

**ARTICLE I**

**CITATION, PURPOSE, NATURE AND APPLICATION  
OF ZONING ORDINANCE**

Section 1

CITATION

This Ordinance, in pursuance of the authority granted by the General Assembly of the State of Arkansas in Act 186 of the 1957 Acts of Arkansas, shall be known as the Zoning Ordinance and may be cited as such.

Section 2

PURPOSE

The Zoning Regulations set forth herein are enacted to implement the land use portion of the Comprehensive Development Plan for the City of Nashville and to promote, in accordance with present and future needs, the safety, order, convenience, prosperity, and general welfare of the citizens of Nashville, Arkansas, and to provide for efficiency and economy in the process of development for the appropriate and best use of land, for the use and occupancy of buildings, for healthful and convenient distribution of population, for good civic design and arrangement, and for adequate public utilities and facilities.

Section 3

NATURE AND APPLICATION

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

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

No proposed plat of any new subdivision of land shall hereafter be considered for approval by the City Planning Commission unless

the lots within such plat equal or exceed the minimum size and area regulations specified in the applicable land use zoning district of this Ordinance.

#### Section 4

##### ESTABLISHMENT OF ZONING DISTRICTS

A. For the purpose of this Zoning Ordinance, the City is hereby divided into land use zoning districts, as follows:

R-1 Single-Family Residential

R-2 Low Density Residential

R -3 Medium Density Residential

NC - Neighborhood and Quiet Business District

CBD - Central Business District

HC - Highway Commercial District

I - Industrial District

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

#### Section 5

##### INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

(a) Boundaries indicated as approximately following the centerlines of streets, highways and alleys shall be construed as following such centerlines.

(b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

(c) Boundaries indicated as approximately following city limits shall be construed as following city limits.

(d) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

(e) Boundaries indicated as parallel to or extensions of features mentioned in the preceding rules shall be so construed.

(f) In circumstances not covered by the preceding rules, the Board of Adjustment shall interpret the district boundaries.

#### Section 6

#### CLASSIFICATION OF ANNEXED LANDS

A. All new additions and annexations of land to the City shall be in an R-1 Single-Family Residential District, unless otherwise classified by the City Council, for a period of time not to exceed one (1) year from the effective date of the Ordinance annexing said addition.

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

#### Section 7

#### VACATION OF PUBLIC EASEMENTS

Whenever any street, alley, or other public easement is vacated, the district classification of the property to which the vacated portions of land accrue shall become the classification of the vacated land.

#### Section 8

#### LOT OF RECORD

On any lot in a residential use district which is on a plat of record at the time of adoption of this Zoning Ordinance, a one- family structure may be erected even though the lot may be of less area or width than required by the regulations of the residential use zoning district in which the lot is located, provided that there shall be two (2) side yards each equal to ten percent (10%) of the width of the 1st, that all other set back requirements are met, and that the lot shall have at least 5,000 square feet and fifty (50) feet in width.

## ARTICLE II

### SPECIFIC DISTRICT REGULATIONS

#### Section 1

#### R-1 SINGLE-FAMILY RESIDENTIAL

##### A. General Description

This is the most restrictive residential district. The principal use of land is for single-family dwellings and related recreational, religious, and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element.

##### B. Uses Permitted

Property and buildings in an R—1 Single-Family Residential District shall be used only for the following purposes.

- (1) Detached single-family dwelling.
- (2) Church, including place of worship, religious education building and meeting hall; day care center is a permitted use when operated on-site by the sponsoring church.
- (3) Public, parochial, or private school.
- (4) Public park or playground.
- (5) Home occupation.
- (6) Accessory buildings which are not a part of the main buildings including a private garage or accessory buildings which are a part of the main building, including a private garage.
- (7) Temporary building of the construction industry which is incidental to the erection of buildings permitted in this district, and which shall be removed when construction work is completed.
- (8) Garden or agricultural crops but not for the raising of livestock or poultry.

### C. Special Permit Uses

The following uses may be permitted on review in accordance with the provisions contained in Article VI.

- (1) Lodge hall, veterans' organization, service organization.
- (2) Golf club.
- (3) Child care center, not part of a church, in accordance with the provisions contained in Article III, Section 6.
- (4) Municipal use, public building and public utility.

### D. Area Regulations

All buildings shall be set back from street right-of-way or property lines to comply with the following yard requirements.

#### 1. Front Yard

- (a) The minimum depth of the front yard shall be twenty- five (25) feet from the property line or fifty (50) feet from the centerline of existing right-of-way, whichever is greater.
- (b) When a lot has double frontage, the front yard requirement shall be provided on both streets.
- (c) Where 30 percent or more of a block front is improved with buildings, then no part of any new building shall project beyond a line joining the two adjacent corners of the buildings on either side thereof, or where there is a building on only one side, beyond a line projected from the corresponding adjacent corners of the two nearest buildings, except that no building shall be required to provide a front yard greater than fifty feet in any event. Where an official line has been established for the future widening or opening of a street upon which a lot abuts, then the depth of a front or side yard shall be measured from such official line.

#### 2. Side Yard

- (a) For dwellings located on interior lots, there shall be a side yard on each side of the main building of not less than ten (10) feet.
- (b) For dwellings and accessory buildings located on corner lots, there shall be a side yard setback from the intersecting street right—of-way line

of not less than twenty—five (25) feet. The interior side yard shall be at least ten (10) feet.

C) Churches and accessory buildings, other than dwellings and buildings accessory to dwellings, shall set back from all exterior and interior side lot lines a distance of not less than twenty—five (25) feet.

### 3. Rear Yard

There shall be a rear yard for the main building of not less than twenty-five (25) feet. Unattached buildings of accessory use may be located in the rear yard of a main building, subject to Article III, Section 1.

### 4. Lot Width

For dwellings, there shall be a minimum lot width of eighty (80) feet at the front building line, and such lot shall abut on a street for a distance of not less than sixty (60) feet.

### 5. Intensity of Use

(a) For each dwelling, and buildings accessory thereto, there shall be a lot area of not less than eight thousand five hundred (8,500) square feet.

(b) For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard area required by this section and the off-street parking areas required under Article IV.

### 6. Coverage

Main and accessory buildings, except churches, shall not cover more than thirty percent (30%) of the lot area.

### E. Height Regulations

No building or structure shall exceed two (2) stories or thirty-five (35) feet in height.

### F. Parking Regulations

Off-street parking shall be provided in accordance with the provisions of Article IV.

## G. Sign Regulations

Signs shall be permitted only in accordance with the provisions of Article V.

### Section 2

## R—2 LOW DENSITY RESIDENTIAL DISTRICT

### A. General Description

This is a residential district to provide for a slightly higher population density but with basic restrictions similar to the R-1 District. The principal use of land is for single-family, two-family, and multiple-family developments which may have a relatively intense concentration of dwelling units served by large open spaces including common areas and facilities, thereby resulting in low gross densities.

### B. Uses Permitted

Property and buildings in an R-2 District shall be used only for the following purposes.

- (1) Uses permitted in the R—1 Single-Family Residential District.
- (2) Two—family dwellings.
- (3) Townhouses.
- (4) Multiple-family dwellings.
- (5) Accessory buildings and uses customarily incidental to the above uses.

### C. Special Permit Uses

Any special permit use in an R-1 Single-Family District may be permitted on review in accordance with provisions contained in Article VI.

### D. Area Regulations

All buildings shall be set back from street right-of-way or property lines to comply with the following yard requirements.

#### 1. Front Yard

- (a) The minimum depth of the front yard shall be twenty-five (25) feet from the property line or 50 feet from the centerline of existing right of-way, whichever is greater.

(b) When the yard has double frontage, the front yard requirements shall be provided on both streets.

(c) Where 30 percent or more of a block front is improved with buildings, then no part of any new building shall project beyond a line joining the two adjacent corners of the buildings on either side thereof, or where there is a building on only one side, beyond a line projected from the corresponding adjacent corners of the two nearest buildings, except that no building shall be required to provide a front yard greater than fifty feet in any event. Where an official line has been established for the future widening or opening of a street upon which a lot abuts, then the depth of a front or side yard shall be measured from/such official line.

## 2. Side Yard

(a) For detached dwellings and for unattached sides of attached dwellings located on an interior lot, a side yard of not less than eight (8) feet shall be provided on the unattached sides of the main building.

(b) For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street right-of-way line of not less than fifteen (15) feet in such case such lot is back-to-back with another corner lot, and twenty-five (25) feet in every other case. The interior side yard shall be at least eight (8) feet.

(c) Multi-family structures (other than townhouses) shall set back from all exterior and interior side lot lines a distance of not less than fifteen (15) feet.

(d) Churches and main accessory buildings other than dwellings and buildings accessory to dwellings shall set back from all exterior and interior side lot lines a distance of not less than twenty-five (25) feet.

## 3. Rear Yard

For main buildings, there shall be a rear yard of not less than twenty-five (25) feet or twenty percent (20%) of the depth of the lot, whichever is smaller. Unattached buildings of accessory use may be located in the rear yard, subject to Article III, Section 1.

#### 4. Lot Width

(a) For single-family and two-family dwellings, there shall be a minimum lot width of sixty (60) feet at the front building line.

(b) For townhouse dwellings, there shall be a minimum lot width of twenty-two (22) feet at the front building line; provided, however, that whenever a side yard is required, the width of the lot shall be increased by an amount equal to the width of the required side yard.

(c) For multiple—family dwellings, there shall be a minimum lot width of eighty (80) feet at the front building line and the width shall be increased by ten (10) feet for each additional dwelling exceeding three (3) which is located in the building; however, the lot width at the front building line shall not be required to exceed two hundred (200) feet.

#### 5. Intensity of Use

(a) For a single-family dwelling, there shall be a lot area of not less than seven thousand (7,000) square feet.

(b) For a two-family dwelling, there shall be a lot area of not less than nine thousand (9,000) square feet.

(c) For all dwellings other than single-family and two-family, there shall be a lot area of not less than five thousand (5,000) square feet per dwelling unit, including private and common area. In determining lot sizes for townhouses and multiple family dwellings, common area shall be allocated equally per dwelling unit by dividing the total square footage of the common area by the number of dwelling units which it serves.

(d) For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off—street parking area required in Article IV.

#### 6. Coverage

Main and accessory buildings shall not cover more than thirty-five percent (35%) of the lot area.

#### E. Height Regulations

No building shall exceed two (2) stories or thirty—five (35) feet in height.

#### F. Parking Regulations

Off-street parking shall be provided in accordance with the provisions of Article IV.

#### G. Sign Regulations

Signs shall be permitted only in accordance with the provisions of Article V.

### Section 3

## R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT

#### A. General Description

This is a residential district to provide for medium density ranging from ten (10) to sixteen (16) dwelling units per net acre. The principal use of land is for single-family dwellings, two—family dwellings, townhouses, low—rise multiple— family dwellings, and garden apartments. Recreational, religious, and educational uses normally located to service residential areas are also permitted to provide the basic elements of convenient, balanced, and attractive living areas.

#### B. Uses Permitted

Property and buildings in an R-3 Medium Density Multiple- Family Residential District shall be used only for the following purposes.

(1) Any use permitted in an R-2 Low Density Residential District.

#### C. Special Permit Uses

The following uses may be permitted on review in accordance with the provisions contained in Article VI.

(1) Any use permitted on review in an R-2 Low Density Residential District.

(2) Mobile home park, in accordance with the provisions contained in Article III, Section

(3) Convalescent, rest, or nursing home.

(4) Hospital or sanatorium.

## D. Area Regulations

All buildings shall be set back from street right-of-way or property lines to comply with the following yard requirements.

### 1. Front Yard

(a) The minimum depth of the front yard shall be twenty (20) feet.

(b) Where 30 percent or more of a block front is improved with buildings, then no part of any new building shall project beyond a line joining the two adjacent corners of the buildings on either side thereof, or where there is a building on only one side, beyond a line projected from the corresponding adjacent corners of the two nearest buildings, except that no building shall be required to provide a front yard greater than fifty feet in any event. Where an official line has been established for the future widening or opening of a street upon which a lot abuts, then the depth of a front or side yard shall be measured from such official line.

(c) When a yard has double frontage, the front yard requirement shall be provided on both streets.

### 2. Side Yard

(a) For detached dwellings, two-family dwellings, and for the unattached side of attached dwellings located on an interior lot, a side yard of not less than eight (8) feet shall be provided.

(b) For dwellings and accessory buildings located on corner lots, there shall be a side yard setback of not less than fifteen (15) feet from the intersecting street right-of-way line in case such lot is back—to—back with another corner lot, and twenty (20) feet in every other case. The interior side yard shall be not less than eight (8) feet.

(c) For multiple-family dwellings, the side yard requirements for the building shall be increased to ten (10) feet for interior side yards, but shall be at least twenty (20) feet on a side yard intersecting a street right-of-way line on a corner lot.

(d) Churches and main and accessory buildings other than dwellings and buildings accessory to dwellings shall set back from all exterior and interior side lot lines a distance of not less than twenty— five (25) feet.

### 3. Rear Yard

(a) For main buildings, there shall be a rear yard of not less than twenty (20) feet or twenty percent (20%) of the depth of the lot, whichever is smaller. Unattached buildings of accessory use may be located in the rear yard of a main building, subject to Article III, Section 1.

### 4. Lot Width

(a) For single-family detached and two—family dwellings, there shall be a minimum lot width of sixty (60) feet at the front building line.

(b) For townhouse dwellings, there shall be a minimum lot width of twenty—two (22) feet at the front building line; provided, however, that whenever a side yard is required, the width of the lot shall be increased by an amount equal to the width of the required side yard.

(c) For multiple—family dwellings, there shall be a minimum lot width of eighty (80) feet at the front building line and the width shall be increased by five (5) feet for each additional dwelling unit exceeding three (3) which is located in the building; provided, however, that the lot width of the front building line shall not be required to exceed one hundred fifty (150) feet.

### 5. Intensity of Use

(a) For a single—family dwelling, there shall be a lot area of not less than six thousand (6,000) square feet.

(b) For a two-family dwelling, there shall be a lot area of not less than seven thousand five hundred (7,500) square feet.

(c) For each townhouse dwelling unit, there shall be a lot area of not less than four thousand five hundred (4,500) square feet, including common area.

(d) For multiple-family dwellings, there shall be a minimum lot area of not less than seven thousand five hundred (7,500) square feet for the first two (2) dwelling units therein, plus an additional two thousand five hundred (2,500) square feet of lot area for each additional dwelling unit in excess of the first two.

C) For churches and main and accessory buildings other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section in the off-street parking area required in Article IV.

6. Coverage

Main and accessory buildings shall not cover more than forty percent (40%) of the lot area.

E. Height Regulations

No building shall exceed three (3) stories or forty—five (45) feet in height.

F. Parking Regulations

Off-street parking shall be provided in accordance with the provisions of Article IV.

G. Sign Regulations

Signs shall be permitted only in accordance with the provisions of Article V.

ORDINANCE NUMBER 576

AN ORDINANCE AMENDING THE NASHVILLE ZONING

ORDINANCE, ORDINANCE NUMBER 434, TO PROVIDE

FOR A NEW DISTRICT, R—4, AFFORDABLE HOUSING,

AND SETTING FORTH ITS REGULATIONS

BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF NASHVILLE:

Section I . The Nashville Zoning Ordinance adopted by Ordinance Number 434 of 1975, is amended as provided hereafter:

ARTICLE I

Section 4. A. Add to list.

R—4 Affordable Housing District.

ARTICLE II. Add new Section:

Section 1.1. R—4, Affordable Housing.

A. General Description The principal use of land is for single family dwelling located on smaller lots than required in R-1

B. Uses Permitted Same as R—1.

C. Special Permits Same as R—1.

D. Area Regulations. All buildings shall be set—back from street right—of—way or property lines to comply with the following requirements .

I. Front Yard - The minimum depth of the front yard shall be 25 feet from the property line.

2. Side Yard. The minimum depth of the side yard shall be 14 feet.
3. Rear Yard. There shall be a rear yard for the main building of not less than 25 feet.
4. Lot Width. There shall be a minimum street frontage of 40 feet.
5. Intensity of Use For each dwelling there shall be a lot area of not less than 4000 square feet.
6. Other Requirements
  - A. A 12 foot paved driveway shall be provided for each dwelling.
  - B. All outside walls shall meet one hour fire wall requirements.
  - C. No unattached accessory buildings shall be allowed in this district.

Section 2. This proposed Ordinance has been discussed at a public hearing and recommended by the Planning and Zoning Commission for adoption.

Section 3. This Ordinance to be in full, force and effect from and after its passage

#### Section 4

##### NC NEIGHBORHOOD AND QUIET BUSINESS DISTRICT

###### A. General Description

This commercial district is intended to provide a place for those types of office and commercial activities that provide for the regular needs and/or for the convenience of the people residing in the adjacent residential areas. Because these shops and stores may be an integral part of the neighborhood closely associated with residential, religious, and recreational elements, more restrictive requirements for light, air and open space are made than are provided in other commercial districts.

###### B. Uses Permitted

Property and buildings in the NC District shall be used only for the following purposes.

(1) Any use permitted in the R—3 District.

(2) Sale of such convenience goods and personal services as groceries, drugs, hardware, variety items, small apparel and shoe stores, dry cleaners, bakeries, florist shops, and barber and beauty shops.

(3) Office uses.

(4) Retail and/or service establishments similar to those enumerated above.

(5) Accessory buildings and uses customarily incidental to the above uses.

(6) No article or material stored or offered for sale in connection with uses permitted under (1) through (5) above shall be stored or displayed outside the confines of a building unless it is so screened by permanent ornamental walls or fences that it cannot be seen from adjoining streets or lots when viewed by a person standing on ground level; provided, however, that no screening in excess of seven (7) feet in height shall be required.

### C. Area Regulations

#### 1. Front Yard

All buildings shall set back from the street right-of-way line to provide a front yard having not less than thirty (30) feet in depth, or fifty-five (55) feet from the centerline of an existing right-of-way, whichever is greater.

#### 2. Side Yard

There shall be a minimum side yard on each side of the main building of not less than fifteen (15) feet from each property line. On a corner lot, this shall be increased to twenty (20) feet from the street right-of-way line, or forty-five (45) feet from the centerline of an existing right-of-way, whichever is greater.

#### 3. Rear Yard

No building shall be located closer than fifteen (15) feet to the rear lot line.

#### 4. Coverage

Main and accessory buildings shall not cover more than forty percent (40) of the lot area.

### D. Height Regulations

No building or structure shall be constructed with a height in excess of two (2) stories or thirty-five (35) feet.

### E. Parking Regulations

Off-street parking shall be provided in accordance with the provisions of Article IV.

## F. Sign Regulations

Signs shall be permitted only in accordance with the provisions of Article V.

### Section 5

#### CBD CENTRAL BUSINESS DISTRICT

##### A. General Description

This commercial district is intended for the conduct of personal and business services and the general retail business of the community. Persons living in the community and in the surrounding trade area require direct and frequent access to this area which provides space for professional offices, banks, hotels, places of amusement, and retailing services of all kinds.

##### B. Uses Permitted

Property and buildings in the CED District shall be used only for the following purposes.

- (1) Any use permitted in a NC Commercial District, except dwellings and buildings used for permanent housing.
- (2) Any retail, personal, or repair service business, restaurant, banks, and office buildings unless otherwise prohibited.
- (3) Funeral home or mortuary.
- (4) Hospitals.
- (5) Hotels and lodging houses.
- (6) Public buildings and uses.
- (7) Public garages, service stations, automobile repair shops or parking lots, and automobile sales.
- (8) Theaters and assembly halls.
- (9) Any other store or shop for retail trade or for rendering personal, professional or business service which does not produce noise, odor, dust, vibration, blast, or excessive traffic.
- (10) Buildings, structures and uses accessory and customarily incidental to any of the above uses.

(11) No article or material stored or offered for sale in connection with uses permitted under (1) through (10) above shall be stored or displayed outside the confines of a building unless it is so screened by permanent ornamental walls or fences that it cannot be seen from adjoining streets or lots when viewed by a person standing on ground level; provided, however, that no screening in excess of seven (7) feet in height shall be required; except for auto mobile sales and automobile service stations engaged in the sale of cars, gasoline and oil, where open display may be permitted in merchandise commonly sold, i.e., oil, batteries, tires, wiper blades, etc. No permanent open display will be permitted on sidewalks or public right-of-way.

### C. Area Regulations

#### 1. Front and Side Yards

There are no specific front yard requirements. On the side of a lot adjoining a dwelling district there shall be a side yard of not less than ten (10) feet. Whenever the rear lot line of a corner lot abuts a dwelling district, the side yard adjacent to the street shall be not less than fifteen (15) feet in width. In all other cases, no side yard shall be required.

#### 2. Rear Yard

Where a commercial building is located on a lot abutting a residential district or where a commercial building is to be serviced from the rear, there shall be provided an alleyway, service court, rear yard, or combination thereof of not less than twenty-five (25) feet in width. In all other cases, no rear yard is required.

#### 3. Lot Area

No minimum lot area is required but the lot must be adequate to provide the yard areas required by this section.

### D. Height Regulations

No building or structure shall be constructed with a height in excess of three (3) stories or forty—five (45) feet.

### E. Sign Regulations

Signs shall be permitted only in accordance with the provisions of Article V.

## Section 6

### HC HIGHWAY COMMERCIAL DISTRICT

#### A. General Description

This district is intended to provide space for certain retail and business activities and primarily serves the motoring public. This district will provide for the commercial uses that do not need to be in shopping areas or the general business district or which are undesirable in such areas. It is characterized by establishments such as motels, drive—in restaurants, automobile sales and service, and other activities of this nature.

#### B. Uses Permitted

Property and buildings in the HC District shall be used only for the following purposes.

- (1) Any use permitted in a NC or CBD Commercial District, except for dwellings or other buildings used for permanent housing.
- (2) Automobile and truck sales, new and used.
- (3) Boat sales.
- (4) Drive-in restaurants and theaters.
- (5) Farm implement and machinery sales, new and used.
- (6) Hospital or clinic for animals. Commercial kennel for dogs and cats.
- (7) Mobile home and camper sales.
- (8) Motels.
- (9) Trailers for hauling, rental, and sales.
- (10) Truck terminals.
- (11) Buildings, structures and uses accessory and customarily incidental to any of the above uses.

#### C. Special Provisions

The above enumerated uses shall comply with the following provisions:

- (1) All open storage and display of merchandise, material, and equipment shall be so screened by ornamental fencing that it cannot be seen by a person standing on ground level in a residential district when located to the side or

rear of the lot on which said open storage or display occurs; provided, however, that screening shall not be required in excess of seven (7) feet in height. Merchandise and materials which are not completely assembled or which are not immediately and actively being offered for sale shall, in addition to complying with the above screening requirements, be so screened by ornamental fences or by permanent buildings that it cannot be seen from a public street.

(2) All of the lot used for the parking of vehicles, for the storage and display of merchandise and all driveways used for vehicle ingress and egress shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use.

(3) All servicing of vehicles and assembly of equipment carried on as an incidental part of the sales operation shall be conducted within a completely enclosed building.

(4) Outdoor lighting, when provided, shall have an arrangement of reflectors and an intensity of lighting which will not interfere with adjacent land uses or the use of adjacent streets, and shall not be of a flashing or intermittent type.

#### D. Area Regulations

##### 1. Front Yard

All buildings shall set back a minimum of forty (40) feet from all street property lines, or sixty-five (65) feet from the centerline of the existing right-of-way, whichever is greater.

##### 2. Side Yard

On the side of a lot adjoining a dwelling district there shall be a side yard of not less than ten (10) feet. In all other cases, no side yard is required.

##### 3. Rear Yard

Where a commercial building is located on a lot abutting a residential district or where a commercial building is to be serviced from the rear, there shall be provided an alleyway, service court, rear yard, or combination thereof of not less than twenty—five (25) feet in width. In all other cases, no rear yard is required.

#### 4. Lot Area

No minimum lot area is required but the lot must be adequate to provide the yard areas required by this section and the off-street parking area required in Article IV.

#### E. Height Regulations

No building shall be constructed with a height in excess of two stories or thirty-five (35) feet.

#### F. Parking Regulations

Off—street parking shall be provided in accordance with the provisions of Article IV.

#### G. Sign Regulations

Signs shall be permitted only in accordance with the provisions of Article V.

### Section 7

## I - INDUSTRIAL DISTRICT

### A. General Description

This district is intended to provide space for manufacturing activities, wholesaling, warehousing, storage, assembling, packaging, and similar uses. It is an area where general manufacturing activities can take place.

### B. Uses Permitted

Property and buildings in the I District shall be used only for the following purposes.

- (1) The manufacturing, compounding, processing, packaging, assembling or storage of products, equipment and materials when such uses do not create hazards of fire, explosions, noise, vibration, dust, or the emission of smoke, odor, or toxic gases.
- (2) Dwellings for resident watchmen and caretakers employed on the premises. No other residential uses shall be permitted.

### C. Special Permit Uses

The following uses may be permitted on review in accordance with the provisions contained in Article VI.

- (1) Automobile junk or salvage yards, in accordance with the provisions contained in Article III, Section 3.

(2) Sanitary fill for the disposal of garbage or trash.

(3) Industrial uses having accompanying hazards, such as fire, explosion, noise, vibration, dust or the emission of smoke, odor, or toxic gases may, if not in conflict with any law or ordinance in the City or the State of Arkansas, be located in the I Industrial District only after the location and nature of such use shall have been approved by the Commission as provided in Article VI. The Council shall review the plans and statements and shall not permit such buildings, structures or uses until it has been shown that the public health, safety, and general welfare will be properly protected, and that necessary safeguards will be provided for the protection of surrounding property and persons. The Council in reviewing the plans and statements shall consult with other agencies created for the promotion of public health and safety.

#### D. Area Regulations

1. All structures shall be built at least twenty—five (25) feet from all property lines.
2. Where property abuts a railroad where siding facilities are utilized, structures may be built up to the railroad property line.
3. Maximum lot coverage shall not exceed thirty-three and one-third percent (33 1/3%) of the lot area.

#### E. Height Regulations

The maximum height of a structure shall be two (2) stories or thirty-five (35) feet.

#### F. Parking Regulations

Off-street parking shall be provided in accordance, with the provisions of Article IV.

#### G. Sign Regulations

Signs shall be permitted 'only in accordance with the provisions of Article V.

## ARTICLE III

### ADDITIONAL DISTRICT PROVISIONS

#### Section 1

##### ACCESSORY BUILDINGS

An accessory building may be built within a required rear yard when located at least five (5) feet from the rear or side lot line, is not located within any public easement, and when occupying not more than thirty percent (30%) of the area of such required rear yard.

#### Section 2

##### AREA NOT TO BE DIMINISHED

The lot or yard areas required by this Zoning Ordinance for a particular building or use at the time of adoption of this Ordinance or later constructed or established, shall not be diminished and shall not be included as part of the required lot, open space, or yard area of any other building or use. If the lot, open space, or yard areas required by this 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.

#### Section 3

##### AUTOMOBILE WRECKING AND JUNK YARDS

###### A. General

Because of the nature and character of their opera automobile wrecking and salvage yards, junk yards, and similar uses of land can have a detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic, and health hazards, and may adversely affect property values by their general appearance. For the purpose of evaluating whether the proposed utilization of land for an automobile wrecking or junk yard properly minimizes its objectionable characteristics, the standard established in Paragraphs B, C, D, and E shall be used.

###### B. Location

Because of the tendency of salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than five hundred (500) feet to any established residential district.

### C. Screening

All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence or wall, except driveway areas, from eight (8) to twelve (12) feet in height. Storage between the street and such fence is expressly prohibited. Any fence or wall erected for screening purposes shall be properly painted or otherwise maintained in good condition.

### D. Off—Street Parking

Off-street parking requirements are provided in Article IV.

### E. Ingress and Egress

The number of vehicular access driveways for junk yards and automobile wrecking yards having frontage on a State or Federal highway shall be regulated by the Arkansas Highway Department.

## Section 4

### CHILD CARE CENTERS

Child care centers authorized under special permit uses in residential districts shall meet the following provisions:

- (1) The center shall be located in a single-family dwelling which is the permanent residence of the operator and shall be operated in a manner that will not change the character of the residence.
- (2) The dwelling shall be located on a lot having not less than nine thousand (9,000) square feet of area, and all portions of said lot used for outdoor play space shall be fenced with an opaque, ornamental fence not less than six (6) feet in height.
- (3) The dwelling shall meet all City, County, and State Health Department requirements as to safety, design, facilities, equipment, and other features and the center shall be operated in a manner that will not adversely affect other properties and uses in the area.

## Section 5

### COMPLETION OF EXISTING BUILDINGS

Nothing herein shall require any change in the plans, construction, or designated use of a building under construction at the time of the adoption of this Zoning Ordinance. Nothing herein contained has require any change in plans, construction, or designated use of any building for which a building permit has been issued within thirty (30) days prior to the adoption of this Ordinance, provided

construction is started on said building within sixty (60) days after adoption of this Zoning Ordinance.

#### Section 6

##### FENCES

An ornamental fence, hedge, or wall not more than three and one—half (3 1/2) feet in height may project into or enclose any required front or side yard. Ornamental fences, hedges, or walls may project into the side yard from the front building line of the structure to the rear lot line, provided such fences and walls do not exceed a height of seven (7) feet, and further provided such enclosure allows adequate sight clearance for motorists at corner lots.

#### Section 7

##### FLAMNABEL LIQUIDS AND GASES

The storage of flammable liquids and gases shall comply with the State of Arkansas Fire Prevention Code.

#### Section 8

##### HEIGHT REQUIREMENTS

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

Public, semi-public, or public service buildings, hospitals, institutions, churches and schools, when permitted in a district, may be erected to exceed height limits specified for the district, provided all required yards are increased by one (1) foot for each foot of building height above the specified height limit.

#### Section 9

##### MOBILE HOMES AND MOBILE HOME PARKS

###### A. Mobile Homes

Parking of an individual mobile home in any district for residential purposes shall be prohibited. (SEE front pocket)

###### B. Mobile Home Parks

Mobile Home Parks shall comply with the following regulations:

(1) Size - No parcel of land containing less than three (3) acres shall be used for a mobile home park.

(2) Location - Mobile Home Parks shall be located only in the R—3 Residential District and in accordance with the provisions of Article VI, Special Permit Uses.

(3) Requirements - The Mobile Home Park shall conform to the following requirements:

(a) The park shall be located on a well— drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.

(b) A site development plan must be submitted showing the area and dimensions of the tract of land; the number, locations and size of all mobile home spaces; the location and width of roadways, walkways, and recreational areas; and the location of service buildings and other proposed structures. If approved, said development shall conform to the site development plan and violation of the plan shall nullify the permit.

(c) Mobile home spaces shall be provided consisting of a minimum of four thousand (4,000) square feet for each space, which shall be at least forty (40) feet wide and clearly defined on the ground.

(d) Mobile homes shall be so harbored on each space that there shall be at least ten (10) feet between the mobile home and any mobile home space line.

(e) Each mobile home space shall abut a drive way of not less than twenty (20) feet in width, which shall have unobstructed access to a -dedicated public street.

(f) Each mobile home park shall provide service buildings to house such toilet, bathing, and other sanitation facilities and such laundry facilities as the City may require.

(g) An electrical outlet supplying at least one hundred ten (110) volts shall be provided each mobile home space.

(h) Each space shall be provided with sanitary sewer and water service in a manner

- approved by the City.

(1) No building or structure erected or stationed in the mobile home park shall have a height greater than one (1) story or fifteen (15) feet.

(j) Each mobile home park shall be permitted to display on each Street frontage, one (1) identifying sign of a maximum size of twelve (12) square feet. Said sign shall contain thereon only the name and address of the mobile home park and may be lighted by indirect lighting only.

(k) There shall be at least two (2) paved off— street parking spaces for each mobile home space which shall be on the same site or located in grouped parking bays specifically designed for such purpose close to the site served.

(1) The mobile home park shall be surrounded by a landscaped strip of open space twenty—five (25) feet wide along all street and other property lines. This area shall not be included as part of any mobile home space.

#### Section 10

#### SERVICE STATION PUMPS

Service station pumps and pump islands may occupy the required yards provided, however, that they are not less than twenty (20) feet from all property lines.

#### Section 11

#### STORAGE AND PARKING OF TRAILERS

#### AND COMMERCIAL VEHICLES

A. Commercial vehicles and trailers of all types, including travel, camping and hauling and mobile homes shall not be parked or stored on any lot occupied by a dwelling or on any lot in any residential district except in accordance with the following provisions:

(1) Not more than one (1) commercial vehicle, which does not exceed one and one-half (1 1/2) tons rated capacity, per family living on the premises, shall be permitted and in no case shall a commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products be permitted.

(2) Not more than one -camping or travel trailer or hauling trailer per family living on the premises

shall be permitted and said trailer shall not exceed thirty (30) feet in length or eight (8) feet in width; and further provided that said trailer shall not be parked or stored for more than one week unless it is located behind the front yard building line. A camping or travel trailer shall not be occupied either temporarily or permanently while it is parked or stored in any area within the, incorporated limits except as authorized under Section 9 of this Article.

