


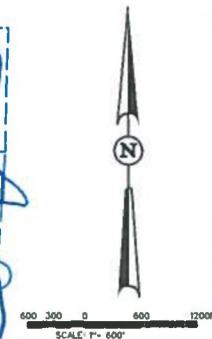


Residential Use   
 Commercial Use   
 Industrial Use 



NOTES:  
 THIS MAP PUBLISHED THIS  
 TENTH DAY OF JANUARY 2001 REFLECTS  
 LAND USE BASE ON ZONING  
 AS OF ORDINANCE NO. 2000-07.  
 ZONING CHANGES SINCE  
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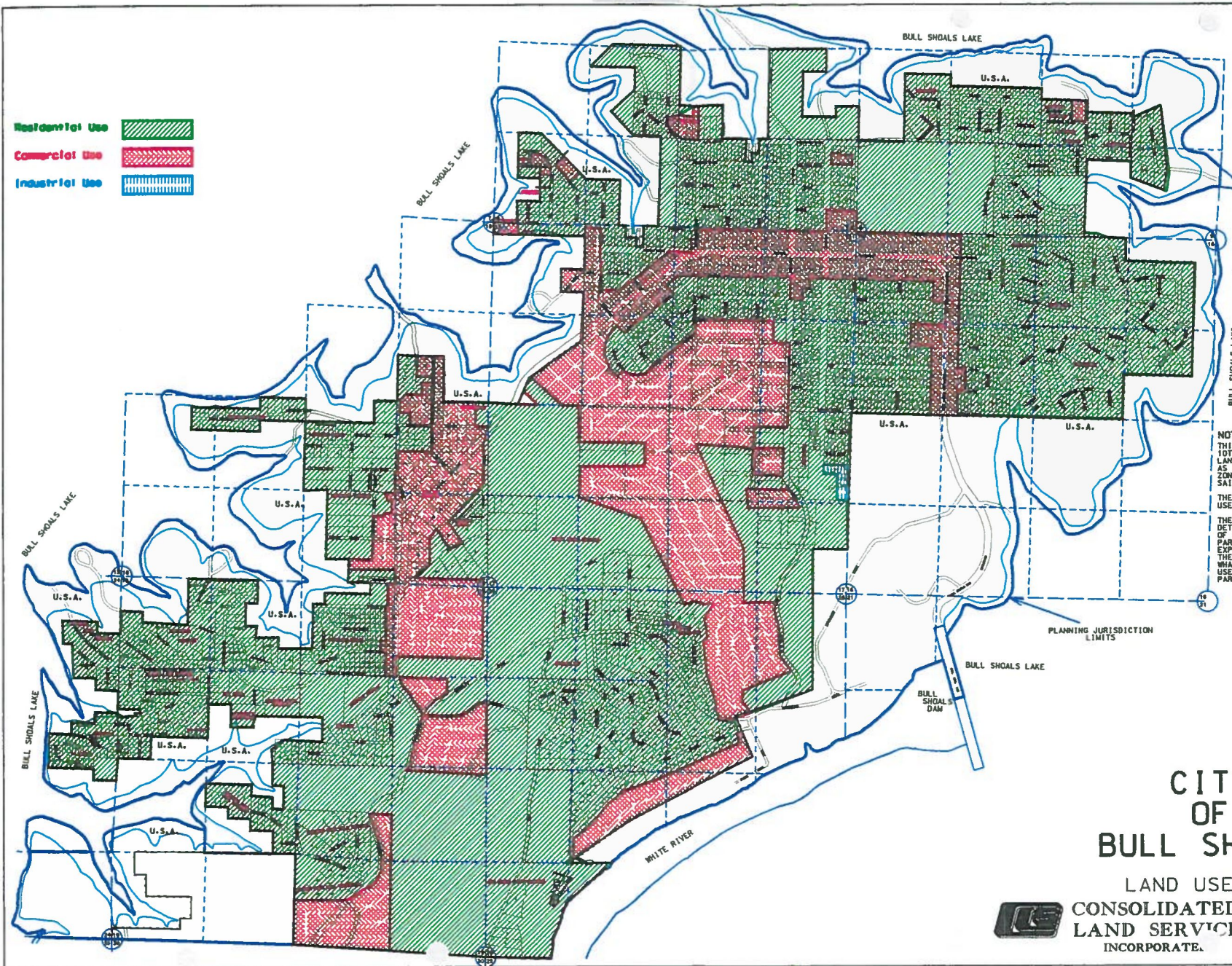
# CITY OF BULL SHOALS

LAND USE MAP



**CONSOLIDATED  
LAND SERVICES  
INCORPORATE.**

ENGINEERING, SURVEYING  
 & MATERIALS TESTING  
 HIGHWAY 40 EAST  
 MOUNTAIN VIEW, ARKANSAS  
 PHONE 501-651-1011





# LEGEND

TYPE OF DOC.  
RECORD BOOK,  
AND PAGE(S)

ANNEXATION.

TYPE OF DOC.  
RECORD BOOK,  
AND PAGE(S)

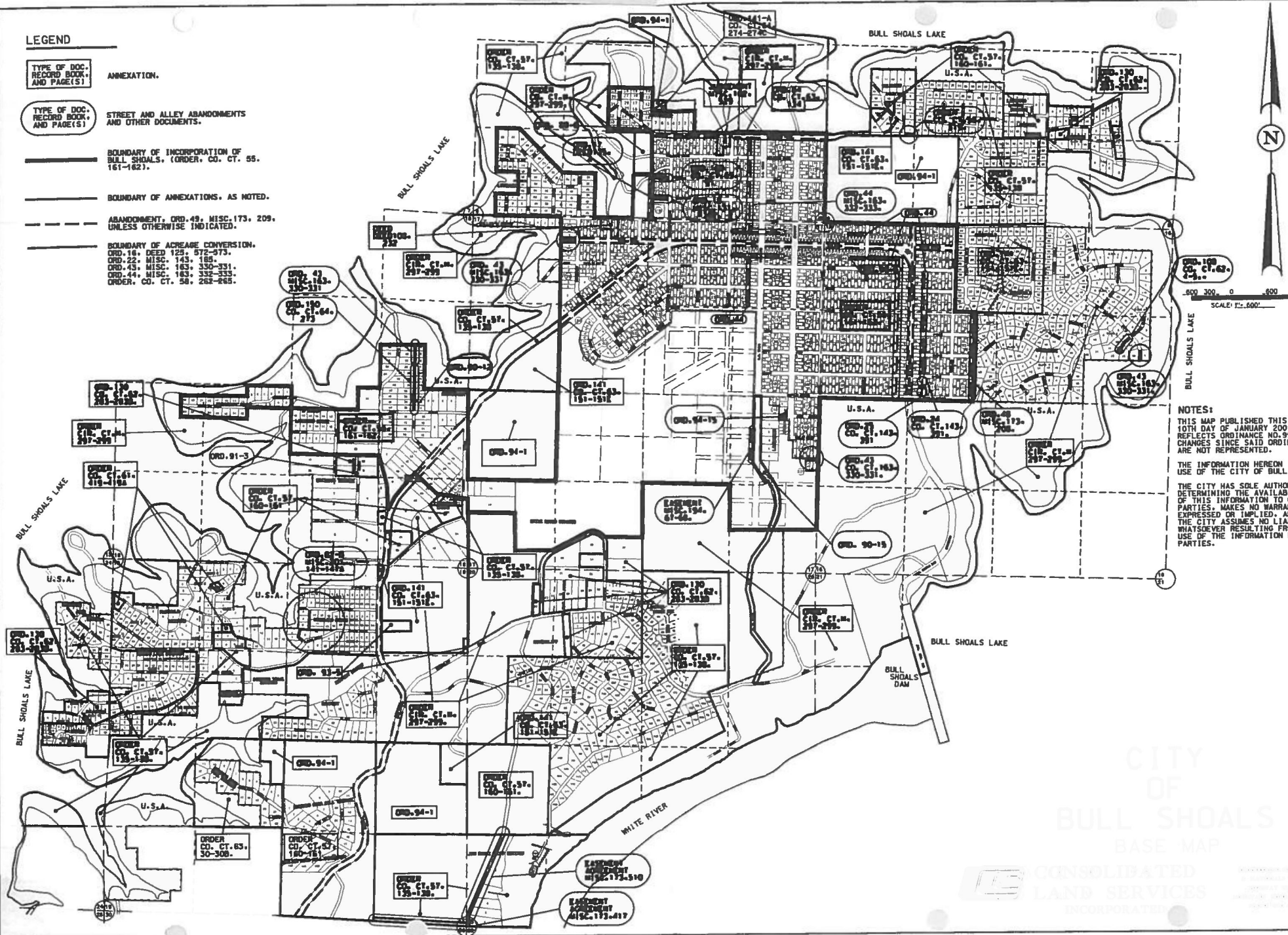
STREET AND ALLEY ABANDONMENTS  
AND OTHER DOCUMENTS.

BOUNDARY OF INCORPORATION OF  
BULL SHOALS, (ORDER, CO. CT. 55.  
161-162).

BOUNDARY OF ANNEXATIONS, AS NOTED.

ABANDONMENT, ORD. 49, MISC. 173, 209.  
UNLESS OTHERWISE INDICATED.

BOUNDARY OF ACREAGE CONVERSION.  
ORD. 16, DEED 125, 572-573.  
ORD. 22, MISC. 143, 185.  
ORD. 43, MISC. 163, 330-331.  
ORD. 44, MISC. 163, 332-333.  
ORDER, CO. CT. 58, 262-265.



## NOTES:

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ORDINANCE 2001-03

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MARY JO LAYTON  
MARION CO./CIR. CLERK

A COMPREHENSIVE ZONING ORDINANCE, REPEALING ORDINANCE NO. 87-4

BY

*Scot*  
D.C.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
BULL SHOALS, ARKANSAS, THAT THE FOLLOWING IS THE BULL SHOALS,  
ARKANSAS 2001 ZONING ORDINANCE;

Page 1

Ord. 2001-03

County Book "83" 269

2001-03



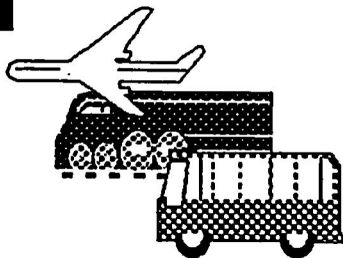
**FINAL DRAFT - 28 MARCH 2001**

# **ZONING ORDINANCE**

## **BULL SHOALS, ARKANSAS**

**CONSULTANT**

Urban Planning Associates, Inc.  
300 Spring Building - Suite 720  
Little Rock, AR 72201  
James G. von Tungeln, AICP



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## FOREWORD

### A. Title

This ordinance is an updated comprehensive zoning ordinance and shall be known, cited and referred to as the "Bull Shoals Zoning Ordinance."

### B. Purpose and Authority

The zoning regulations as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, or the general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of water, sewerage, schools, parks, and other public requirements. Zoning regulations have been developed with reasonable consideration, among other things, as to the character of each district and its peculiar suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

Act 186 of 1957 of the General Assembly of the State of Arkansas, as amended, empowers the City to enact zoning regulations and to provide for their administration, enforcement and amendment. The City Council of the City of Bull Shoals, pursuant to the provisions of the aforementioned act has established a planning commission which has divided the City into districts and has prepared regulations pertaining to those districts in accordance with the comprehensive development plan. These regulations apply to all land and structures and are in effect throughout the corporate limits of the City.

### C. Conformance of Plans

The City Planning Commission of Bull Shoals, Arkansas, having made a comprehensive study of present conditions and future growth of the City and prepared and adopted a Land Use Plan, finds that this ordinance would carry out the intent of the Land Use Plan.

## CHAPTER I - DEFINITIONS

### Article 1-1 Definitions

Certain words and phrases shall for the purpose of this ordinance have the following meaning:

1. Accessory Structure. A subordinate building or a portion of the main building located on the same lot as the main building, the use of which is incidental to that of the dominant use of the building or premises. Where an accessory structure is attached to the principal structure in a substantial manner, as by a roof, such accessory shall be considered as a part of the principal structure. An example of an accessory structure for a non-residential structure would be educational buildings of a church, with the sanctuary being the principal structure.
2. Accessory Use. A use customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located upon the same lot therewith. In buildings restricted to residential use, the office of a professional man or customary family workshops not conducted for compensation shall be deemed accessory use.
3. Alley. A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting the street, and which may be used for public utility purposes.
4. Apartment House. See dwelling, multiple family.
5. Area. The amount of land surface in a lot or parcel of land.
6. Area Requirements. The yard, lot area, width of lot, and parking requirements set forth in a specific district in this ordinance.
7. Building. Any structure intended for shelter, housing, or enclosure for persons or animals. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate building.
8. Building Coverage. The lot area covered by all buildings located thereon, including the area covered by all overhanging roofs.
9. Building Height. The vertical distance from the average line of the highest to lowest point of that portion of the lot covered by the building to the highest point of coping of a flat roof, or the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

10. Building Line. The line of that face of the building nearest the front of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.
11. 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.
12. Building Official. A person appointed by the Mayor and approved by the City Council of Bull Shoals to inspect construction or other uses for compliance or non-compliance with these regulations, and referred herein as the building inspector.
13. Child Care Center. Any place, home, or institution which receives five (5) or more children under the age of 16 years, and not of common parentage, for care apart from their natural parents, legal guardians, or custodians, when received for regular periods of time for compensation; provided, however, this definition shall not include public and private schools organized, operated, or approved under the laws of this state, custody of children fixed by a court of competent jurisdiction, children related by blood or marriage within the third degree to the custodial parent person, or to churches or other religious or public institutions caring for children within the institutional building while their parents or legal guardians are attending services or meetings or classes or other church activities.
14. Comprehensive Development Plan. An official statement reflecting the objectives, policies, and ambitions of the community regarding future physical growth. Once adopted, the plan serves as a guide for making land use changes, preparation of implementing ordinances (zoning, platting), preparation of capital improvement programs and the rate, timing and location of future growth. The Plan reflects the general location for various land uses, major streets, parks, public buildings, zoning districts and other public improvements. The Comprehensive Development Plan shall be hereinafter called the Plan.
15. Corner Yard and/or corner yard visibility. A corner yard shall have extra width to permit appropriate building setback from and orientation to both streets. On a corner lot, within the areas formed by the right-of-way lines of intersecting streets and a line joining points on such right-of-way lines at a minimum distance of 20 feet (unless otherwise specified) from their intersection; there shall be no obstruction to vision between a height of 2 feet and height of 10 feet above the average grade of each street at the centerline thereof, except that street name signs, fire hydrants, street lighting poles and associated appurtenances hereto shall be permitted within this area.
16. District, Zoning. Any section, sections or divisions of the City of Bull Shoals for which regulations governing the use of land, density, bulk, height and coverage of buildings, and other structures are uniform.

17. Dwelling. Any building or portion thereof, which is designed or used as living quarters for one or more families.
18. Dwelling, condominium, town house, row house. Two (2) or more dwelling units attached at the sides, each of which has a separate outdoor entrance and is designed to be occupied by one (1) family.
19. Dwelling, Single-family. A detached dwelling designed to be occupied by one (1) family.
20. Dwelling, Two-family. A detached dwelling designed to be occupied by two (2) families living independently of each other.
21. Dwelling, Multiple. A detached dwelling designed to be occupied by three (3) or more families living independently of each other, exclusive of hotels or motels.
22. Family. One (1) or more persons related by blood, marriage, or adoption, or a group of not to exceed five (5) persons not all related by blood or marriage, occupying a boarding or lodging house, hotel, club, or a similar dwelling for group use.
23. Fences and Walls. Any man-made structure, partition, or enclosure of wood, iron, or material enclosing or dividing a piece of land.
24. Frontage. The length of a front lot line or lines.
25. Garage Apartment. A dwelling unit for one family erected above a private garage.
26. Gasoline Service or Filling Station. Any area of land, including structures thereon, that is used for the retail sales of gasoline or oil fuel, or other automobile accessories, and incidental services including facilities for lubricating, hand washing and cleaning, or otherwise servicing automobiles, but not including painting, major repair.
27. Home Occupation. Any occupation carried on solely by the inhabitants of a dwelling which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, and which is conducted entirely within the main or accessory buildings; provided that no trading in merchandise is carried on and in connection with which there is no display of merchandise or advertising signs. Home occupations shall include repair and service facilities where no noise, glare, smoke, or fumes are produced which would interfere with the quiet use of nearby residential properties.

28. Hotel. A building or group of buildings under one ownership containing six (6) or more sleeping rooms occupied or intended or designed to be occupied as the more or less temporary abiding place of persons who are lodged with or without meals for compensation, but not including trailer court or camp, sanatorium, hospital, asylum, orphanage, or buildings where persons are housed under restraint.
29. Kennel. Any lot or premises on which are kept domesticated animals for commercial purposes.
30. Lot. Any parcel of land occupied or intended to be occupied by one main building, or a group of main buildings, and accessory buildings and uses, including such open spaces as are required by this ordinance and other laws or ordinances, and having its principal frontage on a street.
31. Lot Area. The horizontal area included in the lot.
32. Lot, Corner. A lot abutting upon two (2) or more streets at their intersection.
33. Lot, Double Frontage. A lot which is an interior lot extending from one (1) street to another and abutting a street at two (2) ends.
34. Lot Lines The lines bordering a lot as defined herein.
35. Lot Line, Front. In the case of an interior lot, the line separating said lot from the street which is designed as the front street in the request for a building permit.
36. 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.
37. Lot Line, Side. Any lot line other than the front or rear lot line as defined herein.
38. Lot of Record. A lot or parcel of land, the deed of which has been recorded in the office of the county recorder, prior to passage of this ordinance, including property described as metes and bounds.
39. Lot Width, The width of a lot measured at the front building setback line.
40. Manufactured Home. A residential dwelling built in accordance with the Federal Manufactured Home Construction and Safety Standards. Manufactured homes are further classified as either (1) single section, or (2) multi-section. In addition, no manufactured home shall be installed that is older than 5 years from date of manufacture as of the date of proposed installation and/or has been previously occupied.

41. Medical Facility.

- a. Convalescent, Rest, or Nursing Home. A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.
  - b. Dental Clinic or Medical Clinic. A facility for the examination and treatment of ill and afflicted human out-patients, provided that patients are not kept overnight except under emergency conditions.
  - c. Offices for Dentists, Doctors, Optometrists, Osteopaths, and Chiropractors. The same as dental or medical clinic.
  - d. Hospital. An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient department, training facilities, central service facilities, and staff offices which are an integral part of the facility.
  - e. Public Health Center. A facility primarily utilized by a health unit for providing public health services including related facilities such as laboratories, clinics, and administrative offices operating in connection therewith.
  - f. Sanatorium. An institution providing health facilities for inpatient medical treatment or treatment and recuperation, making use of natural therapeutic agents.
42. Modular Home. A single family dwelling, constructed in a factory to a residential construction code other than the Federal Manufactured Home Construction Safety Standards.
43. Mobile Home. A residential dwelling that was fabricated in an off-site manufacturing facility, designed to be a permanent residence, built prior to enactment of the Federal Manufactured Home Construction and Safety Standards, and consistent with any state definitions.
44. Motels/Inns. An area containing one or more buildings designed or intended to be used as temporary sleeping facilities of one or more transient persons and intended primarily for automobile transients.
45. Nonconforming Structure. A lawfully constructed building or structure which does not conform to the regulations of the district in which it is located.

46. Nonconforming Use. A structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is located.
47. Open Space. Any unoccupied space on the lot that is open and unobstructed to the sky and occupied by no structure or portions of structures whatever.
48. Parking Space. An area a minimum of 250 square feet of usable and accessible space which is designated for parking of an automotive vehicle.
49. Place of Public Assembly. A meeting place for more than 35 persons to which the public or membership groups are assembled regularly or occasionally, included but not limited to schools, churches, theaters, auditoriums, funeral homes, stadiums, and similar places of assembly.
50. Principle Structure. A structure in which a principle use of the lot on which the structure is located is conducted.
51. Principle Use. The chief or main recognized use of a structure or of land.
52. Property Line. The line bounding a lot as defined herein.
53. Public Utility. Any person, firm, corporation, municipal department, or board, duly authorized to furnish, and furnish under regulations to the public, electricity, gas, telephone, television cable, telegraph, transportation, drainage, water or sanitary sewage.
54. Resort Use. A dwelling or lodging unit or units designed for occupancy by transient tourists and vacationers together with facilities which constitute a place to which people go that provided lodging, food, beverages, rest and recreational activities areas; all utilities shall be in compliance with existing codes and ordinances.
55. Site Plan Review. The process whereby local officials, usually the Commission and staff, review the site plan of a development to assure that they meet the stated purposes and standards of zoning and other regulations, provide for the necessary public facilities such as roads and schools, and protect and preserve desirable features and adjacent properties through appropriate location of structures and the use of landscaping. Site plan review is usually required in connection with many flexible land use regulation techniques. The process often allows considerable discretion to be exercised by local officials since it may deal with hard-to-define aesthetic and design considerations.

56. Standards. While often used loosely to refer to all requirements in the Zoning Ordinance, the term usually is used to mean site design regulations such as lot area, height limits, frontage, landscaping, yards, and floor area ratio as distinguished from use regulations.
57. Statement of Compliance. The manufacturer, dealer and/or of manufactured housing is certified by the Arkansas Manufactured Home Commission and will comply with the Arkansas Manufactured Home Commission.
58. 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 being no floor above it, then the space between the floor and the ceiling next above it.
59. Story, Half. A space under a sloping roof which has a line of intersection of roof decking and wall face not more than 3 feet above the top floor level, and in which space not more than 2/3 of the floor area is finished off for use. A half story containing independent apartments or living quarters shall be counted as a full story.
60. Street. Any public or private thoroughfare which affords the principal means of access to abutting property.
61. Street, Intersection. Any street which joins another street at an angle, whether or not it crosses the other.
62. Structure. Anything constructed or erected, the use of which requires location attached on the ground or which is attached to something having a location on the ground.
63. Trailer, Travel Recreational (RV). The recreational travel trailer unit is an independent temporary single-dwelling unit on a chassis designed for short-term occupancy and frequent travel, requiring park services for utility and sanitary facilities. Said unit may be self-propelled or towed behind a vehicle without a special permit required.
64. Travel Trailer Park. A unified development under private or public ownership designed primarily for transient service, on which travel trailers, pick-up coaches, and self-propelled motorized vehicles are parked or situated for 30 days or less.
65. Use of Land. The unoccupied portion of a lot shall be considered to be in the same use as is the principal structure located on the lot unless such land is utilized as open storage.

66. Yard. An open space at grade between a building and the adjoining lot line, unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in this ordinance that the building or structure may be located in a portion of a yard required for main buildings. In measuring a yard for the purpose of determining the width of the side yard, the depth of the front yard, or the depth of the rear yard, the shortest horizontal distance between the lot line and the main building shall be used.
67. 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 (principal) building or any projections thereof other than the projections of uncovered steps, uncovered balconies, or uncovered porches. On corner lots the front yard shall be considered as parallel to the street upon which the lot has the least dimensions.
68. Yard, Rear. A yard extending across the rear of the lot between the side lot lines and measured between the rear lot lines in the rear of the main (principal) building or any projection other than steps.
69. 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 (principal) building or any projection thereof. The roof eaves shall be considered a projection.
70. Zero Lot Line. A development approach in which a building is sited on one or more lot lines with no yard; conceivably, three (3) or four (4) sides of the building could be on the lot lines. The intent is to allow more flexibility in site design and to increase the amount of usable open space on the lot between building, especially in urban areas with high density and small lots.
71. Zoning Lot. A parcel of land that is designated by its owner or authorized agent as a tract, all of which is to be built upon a unit under single ownership. A zoning lot may consist of any standard lot or a combination of lot and any legally recorded portion of a lot that existed prior to passage of this Ordinance. 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.

## CHAPTER II - PLANNING COMMISSION

### Article 2-1. General

The legislative body of the City has hereby created a Planning Commission to be known, cited, and referred to as the Commission of the City.

### Article 2-2 Appointment of Commissioners.

- A. The Commission of the City shall consist of at least five (5) members who shall serve without compensation.
- B. The Commission shall have all the duties and functions authorized by Arkansas statute Act 186 of 1957, as amended.
- C. Not more than one-third of its members (also called Commissioners) may hold any other municipal office or appointment, except membership on the Board of Zoning Adjustment or joint planning agency.
- D. The Members of Commission shall be named and appointed by the Mayor of the City. The appointments shall be valid and effective upon confirmation by the Council of City.
- E. Each member (Commissioner) will serve a term of 5 years.
- F. The Mayor, if deemed necessary, may dismiss any Commissioner who misses more than three (3) consecutive regular meetings of the Commission.
- G. Current members of the Commission appointed by the Mayor and confirmed by the Council of the City prior to the effective date of this Ordinance shall remain members of the Commission until their term of office expires or the members are dismissed by the Mayor.
- H. When the term of a Commissioner expires or a vacancy occurs, the Mayor of City shall make a nomination to fill such vacancy subject to the approval of the Council of the City.

### Article 2-3 Meetings

- A. The regularly scheduled meetings of the Commission will be held on the fourth Wednesday of the month. The Commission shall convene a minimum of one (1) meeting in each quarter of each calendar year.
- B. A quorum shall consist of a minimum of two-thirds (2/3) of the entire membership of the Commission.

- C. Order of business shall be in accordance with the rules established by the Commission.
- D. All plans, appeals, amendments, recommendations, variances and reports shall require a majority vote of two-third (2/3) of the entire membership of the Commission to pass in accordance with Arkansas statute 19-2830(a)(4).

Article 2-4 Authority and Jurisdiction.

- A. The Commission shall review and update the Plan's text and maps adopted June 1972;
- B. The Commission shall hear and decide matter upon which it is required to pass under this Ordinance;
- C. The Commission shall receive and review all applications for approval of non-listed uses, and report facts and findings, and make recommendations to the Council of the City.

## CHAPTER III - ESTABLISHMENT OF DISTRICTS

### Article 3-1 Classification of Districts

For the purpose of promoting the public health, safety, morals, and general welfare of the community, the City of Bull Shoals, Arkansas, is hereby divided into the following types of districts:

R-1	Single Family Residential
R-2	Manufactured Housing/Two Family Residential
R-3	Multi-Family and Multi-Clustered Residential
R-4	Manufactured Home Parks
C-1	Commercial Central Business District
C-2	Commercial Highway District
C-3	Commercial Transitional District
C-4	Commercial Resorts in a Residential R-1 District
I-1	Limited Industrial District

### Article 3-2 Boundary of Districts

A. Establishment of Zoning Districts Boundaries. The boundaries of the zoning districts are hereby established as shown on the map entitled Zoning District Map of Bull Shoals, Arkansas, which is a part of this ordinance and which is on file at City Hall.

#### B. Interpretation of District Boundaries

1. Where district boundaries are indicated as approximately following the center lines of streets or highways, said street lines shall be construed to be such.
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
3. Boundaries indicated as approximately following city limits shall be construed as following city limits.
4. Boundaries indicated as approximately following alleys shall be construed as following alleys.

5. When the street or property layout existing on the ground is at variance with that shown on the Zoning District Map or with other requirements of this ordinance, the Board of Adjustment shall interpret the boundaries.
6. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Board of Zoning Adjustment.

## CHAPTER IV - USE AND AREA DISTRICTS

### Article 4-1 Single Family Residential (R-1)

This district is intended to include the quiet residential neighborhoods characterized by single-family homes on large lots, excluding manufactured housing, plus certain areas where similar residential development is likely to occur. This is the most restrictive residential district. The principal use of land is for detached single-family dwellings, and related recreational, religious, and educational facilities normally required to provide the basic elements of a balanced and attractive residential area.

#### A. Permitted Uses

1. Single family dwelling, detached.
2. Public parks, playgrounds, and other municipal recreational uses.
3. Public schools and private schools offering general education courses.
4. Parking lots used to service uses permitted in the district.
5. Public services facilities and utilities.
6. Post offices.
7. Home occupation as defined in Article 1-1.
8. Customary accessory uses and buildings, provided such uses are incidental to the principal use and do not include any activity commonly conducted for gain. Any accessory building shall be on the same lot with the principal building.
9. Churches

#### B. Conditional Uses

The following are permitted upon review of the Planning Commission in accordance with the provisions of Article 5-14.

1. Parks
2. Telecommunication towers.

C. Minimum Gross Living Area.

The minimum gross living area shall be 925 square feet on the first story level, exclusive of porches and garages.

D. Accessory Uses

1. As permitted with Article 5-10.
2. Fences as permitted in accordance with Article 5-12.

E. Minimum Lot Requirements

Minimum lot requirements shall be in accordance with Appendix II.

F. Minimum Yard Requirements

1. The front yard shall be in accordance with Appendix II.
2. The corner side yard shall be in accordance with Appendix II.
3. The rear yard from the rear lot line shall be in accordance with Appendix II.

G. Height

Family dwelling units structure height shall not exceed 2-1/2 stories or 35 feet in height, whichever is lower. Detached garages and carports shall not exceed 15 feet in height.

Article 4-2 Residential Use District (R-2)

This district is intended for residential neighborhoods characterized by residential dwellings containing suitable lot area for single-family, two-family, and single-family manufactured housing.

A. Permitted Uses

1. Any use permitted in R-1 Residential District.
2. Two-family dwellings contained in one structure.
3. Single-family manufactured housing.
4. Accessory structures and uses pertinent to the principal structure and use.

B. Conditional Uses

Any conditional use permitted in the R-1 Residential District may be allowed upon review and approval by the Planning Commission. Applications for conditional uses shall be made in accordance to the provisions of Article 5-14.

C. Standards of Installation.

Standards of installation shall be as required in Article 4-4, paragraph C.

D. Minimum Gross Living Area.

The minimum gross living area for single family dwelling structures shall be 925 square feet exclusive of porches and garages. The minimum gross living area of each family unit of two-family dwellings contained in one structure shall be 720 square feet, exclusive of porches and garages. The minimum gross living area for single-family manufactured housing shall be 720 square feet.

E. Accessory Uses

1. As permitted with Article 5-10.
2. Fences as permitted in accordance with Article 5-12.

F. Minimum Lot Requirements

Minimum lot requirements shall be in accordance with Appendix II.

G. Minimum Yard Requirements

1. The front yard shall be in accordance with Appendix II.
2. The corner side yard shall be in accordance with Appendix II.
3. The rear yard from the rear lot line shall be in accordance with Appendix II.

H. Height

Family dwelling units structure height shall not exceed 2-1/2 stories or 35 feet in height, whichever is lower. Detached garages and carports shall not exceed 15 feet in height.

#### Article 4-3 Residential Use District (R-3)

This district is intended to permit diversification in the location of residential structures that are classified as multi-family dwelling structures, one (1) and two (2) stories in height, multi-clustered dwellings constructed on a zero lot line. The following regulations and requirements will permit the construction of low cost private housing of good standards and quality.

It is further intended that all multi-family developments will incorporate a reasonable amount of open space for recreational amenities and will provide for the preservation of natural amenities such as vegetation, flood plains, wild life and topography.

Not less than 40 percent of the lot area must be retained as unobstructed open space. All structure groups shall abut or have access to a dedicated street and must be so arranged that any dwelling unit is accessible to emergency vehicles.

##### A. Permitted Uses

1. Any use permitted in a R-1 or R-2 residential district, with the exception of single family manufactured housing, which shall not be permitted;
2. Multi-family dwelling structures.
3. Multi-family clustered dwelling units constructed on a zero lot line.

##### B. Conditional Uses

All conditional uses are permitted in the R-1 and R-2 residential districts upon review and approval of the Planning Commission in accordance with the provisions of Article 5-14.

##### C. Minimum Gross Living Area

The minimum gross living area shall be 720 square feet, exclusive of porches and garages.

##### D. Accessory Uses

1. As permitted with Article 5-10.
2. Fences as permitted in accordance with Article 5-12.

##### E. Minimum Lot Requirements

Minimum lot requirements shall be in accordance with Appendix II.

##### F. Minimum Yard Requirements

1. The front yard shall be in accordance with Appendix II.

2. The corner side yard shall be in accordance with Appendix II.
3. The rear yard from the rear lot line shall be in accordance with Appendix II.

G. Height

Multi-family dwelling units structure height shall not exceed 2-1/2 stories or 35 feet in height, whichever is lower. Detached garages and carports shall not exceed 15 feet in height.

Article 4-4 Manufactured Home Parks (R-4)

A. Purpose

This district is intended for manufactured home dwellings characterized by location of four (4) or more dwelling units, each occupying a manufactured home space, on a plat of ground, commonly called a manufactured home park.

B. Location

1. Manufactured home parks may be located in the R-4 residential district shall comply with the requirements of this district.
2. Each boundary of the park must be at least 100 feet from any permanent building located outside the park, and separated therefrom by a chain link fence 5 feet in height attached to a steel or aluminum post set in concrete, or the equivalent thereof in approved screening and/or landscape design as determined by the Commission of the City.

C. Standards of Installation

1. Manufactured home dwellings shall be one (1) dwelling unit per lot and shall be sold by a dealer or manufactured certified by the Arkansas Manufactured Home Commission as an Arkansas Certified Manufactured Home Manufacturer or Dealer, or salesperson licensed by the aforesaid Commission.
2. Manufactured home dwellings shall be installed and/or anchored by persons licensed by the Arkansas Manufactured Home Commission, in accordance with the manufacturer's instructions as approved by the Arkansas Manufactured Home Commission.
3. The manufactured home park plan shall require the issuance of a conditional use permit after the Clerk has received application and fees.
4. Each manufactured home space (single-wide or double-wide) in the manufactured home park shall require the issuance of a building permit after the Clerk has received application and fees.

5. A previously owned (used) independent (single family) manufactured housing may be purchased and installed on a manufactured home space in a manufactured home park provided said dwelling unit conforms to all standards set forth in this article.

D. Manufactured Home Park Plan

The Commission shall review all manufactured home park plans prior to issuance of a conditional use permit and said park shall conform to the following requirements.

1. The manufactured home park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
2. Manufactured home spaces for single and multi-unit dwellings shall be provided and clearly defined.
3. Manufactured home parks in existence on the effective date of this ordinance which provide spaces having a front and rear space width or area square footage less herein above prescribed may continue to operate with their existing spaces, but in no event shall any manufactured home space be less than 30 feet wide (front and rear) and have an area square footage less than 1,500 square feet.
4. Single family manufactured home dwelling units shall be so harbored on each space that there shall be at least a 30 foot clearance, provided, however, that with respect to manufactured home dwelling units parked end-to-end, the end-to-end clearance may be less than 30 feet, but shall not be less than 15 feet. No independent manufactured home dwelling unit shall be located closer than 15 feet to any building within the park.
5. All manufactured home spaces shall abut upon a driveway of not less than 10 feet in width, which shall have unobstructed access to a public street or highway.
6. All driveways and walkways within the park shall be hard surfaced and lighted at night.
7. An electrical outlet of at least 110 volts shall be provided for each manufactured home space.
8. Any single family manufactured home dwelling unit or other permitted building within the manufactured home park shall be at least 50 feet from any park perimeter boundary and this area shall be landscaped with shrubbery and trees.
9. A building permit shall be required for each single family manufactured dwelling unit on each manufactured home space prior to installation.
10. A conditional use permit is required for each manufactured home park plan.

E. Off Street Parking

1. For each manufactured home dwelling unit occupying a manufactured home space in a manufactured home park, a minimum of one (1) parking space per each manufactured home space shall be provided.
2. For each manufactured home space in a manufactured home park, one additional parking space shall be provided for visitors or other parking requirements. This additional parking may be in a separate area from the manufactured home space.
3. Service entrance and access for emergency vehicles and/or fire lanes shall be determined by the Commission.

F. Supervision

The owner, operator, or duly appointed attendant or caretaker shall be in charge at all times to keep the manufactured home park, its facilities and equipment in a clean, orderly and sanitary condition.

G. Register of Occupants

It shall be the duty of each manufactured home park owner, operator, or duly appointed attendant or caretaker to keep a register containing the record of all owners, tenants, and other occupants of each single family manufactured home dwelling unit occupying a manufactured home space in aforementioned parks. The regulations below shall not apply to visitors. The register shall contain the following information:

1. The name and address of each owner, tenant, or other occupant of each single family manufactured home dwelling unit and telephone number if applicable.
2. The make, model, year, license number, Department of Housing and Urban Development (HUD) label serial number, and approximate overall size of each single family manufactured home dwelling occupying a manufactured home space in the aforementioned park.
3. The make, model, year, license number and vehicle identification number of every motor vehicle belonging to every owner, tenant, or other occupant of every single family manufactured home dwelling unit occupying a manufactured home space in aforementioned park.
4. The state, country, territory or possession issuing the aforementioned licenses of independent manufactured home dwelling units and motor vehicles.
5. The date of arrival and/or the date of departure of each single family manufactured home dwelling unit.

H. Manufactured Home Sales in Conjunction With Manufactured Home Park

1. Adequate space may be provided to exhibit models of new and used single family manufactured home dwelling units for sale, lease or rent.
2. Maximum space to be provided shall not exceed the equivalent of four (4) double wide single family manufactured home dwelling units.
3. Models exhibited shall be placed on space provided in accordance with provisions set forth in Article 4-4.D - Manufactured home park plan.

I. Other Provisions

Nothing in Article 4-4.A through Article 4-4.H prohibits the placement of travel recreational trailers (RV) on a manufactured home space in a manufactured home park if all other requirements are satisfied.

Article 4-5 General Commercial (C-1)

A. General Description

This district is intended to encourage shopping centers with planned off street parking in an attractive and convenient core. No land shall be used or occupied except as otherwise provided in this ordinance for other uses than one or more of the following permitted and special uses.

All business or servicing shall be conducted within completely enclosed buildings, and the shopping center shall provide indoors public restroom facilities.

The Commission or Board shall determine if a use, other than uses specifically provided in any commercial district, is a permitted use, conditional permitted use, accessory use or a prohibited use in any district.

B. Uses Permitted

1. Retail businesses which supply commodities on premises:

- |                           |                               |
|---------------------------|-------------------------------|
| (1) Antique stores,       | (10) General merchandise,     |
| (2) Apparel stores,       | (11) Grocery stores,          |
| (3) Appliance stores,     | (12) Hardware stores,         |
| (4) Book stores,          | (13) Home furnishings stores, |
| (5) Bakeries,             | (14) Jewelry stores,          |
| (6) Camera stores,        | (15) Pharmacy/drug stores,    |
| (7) Confectionary stores, | (16) Sporting goods stores,   |
| (8) Delicatessens,        | (17) Restaurants, and         |
| (9) Floral shops,         | (18) Variety stores           |

2. Business service establishments which perform services on the premises:

- |                             |                                       |
|-----------------------------|---------------------------------------|
| (1) Banking institutions,   | (4) Insurance agencies,               |
| (2) Chambers of Commerce,   | (5) Other financial institutions, and |
| (3) Indoor cinema theaters, | (6) Real estate offices.              |

3. Personal service establishments which perform services on the premises:

- |                   |                            |
|-------------------|----------------------------|
| (1) Barber shops, | (5) Photography studios,   |
| (2) Beauty shops, | (6) Shoe repair shops, and |
| (3) Dry cleaners, | (7) Tailoring shops.       |
| (4) Laundromats,  |                            |

4. Professional office establishments:

- |  |   |
|--|---|
| (1) Attorneys-at-law offices and other legal services, | (5) Physicians offices, clinics and services,   |
| (2) Chiropractic offices, clinics and services,        | (6) Podiatrists offices, clinics and services,  |
| (3) Dental offices, clinics and services,              | (7) Optometrists offices, clinics and services, |
| (4) Medical offices, clinics and services,             | (8) Opticians offices, clinics and services.    |

5. Public, quasi-public, governmental buildings, facilities, and utilities:

- |                          |   |
|--------------------------|---|
| (1) Churches,            | (4) Municipal buildings,                |
| (2) Community buildings, | (5) Nursing homes, congregate care, and |
| (3) Libraries,           | (6) Police department.                  |

6. Other such businesses and services similar in nature to those described in this section. Where doubt exists as to the appropriateness of a proposed use, the Planning Commission shall make a determination regarding eligibility.

C. Accessory Uses

1. As permitted in accordance with Article 5-10.
2. Fences as permitted in accordance with Article 5-12.

D. Conditional Uses

Residence of the proprietor of a C-1 commercial central business use.

E. Temporary Uses

As permitted in accordance with Article 5-2.

F. Minimum Lot Requirements

Minimum lot requirements shall be in accordance with Appendix II.

G. Minimum Yard Requirements

1. The front yard shall be in accordance with Appendix II.
2. The corner side yard shall be in accordance with Appendix II.
3. The minimum interior side yard shall be 10 feet on each side of the interior lot line, or if the structure abuts another structure, a 4-hour fire wall; exterior side yard shall be 10 feet.
4. The rear yard from the rear lot line shall be in accordance with Appendix II.
5. All structures shall be built at least 25 feet from all property lines abutting a residential zone [R-1, R-2, R-3, R-4].

H. Height

Structure height shall not exceed 2-1/2 stories or 35 feet in height, whichever is lower.

I. Off Street Parking

Provisions for one off-street parking space for each 180 square feet of floor area ratio is required, and shall be a paved/concrete surface and shall be striped to mark the parking spaces.

J. Off-street Loading and Unloading

Loading and unloading shall be provided so as not to block any public right-of-way.

K. Access Requirements

1. On all commercial lots with less than 200 feet of frontage on a public street road access is limited to one combined ingress and egress, with a minimum width of 20 feet and a maximum width of 32 feet measured from the inside curbs at the property line.

2. On all C-1 commercial lots of 200 feet and over fronting on a public street road, access is limited to two combined ingresses and egresses, with a minimum width of 20 feet and a maximum width of 32 feet measured from the inside curbs at the property line.
3. Ingress and egress shall meet all state and City requirements.

L. Screening Requirements

Where a C-1 commercial central business district use abuts, or is across the street from, a residential district (R-1, R-2, R-3 or R-4) district, adequate landscaping, fencing or other appropriate screening is required.

M. Curbs and Storm Drainage Requirements

1. If constructed, entrance curbs and storm drainage (culverts or other provision) on all street frontages shall meet all standards and ordinances of the City. (See Master Street Plan and Subdivision Regulations.)
2. If constructed, curbs abutting Central Boulevard shall be in accordance with Appendix II.
3. If constructed, secondary curbs shall be in accordance with Appendix II.

N. Signs

All signs shall be in accordance with the City's adopted Sign Ordinance.

O. C-1 Sidewalks

If constructed, sidewalks abutting Central Boulevard shall be in accordance with Appendix II. Sidewalks on side streets shall begin at the property line and be a minimum of 4 feet wide. All sidewalks shall be constructed at the property owner's expense and shall conform to all adjoining property on both sides (Subdivision Regulations).

Article 4-6 Commercial Highway District (C-2)

A. General Description

This district is intended for those businesses which provide convenient shopping and services for residents, tourists, and nearby towns. The C-2 commercial highway district is located along the primary and secondary thoroughfares of the City. Adequately sized parcels of land shall allow for large setbacks, clear vision, and safe ingress and egress from off street parking lots, with sufficient area for loading and unloading so as not to block traffic. No land shall be used or occupied except as otherwise provided in this ordinance for other uses than one or more of the following permitted and special uses.

as otherwise provided in this ordinance for other uses than one or more of the following permitted and special uses.

**B. Permitted Uses**

1. Any retail business as specified in the C-1 commercial central business district and also
  - (1) Automotive sales and service and/or repairs,
  - (2) Boat sales and services,
  - (3) Building sales and services,
  - (4) Liquor stores,
  - (5) Mini-storage facilities,
  - (6) Motels,
  - (7) Vehicular service stations, and
  - (8) Warehousing.
2. Business service establishments as permitted in C-1 commercial central business district; also
  - (1) Drive-in restaurants,
  - (2) Electrical sales, services, and supplies
  - (3) Family recreational facilities,
  - (4) Heating and cooling sales and services,
  - (5) Plumbing services and supplies,
  - (6) Printing periodicals, other sales/services, and
  - (7) Private clubs, restaurants, private organizations with buildings, (e.g., VFW, DAV, Masons, etc.)
3. Personal service establishments as permitted in C-1 commercial central business district; and also funeral homes in accordance with state and federal statutes;
4. Professional office establishments as permitted in C-1 commercial central business district;
  - (1) Veterinary clinics operated by a duly licensed doctor of veterinary medicine (D.V.M.), and
  - (2) Taxidermists
5. Public, quasi-public, governmental buildings and facilities as permitted in C-1 commercial central business district.
6. Public utility facilities.
7. Other such businesses and services similar in nature to those described in this section. Where doubt exists as to the appropriateness of a proposed use, the Planning Commission shall make a determination regarding eligibility.

8. Single family residential dwellings, except that NEW construction as well as additions, renovations and/or repairs to existing single family residential dwellings shall be required to meet the minimum lot size requirements and minimum yard requirements regulations of the C-2 Commercial Highway District. Construction regulations and off-street parking shall be in accordance with provisions of the R-1 Single Family Residential District.

C. C-2 Accessory Uses

- (1) As permitted in accordance with Article 5-10
- (2) Fences as permitted in accordance with Article 5-12

D. C-2 Permitted Conditional Uses

1. Any conditional use as permitted in C-1 commercial central business district.
2. Other conditional uses permitted in C-2 commercial highway district are:
  - (1) Cemeteries and mausoleums in accordance with federal and state statutes;
  - (2) Country clubs, golf courses and driving ranges;
  - (3) Hospitals;
  - (4) Manufactured home parks;
  - (5) Travel trailer parks;
  - (6) Nursery retail and wholesale stock sales;
  - (7) Radio broadcasting stations and radio towers;
  - (8) Residence of a proprietor of a C-2 commercial highway use; and
  - (9) Taxicab or bus service, and other such businesses.
  - (10) Sexually oriented businesses as specified by City Ordinance.

E. C-2 Temporary Uses

Any temporary use in accordance with Article 5-2.

F. C-2 Minimum Lot Size Requirements

Minimum lot size requirements shall be in accordance with Appendix II.

G. C-2 Minimum Yard Requirements

Minimum yard requirements shall be in accordance with C-1 commercial central business district, except cemeteries and mausoleums which shall be in compliance with federal and state statutes.

H. Height Regulations

Height regulations shall be in accordance with the C-1 commercial central business district.

I. Off Street Parking

Off street parking shall be in accordance with C-1 commercial central business district.

J. Off-Street Loading and Unloading

Off street loading and unloading shall be in accordance with C-1 commercial central business district.

K. C-2 Access Requirements

Access requirements shall be in accordance with C-1 commercial central business district.

L. C-2 Screening Requirements

Screening requirements shall be in accordance with C-1 commercial central business district.

M.. C-2 Signs

Signs shall be in accordance with the Sign Ordinance.

Article 4-7 Commercial Transitional District (C-3)

A. General Description

This district is intended to provide land and structures used primarily for commercial office space that conforms with the surrounding districts. It is characterized by low intensity, campus-type developments that are quiet businesses, with buffers of screening or fencing, heavily landscaped, limited signage and a low volume of traffic, so as to protect abutting and adjacent residential districts.

No land shall be used or occupied except as otherwise provided in this ordinance for other uses than one or more of the following permitted and special uses.

B. C-3 Permitted Uses

1. Personal and professional businesses which perform services on the premises:
  - (1) Attorney at law offices,
  - (2) Barber and/or beauty shops,
  - (3) Certified public accountant and other bookkeeping offices and services,
  - (4) Chambers of Commerce offices,
  - (5) Chiropractic offices,
  - (6) Dental offices and clinics,
  - (7) Optometrists offices,
  - (8) Opticians clinics,
  - (9) Physician and other medical offices, clinics, and services,
  - (10) Podiatrists, and
  - (11) Real estate offices.
2. Other such businesses and services similar in nature to those described in this section. Where doubt exists as to the appropriateness of a proposed use, the Planning Commission shall make a determination regarding eligibility.
3. Public utility facilities and structures in accordance with Article 1-1.53.
4. Single family residential dwellings, except that NEW construction as well as additions, renovations and/or repairs to existing single family residential dwellings shall be required to meet the minimum lot size requirements and minimum yard requirements regulations of the C-3 Commercial Transitional District. Height regulations and off-street parking shall be in accordance with provisions of the R-1 Single Family Residential District.

C. C-3 Accessory Uses

1. Accessory uses are permitted in accordance with Article 5-10.
2. Fences are permitted in accordance with Article 5-12.

D. C-3 Permitted Conditional Uses

The residence of the proprietor of a C-3 commercial transitional district.

E. C-3 Temporary Uses

Temporary uses in accordance with Article 5-2.

F. C-3 Minimum Lot Size Requirements

Minimum lot size requirements shall be in accordance with Appendix II.

G. C-3 Minimum Yard Requirements

Minimum yard requirements shall be in accordance with the C-1 commercial central business districts.

H. C-3 Height Regulations

The height regulations shall be in accordance with the C-1 commercial central business district.

I. C-3 Off-street Parking

Off street parking shall be in accordance with the C-1 commercial central business district.

J. C-3 Off-street Loading and Unloading

Off street loading and unloading shall be in accordance with the C-1 commercial central business district.

K. C-3 Access Requirements

Access requirements shall be in accordance with the C-1 commercial central business district.

L. C-3 Screening Requirements

Screening requirements shall be in accordance with the C-1 commercial central business district.

M. C-3 Signs

Signs shall be in accordance with the Sign Ordinance.

Article 4-8 Commercial Resorts in a Residential R-1 District (C-4)

A. General Description

This district is intended to provide for resorts presently operating in a residential district. It is also the intent of this ordinance to allow these resorts to remain commercial, but they shall not be permitted to alter or extend to a non-resort use such as multi-family.

If the resort ceases as a tourist resort, or is rebuilt for a different use other than a resort, the land and structures shall revert to any applicable residential district after a public hearing by the Commission to determine the question-of-fact and referring a re-zoning recommendation to the Council of the City.

B. C-4 Permitted Uses

1. Tourist accommodations
2. All public service utility facilities and structures.

C. C-4 Accessory Uses

Accessory uses in accordance with Article 5-10

Fences in accordance with Article 5-12

D. C-4 Permitted Special Uses

Residence of the proprietor of a C-4 commercial resort in a R-1 residential district.

E. C-4 Temporary Uses

Temporary uses permitted in accordance with Article 5-2.

F. C-4 Home Occupations

Home occupations as defined in Article 1-1.27.

G. C-4 Signs

Signs shall be in accordance with the Sign Ordinance.

H. C-4 Off Street Parking

Parking space shall be provided on-lot for all vehicles; no on-lot parking shall block any public right-of-way.

Article 4-9 Limited Industrial District (I-1)

A. General Description

This district is intended to provide manufacturing activities that are prohibited in commercial zones. It is intended for the sale and storage of bulk materials: All limited industrial uses, operations and storage must be in enclosed buildings. It is set up to protect adjacent districts from noise, dust, odor, vibrations and pollution detrimental to the health, safety and general welfare of the people.

**B. Permitted Uses**

1. Manufacturing and industrial activities including fabrication, processing, assembly, disassembly, repairing, cleaning, servicing, testing, packaging and storage (warehousing) of materials, products and goods that can be conducted wholly within enclosed buildings;
2. Storage (warehousing) of bulk materials when it is found by the building official that there is no danger of fire or explosion. No outdoor storage shall be permitted;
3. Direct selling establishments where products are stored (warehousing) and distributed, but not displayed for retail sales;
4. Public, quasi-public and governmental buildings and facilities;
5. Public utility facilities and structures
6. Essential service station regulator stations, telephone exchanges, electric substations, sewage disposal plants, well site;
7. Public services or municipal garages;
8. Water filtration plant;
9. Water storage reservoir.
10. Other such businesses and services similar in nature to those described in this section. Where doubt exists as to the appropriateness of a proposed use, the Planning Commission shall make a determination regarding eligibility. Automobile junk/salvage yards and other junk or salvage yards shall required a conditional use permit.

**C. I-1 Prohibited Uses**

Residential structures are prohibited in the I-1 limited industrial district. No structure shall be constructed or altered for residential use, i.e., proprietor of a I-1 limited industrial district is prohibited.

**D. I-1 Accessory Uses**

1. Accessory uses are permitted in accordance with Article 5-10.
2. Fences are permitted in accordance with Article 5-12.

E. I-1 Temporary Uses

Temporary uses permitted in accordance with Article 5-2.

F. I-1 Minimum Lot Size Requirements

Minimum lot size requirements shall be in accordance with Appendix II.

G. I-1 Minimum Yard Requirements

1. From the front property line there shall be in accordance with Appendix II.
2. The first 25 feet of the setback immediately adjacent to the front property line shall be devoted to grass, tree, and low living landscape materials, and a means of ingress and egress. The second 25 feet shall be used for parking and display of goods for sale to be stored inside buildings after business hours [6 p.m.].
3. All structures shall have a side yard setback shall be in accordance with Appendix II.
4. All structures shall have a minimum rear yard of 30 feet from the rear lot line.
5. All structures lying on a corner lot shall have a corner side yard of 50 feet.

H. I-1 Height Regulations

Construction regulations shall be in accordance with the C-1 commercial central business district. The Board of Zoning Adjustment may waive the height requirements when it is demonstrated that the equipment and structure to house the operation requires greater height.

I. I-1 Off-street Parking

Adequate on-lot parking space shall be provided for employees.

J. I-1 Off-street Loading and Unloading

Each structure or use shall provide off street loading and unloading facilities which shall not block a street, alley, or other public right-of-ways.

K. I-1 Screening Requirements

Screening requirements shall be in accordance with the C-1 commercial central business district.

L. I-1 Signs

Signs may be displayed in accordance with the Sign Ordinance.

## CHAPTER V - GENERAL PROVISIONS APPLYING TO ALL OR SEVERAL DISTRICTS

### Article 5-1 Annexation

All land which may hereafter be annexed to the City shall be classified in the R-1 residential district.

- A. When land is automatically classified in the R-1 residential district pursuant to this section the Commission of the City shall, within 90 days after annexation, schedule and hold a public hearing with respect to zoning classification of the annexed land.
- B. Prior to the Council action on the zoning recommendation, all permits for construction on lands not zoned shall be forwarded to the aforementioned Commission for recommended issuance of said permit. The Council will issue final approval after the Commission has reviewed all plans to see that they meet the requirements of the zone classification pending.
- C. A question-of-fact shall be determined by the Commission, which will send the district classification recommendation to the Council for its final decision.

### Article 5-2 Permits for Temporary Non-conforming Uses

Upon application to the Board of Zoning Adjustment, permits may be issued for temporary uses such as: the sale of produce in season; bazaars and carnivals; and offices, signs or other uses necessary for the sale or construction of property or buildings. Permits so issued shall be subject to such limitations as the Board of Zoning Adjustment may impose to protect the character of the district or districts affected.

### Article 5-3 Completion of Existing Buildings

- A. Nothing herein contained shall require any change in the plans, construction, or designated use of a building actually under construction at the time of the adoption of this ordinance.
- B. 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 ordinance, provided construction is started on said building within 120 days after adoption of this ordinance.

### Article 5-4 Application of Regulation to the uses of More Restrictive Districts

- A. Whenever the specific district regulations pertaining to one district permit the uses of a more restrictive district, such uses shall be subject to conditions set forth in the regulations of the more restrictive district unless otherwise specified.
- B. It is intended that these regulations be interpreted as not permitting a dwelling unit to be located on the same lot with or within a structure used or intended to be used primarily for nonresidential purposes.

**Article 5-5 Relief from Requirements for Lot Areas, Lot Width or Lot Setback in a Residential Zone**

On any lot separately owned in a residential zone at the time of passage of this ordinance and retained in continuous separate ownership, a single-family structure or manufactured house may be erected or installed even though the lot be of less width and/or area than required by the regulations of the residential zone in which the lot is located, provided all other area requirements are met. The setback of any lot abutting a U.S. government strip (U.S. Army Corps of Engineers) shall not be any less than 3 feet from said government strip.

Any lot existing and provided for rental of manufactured homes or mobile homes, in which the lot does not meet the minimum design standards for manufactured home parks contained in Article 4-4 shall not be re-occupied as they become vacant.

**Article 5-6 Areas Not to Be Diminished**

The lot or yard areas required by this ordinance for a particular building or use at the time of passage of this ordinance or later constructed or established shall not be diminished and shall not be included as a part of the required lot, open space, or yard area of any other building or use. If the lot, open space, or yard areas required by this ordinance for a particular building or use are diminished below requirements, the continued existence of such building or use shall be deemed a violation and punished as provided in this ordinance.

**Article 5-7 Group Housing Projects**

In the case of a housing project consisting of a group of 2 or more buildings to be constructed on a plot of ground of at least 2 acres not subdivided into the customary streets and lots, and which will not be so subdivided, where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this ordinance to individual buildings in such housing project, the application of such requirements to such housing projects may be changed by the Board of Zoning Adjustment, in a manner that will be in harmony with the character of the neighborhood, will insure a density of land use no higher than the standard of open space at least as high as required by this ordinance in the district in which the proposed project is to be located. In no case shall a use or building height or density of population be permitted which is less than the requirement of the district in which the housing project is to be located.

**Article 5-8 Off Street Automobile and Vehicle Parking and Loading**

**A. General Intent and Application**

It is the intent of these requirements that adequate parking and loading facilities be provided off the street easement for each use of land within the City of Bull Shoals. The requirements are intended to be based on the demand created by each use. These requirements shall apply to all uses in all districts.

**B. Location**

The off-street parking lot shall be located within 200 feet, exclusive of street and alley widths, of the principal use, and shall have direct access to a street or alley.

**C. Joint Parking Facilities**

Whenever two (2) or more uses are located together in a common building, shopping center, or other integrated building complex, the parking requirements may be complied with by providing a permanent parking facility, cooperatively established and operated, which contains the requisite number of spaces for each use. The total number of spaces provided shall not be less than the sum of the individual requirements.

**D. Size of Off-street Parking Space**

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.

**E. Amount of Off-street Parking and Loading Required**

Off-street parking and loading facilities shall be provided in all districts in accordance with the following schedule:

1. **Dwelling, Single-family, or Duplex:** Two (2) parking spaces for each separate dwelling unit within the structure.
2. **Dwelling, Multiple-family:** The number of spaces provided shall not be less than one and one-half times the number of units in the dwelling.
3. **Boarding or Rooming Houses or Hotel:** One (1) parking space for each two (2) guests provided overnight accommodations.
4. **Hospitals:** One (1) space for each four (4) patient beds, exclusive of bassinets, plus one (1) space for each three (3) employees including nurses, plus adequate area for the parking of emergency vehicles.
5. **Medical or Dental Clinics or Offices:** Six (6) spaces per doctor plus one (1) space for each two (2) employees.
6. **Sanatoriums, Convalescent or Nursing Homes:** One (1) space for each six (6) patient beds plus one space for each staff or visiting doctor plus one (1) space for each two (2) employees including nurses.
7. **Community Center, Theater, Auditorium, Church Sanctuary:** One (1) parking space for each three (3) seats, based on maximum seating capacity.

8. **Convention Hall, Lodge, Club, Library, Museum, Place of Amusement or Recreation:** One (1) parking space for each 50 square feet of floor area used for assembly or recreation in the building.
9. **Office Building:** One (1) parking space for each 300 square feet of gross floor area in the building, exclusive of the area used for storage, utilities, and building services.
10. **Commercial Establishments Not Otherwise Classified:** One (1) parking space for each 150 square feet of floor space used for retail trade in the building and including all areas used by the public.
11. **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.

For all uses not covered in 1 through 11 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.

F. Paved Surface Required

All parking spaces shall be hard surface with a sealed surface pavement and maintained in such a manner that no dust will result from the continued use.

Article 5-9 Signs

Signs shall be in accordance with the City's adopted Sign Ordinance.

Article 5-10 Permitted Accessory Uses

The permitted accessory uses are as follows:

- A. Private detached garages and carports that shall not exceed the height of the existing structure.
- B. Driveways; a current survey or driven iron pins may be required to determine the boundary of the lot lines
- C. Storage structures that shall not exceed 10 feet in height, and shall have side and rear yard setbacks of 10 feet.
- D. Swimming pools
- E. Cabanas

- F. Fences in accordance with Article 5-12.
- G. Antenna transmitting and/or receiving towers in accordance with Article 5-13.
- H. Satellite dishes and other signal-receiving or transmitting dishes or plates in accordance with Article 5-13.

#### Article 5-11 Prohibited Accessory Uses

None of the following shall be considered an accessory to the principal structure:

- A. Manufactured housing
- B. Modular housing
- C. Automobile or other vehicular trailers and/or recreational vehicles.

#### Article 5-12 Fences and Walls

For purposes of this article, a perimeter fence or wall shall not include natural growing shrubs, bushes, and other foliage. A perimeter fence or wall shall be erected on the lot line except when a written agreement and legal signatures of the owners of lots abutting the lot on which the fence is to be located states that another location is acceptable to all said owners of lots.

##### A. General:

1. No fence or wall shall be erected or substantially extended without a building permit and payment of the appropriate fee as set forth by city ordinance.
2. Any fence wall which shall be erected, or in the process of erection, contrary to these provisions herein, is deemed a nuisance and it shall be the duty of the building inspector to abate the same.
3. All structural members of the fences/walls must face the owner of the fence.

##### B. Classifications of fences/walls are decorative, solid and security or protective:

1. Decorative fences/walls are primarily used for aesthetics which add to visual beauty of the property, excluding woven wire or chain-linked, cyclone type fences. When decorative fences are installed in a front yard, the fence/wall may not exceed 48 inches with its uppermost rail or surface, but not including any posts which shall not exceed 54 inches as its uppermost height.
2. Solid (privacy) fences/walls have 50 percent or more of solid surface area and may be erected in a front yard if said fence is no more than 48 inches in height. Solid

(privacy) fences which exceed 48 inches in height shall have a minimum front yard setback equal to the front building line.

3. Security or protective fences/walls in a residential district are used for enclosing the lot or part of a lot for security or protection of property. Residential security or protective fences/walls may not exceed 6 feet in height above ground level; however no barbed wire or barbed wire fences shall be allowed where the property line abuts lots or parcel of land zoned or being used for residential purposes. Woven wire or chain-link fence may be used; however, woven wire or chain-linked fences shall not be erected within the front building line. However, a 4-foot decorative fence may be erected within the first 50 feet of the front building line.
4. Security or protective fences/walls in a commercial or industrial district are used for enclosing the lot or part of a lot for security and protection of property. Fences may not exceed 6 feet in height above ground level. The use of 2 feet of barbed wire on the top part of the fence/wall is allowed; however no barbed wire or barbed wire fences shall be allowed where the property line abuts lots or parcels of land zoned or being used for residential purposes.
  - (a) Fences/walls for commercial or industrial purposes shall not be erected within the area bounded by the front lot line and the front building line. A 4-foot decorative fence/wall may be erected within the area bounded by the front lot line and the front building line. Commercial or industrial fences/walls shall be permitted on side and rear lots or parcels.
  - (b) Municipal public utilities, park and school districts, golf courses, and the federal government may erect barbed wire along rails of fences/walls fronting public streets or abutting residential property only with approval by the Council of the City.
- C. No fence wall shall be constructed of materials obviously intended to inflict bodily harm should a person or animal attempt to climb or scale it. Such materials include, but are not limited to, electrically charged wires or other electrical conduits, broken glass, razor blades, or ragged metal spears or spikes. Barbed wire may only be used as authorized in this article.
- D. Fences/walls may be erected on public utility easements only with the permission of the public utility authorities prior to obtaining a building permit. Further, the agency authorized to use such easements shall not be liable for repair or replacement of such fences in the event they are moved, damaged or destroyed by virtue of the lawful use of said easement.
- E. Fences existing at the time of this ordinance which are not hazardous or in need of structural repair, and not located on public streets, easements or alley right-of-ways, but which violate other sections of this article may continue to be maintained and to exist but may not be replaced if destroyed or removed.
- F. Fences/walls in violation of this article may be summarily removed by the building official.

## Article 5-13 Satellite Dishes and Other Devices and Related Structures

Satellite dishes, signal receiving and/or transmitting antennas or other devices, and their supporting structures mounted at a fixed point on the ground shall require a building permit for permanent installation.

A. Satellite dishes, and other signal receiving and/or transmitting antenna devices and supporting structures:

1. Shall not infringe on any lot line of any property upon which said satellite dishes, signal receiving and/or transmitting antennas or other devices and their supporting structures are located.
2. Shall not infringe on any lot line when measured from the largest dimension of said satellite dishes, signal receiving and/or transmitting antennas or other devices and their supporting structures.

B. Permit

An application with payment of fee in accordance with a fee schedule as set forth by city ordinance.

## Article 5-14 Conditional Uses

A. General

Certain uses may or may not be appropriately located within various districts throughout the city 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 "conditional 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 make it desirable that they be permitted to locate therein.

B. Requirements

Required conditional use approvals may be granted by the City Council upon recommendation from the Planning Commission.

C. Application

An application with payment of fee as provided in fees schedules as set by the City Council shall be filed with the Clerk in writing along with the following information:

1. Plans, including proposed parking, professionally drawn to scale and a recent survey by a certified Arkansas surveyor.
2. A statement in writing by the applicant and adequate evidence showing the proposed special use will conform to the standards set forth hereinafter.
3. A new survey may be required, if in the opinion of the building inspector said survey is necessary for determining compliance with these regulations.

D. Public Hearing

1. The Planning Commission shall hold a public hearing on a proposed conditional use permit. Notice of the public hearing shall be published in a newspaper of general circulation in the City, at least one time 15 days prior to the hearing. The petitioner shall provide evidence prior to the public hearing that he had notified the owners of all property within 200 feet of the subject property indicating to each the time and place of the public hearing and the specific request. The notice shall be by certified letter and notice of receipts shall be provided to the Planning Commission. Additionally, the petitioner shall post on the property in a conspicuous location one sign which shall notify the general public of the proposed request and the public hearing date.
2. Following the public hearing, the proposed request may be approved as presented or in modified form by a majority vote of the Planning Commission and recommended for adoption by the City Council, with reasons for such recommendation stated in writing. The Planning Commission may also attach such conditions to the approval of the conditional use permit as it deems necessary to protect the public health, safety and welfare of the citizens of Bull Shoals.
3. If the Planning Commission disapproves a proposed conditional use permit request, the reasons for such disapproval shall be given in writing to the petitioner within 30 days from the date of the hearing.
4. The City Council, by majority vote of the full Council, may by ordinance approve the recommended conditional use permit submitted by the Planning Commission or may return the proposed amendment to the Planning Commission for further study and recommendation. If the City Council does not concur with the recommendation of the Planning Commission, either as first submitted or as submitted after re-study, the City Council may, by a majority vote of the full Council, amend this ordinance by granting the request for conditional use permit in full or in modified form.
5. Following disapproval of a proposed conditional use permit 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 decision are in error. Such appeal shall be filed with the City Clerk within 15 days of the date the petitioner receives reasons for disapproval from the Planning Commission.

## CHAPTER VI - NONCONFORMING BUILDINGS, STRUCTURES AND USES OF LAND

### Article 6-1 Nonconforming Buildings and Structures

A nonconforming building or structure existing at the time of adoption of this ordinance may be continued, maintained, and repaired, except as otherwise provided in this section.

#### A. Alteration, Enlargement or Replacement of Buildings and Structures

1. A nonconforming building or structure shall not be added to or enlarged or replaced in any manner unless said building or structure, including additions and enlargements, is made to conform to all of the regulations of the district in which it is located or unless approved by the Planning Commission. If a building or structure is conforming as to use, but nonconforming as to yards or height, or off-street parking space, said building or structure may be enlarged or added to provided that the enlargement or addition complies with yard and height and off-street parking requirements of the district in which said building or structure is located. No nonconforming building or structure shall be moved in whole or in part to another location on the lot unless every portion of said building or structure is made to conform to all of the regulations of the district in which it is located or unless approved by the Planning Commission.
2. A manufactured home/mobile home existing in an R-1 Residential or C-2 Commercial District at the time of passage of this article may be replaced or repaired as necessary for health and safety. No existing non-conforming manufactured home/mobile home shall be structurally expanded or enlarged, excluding open porches, screened porches and decks.

#### B. Outdoor Advertising Signs and Structures

Outdoor advertising signs and structures existing at the time this ordinance became effective shall be in accordance with the Sign Ordinance.

#### C. Building Vacancy

A building or structure or portion thereof, which is nonconforming as to use, which is or hereafter becomes abandoned and remains unoccupied for a continuous period of 1 year shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located.

When a building becomes vacant, it may be used again for any use allowed in the zone in which it is located. The Planning Commission shall review the proposed use before the building is occupied in order to determine that the use is allowable in the zone.

D. Change in Use

A nonconforming use of a conforming building or structure shall not be expanded or extended into any other portion of such conforming building or structure, or changed except to a conforming use. If such a nonconforming use, or portion thereof, is discontinued or changed to a conforming use, any future use of such buildings, structure, or portion thereof, shall be in conformity with regulations of the district in which such building or structure is located. A vacant or partially

vacant nonconforming building or structure may be occupied by a use for which the building or structure was designed or intended if occupied within a period of 1 year after the effective date of this ordinance. Otherwise, it shall be used in conformity with the regulations of the district in which it is located.

The use of a nonconforming building or structure may be changed to a use of the same or a more restrictive district's classification; but where the use of nonconforming buildings or structures is changed to a use of more restrictive district's classification, it thereafter shall not be changed to a use of a less restricted district's classifications.

Article 6-2 Nonconforming Uses of Land

A. A nonconforming use of land where the aggregate value of all permanent buildings or structures is less than \$1,000.00, existing at the time of the adoption of this ordinance, may be continued for a period of not more than 3 years therefrom, provided that:

1. Said nonconforming use may not be extended or expanded, nor shall it occupy more area than was in use on the effective date of this ordinance.
2. If said nonconforming use or any portion thereof is discontinued for a period of 6 months, or changed, any future use of such land, or change in use, shall be in conformity with the provisions of the district in which said land is located.

B. Lots of record that are platted and existing at the time of the adoption of this ordinance shall be deemed to be in compliance with all size and area restrictions of the zone in which they are located.

## CHAPTER VII - BOARD OF ZONING ADJUSTMENT

### Article 7-1 Board of Zoning Adjustment

A. A Board of Zoning Adjustment, hereinafter referred to as the Board, is hereby established to consist of five (5) members to be nominated by the Mayor and confirmed by the City Council. Two (2) members of the first Board shall be for 1 year, two (2) for 2 years, one (1) for 3 years, and thereafter, all members shall be appointed for terms of 3 years each. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant in the same manner as the original appointments.

B. Upon appointment and annually thereafter, the Board shall meet, organize, and elect its own chairman who shall serve for one year or until his successor duly qualifies. The chairman may appoint a secretary who is not a member of the Board and who shall hold office until relieved by the Board.

### Article 7-2 Meetings

A. Meetings of the Board shall be held at such time and at such place within the City of Bull Shoals as the Board may designate, and may meet at any time on call of the chairman.

B. The Board shall keep minutes of its proceedings which shall contain as a minimum:

1. Time, date, and place of meeting.
2. Names of members present.
3. Citation, by number, and description of appeal or application.
4. Pertinent facts of the case.
5. Names of persons appearing and their interest in the case.
6. Record of vote by name.
7. Authority for decision (cite ordinance or statute) and reason for conditions imposed.

The minutes of the meeting shall be filed by the secretary of the Board in the offices of the City Clerk and shall be public record.

C. Any member of the Board who fails to be in attendance at three (3) consecutive scheduled meetings shall have his appointment declared vacated, and a new member shall be selected as provided in Article 6-1A.

### Article 7-3 Appeals from a Decision of the Building Official

A. The Board shall hear appeals from an administrative decision of the Building Official, who shall be designated by the City Council, concerning interpretation of the zoning ordinance and shall decide whether such interpretation was in error or not.

#### **Article 7-4 Variance**

- A. The Board shall hear requests for variance from the literal provisions of the zoning ordinance in instances where strict compliance to the provisions of the ordinance would cause undue hardship due to the circumstances unique to the individual property under consideration.**
- B. The Board may grant variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the zoning ordinance.**
- C. The Board shall not permit as a variance any use in a zone that is not permitted under this ordinance.**
- D. The Board may impose conditions in the granting of the variance to insure compliance and to protect adjacent property.**

#### **Article 7-5 Other Functions of the Board**

**The Board may hear applications and take such action as permitted on matters specifically referred to it under this ordinance.**

#### **Article 7-6 Appeals from Decisions of the Board**

**Appeal from the decision of the Board shall be to a court of record within 30 days from the decision of the Board.**

#### **Article 7-7 Notices and Fees**

**A. Whenever an appeal or application for a variance is made to the Board, the Board shall cause to have published at the expense of the appellant or applicant a notice of the time and place of the public hearing upon such appeal or application. The said notice shall be published at least once not less than 7 days preceding the date of such hearing in an official paper or a paper of general circulation in Bull Shoals. The said notice shall designate the particular location with which the appeal or application is concerned, and a brief statement as to what the appeal or application consists. As an alternative, the Board may allow the applicant to circulate the same information by personal notification to the property owners within 200 feet of the property for which the variance is requested and present proof to the Board that such information was circulated. The Board shall also give or cause to be given such additional notice of such hearing to interested persons and organizations as it shall deem feasible. Additionally, the city shall post on the property in a conspicuous location one (1) sign which shall notify the general public of the proposed request and the public hearing date.**

**B. The appellant or applicant shall be required to pay to the City Clerk a filing fee of \$50.00 to cover such other costs as may be incurred in connection with such appeal or application.**

## CHAPTER VIII - AMENDMENTS

### Article 8-1 Amendment to Text

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

### Article 8-2 Change in Zoning Classification

A. A petition giving the legal description of the property involved and the zoning classification requested for the property, shall be submitted to the Planning Commission by the property owner or his legally designated agent. The petition shall also include a statement and diagram explaining why the proposed changes will not conflict with surrounding land uses. In addition, the petitioner will be required to notify by certified letter or petition, all property owners within 200 feet of his property of his intentions to re-zone within 15 days of the hearing; and the return receipts for the letters shall be entered in the minutes of the public hearing. The petitioner shall state the date and time of the public hearing with a certified letter or petition.

B. Upon receipt of the petition for an amendment, the Planning Commission, in accordance with Act 186 of the 1957 General Assembly as subsequently amended, shall proceed as follows:

1. The Planning Commission shall hold a public hearing on a proposed amendment. Notice of the public hearing shall be published in a newspaper of general circulation in the City, at least one time fifteen days prior to the hearing. The petitioner shall provide evidence prior to the public hearing that he had notified the owners of all property within 200 feet of the subject property indicating to each the time and place of the public hearing and the specific request. The notice shall be by certified letter and notice of receipts shall be provided to the Planning Commission. Additionally, the City shall post on the property in a conspicuous location one (1) sign which shall notify the general public of the proposed request and the public hearing date.
2. Following the public hearing, the proposed amendment may be approved as presented or in modified form by a majority vote of the full Planning Commission and recommended for adoption by the City Council, with reasons for such recommendation stated in writing.
3. If the Planning Commission disapproves a proposed amendment, the reasons for such disapproval shall be given in writing to the petitioner within 30 days from the date of the hearing.

4. The City Council, by majority vote of the full Council, may by ordinance adopt the recommended amendment submitted by the Planning Commission or may return the proposed amendment to the Planning Commission for further study and recommendation. If the City Council does not concur with the recommendation of the Planning Commission, either as first submitted or as submitted after re-study, the City Council may, by a majority vote of the full Council, amend this ordinance by granting the request for amendment in full or in modified form.
5. 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 decision are in error. Such appeal shall be filed with the City Clerk within 15 days of the date the petitioner receives reasons for disapproval from the Planning Commission.

C. No application for a zoning amendment will be considered by the Planning Commission within 12 months from date of final disapproval of a proposed amendment unless the Commission finds that a substantial reason exists for waiving this limitation.

D. Before any action shall be taken as provided in this section, any person or persons proposing a change in the zoning regulations or district boundaries shall deposit with the City Clerk the sum of \$50.00 to cover the approximate cost of this procedure, and under no condition shall said sum or any part thereof be refunded for failure of said change to be adopted by the City Council.

## CHAPTER IX - BUILDING OFFICIAL, BUILDING PERMIT

### Article 9-1 Building Official

The provisions of this part of the ordinance shall be administered by an Building Official designated by the City of Bull Shoals. The enforcement official shall be the Building Official.

### Article 9-2 Building Permit

A building permit shall be issued when the application has been approved by the Building Official as meeting requirements of this part of the ordinance. The building permit must be obtained prior to any alterations to property that would be affected by any provision of this ordinance. A building permit shall be required for any property to have water, sewer, or 911 service provided. All property in use at the time of the adoption of this ordinance shall be deemed to be in zoning compliance and no action will be required on the part of either the property owner or property user. Thereafter, new construction, additions, or alterations shall require a building permit. Applications for a building permit notice shall be submitted to the Building Official on forms provided by the City of Bull Shoals. The Building Official shall have the authority to grant compliance or may, at his discretion, refer applications to the Planning Commission for review and approval. Any removal or replacement of main interior or exterior supporting walls, or removal or installation of electrical wiring or interior plumbing pipes, constitutes a building alteration and not a repair, and requires a building permit.

### Article 9-3 Penalty

Any person, firm, or corporation who shall violate any of the provisions of this Ordinance or who shall fail to comply with any provisions hereof within the corporate limits of the City shall be guilty of an ordinance violation, and upon conviction shall be subject to a fine not to exceed \$200.00 each day that such violation continues shall constitute a separate offense and shall be punishable accordingly.

### Article 9-4 Fees

Fees shall be in accordance with the fee resolution approved by the City Council.

### Article 9-5 Conflicting Ordinances Repealed

All ordinances and parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed and amended to comply herewith.

### Article 9-6 Separability

If any chapter or part of any chapter, paragraph, or clause of this Ordinance is declared invalid or unconstitutional for any reason, such declaration shall not be held to invalidate or impair the validity, force, or effect of any other chapter or chapters, part of chapter, paragraph, or clause of this ordinance.

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## APPENDICES

# APPENDIX I - DISTRICT PERMITTED USES CHART

DISTRICT PERMITTED USES CHART									
PERMITTED USES	ZONING DISTRICTS								
	R-1	R-2	R-3	R-4	C-1	C-2	C-3	C-4	I-1
Single family dwelling	x	x	x			x <sup>1</sup>			
Public schools	x	x	x						
Churches	x	x	x		x	x			
Church affiliated day care centers	x	x	x						
Non-commercial recreational bldgs. & community ctrs	x	x	x						
Home occupations	x	x	x						
Post offices	x	x	x						
Public services (quasi-public, governmental facilities)	x	x	x		x	x			x
Public utilities and facilities	x	x	x		x	x	x	x	x
Hospitals	SP <sup>2,3</sup>	SP <sup>2</sup>	SP <sup>2</sup>			SP			
Police departments	SP <sup>2</sup>	SP <sup>2</sup>	SP <sup>2</sup>		X <sup>4</sup>	X <sup>3</sup>			
Libraries	SP <sup>2</sup>	SP <sup>2</sup>	SP <sup>2</sup>		x	x			
Medical clinics	SP <sup>2</sup>	SP <sup>2</sup>	SP <sup>2</sup>		x	x	x		
Congregate care centers	SP <sup>2</sup>	SP <sup>2</sup>	SP <sup>2</sup>		X <sup>3</sup>	X <sup>3</sup>			
Nursing homes	SP <sup>2</sup>	SP <sup>2</sup>	SP <sup>2</sup>		X <sup>3</sup>	SP <sup>2</sup> X			
Cemeteries	SP <sup>2</sup>	SP <sup>2</sup>	SP <sup>2</sup>			SP			
Mausoleums	SP <sup>2</sup>	SP <sup>2</sup>	SP <sup>2</sup>			SP			
Parks	SP	SP	SP						
Two-family dwellings		x	x						
Independent (mobile) manufactured homes		x		SP					
Multi-family dwellings			x						
Multi-clustered (zero-lot line) dwellings			x						
Manufactured (mobile)home parks				SP		SP			
Antique stores					x	x			
Apparel stores					x	x			
Appliance stores					x	x			
Bakeries					x	x			

<sup>1</sup>Ordinance 89-6 Section 01 adopted April 12, 1989

<sup>2</sup>Special use permit (SP-Conditional Use Permit)

<sup>3</sup>Use deleted by Ordinance 95-9 Section 1 and Section 4, adopted May 18, 1995

<sup>4</sup>Use added by Ordinance 95-9 Section 2 and Section 3, adopted May 18, 1995

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# **DISTRICT PERMITTED USES CHART**

PERMITTED USES	ZONING DISTRICTS								
	R-1	R-2	R-3	R-4	C-1	C-2	C-3	C-4	I-1
Book stores					x	x			
Camera stores					x	x			
Confectionery stores					x	x			
Delicatessens					x	x			
Floral shops					x	x			
General merchandise stores					x	x			
Grocery stores					x	x			
Hardware stores					x	x			
Home furnishing stores					x	x			
Jewelry stores					x	x			
Pharmacy/drug stores					x	x			
Sporting goods stores					x	x			
Restaurants					x	x			
Variety stores					x	x			
Banking institutions					x	x			
Chambers of Commerce					x	x	x		
Indoor cinema theaters					x	x			
Insurance agencies					x	x			
Other financial institutions					x	x			
Real estate offices					x	x	x		
Barber shops					x	x	x		
Beauty shops					x	x	x		
Dry cleaners					x	x			
Laundromats					x	x			
Photography studios					x	x			
Shoe repair shops					x	x			
Tailoring shops					x	x			
Attorney-at-law offices, legal services					x	x	x		
Chiropractic offices, clinics, services					x	x	x		
Dental offices, clinics, services					x	x	x		
Medical offices, clinics, services					x	x	x		
Opticians offices					x	x	x		

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DISTRICT PERMITTED USES CHART									
	ZONING DISTRICTS								
PERMITTED USES	R-1	R-2	R-3	R-4	C-1	C-2	C-3	C-4	I-1
Optometrists offices					x	x	x		
Physicians offices, clinics, services					x	x	x		
Podiatrists offices, clinics, services					x	x	x		
Community buildings					x	x			
Municipal buildings					x	x			
Proprietors residences					SP	SP	SP	SP	
Automotive sales & serves and/or repairs						x			
Boat sales and services						x			
Building sales and services						x			
Liquor stores						x			
Mini-storage facilities						x			
Motels, tourist accommodations-resorts						x		x <sup>3</sup>	
Vehicular service stations						x			
Warehousing						x			
Electricians & electrical supplies						x			
Drive-in restaurants						x			
Family recreational activities						x			
Heating & cooling sales & services						x			
Plumbers and plumbing supplies						x			
Printing periodicals, other printing sales, & supplies						x			
Private clubs and restaurants						x			
Veterinary clinics						x			
Taxidermists						x			
Public, quasi-public buildings					x	x			x
Governmental buildings & facilities					x	x			x
Country clubs						SP			
Golf courses						SP			
Driving ranges						SP			
Nursery retail & wholesale stock sales						SP			
Radio broadcasting stations & radio towers						SP			
Residence of proprietor of C-2 use						SP			

<sup>3</sup>Resorts existing in a R-1 district prior to adoption of Zoning Ordinance 163.

269.B.B.B

# **DISTRICT PERMITTED USES CHART**

PERMITTED USES	ZONING DISTRICTS								
	R-1	R-2	R-3	R-4	C-1	C-2	C-3	C-4	I-1
Taxicab or bus service						SP			
Resident of proprietor of C-4 use								SP	
Direct selling storage & distribution									x
Industrial-fabrication									x
Industrial-processing									x
Industrial-assembly									x
Industrial-disassembly									x
Industrial-repairing									x
Industrial-cleaning									x
Industrial-servicing									x
Industrial-testing									x
Industrial-packaging									x
Industrial-storage									x
Storage-bulk materials									x
Storage-products for direct sales and distribution									x
Municipal garages									x
Service station regulator stations									x
Telephone exchanges									x
Electric substations									x
Sewage disposal plants									x
Well sites									x
Water filtration plants									x
Water storage reservoir									x
Automobile and other junk or salvage yards									SP

269 ccc

# APPENDIX II - DISTRICT REQUIREMENTS CHART

DISTRICT REQUIREMENTS CHART																								
ZONING	USES <sup>1</sup>	LOT AREA IN SQ. FT.	GROSS LIVING AREA -	LOT AREA PER FAMILY IN SQ. FT.	LOT WIDTH AT BUILDING LINE IN	LOT COVERAGE MAX. PERCENT	FRONT YARD - FT. F/FRONT/LOT	REAR YARD - FT. F/REAR LOT	SIDE YARD FEET FROM SIDE LOT LINES			HEIGHT - MAXIMUM STORIES	HEIGHT IN FEET <sup>18</sup>	OFF-STREET PARKING IN SQ. FT. <sup>2</sup>	ACCESS REQUIREMENTS <sup>3</sup>	SCREENING REQUIREMENTS	SIGN REQUIREMENTS <sup>4</sup>	CURBS & DRAINAGE <sup>5</sup>			OFF STREET LOADING/UNLOADING	SIDEWALKS <sup>6</sup>		
									INTERIOR	EXTERIOR	CORNER							HEIGHT IN	WIDTH IN	LOCATION		HEIGHT IN	WIDTH IN INCHES	LOCATION (FEET)
R-1	Single family dwelling	9,000	925 <sup>17</sup>	n/a	75	n/a	25	20	10	10	20	2½	35	180	n/a	n/a	n/a <sup>7</sup>	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	Public schools <sup>8</sup>	36,000	n/a	n/a	150	n/a	30	95	30	30	30	2½	35	180/180	n/a	n/a	n/a <sup>7</sup>	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	Churches	18,000	n/a	n/a	150	n/a	30	20	25	25	30	2½	35	180/180	n/a	n/a	n/a <sup>7</sup>	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	Church affiliated day care ctrs. <sup>8</sup>	18,000	n/a	n/a	150	n/a	30	25	25	25	30	2½	35	180/180	n/a	n/a	n/a <sup>7</sup>	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	Non-commercial recreation ctrs. - family ctrs.	36,000	n/a	n/a	150	n/a	30	25	25	25	30	2½	35	180/180	n/a	n/a	n/a <sup>7</sup>	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	Community bldgs.	36,000	n/a	n/a	150	n/a	30	25	25	25	30	2½	35	180/180	n/a	n/a	n/a <sup>7</sup>	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	Libraries <sup>9</sup>	12,000	n/a	n/a	150	n/a	30	25	25	25	30	2½	35	180/180	n/a	n/a	n/a <sup>7</sup>	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	Police depts. <sup>9</sup>	12,000	n/a	n/a	150	n/a	30	25	25	25	30	2½	35	180/180	n/a	n/a	n/a <sup>7</sup>	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	Parks <sup>9</sup>	43,560	n/a	n/a	n/a	n/a	50	50	50	50	50	n/a	n/a	n/a	n/a	n/a	n/a <sup>7</sup>	n/a	n/a	n/a	n/a	n/a	n/a	n/a
R-2	Single-family dwelling	9,000	925 <sup>17</sup>	n/a	75	n/a	25	20	10	10	20	2½	35	180	n/a	n/a	n/a <sup>7</sup>	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	Two- family dwelling (each family unit)	9,000	720 <sup>17</sup>	+2,250	90	n/a	25	20	10	10	20	2½	35	180/180	n/a	n/a	n/a <sup>7</sup>	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	Single-family manufactured housing	9,000	720 <sup>17</sup>	n/a	75	n/a	30	20	10	20	20	2½	35	180	n/a	n/a	n/a <sup>7</sup>	n/a	n/a	n/a	n/a	n/a	n/a	n/a

269,000

# DISTRICT REQUIREMENTS CHART

ZONING	USES <sup>1</sup>	LOT AREA IN SQ. FT.	GROSS LIVING AREA - MINIMUM SQ. FT.	LOT AREA PER FAMILY IN SQ. FT.	LOT WIDTH AT BUILDING LINE IN	LOT COVERAGE MAX. PERCENT	FRONT YARD - FT. F/FRONT/LOT	REAR YARD - FT. F/REAR LOT	SIDE YARD FEET FROM SIDE LOT LINES			HEIGHT - MAXIMUM STORIES	HEIGHT IN	OFF-STREET PARKING IN SQ. FT. <sup>2</sup>	ACCESS REQUIREMENTS <sup>3</sup>	SCREENING	SIGN REQUIREMENTS <sup>4</sup>	CURBS & DRAINAGE <sup>5</sup>			OFF STREET LOADING/UNLOADING	SIDEWALKS <sup>6</sup>		
									INTERIOR	EXTERIOR	CORNER							HEIGHT IN	WIDTH IN	LOCATION (FEET)		HEIGHT IN	WIDTH IN	LOCATION
R-3	Multi-family dwellings	9,000	720 <sup>17</sup>	+2,250	75	n/a	40	30	10	20	20	2½	35	180/180	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	Multi-family clustered dwellings	9,000	720 <sup>17</sup>	+2,250	90	n/a	40	30	10	20	20	2½	35	180/180	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
R-4	Single family ind. (mobile) manufactured dwellings in a park <sup>8,9,16</sup>	n/a	925 <sup>17</sup>	n/a	100	n/a	100	100	100	n/a	100	n/a	n/a	180/180	n/a	n/a	n/a <sup>7</sup>	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	or each single-wide space	4,400	n/a	n/a	30	n/a	30	30	30	30	30	n/a	n/a	n/a	n/a	n/a	n/a <sup>7</sup>	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	or each double-wide space	6,600	n/a	n/a	30	n/a	30	30	30	30	30	n/a	n/a	n/a	n/a	n/a	n/a <sup>7</sup>	n/a	n/a	n/a	n/a	n/a	n/a	n/a
C-1	Permitted and conditional permitted uses, except	6,000	n/a	n/a	50	50%	30	20	10	10	20	2½	35	180/180	yes <sup>11</sup>	yes	yes	5	6	40 <sup>12,13</sup>	yes	4	4	40 <sup>13</sup>
	Cemeteries and mausoleums <sup>8,9</sup>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

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# DISTRICT REQUIREMENTS CHART

ZONING	USES <sup>1</sup>	LOT AREA IN SQ. FT.	GROSS LIVING AREA - MINIMUM SQ. FT.	LOT AREA PER FAMILY IN SQ. FT.	LOT WIDTH AT BUILDING LINE IN	LOT COVERAGE MAX. PERCENT	FRONT YARD - FT. F/FRONT/LOT	REAR YARD - FT. F/REAR LOT	SIDE YARD FEET FROM SIDE LOT LINES			HEIGHT - MAXIMUM STORIES	HEIGHT IN	OFF-STREET PARKING IN SQ. FT. <sup>2</sup>	ACCESS REQUIREMENTS <sup>3</sup>	SCREENING	SIGN REQUIREMENTS <sup>4</sup>	CURBS & DRAINAGE <sup>5</sup>			OFF STREET LOADING/UNLOADING	SIDEWALKS <sup>6</sup>		
									INTERIOR	EXTERIOR	CORNER							HEIGHT IN	WIDTH IN	LOCATION (FEET)		HEIGHT IN	WIDTH IN	LOCATION
C-2	Permitted and conditional permitted uses, except	15,000	n/a	n/a	50	50%	30	20	10	10	20	2½	35	180/180	yes <sup>11</sup>	yes	yes	n/a	n/a	n/a	yes	n/a	n/a	n/a
	Cemeteries and mausoleums	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	yes	n/a	n/a	n/a
C-3	Permitted and conditional permitted uses	10,000	n/a	n/a	100	50%	30	20	10	10	20	2½	35	180/180	yes <sup>11</sup>	yes	yes	n/a	n/a	n/a	n/a	n/a	n/a	n/a
C-4	Permitted uses <sup>15</sup>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
I-1	Permitted uses	30,000	n/a	n/a	50	50%	50	50	30	25	50	2½ <sup>16</sup>	35 <sup>16</sup>	180/180	yes	yes	yes	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Permitted/special uses shall be determined by the Planning Commission or the Board of Zoning Adjustment.

<sup>2</sup> One parking space - 10' x 18'; i.e., 180 sq. ft.

<sup>3</sup> Access requirements shall comply with Ordinance 122 Public Improvements Program and any amendments and City Ordinance.

<sup>4</sup> Signs shall be in accordance with the City's adopted Sign Ordinance.

<sup>5</sup> Curbs and drainage, if constructed, shall comply with Ordinance 122 Public Improvements Program and any amendments and Ordinance 88-3 Master Street Plan.

<sup>6</sup> Sidewalks, if constructed, shall comply with Ordinance 122 Public Improvements Program and any amendments and City Ordinance.

<sup>7</sup> Signs in a residential district for a home occupation shall be in accordance with the City's adopted Sign Ordinance.

<sup>8</sup> Use shall comply with state and federal statutes.

<sup>9</sup> Conditional use permit is required.

269 FFF

- <sup>10</sup> Building permit required for each single- or double-wide single family independent manufactured (mobile) dwelling unit placed in a manufactured (mobile) home park.
- <sup>11</sup> Commercial access requirements for lots with less than 200' frontage on a public street and is limited to one (1) combined ingress and egress with a minimum width of 20 feet and a maximum width of 32 feet measured from the inside curbs at the property lines. Commercial access requirements for lots with 200' or more frontage on a public street/road is limited to two (2) combined ingresses and egresses with a minimum width of 20 feet and a maximum width of 32 feet measured from the inside curbs at the property lines.
- <sup>12</sup> Curbs and drainage, if constructed, shall be 40 feet from the center line of Central Boulevard, also known as Highway 178 in accordance with City Ordinance and State law.
- <sup>13</sup> Curbs and drainage, if constructed, on secondary streets shall be in accordance with City Ordinance.
- <sup>14</sup> Sidewalks, if constructed, shall be in accordance with City Ordinance and State law.
- <sup>15</sup> Only existing resorts in an R-1 residential district can be so designated; if C-1 use is discontinued, property reverts to R-1 residential district and shall comply with R-1 district requirements.
- <sup>16</sup> Height may be waived by the Planning Commission.
- <sup>17</sup> Exclusive of porches and garages.
- <sup>18</sup> Detached porches and garages shall not exceed 15 feet in height.

269666

**APPENDIX III**  
**ZONING DISTRICT MAP**

ORDINANCE 2001-03

FILED FOR RECORD

20 01 SEP 10 AM 9:42

MARY JO LAYTON  
MARION CO./CIR. CLERK

BY J Cole D.C.

This ordinance is published by reference only pursuant to act 267 of 1949. Three copies of the body of the ordinance are available at City Hall in the office of the City Recorder for public review and inspection. This ordinance will be effective thirty (30) days after the date of its passage.

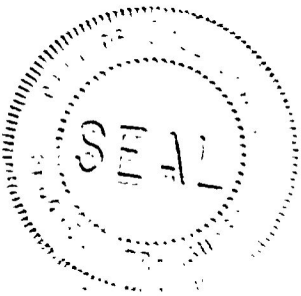
PASSED by the City Council of the City of Bull Shoals, Arkansas, on this 30<sup>th</sup> day of August, 2001.

APPROVED:

Loren Thompson  
Mayor

ATTEST:

Deborah A. Califf  
Recorder-Treasurer



Ord. 2001-03

269 PPP

FILED FOR RECORD

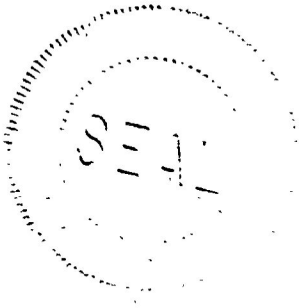
2001 SEP 10 AM 9:46

CERTIFICATE

MARY JO LAYTON  
MARION CO./CIR. CLERK




I, the undersigned, City Recorder-Treasurer of Bull Shoals, Arkansas, hereby certify that the foregoing pages are a true and compared copy of Ordinance No. 2001-03, passed at a Meeting of the City Council of Bull Shoals, Arkansas, held at the regular meeting place of the City Council at 7 o'clock p.m., on the 30<sup>th</sup> day of August, 2001, and that the Ordinance is of record in Ordinance Record Book Number 3, Page 2001-03, now in my possession. *2001*

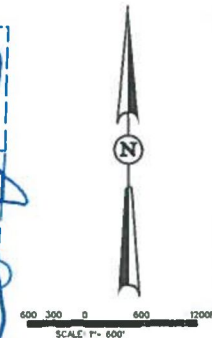
GIVEN under my hand and seal this 7<sup>th</sup> day of September, 2001.



Deborah A. Califf  
City Recorder-Treasurer

269 QQQ

Residential Use   
 Commercial Use   
 Industrial Use 



NOTES:  
 THIS MAP PUBLISHED THIS  
 TENTH DAY OF JANUARY 2001 REFLECTS  
 LAND USE BASE ON ZONING  
 AS OF ORDINANCE NO. 2000-07.  
 ZONING CHANGES SINCE  
 SAID ORDINANCE ARE NOT REPRESENTED  
 THE INFORMATION HEREON IS FOR THE  
 USE OF THE CITY OF BULL SHOALS.  
 THE CITY HAS SOLE AUTHORITY FOR  
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 WHATSOEVER RESULTING FROM THE  
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 PARTIES.

# CITY OF BULL SHOALS

LAND USE MAP



**CONSOLIDATED  
LAND SERVICES  
INCORPORATE.**

ENGINEERING, SURVEYING  
 & MATERIALS TESTING  
 HIGHWAY 40 EAST  
 MOUNTAIN VIEW, ARKANSAS  
 PHONE 501-651-1011

