

ORDINANCE NO. 91-194

CLINTON ARKANSAS ZONING ORDINANCE

ARTICLE I
TITLE AND AUTHORITY - INTENT AND PURPOSE

TITLE AND AUTHORITY. This ordinance is an updated comprehensive zoning ordinance and shall hereafter be known, cited, and referred to as the "CLINTON ARKANSAS ZONING ORDINANCE".

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 Council of the City, pursuant to the provisions of Act 186 of 1957 of the General Assembly, as amended, has established a planning commission, which has divided the City into districts and has prepared regulations pertaining to these 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.

INTENT AND PURPOSE. This zoning ordinance is adopted to the end:

- (A) That adequate light, pure air and safety from fire and other dangers may be secured;
- (B) That the taxable value of land and buildings throughout the City and its territorial jurisdiction be conserved;
- (C) That congestion in the public streets may be lessened or avoided;
- (D) That the hazard to persons and damage to property resulting from the accumulation or runoff of storm or flood waters may be lessened or avoided, and
- (E) That the public health, safety, and welfare may otherwise be promoted.

The fulfillment of this purpose is to be accomplished by seeking the following objectives:

PROPER LIVING AND WORKING CONDITIONS. To prevent the overcrowding of land and undue concentration of structures in each zoning district, thereby ensuring proper living and working conditions and preventing the development of blight and slums.

ACCESS. To provide convenience of access to property.

TRANSPORTATION. To facilitate the provisions of adequate transportation services such as water, fire protection, roads, sewers, schools and parks.

CONSERVATION AND PROTECTION. To conserve the value of property throughout the City and to protect the character and stability of residential, commercial and industrial districts.

DISTRICTS. To divide the City into districts of such number, shape, area, and of such different classes, according to the use of land, buildings, the height and construction buildings, the intensity of use, and the area of open spaces and recreational spaces as may be deemed best suited to carry out the purposes of this ordinance.

PRESERVATION. To preserve and ensure the preservations of natural resources.

CONTROL. To isolate or control the location of unavoidable nuisance producing uses, and to protect against fire, explosion, noxious fumes and other dangers.

POWERS AND DUTIES. To define the powers and duties of the administrative and inspection officers and bodies.

PENALTIES. To prescribe penalties for any violation of the provisions of this ordinance or of any amendment thereto.

The standards and requirements contained in this ordinance and the district reflected on the Zoning District Map are intended to implement the objectives of the Plan for the City.

ARTICLE II RULES AND DEFINITIONS

RULES AND DEFINITIONS. In the construction of this ordinance and any subsequent amendment, the rules and definitions contained in this article shall be observed and applied, except when the context clearly indicates otherwise.

(A) Rules

1. Words used in the present tense shall include the future.
2. Words used in the singular number shall include the plural number, and the plural number shall include the singular number.
3. The masculine gender include the feminine and neuter.
4. The word "Board" shall mean the Board of Zoning Adjustment of the City of Clinton, Van Buren County, Arkansas.

5. The word "building" shall include the word "structure" and shall include all other improvements of every kind, regardless of similarity to buildings.
6. The words "building official" shall mean the building inspector.
7. The word "City" shall mean the City of Clinton, Van Buren County, Arkansas.
8. The word "Clerk" shall mean the Administration Clerk.
9. The word "Commission" shall mean the Planning Commission of Clinton, Van Buren County, Arkansas.
10. The word "Council" shall mean the City Council of Clinton, Van Buren County, Arkansas.
11. The words "Fee Ordinance" shall mean the Clinton Building Permit Fee Ordinance.
12. The word "may" is permissive.
13. The word "lot" shall include the words "piece", "plot" and "parcel".
14. The word "person" shall include a "firm", "association", "organization", "partnership", "trust", "company" or "corporation", as well as an "individual".
15. The word "Plan" shall mean the Comprehensive Development Plan of Clinton, Van Buren County, Arkansas.
16. The word "Recorder" shall mean the duly elected Recorder-Treasurer of Clinton, Van Buren, Arkansas, also known and cited as City Clerk.
17. The word "shall" is mandatory and not discretionary.
18. The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for" and "occupied for".

ARTICLE III SCOPE OF REGULATIONS

PRE-EXISTING CONSTRUCTION. Nothing herein shall require any change in the plans, construction or designated use of a building under construction or in existence at the time of the adoption of this zoning ordinance. 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 thirty (30) days prior to the adoption of this ordinance, provided construction is started on said building within one hundred twenty (120) days after adoption of this zoning ordinance and diligently prosecuted to completion in accordance with plans on which the building permit has been issued. Completion shall be accomplished within eighteen (18) months of the effective date of this ordinance unless otherwise approved by City Council acting on a Commission recommendation.

CONSTRUCTION REGULATIONS. In this ordinance, construction regulations are expressed in terms of maximum structure height, lot coverage and

minimum front, corner side, side and rear yards. No structure or part thereof shall hereafter be used, occupied or designed for use or occupancy so as to:

- (A) Exceed the maximum lot coverage percentage, structure height, specified in the zoning district in which the structure is located;
- (B) Provide any setbacks for front, rear, corner side and side yard that is less than that specified for the zoning district in which such structure or use of land is located or maintained, except as stated below in LOT SIZE REQUIREMENTS AND CONSTRUCTION REGULATIONS FOR PUBLIC UTILITY FACILITIES AND STRUCTURES.

OFF STREET PARKING AND LOADING.

- (A) Residential parking spaces and facilities shall not be reduced below (or if already less than, shall not be further reduced below) the requirements that would be applicable to a similar new structure or use.
- (B) No structure shall hereafter be built or moved and no structure or land shall hereafter be used, occupied or designed for use or occupancy unless the minimum off street parking and off street loading spaces are as required in the commercial and industrial district regulations and requirements.

EXISTING LOTS AND LOT AREAS IN A RESIDENTIAL DISTRICT. On any vacant lot in a residential use district which is on plat of record at the time of passage of these regulations, a single family dwelling may be erected even though the lot be of less area, depth or width than required by the regulations of the residential use district in which the lot is located, provided however that all other yard requirements are met.

NUMBER OF STRUCTURES AND USES ON A ZONING LOT.

- (A) One (1) principal and residential structure shall be located on a zoning lot in a residential district.
- (B) In commercial and industrial districts, any number of structures and/or units may be constructed on a single zoning lot.

PLATTED BUILDINGS AND SETBACK LINES. A recorded subdivision plat may impose a building or setback line for a lot which is greater than the minimum front, rear, side or corner side setbacks required by the applicable section of this ordinance.

Lots abutting said subdivided property shall maintain the same building setbacks as other lots not abutting said government property in the district in which the lots are located.

LOT SIZE REQUIREMENTS AND CONSTRUCTION REGULATIONS FOR PUBLIC UTILITY FACILITIES AND STRUCTURES. Except for public utility facilities and structures below the surface of the ground, all public utility facilities and structures, i.e., public service uses, (lying on or above the ground) shall be required to comply with lot size requirements and construction regulations of the zoning district in which they are located, and shall observe the applicable minimum front, side, corner side and rear yard requirements. The maximum height shall be observed as allowed in the construction regulations for each district.

Setback requirements for public utility facilities and structures shall be in compliance with city and state regulations.

Public utilities and facilities (public services uses and structures) shall be permitted in all districts and defined as follows:

- (A) Electric and telephone substations and distributions equipment;
- (B) Poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or other similar equipment for distribution to consumers for transmission of electricity, water or natural gas.
- (C) Pumping stations;
- (D) Transformer stations;
- (E) Wells;
- (F) Water storage reservoirs.

SEWER AND WATER FACILITIES. All structures built hereafter must be in compliance with city sewer and water department codes and ordinances.

HOME OCCUPATIONS. Any occupation may be carried on in a residential district only if the following are complied with:

- (A) It does not involve the use of commercial vehicles operating from the residence;
- (B) It does not require the use of more than two (2) rooms otherwise normally considered as living space;
- (C) It does not require the use of an accessory building or of yard space or an activity outside the main structure NOT normally associated with residential uses;
- (D) It does not have a sign in excess of two (2) square feet to denote the business, occupation or profession, and such sign must be attached to the structure;
- (E) It does not involve the external display of goods and services;
- (F) The occupation must be carried on only by the occupant family of said residence.

PROHIBITED HOME OCCUPATIONS. Prohibited home occupations in all residential districts are those governed by federal, state and local health regulations and/or requiring licensing.

NEW LIGHTING ON POLES AND SPOTLIGHTS.

- (A) No outside lighting shall be permitted which creates a hazard to traffic. Lights shall be properly shaded to prevent glare to adjacent property.
- (B) This section does not pertain to holiday decorative lights.
- (C) The Council has the authority to approve all street lights that are outside the boundaries of property owners in the city.

ARTICLE IV
NON-CONFORMING BUILDINGS, STRUCTURES AND USES

STATEMENT OF PURPOSE. Under Act 186 of 1957 as amended, the Board shall not permit as a variance, any use in a zone that is not permitted under the ordinance. The Board may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

- (A) This ordinance establishes separate districts, each of which is an appropriate area for the location of the uses which are permitted in that district. It is necessary and consistent with the establishment of those districts that those non-conforming buildings, structures, and uses which substantially and adversely affect the orderly development and taxable value of other property in the district be permitted to continue within certain restrictions.
- (B) The purchasers of non-conforming buildings, structures or uses are entitled to the same right as their grantors, and prior knowledge of the non-conforming nature of the building, structure or uses is irrelevant. This accords with all the general principle that zoning rights run with the land, not with persons.
- (C) The purpose of this article is to provide for the regulation of non-conforming buildings, structures, and uses.

AUTHORITY TO CONTINUE NON-CONFORMING BUILDINGS, STRUCTURES, AND USES. Any non-conforming building, structure, or use which existed lawfully at the time of the adoption of this ordinance and which remains non-conforming, shall become non-conforming upon the adoption of this ordinance, or any subsequent amendments thereto and may be continued, rebuilt, remodeled, repaired, replaced, restored, altered and/or enlarged subject to the following regulations.

REPAIRS AND ALTERATIONS TO NON-CONFORMING BUILDINGS & STRUCTURES. Repairs and alterations may be made to a non-conforming building or structure provided that:

- (A) Structural alterations to non-conforming buildings and structures which decrease the prior building setbacks shall meet the setback requirements of this ordinance for the district wherein said non-conforming building or structure is located; if a building or

structure does not comply with the setbacks of this ordinance, then said building or structure shall not be enlarged, but may be otherwise continued, rebuilt, remodeled, repaired, replaced, restored, or altered.

- (B) A non-conforming building, structure or use may also be continued, rebuilt, remodeled, repaired, replaced, restored or altered in such a manner as to conform with the regulations of the district in which it is located.

RELOCATION OF BUILDING OR STRUCTURE.

- (A) No non-conforming building or structure shall be moved in whole or in part to any other location on the same lot unless every portion of such building or structure which is moved is made to conform with building setback requirements of the district in which it is to be located.
- (B) A non-conforming building or structure shall not be moved from its original location to any other location in any district as provided in this ordinance unless said building or structure shall conform to all of the regulations and requirements of the district in which said building or structure shall be relocated.

RESTORATION OF DAMAGED BUILDING OR STRUCTURE DESIGNED OR INTENDED FOR A NON-CONFORMING USE.

- (A) A non-conforming building or structure which is destroyed or damaged by fire or other casualty or act of God may be continued, rebuilt, remodeled, repaired, replaced, restored, and/or altered provided aforementioned activity is diligently prosecuted to completion within the time period required by building permit regulations.
- (B) A non-conforming building or structure which is destroyed or damaged by fire or other casualty or act of God may also be ENLARGED provided said building or structure shall have setbacks equal to or greater than the setbacks of the district wherein the said building or structure is located and subject to the same provisions of (a) above.

TIME EXTENSION. In case of hardship, an application may be made to the Board for an extension of time.

LAND. The non-conforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall not be expanded or extended beyond the area it occupies.

QUESTION OF FACT. Whether a non-conforming use exists shall be a question of fact and shall be decided by the Board after public notice and in accordance with the rules of the Board.

ARTICLE V
ESTABLISHMENT OF DISTRICTS AND/OR USE ZONES

The City is hereby divided into zoning districts, as indicated in the Zoning District Map which accompanies and is incorporated and made a part of these regulations as Exhibit "A".

Each district shall be classified as follows:

- R-1 Single Family Residential District
- R-2 Residential District
- R-3 Multi-family and Multi-clustered Residential District
- C-1 Commercial and Business District
- C-2 Commercial Highway District
- I-1 Limited Industrial District

In order to easily identify the location of any particular district, each district shall be assigned an alphabetical letter A through YY. Initially there shall be fifty (50) districts, each of which shall be classified either R-1, R-2, R-3, C-1, C-2 or I-1.

Furthermore, there shall be a zoning classification referred to as PUB which, initially, shall be assigned to one (1) district on the Zoning District Map and which shall consist of publicly held lands.

BOUNDARIES. The boundaries of these districts are shown on the Zoning District Map. The original of this map is properly attested and on file with the Recorder of Deeds of Van Buren County. A copy of this map is on file with the Recorder of the City and also accompanies these regulations. The said map and all the information shown thereon shall have the same force and effect as if fully set forth or described herein.

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

- (A) Boundaries indicated as approximately following the center lines of streets, highways and alleys shall be construed as following such center lines.
- (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 parallel to or extensions of features mentioned in the preceding rules shall be so construed.
- (E) In circumstances not covered by the preceding rules, the Board shall interpret the district boundaries.
- (F) When a lot held in one ownership on the effective date of this ordinance is divided by a district boundary line, the entire lot shall be construed as within the less restrictive district.

However, the land shall contain less than nine thousand (9,000) square feet.

R-1 SINGLE FAMILY RESIDENTIAL DISTRICT. This district is intended for residential neighborhoods characterized by single family residential dwellings containing a suitable lot area, excluding single family manufactured (mobile) home dwelling units.

R-1 PERMITTED USES.

- (A) Single family dwellings.
- (B) Home occupations.
- (C) Public services and utilities.

R-1 PERMITTED SPECIAL USES.

- (A) Parks.
- (B) Modulares (prefabricated buildings with composite roof).
- (C) Churches and affiliated day care centers.
- (D) Schools.

R-1 MINIMUM LOT SIZE REQUIREMENTS. A separate ground area, herein called the zoning lot, shall be designated, provided, and continuously maintained for each structure containing a permitted use or a special use, and shall have a minimum lot area and minimum lot front width as follows:

- (A) Permitted use minimum lot size requirements:
 - 1. Single family dwellings: lot front width seventy-five (75) feet; lot area 100 x 200 (20,000) square feet.
- (B) Special use minimum lot size requirements:
 - 1. Public schools: lot front width one hundred fifty (150) feet; lot area thirty-six thousand (36,000) square feet.
 - 2. Churches and affiliated day care centers: lot front width one hundred fifty (150) feet; lot area eighteen thousand (18,000) square feet.
 - 3. Special use/parks: minimum project size: forty-three thousand five hundred sixty (43,560) square feet; i.e., one (1) acre.

R-1 MINIMUM YARD REQUIREMENTS. The following minimum yard requirements shall be required unless otherwise permitted by the Council upon recommendation of the Board.

- (A) Permitted use-minimum yard requirements:
 - 1. Single family dwelling: front/yard - twenty-five (25) feet; rear yard - twenty (20) feet; side yard - ten (10) feet; corner side yard - twenty (20) feet.

(B) Special use-minimum yard requirements:

1. Public schools: front yard - thirty (30) feet; rear yard - ninety-five (95) feet; side yard - thirty (30) feet; corner side yard - thirty (30) feet.
2. Churches and affiliated day care centers: front yard - thirty (30) feet; rear yard - twenty-five (25) feet; side yard - twenty-five (25) feet; corner side yard - thirty (30) feet.
3. Special use/parks: all playground areas, equipment and structures must maintain a fifty (50) foot front, rear, side and corner side setback from all street right-of-ways. Each boundary of the park must be at least one hundred (100) feet from any permanent building located outside the park.

R-1 CONSTRUCTION REGULATIONS. Structure height not to exceed thirty-five (35) feet in height. Detached garages and carports are not to exceed fifteen (15) feet in height.

R-1 OFF STREET PARKING.

- (A) For single family dwellings, no less than one (1) parking space per single dwelling unit shall be provided.
- (B) For all other permitted and special permitted uses no less than one (1) parking space shall be provided for each one hundred eighty (180) square feet of floor area in the building, structure or use.

R-2 RESIDENTIAL DISTRICT. This district is intended for residential neighborhoods characterized by residential dwellings containing a suitable lot area for single family and two-family housing.

R-2 PERMITTED USES.

- (A) Any use permitted in R-1 residential district.
- (B) Two-family dwellings contained in one structure.
- (C) Modulares (prefabricated buildings with composite roof).
- (D) Public services and utilities.
- (E) Home occupations.
- (F) Apartments.

R-2 PERMITTED SPECIAL USES.

- (A) Any use permitted in R-1 residential district.
- (B) Hospitals, Police Department and library.
- (C) Medical Clinics.
- (D) Installation of Mobile Homes, provided mobile home satisfies H. U. D. specifications and has a minimum of 840 square feet of interior space and is not over 10 years old.

R-2 MINIMUM LOT SIZE REQUIREMENTS.

- (A) Permitted uses and permitted special uses, a separate ground area called the zoning lot shall be designated, provided and continuously maintained for each structure containing a permitted use, and shall have lot area of fifteen thousand (15,000) square feet and a lot front width of seventy (70) feet at the front building line; except a two-family dwelling requires an additional two thousand two hundred fifty (2,250) square feet for each additional dwelling unit, and an additional fifteen (15) feet shall be added to the minimum lot front width requirement.
- (B) The minimum lot area and lot front width for all other permitted uses and special uses shall be the same as R-1 residential districts.

R-2 MINIMUM YARD REQUIREMENTS.

- (A) Permitted uses and special permitted uses shall have the same yard requirements as the R-1 Residential district.
- (B) For related regulations see public services and utilities, Home occupations, accessory uses, temporary uses and fences.

R-2 CONSTRUCTION REGULATIONS. Construction regulations shall be in accordance with the R-1 residential district.

R-2 OFF STREET PARKING.

- (A) Single family dwelling units off street parking requirements are the same as the R-1 residential district.
- (B) For two-family dwellings (contained in one (1) building) no less than one (1) on-lot parking space per dwelling unit shall be provided.
- (C) For places of public assembly and other permitted and special uses, the off street parking requirements are the same as R-1 residential district.

R-3 MULTI-FAMILY AND MULTI-CLUSTERED RESIDENTIAL DISTRICT. 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 forty (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.

R-3 PERMITTED USES.

- (A) Any use permitted in a R-1 or R-2 residential district;
- (B) Multi-family dwelling structures;
- (C) Multi-family clustered dwelling units constructed on a zero lot line;
- (D) Public schools;
- (E) Churches and church-affiliated day care centers;
- (F) Non-commercial recreational buildings and community centers;
- (G) Home occupations;
- (H) Public service utilities;
- (I) Mobile homes;
- (J) Modulars.

R-3 PERMITTED SPECIAL USES.

- (A) Special uses permitted in R-2 residential district.
- (B) Mobile home parks (4 or more trailers).

R-3 MINIMUM LOT SIZE REQUIREMENTS. With the exception of permitted special uses, a separate ground area called the zoning lot shall be designated, provided and continuously maintained for each structure containing a permitted use and shall have a minimum lot area of five thousand (5,000) square feet and a front lot width of fifty (50) feet at the front yard building line.

All multi-family dwellings, including multi-clustered dwellings require an additional lot area of two thousand two hundred fifty (2,250) square feet for each additional dwelling unit and fifteen (15) feet shall be added to the minimum lot front width requirement for each additional dwelling unit.

- (A) Multi-family clustered dwelling units on a zero lot line require a project size no less than a platted block or a minimum of one hundred four thousand (104,000) square feet, which ever is larger.
- (B) Each interior lot between multi-family clustered dwelling structures shall be no less than twenty (20) feet, and each end lot in a row of clustered dwellings shall be no less than forty (40) feet wide, except where the end lot is adjacent and lengthwise to a street.
- (C) All other permitted uses and special uses shall maintain the same minimum lot area and lot front width as in the R-1 residential district.

R-3 MINIMUM YARD REQUIREMENTS.

- (A) Residential R-1 and R-2 permitted uses, accessory uses and special permitted uses shall have the same minimum yard requirements as defined in R-1 MINIMUM LOT SIZE REQUIREMENTS and R-2 MINIMUM LOT SIZE REQUIREMENTS.
- (B) Multi-family dwelling structures and multi-family clustered dwellings on a zero lot line shall have a front yard of thirty (30) feet, rear yard of thirty (30) feet from the rear lot line and exterior side yard of ten (10) feet and/or an interior side yard twenty (20) feet each between structures. The corner side yard shall be a minimum of twenty (20) feet from the street lot line.
- (C) All other permitted uses and special uses shall maintain the same yard requirements as the R-1 residential districts.

R-3 CONSTRUCTION REGULATIONS. Construction regulations shall be in accordance with the R-1 residential district.

R-3 OFF STREET PARKING.

- (A) Multi-family dwellings shall provide no less than 1.5 parking spaces per single family dwelling unit.
- (B) All other public assembly permitted uses and special uses have the same off-street parking requirements as R-1 residential district.
- (C) Parking and walkways shall have luminous lighting for the safety, health and welfare of the residents.

C-1 COMMERCIAL CENTRAL BUSINESS DISTRICT. 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 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, special permitted use, accessory use or a prohibited use in any district.

C-1 PERMITTED USES WITH EXCEPTIONS AS LISTED IN C-1 PERMITTED SPECIAL USES.

- (A) Retail businesses which supply commodities on premises:
- (B) Business service establishments which perform services on the premises:

- (C) Personal service establishments which perform services on the premises:
- (D) Professional office establishments:
- (E) Public, quasi-public, governmental buildings and facilities:
- (F) Public utilities and facilities.

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

- (A) Residence of the proprietor of a C-1 commercial central business use.
- (B)
 - (1) Automotive sales and service and/or repairs,
 - (2) Boat sales and services,
 - (3) Building sales and services,
 - (4) Mini-storage facilities,
 - (5) Motels,
 - (6) Vehicular service stations,
 - (7) Warehousing,
 - (8) Drive-in restaurants,
 - (9) Electrical sales, services and supplies,
 - (10) Family recreational facilities,
 - (11) Heating and cooling sales and services,
 - (12) Plumbing services and supplies,
 - (13) Printing periodicals, other printing sales and services,
 - (14) Private clubs, restaurants, private organizations which maintain buildings (e.g. VFW, DAV, Masons, etc).
 - (15) Veterinary clinics operated by a duly licensed doctor of veterinary medicine (DVM),
 - (16) Taxidermists,
 - (17) Cemeteries and mausoleums in accordance with federal and state statutes,
 - (18) Country clubs, golf courses and driving ranges,
 - (19) Hospitals,
 - (20) Manufactured (mobile) home parks,
 - (21) Nursery retail and wholesale stock sales,
 - (22) Nursing homes,
 - (23) Radio broadcasting stations and radio towers,
 - (24) Residence of a proprietor of a C-2 commercial highway use, and
 - (25) Taxicab or bus service.
- (C) Processing and manufacturing which by reason of operations are not a nuisance in respect to noise, odor, dirt, smoke, lint, heat or glare;
- (D) Wholesaling and warehousing;
- (E) Bulk storage of non-combustible material.

C-1 TEMPORARY USES. The Planning Commission may also grant temporary permits for bazaars, carnivals, religious meetings, and temporary recreational facilities, etc.

C-1 MINIMUM LOT SIZE REQUIREMENTS. A separate ground area called the zoning lot shall be designated, provided and continuously maintained for each structure containing a permitted or special use, and shall have a minimum lot area of six thousand (6,000) square feet and a minimum lot width of fifty (50) feet.

C-1 MINIMUM YARD REQUIREMENTS.

- (A) However, all structures shall be built at least twenty-five (25) feet from all property lines abutting a residential zone.

C-1 CONSTRUCTION REGULATIONS. Structure height shall not exceed thirty-five (35) feet in height, whichever is lower.

C-1 OFF STREET PARKING.

- (A) Provisions for one (1) off street parking space for each one hundred eighty (180) square feet of floor area ratio is required, and shall be of hard surface, chip-and-seal, or oiled, and shall be striped to mark the accommodations for one (1) motor vehicle for each parking space.

C-1 OFF STREET LOADING AND UNLOADING. Loading and unloading shall be provided so as not to block any public right-of-way.

C-1 ACCESS REQUIREMENTS.

- (A) Access on all C-1 commercial lots with less than two hundred (200) feet of frontage on a public street/road is limited to one (1) combined ingress and egress, with a minimum width of twenty (20) feet and a maximum width of thirty-two (32) feet measured from the inside curbs at the property line.
- (B) Access on all C-1 commercial lots of two hundred (200) feet and over fronting on a public street/road, is limited to two (2) combined ingresses and egresses, with a minimum width of twenty (20) feet and a maximum width of thirty-two (32) feet measured from the inside curbs at the property line.
- (C) Ingress and egress shall meet all state and city requirements.

C-1 SCREENING REQUIREMENTS. Where a C-1 commercial central business district use abuts, or is across the street from, a residential district, adequate landscaping, fencing or other appropriate screening is required.

C-1 CURBS AND STORM DRAINAGE REQUIREMENTS.

- (A) If constructed, entrance curbs and storm drainage (culverts or other provision) on all street frontages shall meet all standards and ordinances of the City.
- (B) If constructed, secondary curbs will be thirty (30) feet from the center line of the street or road.

C-1 SIGNS. All signs shall be in accordance with SIGNS.

C-1 SIDEWALKS. If constructed, sidewalks abutting the street shall begin at forty (40) feet from the central line of the street, and shall be a minimum of four (4) feet wide; sidewalks on side streets shall begin at the property line and be a minimum of four (4) feet wide. All sidewalks shall be constructed at the property owner's expense and shall conform to all adjoining property on both sides.

C-2 COMMERCIAL HIGHWAY DISTRICT. 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.

C-2 PERMITTED USES.

- (A) Any business as specified in the C-1 commercial central business district;
- (B) Any business permitted in C-1 Special Use, Section (A).

C-2 PERMITTED SPECIAL USES.

- (A) Any special use as permitted in C-1 commercial central business district, Section (B), (C) and (D).

C-2 TEMPORARY USES. Any temporary use in accordance with C-1 TEMPORARY USES.

C-2 MINIMUM LOT SIZE REQUIREMENTS. A separate ground area called the zoning lot shall be designated, provided and continuously maintained for

each structure containing a permitted or special use and shall have a minimum lot area of fifteen thousand (15,000) square feet and a minimum lot width of one hundred (100) feet.

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.

C-2 CONSTRUCTION REGULATIONS, OFF STREET PARKING, OFF STREET LOADING AND UNLOADING, ACCESS REQUIREMENTS AND SCREENING REQUIREMENTS. Shall be in accordance with C-1 commercial central business district.

C-2 SIGNS. Signs shall be in accordance with SIGNS.

I-1 LIMITED INDUSTRIAL DISTRICT. 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.

I-1 MINIMUM YARD REQUIREMENTS.

- (A) From the front property line there shall be a setback of fifty (50) feet of all principal and accessory buildings.
- (B) The first twenty-five (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 twenty-five (25) feet may be used for parking and display of goods for sale to be stored inside buildings after business hours (6 p.m.).
- (C) All structures shall have a side yard setback of twenty-five (25) feet.
- (D) All structures shall have a minimum rear yard of thirty (30) feet from the rear lot line.
- (E) All structures lying on a corner lot shall have a corner side yard of fifty (50) feet.

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

I-1 OFF STREET PARKING. Adequate on-lot parking space shall be provided for employees.

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.

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

I-1 SIGNS. Signs may be displayed in accordance with SIGNS.

ACCESSORY USES-GENERAL.

- (A) An accessory use is permitted in any zoning district in connection with any principal use which is permitted within such district.
- (B) A building permit is required for an accessory use to be placed or constructed on any lot, tract or parcel in the City, except:
 - (1) No accessory use is permitted in a front yard except those permitted by federal and state statutes; and
 - (2) No accessory structure shall be constructed and occupied in any district in the City prior to the completion of the principal structure to which it is an accessory; however, contractor sheds, portable sheds or structures are allowed if in compliance with a temporary use.

PERMITTED ACCESSORY USES.

- (A) Private detached garages and carports.
- (B) Storage structures.
- (C) Swimming pools.
- (D) Cabanas.
- (E) Fences.

FENCES AND WALLS. For purposes of this article, a perimeter fence or wall shall include natural growing shrubs, bushes and other foliage. A perimeter fence/wall shall be erected on the lot line except when blocking street corner visibility.

SIGNS. Subsequent to the passage of this ordinance, no signs shall be erected or radically changed (other than routine maintenance) without a sign permit.

- (A) All applicants for a sign permit:
 - (1) Shall make application with payment of fee to the Clerk for a sign permit.

- (2) Provide written documentation that the property on which the sign is to be erected is:
- (a) Owned by the applicant,
 - (b) Has written permission to erect said sign.

TEMPORARY USES.

- (A) Real Estate office facilities, incidental to a new housing development in a residential district shall not be used for sleeping. All parking shall be on-lot. A permit shall be issued for the duration of units or dwellings being sold or leased.
- (B) Contractors offices and equipment sheds must be of portable design incidental to a new residential, commercial or industrial project. Sleeping and cook facilities shall be allowed. Waste water disposal and its availability shall be governed by city codes and regulations. No construction vehicles, or incidental to, shall be permitted to park on the right-of-way. Provision shall be made for all street parking. A permit shall be issued for the duration of the project.
- (C) To govern the erection of tents and to regulate their temporary use in a commercial district for the use of carnivals, charities and church activities and/or revival meetings, a permit for temporary use shall be issued for a duration of fifteen (15) days. Tents shall have setbacks of twenty-five (25) feet from the street right-of-way. All grass, weeds, leaves and other combustible debris shall be cleared from the ground within and adjacent to the ten prior to erection. Off street parking shall be provided.
- (D) The following operations are considered commercial uses, if permitted to operate for a given length of time. Off street parking shall be provided for the safety and health of the people. No street or highway right-of-ways shall be used for parking. These temporary uses shall clear the premises of all goods sold by six (6) p.m. of each day to prevent debris, litter and blight in the City. A permit shall be issued for a duration of seven (7) days for a specific location as described on the permit.

New, second-hand, used goods and wares sold from portable tables, booths or motor-driven vehicles shall be subject to the provisions of (d) above.

ANNEXED LAND. 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.

CITY BASE MAP. The text and base map of the City, which is filed in the office of the Recorder of the Deeds of Va Buren County, Arkansas, and recorded with the Recorder, are a part of this zoning ordinance and shall be the official base map of the aforementioned City.

ARTICLE VI

ADMINISTRATION AND ENFORCEMENT. The administration of this ordinance is hereby vested in five (5) offices of the government of the City of Clinton, as follows:

- (A) Administration clerk, hereinafter called the Clerk;
- (B) Building official, hereinafter called the building inspector;
- (C) Planning commission, hereinafter called the Commission;
- (D) Board of zoning adjustment, hereinafter called the Board; and
- (E) Legislative body, City Council of Clinton, Arkansas, hereinafter called the Council.

AUTHORITY, PROCEDURES AND STANDARDS. This article shall first set forth the authority of each of these offices, and then describe the procedures and substantive standards with respect to the following administrative functions:

- (A) Applications and issuance of all building permits, accessory use permits, special use permits and temporary use permits;
- (B) Enforcement, inspection, appeals from the decision of the building official;
- (C) Variances and special use permits, appeals and variations of the zoning ordinance and appeals from the decision of the Board.
- (D) Amendments to the zoning regulations and the Zoning District Map, amendments by the public body, and amendments by individual property owners;
- (E) Creation of the planning commission;
- (F) Legislative body authority;
- (G) Special uses.

ADMINISTRATION CLERK.

(A) FORMATION

- (1) The Recorder of the City shall hereinafter be referred to as the administration clerk, unless otherwise designated by Council, and shall be responsible for the administration of these regulations and policies and budgetary limits.
- (2) The Clerk will act as an agent between the public, building official, Board of Zoning Adjustment, Planning Commission, and the legislative body (City Council).
- (3) Unless otherwise designated by the Council, the Commission chairperson may assume these duties in the absence of the Clerk.

(B) AUTHORITY AND RESPONSIBILITY

- (1) Review all permits and forward to the proper officials for review, inspection and enforcement;
- (2) Keep a current dated permanent file of records and documents;
- (3) Review application for special use permits to determine if the special use is permitted.
- (4) Maintain records of all minutes taken from regular and special commission and Board meetings, workshops and public hearings;
- (5) Certify, date, file and notify the Commission chairperson or secretary of all applications for developments, maps, plats, surveys, correspondence, appeals and amendments.
- (6) Give legal notices to local newspaper for public hearings; give notice to department heads and/or other commissioners when a consultation between departments and/or other commissioners is needed;
- (7) Order new signs, and/or the maintenance thereof, for public notice regarding rezoning, variances and special use requests;
- (8) Confer with the City attorney on occasion for legal interpretation of this ordinance, enabling the Clerk to make positive or negative declarations;
- (9) Confer with the Commission in preparation of an annual budget;
- (10) Set fees for all permits, legal notices and public notices to defray costs of the administration and enforcement of this ordinance, and forward said fees to the Council for approval.
- (11) File in the office of the Recorder of the Deeds in the county seat of Van Buren County, Arkansas, all ordinances pertaining to lands under the jurisdiction of the City and approved by the Council and bearing the seal thereof;
- (12) The Council may approve a salary for the Clerk to be spent from Commission funds in as set forth in the annual budget of the City;

- (13) Notify supervisors of the road and water/sewer departments at the time the building inspector is notified of a permit application so that the supervisors:
 - (a) Will confirm existing easements and utility lines and installations of the same, and culverts, ditches, drainage, ditching and road repairing;
 - (b) Will confer with the building official to prevent encroachment of structures on public utility easements and compliance with city ordinances governing municipal utilities.

BUILDING OFFICIAL.

(A) FORMATION

- (1) The provisions of this ordinance shall be enforced by the building official who is duly appointed, and is also referred to as the building inspector in this ordinance.
- (2) The Council will confer with the Commission prior to the legislative body's (Council) approval, concerning a recommendation for building official, (building inspector).

(B) AUTHORITY AND RESPONSIBILITY

- (1) The zoning ordinance shall be observed by the issuance or denial of building and use permits and certificates by the building inspector; and in furtherance of such authority, the building inspector shall:
- (2) Review and affix his signature on all permits issued, after inspecting all construction and land to determine compliance with this ordinance;
- (3) Make and maintain current records of this ordinance including, but not limited to, building and use permits and appeals;
- (4) Give a monthly report to the Commission to be included in the Commission's minutes.
- (5) Inspect the placement of public notice signs for appeals and amendments after city employees have placed said signs on the property of the owner(s) requesting an amendment or appeal; the building inspector shall also inspect said property for removal of public notice sign.
- (6) Forward to the Clerk all applications for construction to be dated and processed by the Clerk.
- (7) Forward to the Clerk all applications including, but not limited to, amendments, appeals, special uses, temporary uses and variances not found to be in compliance with this ordinance.
- (8) Notify in writing any person found to be in violation of these regulations, stating the nature of the violation and

ordering action to be taken necessary to be in compliance with this ordinance.

THE PLANNING COMMISSION.

(A) FORMATION AND COMPOSITION

- (1) The Commission of the City shall consist of at least five (5) members who shall serve without compensation;
- (2) The Commission shall have all the duties and functions authorized by Arkansas Act 186 of 1957, as amended.
- (3) Not more than one-third of its members (also called Commissioners) may hold any other municipal office or appointment, except membership on the Board or joint planning agency.
- (4) The members of Commission shall be named and appointed by the Mayor of the City, and their appointments shall be valid and effective upon confirmation by the Council of City.
- (5) The members of the Commission shall each be appointed for a term of five (5) years commencing January 1.
- (6) Each member (Commissioner) will serve a term of five (5) years.
- (7) The Mayor, if he deems necessary, may dismiss any Commissioner who misses more than three (3) consecutive regular meetings of the Commission.
- (8) When the term of a commissioner shall expire or occur, the Mayor of City shall make a nomination to fill such vacancy subject to approval of the Council of the City.

(B) MEETINGS

- (1) The regularly scheduled meeting of the Commission will be held on the first Thursday of the month. The Commission shall convene a minimum of one (1) meeting in each quarter of each calendar year.
- (2) A quorum shall consist of a minimum of three (3) commissioners of the entire five (5) membership.
- (3) Order of business shall be in accordance with the bylaws of said Commission.
- (4) All plans, appeals, amendments, recommendations, variances and reports shall require a majority vote of three (3) commissioners of the entire five (5) membership of the Commission.

(C) AUTHORITY AND JURISDICTION

- (1) The Commission shall review and update the Plan's text and maps adopted;
- (2) The Commission shall hear and decide matters upon which it is required to pass under this ordinance;

- (3) The Commission shall receive and review all applications for subdivisions as set forth under these regulations;
- (4) The Commission shall review all applications for approval of non-listed uses, and report facts and findings, and make recommendations to the Council of the City.

(D) AMENDMENT OF ZONING ORDINANCE BY CITY COUNCIL

- (1) The Council of the City may suggest that the Commission of said City amend the text of these regulations or the Commission itself may desire to initiate the amendment of the text.
- (2) Amendments to the text proposed by the Commission shall be advertised in the legal newspaper of general circulation in the aforesaid City at last fifteen (15) days in advance of a public hearing to be conducted by said commission.
- (3) The Commission shall make a report of facts, findings and recommendations to City Council pertaining to the proposed amendment to the text of these regulations. Action on the report by the Council shall be final.

(E) AMENDMENT OF ZONING ORDINANCE BY PROPERTY OWNERS

- (1) A petition stating the legal description of the property involved and the zoning classification requested for the district, within which the owner resides, or indicating the proposed amendment, shall be submitted by the property owner within city limits or his designated agent to the clerk who shall acknowledge and certify the petition and submit said petition to the Commission.
- (2) The petition shall also include a statement and diagram explaining the proposed change, the street name and numerical house number from the Clerk of the City.
- (3) The amendment petition shall be submitted with a filing fee and fee for the public notice sign.
- (4) Upon receipt of a proper petition proposing an amendment to the text of these regulations, the Planning Commission of the City shall consider the relief requested in the Petition.
- (5) The Commission shall authorize the Clerk to publish a legal notice of the public hearing in a legal newspaper of general circulation in the City once, no less than fifteen (15) days but not more than thirty (30) days of the date of the public hearing; supplemental or additional notices may by law be published, as prescribed from time to time.
- (6) The Commission shall hold a public hearing on a proposed amendment to these regulations.
- (7) The Commission shall approve a proposed amendment as presented or in modified form following the public hearing by a majority vote.

- (8) The Commission shall disapprove a proposed amendment, and shall give the reasons to the petitioner in writing within fifteen (15) days from the date of the decision.
- (9) The Council by majority vote may by ordinance adopt the recommended amendment submitted by the Commission, or may return the proposed amendment to the Commission for further study and recommendation.
- (10) Following disapproval of a proposed amendment by the Commission, the petitioner may appeal such disapproval to the Council, provided that the petitioner specifically states in writing to the Clerk why he finds the Commission's findings and decisions in error. Said appeal shall be filed in the Clerk's office within fifteen (15) days of receipt of notice of the Commission's action.
- (11) Upon consideration of an appeal, the council shall decide whether or not to grant the petition as submitted, modify it, refer it to the commission for further study, or deny the petition.
- (12) No application for a change of zoning classification will be reconsidered by the Commission within twelve (12) months from the date of final disapproval unless the Commission finds that a substantial reason exists for waiving this limitation.
- (13) Any written protest of any proposed amendment must be signed and acknowledged by the owners of property within five hundred (500) feet of the frontage, rear, side or directly opposite from the property proposed to be altered and filed with the clerk with a copy mailed to the applicant for the amendment or his/her agent.
- (14) Repeal of amendment. In any case where a change of boundary lines of the Zoning District Map have been granted, and where no development has taken place within one and one-half (1-1/2) years, the Commission of the City shall recommend to the Council of the City that such zoning be affirmed or repealed or rezoned to its most appropriate district classification.

(F) STANDARDS

- (1) The Planning Commission or City Council shall utilize the following standards when considering any proposed amendment to any zoning classification of particular property:
 - (a) Existing uses of the property within the general area of the property in questions;
 - (b) The zoning classification of property within the general area of the property in question;
 - (c) The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present classification.
- (2) Make findings of facts based upon all the evidence presented to it;

- (3) Make its recommendation to the Council; and
- (4) When the change in zoning is not in conformance with the Plan of the City and its official Zoning District Map, the Commission shall not recommend the adoption of a proposed amendment unless it finds:
 - (a) The adoption of such amendment is in the best interest of the City, and not solely for the interest of the applicant; and that
 - (b) Either the proposed amendment will correct an existing error or changing conditions make the proposed amendment necessary.

BOARD OF ZONING ADJUSTMENT.

(A) FORMATION AND COMPOSITION

- (1) The board shall be composed of at least three (3) planning commissioners or the commission as a whole sitting as the board of zoning adjustment. The chairman of the commission shall serve as a member of the board.

(B) MEETINGS

- (1) The Board shall establish regular meeting dates, adopt rules for the conduct of its business, establish quorum and procedure, and keep a public record of all findings and decision.
- (2) Each session of the Board shall be a public meeting with public notice of said meeting and business to be carried on published in a newspaper of general circulation in the City, at least one (1) time seven (7) days prior to the meeting.

(C) AUTHORITY AND POWERS

The board is empowered to:

- (1) To hear and decide appeals by any person, group or organization where it is alleged there is an error in any order, requirement, decision or determination in the application of these regulations made by building inspector; and may affirm or reverse, in whole or in part, said decision of the building inspector.
- (2) To hear requests for variances from the literal provisions of the zoning regulations in instances where strict application of the zoning regulations would cause undue hardship due to circumstances unique to the individual property under consideration, and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning regulations.
- (3) To hold public hearings on and to decide exceptions to or variations of these regulations.

- (4) To interpret the provisions of these regulations in accordance with the intent and purpose of the Plan, as shown on the Zoning District Map, where the street layout on the ground varies from the street layout as shown on the Zoning District Map.
- (5) To classify commercial or industrial uses which are likely to create hazards, and to review the locations of proposed industrial uses.
- (6) The Board shall not permit, as a variance, any use in a zoning district that is not permitted under the ordinance.
- (7) The Board may impose conditions in the granting of a variance to insure compliance and to protect the adjacent property.

(D) VARIANCES (Special Use Permit)

- (1) Any applications for a variance shall be in writing and shall be submitted to the Administrative Clerk.
- (2) Any application shall state:
 - (a) The special conditions and circumstances that exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same district;
 - (b) Why literal provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district;
 - (c) Why the special conditions and circumstances do not result from the action of the applicant.

(E) PUBLIC HEARINGS

- (1) Public hearings shall be held whenever the board considers an application for a variance or special use or an appeal from a decision of the building inspection.
- (2) The Board shall cause and the Clerk shall have cause to place a legal notice calling for a public hearing at the expense of the applicant;
- (3) The legal notice shall be published at least once not less than fifteen (15) days and not more than thirty (30) days preceding the date of such public hearing in an official LEGAL paper, ~~or paper~~ of general circulation in the City;
- (4) The legal notice to designate the particular location with which the application or appeal is concerned, and/or a brief description as to what the application or appeal consists of; and
- (5) The Board shall also give, or cause to be given, such additional notice of such public hearing to interested persons and organizations as it deems feasible and practical.

(F) VARIANCE VALIDITY

- (1) No variation granted by the Board, or by the legislative body (Council) shall be valid for a period longer than six (6) months from the date of final approval, unless the building permit has been obtained within such period and the erection or alteration of a building is started or the use has commenced within such period.

(G) STANDARDS FOR A VARIANCE

- (1) The Board must make findings of fact that satisfy all of the following requirements prior to issuing a variance:
 - (a) The property in questions cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zoning district, and
 - (b) The plight of the owner is due to unique circumstances, and
 - (c) The variation, if granted, will not alter the essential character of the locality.
- (2) In making its determination as to whether all three conditions listed in subsection (1) have been satisfied, the Board shall take into consideration the extent to which the following facts, favorable to the applicant have been established by evidence:
 - (a) The particular physical surrounding shape or topographical conditions of the specific property involved will bring a particular hardship upon the owner as distinguished from a mere inconvenience;
 - (b) The conditions upon which the petition for variation is based would be applicable generally to other property within the same zoning classification;
 - (c) The purpose of the variation is not based exclusively upon a desire to increase financial gain;
 - (d) The alleged difficulty or hardship has not been created by any person presently having an interest in the property;
 - (e) The granting of the variation will not be detrimental to other property or improvements in the neighborhood in which the property is located;
 - (f) The proposed variation will not impair an adequate supply of air to the adjacent property, or substantially increase the danger of fire, or substantially diminish or impair property values within the neighborhood; and
 - (g) To permit any yard setback less than a yard, but not exceeding fifty (50) percent of the setback required by the applicable regulations, and to permit any front yard, side yard, or rear yard, as the case may be, equal to the adjacent or existing property.

(H) LIMITATIONS

- (1) The Board shall reach a decision within ninety (90) days from the date of filing for a variation, or it shall be deemed to have been accepted.

(I) APPEALS

- (1) An Appeal from the decision of the Board shall be made in writing to the city council. Said appeals shall contain reasons why the applicant disagrees with the decision of the Board. Appeals from the decision of the council shall be made to a court of record within thirty (30) days from the decision of the Board in accordance with Arkansas Act 186 of 1957, as amended.

SPECIAL USES

(A) PURPOSE.

- (1) There are certain uses which, because of their unique characteristics, cannot be properly classified in any particular zoning district or districts, without consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use in the particular location.
- (2) Such special uses are publicly operated or traditionally affected with a public interest, or are special uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

(B) APPLICATION.

- (1) An application with payment of fee as provided shall be filed with the Clerk in writing;
 - (a) Accompanied by such plans and recent survey by a certified Arkansas surveyor or an engineer registered in Arkansas; and/or
 - (b) Data prescribed by the Commission; and shall include
 - (c) A statement in writing by the applicant and adequate evidence showing the proposed special use will conform to the standards set forth hereinafter.
 - (d) A new survey may be required, if in the opinion of the building inspector said survey is necessary for determining compliance with these regulations.
- (2) The dated application shall be forwarded to the Commission by the Clerk to:
 - (a) Review the request and date;
 - (b) Conduct a public hearing thereon; and
 - (c) Submit a written recommendation showing facts and findings to the Council of the City final approval.

- (3) The commission may forward the request and data to the Board through the Clerk who shall date the request and certify the data to the Board for final action, if the variance meets the standards set forth.
- (C) PUBLIC HEARINGS
(1) Public hearings shall be conducted in the same manner as hearings for applications for variances.
- (D) PUBLIC NOTICE SIGN
(1) A public sign shall be posted in the same manner as are required for applications for variances.
- (E) FEES
(1) Fees shall be in accordance with the Planning Commission, Board of Zoning Adjustment and Fee Ordinance.
- (F) STANDARDS FOR SPECIAL USES
(1) No special use shall be recommended by the Commission for approval by the legislative body (Council), or the Board shall not approve the special use permit, unless such Commission or Board shall find that:
- (a) The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, comfort and general welfare.
 - (b) The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted;
 - (c) The special use will not substantially diminish and impair property values in the neighborhood.
 - (d) The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 - (e) Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
 - (f) Adequate measures have been, or will be, taken to provided ingress and egress so designed as to minimize traffic congestion in the public streets.
 - (g) The Commission (Board) may also stipulate any conditions and/or restrictions upon the establishment, location, construction, maintenance, design and operation of the special use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified above.
 - (h) In all cases in which special uses are recommended, the Commission (Board) may require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection herewith are and will be in compliance.

(G) APPROVAL OF SPECIAL USES

- (1) The City Council or the Board of the City shall not act upon a proposed special use permitted in this ordinance until it shall receive a written report and recommendation from the Commission of the City on the proposed special use.
- (2) The City Council may grant or deny by ordinance or resolution, any application for a special use. If the Council grants the special use permit, the terms of relief granted shall be set forth in the ordinance or resolution as a conclusion.
- (3) The Board may grant or deny a special use permit only when it is demonstrated that such action will be in keeping with the spirit and intent of the zoning regulations and the standards set forth.
- (4) The Board shall not permit as a variance any use in a zone that is not permitted under these regulations.

(H) APPEALS

- (1) Appeals from the decision of the city council or the Board shall be to a court of record within thirty (30) days in accordance with Arkansas Act 186 of 1957 as amended.

(I) USES NOT EXPRESSLY PERMITTED.

- (1) Any land use not expressly permitted in one or more of the zoning district classifications or permitted special uses as provided in this ordinance shall be an additional special use which may be granted as such in the appropriate zoning district, in accordance with the provisions of this ordinance and applicable state statutes.

(J) REVOCATION

- (1) Where the building inspector issued a special use permit and work thereon is not begun within six (6) months and/or substantially underway or completed within eighteen (18) months, such permit shall become null and void.
- (2) A public hearing shall be called by the Commission chairperson, and shall send a letter to the appellant, stating the date, time, place and purpose of the public hearing at least fifteen (15) days prior to the hearing.
- (3) If the appellant shows no good reason for the delay in construction or use of the land, and the Commission has recommended by majority vote of three (3) commissioners of the entire membership of five (5) commissioners that the special use permit and any ordinance or resolution connected therewith shall become null and void, then the recommendation or resolution shall be forwarded to the Council of the City for their final action.

PERMITTED ACCESSORY USES.

- (1) Private detached garages and carports that shall not exceed fifteen (15) feet in height,
- (2) Driveways shall meet the setbacks of the district wherein it is located; a current survey or driven iron pins may be required to determine the boundary of the lot lines,
- (3) Storage structures that shall not exceed ten (10) feet in height, and shall have side and rear yard setbacks of ten (10) feet,
- (4) Swimming pools,
- (5) Cabanas,
- (6) Fences.

PROHIBITED ACCESSORY USES.

- (1) Manufactured (mobile) housing,
- (2) Manufactured (modular) housing, and
- (3) Automobile or other vehicular trailers and/or recreational vehicles.

PUBLIC NOTICE SIGNS

(A) WHEN REQUIRED

- (1) Public notice signs are required in the following cases:
 - (a) Application or petition to amend the Zoning Ordinance or regulations.
 - (b) Application or petition to rezone a tract of property.
 - (c) Application or petition for variance or special use permit.
- (2) For a period of one (1) year only immediately following the enactment of this Ordinance, public notice signs are not required in the following cases:
 - (a) Application to amend the Zoning Ordinance or regulations.
 - (b) Application or petition to rezone a tract of property.
- (3) Upon the expiration of the one (1) year grace period as described in subsection (A) (2) public notice signs shall be required as set out in subsection (A) (1).

(B) FEES

- (1) At the time an application or petition is filed as described in subsection (A) an application fee, which shall include a cost for maintenance and use of a public notice sign to be placed by city employees on the property to be acted upon in accordance with Fee Ordinance 164 Section 07, 08 to cover expenses incurred.

(C) LOCATION AND SIZE REQUIREMENTS

- (1) The public notice sign shall be conspicuously placed on the premises at least fifteen (15) days prior to any hearing on the matter and shall remain thereon until the Council of the City has taken final action on the petition.
- (2) Said sign shall be not less than four (4) feet by four (4) feet with a white background and messages in red letters not less than three (3) inches in height.

(D) NOTICE

- (1) The message on said sign shall be substantially as follows:

NOTICE
A PETITION SEEKING THE REZONING OF THIS
PROPERTY HAS BEEN FILED WITH THE CITY OF
CLINTON, ARKANSAS. OBJECTIONS MAY BE MADE IN
ACCORDANCE WITH THE ATTACHED PETITION

(E) OTHER REQUIREMENTS BY CITY EMPLOYEES

- (1) A copy of all documents and the rezoning request shall be placed in a plastic protective bag and attached to the sign.
- (2) City employees shall place the sign on property to be acted upon at the time given by the Clerk; the building inspector shall inspect said sign for placement according to these regulations.
- (3) City employees shall remove the public notice sign from the property acted upon at the time given by the Clerk; the building inspector shall inspect the property for removal of said sign in accordance with these regulations.
- (4) The placement of said sign shall comply with all state and city setback regulations and shall not obstruct traffic view of constitute an invasion of individual property owners' right to a view. The sign shall not be attached to trees, utility poles or living plants.
- (5) The Clerk shall be authorized to have city employees place the public notice sign on the petitioner's property to be acted upon after payment of an amendment filing fee.

LEGISLATIVE BODY AUTHORITY.

(A) POWER AND AUTHORITY

- (1) Nothing in this ordinance shall be construed to limit the City Council of the City of Clinton's power to enact, repeal or amend its ordinances or resolutions.

- (2) The City Council can only adopt a plan recommended by the City Planning Commission by majority vote of the Council as a whole.
- (3) The City Council may return a plan(s) and/or recommended ordinance(s) and regulation(s) to the Commission for further study or re-certification or may, by majority vote, adopt the same.
- (4) Following adoption of plans and ordinances by the legislative body (Council), the adopted plans, ordinances and regulations shall be filed in the office of the Recorder, who shall file with the County Recorder of the Deeds of Van Buren County.
- (5) The City Council may amend any plans, ordinance and regulations enacted and filed as described hereinabove only by majority vote of the City Council as a whole.

(B) VIOLATIONS

- (1) The City Council may enjoin any individual or property owner who is in violation of a planning ordinance to prevent or correct such violation.
- (2) Any individual aggrieved by a violation of a planning ordinance may request an injunction against any individual or property owner in violation of a planning ordinance, or may petition for mandamus any official to enforce the provisions of a planning ordinance.
- (3) In addition to any remedy now provided by law, appeals from final action taken by administrative, quasi-judicial and legislative agencies concerned in administration of this act may be taken to the circuit court of the appropriate county where in the same shall be tried de novo according to the same procedure applicable to appeals in civil actions from decisions of inferior courts, including the right of trial by jury.

PERMITS AND CERTIFICATES.

(A) REQUIREMENTS

- (1) No structure shall be erected, moved, added to, or externally altered without a building permit. NO building permit shall be issued except in conformity with the provisions of these regulations, except after written order by the Board
- (2) If construction is not started within six (6) months and diligently prosecuted to completion or not completed within eighteen (18) months this permit becomes null and void.

(B) PROCEDURE FOR OBTAINING A PERMIT

- (1) All applications and fees for a building permit shall be accompanied by a plan in duplicate and drawn to scale.
- (2) The plan shall include the following:
 - (a) Dimensions and shape of the lot to be built upon;
 - (b) Sizes and locations on the lot of structures already existing, if any;
 - (c) Location and dimensions of the proposed structure or alteration;
 - (d) The information required if the existing or proposed structure is in the flood plain and regulated by the flood plain ordinance;
 - (e) The existing or proposed structural alterations;
 - (f) The existing or proposed uses of structures and land;
 - (g) The number of families, housekeeping units, or rental units the structure is designed to accommodate;
 - (h) The conditions existing on the lot;
 - (i) Accessory, special use and temporary use permits; and
 - (j) Such other matters as may be necessary to determine conformance with, and provide for the enforcement of these regulations.

(C) CERTIFICATE OF OCCUPANCY AND/OR COMPLIANCE

- (1) No building hereafter erected or structurally altered shall be used, occupied or changed to another use until a certificate of occupancy and/or compliance shall have been issued by the building inspector, stating that the building or premise complies with the building code of the City of Clinton, and the provisions of this ordinance.
- (2) The permit shall be deemed a certificate of occupancy when it meets the conditions of (b) below.
- (3) The signature of the building inspector at the time of final inspection and the words "in compliance and ready for occupancy and/or use" written upon the building permit shall be deemed sufficient.
- (4) A record of all certificates of occupancy and compliance as described above shall be kept on record in the municipal offices by the Clerk and by the building inspector.

ARTICLE VII
GENERAL

ENFORCEMENT. The enforcement of these regulations shall be the responsibility of the building official (building inspector).

FEES. The Council of the City shall set fees for all applications, permits or appeals provided for by these regulations to defray the costs of advertising, mailing notices, processing, inspecting, and copying applications, permits and use permits.

CONTRADICTIONARY REGULATIONS. Where any contradictory regulations, restrictions or requirements imposed by any provision of this ordinance upon the use of any land, building, structure or improvements are either more restrictive or less restrictive, or requirements imposed by any other provision of this ordinance, or any other law of any governmental body having jurisdiction over the subject matter thereof, those restrictions or requirements which are more restrictive apply.

VIOLATIONS.

- (A) If the building inspector shall find that the provisions of these regulations are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it.
- (B) Should the person responsible for such violation fail to take necessary action to correct it, the building inspector shall notify Council of the violation; said Council shall certify the violation to the City Attorney; and said Attorney shall within seven (7) days thereafter apply to Chancery Court for an injunction, mandamus or other process to prevent, enjoin, abate or remove said violation to these regulations.

PENALTIES FOR VIOLATIONS. Any person, firm or corporation who shall violate any of the provisions of this ordinance or amendments thereto, or fails to comply thereafter or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement of plan submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable to a fine of not more than one hundred dollars (\$100.00) for each offense nor no less than twenty-five dollars (\$25.00). Each day that a violation of this ordinance shall be permitted to continue shall constitute a separate offense. The owner or owners of any building or premises or part thereof where anything in violation of this ordinance shall be placed, or shall exist, and any architect, builder, contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction thereof shall be fined as herein provided.

SEVERABILITY. The provisions of these regulations are hereby declared to be severable. Should any article, section, paragraph, sentence, word, phrase or clause of this ordinance be declared for any reason to be invalid, such invalidity shall not effect the validity or

enforceability of any other article, section, paragraph, sentence, word, phrase or clause of this ordinance.

EFFECTIVE DATE. These regulations shall take effect and be in full force immediately from and after the date of their adoption-the public health, safety and general welfare so demanding.

EMERGENCY CLAUSE. This ordinance being necessary for:

- (A) The present and future growth of the City of Clinton, Arkansas; and
- (B) The preservation of the peace, health and welfare of the citizens of said City; and that
- (C) The clarification and simplification of the present Zoning District Map and text are important for the general public; and that
- (D) The updating of said text and Zoning District Map is a necessity to establishment of new boundaries and jurisdiction of the City of Clinton following annexations; and that
- (E) This ordinance being the comprehensive development plan zoning ordinance shall be published in pamphlet form as provided by law;

An emergency is declared and this ordinance shall be in full effect from and after its adoption, signing, approval and publication as provided by law.

ADOPTION. This comprehensive zoning ordinance has been adopted and recommended to the Council of the City by the Commission of the City.

Wm S. Ferguson
Planning Commission Secretary

J. D. [Signature]
Planning Commission Chairman

Passed and adopted this 11 day of APRIL, 1991.

Ordinance Number 91-194

ATTEST

CITY OF CLINTON, ARKANSAS

Charles Hicks
RECORDER-TREASURER

James Brewer
MAYOR