Breakfast | SP | SP | SP | SP |
| Club or Lodge, Private | NP | SP | SP | SP |
| Church | SP | SP | SP | SP |
| Community Building | SP | SP | SP | SP |
| Health Center, Institution for Aged or Children | SP | SP | SP | SP |
| Park or Recreational Facility | P | P | P | P |
| School | SP | SP | SP | SP |
| School, Public or Parochial | SP | SP | SP | SP |
| Field Crops, Gardens | P | P | P | P |
| Accessory Uses as defined in Art. X that are accessory to the permitted uses in these districts | P | P | P | P |

| PERMITTED USES (Continued) | ZONING DISTRICT | | | |
|-----------------------------------|-----------------|-----|-----|------|
| | R-1 | R-2 | R-3 | R-3X |
| Single-Family Detached | P | P | P | P |
| Single-Family - Manufactured Home | NP | NP | NP | P |
| Single-Family – Modular Home | NP | NP | NP | P |
| Single-Family Attached | NP | P | P | P |
| Two-Family Dwellings | NP | P | P | P |
| Multiple-Family Dwellings | NP | NP | P | P |
| Manufactured Home - Subdivision | NP | NP | NP | P |
| Manufactured Home - Parks | NP | NP | NP | P |

3.1.3 Units per lot: Where single-family homes or duplexes are permitted, development is limited to one principle structure per building lot. Where duplexes are permitted, development is limited to one principle structure per building lot. For all uses except, "Multiple Family Dwellings" in the R-3 and R-3X District, only one primary structure per lot is permitted in a residential district.

3.1.4 Lot, Yard and Height Regulations: No lot or yard shall be established or reduced in dimension or area in any residential district that does not meet the minimum requirements set forth in the following table. No building or structure shall be erected or enlarged that will cause the maximum lot coverage or maximum height regulations to be exceeded for such district as set forth in the following table. All uses not specifically listed below, e.g. community facilities, public utilities, etc., shall meet the most restrictive area, yard and height requirements listed below for the zone in which they are located.

| Z O N I N G | D I S T R I C T | USE | LOT AREA SQ. FT. | LOT AREA PER FAMILY | LOT WIDTH AT BLDG LINE | F R O N T | SIDE | | | REAR YARD | HEIGHT MAXIMUM STORIES | FT |
|----------------------------|--------------------------------------|----------------------|---------------------------|------------------------------|------------------------------------|-----------------------|----------|---|---|--------------|------------------------------|----|
| | | | | | | | SIDE | | | | | |
| | | | | | | | INTERIOR | CORNER LOT BACKING UP TO SIDE YD. | CORNER LOT BACKING UP TO REAR YD. | | | |
| R-1 | | S.F. Detached | 7,000 | 7,000 | 60 | 20 | 7 | 20 | 15 | 25 | 2-1/2 | 35 |
| R-2 | | S.F. Detached | 6,000 | 5,000 | 60 | 20 | 5 | 20 | 15 | 25 | 2-1/2 | 35 |
| | | S.F. Manufactured | 6,000 | 5,000 | 60 | 20 | 5 | 20 | 15 | 25 | 2-1/2 | 35 |
| | | S.F. Attached | 6,000 | 5,000 | 60 | 20 | 10b | 20 | 15 | 25 | 2-1/2 | 35 |
| | | S.F. Zero Lot Duplex | 4,000 | 4,000 | 40 | 20 | 10a | 20 | 15 | 25 | 2-1/2 | 35 |
| | | Duplex | 9,000 | 4,500 | 70 | 20 | 7 | 20 | 15 | 24 | 2-1/2 | 35 |
| R-3 & R-3X | | S.F. Detached | 6,000 | 5,000 | 60 | 20 | 5 | 20 | 15 | 25 | 2-1/2 | 35 |
| | | S.F. Attached | 6,000 | 5,000 | 70 | 20 | 7b | 20 | 15 | 25 | 2-1/2 | 35 |
| | | Duplex | 8,000 | 4,000 | 80 | 20 | 7 | 20 | 15 | 25 | 2-1/2 | 35 |
| | | Townhouses | 4,500c | 4,500c | 22d | 20 | 7e | 20 | 15 | 25 | 2-1/2 | 35 |
| | Multi-Family | 10,000 | 2,500 | 70f | 20 | 10 | 20 | 15 | 25 | 2-1/2 | 35 | |

Notes:

- a) This shall be a minimum side yard requirement on one side of the dwelling. This allows for each detached dwelling unit to be "offset" on the lot to create a more useable side yard. However, where lots are platted for zero lot line use, any lot located adjacent to any other residential zone or use must provide for a side yard of at least 8 feet on the side directly abutting the other zone.
- b) For unattached sides only.
- c) This area includes both private and common area.
- d) When a side yard is required, the lot width shall be increased by an amount equal to the width of the required side yard.
- e) For unattached sides only.
- f) Minimum lot width shall be increased by 10 feet for each dwelling unit exceeding four, up to a; maximum required width of 200 feet.
- g) For corner lots the side setback next to a street will be 15 feet from the street right of way line.

3.2 Commercial Districts: Commercial Districts shall be in compliance with the following regulations:

3.2.1 General Description: Commercial zoning districts are intended primarily for the conduct of business and the provision of services essential to support the residents in the planning area. Three separate commercial districts are established to provide for the diversity of uses and appropriate locations required for the range of goods and services needed in Helena-West Helena. These include the C-1 Central Business District, the C-2 Quiet Business and Office District, and the C-3 Highway Commercial District.

3.2.2 C-1 Mixed-use Central Business District: This designation applies to the two Central Business Districts or the downtown areas within the city. For the sake of clarity, one will be termed the Riverfront Central Business District and the other will be termed the Plaza district. This recognizes the fact that there were two separated “downtowns” prior to the consolidation of the two cities. The districts are designed to accommodate retailing of all kinds, professional offices, financial institutions, transient facilities, amusement facilities, and limited wholesaling and warehousing. Construction standards shall protect the traditional character of the area and the value of adjacent properties. No building will be constructed or renovated with exposed metal walls on any side. This does not prohibit metal fascia or ornamental trim, nor metal siding of the type customarily used in residential construction.

1) Special Requirements Outside display of merchandise for sale is allowed in this district under the following conditions only:

- A. Sidewalks shall be kept free of any obstruction for a distance of at least five (5) feet from back of curb at all times.
- B. No display or storage of merchandise shall be allowed in any public alley.
- C. Outside display of merchandise shall be allowed only during business hours.

3.2.3 C-2 Mixed-use General Commercial District:

This district is intended to provide space for certain retail and business activities and primarily serves the motoring public. This district will specifically provide for certain commercial uses that do not need to be in shopping areas or the Central Business District or which are inappropriate in such areas. It is characterized by establishments such as motels, drive-in restaurants, automobile-related facilities, and other activities of this nature.

3.2.4 C-3 Mixed-Use Low Impact Commercial District:

This district is intended to accommodate quiet businesses, professional offices and medical and dental clinics together with specified institutional accessory uses. These essentially include facilities which can be located adjacent to or combined with residential uses without undue harmful effects to the residential uses and adjacent areas. Where commercial development exists adjacent to single-family residential zoning, such commercial should not front on local residential streets.

3.2.5 Permitted Uses

| PERMITTED USES | ZONING DISTRICT | | |
|--|-----------------|-----|-----|
| | C-1 | C-2 | C-3 |
| Adult Daycare Center | SP | P | SP |
| Amusement Facility Commercial | P | P | NP |
| Antique or Gift Store | P | P | P |
| Appliance Sales & Service | P | P | SP |
| Automotive Accessory & Supply Store | P | P | SP |
| Automotive & Truck Sales (New & Used) & Service | NP | P | NP |
| Automotive Body Shop | NP | P | NP |
| Automotive Car Wash | NP | P | NP |
| Automotive Service Station, not including body or motor repair or painting | NP | P | NP |
| Bank, Savings & Loan | P | P | P |
| Barber or Beauty Shop | P | P | P |
| Bed and Breakfast | SP | SP | SP |
| Child Care Center – Private (with one on-site dwelling unit) | P | P | P |
| Child Care Center – Public or Non-Profit (with one on-site dwelling unit) | P | P | P |
| Clinic, Dental, Medical or Osteopathic, Chiropractic, Pharmacy | P | P | P |
| Clinic, Veterinary | NP | SP | NP |
| Club or Lodge | P | P | P |
| Convenience Store | SP | P | NP |
| Drug Store | P | P | P |
| Dry Cleaners & Laundry | P | P | NP |
| Eating Place, which does not provide service in automobile (with interior dining facilities) | P | P | P |
| Eating Place W/Service in Automobiles | NP | NP | P |

| PERMITTED USES | ZONING DISTRICT | | |
|---|-----------------|-----|-----|
| | C-1 | C-2 | C-3 |
| Florist Shop | P | P | P |
| Free-Standing Vending Machines | NP | P | P |
| Funeral Home, Mortuary or Undertaking Establishment | P | P | NP |
| Hotel | SP | P | NP |
| Light Industry with Retail Sales | SP | P | NSP |
| Motel | SP | P | NP |
| Mini Storage | SP | P | SP |
| Multi-Family Residential | SP | SP | SP |
| Manufactured Home - Individual | NP | P | P |
| Offices: Professional | P | P | P |
| Public Buildings & Facilities | P | P | P |
| Repair outlet with outdoor storage | NP | NP | SP |
| Retail Establishments with No Outside Display | P | SP | P |
| Retail Establishments - Outside Display | P | P | NP |
| School, Nursery or Day Care | NP | P | P |
| Single-Family Detached Dwelling | SP | P | P |
| Studio, Photographic, Musical | P | P | P |
| Theater, Indoor | P | P | NP |
| Warehousing, Inside Storage Only | P | P | NP |
| Utility Staging Yard W/outdoor storage | NP | P | NP |
| Wholesale Establishment | P | P | NP |
| Wrecker Service | NP | SP | NP |
| Accessory Uses to Permitted Uses | P | P | P |

4) Lot, Yard and Height Regulations No lot or yard shall be established or reduced in dimension or area in any commercial district that does not meet the minimum requirements set forth in the following table. When adjacent to residential zones, building permit may increase setback requirements as appropriate for buffer protection. No building or structure shall be erected or enlarged that will cause the maximum lot coverage or maximum height regulations to be exceeded for such district as set forth in the following table.

| LOT SPECIFICATION | ZONING DISTRICT | | |
|---|-----------------|-------|-------|
| | C-1 | C-2 | C-3 |
| Minimum Lot Area (Square Feet) | 2,500 | 5,000 | 5,000 |
| Minimum Lot Width at Building Line (Feet) | 25 | 50 | 50 |
| Maximum Lot Coverage (Percentage) | 100 | 40 | 50 |
| YARD REQUIREMENTS (IN FEET) | | | |
| A. Minimum Front Yard* | None | 25 | 25 |
| B. Minimum Rear Yard | None | 25 | 25 |
| C. Minimum Side Yard | | | |
| 1) Interior | | | |
| (a) When abutting property in residential district | 10 | 20 | 20 |
| (b) When abutting property in nonresidential district | None | 15 | 15 |
| 2) Exterior | | | |
| | None | 20 | 15 |
| HEIGHT REGULATIONS | | | |
| Maximum Number of Feet | 55 | 30 | 35 |
| Maximum Number of Stories | 5 | 2 | 3 |

*In districts with planned roadway improvements, setbacks shall be measured from the anticipated right-of-way.

3.3 Industrial Districts: Industrial Districts shall be in compliance with the following regulations:

3.3.1 General Description: The industrial districts are intended to provide areas where manufacturing and industrial activities can take place. They are intended to provide space for manufacturing, wholesaling, warehousing, processing, storage, assembling, packaging, and similar types of industrial uses and activities. These industrial districts consist of the following:

1. I-1 - Light Industrial District This industrial use district represents the industrial park areas and also areas suitable for the location of industries which place a heavy emphasis on aesthetics and public relations as evidenced by the nature of their operations which is not detrimental to nearby residential and quiet business districts and by their allocation of an ample amount of the site for landscaping, paved off-street parking, and setbacks from surrounding property lines.
2. I-2 - General Industrial District This industrial district is intended for general and customary industrial uses and activities as listed above in association with the I-1 district, but including also the bulk storage of liquids and solids outside buildings and in the open spaces and the storage and assembly of goods and materials in the open areas outside enclosed buildings.

3.3.2 Permitted Uses: The permitted uses in the industrial districts are set forth below:

1. I-1 - Light Industrial District Property and buildings in the I-1 Industrial District shall be used only for the following purposes:
 - A. Manufacturing, compounding, processing, packaging, and/or assembling of products which, by the nature of the operation, does not produce noise, dust, odor, or vibration that is detrimental or dangerous to the health, safety, or general welfare of the community.
 - B. Any business, commercial, or industrial uses which do not create unusual hazards of fire, explosions, noise, vibration, dust, or the emission of smoke, odor or toxic gases. No use which would involve the manufacture, processing, or storage of any material or goods which has a high hazard of fire, explosion, or of a toxic nature shall be permitted as a use by right in the I-1 Light Industrial District.
 - C. Dwellings for resident watchmen and caretakers employed on the premises.
2. I-2 - General Industrial District Property and buildings in the I-2 Industrial District shall be used only for the following purposes:
 - A. Permitted uses in the I-1 Light Industrial District as stipulated above in Subsection 3.3.2.
 - B. Uses or activities which involve in addition to customary and normal manufacturing and industrial processes the storage of bulk materials when it is found that the specific location and the safeguards provided so reduce the danger from fire or explosion as not to be dangerous to the health, safety, or general welfare of the community and especially nearby properties.
 - C. While the permitted uses described above in Sub-paragraphs (a) and (b) are permitted in the I-2 District by right, the following provisions pertain to extraordinary situations and those which do not mesh with the stipulations and regulations prescribed above in

this subsection. Industrial uses having unusual accompanying hazards, such as fire, explosion, noise, vibration, dust, or the emission of smoke, odor, or toxic gases may, if not in conflict with any law or ordinance in the City of Helena-West Helena or the State of Arkansas, be located in the I-2 Industrial District only after the location and nature of such use shall have been approved by the City Council after public hearing and report by the Planning Commission as normally required. The City Council shall review the plans and statements and shall not permit such buildings, structures, or uses until it has been shown that the public health, safety, morals and general welfare will be properly protected, and that necessary safeguards will be provided for the protection of surrounding property and persons. The City Council, in reviewing the plans and statements, may consult with other agencies created for the promotion of public health and safety, and may attach such special conditions or safeguards as it deems necessary to protect the public interest, health and safety. With regard to the situations described herein, the approval of the Planning Commission and the City Council shall be in accordance with the stipulations and requirements pertaining to special permit uses as contained in Article 4. This means that the use so allowed is not by right but rather by special permit.

3.3.3 Area Regulations: The following area regulations apply to uses and activities located in the two industrial districts.

1. I-1 - Light Industrial District: The following area requirements apply to all properties, activities and uses in the I-1 Light Industrial District:

- A. All structures shall be built at least 40 feet from the front property line and 25 feet from all other property lines, except that, where property abuts a railroad where siding facilities are utilized, structures may be built up to railroad property lines.
- B. Maximum lot coverage shall not exceed 35 percent of the lot area.
- C. The maximum height of a structure shall be 2 stories or 35 feet.
- D. Off-street parking and loading shall be provided in accordance with the regulations contained in Article VI.

2. I-2 - General Industrial District The following area regulations shall apply to all properties, buildings, and uses located in the I-2 General Industrial District.

- A. All structures shall be built at least 25 feet from all property lines, except that where the property abuts a railroad where siding facilities are provided or utilized, structures may be built up to and adjacent to the railroad property line.
- B. Buildings and structures shall not exceed 50 percent of the lot area.
- C. The maximum height of a structure shall be 3 stories or 45 feet.
- D. Off-street parking and off-street loading shall be provided in accordance with the regulations contained in Article VI.

E. All bulk storage of goods or materials must be located within the confines of structures, or enclosed entirely by a sight-proof fence not less than 6 feet nor more than 8 feet in height so that said goods or materials may not be seen from the street or any adjacent property. Said screening adjacent to railroad siding facilities is not required.

These are the area requirements that pertain to all properties, uses and activities located in the two industrial districts.

3.4 Planned Unit Development – PUD: Planned Unit Development (PUD) shall adhere to the following regulations:

3.4.1 General Description: The purposes of this zone are to promote flexibility and innovation in the design of large-scale developments and to encourage the use of vacant, in-fill parcels in the built up portion of the city. The zone also promotes the inclusion of open space into project design. The Planned Unit Development (PUD) is a superimposed description that provides wider latitude of design to achieve the goals stated above.

3.4.2 Concept: In concept, the PUD is a combination of zoning designation and development plan. A detailed development plan is required for permitting. Development must follow the development plan exactly. Failure in this respect will result in reversion of the property to the original zoning. Although design innovation is encouraged, and flexibility is allowed, the PUD may not be used simply as a method of avoiding zoning regulations. The Planning Commission shall consider a PUD proposal only if it meets one of the following threshold criteria.

1. The PUD will allow the development of an infill parcel in the developed portion of the city that could not feasibly be made productive under normal zoning regulations.
2. The PUD would further the city's goal of providing housing for all economic segments of the city and its Planning Area Boundary.
3. The PUD involves a large parcel in which flexibility would allow high quality or innovative urban design.
4. The PUD would aid in the elimination of slums and blight within the city and its Planning Area Boundary.
5. The PUD design results in a minimum of 30 percent of the total development reserved as permanent open space.

3.4.3 Nature of Development: PUDs may be residential, commercial, industrial or mixed-use in nature. The development plan shall clearly depict the proposed land uses. There are no minimum lot size restrictions for PUDs; however, the Planning Commission will consider PUDs on less than one acre only under special circumstances.

3.4.4 Application Process: The applicant for a Planned Unit Development permit shall be the owner(s) of the property or the party designated to act as agent for the owners(s). The responsibilities of the applicant are as follows:

1. Pre-application Conference Each prospective applicant shall confer with the City Staff in connection with the preparation of the application prior to the submission. At this conference, the following information and data shall be considered.

- A. The boundaries of the property
- B. Existing easements and covenants affecting the property

- C. Physical characteristics such as drainage, topography, vegetation and existing structures.
- D. Development characteristics such as surrounding land uses, existing streets and availability of utilities.
- E. Elements of the proposed layout such as land uses, open spaces, community facilities, densities, traffic flow and estimated impact on traffic and adjacent land uses.

2. Development plan submittal: No less than 20 days prior to the Planning Commission meeting at which the proposed Planned Unit Development is to be reviewed, the applicant shall submit ten (10) copies of the proposed development plan to the staff. The purpose of the Development Plan is to provide information at a level of detail adequate to allow the Planning Commission and City Council to approve the zoning phase of the PUD but not require complete engineering and survey drawings from the developer. To this end, the city staff or appointed consultant may require additional information as necessary to permit an appropriate review of the submittal. The Development Plan shall include the following as a minimum.

- A. A development plan drawn to scale
- B. Name of developer
- C. Name and address of owner
- D. Type of activity
- E. Schematic Building footprints for the individual buildings to be included in the PUD
- F. Rough topographic contours at two (2) foot intervals
- G. General location of all easements existing or proposed.
- H. Scaled schematic of all drives, access-ways, alleys, parking lots and any streets proposed.
- I. Proposed landscaping
- F. Open space and community facilities, if any, proposed as part of the PUD
- G. Names of the owners of adjacent properties
- H. Zoning classifications of adjoining properties
- I. Exterior lighting and speakers

3. Development Plan approval: Following review of the Development Plan, the Planning Commission may approve the plan and forward it to the City Council, approve the plan with amendments, or deny it. Upon City Council approval of the Development Plan by ordinance, the developer may proceed with preparation of a detailed construction plan.

4. Construction Plan submittal: Following approval of the Development Plan by the Planning Commission and City Council, the developer shall prepare and submit to the staff, or the city's appointed professional, a detailed construction plan. on vellum accompanied by an electronic version of the same in a format compatible with AutoCad® in the version required by the city. Survey information shall be prepared Professional Surveyor (P.S.) Drainage and utility calculations shall be prepared by a Professional Engineer (P.E.) The stamps of the individuals responsible for the various elements shall be indicated on the drawing. The Construction Plan shall include all information included in the Development Plan, except where more detailed information is required, plus the following.

- A. Detailed Building footprints for the individual buildings to be included in the PUD
- B. Topographic contours at two (2) foot intervals
- C. Location of all existing and proposed private and public utilities.

- D. Location of all easements existing or proposed.
- E. Street rights-of-ways and street names.
- F. Location of all drives, access-ways, alleys, parking lots and any streets proposed to be dedicated.
- G. Construction drawings, including a drainage plan, as necessary to support the proposals outlined in the development plan.

5. Construction Plan approval: If the Construction Plan conforms to the approved Development Plan, the staff shall approve the submittal and issue a Notice to Proceed with construction of the PUD. If the staff cannot determine that the Construction Plan conforms to the Development Plan, the Construction Plan the staff shall forward it to the Planning Commission for review.

3.4.5 Uses Permitted: The PUD submittal will include a listing of the proposed land uses and the amount of land devoted to each.

3.4.6 Regulations: The regulations for PUD are as follows:

1. Residential Lot Size: No minimum lot sizes are established, per se, so the housing can be clustered or otherwise concentrated or arranged in planned locations on the site to take advantage of its natural features.
2. Open Space Reservation: In any Planned Unit Development, the amount of land not used by buildings, accessory structures, and yards but required by the zoning of the site, shall be maintained open space for the purpose of providing parks, recreational facilities, ways for pedestrian movement and circulation, and conserving visually pleasing elements of the environment. Prior to the sale of any lot, site, home or other structure a bond of sufficient surety determined by the City's Engineer shall be posted with the City for completion of said open space improvements prior to such sale. The development plan shall clearly depict the amount of land to be maintained as permanent open space.
3. Development Density: The development plan shall clearly depict the proposed density by land use category.
4. Property Owners' Association: As part of the plan proposed for any Planned Unit Development, the developer shall submit a set of covenants running with the land providing for an automatic membership in the Property Owners' Association, to be an incorporated nonprofit organization, operating under recorded land agreements, through which each property owner in the Planned Unit Development is automatically subject to a charge for an appropriate proportionate share of the expenses for maintaining the common property, open space and/or other activities of the Association. Once established, the covenants shall continue and remain in force during the entire existence of the Planned Unit Development.
5. Responsibility for Open Space: Nothing in this Section of the Code shall be construed as a responsibility of the City of Helena-West Helena, either for maintenance or liability of the following, which shall include but not be limited to: any private open areas, parks, recreational facilities, and a hold harmless clause shall be incorporated in the covenants running with the land to this effect. It shall be provided further, however, that when an owner of a Planned Unit Development desires to dedicate certain land areas to the City for public parks and recreational facilities, and the City approves the nature and location of such lands, and accepts the dedicated

areas, the City shall be responsible for the operation and maintenance of these lands and properties.

6. Common Open Spaces: The size, shape, dimension and location of the common open spaces shall be determined by the Planning Commission in conjunction with the developer or subdivider with consideration being given to the size and extent of the proposed development and the physical characteristics of the land being developed. Consideration should also be given in providing parks, recreational facilities, both active and passive, and pedestrian walkways.

7. Common open space shall be guaranteed by a restrictive covenant describing the open space and its maintenance and improvement running with the land for the benefit of the residents of the planned unit development. The developer shall file, at the time the approved final plat is filed, legal documents that will produce the aforesaid guarantees and, in particular, will provide for restricting the use of common open spaces for the designated purpose.

8. Landscaping Plan: In order to minimize the disturbance of the natural environment, a general landscaping plan shall be required at the time of development plan submission showing the spacing, sizes, and specific types of landscaping material. The Planning Commission shall review the landscaping plan in conjunction with the review of the development plan.

9. Existing Vegetation: The preservation of the natural amenities within the planned unit development shall be given due consideration which shall include topography, trees, and ground cover, natural bodies of water, and other significant natural features. Existing trees shall be preserved wherever possible. The location of trees shall be considered when planning the common open space, location of buildings, underground services, walks, paved areas, playgrounds, parking areas, and finished grade levels. The Planning Commission shall inquire into the means whereby trees and other natural features will be protected during construction. Excessive site clearing of top soil, trees and natural features before the commencement of building operations shall be discouraged by the Planning Commission.

10. Vehicular Circulation: The vehicular circulation system shall be designed so as to permit smooth traffic flow with minimum hazards to pedestrian traffic. Minor streets within planned unit development shall not be connected to streets outside the development in such a way as to encourage their use by through traffic.

11. Pedestrian Circulation: The pedestrian circulation system and its related walkways shall be insulated as reasonably as possible from the vehicular movement. This shall include, when deemed to be necessary by the Planning Commission, pedestrian underpass or overpass in the vicinity of schools, playgrounds, local shopping areas, and other neighborhood uses that generate a considerable amount of pedestrian traffic.

12. Land Subdivision In the construction and installation of all subdivision improvements in the planned unit development, said improvements shall conform to all requirements and standards as set forth in the City's Subdivision Regulations, unless exception to the requirements is approved by the Planning Commission and the by the City Council.

13. Private Streets: In the future, should the owners of a PUD request that the private streets be changed to public streets, the owners do fully agree that, before the acceptance of such streets by the City, the owners will bear full expense of reconstruction or any other action necessary to make the streets fully conform to the requirements applicable to public streets, prior to dedication

and acceptance. The owners also shall agree that these streets shall be dedicated to public use without compensation to the owners.

3.4.7 Review Process: The Planning Commission shall review the proposed PUD Development Plan after proper submittal of all documents and review by the appropriate city staff. The following criteria will govern the approval or disapproval of the PUD application by the Planning Commission.

1. The PUD shall provide public benefits that would not be achievable through the normal zoning regulations
2. The PUD shall maintain the same or higher level of service (LOS) for the surrounding traffic system.
3. The PUD shall conform in size, shape, and bulk to those in surrounding developments. The Planning Commission may make exceptions when adequate buffering is included with the PUD to shield adjoining uses from the adverse effects of higher land use intensities. The Planning Commission may also make exceptions when the PUD clearly represents a transitional development between developments or neighborhoods of differing densities or intensities of use.
4. The PUD shall be compatible with the all adopted plans and policies of the city, including the Master Street Plan. If the PUD is not consistent with any of such plans or policies, the application must include with the PUD submittal a request to amend such plans or policies.
5. The PUD shall be designed in such a manner as to protect the public health, welfare and safety of the residents of the neighborhood in which it is located.
6. The PUD must be of a character and contain such uses that are needed in the area of the proposed project.
7. Approval of a PUD cannot result in the violation of regulations in the Arkansas Fire Prevention Code or in regulations issued by the Arkansas Health Department. Approval of the PUD cannot result in the reduction of standard engineering practices or in the drainage or water quality requirements of the city.

3.4.8 Denial of a PUD: Individuals appealing a denial of a PUD Development Plan shall follow the same procedures as those for appeal of a re-zoning request.

3.4.8 City Council Approval: Planned Unit Developments represent zoning districts and must be approved by the City Council. However, the development shall be in accordance with the approved Development Plan. The Planning Commission must approve any contemplated deviation from the approved development plan. Upon approval by the Planning Commission, all recommendations shall be submitted to the (CITY) City Council for approval. The (CITY) City Council has the authority to require reasonable plan changes for the Planned Unit Development as a prerequisite to approval. Any dedications of streets or easements to the city must be included in the ordinance approving the PUD.

3.4.9 Amendments: Following City Council approval the staff may approve minor revisions to the site plan if:

1. No changes are made to either the access or the egress to the PD.
2. Any changes to internal traffic arteries do not alter overall traffic patterns, size of streets, or functional classification of streets.
3. No new streets are proposed for dedication.
4. No new private streets are proposed.
5. Overall residential density is not increased.
6. Overall drainage patterns are not altered.
7. No additional loads are placed on municipal utilities.

8. Retail and office space is not increased by more than five percent.
9. No open space is dedicated for public maintenance.

3.5 Overlay Districts: In addition to the zoning districts outlined above, the city may, from time to time, establish overlay districts in certain specified areas. The purpose of overlay districts is to allow special treatment of corridors and areas whose proper development is key to the future economic well-being of the city. Overlay districts either add to or reduce the requirements of the underlying district. They are designed to enhance the defined areas in such a way as to further carry out or protect provisions of the existing land use plan.

3.6 Biscoe-Columbia Street Gateway Overlay District: The following regulations apply within the Biscoe-Columbia Street Overlay District.

3.6.1 Purpose: The purpose of the Biscoe-Columbia Street Gateway Overlay shall serve as follows:

1. To protect and enhance the Biscoe-Columbia Street Gateway such that the corridor will provide an attractive and pleasing entryway to the Riverfront Downtown of Helena-West Helena.
2. To preserve and protect the economic value and viability of property within the gateway overlay district.
3. To create a distinctive boulevard atmosphere along the Biscoe-Columbia Street Gateway.
4. To create development standards and land use regulations in keeping with the intent of overlay district.

3.6.2 Boundaries: The boundaries of the district include all those lands lying within 400 feet of the center line of Biscoe Street from its intersection with U.S. Highway 49 to its intersection with Arkansas Street and all those lands lying within 200 feet of the center line of Columbia Street from its intersection with Arkansas Street to its intersection with Porter Street.

3.6.3 Application: These regulations shall apply to all properties falling within the boundaries described in Section 3.6.2. The regulations shall be in addition and shall overlay all other zoning, subdivision, and signage regulations. Therefore, properties falling within the boundaries of the overlay district shall be bound to all zoning, subdivision, and signage regulation in addition to being bound by regulations of the overlay district. Where the requirements or standards of the overlay district conflict with other regulations, the requirements and standards of the overlay district shall control. Where at least twenty-five (25) percent of a property's area falls within the bounds of the overlay district, the requirements and standards of the overlay district shall apply to the entire property.

3.6.4 Site and Development Standards: The following regulations apply to development or redevelopment in the overlay district.

1. Area Regulations: All buildings north of Arkansas Street shall have a minimum setback of at least fifteen (15) feet from the edge of the right-of-way. All buildings south of Arkansas Street shall have a minimum front yard setback of at least twenty-five (25) feet from the edge of the right-of-way.
2. Sidewalks and Greenspace Setback: Sidewalks five (5) feet in width and setback five (5) feet from the back of curb or edge of street are required on either side of Columbia and Biscoe Streets. South of Arkansas Street, sidewalks of at least eight (8) feet in width and setback eight (8) feet from the edge of street or back of curb shall be required on the east side of Biscoe Street.

3. **Street Trees:** Street trees are required to be planted at an interval of one (1) every thirty (30) linear feet. These trees shall be planted within the greenspace setback between the edge of the street and the sidewalk. The trees shall be selected from a list or approved trees provided by the administrative official.
4. **Street Lighting:** Visually appropriate decorative street lighting shall be required at an interval of one (1) lighting pole every two hundred (200) feet. Street lighting shall be placed within the greenspace setback between the edge of the street and the sidewalk. The street lighting shall be selected from an approved standard provided by the administrative official.
5. **Landscaping:** A minimum of twenty-five (25) feet of landscaped green space exclusive of right-of-way shall be provided along the roadway right-of-way of Columbia or Biscoe Street and any public street to which the development has frontage. North of Arkansas Street this requirement shall be reduced to fifteen (15) feet.
6. **Building Facades:** All buildings shall be required to have a front façade facing Biscoe or Columbia Street. Front building facades shall be required to be constructed of wood, masonry, or rock. No front façade shall be allowed to be constructed of corrugated metal.
7. **Signage:** All freestanding signs shall be ground mounted and shall not exceed eight (8) feet in height. All flashing or intermittent illumination signs are prohibited.
8. **Building and Parking Placement:** Within the overlay district building placement at the minimum setback or building line is encouraged. Placement of parking is encouraged within the side or rear yard. Shared parking agreements may be permitted through review and approval by the planning commission.



3.6.5 Review Procedure: All development within the overlay district, except for the construction of a single-family home in a platted subdivision, shall be reviewed through the special permit procedure (Article 4).

ARTICLE 4. SPECIAL PERMIT USES

4.1 Nature and Description: Certain uses may or may not be appropriately located within various districts throughout the City of Helena-West Helena due to their unusual or unique characteristics of operation and external effects. Given their unusual character, special consideration must be given each application so as to provide for such reasonable conditions and protective restrictions as are deemed necessary to protect the character and integrity of the area in which uses are proposed to be located. The uses listed under the various districts herein as "special permit uses" are so classified because they more intensely dominate the area in which they are located than do other uses permitted in the district; however, the nature of such uses makes it desirable that they be permitted to locate therein.

4.2 Uses: The following provides clarification of restriction and permission of uses in specific districts:

4.2.1 Uses Restricted to Specific Districts: Uses which are listed in various districts as "special permit uses" may be located only in the district or districts so designated under the Permitted Uses Table governing that district.

4.2.2 Uses Permitted in Any District: The following special uses may be authorized in any district in accordance with the procedure described herein in Section 3:

1. Cemetery or mausoleum.
2. Hospital or sanatorium.
3. Landing field or strip for aircraft.
4. Radio tower or broadcasting station not covered by the Telecommunications Act of 1996.
5. Removal of gravel, topsoil or similar natural material.
6. Churches and other places of worship.

4.3 Procedure for Authorizing: The following procedure is established to integrate properly the special permit uses with other land uses located in the district. These uses shall be reviewed and authorized or rejected under the following procedure:

1. An application shall be filed with the City Planning Commission for review. Said application shall show the location and intended use of the site and existing land uses within 200 feet and any other material or information pertinent to the request which the Planning Commission may require.
2. The City Planning Commission shall hold a public hearing thereon. At least fifteen days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Helena-West Helena. The Public Notice shall give the particular location of the property and the type of use for which the permit is requested. Additionally, the City Building Official shall post on the property in a conspicuous location a sign which shall notify the general public of the proposed use and the public hearing date, time and place.
3. In considering an application for a Special Use Permit, the Planning Commission shall give due regard to the nature and condition of all adjacent uses and structures. The Planning Commission may deny an application for a Special Use Permit, or, in granting such a permit, may impose such requirements and conditions with respect to location, construction, maintenance and operations as it may deem necessary for the protection of adjacent properties and the public interest.

5. A majority vote of the entire Planning Commission shall be required to recommend approval of a Special Permit application to the City Council.

6. The City Council, by a majority vote, may approve a recommended Special Permit application, may approve in a modified form, or may reject the application. No application for a Special Permit use may be re-filed for a period of 12 months from the date of final disapproval of such application

7. A Special Use Permit shall run with the land; however, any expansion of the original development authorized by Special Use Permit that exceeds 100 square feet or an estimated construction cost of \$10,000 shall require a new Special Use Permit.

4.4 Fees: Before any action shall be taken as provided in this section, the petitioner shall deposit with the City Clerk the appropriate fee as set by the City Council. This fee is non-refundable regardless of the outcome of the action.

ARTICLE 5. SPECIAL PROVISIONS

5.1 Accessory Buildings: Accessory buildings shall conform to the following regulations.

5.1.1 Location: An accessory building may be built within a rear or side yard when located at least 5 feet from both the rear and the side lot line and is not located within any public easement.

5.1.2 Carports: All metal Carports when installed in front yards or side yards next to streets, shall be subject to the same setbacks as govern for the particular zone as listed in Article 3, Section 3.1.3 and Article 3, Section 3.2.3. When installed in a rear yards away from the street side they shall comply with accessory building setback requirements.

5.2 Child Care Facilities: Child care facilities shall conform to the following regulations.

5.2.1 Child care not requiring city approval or permits: The following do not require city approval or permits.

1. Registered Child Car Family (see Article 13)
2. Relative Child Care Family Home (see Article 13)
3. In-home Child Care Provider (see Article 13)

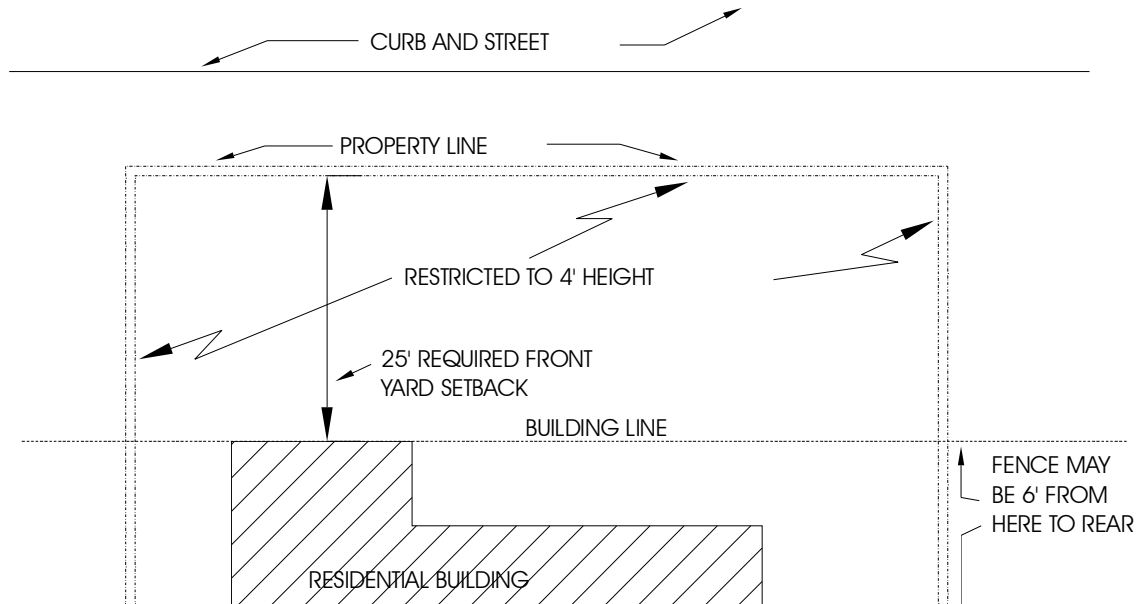
5.2.2 Child Care Family Homes (See Article 13): The following applies to Child Care Family Homes in residential zones.

1. The centers shall be located in a single-family dwelling which is the permanent residence of the operator and shall be operated in a manner that will not change the character of the residence.
2. The dwelling shall be located on a lot having not less than 6,000 square feet of area. All portions of said lot used for outdoor play space shall be located behind the front building setback line and shall be fenced with an opaque fence not less than 6 feet in height.
3. The dwelling shall meet all City, County, and State Health Department requirements as to safety, design, facilities, equipment, and other features, and the center shall be operated in a manner that will not adversely effect other properties and uses in the area.
4. An off street parking space shall be provided for each employee of the center.
5. An off street parking space shall be provided for use as a drop off point for discharging children at the center.
6. City Fire chief Inspection and approval required.
7. Special Permit Required.

5.2.3 Child Care Centers: The following applies to Child Care Centers.

1. See permitted uses in Section 3.2
2. City Fire Chief Inspection and approval required.

5.3 Fences: An ornamental fence, hedge or wall not more than 4 feet in height may project into or enclose any front or side yard. Ornamental fences, hedges, or walls may project into the side yard from the front building line of the structure to the rear lot line, provided such fences and walls do not exceed a height of 6 feet.



5.4 Flammable Liquids and Gases: The storage of flammable liquids and gases shall comply with the State of Arkansas Fire Prevention Code.

5.5 Height Requirements: Chimneys, cooling or water towers, elevators, bulkheads, fire towers, monuments, stacks, storage towers, tanks, spires, church steeples, radio towers or necessary mechanical apparatus may be erected to any height not in conflict with any other ordinance of the City.

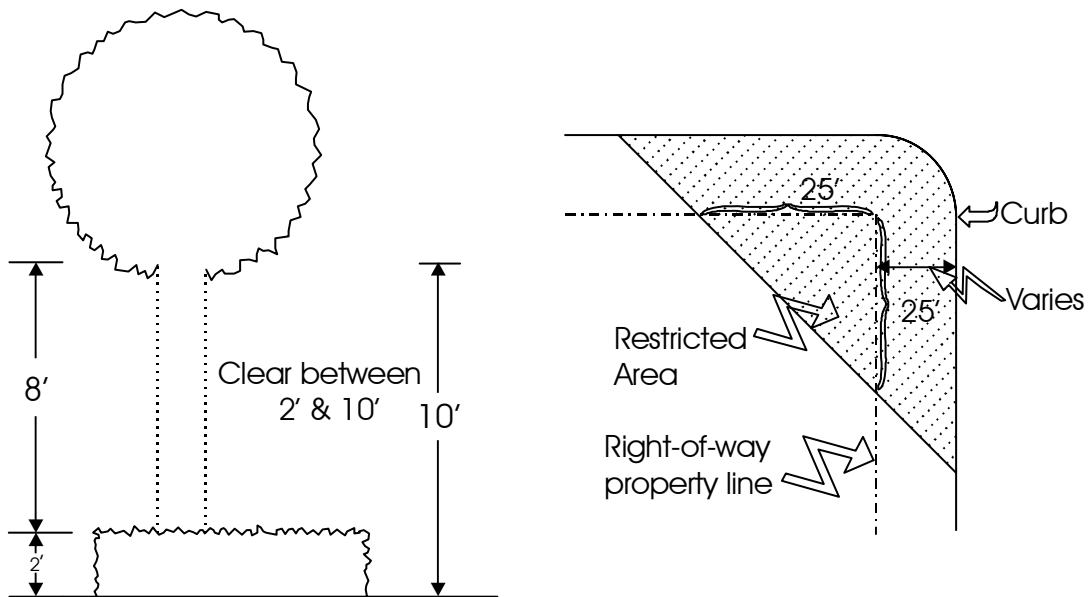
Public, semi-public, or public service buildings, hospitals, institutions, churches and schools, when permitted in a district, may be erected to exceed height limits specified for the district, provided all required yards are increased by one foot for each foot of building height above the specified height limit.

5.6 Home Occupations: An occupation may be carried on in a residential structure in a residential zone only if the following are complied with:

1. It does not involve the use of commercial vehicles operating from or parking at the residence.
2. It does not require the use of more than two rooms otherwise normally considered as living space.
3. It does not require the use of an accessory building or of yard space or an activity outside the main structure not normally associated with residential uses.
4. It does not involve the external display of goods and services.

5. The occupation must be carried on only by the occupant family of said residence.
6. It will permit no more than one customer to park at the home at any time.

5.7 Visibility at Intersections: Visibility at intersections shall comply with the following diagram:



5.8 Service Station Pumps: Service station pumps and pump islands may occupy the required yards provided, however, that they are not less than 15 feet from all property lines.

5.9 Vehicular Storage and Parking in a Residential Zone: The following provisions shall apply.

1. Storage and parking of motor homes, trailers (camping, hauling, travel, or other type) at any dwelling or within any residential zone shall be limited to one week, unless trailer or motor home is located behind the front yard building line.
2. Occupancy of Camping or Travel Trailers or Motor Homes shall not be allowed, neither temporarily nor permanently, when stored or parked within the incorporated limits of the city of Helena-West Helena unless parked in an approved zone.
3. Parking of Commercial Vehicles not exceeding one and one-half tons may be allowed at a rate not to exceed: one per family living on the premises.
4. Storage or Parking of Commercial Vehicles (previously or currently used as commercial) exceeding one and one-half tons shall not be allowed in a Residential Zone

5.10 Mining, Excavation, And Material Storage: Mining, including extraction of clay, gravel or sand; quarrying of rock or stone; earth moving and excavation; depositing of construction material, clay, earth, gravel, minerals, rocks, sand or stone on the ground shall not be construed to be a permitted use in any district unless and until a Special Use Permit is issued by the Planning Commission, except for the following defined extractions and deposits:

- 1) Grading of any parcel of land for a permitted use where no bank is left standing and exposed of more than 10 feet in vertical height.
- 2) Grading in a subdivision which has been approved by the City in accordance with the City of Helena-West Helena Subdivision Regulations.
- 3) An extractive operation existing and operating as such on the effective date of this Code.

The Planning Commission may grant Special Use Permits, revocable and valid for specified periods of time to permit mining or extraction from, or deposits on, the ground of rock, stone, gravel, sand, earth, minerals, or construction materials.

5.11 Construction Within Floodplain Area: It is intended that this section be applied in a uniform manner to those properties within the City of Helena-West Helena which are subject to inundation under the 100-year frequency flood conditions. The boundaries of the floodplain area shall be determined from the Flood Hazard Boundary Map or the Flood Insurance Rate Map as prepared by the Federal Insurance Administration or the Federal Emergency Management Agency as may be updated from time to time. In cases where such maps identify within the floodplain an area of the channel or stream bed called the floodway, no building or structure of any type shall be allowed within said floodway. Otherwise, any proposed structure within a floodplain area as defined above shall comply with the following criteria:

- 1) Structures shall have the lowest floor (including basement) elevated to no less than 1 foot above the Base Flood Elevation.
- 2) Nonresidential structures together with attendant utility and sanitary facilities shall be flood proofed up to the level of the 100-year flood in compliance with the Building Code of the City of Helena-West Helena.

For any such structure proposed within the defined floodplain area, it shall be the responsibility of the applicant for a building permit to furnish sufficient engineering data so that the City may clearly determine full compliance with this section.

5.12 Manufactured Home Parks: All new Manufactured Home parks that are established or existing or Manufactured Home parks which are expanded after the effective date of this Code shall comply with all of the regulations and standards contained in this section. Parks shall be established on large, well-drained tracts of land and no parcel of land containing less than 2 acres shall be used for a Manufactured Home park.

5.12.1 Development Standards: Manufactured Home Parks are required to meet the terms of the following guidelines:

1. The park shall be located on a well-drained site properly graded to insure rapid drainage or freedom from stagnant pools of water.
2. Manufactured home spaces shall be provided consisting of a minimum of 4,500 square feet for each space which shall be at least 45 feet wide and clearly defined.
3. The minimum front yard setback shall be twenty feet to the front lot line of the manufactured home park. Additionally, each manufactured home unit shall be set back at least 20 feet from all internal drives and access routes through the manufactured home park.
4. The park shall be designed to accommodate a minimum of five manufactured homes.
5. Manufactured homes shall be so harbored on each space that there shall be at least a 20 foot clearance between the manufactured homes.
6. All manufactured home spaces shall abut a hard-surfaced driveway of not less than 20 feet in width, which shall have unobstructed access to a public street.
7. Internal streets and drives shall be designed for safe and convenient access to all manufactured home spaces. All such internal drives shall be privately owned, built, and maintained. Such roadways shall be at least 20 feet in width and shall be constructed with a bituminous or concrete surface.
8. Each manufactured home space shall be provided with two off-street parking spaces each 9 feet by 20 feet in dimension.
9. Manufactured home parks must set aside open space as required by the Health Department of the State of Arkansas.
10. Manufactured homes shall be set up and anchored according to the manufacturer's instructions as recognized by the Arkansas Manufactured Home Commission.

5.12.2 Approval Procedure: All licenses and permits as required by the City of Helena-West Helena in this or other applicable Ordinances shall be fully complied with before the park is open to tenants. The owner or developer shall submit a Letter of Intent and the preliminary plans for development of the Manufactured Home park to the Planning Commission for review and approval prior to preparation of a final plat to insure conformity with plans and regulations. The preliminary plans submitted shall include an approval by the Helena-West Helena Light and Water Company, the Gas Company, and any other utilities or City governmental departments that may become involved in the final development of the site. The Manufactured Home park owner and developer shall submit evidence indicating that he is responsible for the complete cost of the development including site preparation, Manufactured Home spaces, installation of all utilities, driveways, parking areas, park facilities and recreational facilities.

After review of the Letter of Intent, preliminary plans, and other information submitted by the developer, the Planning Commission may approve these plans if it finds that all appropriate regulations have been complied with. After approval by the Planning Commission, the developer shall cause to be prepared a final plat of the proposed Manufactured Home park lot. This plat shall be prepared by a Registered Professional Engineer in accordance with the Land Subdivision and Development Code of the City of

Helena-West Helena. A building permit for construction of the park cannot be issued until a final plat has been approved for the Manufactured Home park site.

5.13 Manufactured Homes: The establishment, location, and use of manufactured homes as individual-site single-family residences shall be permitted in the R-3X by right, subject to all requirements and limitations applying generally to such residential use in each of the respective districts, and provided such homes shall meet all of the following requirements and limitations:

- 1) The home shall meet all requirements as defined in Article XIII and must possess all necessary building and occupancy permits and other certifications required by the City for a dwelling unit.
- 2) The home must be appropriately sited on the lot, with the front of the home oriented to the front of the lot, and all required setbacks (front, side and rear) of the zoning district in which the home is located must be met without any exceptions or variances.
- 3) The home shall be installed in accordance with the manufacturer's instructions as recognized by the Arkansas Manufactured Home Commission, including site preparation, pier foundations-footings, pier support columns, and anchoring. Installation shall include the construction of a perimeter foundation enclosure. The enclosure shall be of materials approved by the City of Helena-West Helena and installed in conformance with the manufacturer's installation instructions.
- 4) The home shall be covered with an exterior material customarily used on site-built residential dwellings.
- 5) The home shall have a roof composed of a material customarily used on site-built residential dwellings, such as fiberglass, shake, asphalt or tile, which shall be installed onto a surface appropriately pitched for the materials used.
- 6) The dwelling shall be occupied only as a single-family residential use.
- 7) Manufactured dwelling units in an R-3X zone shall be multi-sectional and shall have all elements of transportation, (hitches, wheels, axles,) removed.

5.14 Mobile Homes: Mobile homes, as defined herein, are prohibited in the City of Helena-West Helena. Any existing mobile home shall only be replaced by a manufactured home as defined herein.

5.15 Metal Carports: Metal Carports are considered permanent structures and must meet the provision of the Helena-West Helena Building Code.

5.16 Sidewalks: Sidewalk requirements shall be addressed in all building permits. Construction standards shall be adopted by the City. Following are minimum requirements; the City may require additional sidewalks and wider sidewalks near commercial areas, schools and other places of public assembly.

1. Sidewalks shall be constructed on both sides of all streets in the Central Business District.
2. Sidewalks shall be required on both sides of collector streets and major arterials and minor arterials when new sidewalk will be constructed within 300 feet of existing sidewalks. Sidewalks shall be required on both sides of collector streets and major arterials and minor arterials when the entire area is a new development or part of a new commercial subdivision.
3. Sidewalks shall be constructed on both sides of all residential streets, abutting property lines. The sidewalks will be constructed in conjunction with the building and driveway improvements on each lot.
4. Sidewalks shall be in compliance with the Americans With Disabilities Act.
5. Questions or appeals concerning the construction of sidewalks must be addressed prior to the approval of a site plan and the issuance of a building permit.

5.17 Buffer Protection Of Residential Zones: All interior sides and/or the rear of a C-2, C-3, I-1, or I-2 lot abutting a residential use zoning district shall be enclosed with an opaque, ornamental fence, wall, or dense evergreen hedge having a height of not less than 5 feet nor more than 7 feet at the time of planting, except as controlled by visibility requirements of Article 5, Section 5.7. Such fence, wall, or hedge shall be maintained in good condition.

Further buffer protection as appropriate for these zones shall be provided by increased setback requirements at issuance of building permits.

The buffer protection requirement may be waived by the Administrative Official if the adjoining residential property owner(s) object to the placement of said buffer. The adjoining property owner shall submit a letter to the Administrative Official stating their objection. The letter must be signed by all owners of said property.

5.18 Pre-Existing Conditions: The standards for Special Provisions, Parking, Loading, and Other Requirements as set out in Articles 5 and 7 herein shall apply to all permits authorized herein which are issued after adoption of this Code, regardless of pre-existing use or conditions of non-compliance.

5.19 Recreational Vehicle Campgrounds: This section provides regulations governing the development and operation of Recreational Vehicle (RV) Parks within the City of Helena-West Helena. The section seeks to facilitate the development of RV parks to serve the following purposes.

1. To provide economic opportunities for developers wishing to provide sites to accommodate tourists and travelers who need opportunities to store recreational vehicles overnight or for short durations.
2. To provide economic opportunities for developers wishing to provide sites for transient workers needing safe and sanitary sites for the storage of recreational vehicles used for housing during periods of extended but not permanent periods of employment, such periods generally not extending beyond 24 months.

3. To provide design guidelines for the construction of such facilities in a manner that will be consistent with the goals of the city's land-use plan.

4. To provide maintenance and management guidelines that will protect the appearance of the neighborhoods in which RV parks are located.

5.19.1 Permits: The approval to construct the park shall be obtained through the Planned Unit Development process contained in this code. Approval of the detailed site plan shall authorize the developer to construct all improvements necessary for operating the park in accordance with this section.

5.19.2 Location and Site Design: The following regulations govern the location of RV parks.

1. RV Parks will only be located through the Planned Unit Development Process

2. RV parks should be located adjacent to commercial districts; however, each application will be evaluated on its specific set of facts. If a park is located adjacent to a residential district, the site plan shall reflect a 50-foot landscaped buffer on all sides adjoining a residential area.

3. Site conditions: conditions of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors, or other adverse influences, and no portion subject to unpredictable and/or sudden subsidence, or erosion shall be used for any purpose which would expose persons or property to hazards.

4. Soil and ground cover: exposed ground surfaces in all parts of the recreational vehicle park shall be paved, or covered with stone screenings, or other solid materials, or protected with vegetable growth that is capable of preventing soil erosion and of eliminating objectionable dust.

5. Drainage requirements: surface drainage plans for the entire tract shall be reviewed by the city's engineer which shall determine whether the proposed plan is compatible with the surrounding existing drainage pattern and the city drainage plan, prior to issuance of site plan approval and of building permits. No permit shall be approved in such instances where the planning commission finds the plan to be incompatible with surrounding areas.

5.19.3 Density: The density shall not exceed 25 camper-vehicle spaces per acre of gross site area, except that the density may be reduced by the planning commission where the physical characteristics or characteristics of the site would indicate that the higher density could, upon finding by the commission, adversely affect the public health, safety and general welfare.

5.19.4 Length of Stay: In order to accommodate seasonal workers, there are no time restrictions on the length of stay of an individual recreational vehicle. Individual vehicle sites, however, shall not be altered to either encourage or depict permanent residency. Specifically, no permanent or semi-permanent structures such as storage sheds, decks, garages, awnings (other than those that are a part of the vehicle itself,) walkways, or landscaping shall be installed.

5.19.5 Access and Circulation: The following regulations govern the access and circulation within RV parks

1. All RV parks shall be provided with safe and convenient vehicular access from an improved public street. It shall be the responsibility of the applicant to provide the necessary access in all cases where there is no existing improved street or road connecting the RV park site with an improved existing public street or highway. Any street improvement existing beyond the boundary of the RV park shall be improved in accordance with the standards of any applicable city plans. All entrances and exits on state highways shall be approved by the Arkansas Highway and Transportation Department. All entrances and exists on all other roads shall be approved by the planning commission. All parks with more than 30 sites shall have two or more entrances/exits. All parks with more than 100 sites shall have three or more entrances/exits.
2. Each traffic and/or parking lane shall be a minimum of 25 feet wide. If on-street parking is allowed, an additional 10 feet shall be provided and constructed to the standards set forth in this section.
3. Curves and turning radii shall be constructed to safely handle vehicles eight and one-half feet wide and up to 40 feet long or as otherwise required by the Fire Marshall to handle the city's firefighting equipment.
4. There shall be at least three off-street parking spaces designated in the RV park for each two RV sites.
5. All vehicle circulation or parking areas shall be paved with a minimum of two inches of asphalt on seven and one-half inches of compacted SB-2 gravel.

5.19.6. Utilities: The following regulations govern the location of utilities within RV parks.

1. Water Supply. Water supply shall comply with State and County health regulations. Fire protection standards shall be established by the Helena-West Helena Fire Marshall in order to ensure the safety of park patrons.
2. Sewage Disposal Requirements. Each RV park shall be connected to the city's sewage disposal system. Each RV site shall have access to its individual sewage disposal stub-up. The disposal system shall also be in compliance with State and County health regulations as they apply.
3. Dump Station. Each camper vehicle park shall be provided with an approved dump station in the ratio of one for every 100 camper vehicle spaces or fractional part thereof.

ARTICLE 6. OFF-STREET PARKING AND LOADING REQUIREMENTS

6.1 Off-Street Parking Requirements: Off-street parking shall conform to the following regulations.

6.1.1 Standards: In all zoning districts, except the C-1 Central Business District, there shall be provided at such time any building or structure is erected, enlarged, or increased in capacity, off-street parking spaces for automobiles in accordance with the following requirements:

1. One and Two Family Dwellings: Two, hard surfaced, parking spaces per single family residence, and four parking spaces per two-family dwellings, subject to the following:
 - A. Required spaces shall be constructed and arranged to allow each space to have direct access to the street.
 - B. All hard surfaced areas used for one and two-family parking spaces shall be constructed on the property owner's property and not on street rights of way or road easements.
2. Multi-Family Structures containing three or more dwelling units: One and one-half parking spaces shall be provided for each separate dwelling unit.
3. Medical or Dental Clinics or Offices and Hospitals: Five spaces per doctor plus 2 spaces for each 3 employees in clinics and offices. For hospitals there shall be one space per bed and one space per 2 employees, based on maximum employment of largest shift
4. Sanatoriums, Convalescent, or Nursing Homes: One space for each 6 patient beds plus one space for each staff or visiting doctor plus one space for each 4 employees including nurses.
5. Community Center, Theater, Auditorium: One parking space for each 3 seats based on maximum seating capacity.
6. Convention Hall, Lodge, Club, Library, Museum, Place of Amusement or Recreation: One parking space for each 50 square feet of floor area used for assembly or recreation in the building.
7. Office Building: One parking space for each 200 square feet of gross floor area in the building, exclusive of the area used for storage, utilities, and building service area.
8. Restaurants and Eating Establishments: One parking space for each 4 seats of seating capacity and one additional space for each 2 employees working at a given shift.
9. Commercial Establishments Not Otherwise Classified: One parking space for each 150 square feet of floor space in the building used for retail trade, or used by the public, whichever is greater.
10. Industrial Establishments: Adequate area to park all employees' and customers' vehicles at all times and adequate space for loading, unloading, and storing all vehicles used incidental to or as a part of the primary operation of the establishment.
11. Church Sanctuary: One parking space for each 3 seats based on maximum seating capacity; provided, however, that churches may establish joint parking facilities for not to exceed 50 percent of the required spaces, with public institutions and agencies that do not have a time

conflict in parking demand. The joint parking facility shall be located not to exceed 400 feet from the church sanctuary.

12. All Others: For all other uses not covered in (1) through (10) above, the Planning Commission shall make a determination of the parking demand to be created by the proposed use, and the amount of parking thus determined shall be the off-street parking requirement for the permitted use.

13. Parking, back out spaces, and fire truck access will also meet or exceed city adopted Fire Codes.

6.1.2 Application of Standards: In applying the standards set forth herein, the following shall apply:

1. In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately, except in the case of church sanctuary as specified in paragraph (10) above.
2. Where a fractional space results, any fraction more than one-half shall be counted as one parking space.
3. These standards shall apply fully to all uses and buildings established after the effective date of this Code.
4. Except for parcels of land devoted to one- or two-family uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.
5. Requirements of this Article apply to all zoning districts.

6.1.3 Size: The size of a parking space for one vehicle shall consist of a rectangular area having dimensions of not less than 9 foot by 20 foot plus adequate area for ingress and egress.

6.1.4 Existing Parking: Parking spaces used in connection with an existing and continuing use or building on the effective date of this Code, up to the number required by this Code, shall be continued and may not be counted as serving a new structure or addition; nor may a parking space be substituted for a loading space or a loading space substituted for a parking space.

6.2 Off-Street Loading and Unloading Requirements: The following rules and regulations shall apply to off-street loading and unloading facilities:

1. A building whose principal use is handling and selling goods at retail shall provide one off-street loading and unloading space for buildings up to and including 10,000 square feet of floor area, plus one additional space for each additional 10,000 square feet of gross floor area.
2. Manufacturing, repair, wholesale, and similar uses shall provide one off-street loading and unloading space for buildings containing 10,000 square feet of floor space, plus one space for each 40,000 square feet of floor area in excess of 10,000 square feet of gross floor area.

3. Where trailer trucks are involved, such loading and unloading space shall be an area 12 x 50 feet with a 14 foot height clearance and shall be designed with appropriate means of truck access to a street or alley, as well as having adequate maneuvering area.

6.3 Surface Requirements: The following surface requirements necessitate sealed surfacing:

6.3.1 Commercial Driveways: All areas used for parking, drives, sales, loading and unloading of any type, and for use by the general public or employees shall meet or exceed the following: paved with a two inch asphalt surface over a six inch compacted sub-base, or a six inch reinforced concrete surface over a compacted sub-base. Areas used for storage, display, and maneuvering may be graveled.

Commercial Driveways, used only by non-commercial vehicles, to access storage buildings by company personnel, and not used by the public in any way, shall meet commercial driveway turnout requirements listed below:

Commercial Driveway Turnouts: The portion of the drive between the edge of the street and the street right of way line shall be constructed with a minimum of 6 inch reinforced concrete on a stable compacted sub-base.

6.3.2 Residential Driveways: Residential driveways shall meet or exceed the following: paved with a two inch asphalt surface over a six inch compacted base course, or a four inch reinforced concrete surface over a stable compacted sub-base. The hard surface requirements of this section shall not apply to residential driveway sections in excess of 100 feet.

Residential Driveway Turnouts: The portion of the driveway between the edge of the street and the street right of way line shall be constructed with a minimum of four inch reinforced concrete on stable compacted sub-base. This requirement shall not apply to lengths in excess of the first 20 feet per drive.

6.3.3 Maintenance: All areas not surfaced as above described shall be landscaped and maintained in such a manner as to prevent dust and soil run off from these areas.

ARTICLE 7. SIGNS

7.1 General: The regulation of signs and advertising structures by this code is designed to reduce hazards at intersections, prevent visual blight, ensure light, air and open space, and thereby protect property values of the entire community.

7.2 Other Regulations: This ordinance is in addition to those established under U.S. Code by the Federal Highway Administration and the Arkansas State Highway and Transportation Department under Regulations for Control of Outdoor Advertising on Arkansas Highways.

7.3 Signs on Public Property: No person shall erect, fasten, or attach in any way any sign or other advertising message upon any property within the city which is facing or visible from any public street, unless legally authorized under the terms of this ordinance. These regulations shall apply to all signs and billboards in all districts, subdivisions and zones within the City of Helena-West Helena.

7.4 Sexually Oriented Businesses: Signs for sexually oriented businesses are regulated by a separate ordinance.

7.5 Special Sign Requests: Persons desiring signs not conforming to this ordinance may apply through the Special Use Permit process.

7.6 Permits: No sign shall be erected, transferred, or structurally altered within the city unless a permit has been issued by the City Inspector. A separate permit shall be required for each sign. Electrification of an existing permitted sign shall require a revision to the permit as well as obtaining an electrical permit.

7.7 Advertising Message: A permit is not required for change of advertising message on a permitted sign which is in conformity with the terms of this ordinance, and which does not cause a structural change.

7.8 Previous Advertising: An existing pole or other structure which has not displayed advertising material previously shall be considered a new sign if advertising material is to be added. A permit will be required and the sign shall meet all requirements of this ordinance.

7.9 Applications: Application for a sign permit shall be made on forms provided by the City. Requirements will include but are not limited to location by street address, names and addresses of owner(s) and sign contractors (s), scale drawing of the sign, exact location on lot, and lighting and construction design.

7.10 Sign Erection Deadline: Permit for any sign not erected within six months of date of issuance shall be void.

7.11 Fees: Fees shall be submitted, upon approval of the application, according to the fee schedule set by the Helena-West Helena City Council and amended as necessary.

7.12 Inspections: All Signs are subject to inspection by the City Building Official, who may revoke any permit or order any sign removed upon notice and for cause as set out in Section 7.19.

7.13 Exemptions: The following signs are exempt from any regulations of this code:

1. The message and content of signs
2. Window displays, or signs painted on windows
3. Product dispensers
4. Scoreboards and other signs acknowledging sponsors on athletic fields
5. Flags of any nations, government, or non-commercial organization
6. Gravestones or memorial markers
7. Barber Poles
8. Religious symbols
9. Display of street address numbers
- 10) Any display or construction not defined as a sign
11. Temporary signs warning of construction, excavation, or similar hazards, so long as the hazard may exist
12. Signs in the nature of decorations which are seasonal, clearly incidental and customarily associated with any national, local, or religious observance
13. Utility Location/Identification Signs
14. Awning Signs
15. Banners, posters, or a temporary, special promotional nature.

7.14 Signs Not Requiring a Permit: The following signs do not require permits, but are subject to applicable restrictions in this ordinance, by reason of their type or location. The signs may be allowed in any zone, subject to the restrictions set out in Section 7.19:

1. Governmental or official public signs
2. Yard sale signs advertising sale of goods from residential property
3. Construction signs
4. Political signs
5. Real Estate signs
6. Special occasion, public event, non-commercial notices

7.15 Prohibited Signs: The following signs are not allowed in any zoning district in the city.

1. Billboards (See Section 7.18)
2. Signs imitating warning signals. No sign shall display intermittent lights resembling the flashing lights customarily used in traffic signals or in emergency vehicles, nor shall any sign use the words “stop”, “danger”, or any other word, phrase, symbol or character in a manner that might mislead or confuse a vehicular driver.
3. Signs within Right-of-Way. No sign whatsoever, whether temporary or permanent, except erected by a governmental agency are permitted within any street or highway right-of-way.
4. Roof signs.
5. No signs may be painted on or attached to trees, rocks, or other natural formations, fence posts, utility poles, or building roofs.
6. Rotating signs.

7.16 Placement and Standards: Unless otherwise provided in this Ordinance, the following regulations shall apply to all signs, billboards, and off premise signs in the city.

7.16.1 Prevention of Access: No sign shall be erected which prevents free ingress and egress from any driveway , parking lot, or structure door, window, or fire escape. No sign of any kind will be attached to any part of a fire escape or building standpipe.

7.16.2 Obstruction of Vision: On any corner lot no sign shall be erected in a manner to obstruct vision between a height of 2 ½ feet and 8 feet above the center line grades of the intersecting streets, in the area bounded by the street lines of such corner lot, and a line joining points along said street lines 75 feet from the point of the intersection.

7.16.3 Interference with Utilities: No sign shall be located:

1. Within the designated safety zone of overhead electrical conductors as directed by the utility owner
2. Within 10 feet of a fire hydrant
3. Upon any utility easement.

7.16.4 Direct Illumination: The illumination of any sign on property which faces or adjoins a residential lot line shall be diffused or aligned to be indirect. Design shall be such that direct rays of light are prevented from shining into residential districts and/or any individual residences, regardless of zoning.

7.16.5 Flashing or Intermittent Signs: Flashing or intermittent lighting of a type used primarily to attract attention may not be used on signs in a C-1 or C-2 zone, or on any sign within 300 feet of a residential zone. This does not apply to the use of reflected natural or automobile lights, or to signs which automatically change message displays by change in lighting.

7.16.6 Trailer Signs: No vehicle or trailer with advertising message mounted or painted thereon may be parked continuously for more than 15 days, so that it becomes an advertising sign.

7.16.7 Maintenance: No sign shall be allowed to remain which:

1. continues in a state of structural or cosmetic disrepair for 30 calendar days after City Inspector gives due notice as provided herein, or
2. for 90 consecutive calendar days advertises or gives notice of a business, service, or other activity that is no longer in operation or being conducted or is otherwise obsolete, and is therefore deemed abandoned, as determined by the City Inspector.

7.16.8 Setback Requirements: No Sign shall be erected or maintained except in conformity with the following setback requirements:

1. Front: Signs shall be set back a minimum of 10 feet from back of curb, edge of roadway surface, or street right-of-way, whichever is greater,
- 2 Side: All signs shall be set back a minimum of 10 feet from the nearest side property line.

Exceptions: The above setback requirements shall not apply to those signs mounted on building walls lawfully sited within the setback space, when such signs otherwise conform to the provisions of this ordinance.

7.16.9 Construction Standards: All signs and sign structures permitted herein shall conform to the applicable building standards adopted by the City of Helena-West Helena.

7.17 Specific Requirements by Sign Type: The following apply to specific types of signs located in the city.

7.17.1 Portable Signs: Portable signs are allowed by permit, with the following restrictions:

1. Portable signs may be placed in C-3 and all Industrial districts with a 90 day non-renewable permit.
2. No flashing or intermittent lighting is allowed on portable signs.
3. Being considered temporary in use and design, normal construction standards do not apply; however, placement of such signs is subject to the setback requirements, size restrictions, and all other regulations of this ordinance.
4. Permit will require safety inspection; inadequate anchoring or hazardous wiring will void permit.
5. Sign surface area may not exceed 32 square feet.

7.17.2 Informational Signs: Informational Signs may be placed with permit, in any zone except residential districts. Such signs are limited to four square feet of surface area and only one such sign per major thoroughfare.

7.17.3 Off-Premise Signs: Off-premise signs are allowed by permit, with the following restrictions:

1. Off-Premise signs may be erected in C-3 and all Industrial districts.
2. Size is limited to less than 32 square feet.
3. Subject to all structural standards, set back requirements, and all other regulations of this ordinance.

7.17.4 Construction Signs: One Unlighted sign identifying the engineer, architect, and/or contractor in the construction of specified building is allowed. Permit may be included as a part of the application for building permit, without additional fee. Sign shall not exceed 16 square feet of surface area, nor be more than 10 feet in height, and shall be removed within 30 days following issuance of certificate of occupancy.

7.17.5 Special Event Signs: Special event signs may be placed without permit, with approval of the Administrative Official, for a duration of 21 days. Such signs must be removed within 7 days after event.

7.17.6 Political Signs: Political signs are allowed without permit, in any zone. Signs over four square feet in surface area and/or over four feet in height are required to be set back at least 10 feet from the edge of street surface or right of way, whichever is greater. All such signs must be removed within seven days following the designated election.

7.17.7 Real Estate Signs: Temporary real estate signs may be placed on properties for lease or sale, without permit, subject to the following restrictions:

1. Signs in Residential 1 districts may not exceed six square feet and in all other Residential districts may not exceed twelve square feet.
2. Commercial and Industrial district signs may not exceed 12 square feet except that when the frontage width of the tract listed exceeds 100 feet the sign surface area may be increased by one square foot for each 10 feet additional width. The maximum surface area of all signs may not exceed 32 square feet.

7.18 Specific Requirements Within Zoning Districts: Unless otherwise provided for in this ordinance, the following regulations shall apply to all signs, billboards, and off-premise signs in specified districts subdivisions, and zones within the City.

7.18.1 Signs permitted in Residential “R” Districts: Signs placed in residential districts shall conform to the following regulations.

1. One sign, not exceeding two square feet in area is permitted without a permit giving the name and/or address only of the land, or buildings on which displayed, or the name of the owner or lessee.
2. One sign, not exceeding two square feet in area is permitted without a permit when used for the purpose of advertising a Home Business. Such signs must be attached to the residential structure.
3. One sign, not exceeding two square feet in area, is allowed without permit, for non-residential uses which may be in allowed in the zone as a “Special Permitted Use” by the Planning Commission. Such sign may display only the name of the institution and its activities. Signs may be illuminated but not by flashing lights.
- 4) Signs larger than two square feet but less than thirty-two (32) square feet may be permitted by special permit process for such non-residential uses as may have been approved by “Special Permit Use”, as above.
5. One additional nameplate sign, not to exceed two square feet in area, is allowed without permit for a dwelling group of four or more units to identify the building or as an occupant directory.
6. Temporary signs advertising a new subdivision of five or more lots are allowed by permit for up to one year. Such signs may not exceed 60 square feet in aggregate surface area, and can be no more than 15 feet in height, nor less than two feet above ground. Signs may advertise the development in which they are located only, and may be erected only at dedicated street entrances. If lots not sold in one year, the contractor may request additional time to display the sign.

7.18.2 Signs in Commercial “C-1” District: Signs placed in the C-1 district shall conform to the following regulations.

1. All those signs permitted in the Residential Districts are allowed in Commercial Districts.
2. Signs mounted on the building walls are permitted on the basis of one sign not exceeding two square feet per each one linear foot of building façade. Each exposed building wall may have one such wall-mounted façade sign.
3. Projecting signs are allowed, one per exposed building wall. The lowest part must be a minimum of eight feet above surface grade of the sidewalk.
4. Free Standing signs are permitted subject to the following:
 - A. One sign per lot or commercial street frontage where adequate lot size permits sign to be located at least 15 feet from edge of curb, street surface, or right-of-way, whichever is greatest.
 - B. Sign height shall not exceed 15 feet, and sign shall be constructed to provide at least 10 feet of visual clearance from bottom of sign to lot surface.
 - C. Sign surface area shall not exceed 15 square feet.
- 5) The maximum aggregate surface area of all permitted signs for any establishment shall not exceed 200 square feet.

7.18.3 Signs in Commercial C-2” Districts: Signs placed in C-2 districts shall conform to the following regulations.

1. All those signs permitted in the Residential Districts are allowed in Commercial Districts.
2. Business identification signs are allowed, provided that the total sign area of such signs shall not exceed two square feet of sign area for each one linear foot of building façade fronting a public street.
3. One free-standing sign is allowed provided it does not exceed 35 feet in height above lot grade.
4. Maximum total sign area of all permitted signs for any establishment shall not exceed 200 square feet.
5. Coordinated Shopping Center
 - A. Each Coordinated Shopping Center may have one free-standing identification sign for each street frontage, announcing the name of the Center and the hours of business.
 - B. Additionally, each Center may have one directory sign, not exceeding 35 feet in height, identifying the names of tenants within the Center.

C. Individual tenants in the Center may each have business identification signs mounted on their façade; total sign area shall not exceed two square feet for each one linear foot of building façade fronting the public street or parking area.

6. Commercial Cul-de-sacs – A commercial subdivision forming a cul-de-sac for individual commercial lots may have a directory sign located at the entrance to the cul-de-sac. Such sign shall not exceed 35 feet in height and shall be located in such a manner not to restrict the view of traffic entering or exiting the subdivision.

7.18.4 Signs in Commercial “C-3” Districts Signs placed in C-3 districts shall conform to the following regulations.

1. All those signs permitted in the Residential Districts are allowed in Commercial Districts
2. One façade sign is allowed per business. This sign shall not exceed one square foot for each one linear foot of building façade fronting a public street, and is to be mounted on the building wall. For businesses on corner lots, side walls facing public streets may have one additional façade sign on the same basis as above.
3. One free-standing sign is allowed provided height does not exceed 20 feet or height of building whichever is less.
4. Total surface area of all permitted signs shall not exceed 100 square feet.

7.18.5 Signs in Industrial “I-1” or “I-2” Districts: Signs placed in the I-1 and I-2 districts shall conform to the following regulations.

1. All those signs permitted in the Residential “R” or Commercial “C” districts are allowed in Industrial “I” districts.
2. The total surface area of a business sign or signs on a building or lot shall not exceed 10 square feet for each linear foot up to 520 feet of lot frontage.
3. Sign structures shall be limited to not more than one per lot of 50 foot frontage or less, and one additional sign for each additional 50 feet of lot frontage. No off-premise sign may be erected within 50 feet of an adjoining residential district, if designed to or results in facing into such a district or residence.

7.18.6 Signs in Planned Unit Development, (PUD) Districts: All signs in the PUD districts shall be submitted for review and approval as part of the PUD approval process.

7.19 Billboards: The following regulations apply to billboards in the City of Helena-West Helena.

7.19.1 Placement: Placement of billboards is not allowed anywhere within the city limits of Helena-West Helena.

7.19.2 Existing Billboards: Any billboard legally existing prior to the adoption of these regulations may remain per Arkansas Code, Annotated § 14-56-102.

7.20 Administration and Enforcement

7.20.1 Responsibility: Any person having express or implied authority over the size, appearance, and/or location of a sign, together with the landowner or lessor upon which the sign is sited, shall be responsible for causing the sign to be in full compliance with this ordinance and shall be jointly and severally liable for any violations of this ordinance.

7.20.2 Violations: Upon finding of violation of any provisions of this ordinance, the City Inspector shall give written notice to landowner or responsible persons. A description of the violation and the corrections required for compliance shall be set out therein. Upon failure to comply within 30 days, citations for violation of this ordinance shall be issued.

7.20.3 Convictions: Upon conviction, a fine shall be levied in the amount of \$25.00 for each offense. Each day that the landowner or responsible party allows the violation to continue will constitute a separate offense.

7.20.3 Portable Signs: Portable signs shall be immediately subject to the provisions herein as to placement, set back and lighting requirements and shall be brought into compliance or removed within 30 days.

7.20.4 Other Non-conforming Signs: All other non-conforming signs shall be brought into compliance or eliminated by attrition. A nonconforming sign shall not be relocated, replaced, expanded, or changed except to bring the sign into complete conformity with this ordinance. However, upon a change or modification of ownership the advertising copy ONLY may be revised.

7.20.5 Existing Billboards: Existing billboards lawfully permitted by the State or Federal Highway Agencies shall be allowed to remain under the terms of the issuing agencies' agreement and permit for such signs. If damaged to an extent beyond one-half of its current replacement cost, any nonconforming billboard shall not be replaced.

7.20.6 Obstruction of Vision: Notwithstanding any regulation of this ordinance, no sign shall be placed in any position or in such a manner as to obstruct the vision of the motoring or pedestrian public, in the judgment of the City Inspector. This requirement supersedes all other setback and coverage regulations.

ARTICLE 8. WIRELESS COMMUNICATION FACILITIES

8.1 Purpose: This article is for the purpose of prescribing regulations governing conditions for the construction, placement, and operation of Wireless Communication Facilities within the City of Helena-West Helena, Arkansas.

8.2 General: The following regulations apply to all Wireless Communication Facilities.

8.2.1 Special Use Permit Required: A special use permit is required for Wireless Communication Facility construction, placement, and operation.

8.2.2 Wireless Communication Facilities Permitted: While nothing herein shall be interpreted or applied so as to effectively prevent or eliminate Wireless Communication Facility construction, placement, and operation within the city limits of Helena-West Helena, the City Council may refuse to grant any permit if it is not in the best interest of the City of Helena-West Helena as determined by the City Council.

8.2.3 Definitions: The following definitions apply to Wireless Communication Facilities:

1. *Antenna Array* 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.
2. *Equipment Facility* Any structure used to contain ancillary equipment for a WCF.
3. *Support Structure* 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.
4. *Wireless Communication Facility* A wireless communication facility is defined as any unstaffed facility covered by the Federal Telecommunications Act of 1996 for the transmission and/or reception of wireless telecommunication services, usually consisting of an Antenna Array, connection cables, an Equipment Facility, and a Support Structure, also known as an antennae or tower, to achieve the necessary elevation.

8.3 Application: Applications for Wireless Communication Facilities shall be obtained according to the following regulations.

8.3.1 Special Use Permit Application: The application for a special use permit shall be made to the office of the Mayor by the owner or agent of the proposed Wireless Communication Facility. The application shall include four (4) copies of the required site plan. The fee for processing a special use application is One Thousand Dollars (\$1,000.00).

The required survey and site plan shall be submitted on paper no larger than twenty-four (24) inches by thirty-six (36) inches and no smaller than twelve (12) inches by twenty-four (24) inches. The site plan shall be drawn to scale of no less than one (1) inch equals twenty (20) feet unless the City Council

approves a different scale. The survey and site plan shall, at a minimum contain the following information.

1. The land to be included in the proposed land use along with a written legal description of the land.
2. The location and dimensions of all public right-of-way on or abutting the planned area.
3. Location of all points of vehicular entrance and exit to the site and the Location and dimensions of all existing casements and public improvements within the site.
4. The location of permanent or temporary structures or proposed structures to be located on the site
5. Location of all security fencing around the site

8.3.2 Required Information: The complete application, including all supportive information, must be received by the Mayor at least thirty (30) working days before the date that work is to commence. The special use application shall contain the following information:

1. The survey and site plan of the property prepared by a certified land surveyor or registered civil engineer.
2. The street addresses or addresses of the entire property.
3. The present zoning classification of the property, using such words as “residential”, “industrial”, and “commercial” along with the numeral and letters in lieu of letters such as :R-2.”
4. Description of the proposed special use, including the description of any construction of temporary structures to be erected on the property. This description shall include a scaled site plan containing a scaled elevation view and other supporting drawings, calculations and other documentation showing the location and dimensions of the wireless communication facility and all improvements associated therewith, including information concerning specifications, antenna locations, equipment facility and shelters, landscaping and screening, topography, adjacent uses and existing vegetation. Applicants proposing to collocate on an existing wireless communication facility shall proposing to collocate on an existing wireless communication facility shall include a Radio Frequency Intermodulation Study with their application.
5. A copy of the appropriate FCC license or license application.
6. The projected route of truck traffic to and from the operation site including the projected number of trips. The number of trips and route may be regulated by the City Council.
7. The name of the subcontractor responsible for site preparation (a separate special use permit is required).
8. A drawing or other rendering depicting the Wireless Communication Facility. Said drawing should indicate any artificial illumination or signage, logo, decal, symbol or any other message of a commercial or noncommercial nature.

9. A drawing and description of the height of the Wireless Communication Facility as well as its width at the base and a detailed description of the length and type of guide wires or other item used to stabilize the Wireless Communication Facility.

10. A description and drawing of opaque security fence not less than six (6) feet in height.

11. The pertinent and relevant Federal Aviation Regulations and proof that the Wireless Communication Facility complies.

12. A statement agreeing to allow collocation of other Wireless Communications Facility users. The statement shall include the applicant's policy regarding collocation of other providers and the methodology to be used by the applicant in determining reasonable rates to be charged other providers. The Co-location Agreement shall be considered a condition of issuance of a Special Use Permit.

13. In addition to the above information, the applicant shall submit supportive information that shall be deemed necessary the City Council. If additional information is requested, an additional seven (7) working days shall be required for the processing of the application.

8.3.3 Limitations: The City Council may impose reasonable conditions and restrictions upon the application under consideration with the intent of minimizing the impact of the special use permit operation upon nearby property or public property. The limitations placed upon a special use permit may include, but are not limited to: (1) limitations on height (2) limitations on width at base (3) landscaping and screening (4) collocation with other wireless communication providers (5) use of pre-existing structures (6) method of controlling traffic (flagman or traffic control device may be required at contractor's expense, (7) weight limits to be determined by the Mayor (or designated agent), (8) the number of hours that site preparation work can be conducted on the premises may be regulated by the City Council to minimize harmful effects on nearby property owners.

8.4 Regulations: The applicant must be in compliance with the FAA Regulations and must also meet the following conditions:

8.4.1 Collocation: All Wireless Communication Facilities shall be engineered, designed and constructed to be capable of sharing the facility with other providers, to collocate with other existing wireless communication facilities and to accommodate the future collocation of other Wireless Communication Facilities. Applicants proposing a new Wireless Communication Facility shall demonstrate that it has made a reasonable good faith attempt to find a collocation site. Competitive conflict and financial burden are not deemed to be adequate reasons against collocation.

8.4.2 Antenna Array: All Wireless Communication Facilities with support structure up to a height of 150 feet shall be engineered and constructed to accommodate at least the three (3) antenna array. All Wireless Communication Facilities with support structure that exceed 150 feet in height shall be engineered and constructed to accommodate at least four (4) antenna array.

8.4.3 Additional Requirements: All reasonable conditions required for a special use must be met before any operations may begin. The owner or applicant filing for a special use permit shall sign a binding agreement with the City of Helena-West Helena that all damages to public property related to this operation, for which the owner or applicant is legally responsible, shall be repaired at the expense of the applicant. The Mayor shall determine the condition of public facilities (including photos and documentation) prior to the initiation of the operation. A bond, for a reasonable amount, shall be required

for the amount determined by the City Council. Immediately after completion of the Wireless Communication Facility, repairs will commence on the damage that has been done to the public property. Failure of the applicant to correctly repair all damaged public facilities, for which it has been determined responsible, may result in the revocation of all existing or future permits for said company and the City Attorney is authorized to take what means are necessary to insure that the public facilities are repaired.

8.4.4 Removal of Abandoned Wireless Communication Facilities: Any Wireless Communication Facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the wireless communication facility owner shall remove the wireless communication facility within ninety (90) days after notice from the City to remove the wireless communication facility. If the abandoned wireless communication facility is not removed within 90 days, the City may remove it and recover its costs from the wireless communication facility owner. If there are two or more users of a single wireless communication facility, this provision shall not become effective until all providers cease to use the wireless communication facility. If the owner of an abandoned wireless communication facility cannot be located or is no longer in business, the Requirements of this section shall be the responsibility of the landowner on whose property the wireless communication facility is located.

8.4.5 Nonconforming Wireless Communication Facilities: Wireless Communication Facilities constructed and in existence on the date of the adoption of this Article which do not comply with the requirements of this Article (nonconforming wireless communications facility) are subject to the following conditions:

8.4.6 Expansion: Nonconforming wireless communication facilities may continue in use for the purpose now used, but may not be expanded without complying with this Article except as further provided in this section.

8.4.7 Additions: Nonconforming wireless communication facilities may add additional antennas (belonging to the same provider or other providers) subject to a separate special permit application.

8.4.8 Repairs or Reconstruction: Nonconforming wireless communications facilities which become damaged due to any reason or cause, may be repaired and restored to its former use, location, and physical dimensions subject to the provisions of this Article. Provided, however, that if the damage of the wireless communication facility exceeds 50% of the replacement cost, said wireless communication facility may only be reconstructed or repaired in compliance with this Code.

8.4.9 Unused Facility: Any wireless communications facility not in use for six months shall be deemed abandoned. All rights as a nonconforming use shall cease at this point.

8.5 Revocation of Special Use Permit: Any Special Permit issued pursuant to this Article may be revoked after a hearing as provided hereinafter. If the Mayor and the City Council find that any permit holder has violated any provision of this Article. Or has failed to make good faith reasonable efforts to provide or seek collocation, the Mayor and City Council may revoke the Special Use Permit upon such terms and conditions, if any, that the Mayor and the City Council may determine. Prior to initiation of revocation proceedings, the City shall notify the permit holder, in writing, of the specific areas of non-compliance and specify the date by which such deficiencies must be corrected. The time for correction of deficiencies shall not exceed 60 days. The permit holder shall provide the City with evidence that the required corrective action has been taken. Should the permit holder fail to correct any deficiencies in the time required, the Mayor and the City Council shall convene a public hearing to consider revocation of the Special Use Permit. The hearing shall be conducted pursuant to notice by publication in a newspaper with general circulation in the City not less than 10 days prior to the hearing and by written notice to the

special permit holder. Other interested person may comment. The Mayor and City Council may impose reasonable restrictions with respect to time and procedure.

8.6 Penalty: The fine or penalty for violating any provisions of this Article shall, upon conviction in the municipal court, not exceed one thousand dollars (\$1,000.00) for any one specified offense or violation; further, that if a thing prohibited or rendered unlawful is, in its nature, continuous in respect to time, the fine or penalty for allowing the continuance thereof in violation of this Article shall not exceed one thousand dollars (\$1,000.00) for each day that it may be unlawfully continued.

8.7 Starting Time: The Wireless Communication Tower construction must begin within six (6) months of the authorization unless a special time limit (less than six (6) months has been imposed by the Mayor or his/her designated agent.

ARTICLE 9. RESERVED

ARTICLE 10. NONCONFORMING REGULATIONS

10.1 Nonconforming Use Of Land: Where, on the effective date of adoption of this Code, a lawful use of land exists that is made no longer permissible under the terms of these zoning regulations as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Zoning Code.
2. In any such nonconforming use of land ceases for any reason for a period of more than 6 months, any subsequent use of such land shall conform to the regulations specified by this Code for the district in which such land is located.

10.2 Nonconforming Structures: Where a lawful structure exists at the effective date of adoption or amendment of this Zoning Code that could not be built under the terms of these regulations by reasons of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. Such structure, upon approval of the Board of Adjustment, may be remodeled to maintain the premises in a safe and usable condition.
2. Should a structure be destroyed by any means to an extent of more than 60 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Zoning Code.
3. Such structure, upon the approval of the Board of Adjustment, may be added to if said addition meets the area requirements of the land use zoning district in which the structure is located, provided said land use of structure is in conformance with this Zoning Code.

10.3 Nonconforming Use Of Structures: If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Zoning Code, that would not be allowed in the district under the terms of this Code, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Zoning Code in the district in which it is located shall be structurally altered except in changing the use of structure to a use permitted in the district in which it is located.
2. Any nonconforming use may be extended to any portion of a structure arranged or designed for such nonconforming use at the time of adoption or amendment of this Zoning Code, but no such use shall be extended to occupy any land outside such building.
3. If no structural alterations are made, any nonconforming use of a structure or structure and premises, may be changed to another nonconforming use provided that the Council of Adjustment shall determine that the proposed use is equally appropriate to the district as the existing nonconforming use.

4. Any nonconforming use, once changed to a conforming use, shall thereafter conform to the regulations for the district in which such structure is located and all new uses shall be conforming uses.

5. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for 6 consecutive months, the structure or structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located.

6. Should a structure containing a nonconforming use be destroyed by any means to an extent of more than 50 percent of its replacement cost at time of destruction, the owner may request permission of the Board of Adjustment to reconstruct the structure and to continue the nonconforming use. The Board of Adjustment may grant or deny a request to reconstruct such a structure. In granting a request to reconstruct the structure, the Board may require conformance to yard requirements, on-lot parking space, adequate screening from adjacent uses and such other items deemed appropriate to the district in which located.

ARTICLE 11. BOARD OF ADJUSTMENT

11.1 Creation and Appointment: There is hereby created a City Board of Adjustment which shall consist of the Planning Commission as a whole. Their terms shall run concurrently with their appointment to the Planning Commission. On the effective date of this Code, the members of the Planning Commission that was legally in existence immediately prior to such date shall be constituted as members of the Board of Adjustment hereby created.

11.2 Organization: The organization of the Board of Adjustment shall operate under the following:

11.2.1 Officers: A Chairman and Vice Chairman shall be elected annually by the Board from among its membership. The Chairman, or in his absence, the Vice Chairman, shall preside at all meetings, shall decide all points of order or procedure, and, as necessary, shall administer oath and compel the attendance of witnesses.

11.2.3 Rules and Regulations: The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Zoning Code. Meetings shall be held on a regular schedule and at such other times as the Board may determine. All meetings shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or if failing to vote, indicating such fact, it shall keep records of its examination and other official actions, all of which shall be a public record and be immediately filed in the office of the City Clerk. A quorum of the Board shall consist of five members. When a quorum is present, the concurring vote of a majority of the board members present shall be necessary to revise any order or decision of the building official or to decide on any matter upon which it is required to pass under this Code.

11.3 Powers and Duties: The Board of Adjustment shall have all the powers and duties prescribed by law and by this Code, which are more particularly set forth in the following sections.

11.3.1 Administrative Review: The Board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Administrative Official in the enforcement of this Zoning Code. The Board may affirm or reverse, in whole or in part, said decision of the Administrative Official.

11.3.2 Variances: The Board shall authorize upon appeal in specific cases such variance from the terms of this Zoning Code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Zoning Code would result in unnecessary hardship. A variance from the terms of this Zoning Code shall not be granted by the Board of Adjustment unless and until:

1. The applicant demonstrates that special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district; that literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Zoning Code; that special conditions and circumstances do not result from the actions of the applicant; and that granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Code to other lands, structures, or buildings in the same district.

2. No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
3. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of land, building or structure.
4. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Zoning Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
5. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Zoning Code. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Zoning Code.
6. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this Code in the district involved, or any use expressly or by implication prohibited by the terms of this Zoning Code in said district.

11.3.3 Special Exceptions: In addition to the powers and duties specified above, the Board shall also have the following powers and duties to hold public hearings and decide the following special exceptions:

1. Permit the extension of a zoning district boundary where the boundary divides a lot held in a single ownership at the time of adoption of this Code.
2. Interpret zoning district boundaries where uncertainty exists as to the boundaries of the zoning districts or when the street or property lines existing on the ground are at variance with those shown on the Zoning District Map.
3. Permit a change in use or occupancy of a nonconforming use, provided the use is within the same or more restricted classifications as the original nonconforming use.

11.4 Procedure for Appeals: The following is the Board of Adjustment's Procedure for Appeals:

11.4.1 Application: The application for the Procedure for Appeals shall follow these guidelines:

1. Appeals to the Board of Adjustment may be made by any person aggrieved by any decision of the Administrative Official and shall be made in writing on forms prescribed by the Board within 10 days after the decision has been rendered by the Administrative Official. Appeal will be filed in the City Clerk's office. Fee for filing appeal shall be set by ordinance of the City Council, and is to be paid at time of filing. Appeals for variances or Special Exceptions shall be filed on form prescribed and must be accompanied by an accurate plat of the property with proposed improvements shown to scale to verify actual adjustments in setbacks, parking or any other requirement that the petitioner is seeking relief from.
2. All appeals to the Board of Adjustment are to be filed in the City Clerk's office at least 21 days before the next regular meeting in order to be placed on the agenda. Required fees, as set by the

City Council, are paid at the time of filing. If all documentation is in order, a public hearing will be set for the next regular meeting.

11.4.2 Public Hearing and Notice: The Board shall set the meeting time and date for the public hearing of an appeal, give public notice thereof, and give due notice to the parties in interest within sixty days. Said public notice shall be published at least once not less than 7 days preceding the date of such hearing in a newspaper of general circulation in the City. The public notice shall give the particular location of the property on which the appeal is requested, as well as a brief statement of what the appeal consists. At a public hearing any party may appear and speak in person, by agency, or by attorney.

11.5 Effect of Appeal: An appeal shall stay all proceedings of the action appealed from, unless the person affected by such appeal certifies to the Board, that, by reason of facts stated in the certificate a stay would 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 or a court of record.

11.6 Appeals from Board of Adjustment: Any person or persons, aggrieved by any decision of the Board of Adjustment may seek review of such decision by a court of record, in the manner provided by the laws of the State of Arkansas.

ARTICLE 12. ADMINISTRATION AND ENFORCEMENT

12.1 Building Official: The provisions of this Zoning Code shall be administered by a Building Official designated by the Mayor. He may be provided with the assistance of such other persons as the Mayor may direct. It shall be the duty of the Building Official to see that this Code is enforced through the proper legal channels. Appeal from the decision of the Administrative Official may be made to the Board of Adjustment. The Building Official is generally empowered to carry out or conduct any activities essential to the proper administration and enforcement of this Code, said activities to include, but not be limited to, the following:

12.1.1 Permits: To issue a building permit and certificate of occupancy when compliance is made with these regulations, to refuse to issue the same in the event of noncompliance, and to give written notice of such refusal and reason thereof to the applicant.

12.1.2 Records: To complete all records necessary and appropriate to the office, including record of the issuance and denial of all building permits and certificates of occupancy, and of receipt of complaints of violation of these regulations and action taken on the same, and to keep such records on file in the designated City office.

12.1.3 Inspections: To inspect any building or land to determine whether any violations of these regulations have been committed or exist.

12.1.4 Enforcement: To enforce these regulations and take all necessary steps to remedy any condition found in violation. The City of Helena-West Helena may enjoin any individual or property owner who is in violation of this Code to prevent or correct such violation. Any individual aggrieved by a violation of this Code may request an injunction against any individual or property owner in violation of this Code or may mandamus any official to enforce the provisions of this Code.

12.1.5 Advisements: To keep the Mayor, Planning Commission, and Board of Adjustment advised of all matters other than routine which relate to the administration and enforcement of these regulations.

12.1.6 Questions: The Building Official shall have the authority to bring before the Planning and Zoning Commission or Board of Adjustments any question they may have concerning any “gray area” the Zoning Code Book does not clearly define or address. They may also address said board or commission concerning any requirement in the zoning ordinance code book which should be waived for a particular situation or circumstance. This in no way precludes the right of any citizen to seek relief from a decision of the building official.

12.2 Building Permit: Site Preparation for Commercial or Industrial Construction may begin upon approval of the “Site Plan” by the City Engineer and payment of the required fee. However, it shall be unlawful to commence residential site preparation or any construction, reconstruction, or structural alteration of a building until the City Engineer has issued a building permit for such work. No building permit shall be issued unless the proposed construction or use is in full conformity with all the provisions of these regulations and other applicable building laws, ordinances, or regulations. All applications for building permits shall be accompanied by a plan in duplicate drawn to scale, the size of the building to be erected and its location on the lot, its driveway, sidewalk, and parking plan, and such other information as may be necessary to provide for the administration of this Zoning Code.

12.2.1 Expiration: Every building permit shall expire by limitation at the end of 6 months from the date of issue unless work is in progress and shall expire, in any event, at the expiration of 12 months, unless, an extension is applied for and approved by the city inspector which in no case shall exceed an additional six months.

12.3 Demolition: No building shall be moved or demolished without first obtaining a demolition permit by filing application with the City Building Official, and paying a fee as set by the City Council. Application will be reviewed by the City Building Inspector. The permit for moving shall require that the building to be moved be in place and brought up to the requirements of the City Building Code and the Planning and Zoning regulations within 120 days from the date of the permit. The permit for demolition shall require that the building be taken completely down and the site cleared of all debris within 120 days from the date of the permit.

12.4 Certificate Of Occupancy And Compliance: No building hereinafter erected or structurally altered shall be supplied with electrical service or be used, occupied, or changed in use until a certificate of occupancy and compliance shall have been issued by the Building Official, stating that the building or proposed use of a building or premises complies with the building laws and provisions of this Zoning Code. It shall be the responsibility of the builder or contractor to obtain a certificate of occupancy prior to selling, renting or making the building available for occupancy. A record of all certificates of occupancy and compliance shall be kept by the Building Official. A certificate of occupancy and compliance may be revoked by the Building Official when it is found that the building or land does not conform to the use or condition, if any, in the certificate. Each day a use continues after revocation of the certificate shall constitute a separate offense and shall be punished as provided herein.

12.5 Penalty For Violation: Any person or corporation who shall violate any of the provisions of this Zoning Code or fail to comply thereafter with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement of plans submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable to a fine of not more than 100 dollars. Each day such violation is permitted to exist shall constitute a separate offence. The owner or owners of any building or premises or part thereof where anything in violation of this Code shall be placed, or shall exist, and any architect, builder, contractor, agent, engineer, person, or corporation employed in connection therewith and who may have assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction thereof shall be fined as herein above provided.

12.6 Amendments: Two types of amendments to this Zoning Code are recognized, one being a revision in the textual provisions of the Code and the other being a change of boundary in a zoning district.

12.6.1 Amendment to Text: The Planning Commission may desire to initiate an amendment, in which case, a public hearing shall be conducted by the Planning Commission on the proposed amendment. Notice of the public hearing shall be published in a newspaper of general circulation in the City at least one time, at least 15 days prior to the hearing. Following the public hearing, the Planning Commission shall submit any recommendation for amendment to the City Council for adoption.

12.6.2 Change in District Boundary: The City Council or an owner of property may initiate a change in district boundary. If the owner of property desires to revise the boundary line of a zoning district, he or his legally designated agent shall submit to the Planning Commission a petition for such rezoning. The petition shall provide the legal description of the property proposed for revision in boundary, a description of the property as it is generally identified or known by the public (such as a street address; or in the case

of a large tract, a description of its general boundaries), the zoning classification requested for the property, an explanation of the relationship of the proposed use to land uses surrounding the property, and any other optional information which the owner feels should be brought to the attention of the Planning Commission. The disposition of the petition shall be in accordance with the provisions of Section 6 and 7 below.

12.6.3 Amendment and Abridgement After adoption and proper filing of plans, ordinances, and regulations, no amendment, extension, abridgement or recall of these may be made except in conformance with the procedure prescribed above, or by a majority vote of the City Council.

12.6.4: Notice: Before a proposed revision in the boundary of a zoning district may be recommended by the Planning Commission to the City Council, it must be the subject of a public hearing. Notice of the public hearing on the rezoning petition shall be published in a newspaper of general circulation in the City at least one time 15 days prior to the hearing. Additionally, the Building Official shall place a sign in a conspicuous place on the site of property proposed for rezoning indicating the date and place of the public hearing on the rezoning proposal, said sign to be placed on-site not fewer than 15 days prior to the date of the hearing.

12.6.5 Hearing and Approval: If all procedural requirements above are satisfied, the Planning Commission and the City Council shall proceed in the following manner:

1. The Planning Commission shall conduct the public hearing on the proposed amendment to the Code and/or Official Zoning Map.
2. Following the public hearing, the proposed amendment or change of district boundary may be approved as presented or in reduced scope by a majority vote of the entire Planning Commission, with recommendation for adoption by the City Council. Such modification shall not include a recommendation to a less restrictive zone.
3. If the Planning Commission disapproves a proposed amendment or rezoning petition, the reason for such disapproval shall be given in writing to the petitioner within 15 days from the date of the hearing.
4. Following disapproval of a proposed amendment by the Planning Commission, the petitioner may appeal such disapproval to the City Council, provided that the petitioner states specifically in writing to the City Clerk why he considers the Planning Commission's findings and decisions are in error. Such appeal to the City Council shall be filed with the City Clerk within 15 days after receipt in writing of the Planning Commission's denial. No such amendment will be considered by the City Council unless appealed in accordance with this section.
5. The City Council, by a majority vote, may, by ordinance, adopt a recommended amendment submitted by the Planning Commission or may return the proposed amendment to the Planning Commission for further study and recommendation.
6. If the City Council does not concur with the recommendation of the Planning Commission, either as first submitted or as submitted after re-study, or with regard to an appealed matter, the City Council may, by majority vote, amend this Code by granting the request for amendment in full or in modified form.
7. No application for a zoning amendment will be reconsidered by the Planning Commission for a period of 12 months of elapsed time from the date of final disapproval of the proposed

amendment, unless the Planning Commission determines by 2/3 majority vote that a substantial reason exists for waiving this mandatory waiting period.

12.7 Fees: All requests for action under the provisions of this code shall include fees according to a schedule established, and amended from time to time, by the City Council.

ARTICLE 13. DEFINITIONS

13.1 Interpretation For the purposes of interpreting these regulations, words used in the present tense shall include the future tenses; words in the singular number shall include the plural, and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not directory. The word "person" includes a firm, partnership, or corporation as well as an individual.

13.2 Other Definitions Specific sections of this Code may contain other definitions as appropriate.

13.3 Definitions For the purpose of interpreting these regulations, certain terms and words are to be used and interpreted as defined hereinafter.

Accessory Buildings and Uses An accessory building is a subordinate building or a portion of the main building, the use of which is clearly incidental to, or customarily found in connection with, and (except as otherwise provided in this Code) located on the same lot as, the use of the main building or principal use of the land. An accessory use is one which is clearly incidental to, or customarily found in connection with, and on the same lot as, the main use of the premises. When "accessory" is used in the text, it shall have the same meaning as accessory use.

Adult Daycare Center 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.

Alley A public passage or way affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

Apartment A multiple family dwelling (see "Dwelling, Multiple").

Automobile Junk and Salvage Yard or Scrap Yard 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, or where scrap metal, cloth, wood, paper, or other materials are stored for either resale, recycling, or retention.

Bed and Breakfast 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.

Block Front 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.

Building See Structure.

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

Building, Height of The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the structure, exclusive of chimneys, ventilators, or other extensions above the roof line that are not intended for occupancy or internal usage by persons.

Building Line The line of that 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, Main or Principal A building in which is conducted or intended to be conducted, the main or principal use of the lot on which said building is located.

Building Official The individual designated by the Helena-West Helena City Council with the responsibility of administering the city building and development codes.

Child Care Family-Home – when children are cared for in a caregiver’s own family residence or in some other suitable family type residence, and when one or more persons care for a minimum of six children but not more than sixteen children from more than one family at the same time.

Subject to all other applicable State regulations.

Child Care Center (Private) – A commercial child care center conducted under private for-profit, auspices providing direct care and protection for children.

Child Care Center (Public or Non-Profit) – a child care center conducted by a church, school, or other non-profit organization and providing direct care and protection for children excepting that this definition does not apply to facilities meeting this definition but operating no more than three weeks at a time, specifically including Bible Schools or Day Camps.

Clinic, Dental or Medical A facility for the examination and treatment of ill and afflicted human outpatients; provided, however, that patients are not kept overnight except under emergency conditions.

Convenience Store Any retail establishment offering for sale prepackaged or prepared food products, household items, gasoline and other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet.

Country Club A chartered, nonprofit membership club catering primarily to its membership, providing one or more of the following recreational and social activities: golf, swimming, riding, outdoor recreation, club house, locker room, and pro shop.

District, Zoning Any section, sections, or divisions of the City for which the regulations governing the use of land, density, bulk, height, and coverage of buildings and other structures are uniform.

Drive-in Commercial Uses 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.

Dwelling Any building, or portion thereof, which is designed or used as living quarters for one or more families, but not including house trailers, Manufactured Homes, or travel trailers.

Dwelling, Attached A dwelling having any portion of one or more walls in common with adjoining dwellings.

Dwelling, Detached A dwelling having open space on all sides.

Dwelling, Single-Family A dwelling designed to be occupied by one family.

Dwelling, Two-Family A dwelling designed to be occupied by two families living independently of each other.

Dwelling, Multiple-Family 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 motels.

Dwelling, Townhouse or Row House Two or more dwelling units attached at the side or sides, each unit of which has a separate outdoor entrance and is designed to be occupied and may be owned by one family.

Dwelling Unit A room or group of rooms within a dwelling and forming a single habitable unit with facilities for living, sleeping, and cooking.

Façade The exterior walls of a building exposed to public view or that wall viewed by persons not within the building.

Family One or more persons related by blood or marriage, including adopted children, or a group not to exceed 4 persons not all related by blood or marriage, occupying premises and living as a single, nonprofit housekeeping unit, as distinguished from a group occupying a boarding or lodging house, hotel, club, or similar dwelling for some group use. A family may include domestic servants employed by said family.

Federal Standards The Federal Manufactured Home Construction and Safety Standards promulgated by the United States Department of Housing and Urban Development under the authority of 42 U.S.C. 5401 et. seq., as it existed on January 1, 1976.

Fence A man-made barrier constructed to provide privacy or visual separation between one ownership and another.

Floor Area The sum of the gross horizontal areas of all of the floors of a building or buildings measured from the exterior faces of exterior walls or from the centerline of walls separating two buildings.

Free-Standing Vending Machine A coin operated machine that dispenses merchandise intended as a stand-alone business to be accessed by automobile.

Garage, Private An accessory building or a part of a main building used for storage purposes only for automobiles, used solely by the occupants and their guests of the building to which it is accessory.

Garage, Public or Repair A building in which are provided facilities for the care, servicing, repair, or equipping of automobiles.

Gasoline or Service Station A building, structure, or land used primarily for the dispensing and sale of fuels, oils, accessories, or minor maintenance and repair services but not including painting, body work, major repairs, or automatic washing facilities.

Hard Surface – concrete or asphalt surfacing installed to adequately support its intended Load or apparatus. Except that the minimum construction for parking is: four inches of 3000 psi concrete over stable sub grade or two inch asphalt over six inch compacted gravel

Height of a Sign The vertical distance from the highest point of the sign or structure to the grade of adjacent street or surface grade beneath the sign, whichever grade is lower.

Home Occupation Any occupation or profession carried on by the inhabitants of a resident, said occupation being clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character thereof, and is conducted entirely within the main or accessory building.

Hospital An institution providing health services primarily for human inpatient or medical or surgical care for the sick or injured, and including related facilities such as laboratories, outpatient departments, training facilities, central service facilities and staff offices which are an integral part of the facilities.

Hotel A building or part thereof occupied as; a more or less temporary abiding place for individuals in which the rooms are usually occupied singularly for hire and in which rooms no provisions for cooking is made, and in which building there is usually a kitchen and public dining room for the accommodation of the occupants and guests. This definition does not include an auto or trailer court or camp, sanatorium, hospital asylum, orphanage, or building where persons are housed under restraint.

Kennel Any lot or premises on which 4 or more dogs, more than six months of age are kept for personal use or boarding.

In-Home Child Care Provider - An individual selected by the family to provide child care to five or less children in the child(ren)'s home. *Subject to all other applicable State regulation.*

Lot A parcel of land occupied or intended for occupancy by a use permitted in this Code including one main building together with its accessory building, and the open spaces and parking spaces required by this Code, and having its principal frontage upon a street.

Lot, Area The total horizontal area included within the lot.

Lot of Record A lot or parcel of land, the deed to which has been recorded in the office of the County Recorder of Phillips County prior to the adoption of this Code.

Lot, Corner A lot abutting upon two or more streets at their intersection.

Lot, Double Frontage A lot which is an interior lot extending from one street to another and abutting a street on two ends.

Lot Lines The lines bounding a lot as defined herein.

Lot Line, Front In the case of an interior lot, the line separating said lot from that street which is designed as the front street in the request for a building permit.

Lot Line, Rear The lot boundary opposite and most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line.

Lot Line, Side Any lot line other than a front or rear lot line as defined herein.

Lot Width The width of a lot measured at the front building setback line.

Manufactured Home A manufactured home is one type of dwelling unit found under the broad category of “factory-built housing.” In the case of a manufactured home, it is a dwelling unit constructed in a factory in accordance with federal standards, specifically those of the United States Department of Housing and Urban Development (HUD.) Manufactured homes are constructed on a permanent chassis and are transported to a site by wheels and axles that are a part of that chassis. The wheels and axles are usually removed at that point. Manufactured homes may be single-wide or may consist of multiple sections that are connected on site. For the purposes of these regulations, the definitions of a manufactured home are consistent with and meet the definitions set forth in the federal standards and under A.C.A. §20-25-102. The installation of manufactured homes, and other matters having to do with their sale and use, is subject to the regulations of the Arkansas Manufactured Home Commission.

Manufactured Home Park Land or property containing a minimum of 2 acres which is used or intended to be used or rented for occupancy by Manufactured Homes or moveable sleeping quarters of any kind.

Manufactured Home – HUD Unit A common name often applied to manufactured home meeting the requirements of the United States Department of Housing and Urban Development and bearing a seal in compliance thereof.

Mobile Home An earlier version of a manufactured home, constructed in a factory before the enactment of the federal standards administered by the United States Department of Housing and Urban Development. This means they were constructed prior to July, 1976 and were not constructed to the standards of any current building codes.

Modular Home A residential dwelling, constructed in a factory, meeting the provisions of the currently adopted version of the Arkansas fire Prevention Code or the city’s adopted building code. Modular homes, or their separate portions, are transported to the site by truck where they are placed onto a foundation.

Modular Metal Home A single or multi-family dwelling unit, constructed in a factory, meeting the currently adopted version of the Arkansas Fire Prevention Code or the city’s adopted building code and constructed with its roof and exterior walls constructed entirely of metal or glass.

Manufactured Home Park Land or property containing a minimum of 2 acres which is used or intended to be used or rented for occupancy by Manufactured Homes or moveable sleeping quarters of any kind.

Manufactured Housing Construction and Safety Standards The standard for construction, design, and performance of a manufactured home as set forth in the Ordinance of Federal Regulations, Title 24, Part 3280, 3282, 3283, and 42 USC 5401 ET SEQ as mandated in the United States of America and as administered by the United States Department of Housing and Urban Development.

Motel A motel or motor court is a business comprised of a building or group of buildings so arranged as to furnish overnight accommodations for transient guests.

Nonconforming Use Any building or land lawfully occupied by a use at the time of passage of this Code which does not conform with the use or area regulations of the district within which it is located.

Nursing Home Any premises where more than three persons are lodged and furnished with meals and nursing care.

Open Space An unoccupied space open to the sky on the same lot with the building and occupied by no structure or portion of structure whatever.

Parking Lot An off-street facility including parking spaces and drives and aisles for maneuvering, and providing access and for entrance and exit, developed in a way to accommodate the parking of automobiles.

Parking Space An off-street space available for the parking of one motor vehicle and having an area of not less than 180 square feet exclusive of passageways and driveways, and having direct access to a street or alley. It shall measure not less than 9 x 20 feet.

Principal Use The specific primary purpose for which land, building or structure is used or intended to be used.

Public Utility Any person, firm, corporation, municipal department, or Council, duly authorized to furnish and furnishing under regulations to the public, electricity, gas, telephone, television cable, telegraph, transportation, drainage, water, or sanitary sewage.

Registered Child Care Family Home – when five or less children are cared for in the caregiver’s own family residence or in some other suitable family type residence. *Subject to all other applicable State regulations*

Relative Child Care Family Home – when five or less children are cared for by a relative of the child(ren). *Subject to all other applicable State regulations.*

Residential Drive That portion of the access component utilized as a vehicle entry point to a one or two family structure, existing upon the street right of way and in case less than 10 feet from the edge of existing street surface.

Satellite Television Receiving Dishes, Ground Mounted A device commonly parabolic in shape, mounted at a fixed point on the ground for the purpose of capturing television signals transmitted via satellite communications facilities and serving the same or similar function as the common television antenna. Aid devices are herein defined as accessory structures.

Service Station See Gasoline Service Station.

Setback Distance between the lot line and the building line.

Sign Any outdoor device, figure, painting, message, poster, or other structure which is designed or intended to advertise or inform the public of an establishment, goods, or service.

Sign, Directory A sign, usually of ladder construction, which lists the names of individuals or products available at a single site.

Sign, Off-premise A sign, whether leased or owned by the advertising entity, which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located, and which does not exceed 32 square feet in area.

Sign, Billboard An off-premise sign exceeding 32 square feet in area.

Sign, Governmental or Public A sign directing or informing of public or quasi-public institutions or locations (church, school, library, hospital, tourist attractions, civic or service clubs) or signs placed by any governmental body.

Sign, Illuminated A sign designed to give forth any artificial light or reflect light from an artificial source.

Sign, Informational An off-premise sign indicating the location of a business or institution, and not exceeding four square feet in area and not more than three feet in height.

Sign, Nonconforming Any sign which is not permitted under the terms of this ordinance, within the district in which it is located.

Sign, Political Temporary sign erected on private property within the city for the purpose of political campaigning regarding a designated election.

Sign, Portable A commercially available, mass produced sign, purchased or leased, which is designed to be portable, typically 24 to 32 square feet, and mounted on wheels or legs of any type, whether or not attached to the ground surface or a building.

Sign, Projecting A sign which projects from and is supported by a wall of a building, and does not extend beyond, into or over the street right of way.

Sign, Real Estate A sign advertising a specific property for sale, rent, or lease.

Sign, Special Event Temporary sign describing an event of public interest such as a fair, trade show, auction, etc.

Sign, Surface Area The total surface area of a sign, including frame, but counting only one side of a back-to-back sign.

Sign, Permanent Signs permanently affixed shall mean anchored to the ground as stipulated in applicable codes as adopted by the City of Helena-West Helena. For signs formerly utilized as portable signs, this anchoring shall, as a minimum, consist of no less than four concrete foundation pads no less than one square foot each in area and no less than eighteen inches at or below grade and with the sign securely bolted or affixed to the concrete.

Story 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 no 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 Any public or private thoroughfare which affords the principal means of access to abutting property.

Structure Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, fences, billboards, and poster panels, but do not include walks and drives.

Structural Alterations Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

Travel Trailer The travel trailer unit is a department temporary single-family dwelling unit built on a chassis not exceeding 8 feet wide and 32 feet long designed for short-term occupancy and frequent travel, requiring park services for utility and sanitary facilities. Unit may be self-propelled or towed behind a vehicle without a special permit required.

Travel Trailer Park/ Recreational Vehicle Park A unified development under private ownership designed primarily for transient service, on which travel trailers, pick-up coaches, and self-propelled motorized vehicles are parked or situated for short-term occupancy. The owner shall provide park services for utility and sanitary facilities.

Yard An open space on the same lot with a building unobstructed from the ground upward and measured as the minimum horizontal distance between the lot line and the main building.

Yard, Front A yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street line and the main building or any projections thereof other than the projections of uncovered steps, uncovered balconies, terraces, or uncovered porches. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

Yard, Rear A yard extending across the rear of the lot between the side lot lines and measured between the rear lot line in the rear of the main building or any projection other than steps, unenclosed porches, or entrance ways.

Yard, Side A yard between the main building and the side line of the lot, and extending from the front lot line to the rear yard, and being the minimum horizontal distance between a side lot line and the side of the main building or any projection thereof.

Zoning Lot A parcel of land that is designated by its owner or authorized agent as a tract, all of which is to be used, developed, or built upon as a unit under a single ownership. A zoning lot may consist of any standard lot or a combination of lot and any legally recorded portion of a lot or a combination of lot and any legally recorded portion of a lot that existed prior to the passage of this Code. When determining the front, rear and side yard setbacks for a zoning lot, the required distance shall be measured from the exterior boundaries of said zoning lot.

ARTICLE 14. VALIDITY AND REPEAL

14.1 Validity This Zoning Code and the various parts, sections subsections, sentences, phrases, and clauses thereof are hereby declared to be severable. If any part, sentence, or paragraph, section or subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Zoning Code shall not be affected thereby.

The City Council of the City of Helena-West Helena hereby declares that all such remaining parts would have been passed irrespective of the validity or invalidity of any parts found to be invalid.

14.2 Repeal All ordinances or parts of ordinances in conflict with this Zoning Code, or inconsistent with provisions of this Code are hereby repealed to the extent necessary to give this Zoning Code full force and effect upon its adoption by Ordinance of the City Council of the City of Helena-West Helena, Arkansas.