

TITLE 14

ZONING

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CHAPTER 14.04

ZONING ORDINANCE

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14.04.01 Definitions

Accessory structure or use means a structure or use which:

- A. Is subordinate to and serves a principal building or a principal use;

- B. Is subordinate in area, extent, and purpose to the principal structure or principal use served;
- C. Contributes to the comfort, convenience or necessity of the occupants, business or industry in the principal structure or principal use served; and
- D. Is located on the same zoning lot as the principal structure or principal use served.

Administration means the Mayor of the city of Crossett and his administrative aides.

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

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

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

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

Apartment means a multiple family dwelling (see **Dwelling, multiple**).

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

Automobile junk or salvage yard means an area outside of a building where motor vehicles are disassembled, dismantled, junked, or wrecked, or where motor vehicles not in operable condition, or used parts of motor vehicles, are stored.

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

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

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

Billboard means any advertising structure that has at least one dimension of greater than 12 feet (see **Signs**).

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

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

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

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

Building Code means the building codes of the city as amended from time to time.

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

Building height means the vertical distance measured from grade to the highest point of the roof for flat roofs, to the deck line for mansard roofs or to the mean height between eaves and ridge for gable, hip and gambrel roofs.

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

Building Official means the person designated by the city of Crossett to enforce the Zoning and Subdivision ordinances.

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

Bulk means the minimum or maximum lot area, yard area, height or dwelling unit density permitted or required in any zoning district.

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

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

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

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

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

Certificate of occupancy means the authorization of the Building Official to occupy premises affirming that the use and conditions of the premises comply with this chapter or are permitted by a planned development approved by the City Council.

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

City means the city of Crossett

City Council means the Crossett City Council.

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

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

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

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

Commission means the Crossett Planning Commission.

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

Controlled access highway means any state or federal numbered highway, including an interstate highway, within the city of Crossett, Arkansas.

Convenience store means any retail establishment that is 3,500 square feet or less in gross floor area, which offers for sale prepackaged food products, household items, newspapers and magazines, sandwiches and other freshly prepared foods, such as salads, for off-site consumption.

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

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

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

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

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

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

Duplex (see **Dwelling, Two-family**)

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

Dwelling, detached means a dwelling having open space on all sides.

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

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

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

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

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

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

Eave means the overhanging lower edge of a roof.

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

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

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

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

Fast-food restaurant (see **Restaurant, fast-food, and Restaurant, drive-in**)

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

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

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

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

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

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

Floor area ratio is determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

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

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

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

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

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

Gasoline or service stations means any building, structure or land used primarily for the dispensing or sale of fuels, oils, and accessories, and maintenance and repair services.

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

Grade means:

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

Gross floor area (see **Floor area, gross**)

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

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

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

Highway means any roadway identified on the major street plan of the city, as amended from time to time.

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

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

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

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

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

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

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

Institution means a building occupied or operated by a non-profit society, corporation, individual foundation, or governmental or similar services of non-profit character to the public.

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

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

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

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

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

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

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

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

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

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

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

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

Lot, double frontage means a lot having frontage on two non-intersecting streets.

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

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

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

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

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

Lot lines means the lines bounding a lot.

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

Lot of record means a lot which is a part of a plat or subdivision, the map of which has been recorded in the office of the Ashley County Circuit Clerk/Recorder; or a parcel of land, the deed to which was recorded in the office of the Ashley County Circuit Clerk/Recorder prior to December 10, 1946.

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

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

- A. A single lot of record;
- B. A portion of a lot of record; or
- C. A combination of complete lots and portions of lots of record, or portions of lots of record.

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

Mansard roof means any roof that has an angle greater than 45 degrees and which derives part of its support from the building wall and is attached to, but not necessarily a part of, a low slope roof, and which extends along the full length of a side building wall of $\frac{3}{4}$ of the

length of a side building wall. For purposes of this chapter, a low slope roof shall mean any roof with a pitch less than 3 inches rise per 12 inches horizontal.

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

Manufactured home park means land or property, containing a minimum of three acres, which is used or intended to be used or rented for occupancy by manufactured homes or movable sleeping quarters of any kind.

Manufactured home subdivision means a subdivision in which lots are platted to be served by public rights-of-way, designed and intended for sale to individuals, who will place thereon a manufactured home unit or joining of units, and meeting the requirements of 14.20.07.

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

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

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

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

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

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

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

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

Museum means a non-profit, non-commercial, establishment operated as a repository or a collection of nature, scientific, or literary curiosities or objects of interest or works of art, not including the regular sale or distribution of the objects collected.

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

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

Non-conforming lot of record means a lot of record which does not comply with the lot requirements for any permitted use in the district in which it is located.

Non-conforming use means any use lawfully being made of any land, building, or structure, other than a sign, on the effective date of the ordinance from which this chapter is derived, or any amendment to it rendering such use non-conforming, which does not comply with all of the regulations of this chapter, or any amendment hereto, governing use for the zoning district in which such land, building or structure is located.

Non-residential district means any district whose designation does not begin with the letter R.

Non-residential use or purpose means any building or portion of a building which is not used as a dwelling unit.

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

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

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

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

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

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

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

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

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

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

Planning Commission means the Crossett Planning Commission.

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

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

Principal use means the specific primary purpose for which land, a building, or a structure is used or intended to be used.

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

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

Professional office means an office which a member of a recognized profession maintains for the conduct of that profession.

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

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

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

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

Residential district means any district which designation begins with the letter R.

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

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

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

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

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

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

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

Scrap metal processors means any persons or parties having facilities for processing and storing iron, steel or non-ferrous scrap and whose principal product is scrap iron and steel or non-ferrous materials for resale or for re-melting purposes.

Screening means the use of vegetation or fencing to block the view of one premises from another.

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

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

Service station (see **Gasoline Service Station**).

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

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

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

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

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

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

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

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

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

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

Structure, two-family means a detached residence designed for occupancy by two families only, and having a minimum of 500 square feet of living space.

Structure, multi-family means a residence designed for occupancy by three or more families, with separate housekeeping and cooking facilities for each.

Subdivision regulations means the subdivision regulations of the city of Crossett, set out in Title 15 of the Code of Ordinances of the city of Crossett, as amended from time to time.

Trailer court See "Manufactured Home Park."

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

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

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

Vision triangle means a distance of 30 feet from the rights-of-way lines of two intersecting streets.

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

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

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

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

- A. Accessory uses.
- B. Statuary, arbors, trellises and barbecue stoves.
- C. Awnings and canopies.
- D. Bay windows, porches and balconies projecting not more than 36 inches from an exterior wall for a distance not more than one-third of the length of such wall.
- E. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters, and the like projecting not more than 24 inches from an exterior wall.
- F. Fire escapes or outside stairways projecting from an exterior wall not more than four feet.
- G. Flagpoles.
- H. Non-mechanical laundry drying equipment, except in a front yard.
- I. Off-street parking and loading but only as expressly authorized.
- J. Terraces.
- K. Recreational equipment except in front yards.

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

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

Yard requirements means the regulations of this chapter establishing minimum front, side and rear yard requirements and setback requirements for various uses, structures and districts

Yard, side means a yard extending along a side lot line from the front yard to the rear yard and measured between the side lot line and the side of the building, or any projection thereof, other than those expressly permitted in defining "yard." (Ord. No. 03-5, Sec. 1, Feb. 17, 2003.)

14.04.02 Violations and penalties

- A. The owner or agent of a building or premises in or upon which a violation of any provision of this chapter has been committed or shall exist, or the lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which such violation shall exist, shall be guilty of a misdemeanor.
- B. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this chapter, the appropriate authorities of the city, in addition to other remedies, may institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violation, or to prevent the occupancy of the building, structure or land. (Ord. No. A-445, Sec. 1, Aug. 15, 1983.)

10.04.03 Purpose The zoning regulations and districts as established in this chapter have been made in accordance with a master plan, to promote, in accordance with present and future needs, the safety, order, convenience, prosperity, and general welfare of the citizens of the city and to provide for efficiency and economy in the process of development, for the appropriate and best use of land, for convenience of access and of traffic and circulation of people and goods, for the appropriate use and occupancy of buildings, for healthful and convenient distribution of population, for protection against overcrowding of land, undue density of population in relation to the community facilities existing or available, to encourage good civic design and arrangement to facilitate the creation of a convenient, attractive and harmonious community, and for adequate public utilities, public services and facilities, by regulating and limiting or determining height and bulk of buildings and structures, the area of yards and other open spaces, and the density of use. They have been made with reasonable consideration, among other things, for the existing use and character of property, the existing land use plan, to the character of the district and its peculiar suitability for particular uses, to trends of growth or change, and with a view to conserving natural resources and the value of land and buildings and encouraging the most appropriate use of land throughout the city. (Ord. No. A-445, Sec. 1, Aug. 15, 1983.)

14.04.04 Application This chapter shall apply to all structures, land and uses within the corporate limits of the city. (Ord. No. A-445, Sec. 1, Aug. 15, 1983.)

14.04.05 Interpretation In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. It is not intended by this chapter to interfere with, or abrogate or annul any easements, covenants, or other agreement between parties; provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces than are imposed or required by other resolutions, ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this chapter shall govern. (Ord. No. A-445, Sec. 1, Aug. 15, 1983.)

10.04.06 Regulations for buildings

- A. No building or land shall hereafter be used, and no building or part thereof shall be erected, reconstructed, converted, enlarged, moved or structurally altered unless in conformity with the regulations as set forth in this chapter.
- B. Every building hereafter erected, reconstructed, converted, moved or structurally altered shall be located on a lot of record and in no case shall there be more than one main building on one lot unless otherwise provided in this chapter.
- C. The minimum yards, height limits, parking spaces, open spaces, including lot area per family, required by this chapter for each building existing at the time of the passage of these regulations or for any building hereafter erected, shall not be encroached upon or considered as required yard or open space for any other building, except as hereinafter provided, nor shall any lot area or lot dimensions be reduced below the requirements of these regulations.
- D. No building shall be erected within the right-of-way of a proposed street or propose common open space or park, when such areas have been located on a city plan and such plan has been duly adopted by the commission and the City Council.
- E. For the purpose of this chapter, permitted uses are listed for the various districts. Unless the contrary is clear from the context of the lists or other regulations of this chapter, uses not specifically listed are prohibited. (Ord. No. A-445, Sec. 1, Aug. 15, 1983.)

10.04.07 Non-conforming uses

- A. Except as otherwise provided in this chapter, the lawful use of a building or structure, or the lawful use of any land as existing and lawful at the effective date

of the ordinance from which this chapter is derived, or in the case of a change of regulations, then at the time of such change, may be continued although such use does not conform to the provisions hereof. Except as provided in this article, such non-conforming use may not be enlarged, extended, reconstructed or structurally altered except in compliance with the provisions of this chapter.

- B. If a non-conforming use of any building or premises is discontinued for a period of two years, the use of the same shall thereafter conform to the use regulations of the district in which it is located.
- C. No existing building or premises devoted to a use not permitted by this chapter in the district in which such building or premises is located, except when required to do so by law or order, shall be enlarged, extended, reconstructed, or structurally altered beyond the floor area of such building at the time of approval of this chapter.
- D. When a building, the use or minimum floor area, lot size, height, area, or density requirements of which do not conform to the provisions of this chapter, is damaged by fire, explosion, act of God, the public enemy or other unforeseen and unintended casualty, it shall not be restored except in conformity with the district regulations (exclusive of use) of the district in which the building is situated except that minimum floor area restrictions and lot size shall not apply; however, in no event shall the restored building have less floor area than it did prior to its destruction. (Ord. No. A-445, Sec. 1, Aug. 15, 1983.)

10.04.08 Non-conforming lots of record

- A. In any district in which single-family detached dwellings are a permitted use, notwithstanding the regulations imposed by any other provisions of this chapter, a single-family detached dwelling which complies with the restrictions of subsection B of this section may be erected on a non-conforming lot that is not less than 25 feet in width, and which:
 - 1. Has less than the prescribed minimum lot area, width and depth, or any of them;
 - 2. Is shown by a recorded plat or deed to have been a lot of record owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size, depth and width at such location would not have been prohibited by any zoning or other ordinance; and
 - 3. Has remained in separate and individual ownership from adjoining tracts of land continuously since September 19, 1949.

- B. A non-conforming lot authorized to be used pursuant to subsection of this section may be used for single-family dwellings and permitted accessory uses thereto and no other structures. Construction of such single-family dwellings shall comply with all the regulations (except lot area, width and depth) applicable to single-family dwellings in the zoning district in which such lot is located, except that the following side yard requirements shall apply in place of the side yard requirements otherwise applicable:
1. The dwellings shall be placed on the lots as to provide a yard on each side of the dwelling;
 2. The widths of the two side yards on such lots shall not be less than five feet, unless approved according to the fire raking of sidewall by the Crossett Fire Chief. (Ord. No. A-445, Sec. 4, Aug. 15, 1983; Ord. No. 03-5, Sec. 2, Feb. 17, 2003.)

10.04.09 History of Zoning Ordinance The zoning code for the city of Crossett was completely rewritten by the passage of Ord. No. A-445, adopted on August 15, 1983, and by the passage of Ord. No. 03-5, adopted on February 17, 2003. There were many zoning ordinances in place prior to August 15, 1983:

Ord. No. A-44, adopted Sept. 16, 1949
 Ord. No. A-177, adopted March 21, 1960
 Ord. No. A-190, adopted July 17, 1961
 Ord. No. A-269, adopted Aug. 15, 1966
 Ord. No. A-247, adopted July 19, 1965
 Ord. No. A-341, adopted April 16, 1973
 Ord. No. A-420, adopted March 17, 1980
 Ord. No. A-430, adopted Sept. 16, 1981
 Ord. No. A-408, adopted Nov. 27, 1978
 Ord. No. A-147, adopted April 15, 1957
 Ord. No. A-326, adopted March 20, 1972
 Ord. No. A-390, adopted Oct. 18, 1976
 Ord. No. A-409, adopted Nov. 27, 1978
 Ord. No. A-298, adopted Sept. 15, 1969
 Ord. No. A-410, adopted Nov. 27, 1978
 Ord. No. A-80, adopted Jan. 21, 1952
 Ord. No. A-162, adopted Feb. 6, 1959
 Ord. No. A-159, adopted Aug. 18, 1958
 Ord. No. A-385, adopted May 17, 1976
 Ord. No. A-399, adopted Oct. 3, 1977
 Ord. No. A-433, adopted Dec. 21, 1981
 Ord. No. A-265, adopted May 16, 1966
 Ord. No. A-70, adopted July 16, 1951
 Ord. No. A-142, adopted Aug. 20, 1956

- Ord. No. A-218, adopted April 15, 1963
- Ord. No. A-88, adopted May 26, 1952
- Ord. No. A-199, adopted Oct. 23, 1961
- Ord. No. A-151, adopted Nov. 18, 1957
- Ord. No. A-407, adopted Oct. 16, 1978
- Ord. No. A-92, adopted July 21, 1952
- Ord. No. A-418, adopted Jan. 21, 1980
- Ord. No. A-316, adopted May 17, 1971
- Ord. No. A-412, adopted Dec. 18, 1978

CHAPTER 14.08

ADMINISTRATION AND ENFORCEMENT

Sections:

- 14.08.01 Amendments
- 14.08.02 Action by City Council
- 14.08.03 Action on changes by the Planning Commission
- 14.08.04 Additions to official zoning map
- 14.08.05 Fee deposit
- 14.08.06 Enforcement
- 14.08.07 Site plans required
- 14.08.08 Site plan review

14.08.01 Amendments

- A. The Crossett City Council may, from time to time, amend, supplement or change, by ordinance the boundaries of the districts or the regulations established in this chapter. Any such amendment may be initiated by resolution of the Crossett City Council, by motion of the Crossett Planning Commission, or by petition of any property owner, owners, under contract, or their representatives addressed to the Crossett City Council. Petitions for change or amendment shall be on forms and filed in a manner prescribed by the city. (Ord. No. 03-5, Sec. 3., Feb. 17, 2003.)

- B. The Crossett City Council may suggest that the Crossett Planning Commission amend the text of this zoning ordinance or the Crossett Planning Commission itself may desire to initiate an amendment. Should the Crossett Planning Commission, after study, request a change in the text, it shall conduct a public

hearing on the proposed textual amendment. Following the public hearing, such recommendation shall be submitted to the Crossett City Council for adoption in the form of an ordinance amending this zoning ordinance. (Ord. No. 03-5, Sec. 4, Feb. 17, 2003.)

14.08.02 Action by City Council Upon the filing of the recommendations and report by the Planning Commission with respect to any proposed amendment, the City Council may approve or reject the proposed amendment by a majority vote, except a two-thirds vote shall be required if a protest against such proposed amendment, supplement, change, modification, or repeal shall be presented in writing to the Building Official at the time of the public hearing held by the Planning Commission, duly signed and acknowledged by the owners of 20 percent or more either of the area of the land (exclusive of streets, places, and alleys) included within such proposed amendment, supplement, change, modification or repeal, or within an area determined by lines drawn parallel to and 150 feet distant from the boundaries of the district proposed to be changed. If no report is received from the Planning Commission in 90 days, it may be assumed that the Commission has approved the amendment. (Ord. No. A-445, Sec. 1, Aug. 15, 1983.)

14.08.03 Action on changes by the Planning Commission

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

- D. Following the public hearing, the Planning Commission may approve the proposed amendment or change of district boundary as presented or in modified form. The commission may take the matter under advisement and defer its decision for not more than 30 days from the date of the first public hearing on such request for amendment. Following its decision, the commission shall make a written recommendation to the City Council giving its decision and announcing the reasons therefore.
- E. The City Council, by a majority vote, may, by ordinance, adopt the recommended amendment submitted by the Planning Commission or may return the proposed amendment to the Planning Commission for further study and recommendation.
- F. If the City Council does not concur with the recommendation of the Planning Commission, either as first submitted or as submitted after re-study, the City Council, may, by majority vote, amend this ordinance by granting the request in full or in modified form.
- G. No application for a zoning amendment will be reconsidered by the Planning Commission for a period of six months of elapsed time from the date of final disapproval of the proposed amendment, unless the Planning Commission determines by $\frac{3}{4}$ majority vote that a substantial reason exists for waiving this mandatory waiting period. (Ord. No. 03-5, Sec. 5, Feb. 17, 2003.)

14.08.04 Additions to official zoning map Following the adoption and effective date of an ordinance changing a zoning district classification, the Building Official shall note such change on the official zoning map of the city. (Ord. No. 03-5, Sec. 6, Feb. 17, 2003.)

14.08.05 Fee deposit Before any action shall be taken, as provided in this chapter, the party or parties proposing or recommending a change in the district regulations or district boundaries shall deposit with the City Clerk/Treasurer the sum of Thirty-Five Dollars (\$35.00) and shall be required to pay prior to the public hearing, the costs of publishing notice of the public hearing before the Planning Commission to cover the approximate costs of this proceeding, and under no conditions shall such sum or any part thereof be refunded for failure of the change to be adopted by the City Council. (Ord. No. 03-5, Sec. 7, Feb. 17, 2003.)

14.08.06 Enforcement

- A. It shall be the duty of the Building Official to enforce this chapter. He shall receive applications required by this chapter, issue permits and furnish the prescribed certificates. He shall examine premises for which permits have been issued, and shall make necessary inspections to see that the provisions of law are complied with. He shall enforce all laws relating to the construction, alteration, repair, removal, demolition, equipment, use and occupancy, location, and maintenance of buildings and structures, except as may be otherwise provided for.

He shall, when requested by the Mayor or City Council, or when the interests of the city so require, make investigations in connection with matters referred to in this chapter and render written reports on the same. For the purpose of enforcing compliance with law, he shall issue such notices or orders as may be necessary.

- B. Inspection shall be made by the Building Official or a duly appointed assistant.
- C. For carrying into effect its provisions, the Building Official may adopt rules consistent with this chapter.
- D. Records
 - 1. The Building Official shall keep careful and comprehensive records of applications, permits issued, certificates issued, inspections made, reports rendered, and notices or orders issued. He shall retain on file copies of all papers in connection with building work so long as any part of the building or structure to which they relate may be in existence.
 - 2. All such records shall be open to public inspection at reasonable hours, but shall not be removed from the office of the Building Official.
- E. The Building Official may request and shall receive, so far as may be necessary in the discharge of his duties, the assistance and cooperation of the Chief of Police in enforcing orders, of the City Attorney in prosecuting violations, and of other city officials. (Ord. No. 03-5, Sec. 8, Feb. 17, 2003.)

14.08.07 Site plans required

- A. The City Council may approve an amendment to classify property as a planned development (R-PD, R-PD-II, C-PD or I-PD) district or approve a special use permit only when the City Council concurrently approves a comprehensive site plan for the same property. The approved site plan shall bind the applicant, owner, lienholders, if any, and the City Council with respect to the content of such plan.
- B. Administrative site plan review and approval by the Planning Commission shall be required for the following:
 - 1. Multiple family dwellings;
 - 2. Any other use indicated in 14.52.06, as requiring site plan review and approval including any development of four or more acres located in a non-residential district.

Approval of an administrative site plan shall permit the applicant to apply for any other permits and approvals including, but not limited to, those permits and approvals required by this chapter, the subdivision regulations and the Building Code. (Ord. No. 03-5, Sec. 9, Feb. 17, 2003.)

14.08.09 Site plan review

- A. The City Council shall have the authority to grant site plan approval concurrent with its action on planned developments or special use permits in accordance with the provisions of the planned development districts (R-PD, R-PD-II, C-PD and I-PD). The Planning Commission shall have authority to grant site plan approval for specified uses set forth on 14.52.06 in accordance with the provisions of this section.
- B. Site plan review ensures that careful attention is given to site design for those uses and developments which, by reason of their size, location, nature or other characteristics, may be capable of adversely affecting other uses located in the same zoning district unless the site on which such developments are located are properly designed.
- C. An application for site plan approval may be initiated by the owner or other person having a contractual interest in the property for which site plan approval is requested or by the authorized agent of such owner or other person.
- D. Applications for site plan approval shall be filed as follows:
 - 1. At the time an applicant files a petition for zoning reclassification to a planned development with the Building Official.
 - 2. Prior to the date an applicant files an application for a building permit for a multiple-family dwelling, or any other use indicated in Chart 1 as requiring site plan review and approval.
- E. If a proposed amendment to a site plan deviates from the approved site plan, such approved site plan shall be amended in accordance with the procedure and standards which governed its approval. (Ord. No. 03-5, Sec. 10, Feb. 17, 2003.)

CHAPTER 14.12

BOARD OF ADJUSTMENT

Sections:

14.12.01	Created
14.12.02	Officers
14.12.03	Powers and duties
14.12.04	Appeal procedure
14.12.05	Action

14.12.01 Created A Board of Adjustment is hereby created. Such Board shall consist of five members all of whom shall be taxpayers and residents of the city. They shall be appointed by the Mayor with the consent of the City Council. One member of the Board shall be appointed to serve for a period of one year, two for a period of two years, and two for a period of three years. Thereafter, members shall be appointed for a term of three years. Vacancies shall be filled by appointment for the unexpired term only. Members of the Board shall serve without compensation. (Ord. No. A-445, Sec. 1, Aug. 15, 1983.)

14.12.02 Officers The members of the Board of Adjustment shall meet at such time and place as they may fix by resolution. They shall elect one of their number as chairman and one as vice-chairman, who shall serve one year and until their successors have been selected. Special meetings may be called at any time by the chairman or in his absence, by the vice-chairman. A majority of the Board shall constitute a quorum for the transaction of business. The Board shall cause a proper record to be kept of its proceedings. Each session of the Board of Adjustment shall be a public meeting with public notice of the meeting and business to be carried or published in a newspaper of general circulation in the city at least one time seven days prior to the meeting. The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Official, or to decide in favor of the applicant upon any matter upon which it is required to pass under this chapter, or to affect any variation in this chapter. (Ord. No. 03-5, Sec. 11, Feb. 17, 2003.)

14.12.03 Powers and duties The Board of Adjustment shall have the following powers and it shall be its duty:

- A. To hear appeals from the decision of the Building Official in respect to the enforcement and application of this chapter, and may affirm or reverse, in whole or in part, the decision of the Building Official.
- B. To hear requests from variances from the literal provisions of this chapter in instances where strict enforcement of this chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and to

grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of this chapter.

- C. The Board shall not permit, as a variance, any use in a zone that is not permitted under this chapter.
- D. The Board may impose conditions and time limits in the granting of a variance to insure compliance and to protect adjacent property. (Ord. No. 03-5, Sec. 12, Feb. 17, 2003.)

14.12.04 Appeal procedure

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

- F. Decisions of the Board of Adjustment shall be subject to appeal only to a court of record having jurisdiction. (Ord. No. 03-5, Sec. 13, Feb. 17, 2003.)

14.12.05 Action In exercising its powers, the Board of Adjustment may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Building Official from whom the appeal is taken. Every variation granted or denied by the Board shall be accompanied by a written finding of fact, based on testimony and evidence and specifying the reason for granting or denying the variation. (Ord. No. A-445, Sec. 1, Aug. 15, 1983.)

CHAPTER 14.16

DISTRICT REGULATIONS

Sections:

- 14.16.01 Establishment of districts
- 14.16.02 District map
- 14.16.03 District boundaries
- 14.16.04 Vacating streets
- 14.16.05 Annexed territory
- 14.16.06 Use regulations
- 14.16.07 Bulk regulations
- 14.16.08 Temporary storage buildings

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

- AG Agricultural
- R-S1 Single-Family Residential
- R-S2 Single-Family Residential
- R-S3 Single-Family Residential
- R-D Duplex Residential
- R-M Multifamily Residential
- R-MH Manufactured Home
- R-PD Planned Residential Development

R-PD-II	Planned Residential Development, Two
C-N	Neighborhood Commercial
C-H	Highway Commercial
CBD	Central Business District
C-PD	Planned Commercial Development
I-L	Light Industrial
I-H	Heavy Industrial
I-PD	Planned Industrial Development
R-D(AH)	Affordable Housing Residential District (Ord. No. 03-5, Sec. 15, Feb. 17, 2003; Ord. No. 03-18, Sec. 1, Sept. 23, 2003.)

14.16.02 District map The zoning district map prepared by Harland Bartholomew and Associates, Inc., dated October 20, 1980, as amended is hereby adopted as the official zoning district map for the city and all lands within the city are hereby zoned to the classification shown on the district zoning map. (Ord. No. A-445, Sec. 2, Aug. 15, 1983.)

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

- A. Where district boundary lines are indicated as following streets, alleys or similar rights-of-way, they shall be construed as following the centerlines thereof.
- B. Where district boundary lines are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.
- C. Where a lot held in one ownership and of record on the effective date of the ordinance from which this chapter is derived is divided by a district boundary line, the location of the district boundary shall be determined by the use of the scale appearing on the map. (Ord. No. A-445, Sec. 1, Aug. 15, 1983.)

14.16.04 Vacating streets Whenever any street, alley, or other public way is vacated by official action of the City Council, the zoning districts adjoining each side of such street, alley, place, or public way shall be automatically extended to the center of such vacation, and all areas included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts. (Ord. No. A-445, Sec. 1, Aug. 15, 1983.)

14.16.05 Annexed territory All territory which may hereafter be annexed to the city shall be initially zoned agricultural (AG). The Planning Commission shall, within sixty (60) days of said annexation, recommend to the City Council the appropriate zoning district classification for the subject territory. (Ord. No.03-5, Sec. 16, Feb. 17, 2003.)

14.16.06 Use regulations

- A. The uses permitted in any district and the uses for which site plan review and proposal are required are listed in 14.52.06 unless otherwise regulated in this title.
- B. The City Council may, by special permit after public hearing, and subject to those restrictions deemed appropriate for the protection of adjacent property and the general welfare, authorize the location of any of the following buildings or uses in any district from which they stated as requiring a special use permit by 14.52.06.
- C. Uses for which site plan review and approval are required shall be permitted in accordance with the provisions of 14.08.09. Such uses shall be permitted or allowed in the appropriate district only after such site plan review and approval and compliance with any and all other applicable provisions of this article as may be required. (Ord. No. 03-5, Sec. 17, Feb. 17, 2003.)

14.16.07 Bulk regulations The minimum lot and yard requirements, maximum height and maximum gross dwelling unit density which govern any development in any district are listed in 14.52.07, unless otherwise regulated in this title. (Ord. No. A-445, Sec. 1, Aug. 15, 1983.)

14.16.08 Temporary storage buildings The Building Official is authorized to permit the placement of temporary storage buildings in commercial and industrial zoning districts, subject to the following requirements:

- A. All storage structures must be secured with tie-down straps approved by the Building Official.
- B. Temporary storage structures may not be placed in any designated parking area.
- C. Temporary storage structures must be placed in the rear yard setback area of the building lot.
- D. All temporary storage structures must be placed on an all-weather surface, and be located behind an opaque screen.
- E. All temporary storage structures must be separated from one another a minimum distance of ten feet.
- F. A listing of the contents of any temporary storage structure must be submitted to and approved by the Crossett Fire Chief.
- G. After review and approval of the items required above, the Building Official may issue a permit after receipt of a permit fee of One Hundred Dollars (\$100.00) per structure. (Ord. No. 04-4, Sec. 1, Mar. 15, 2004.)

CHAPTER 14.20

SPECIFIC DISTRICTS

Sections:

14.20.01	AG Agricultural District
14.20.02	R-S1 Single-Family Residential District
14.20.03	R-S2 Single-Family Residential District
14.20.04	R-S3 Single-Family Residential District
14.20.05	R-D Duplex Residential District
14.20.06	R-M Multi-Family Residential District
14.20.07	R-MH Mobile Home District
14.20.08	R-PD Planned Residential Development
14.20.09	R-PD-II, Planned Residential Development Two
14.20.10	C-N Neighborhood Commercial District
14.20.11	C-H Highway Commercial District
14.20.12	CBD Central Business District
14.20.13	C-PD Planned Commercial Development District
14.20.14	I-L Light Industrial District
14.20.15	I-H Heavy Industrial District
14.20.16	I-PD Planned Industrial Development District
14.20.17	R-D (AH) Affordable Housing Residential District
14.20.18	South Highway 133 Corridor Overlay District

14.20.01 AG Agricultural District The AG District is intended to conserve agricultural land and undeveloped natural amenities while preventing the encroachment of urban and other incompatible land uses on farm or timberland and other undeveloped areas. The types, area and intensity of permitted land uses in this district are designed to encourage and protect agricultural use and conservation of undeveloped areas. Development should be compatible with preservation of floodplain, wetland, etc. Development should be limited so that it does not require untimely extension of public services and facilities (e.g., sewer, water, roads, etc.). (Ord. No. A-445, Sec. 1, Aug. 15, 1983.)

14.20.02 R-S1 Single-Family Residential District The R-S1 District is intended to permit the development of single-family residential areas characterized by overall density with lots of at least 15,000 square feet per dwelling unit. Other uses such as schools, churches, and specified services associated with or compatible with the residential uses allowed in this district are also permitted. It is also intended that the low density of this district will permit, to the extent possible, the preservation of open space and natural amenities. (Ord. No. A-445, Sec. 1, Aug. 15, 1983.)

14.20.03 R-S2 Single Family Residential District The R-S2 District is intended to permit the development of single-family residential areas characterized by overall density with lots of at least 13,500 square feet per dwelling unit. Other uses such as schools, churches, and specified services associated with or compatible with the residential uses allowed in this district are also permitted. (Ord. No. A-445, Sec. 1, Aug. 15, 1983.)

14.20.04 R-S3 Single-Family Residential District. The R-S3 District is intended to permit the development of single-family residential areas characterized by relatively moderate overall density with lots of at least 8,000 square feet per dwelling unit. Other uses such as schools, churches, and specified services associated with or compatible with the residential uses allowed in this district are also permitted. (Ord. No. 03-5, Sec. 18, Feb. 17, 2003.)

14.20.05 R-D Duplex Residential District The R-D District is intended to permit the development of residential areas characterized by single and two-family dwellings on lots of at least 13,500 square feet. Other uses such as schools, churches, and specified services associated with or compatible with the residential uses allowed in this district are also permitted. (Ord. No. A-445, Sec. 1, Aug. 15, 1983.)

14.20.06 R-M Multi-Family Residential District The R-M District is intended to permit the development of residential areas characterized by a broad range of residential housing types except manufactured homes and mobile homes, but including single and two-family dwellings and multiple-family dwellings up to 35 to 45 feet in height. Other uses such as schools, churches, institutional uses, and specified services associated with or compatible with the residential uses allowed in this district are also permitted. (Ord. No. 03-5, Sec. 19, Feb. 17, 2003.)

14.20.07 R-MH Manufactured Home District

- A. The purpose of the R-MH District and the regulations and standards contained herein is to establish a zoning category which will permit manufactured homes to be located in manufactured home subdivisions specially designed and set aside therefore. Also, to ensure that manufactured home subdivisions are developed in accordance with specified design criteria to assure harmonious development, both within the manufactured home subdivision and with other adjacent zoning districts.
- B. Prior to the development of any property classified in the R-MH district with a manufactured home subdivision, the following approvals shall be required for manufactured home subdivisions. In addition to a subdivision plan submitted and approved in accordance with the provisions of the subdivision regulations, a site plan submitted and approved in accordance with the provisions of 14.08.09 shall be required prior to the issuance of any building permits for the development of a manufactured home subdivision.

- C. Manufactured home subdivisions shall be located on sites which satisfy the following standards:
1. The site for a manufactured home subdivision shall be a minimum of three acres.
 2. The site must provide direct access to major or collector streets as designated on the major street plan as amended.
 3. The site must be served by public sanitary sewer and water facilities.
 4. A 25 foot landscaped area shall be provided around the entire perimeter of a manufactured home subdivision. The landscaped area shall consist of the trees and other natural vegetation growing in that area which will be cleared so as to constitute a natural visual barrier to the adjacent neighborhood. No tree having a diameter at the stump of 12 inches or more shall be removed from the landscaped area unless located in an entrance or exit way. No construction of any type shall be permitted on the 25 foot landscaped area except for construction of a maximum of four entrances and exits (driveways and sidewalks) across the landscaped area.
- D. Each manufactured home lot and manufactured home shall comply with the following requirements:
1. Each manufactured home shall have a concrete manufactured home pad upon which have manufactured home is to sit measuring at least nine by 60 feet.
 2. Each manufactured home shall be provided with anchors and tie downs such as cast-in-place concrete deadman eyelets imbedded in concrete slabs, screw augers, arrowhead anchors or other devices to be used to stabilize the manufactured home.
 3. Skirting shall be provided around the perimeter of each manufactured home. (Ord. No. 03-5, Sec. 20, Feb. 17, 2003.)

14.20.08 R-PD Planned Residential Development

- A. The R-PD District is to encourage the use of innovative techniques of residential land development and site design, to encourage variety in housing types, offer an opportunity for design flexibility which may result in an improved use of land, provision of open space, and protection of the natural beauty of the land.
- B. The R-PD District is created as a special overlay district to be superimposed on other residential districts contained in these regulations.

- C. The minimum area for a R-PD district shall be three acres.
- D. In order that the purpose of this district shall be realized, all of the land, buildings, and appurtenant facilities shall be either in a single ownership, or under management or supervision of a central authority, or they shall be subject to protective covenants, or owners or their representative or other such supervision under contract or lease, or other ownership control or agreement as may be necessary to carry out the provisions of this chapter relating to the R-PD District.
- E. A building or land shall be used only for the permitted uses as shown in 14.52.06. Furthermore, the permitted commercial uses shall be allowed only as secondary uses in a residential building and shall be limited to a maximum of 50 percent of the gross ground floor area of the building. Commercial uses shall not be permitted as freestanding separate commercial establishments.
- F. The total number of dwelling units permitted shall be determined by dividing the net development area by the minimum lot area per dwelling unit for the district or districts in which the area is located. Net development area shall be determined by subtracting the area set aside for churches, schools or other non-residential uses from the gross development area and deducting 20 percent of the remainder for streets. Where more than one residential district exists within the R-PD, the number of dwelling units to be generated by each shall be in proportion to their share of the total area within the R-PD district. The area of land set aside for common open space or recreational use shall be included in determining the number of dwelling units permitted.
- G. Developers of a R-PD district project shall meet the design standards for planned developments as outlined herein and other applicable design standards, specified in the subdivision regulations for the city and city construction specifications and building codes. (Ord. No. A-445, Sec. 1, Aug. 15, 1983.)
- H. Establishment of a R-PD district shall follow the procedures for changes and amendments specified in 14.24.15 and procedures for submittal and approval of a site plan as contained in 14.08.08. (Ord. No. 03-5, Sec.21, Feb. 17, 2003.)

14.20.09 R-PD-II, Planned Residential Development # Two

- A. The purpose of the R-PD-II district is to encourage the use of innovative techniques of residential land development and site design, offer an opportunity for design flexibility which may result in improved land use, and provide for the safety and well-being of the persons residing in the district.
- B. Any developer who requests that lands be rezoned to a R-PD-II district shall be required to submit a site plan to the City Planning Commission at the time of the rezoning request. The site plan shall show:

1. The configuration of the lots and blocks which will be located in the R-PD-II district;
 2. The location of any streets and easements for public utilities;
 3. A legal description of the lands covered by the R-PD-II district;
 4. The name of the subdivision; and
 5. Such other matters as the City Planning Commission may require by rule or regulation.
- C. The developer of the R-PD-II district shall have the option of constructing a fence up to eight feet in height around the entire R-PD-II district. The fence shall be located wholly within the R-PD-II district and may be constructed of brick, masonry stone, wood or wrought-iron or a combination of these materials. The location and type of fence shall be shown on the site plan referred to in subsection B above.
- D. The developer of a R-PD-II district may provide that the street will be a private street or provide that it will be a public street. If it is a private street, the developer may provide a security gate at the entrance to the R-PD-II district. If it is a private street, the homeowner in the R-PD-II subdivision shall be obligated to maintain the streets. Either the private street or public street may be a cul-de-sac extending up to but not in excess of 800 feet from its point of origin.
- E. A building or land shall only be used for the permitted uses allowed in the R-PD-II district as shown on 14.52.06. (Ord. No. A-638, Sec. 2, Jan. 18, 1999.)
- F. The minimum lot width of 50 feet in this district shall be measured at the building set-back line rather than at the front lot line. (Ord. No. 00-2, Sec. 1, Feb. 21, 2000.)

14.20.10 C-N Neighborhood Commercial District The C-N District is intended to permit the development of commercial areas designed to be compatible with and to serve a local neighborhood residential area. (Ord. No. A-445, Sec. 1, Aug. 15, 1983.)

14.20.11 C-H Highway Commercial District The C-H District is intended to permit the development of general commercial uses located in a linear fashion along major roads, highways, near other transportation facilities and/or industrial areas. (Ord. No. A-445, Sec. 1, Aug. 15, 1983.)

14.20.12 CBD Central Business District The purpose of the CBD District is to allow the maintenance and development of uses which will reinforce the vitality of the central business district as a commercial, governmental and cultural center of the city. (Ord. No. A-445, Sec. 1, Aug. 15, 1983.)

14.20.13 C-PD Planned Commercial Development District

- A. The C-PD District is to encourage planned commercial development characterized by a single structure or an integrated complex of structures with specific building locations, parking, loading areas, driveways in connection therewith, and landscaping. The proper design of such developments will allow the C-PD to be used as a transition zone from intense commercial areas to an area developed at a lower density. The district can also be used to control the character of new commercial development in outlying undeveloped areas. Such planned commercial developments may be designed to serve areas ranging from individual neighborhoods to the entire urban region. This district is intended to provide for the commercial development of relatively large tracts of land or of unified development of a number of continuous tracts of land under an approved site plan.
- B. The C-PD District is created as a special overlay district to be superimposed on other commercial districts and the R-M and AG Districts contained in these regulations.
- C. In order that the purpose of this district shall be realized, all of the land, buildings, and appurtenant facilities shall be either in a single ownership, or under management or supervision of a central authority, or they shall be subject to protective covenants, or owners or their representative or other such supervision under contract or lease, or other ownership control or agreement as may be necessary to carryout the provisions of this chapter relating to the C-PD District.
- D. Developers of a C-PD District project shall meet the design standards for planned developments as outlined and other applicable design standards specified in the subdivision regulations for the city and city construction specifications and building codes. (Ord. No. A-445, Sec. 1, Aug. 15, 1983.)
- E. A planned commercial development district may be established provided that the site plan and the application for zoning change are approved by the city under the procedures contained in 14.20.15 and 14.08.08. (Ord. No. 03-5, Sec. 22, Feb. 17, 2003.)

14.20.14 I-L Light Industrial District The I-L District is for industrial activities including small manufacturing, assembling, fabrication, distribution or warehousing. These uses should not be obnoxious or offensive due to emission of noise, odor, dust, gas, smoke, or

vibration. The regulations of this district are designed to minimize the adverse impact such uses may have on nearby districts. (Ord. No. A-445, Sec. 1, Aug. 15, 1983.)

14.20.15 I-H Heavy Industrial District The I-H District is for most types of industrial use. In general, the activities in this district are of a heavy industrial character. (Ord. No. A-445, Sec. 1, Aug. 15, 1983.)

14.20.16 I-PD Planned Industrial Development District

- A. The I-PD District is to encourage planned industrial developments characterized by an integrated complex of structures with specific building locations, parking, loading areas, driveways in connection therewith, and landscaping. This district is intended to provide for the industrial development of relatively large tracts of land or of unified development of a number of continuous tracts of land under an approved site plan.
- B. The I-PD District is created as a special overlay district to be superimposed on other industrial districts contained in these regulations.
- C. In order that the purpose of this district shall be realized, all of the land, buildings, and appurtenant facilities shall be in a single ownership, or under management or supervision of a central authority, or they shall be subject to protective covenants, or owners or their representatives or other such supervision under contract or lease, or other ownership control or agreement as may be necessary to carry out the provisions of this chapter relating to the I-PD planned industrial district.
- D. Developers of an I-PD District project shall meet the design standards for planned developments as outlined and other applicable design standards specified in the subdivision regulations for the city and city construction specifications and building codes. (Ord. No. A-445, Sec. 1, Aug. 15, 1983.)
- E. A planned industrial development district may be established provided that the site plan and the application for zoning change are approved by the city under the procedures contained in 14.20.15 and 14.08.08. (Ord. No. 2003-5, Sec. 23, Feb. 17, 2003.)

14.20.17 R-D (AH) Affordable Housing Residential District

- A. This district encourages affordable housing of varied types in specified locations within the city. The district permits site-built housing, manufactured housing, and modular housing constructed on individual lots with uniform design guidelines imposed to maintain neighborhood harmony and consistency in appearance. The provision of this district seek to achieve the following goals:

1. To provide a choice of housing types within the city and to expand housing choices for all families.
 2. To maintain efficiency and economy in the process of development by encouraging infill development with medium housing densities.
 3. To encourage the appropriate and best use of land by placing uniform size and appearance guidelines on new housing placements.
 4. To promote healthful and convenient distribution of population by achieving higher densities through the utilization of vacant or underdeveloped properties.
 5. To encourage good civic design and arrangement by maintaining reasonable and uniformly applied design standards within existing neighborhoods.
 6. To maintain the economic stability of existing neighborhoods by maintaining consistent size, bulk, and appearance standards.
- B. Uses permitted: Uses permitted in this district are included in 14.52.06. Where an X appears in the table under the specific zone, that use is permitted by right, subject to applicable provisions contained in the zoning and subdivision regulations. Where a P appears in the table under the specific zone, that use requires site plan review. Where a Y appears in the table under the specific zone, that use is permitted only after the acquisition of a Special Permit as outlined.
- C. Site Plan Review: See 14.52.06 for uses requiring site plan review.
- D. Area Regulations: Area regulations are the same as those of the R-D District.
- E. Parking Regulations: Off-street parking shall be provided in accordance with 14.28.01 and 02.
- F. Sign Regulations: Signs shall be permitted only in accordance with the provisions of Chapter 14.32.
- G. Special Provisions:
1. All units constructed in or set up in this district, whether by new construction, addition to an existing unit, placement of a multi-section manufactured or modular home, or combination of two or multiple single-section manufactured homes, shall have a minimum dimension on any one side of 20 feet.

2. All units constructed or set up in this district with a crawl space shall have continuous masonry underpinning around said crawl space.
3. All units constructed or set up in this district shall have the front door oriented toward the front yard unless approved as a planned unit development.
4. All units constructed or set up in this district shall have a shingle roof unless specifically approved by the Planning Commission.
5. All units constructed or set up in this district shall have a covered front landing, accessible by stairs with handrails, of at least six feet by six feet and oriented to the front yard.
6. All units shall have either:
 - a. A carport capable of housing two vehicles with a driveway capable of stacking two more for a total of four off-street vehicle parking spaces; or
 - b. A paved drive and parking area capable of providing four off-street vehicle parking spaces.
7. All units constructed in this district shall have foundation systems that meet the city's building code or, in the case of manufactured housing, be anchored in accordance with the manufacturer's instructions or the regulations of the Arkansas Manufactured Home Commission.
8. All units moved into this district from off-site shall be new and under warranty or inspected by the city's code enforcement officer prior to being moved on-site to ensure compliance with the following standards:
 - a. All roofing material shall be secure without gaps or damaged shingles.
 - b. All windows shall be operative without broken panes or damaged trim or screening.
 - c. All exterior siding shall be in place and undamaged. No dented, torn, burned, loose or mildewed siding shall be allowed.
 - d. All kitchen and bathroom facilities shall be fully operational.
 - e. Any attached gutters shall be secure and functional.

- f. All cornice materials shall be in place and undamaged.
- g. Paint shall be uniform and unblemished.
- h. Doors shall be plumb and fully operational. No damaged screening or door fixtures shall be allowed.
- i. All flooring shall be structurally undamaged, and secure. Holes in the flooring, or flooring that is missing, dented, broken, or in a state of damage or decay will not be allowed. (Ord. No. 03-18, Sec 2 , Sept. 23, 2003.)

H. An Affordable Housing Residential District is hereby established which shall encompass all land as depicted on Exhibit A attached to this ordinance and which is made part of the official Zoning Map of the city of Crossett. (Ord. No. 03-20, Sec. 1, Oct. 20, 2003.)

14.20.18 South Highway 133 Corridor Overlay

- A. The purpose of establishing this district is to protect and enhance the visual appearance and character, promote traffic safety, and maintain harmony with adjacent residential neighborhoods, along one of the major gateways into the city. More particularly, the purposes of this district are:
 - 1. To allow land use patterns compatible with present and future traffic capacity for Arkansas Highway 133 South leading into the city.
 - 2. To create a visually pleasing atmosphere along a major corridor leading into the city, especially as a means to promote a positive image of the city to visitors and residents alike.
 - 3. To minimize the number of curb cuts along designated highways so that the roadways will function at an efficient level of service.
 - 4. To establish land uses that will facilitate transition of areas from less to more intense land uses along designated arterials without the undesired effects of small lot strip development.
 - 5. To set standards for landscaping, signage, design and parking lot lighting, which are in keeping with the intent of this title.
- B. The district shall be known as the South Highway 133 Corridor Overlay District, and shall encompass all land south of Woodshire Drive, west of Main Street, north of Rice Avenue, and east of the city limits and Lakeview Estates Addition, as shown on the diagram.

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

D. Site design and development standards:

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

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

3. All parking lots for non-residential development shall have one (1) tree per ten (10) parking spaces. Trees shall be placed uniformly within the parking lot, or in islands within the lot, providing a minimum of twenty-five (25) square feet of unpaved area per tree. Parking lots shall be set back a minimum of five feet (5') from any side property line.
4. Landscaping shall be required, which is sufficient to provide soil stability and promote suitable drainage. Tree species planted within the overlay district should be consistent with other species present, preferably native. Trees shall be one and one half inches (1 ½) caliper at planting with an expected height of sixty feet (60') or more at maturity. Species selection shall be at the discretion of the developer, but if root or branching habits of plant material should be a nuisance (e.g., roots breaking through the sidewalk, messy fruit, etc.), plant materials shall be replaced at the owner's expense. "Caliper" is defined in 14.24.05(c).
5. One (1) curb cut shall be allowed per two hundred feet (200') of frontage. No curb cuts shall be allowed within one hundred feet (100') of any intersection.

6. All parking and loading areas shall have lighting. Lighting facilities shall be designed so that there is no light trespass on adjacent properties, roadways, or other areas. Lighting shall not exceed thirty-five feet (35') in height and shall utilize sodium lighting fixtures.
 7. All mechanical and utility equipment, trash enclosures, and parking lots shall be screened in the following manner:
 - a. All mechanical and utility equipment on the side of the building and/or on the ground shall be screened by fencing and/or vegetation, if visible from the highway or residential property. Screening of roof-mounted utilities shall be incorporated into the structure, utilizing materials compatible with the supporting building.
 - b. Trash enclosures shall be screened on three (3) sides with access not visible from the highway.
 8. All buildings will have a masonry façade extending a minimum of eight feet on each sidewall.
 9. Above-ground utilities may be located at the rear property line. In the event it is not feasible to place utilities at the rear property line, utilities shall be placed underground.
 10. All signs shall be ground-mounted and shall be no more than eight feet in height. Flashing signs and pole-mounted signs are prohibited.
- E. All non-residential development within the overlay district shall be reviewed through the special use permit procedure, except that no public hearing or notification of nearby property owners shall be required if the proposed use is permitted by right in the underlying zoning district.
- F. In the case of non-residential development multiple building sites, whether one or more platted lots, the requirements of this section shall apply to development as an entire tract rather than to each platted lot. If any part of the development lies within the corridor overlay district, the entire development shall be subject to the provisions of this section.
- G. Permitted land uses:
1. Professional office buildings.
 2. Strip commercial developments not exceeding 15,000 square feet in gross floor area.

3. Planned Unit Developments not exceeding five acres.
4. Multi-family developments not exceeding 12 units per acre. (Ord. No. 03-5, Sec. 24, Feb. 17, 2003.)

CHAPTER 14.24

SUPPLEMENTAL REGULATIONS

Sections:

- | | |
|----------|---|
| 14.24.01 | Height |
| 14.24.02 | Area |
| 14.24.03 | Front yard |
| 14.24.04 | Side yard |
| 14.24.05 | Large retail development – landscaping requirements |

14.24.01 Height

- A. Public, semi-public or public service building, hospitals, institutions or schools, when permitted in a district, may be erected to a height not exceeding 60 feet, and churches and temples may be erected to a height not exceeding 75 feet if the building is set back from each yard line at least one foot for each two feet of additional building height above the height limit otherwise provided in the district in which the building is located.
- B. Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, stack, stage towers, or scenery lofts, tanks, water towers, ornamental towers and spires, church steeples, or necessary mechanical appurtenances may be erected to a height in accordance with this title.
- C. The maximum height of radio towers in Commercial Highway (C-H), Commercial Business District (CBD), Commercial Planned Development (C-PD), Light Industrial (I-L), Heavy Industrial (I-H) and Industrial Planned District (I-PD) zoning districts is established at 175 feet provided the towers comply with the requirements stated below:
 1. Any tower in excess of 100 feet in height shall have a red or white blinking light on top of the tower and shall comply with all requirements, rules and regulations of the Federal Aeronautics Association concerning lighting and structural requirements.

2. All other radio towers located within the city shall not exceed a maximum height of 100 feet.
3. No radio tower shall be erected until a permit has been obtained from the Building Official.
4. This section shall not apply to commercial radio or television towers which are regulated by the Federal Communications Commission. (Ord. No. A-445, Sec. 1, Aug. 15, 1983; Ord. No. A-539, Sec. 1, Jan. 25, 1993; Ord. No. A-552, Sec. 1, Nov. 22, 1993.)

14.24.02 Area

- A. Hospitals, clinics and institutions, including educational, religious and philanthropic institution buildings, shall not occupy over 40 percent of the total area of the lot and will not have any serious and depreciating effect upon the value of the surrounding property; provided that the buildings shall be set back from all yard lines a distance of not less than two feet for each foot of building height and that adequate off-street parking space will be provided.
- B. If a lot is to be occupied by a group of two or more related buildings to be used for residential, institutional or hotel purposes, there may be more than one main building on the lot; provided, however, that open space between buildings that are parallel or within 45 degrees of being parallel, shall have a minimum dimension of 30 feet for one-story buildings, 60 feet for two-story building, and 70 feet for 2 ½ story buildings.
- C. Where an open space is more than 50 percent surrounded by a building, the minimum width of the open space shall be at least 30 feet for one story buildings, 60 feet for two-story buildings, and 70 feet for 2 ½ story buildings. (Ord. No. A-445, Sec. 1, Aug. 15, 1983.)

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

- A. Where 40 percent or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have observed (with a variation of five feet or less) a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the front yard so established by the existing buildings.
- B. Where 40 percent or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have not observed a front yard as described above, then:

1. Where a building is to be erected on a parcel of land that is within 100 feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent buildings on the two sides; or
2. Where a building is to be erected on a parcel of land that is within 100 feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building. (Ord. No. A-445, Sec. 1, Aug. 15, 1983.)

14.24.04 Side yard The City Council may, upon petition, authorize the issuance of a special permit to the owner of a single-family dwelling, existing before September 19, 1949, and situated on a lot bordered by two intersecting streets, to extend the single-family dwelling, for that purpose only, to within ten feet of the property line in the side yard adjacent to the street intersecting the street upon which the dwelling is fronted. Provided, however:

- A. No more than one house shall be located facing the side street (which is the street in the direction of which the proposed extension is to be made) in an area bordered by the street on which applicant's dwelling is fronted and the next parallel street to the rear thereof, the adjacent side street line on the one side and the applicant's opposite property line on the other.
- B. This authority shall be confined to R Residential Districts.
- C. No interference with the right of enjoyment of property or the diminution in property values shall be occasioned to any other property owner by the issuance of such permit.
- D. Notice by registered or certified mail shall be given by the City Clerk/Treasurer to any property owner directly affected by the issuance of such permit and to such other property owners as the City Council may direct at least 20 days prior to the date of a public hearing.
- E. The need for such extension for family purposes shall be established by the applicant to the satisfaction of the City Council.
- F. The Building Official and Board of Adjustment are without authority to issue such permit and such lack of authority shall be certified by the City Attorney and attached to the applicant's petition.

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

For the purpose of the side yard regulations, a two-family dwelling shall be considered as one building occupying one lot. (Ord. No. A-445, Sec. 1, Aug. 15, 1983.)

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

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

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

- B. All parking lots shall have one (1) tree per ten (10) parking spaces. Trees shall be placed uniformly within the parking lot or in islands within the lot providing a minimum of twenty-five (25) square feet of unpaved area per tree. Parking lots shall be set back a minimum of five feet (5') from any side property line.
- C. Landscaping shall be required which is sufficient to provide soil stability and promote suitable drainage. Tree species planted should be consistent with other species present, preferably native. Trees shall be one and one-half inches (1 ½) caliper at planting with an expected height of sixty feet (60') or more at maturity. Species selection shall be at the discretion of the developer, but if root or branching habits of plant material should be a nuisance (e.g., roots breaking through the sidewalk, messy fruit, etc.) plant materials shall be replaced at the owner's expense.

"Caliper" is defined as the diameter of a plant trunk measured six inches above grade. (Used only on plants six inches or less).

- D. Landscaping plans must be approved by the Planning Commission prior to issuance of a building permit. (Ord. No. 2003-5, Sec. 25, Feb. 17, 2003.)

CHAPTER 14.28

PARKING AND LOADING

Sections:

- 14.28.01 Off-street parking requirements
- 14.28.02 Off-street loading requirements

14.28.01 Off-street parking requirements

- A. Except as otherwise provided in this chapter, when any building or structure is hereafter erected, structurally altered, or converted, accessory off-street parking spaces shall be provided as listed below. All parking required by this ordinance shall be paved, and approved by the Building Official. (Ord. No. 2003-5, Sec. 26, Feb. 17, 2003.)

Use or use category

Off-street parking spaces required

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

Funeral home	1 per 50 square feet of floor area excluding storage and work area, 30 spaces minimum
Restaurant or other establishment for consumption of food or beverages inside a building on the premises	1 per 100 square feet of floor area, 3 spaces minimum
Retail store or personal service establishment and banks	1 per 200 square feet of floor area; retail food stores over 4,000 square feet; 1 per 150 square feet of floor area
Automobile service station	3 for each service bay; 3 spaces minimum
Showrooms such as machinery equipment and automobile and boat sales and service	1 per 300 square feet of floor area; 2 spaces minimum. Automobile sales and service 10 spaces minimum
Auditorium, theater, gymnasium, stadium, arena, or convention hall	1 per 4 seats or seating spaces
Bowling alley	5 per lane
Amusement place, dance hall, skating rink, swimming pool, discotheque or exhibition hall without fixed seats.	1 per 100 square feet of floor area
General service or repair establishment; printing publishing, plumbing, or heating	1 per 1 employee on premises, plus 1 per 1,000 square feet of floor area
Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, wholesale, or similar establishment	1 per 2 employees on maximum working shift plus space for storage of trucks or other vehicles used in connection with the business or industry
When determining the required parking spaces for mixed uses.	1 per 200 square feet of floor area

B. Interpretation of specific requirements.

1. The parking requirements in this section do not limit other parking requirements contained in the district regulations.
2. The parking requirements in this section do not limit special requirements which may be imposed through site plan review or approval of planned developments.
3. Where fractional spaces result the parking spaces required shall be construed to be the next highest whole number.
4. Except as otherwise provided, the number of employees shall be compiled on the basis of the maximum number of persons employed on the premises at one time on an average day or average night, whichever is greater. Seasonal variations in employment may be recognized in determining an average day.

5. The parking space requirements for a use not specifically listed in the chart shall be the same as for a listed use of similar characteristics of parking demand generation.
6. Whenever a building or use constructed or established after Aug. 15, 1983, is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise to create a need for an increase of ten percent or more in the number of parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to Aug. 15, 1983, is enlarged to the extent of 50 percent or more in floor area or in the area used, the building or use shall then and thereafter comply with the parking requirements of the district in which it is located.

C. All parking spaces required in this section shall be located as follows:

1. The parking spaces required for residential buildings or uses shall be located on the same lot with the building or use served. The parking spaces required for any other building or use may be located on an area within 300 feet of the building and two or more owners of buildings may join together in providing the required parking spaces. Where the required parking spaces are not located on the same lot with the building or use served, the usage of the lot or tract upon which the parking spaces are provided shall be restricted by an instrument of record describing the premises for which the parking is provided and assuring the retention of such parking so long as required by this chapter.
2. No parking spaces may be located in a front yard in any R residential district.

D. Design standards

1. For the purpose of these regulations, an off-street parking space is an all-weather surfaced area, either asphalt, concrete, or other material approved by the Planning Commission not in a street or alley and having an area of not less than 180 square feet, exclusive of driveways, permanently reserved for the temporary storage of one vehicle and connected with a street or alley by a paved driveway which affords ingress and egress for an automobile without requiring another automobile to be moved.
2. Off-street parking facilities shall be drained to eliminate standing water, prevent damage to abutting property, public streets, and/or alleys, and surfaced with erosion resistant material in accordance with applicable city

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

3. Location and design of entrances and exits shall be in accordance with the requirements of applicable regulations and standards for access and egress to any public right-of-way and shall occur only in locations approved by the city.
4. Adequate lighting shall be provided if off-street parking spaces are to be used at night. The lighting shall be arranged, installed, and the light source shielded in the manner required by the ordinances and approved by the Building Official of the city.
5. In parking areas of one-half acre or more in the R-M multi-family residential, or commercial districts there shall be one shade tree planted for each 2,500 square feet of parking area. Such trees at time of planting shall have a trunk diameter not less than three inches. Trees acceptable for compliance under this section include but are not limited to such long lived deciduous trees as oak, maple, sycamore, linden, pecan and beech. (Ord. No. A-445, Sec. 1, Aug. 15, 1983.)

14.28.02 Off-street loading requirements

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

Use or use category	Floor area in sq. ft.	Loading spaces required
Retail store, department store,	2,000 – 10,000	1
restaurant, wholesale house,	10,000 – 20,000	2
warehouse, general service,	20,000 – 40,000	3
manufacturing, or industrial	40,000 – 60,000	4
	Each 50,000 over 60,000	1 additional
Apartment building, offices or	5,000 – 10,000	1
office building, or places of	10,000 – 100,000	2
public assembly	100,000 – 200,000	3
	Each 100,000 over 200,000	1 additional

Funeral home or mortuary	2,500 – 4,000	1
	4,000 – 6,000	2
	Each 10,000 over 6,000	1 additional

B. Interpretation of specific requirements

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

C. Design standards

1. For the purpose of these regulations, a loading space is a space within the main building or on the same lot, providing for the standing, loading, or unloading of trucks, having minimum area of 540 square feet, minimum width of 12 feet, a minimum depth of 35 feet, and a vertical clearance of at least 15 feet.
2. Off-street loading facilities shall be drained to eliminate standing water, prevent damage to abutting property, public streets, and/or alleys and surfaced with corrosion-resistant material in accordance with applicable city specifications. Off-street loading areas shall be maintained in a clean, orderly and dust-free condition at the expense of the owner or lessee and not used for the sale, repair, dismantling or servicing of any vehicles, equipment, materials or supplies. (Ord. No. A-445, Sec. 1, Aug. 15, 1983.)

CHAPTER 14.32

SIGNS

Sections:

14.32.01	Definitions
14.32.02	Purpose
14.32.03	Scope
14.32.04	Regulations
14.32.05	Regulations for each sign
14.32.06	Prohibited signs
14.32.07	Administration and enforcement
14.32.08	Right of review
14.32.09	Non-conforming signs
14.32.10	Violations

14.32.01 Definitions

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

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

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

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

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

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

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

Non-conforming sign means a sign which does not conform to the provisions of this division.

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

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

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

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

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

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

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

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

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

Temporary signs means those signs listed in 14.32.05(e).
(Ord. No. A-445, Sec. 1, Aug. 15, 1983.)

14.32.02 Purpose It is a purpose of this division to establish effective sign regulations which recognize the public as well as private interest and investment in our environment and to regulate the size, use and location of signs; prohibit unsafe and undesirable signs; require removal of abandoned and non-conforming signs and to promote and protect the health, safety, welfare and convenience and enjoyment of the city for its residents and visitors. (Ord. No. A-445, Sec. 1, Aug. 15, 1983.)

14.32.03 Scope This division applies to all signs in the city except traffic control signs erected by governmental agencies. Other signs erected by local, state and federal governmental agencies are subject to the provision of this division as are all other signs. (Ord. No. A-445, Sec. 1, Aug. 15, 1983.)

14.32.04 Regulations Permitted signs are subject to all other applicable provision of this division. (Ord. No. A-445, Sec. 1, Aug. 15, 1983.)

14.32.05 Regulations for each sign

A. On-premises signs

1. Maximum gross surface area:
 - a. AG Zoning District
 - (1) Building-mounted signs: Sign area shall not exceed one square foot area for each linear foot of building frontage facing the front yard.
 - (2) Ground-mounted signs: Sign area for each face of a ground-mounted sign shall not exceed a total of 50 square feet per face or a total of 100 square feet for all faces.
 - b. CBD Zoning District
 - (1) Building-mounted signs: Sign area shall not exceed three square feet area for each linear foot of building frontage facing the front yard.
 - (2) Ground-mounted signs: Sign area for each face of a ground-mounted sign shall not exceed a total of 100 square feet per face or a total of 200 square feet for all faces
 - c. C-H, I-L, and K-H Zoning Districts
 - (1) Building-mounted signs: Sign area shall not exceed four square feet of area for each linear foot of building frontage.
 - (2) Ground-mounted signs: Sign area for each face of a ground-mounted sign shall not exceed a total of 200 square feet per face or a total of 400 square feet for all faces

- d. C-PD and I-PD Zoning Districts
 - (1) Building mounted signs: Sign area shall not exceed four square feet in area for each linear foot of building frontage.
 - (2) Ground—mounted signs: Sign area for each face of a ground-mounted sign shall not exceed a total of 50 square feet per face or a total of 100 square feet for all faces.
- e. R-M Zoning District
 - (1) Building-mounted signs: Sign area shall not exceed one square foot area for each linear foot of the largest building located on the premises.
 - (2) Ground-mounted signs: Sign area for each face of a ground-mounted sign shall not exceed a total of 32 square feet per face or a total of 64 square feet for all faces
- f. C-N Zoning District
 - (1) Building-mounted signs: Sign area shall not exceed one square foot area for each linear foot of building frontage facing the front yard.
 - (2) Ground-mounted signs: Sign area for each face of a ground-mounted sign shall not exceed a total of 50 square feet per face or a total of 100 square feet for all faces

2. Maximum height

- a. Building-mounted signs: Maximum height of any building-mounted sign shall be the height of the building upon which the sign is attached.
- b. Ground-mounted signs: Maximum height of any ground-mounted signs shall be 35 feet above the ground level.

3. Required setback:

- a. Building-mounted signs shall be within the building setback line required by the zoning district in which the sign is located.
- b. Ground-mounted signs shall be at least ten feet distance from any lot line.

4. Illumination: direct or indirect illumination allowed
5. Number permitted:
 - a. AG Zoning District
 - (1) Building-mounted signs: The number of building-mounted signs is not limited except by the total sign area of all building-mounted signs as specified above.
 - (2) Ground-mounted signs: The number of ground-mounted signs shall not exceed one per 400 feet of property frontage or one per lot or tract of land.
 - b. C-N Zoning District
 - (1) Building –mounted signs: The number of building-mounted signs is not limited except by the total sign areas of all building-mounted signs as specified above.
 - c. C-H, CBD, C-PD, I-L, I-H, I-PD Zoning Districts
 - (1) Building-mounted signs: The number of building-mounted signs is not limited except by the total sign area of all building-mounted signs as specified above.
 - (2) Ground-mounted signs: The number of ground-mounted signs shall not exceed one per 200 feet of property frontage or one per lot or tract of land.
- B. Bulletin board signs.
 1. Maximum gross surface area: 32 square feet per side or a total of 64 square feet for all sides.
 2. Maximum height: 15 feet above ground level.
 3. Required setback: at least five feet distance from any lot line.
 4. Illumination: Direct or indirect illumination is allowed.
- C. Public service signs shall meet the same requirements as an on-premises sign.
- D. Home occupation signs shall be allowed in accordance with 14.36.07.

- E. The following are considered temporary signs and shall be subject to the following requirements:
1. One construction sign shall be permitted for each street that the property fronts on. Construction signs may be erected at such time as the building permit for the building being constructed is obtained. The signs are allowed as long as construction is underway but shall be removed within ten days after completion of the building.
 2. Political campaign signs can be erected up to 60 days prior to the actual election date and shall be removed within ten days after the election or run-off election.
 3. One real estate sign per lot or building premise shall be permitted.
 4. Signs used in celebrating holidays or announcing functions of non-profit organizations are excepted from the area and location requirements of this section provided they are removed within ten days after the event being celebrated or advertised.
 5. Trailer or other portable signs which are normally used for commercial advertising are permitted subject to the following restrictions:
 - a. Such signs shall only be located in the C-H, CBD, C-N, I-L, and I-H Zoning Districts and then only if they comply with the standards set out in the following subsections.
 - b. The lighted panel of such signs shall not exceed 65 square feet.
 - c. They shall not be located on the street right-of-way.
 - d. No such sign shall have an oscillating, rotating, or flashing light or create a traffic hazard.
 - e. Such signs may be located in or upon such lands at any time, and for any length of time.
 - f. The permit fee for such sign shall be Two Dollars (\$2.00). The street address of the property and a freehand sketch of the premises upon which such sign is to be placed with its approximate location will be the only information necessary to be filed with the application for a permit. No additional fee or permit shall be required when the same sign owner locates a trailer sign on the same premises for less than 60 calendar days in any one calendar

year (60 days do not have to be consecutive) provided the sign is located at the same location on the premises and the sign owner has filed with the Building Official a plat and written statement reflecting the location of the sign on the premises.

6. The city may permit the location of waste receptacle and bench signs from time to time and under such rules and regulations as the city may adopt for the location of such signs on city premises.
- F. Off-premises signs shall be permitted in the city under the following terms, limitations and specific conditions:
1. The sign shall not exceed 18 feet in width by 24 feet in height.
 2. The sign shall contain a maximum of 12 individual signs, per side, listing the name and address of businesses and industries located in the adjacent industrial park. Each individual sign shall not exceed a maximum of four feet in height and eight feet in width and a minimum of two feet in height and eight feet in width. Individual signs shall be permitted on both sides of the sign. Only businesses or industries located in the adjacent light industrial district or heavy industrial district shall be permitted to advertise on the sign.
 3. Only one sign shall be permitted for each industrial park.
 4. The sign shall not be directly or indirectly illuminated.
 5. The only information permitted on the sign shall be the name and address of the industrial park and the name and address of each business or industry located in the industrial park and an arrow pointing in the direction of the business.
 6. Off-premises signs shall not be located on any part of the street right-of-way of any city street in the city.
 7. Off-premises signs shall be located either
 - a. on property which is zoned and used as I-H (Heavy Industrial) Zoning Districts;
 - b. within 700 feet of an industrial park which is zoned I-L (Light Industrial) and the sign shall be located on property which is zoned C-H (Highway Commercial) and only if the sign complies with all of the requirements.

8. The purpose of permitting the above exception to location of off-premises signs in the city is deemed necessary in order to provide directions to out-of-town and out-of-state drivers who pick up and deliver goods and materials to those industrial parks which are not readily identifiable from the highway. (Ord. No. A-445, Sec. 1, Aug. 15, 1983; Ord. No. A-456, Secs. 1-2, Jan. 21, 1985; Ord. No. A-489, Secs. 1-2, May 16, 1988; Ord. No. A-506, Sec. 1, Nov. 20, 1989; Ord. No. A-509, Sec. 1, Mar. 19, 1990; Ord. No. A-553, Sec. 1, Dec. 20, 1993; Ord. No. A-560, Secs. 1-3, July 18, 1994; Ord. No. A-563, Sec. 1, Aug. 15, 1994; Ord. No. A-600, Secs. 1-2, Aug. 19, 1996; Ord. No. A-629, Sec. 1, Oct. 19, 1998.)

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

- A. No sign shall be written on or affixed to fences or utility poles.
- B. No sign shall be affixed to trees.
- C. There shall be no flashing, rotating, or oscillating lights located within 100 feet of the right-of-way of any street or public thoroughfare.
- D. No sign shall be permitted which by reason of size, shape, content, coloring, location, or manner of illumination interferes with driver visibility of any traffic control or emergency device or sign, or which otherwise creates any traffic hazard.
- E. No sign shall be placed on, in or over any private property without the consent of the property owner nor shall any sign be placed on, in or over any public property including the public right-of-way without the written consent of the city except as specifically provided by ordinance.
- F. Off-premises signs are prohibited except as provided.
- G. Signs not permanently attached to the ground or a building are prohibited, except for temporary signs. (Ord. No. A-445, Sec. 1, Aug. 15, 1983; Ord. No. A-553, Sec. 2, Dec. 20, 1993.)

14.32.07 Administration and enforcement The responsibility for the implementation and enforcement of this division is vested in the office of the Building Official.

- A. No sign other than temporary signs shall be erected, relocated, or otherwise altered in height or size without securing an appropriate permit from the Building Official. Any sign so erected shall be removed at the owner's expense.

- B. A permit shall be required for construction of all permanent signs or alteration of existing permanent signs. Each person desiring to construct or alter a sign shall file a written application with the Building Official's office on forms to be provided by the Building Official. The application shall state the address where the sign is to be located, the size of the sign, the exact location of the sign and such other information as the Building Official shall determine to be desirable in the enforcement of the provisions of this division.
- C. A fee shall be charged for the issuance of each permanent sign permit in accordance with the schedule set forth in the city's Building Code. (Ord. No. A-445, Sec. 1, Aug. 15, 1983.)

14.32.08 Right of review Any interested person or any officer of the city affected by a decision of the Building Official in granting or failing to grant a sign permit shall be entitled to pursue the appeal procedure set forth and the Board of Adjustment is granted the same powers, duties and authorities with respect to appeals from this division, as it has with respect to appeals from zoning matters. (Ord. No. A-445, Sec. 1, Aug. 15, 1983.)

14.32.09 Non-conforming signs All permanent non-conforming signs which are in existence on Aug. 15, 1983 shall be permitted to remain on the premises but they shall not be altered or replaced without complying with all requirements of this division. (Ord. No. A-445, Sec. 1, Aug. 15, 1983.)

14.32.10 Violations Any person violating this division shall be guilty of a misdemeanor and upon conviction shall be fined not less than Ten Dollars (\$10.00) and not more than One Hundred Dollars (\$100.00). (Ord. No. A-445, Sec. 1, Aug. 15, 1983.)

CHAPTER 14.36

ACCESSORY STRUCTURES AND USES

Sections:

- 14.36.01 Authorization
- 14.36.02 Particular uses
- 14.36.03 Prohibited accessory structures and uses
- 14.36.04 Bulk and location regulations
- 14.36.05 Use limitations
- 14.36.06 Self-storage
- 14.36.07 Home occupations

14.36.01 Authorization Accessory structures and uses are permitted in any zoning district in connection with any lawfully existing principal structure and use. (Ord. No. A-445, Sec. 1, Aug. 15, 1983.)

14.36.02 Particular uses Accessory structures and uses include, but are not limited to, the following, provided, however, that each structure or use shall comply with the standards and requirements:

- A. Private residential garages and carports.
- B. A structure for storage incidental to a permitted use shall be subject to the following restrictions: The accessory building shall not exceed, in total square footage, an amount representing more than 30 percent of the total rear yard, 25 percent of the heated and cooled floor area of the main structure, or 800 square feet, whichever is smaller. Materials and colors of accessory buildings will be consistent with the main building and/or other residences within 200 feet of the subject property. More than one accessory building may be constructed on a residential lot if the combined specifications do not exceed the foregoing restrictions. The Board of Adjustment may authorize larger accessory buildings when conditions unique to an individual lot would justify a larger building, without violating the intent of either the Comprehensive Plan or the Zoning Code. (Ord. No. 03-21, Sec. 1, Oct. 20, 2003.)
- C. Tennis courts, lighted or unlighted, accessory to a residential building and limited to use by the occupants thereof and their guests.
- D. A private swimming pool and bathhouse accessory to a residential building and limited to use by the occupants thereof and their guests; provided that such swimming pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access to such swimming pool from the street or from adjacent properties. Such swimming pool shall not be located in any required front or side yard.
- E. Fences, walls and hedges.
- F. Outdoor storage of not more than two boats and boat trailers and not more than one camping trailer or recreational vehicle per dwelling unit. Only one boat and trailer, camping trailer or recreational vehicle may be located in the front yard. No boat, camping trailer, recreational vehicle or other vehicle may be used for living, sleeping or housekeeping purposes.
- G. Radio and television antennas subject to the height restrictions of the district in which they are located; provided, however, that dish (satellite) type antennas shall only be located in the rear yard and shall be required to comply with all setback

requirements for an accessory building or structure in the district in which it is located.

- H. Off-street parking subject to 14.28.01.
- I. Signs subject to the provisions of Chapter 14.32.
(Ord. No. A-445, Sec. 1, Aug. 15, 1983; Ord. No. A-487, Sec. 1, Nov. 16, 1987.)

14.36.03 Prohibited accessory structures and uses Outdoor storage is prohibited, except as expressly permitted. (Ord. No. A-445, Sec. 1, Aug. 15, 1983.)

14.36.04 Bulk and location regulations Accessory structures and uses, except parking, parking areas and lots and signs, shall be subject to the following bulk and location regulations:

- A. In all residential districts, detached accessory structures and uses, except fences, walls, and hedges, shall be located in the rear yard, not less than 60 feet from the front line, not less than ten feet from the principal structure on the zoning lot, and not less than five feet from any side and rear lot lines.
- B. In all residential districts attached accessory structures and uses shall maintain the same front yard as required for the principal structure, shall project no more than ten feet from the principal structure into the required rear yard and may be located no closer than five feet to any side lot line.
- C. No accessory structure or use in any residential district shall occupy more than 30 percent of the required rear yard.
- D. No accessory structure shall exceed the height limitations of the district in which such structure is located.
- E. In commercial and industrial districts accessory structures and uses, except fences, walls, and hedges, shall maintain the same front, side, and rear yard as is required for the principal structure, shall be no closer than ten feet to any other accessory structures on a zoning lot, and detached accessory uses and structures shall be no closer than ten feet to the principal structure on a zoning lot.
- F. On corner lots no accessory structure or use nor planting of any type extending more than three feet above curb level shall be established or maintained within the area of the vision triangle. See 14.52.04.
- G. Regulations regarding fences shall be as follows:
 - 1. No fence more than six feet high shall be erected in any zoning district within the city except in Heavy Industrial (I-H), Light Industrial (I-L) or

Planned Industrial District (I-PD). A fence more than six feet high but less than eight feet high may be located in either an I-L, I-H or I-PD District unless the property on which the fence is to be located abuts, is adjacent to or is contiguous to any district in which a residential structure may be constructed, in which event no fence more than six feet high may be located on that property. For purposes of this section, property will be considered to abut, be adjacent to or contiguous to residential property if it is only separated from that property by an alley.

2. No fence more than 30 percent opaque or more than three feet high may be located within 35 feet of a street intersection. (Ord. No. 03-5, Sec. 28, Feb. 17, 2003.)
3. Fences six feet high or less may only be erected on those parts of a lot that are at least as far back from the street as the rear of the main building, provided, however, fences six feet high or less may be located closer to the side street than the rear of the main building if all of the following requirements are met:
 - a. The fence is located on a corner lot;
 - b. The house on the lot where the fence is to be erected faces the opposite direction from the house that is located on the lot immediately to its rear, or the lot on which the fence is to be erected abuts to commercially zoned property;
 - c. The fence does not extend beyond the rear wall of the main building toward the street that the house faces;
 - d. The fence is located at least 17 feet from the back of curb, if the street has curbs and gutters, or at least 17 feet from the edge of the paved street, if the street has no curbs and gutters. For purposes of this section, side street is defined as the street on which the corner lot abuts but the house does not face; and
 - e. The fence does not extend beyond the property owner's lot line and does not encroach on any existing sidewalk.
4. Except as otherwise provided, fences less than four feet high may be located on any part of a lot provided that the fence does not encroach on the street right-of-way or public sidewalk.
5. All fences located in the city on March 28, 1995, which are not in compliance with the terms, conditions and restrictions contained in this

subsection, are "grandfathered" in and shall be considered a non-conforming use. A list of those fences by street address is attached to Ord. No. A-574 as Exhibit A and incorporated herein. Provided, however, if any non-conforming use fence is dismantled, torn down, demolished or destroyed, either voluntarily or involuntarily, the owner of that property shall not rebuild the fence until the owner obtains a building permit from the city Building Official, and the new fence shall only be constructed in strict compliance with the terms, conditions and restrictions of this subsection. For purposes of this subsection, if 50 percent or more of the fence is being replaced or rebuilt, the property owner shall obtain a building permit and construct the fence in accordance with the terms, conditions and restrictions of this subsection. (Ord. No. A-445, Sec. 1, August 15, 1983; Ord. No. A-574, Sec. 1, Mar. 28, 1995.)

14.36.05 Use limitations

- A. All accessory structures and uses shall comply with the use limitations applicable in the zoning district in which they are located.
- B. No accessory structure or use shall be constructed or established on any lot prior to the time of the substantial completion of the construction of the principal structure to which it is accessory. (Ord. No. A-445, Sec. 1, Aug. 15, 1983.)

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

- A. Storage of flammable or hazardous chemicals or explosives;
- B. Auctions, commercial, wholesale, or retail sales, or miscellaneous or garage sales;
- C. The servicing, repairing, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment;
- D. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment;
- E. The establishment of a transfer and storage business; or
- F. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations. (Ord. No. 03-5, Sec. 38, Feb. 17, 2003.)

14.36.07 Home occupations Home occupations shall conform to the following:

- A. No sign shall be used, other than a nameplate not more than one square foot in area;

- B. No display shall be used that will indicate from the exterior that the building is being utilized, in part, for any purpose other than that of a dwelling;
- C. No commodity shall be sold upon the premises, which is not prepared on the premises;
- D. No person shall be employed other than a member of the immediate family residing on the premises;
- E. No mechanical equipment shall be used except of a type that is similar in character to that normally used for purely domestic or household purposes. Equipment, which is purchased and designed for and used primarily as equipment in the pursuit of a hobby, shall be considered as used for purely domestic or household purposes, unless such equipment shall be used to produce and sell products regularly, as compared to occasionally, of any description, or in connection with the sale of the services of an operator of such equipment. The presence on the premises of less than two of any particular units of such mechanical equipment shall not alone be deemed to constitute equipment of a type other than normally used for purely domestic or household purposes;
- F. Non-offensive home occupations that do not create disturbing noise, traffic and parking problems, or unsightly open storage, such as a beauty shop, a barbershop, a ceramic shop, a photography studio, etc., are generally allowed. However, activities such as auto repair, which produce disturbing noise, traffic and parking problems, or unsightly open storage, that would disturb the surrounding residents shall not be permitted as home occupations;
- G. Home occupations shall include the use of premises by a physician, surgeon, dentist, lawyer, clergyman, or other professional person for consultation or emergency treatment, but not for the general practice of his profession; and
- H. Any person desiring to use premises in a residential zone shall, before making such use of the premises, make application for and obtain from the City Clerk/Treasurer a special home occupation tax license, authorizing the conduct of such business. The amount of the tax to be paid shall be the same amount outlined in the Crossett Code for such business. Before issuance of such license, the City Clerk/Treasurer shall submit the application to the Building Official, who shall inspect the proposed premises to determine whether the issuance of such special home occupation license will authorize a use of premises in violation of any of the provisions of this chapter. The Building Official shall furnish to the City Clerk/Treasurer and to the applicant a written report of his findings and conclusions. Any use of premises for a home occupation, without first obtaining such special home occupation license, shall not be deemed a home occupation, within this definition, but instead shall be deemed a use of the premises contrary

to the provisions of this chapter and constitute a violation of this chapter, and shall be punishable as provided in this chapter. The use of such premises contrary to this chapter may be enjoined or otherwise prohibited as provided by other provisions of this chapter. (Ord. No. 03-5, Sec. 39, Feb. 17, 2003.)

CHAPTER 14.40

PLANNED UNIT DEVELOPMENT

Sections:

- 14.40.01 Purpose
- 14.40.02 General standards and criteria
- 14.40.03 Specific standards and criteria
- 14.40.04 Standards for planned Commercial or Industrial Developments
- 14.40.05 Additional use regulations

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

- A. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development plan.
- B. Provision of a transition from an intensely developed area to an area developed at a lower density. Transition could be from commercial to residential, industrial to residential, high density residential to low density residential, or other similar transitional locations.
- C. Diversification in the uses permitted and variation in the relationship of uses, structures, and open space in developments intended as cohesive, unified projects.
- D. Functional and beneficial uses of open space areas.

- E. Preservation of natural features of a development site and good environmental design in the development of land.
- F. Rational and economic development in relation to public services.
- G. Efficient and effective traffic circulation, both within and adjacent to the development site.
- H. Creation of a variety of housing compatible with surrounding neighborhoods to provide a greater choice of types of environment and living units.
- I. Revitalization of established commercial areas in order to encourage the rehabilitation of such areas to meet current market preferences.
- J. Provision of attractive and appropriate locations for business and manufacturing uses in landscaped, well-designed buildings. (Ord. No. A-445, Sec. 1, Aug. 15, 1983.)

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

- A. The proposed development will not substantially injure or damage the use, value, and enjoyment of surrounding property nor hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the city.
- B. An approved water supply, community wastewater treatment and disposal, and stormwater drainage facilities that are adequate to serve the proposed development have been or shall be provided.
- C. The location and arrangement of the structures, parking areas, walks, lighting, and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for structures, parking and loading areas or access ways shall be landscaped or otherwise improved except where natural features are such as to justify preservation.
- D. Any notification of the zoning or other regulations that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein and are not inconsistent with the public interest.
- E. Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common community facilities. (Ord. No. A-445, Sec. 1, Aug. 15, 1983.)

14.40.03 Specific standards and criteria In addition to the standards and criteria set forth, Planned Residential Developments shall comply with the following standards and criteria:

- A. Common open space may be provided as a condition to the approval of a Planned Residential Development. No open area may be delineated or accepted as common open space under the provisions of this section unless it meets the following standards:
1. Common open space must be usable for recreational purposes or must provide visual, aesthetic, and environmental amenities. The uses authorized for the common open space must be appropriate to the scale and character of the Planned Residential Development, considering its size, density, expected population, topography, and the number and type of dwellings to be provided.
 2. Common open space must be suitably improved for its intended use, but open space containing natural features worthy of preservation may be left unimproved. Any buildings, structures and improvements to be located in the common open space must be appropriate to the uses which are authorized therefore, and must conserve and enhance the amenities of the common open space having regard to its topography and the intended function of the common open space.
 3. The development schedule which is part of the plan must coordinate the improvement of the common open space, the construction of the building, structures, and improvements in the common open space, the construction of public improvements, and the construction of residential dwellings in a Planned Residential Development, but in no event shall occupancy permits for any phase of the final development plan be issued unless and until the open space which is part of that phase has been dedicated or conveyed and improved.
 4. No common open space of a Planned Residential Development shall be conveyed or dedicated by the developer or any other person to any public body, homeowners association, or other responsible party unless the Planning Commission has determined that the character and quality of the tract to be conveyed makes it suitable for the purpose for which it is intended. The Planning Commission shall give consideration to the size and character of the dwellings to be constructed within the Planned Residential Development, topography, existing trees, ground cover, other natural features, the manner in which the open space is to be improved and maintained for recreational or amenity purposes, and the existence of public parks or other public recreational facilities in the vicinity.

5. All land shown on the plan as common open space must be either:
 - a. Conveyed to a public body, if the public body agrees to accept conveyance and to maintain the common open space and any building, structures, or improvements which have been placed on it; or
 - b. Conveyed to a homeowners association or some party responsible for maintaining common buildings, areas and land within the Planned Residential Development. The common open space must be conveyed subject to covenants. The Planning Commission shall approve only those provisions of the covenants which restrict the common open space to the uses specified on the plan and which provide for the maintenance of the common open space in a manner which assures its maintenance for its intended purpose.
- B. All proposed streets, alleys and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic of the Planned Residential Development but may be designed so as to discourage outside through traffic from traversing the development. The location of the entrance points of the streets, alleys, and driveways upon existing public roadways shall be subject to the approval of the Planning Commission.
- C. Off-street parking shall be conveniently accessible to all dwelling units and other uses. Where appropriate, common driveways, parking areas, walks and steps may be provided, maintained and lighted for night use. Screening of parking and service areas shall be required through ample use of trees, shrubs, hedges and screening walls.
- D. The pedestrian circulation system and its related walkways shall be insulated as completely as possible from the vehicular street system in order to provide separation of pedestrian and vehicular movement.
- E. The Planned Residential Development shall provide reasonable visual and acoustical privacy for dwelling units within and adjacent to the Planned Residential Development. Protection and enhancement of property and the privacy of its occupants may be provided by the screening of objectionable views or uses and reduction of noise through the use of fences, insulation, natural foliage, berms and landscaped barriers. (Ord. No. A-445, Sec. 1, Aug. 15, 1983.)

14.40.04 Standards for Planned Commercial or Industrial Developments In addition to the applicable standards and criteria, Planned Commercial or Industrial Developments shall comply with the following standards:

- A. Except for hotels and motels no buildings shall be designed, constructed, structurally altered, or used for dwelling purposes except to provide, within permitted buildings, facilities for a custodian, caretaker or watchman employed on the premises.
- B. When structures or uses in a Planned Commercial or Industrial Development abut a Residential District, sightproof screening may be required.
- C. All business, manufacturing and processing shall be conducted, and all merchandise and materials shall be displayed and stored within a completely enclosed building or within an open area which is completely screened from the view of adjacent properties and public rights-of-way; provided, however, that when gasoline sales are permitted in a Planned Commercial Development, gasoline may be sold from pumps outside of a structure.
- D. The site shall be accessible from public roads that are adequate to carry the anticipated traffic of the proposed major street network in the vicinity and the traffic that will be generated by the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the enterprises located in the proposed development and may be designed to discourage outside through traffic from traversing the development.
- E. Landscaping shall be required to provide screening of objectionable views or uses and the reduction of noise. Highrise buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining low-rise buildings. (Ord. No. A-445, Sec. 1, Aug. 15, 1983.)

14.40.05 Additional use regulations

- A. The regulations set forth in this section qualify or supplement, as the case may be, the regulations appearing elsewhere in this division.
- B. No permit shall be issued or granted for the use of premises or a building for the uses listed below, unless and until there shall be presented to the Building Inspector a certificate from the City Engineer, or the City Sewer Committee certifying that the sewer facilities to which it is proposed to connect are adequate for such use and that the proposed use has been so planned and will be so installed as to not cause damage to the sewer facilities, and no such use shall commence operations until the installation and connection to existing sewer facilities shall have been approved by the City Engineer or City Sewer Committee. The provisions of this subsection shall apply to the following uses:

1. Multi-family
 2. Hotel
 3. Motel
 4. University or college
 5. Hospital or clinic
 6. School
 7. Laundromat
 8. Vehicle wash
 9. Industrial uses
- C. Temporary buildings that are used in conjunction with construction work only may be permitted in any district during the period that the building is being constructed, but such temporary buildings shall be removed upon completion of the construction work.
- D. Where a lot or tract is used for a commercial or industrial purpose, more than one main building may be located upon the lot or tract but only when such buildings conform to all yard requirements around the lot for the district in which the lot or tract is located. (Ord. No. A-445, Sec. 1, Aug. 15, 1983.)

CHAPTER 14.44

AIRPORT ZONING

Sections:

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| 14.44.01 | Definitions |
| 14.44.02 | Establishing hazard area |
| 14.44.03 | Airport reference point |
| 14.44.04 | Airport zones |
| 14.44.05 | Landing strips |
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| 14.44.09 | Height limitations |
| 14.44.10 | Variances |
| 14.44.11 | Permits |
| 14.44.12 | Hazard marking |
| 14.44.13 | Administrative agency |
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14.44.01 Definitions

Airport means Crossett Municipal Airport.

Airport hazard means any structure or tree or use of land which obstructs the air space required for the flight of aircraft in landing or taking off at the airport or is otherwise hazardous to such landing or taking off of aircraft.

Landing strip means the area of the airport used for the landing, takeoff or taxiing of aircraft.

Non-conforming use means any structure, tree or use of land which does not conform to a regulation prescribed in this article or an amendment thereto, as of May 20, 1957.

Structure means any object constructed or installed by man, including but without limitation, buildings, towers, smokestacks and overhead transmission lines.

Tree means any object of natural growth. (Ord. No. 147-B, Sec. 1, May 20, 1957.)

14.44.02 Establishing hazard area For the purposes of this article, an area of land and water within a radius of 11,000 feet of a point described in 14.44.03, and established is declared to be the airport hazard area, and the whole of such area is made subject to this article. (Ord. No. 147-B, Sec. 3, May 20, 1957.)

14.44.03 Airport reference point A point on the centerline of the NE/SW landing strip located 2,406 feet east and 463 feet south of the northwest corner of Sec. 1, Township 18 South, Range 8 West in Egypt District of Ashley County, Arkansas, is hereby established as the airport reference point of the Crossett Municipal Airport hazard area. For purposes of this article the elevation of the reference point is declared to be 181.2 feet MSL. (Ord. No. 147-B, Sec. 4, May 20, 1957.)

14.44.04 Airport zones The airport hazard area is hereby divided into separate zones, as follows: airport approach zones, transitional zones, turning zone and conical surface zone. Such zones are determined by reference to surface areas and by height and use limitations . (Ord. No. 147-B, Sec. 5, May 20, 1957.)

14.44.05 Landing strips For the purpose of fixing and determining the locations and restrictions of surface zones, certain landing areas or strips are hereby designated and declared upon the surface area of the airport, as follows:

- A. The northeast-southwest landing strip being a strip of land 300 feet wide lying adjacent to and 150 feet on each side of a centerline beginning at a point 2,000 feet south 52°07'00" west of the airport reference point and extending north 52°07'00" east a distance of 4,000 feet.

- B. The north-south landing strip being a strip of land 300 feet wide lying adjacent to and 150 feet on each side of a centerline beginning at a point 250 feet north of the airport reference point and extending south a distance of 2,100 feet. (Ord. No. 147-B, Sec. 6, May 20, 1957.)

14.44.06 File On file in the office of the City Clerk/Treasurer, and made a part of this article for limited purposes, is a schematic drawing, exhibit A, relating to Crossett Municipal Airport. Its purpose and use are restricted to verifying the meaning and explaining this article only as to the general plan and principles involved in determining the location and areas of the various zones. It is drawn only to an approximate scale and upon an assumed level of surface elevations, and shall not govern in establishing an exact point or boundary line. (Ord. No. 147-B, Sec. 7, May 20, 1957.)

14.44.07 Turning zone There is hereby established and declared to be a horizontal surface turning zone area which shall be and consist of all the area lying within a radius of 6,000 feet from the airport reference point. The elevation of this turning zone surface shall be 150 feet above the airport reference point, or 331.2 feet MSL. (Ord. No. 147-B, Sec. 8, May 20, 1957.)

14.44.08 Conical surface zone There is hereby established and declared to be a conical surface zone area which shall consist of a circular inclined plane, the inner boundary being a circle whose radius is 6,000 feet measured from the airport reference point and is coincidental with the outer boundary of the turning zone surface area, and whose outer boundary is a circle whose radius is 11,000 feet measured from the airport reference point. The surface of this conical surface zone forms a slope of one foot vertical to 20 feet horizontal measured radially from the airport reference point. The elevation of this conical surface zone varies from 331.2 feet MSL at its inner boundary to 581.2 MSL at its outer boundary. (Ord. No. 147-B, Sec.9, May 20, 1957.)

14.44.09 Height limitations

- A. Except as otherwise provided in this article, no structure shall be erected or altered and no tree shall be allowed to grow in the horizontal surface turning zone area to a height in excess of 331.2 feet MSL; or in the conical surface zone area to a height in excess of 331.2 feet MSL plus one additional foot of height for each 20 foot horizontal distance the structure is removed from the inner boundary of the conical surface zone measured outward and along a radius line whose center is the airport reference point.
- B. Further height limitations are imposed within designated approach zones, adjoining each end of the north-south landing strip such as will provide clear airspaces, the bases of which will be inclined trapezoidal planes, each bounded and described as follows:

A fixed length boundary, called line "A", being a straight line extending 150 feet on each side of the longitudinal centerline of the landing strip and at right angles to such centerline, being a level line at the same elevation as the landing strip centerline at the corresponding end of such landing strip, and located at the end of such landing strip. Such area is further formed by two other boundary lines of equal length, called lines "B", from each end of line "A" at angles of 95°42'38" to line "A" diverging from the outwardly projected centerline of the landing strip, and at an upward slope to provide an approach zone plane slope of one foot vertical to 20 feet horizontal, to points located 10,000 feet beyond the ends of the north-south landing strip. The fourth boundary of such approach zone is a straight line, called line "C," connecting the last two described points. The maximum height limitation within these approach zone areas must not exceed the elevation of the approach zone inclined plane at any given point.

- C. Further height limitations are imposed within designated approach zones, adjoining each end of the northeast-southwest landing strip such as will provide clear airspaces, the bases of which will be inclined trapezoidal planes, each bounded and described as follows:

A fixed length boundary, called line "A," being a straight line extending 150 feet on each side of the longitudinal centerline of the landing strip and at right angles to such centerline, being a level line at the same elevation as the landing strip centerline at the corresponding end of such landing strip, and located at the end of such landing strip. Such area is further formed by two other boundary lines of equal length, called lines "B," from each end of line "A" at angles of 95°42'38" to line "A" diverging from the outwardly projected centerline of the landing strip, and at an upward slope to provide an approach zone plane slope of one foot vertical to 40 feet horizontal, to points located 10,000 feet beyond the ends of the northeast-southwest landing strip. The fourth boundary of such approach zone is a straight line, called line "C," connecting the last two described points. The maximum height limitation within these approach zone areas must not exceed the elevation of the approach zone inclined plane at any given point.

- D. Further height limitations are imposed within areas designated as transitional zones, adjoining each edge of each landing strip and adjoining and attached to each side "B" of each approach zone inclined plane, the surfaces of which transitional zones form inclined planes at a slope of one foot vertical to seven feet horizontal measured at right angles to the centerline of the landing strips, and extending outward and upward from the landing strip and/or approach zones until

the inclined planes of the transitional zones intersect the surfaces of the horizontal surface turning zone, the conical surface zone, and/or an elevation of 581.2 feet MSL. The maximum height limitation within these transitional zone areas. (Ord. No. 147-B, Sec. 9, May 20, 1957.)

14.44.10 Variances Any person desiring to erect any structure or increase the height of any structure, or permit the growth of any tree, or use his property, not in accordance with the regulations prescribed in this article, may apply for a variance therefrom. Such variance shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of this article. (Ord. No. 147-B, Sec. 10, May 20, 1957.)

14.44.11 Permits

- A. No material change shall be made in the use of land, and no structure or tree shall be erected, altered planted, or otherwise established in and above any airport approach zone, transitional zone, conical surface zone or turning zone, as defined in this article, unless a permit therefore shall have been applied for and granted. Each such application shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations prescribed in this article. If such determination is in the affirmative, the permit applied for shall be granted.
- B. Before any existing use, structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, in and above any airport approach zone, transitional zone, conical surface zone or turning zone, as defined and limited in this article, a permit must be secured authorizing such replacement, change or repair. No such permit shall be granted that would allow the establishment or creation of any airport hazard or permit a non-conforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation, than it was on May 20, 1957, or than it is when the application for a permit is made. Except as indicated, all applications for a permit for replacement, change or repair of existing use, structure, or tree shall be granted. (Ord. No. 147-B, Sec. 14, May 20, 1957.)

14.44.12 Hazard marking Any permit or variance granted may, if such action is deemed advisable to effectuate the purposes of this article and reasonable in the circumstances, be so conditioned as to require the owner of the structure, or tree, in question to permit the city, at its own expense, to install, operate and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard. (Ord. No. 147-B, Sec.15, May 20, 1957.)

14.44.13 Administrative agency The City Council is hereby designated the administrative agency charged with the duty of administering and enforcing the regulations prescribed in this article. The duties of the administering agent shall include that of hearing and deciding all variances and permits. (Ord. No. 147-B, Sec. 16, May 20, 1957.)

14.44.14 Judicial review Any person aggrieved, or taxpayer affected, by any decision of the administrative agent may appeal to the Circuit Court of Ashley County. (Ord. No. 147-B, Sec. 17, May 20, 1957.)

CHAPTER 14.48

COMMERCIAL COMMUNICATION TOWERS

Sections:

14.48.01	Purpose
14.48.02	Definitions
14.48.03	Tower Use Permit
14.48.04	Development standards
14.48.05	Collocation
14.48.06	Conditions
14.48.07	Abandonment
14.48.08	Environmental impact
14.48.09	Review
14.48.10	Self-storage
14.48.11	Home occupations

14.48.01 Purpose The purposes of these regulations are described as follows:

- A. To establish a system of administering requests for the siting of commercial communication towers, in accordance with provisions of the Federal Telecommunications Act of 1996, 47 U.S.C.A. 151 *et seq.* (2001), as amended from time to time (FTA).
- B. To minimize the number of new towers needed, by encouraging the use of existing towers and existing public and private structures.
- C. To preserve the stability of land values of properties near and adjacent to proposed commercial tower locations.

- D. To protect the public health, safety, and welfare through the use of good engineering and urban design principles. (Ord. No. 03-5, Sec. 29, Feb. 17, 2003.)

14.48.02 Definitions

Antenna array means one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include an omni-directional antenna (rod), a directional antenna (panel) and a parabolic antenna (disc). The antenna array does not include the "support structure," defined below.

Attached wireless communications facility (Attached WCF) means an antenna array that is attached to an existing building or structure, which shall include, but not be limited to, utility poles, signs, or water towers, with any accompanying poles or devices which attach the antenna array to the existing building or structure, and associated connection cables, and any equipment facility which may be located either inside or outside the support structure.

Collocation or site sharing means use of a common WCF or common site by two or more wireless license holders, or by one wireless license holder for more than one type of communications technology, or placement of a WCF on a structure owned or operated by a utility or other public entity.

Derrick tower means a structure constructed of lattice steel and which is entirely self-supporting.

Equipment facility means any structure used to contain ancillary equipment for a WCF, which includes cabinets, shelters, and a buildout of an existing structure, pedestals, and other similar structures.

FAA means the Federal Aviation Administration.

FCC means the Federal Communication Commission.

FTA means the Federal Telecommunications Act of 1996, 47 U.S.C.A. 151 *et. seq.* (2001), as amended from time to time.

Guy-wired tower means a structure constructed of lattice steel and which is supported by guy-wires extending at angles from the structure to ground anchors.

Height when referring to a WCF, shall mean the distance measured from ground level to the highest point on the WCF, including the antenna array.

Monopole tower means a supporting structure composed of a solid pole without any guy-wired support.

Setback means the required distance from the WCF to the property lines of the parcel on which the WCF is located.

Stealth technology means systems, components and materials used in the construction of the WCF, which are designed to mask or conceal the WCF, to make it compatible with the surrounding property.

Support structure means a structure designed and constructed specifically to support an antenna array, and may include a monopole, guy-wired support tower, or derrick tower. Any device used to fasten an attached WCF to an existing building or structure shall be excluded from the definition of and regulations applicable to support structures.

Tower Use Permit (TUP) means a permit issued by the city specifically for the location, construction and use of a WCF, subject to an approved site plan and special conditions determined by the Crossett Planning Commission and the Crossett City Council, to be appropriate under the provisions of this article.

Wireless communications means any personal wireless service, as defined in the FTA, which includes FCC-licensed commercial wireless communications services, including, but not limited to, cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.

Wireless communication facility (WCF) means any unstaffed facility for the transmission or reception of wireless telecommunications services, usually consisting of an antenna array, connection cables, an equipment facility, and a support structure, to achieve the necessary elevation. (Ord. No. 03-5, Sec. 30, Feb. 17, 2003.)

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

- A. An Attached Wireless Communications Facility (Attached WCF) to be attached to an existing monopole, tower, or structure.
- B. Facilities to be located in I-L (Light Industrial), I-H (Heavy Industrial) or I-PD (Planned Industrial Development) zoning districts.
- C. Facilities to be located in parks or other public areas, upon approval by the Crossett City Council and adjacent property owners. If the city does not approve a TUP for any of the above, the applicant may elect to apply for a special use permit under the conditions set forth in 14.20.06.

- D. The following applications are subject to acquisition of a special use permit by the Crossett Planning Commission, pursuant to 14.16.06:
1. Facilities to be located in any residential use zoning district.
 2. Facilities to be located in any commercial use zoning district.
- E. Any TUP applications for new tower construction will be considered by the Crossett Planning Commission only after the applicant has demonstrated to the satisfaction of the Building Official that:
1. No existing towers or structures are located within the geographic area that would meet applicant's engineering requirements.
 2. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 3. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 4. The applicant's proposed antenna will cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures will cause interference with the applicant's proposed antenna.
 5. The fees, costs, or contractual provisions required by the owner, in order to share an existing tower or structure, or to adapt an existing tower or structure for sharing, are unreasonable. Any such costs that exceed the cost of new tower development are presumed to be unreasonable.
 6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- F. All applications shall include, in addition to the other requirements specified in 14.16.06, if applicable, a scaled site plan, a scaled elevation view and other supporting drawings. The applicant shall also submit calculations and other documentation showing the location and dimensions of the WCF and all improvements associated therewith, including information concerning specifications, antenna locations, equipment storage facilities, landscaping, parking, access, fencing, and, if relevant as determined by the city, topography, adjacent uses, and existing vegetation.

- G. A TUP involving only a change of property ownership for a facility previously granted a TUP, and involving no new construction, may be approved administratively by the Mayor upon a recommendation by the Crossett City Council, without further action. (Ord. No. 03-5, Sec. 31, Feb. 17, 2003.)

14.48.04 Development standards

A. Height

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

B. Setbacks

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

C. Landscaping and aesthetics

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

interfere with normal functioning of the WCF and may include the use of compatible or neutral colors, or stealth technology.

D. Lighting

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

E. A WCF with support structures shall be enclosed by a security fence not less than six (6) feet in height. (Ord. No. 03-5, Sec. 32, Feb. 17, 2003.)

14.48.05 Collocation

- A. All WCF with supporting structures shall be designed to accommodate a minimum of three antenna arrays, where technically feasible and visually desirable.
- B. All applicants for a WCF with supporting structures are required to execute a statement, upon filing the application, agreeing to allow collocation of other WCF providers at a lease rate not to exceed the commonly accepted market terms as determined by the city of Crossett. (Ord. No. 03-5, Sec. 33, Feb. 17, 2003.)

14.48.06 Conditions

- A. Support structures for wireless communication facilities shall be of the monopole-type construction, except as specified below.
- B. Support structures in the I-L, I-H, and I-PD zones may be of monopole derrick tower, or guy-wired support tower construction.
- C. Support structures located in the Central Business District zone shall only use stealth technology, with a design to be approved by the Crossett Planning Commission and the Crossett City Council. (Ord. No. 03-5, Sec. 34, Feb. 17, 2003.)

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

- A. Any Wireless Communication Facility (WCF) whose use is discontinued shall be removed by the owner, and shall be reported to the city of Crossett immediately. All discontinued facilities shall be removed within six months and the site restored to its original condition, all at the owner's expense.
- B. Any discontinued WCF not removed within six months may be removed by the city at the owner's expense. (Ord. No. 03-5, Sec. 35, Feb. 17, 2003.)

14.48.08 Environmental impact Assessments of environmental impact are required by federal law to be prepared by personal wireless service carriers when one or more of the following environmental impacts occur.

- A. Facilities which are located in officially designated wilderness or wildlife areas.
- B. Facilities which threaten endangered species or critical habitats.
- C. Facilities which affect historic sites or structures.
- D. Facilities which are to be located in flood plains.
- E. Facilities which will significantly change a surface area involving wetlands, deforestation, or water diversions.

Since these assessments are already required by federal law, these provisions are incorporated into this ordinance and certification of compliance with the National Environmental Policy Act (NEPA) (43 USC Section 4321) must be provided before any permits will be issued. (Ord. No. 03-5, Sec. 36, Feb. 17, 2003.)

14.48.09 Review The city of Crossett shall complete final action upon any TUP within 90 days of the filing of the application unless a request for extension is filed by the applicant. Any decision to deny a request will be made in writing and will be supported by substantial evidence contained in a written record. (Ord. No. 03-5, Sec. 37, Feb. 17, 2003.)

CHAPTER 14.52

TABLES AND CHARTS

Sections:

14.52.01	Building height (Figure 1)
14.52.02	Bulk regulations (Figure 2)
14.52.03	Screening (Figure 3)
14.52.04	Vision triangle at intersections (Figure 4)
14.52.05	Required yards (Figure 5)
14.52.06	Uses permitted in zoning districts (Chart 1)
14.52.07	Bulk regulations (Chart 2)
14.52.08	Zoning districts in which permitted signs are allowed (Chart 3)

¹Site plan review and approval shall be pursuant to and in accordance with the provisions of 14.08.09. Any development of three or more acres to be located in a non-residential district (AG, C-N, C-H, CBD, I-L or IPH) shall require site plan review and approval.

²The planned development districts (R-PD, C-PD, and I-PD) require review and approval of a comprehensive site plan in accordance with 14.08.09.

³Permitted as a secondary use only.

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

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

⁶The home occupation shall be in conformance with the definition contained in 14.04.01.

Amendment to uses permitted in zoning districts (Chart 1)

R-D (AH) Affordable Housing Residential District shall be permitted in the following uses:

Dwellings

Single-family, detached

Two-family

Manufactured home

Single family – modular home

Institutions

Assisted living home or facility (P)

Cemetery/mausoleum

Church or other place of worship (P)

Day care center (Y)

Golf course

Nursery school (Y)

Park

Museum (P)

Public building (P)

Recreation field (P)

School, public or private, grades K-12(P)

Transportation and public utilities

Telephone switching center, electric transmission, gas piping,

Water pumping station (P)

Other

Home occupations

(Ord. No. 03-18, Sec. 3, Sept. 23, 2003.)

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

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

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

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

⁵The side yard requirements shall apply to the first and last attached houses in each set of attached houses.

⁶the size of the required side yard shall be the greater of ten feet or the number of feet derived under the following formula for buildings on the perimeter of a multiple dwelling development. The size of the required side yard for buildings located on the interior of a multiple-family dwelling development shall be determined as follows:

- A. If a required side yard abuts a building wall which contains any living room windows, the size of the required side yard shall be computed as follows:

10 feet + 2 feet for every 10 feet of wall height and fraction thereof + 1 foot for every 15 feet of wall length or fraction thereof.

- B. If a required side yard abuts a building wall which contains any window, other than living room window, the size of the required yard shall be computed as follows:

5 feet + 1 foot for every 10 feet of wall height and fraction thereof + 1 foot for every 15 feet of wall length or fraction thereof.

- C. If a required side yard abuts a windowless building wall, the size of the required side yard shall be computed as follows:

5 feet + 1 foot for every 10 feet of wall height and fraction thereof.

⁷The size of the required rear yard shall be the greater of 30 feet or the number of feet derived under the following formula for buildings in the perimeter of the multiple-family dwelling development. The size of required rear yards for buildings located on the interior of a multiple-family dwelling shall be determined as follows:

- A. If a required rear yard abuts a building wall which contains any living room windows, the size of the required rear yard shall be computed as follows:

10 feet + 2 feet for every 10 feet of wall height and fraction thereof + 1 foot for every 15 feet of wall length or fraction thereof.

- B. If a required rear yard abuts a building wall which contains any windows, other than living room windows, the size of the required rear yard shall be computed as follows:

5 feet + 1 foot for every 10 feet of wall height and fraction thereof + 1 foot for every 15 feet of wall length or fraction thereof.

- C. If a required rear yard abuts a windowless building wall, the size of the required rear yard shall be computed as follows:

5 feet + 1 foot for every 10 feet of wall height and fraction thereof.

⁸The minimum area for an R-PD District shall be three acres. The number of dwelling units permitted shall be determined in accordance with 14.20.04.

⁹The minimum side yard requirement shall apply only if the property abuts or is adjacent to property zoned or used for residential purposes or the residential portion of an approved planned development. Otherwise no side yard is required except on the street side of a corner lot.

¹⁰A building or premises used only for the purpose of a two-family dwelling or multiple-family dwelling shall have a minimum floor area as required per family or living unit.

14.52.08 Zoning districts in which permitted signs are allowed (Chart 3)

¹Temporary signs include construction signs, political signs, real estate signs, holiday signs, portable trailer signs, waste receptacle, and bench signs. Portable trailer signs are allowed only in the C-H, CBD, and I-L zoning districts.

CHAPTER 14.56

FLOOD DAMAGE PREVENTION PROGRAM

Sections:

14.56.01	Statutory authority
14.56.02	Findings of fact
14.56.03	Statement of purpose
14.56.04	Lands to which this ordinance applies
14.56.05	Methods of reducing flood losses
14.56.06	Flood Damage Prevention Code adopted by reference
14.56.07	Abrogation and greater restrictions
14.56.08	Interpretation
14.56.09	Warning and disclaimer of liability
14.56.10	Compliance
14.56.11	Penalty for non-compliance

14.56.01 Statutory authority The Legislature of the state of Arkansas has in A.C.A. 14-268-101, et seq., delegated the responsibility of local governmental units to adopt regulations to minimize flood losses. (Ord. No. 2011-2, Sec. 1.)

14.56.02 Finding of fact

- A. The Federal Emergency Management Agency (FEMA) has identified Special Flood Hazard Areas of Crossett, Ashley County, Arkansas, in the current scientific and engineering report entitled “The Flood Insurance Study (FIS) for Ashley County, Arkansas, and incorporated areas, dated April 18, 2011, with an effective Flood Insurance Rate Map (FIRM) dated April 18, 2011.
- B. These Special Flood Hazard Areas are subject to periodic flooding events that result in loss of life and property, pose health and safety hazards, disrupt commerce and governmental services, and cause extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
- C. These periodic flooding events are exacerbated by the cumulative effect of floodplain developments which cause an increase in flood heights and velocities, and by the placement of inadequately elevated, inadequately flood proofed or otherwise unprotected structures or uses vulnerable to floods into Special Flood Hazard Areas. Such structures or uses are inherently hazardous to other lands because of their adverse impact on flooding events. (Ord. No. 2011-2, Sec. 2.)

14.56.03 Statement of purpose The purpose of this ordinance is to promote the public health, safety and general welfare, to prevent adverse impacts from any floodplain development activities, and to minimize public and private losses due to flooding events in identified Special Flood Hazard Areas (SFHA). This ordinance advances the stated purpose through provisions designed to:

- A. Protect human life and health;
- B. Protect natural floodplains against unwise development;
- C. Eliminate adverse impacts of necessary floodplain development;
- D. Minimize expenditure of public monies on flood control projects;
- E. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- F. Minimize prolonged business interruptions due to flooding events;
- G. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in Special Flood Hazard Areas (SFHA);
- H. Minimize future flood blight areas to help maintain a stable tax base; and
- I. Provide for notice to potential buyers when property is in a Special Flood Hazard Area. (Ord. No. 2011-2, Sec. 3.)

14.56.04 Lands to which this ordinance applies The ordinance shall apply to all Special Flood Hazard Areas (SFHA) within the jurisdiction of the city of Crossett, Ashley County, Arkansas (hereafter “the City”). (Ord. No. 2011-2, Sec. 4.)

14.56.05 Methods of reducing flood losses This ordinance uses the following methods to accomplish the stated purpose:

- A. This ordinance restricts or prohibits structures or uses in Special Flood Hazard Areas (SFHA) that adversely impact health, safety or property during flooding events;
- B. This ordinance requires protection against flood damage for structures or uses vulnerable to floods at the time of initial construction, or after substantial improvement of the structure, or after substantial damage has occurred;

- C. This ordinance controls the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation and transport of flood waters;
- D. This ordinance controls floodplain development (structural development, placement of manufactured structures, clearing, grading, mining, drilling, dredging, placement of fill, excavating, watercourse alteration, drainage improvements, roadway or bridge construction, individual water or sewer installations and other activities) which may increase flood damage by increasing flood elevations, flood water velocities, or flood discharge patterns;
- E. This ordinance regulates the construction of flood barriers which unnaturally divert floodwaters or which may adversely impact other lands. (Ord. No. 2011-2, Sec. 5.)

14.56.06 Flood Damage Prevention Code adopted by reference There is hereby adopted by reference a Flood Damage Prevention Code for city of Crossett, Arkansas, dated April 5, 2011. The code shall include:

- ARTICLE 1 DEFINITIONS
- ARTICLE 2 ADMINISTRATION
- ARTICLE 3 PROVISIONS FOR FLOOD HAZARD REDUCTION

A copy of the referenced code is attached as Exhibit "A" hereto, and is incorporated by reference herein and shall be filed in the office of the Mayor of the city and shall be available for inspection and copying by any person during normal office hours. (Ord. No. 2011-2, Sec. 6.)

14.56.07 Abrogation and greater restrictions This ordinance does not repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Whenever there is a conflict or overlap between this ordinance and another ordinance, easement, covenant, or deed restriction, the instrument with the more stringent restrictions applies. (Ord. No. 2011-2, Sec. 7.)

14.56.08 Interpretation In the interpretation and application of this ordinance, all provisions must:

- A. Be considered as minimum requirements;
- B. Be liberally construed in favor of the governing body; and
- C. Be deemed to neither limit nor repeal any other powers granted under state statutes. (Ord. No. 2011-2, Sec. 8.)

14.56.09 Warning and disclaimer of liability The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes. Documented scientific and engineering data form the basis for these requirements. On rare occasions, flooding events greater than those considered for this ordinance will occur. In addition, flood heights may increase over time due to man-made or natural causes. This ordinance does not imply that land outside Special Flood Hazard Areas (SFHA) will be free from flooding, nor that strict adherence to this ordinance protects uses permitted within Special Flood Hazard Areas (SFHA) from all flood damages. This ordinance specifically does not create liability on the part of the city, nor any official or employee of the city, for any flood damages that result while strictly following this ordinance, or from any lawful administrative decision made under the provisions of this ordinance. (Ord. No. 2011-2, Sec. 9.)

14.56.10 Compliance Constructing, locating, substantially altering or changing the use of any structure or land after the effective date of this ordinance requires full compliance with the provisions of this ordinance and all other applicable regulations. (Ord. No. 2011-2, Sec. 10.)

14.56.11 Penalty for non-compliance Flood hazards are reduced by compliance with the provisions of this code. Accordingly, enforcement of this ordinance discourages non-compliance and is a recognized mechanism for flood hazard reduction.

- A. The Floodplain Administrator must enforce the provisions of this ordinance and is authorized to:
 - 1. Issue cease and desist orders on non-compliant floodplain development projects;
 - 2. Issue citations for non-compliance;
 - 3. Request that FEMA file a 1316 Action (Denial of Flood Insurance) against non-compliant properties; and
 - 4. Take any other lawful action necessary to prevent or remedy any instance of non-compliance with the provisions of this ordinance.

- B.
 - 1. It is a misdemeanor to violate or fail to comply with any provision of this ordinance.
 - 2. Any person found in a court of competent jurisdiction, guilty of violating this ordinance is subject to fines of not more than Five Hundred Dollars (\$500.00) per day for each violation; in addition the defendant is subject to payment of all associated court costs and costs involved in the case. (Ord. No. 2011-2, Sec. 11.)

