

TITLE 14

ZONING

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CHAPTER 14.04

ZONING REGULATIONS

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14.04.01 Purpose and authority The City Council has deemed it necessary to revise the city's zoning regulation for the purpose of promoting the health, safety, and general welfare of the city.

The zoning regulations and districts as set forth herein, have been made in accordance with a general plan for land use, major streets and community facilities. This ordinance is proposed to preserve the attractiveness and protect the environment of residential areas and to safeguard the business and industrial locations, which are important to the economic welfare of the inhabitants. It has been designed to lessen congestion in the streets, to conserve property values, to secure safety from fire, panic and other dangers, and to promote the health and general welfare of the citizens of the city.

Act 186 of 1957, as amended, enacted by the General Assembly of the state of Arkansas, provides the city, under guidance of the Planning Commission, with the authority to adopt, administer, enforce, and amend these regulations. (Ord. No. 97-8, Ch. 1.)

14.04.02 Definitions Certain words and phrases shall, for the purpose of this ordinance, have the following definitions:

Accessory structure A subordinate structure located on the lot with the principal structure. Where an accessory structure is attached to the principal structure in a substantial manner, as by a roof, such accessory structure shall be considered as a part of the principal structure.

Accessory use A use which is customarily incidental to the principal use, as a garage for the storage of an automobile by occupant or resident

Alley A minor public way not over twenty (20) feet in width.

Area the amount of land surface in a lot or parcel of land.

Area requirements the lot area, width of lot, height of structure, and parking requirements as set forth in a specific zone in this ordinance.

Buildable area the portion of a lot remaining after required setbacks have been reserved.

Dwelling, condominium a single dwelling unit in a multi-unit dwelling or structure, which is separately owned and which may be conveyed with an undivided interest in the common areas and facilities of the property. A condominium dwelling unit does not necessarily have to have a separate outside door. (Ord. No. 2006-36, Sec. 1.)

Dwelling, duplex a building having accommodations for and occupied exclusively by two families. Occupancy is restricted to one family per unit. (Ord. No. 2006-36, Sec. 1.)

Dwelling, single family a detached residential dwelling unit designed for and occupied by one family only and being securely attached to a permanent foundation.

Dwelling, multi-family a residential building or buildings designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, townhouse a single-family dwelling which is attached to one or more similar dwellings by a common fire wall or fire walls, interior to both, and which in combination with said attached dwellings constitutes an architectural whole, on a separate lot, having its principal frontage on a street and having a rear yard. Such dwelling units when so constructed may be under separate ownership. (Ord. No. 2006-36, Sec. 1.)

Dwelling, two-family a detached residential building or buildings containing two dwelling units, designed for occupancy by not more than two families.

Dwelling unit one room or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

Family one or more persons occupying premises and living as a single, non-profit housekeeping unit.

Fence

- A. **Boundary fences and hedges** any fence or hedge located on the side and rear property lines and anywhere in front yards, approximately parallel to the lot line. On side and rear lot lines, fences and hedges are limited to a maximum height of five (5) feet, and in front yards, fences and hedges are limited to a height of three and one-half (3 ½) feet.
- B. **Privacy fences** any fence that is not a boundary fence or a swimming pool fence. Privacy fences may be located within five (5) feet of side and rear lot lines. Privacy fences may not be located anywhere in front yards and must terminate along side yards at the front corner of the primary structure. Privacy fences are limited in height to eight (8) feet.
- C. **Swimming pool fences and gates** are required to have a minimum height of six (6) feet and a maximum height of eight (8) feet, unless they are part of a boundary or privacy fence, where they take their maximum height. Additionally, gates must have child-resistant latches.
- D. **Wall** any device forming a physical barrier which is constructed so that the vertical surface is closed, thus preventing the passage of light, air and vision in a horizontal place. The material of which a wall is constructed may be masonry, brick, concrete, metal, wood, or other similar materials. Walls may be located within five (5) feet of side and rear lot lines and anywhere in front yards, approximately parallel to the lot line. On side and rear lot lines, walls are limited to a maximum height of five (5) feet, and in front yards to a height of three (3) feet.

Fences and walls are not to be considered accessory structures or uses.

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

Lot measurement

- A. Depth of the lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rear most points of the side lot lines in the rear.

- B. Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80 percent of the required lot width except in the case of lots on the turning circle of cul-de-sacs, where the 80 percent requirement will not apply.

Lot of record a lot which is a part of a subdivision recorded in the office of the Circuit Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Manufactured home

- A. **Manufactured home** a dwelling built in a factory in accordance with the Federal Manufactured Home Construction and Safety Standards. The term “Modular Home,” as it is used throughout the zoning regulations, shall include manufactured homes.
- B. **Mobile home** a dwelling that was fabricated in an off-site manufacturing facility, designed to be a permanent residence, built prior to the enactment of the Federal Manufactured Home Construction and Safety Standards in 1976, and consistent with any existing state definitions.
- C. **Modular home** a residential dwelling, construction in a factory to a residential construction code other than the Federal Manufactured Home Construction and Safety Standards. the term “Modular Home,” as it is used throughout the zoning regulations, shall include manufactured homes. (Ord. No. 98-5, Sec. 1.)

Modular house subdivision

- A. **Modular house subdivision** a parcel of land platted according to all requirements of the subdivision regulations, and in compliance with the zoning regulations, designed or intended for lots to be conveyed by deed to individual owners for residential occupancy primarily by manufactured homes and/or modular homes.
- B. **Mobile home park** any park, court, lot, parcel or tract of land designed, maintained or intended to supply a location for the placement of mobile homes, but which does not meet the requirements of the subdivision and zoning regulations. “Mobile home park” shall not include modular house subdivisions as that term is defined herein. (Ord. No. 98-5, Sec. 3.)

Non-conforming any legal use of property (land or structure) existing at the time of passage of this ordinance that does not conform to the regulations prescribed in this ordinance.

Open space any unoccupied space on a lot that is open and unobstructed to the sky and occupied by no structures or portion of structures whatever.

Overhang that portion of a structure which extends out or protrudes from the exterior wall of a structure. The length of the overhang shall be measured as that distance between the

horizontal plane and the surface of the exterior wall to the further most point of the overhang. Under no circumstances may said overhang extend out beyond two feet.

Parking space one hundred sixty-two (162) square feet (9' x 18') of usable and accessible space, excluding the area necessary for access.

Person any individual, partnership, firm, company, corporation, tenant, owner, lessees or licensee, their agents, heirs or assigns.

Places of public assembly a meeting place that will accommodate thirty-five (35) or more persons to which the public or membership groups are assembled regularly or occasionally, including but not limited to schools, churches, theaters, auditoriums, funeral homes, stadiums, or similar places of assembly. Classrooms within a school or schools without auditoriums or gymnasiums are not, for the purpose of this ordinance, considered places of public assembly.

Principal use the chief or main recognized use of a structure, of a lot, or of land.

Property line the line bounding a lot as defined herein.

Right-of-way the land opened, reserved or dedicated for street, walk, drainage or other public purposes.

Setback that part of a lot upon which the city prohibits the erection or construction of any principal structure. However, this prohibition shall not apply to any accessory structures as defined in Chapter 4, all zoning districts. Said setback shall be measured from the planning right-of-way as shown on the Master Street Plan to the face of the exterior wall of the structure or improvement. In calculating the setback, not more than two (2) feet of overhang will be permitted to extend into the setback.

Sight triangle

- A. **Sight triangle** an area of land, at an intersection or on a curve for which a clear visibility zone (see B below) must be maintained, described as follows: commencing at the property corner and measuring no less than twenty-five (25) feet along the right-of-way in both directions.
- B. **Clear visibility zone** an area of safe traffic visibility bordered by a slight triangle that is devoid of visual obstructions, both natural and man-made temporary or permanent (except traffic control devices), commencing at a point that is not greater than two and a half (2 ½) feet above the top of curb or edge of pavement, and terminates at a point that is not less than seven and a half (7 ½) feet higher (a total of ten (10) feet high).

Signs any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided, however, that the following shall not be included in the application of the regulations herein:

- A. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants, or premises, or other identification of premises not having commercial connections;
- B. Flags and insignia of any government except when displayed in connection with commercial promotion;
- C. Legal notices, identification, informational, or directional signs erected or require by governmental bodies;
- D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;
- E. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

Signs, on-site a sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

Street a public way of more than twenty (20) feet established by or maintained under public authority, a private way open for public use, or a private way plotted or laid out for ultimate public use, whether or not constructed.

Street line the right-of-way line of a street.

Structure anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground.

Trailer, trailer coach, automobile trailer or recreational vehicle a structure standing on wheels, towed or hauled by another vehicle or propelled under its own power, and used for short-term human occupancy, carrying of materials, goods or objects, or as a temporary office. This definition does not include modular homes, mobile homes or manufactured homes as previously defined. (Ord. No. 98-5, Sec. 2.)

Trailer park any park, trailer court, campsite, lot, parcel or tract of land designed, maintained or intended for the purpose of supplying a location or accommodations for trailer coaches and upon which trailer coaches are parked, and shall include all buildings used or intended for use as a part of the equipment thereof whether a charge is made for the use of the trailer camp and its facilities or not. "Trailer park" shall not include automobile or trailer sales lots on which unoccupied trailers are parked for purposes of inspection and sale.

Use of land the unoccupied portion of a lot shall be considered to be in the same use as is the principal structure located on the lot unless such land is utilized for open storage or agriculture

outside of the structure; then the use of land shall be classified according to the nature of its use.

Uses on appeal/conditional uses uses on appeal/conditional uses are uses not permitted in a particular zone that require Planning Commission review and approval as to whether the use is compatible and appropriate in that zone. The use may be permitted subject to securing a Conditional Use Permit.

Yard must be open, unobstructed and never occupied by a principal building. However, yards can be occupied by any accessory structure or use allowed to locate in that yard (front, rear or side) by the zoning use district in which the lot is located.

A. **Yard – residential use zoning district** No accessory structure or use is allowed in residential front yards, but they are allowed in side yards and in rear yards as provided for in this ordinance. (Ord. No. 97-8, Ch. 2.)

14.04.03 Zoning map

- A. The zoning districts are designated on the map titled “Zoning Map,” city of Centerton, and said map shall be a part of this ordinance.
- B. The lines delineating the boundaries of the zoning districts on the zoning map are intended to follow city limits lines, center of street rights-of-way, center of main channels of water courses, and existing property lines.
- C. When the street or property layout existing on the ground is at variance with that shown on the zoning map or with other requirements of this ordinance, the Board of Zoning Adjustment shall interpret the boundaries.
- D. If, in accordance with the provisions of this ordinance, changes are made in the district boundaries, such changes shall be entered on the zoning map with the date and ordinance number affecting such change.
- E. The zoning map shall be located at the City Hall and shall be the final authority as to the current zoning status of land, buildings, and other structures in the city. (Ord. No. 97-8, Sec. 3.)

14.04.04 Zoning districts The city is divided into the following zoning districts as indicated on the zoning map:

Residential Use Zoning Districts The residential use zones are intended as areas of residence with certain permitted related uses such as churches, schools, and recreational facilities. The permitted uses and the area requirements establish the character of the zoning districts.

R-1 – Low Density Residential

R-2 – Medium Density Residential
R-3 – High Density Residential
R-MH – Residential Modular House
R-E – Residential Estate
RTH-D – Residential Townhouse Duplex for Two Families
RTH-MF12 – Residential Townhouses for More than Two Families
R-C – Residential Condominiums with up to Twelve (12) Dwelling Units per Acre (Ord. No. 2006-36, Sec. 2.)

Commercial Use Zoning Districts Commercial use zones are intended for the conduct of business and provisions of services and the processing and manufacturing of goods which by the nature of the operation do not constitute a nuisance or a danger to the community

C-1 – Central Business District
C-2 – Highway Commercial
C-3 – Neighborhood Commercial

Industrial Use Zoning Districts Industrial use zones are intended for general manufacturing and industrial activities, and for the bulk storage of goods.

I-1 – Light Industrial
I-2 – Heavy Industrial

Agricultural Use Zoning District The Agricultural Use Zone is intended to provide for the full range of agricultural activities and to protect flood areas from development.

A-1 – Agricultural
(Ord. No. 97-8, Sec. 4.01.)

A. **Application of zoning District regulations:**

1. The area requirements pertaining to each zoning district shall be applied uniformly within the zoning district except as may be varied by the Board of Zoning Adjustment.
2. The uses permitted, conditionally permitted, or prohibited in each zoning district establishes the character of the zoning district and shall include, but shall not be limited to, those uses enumerated as being permitted, conditionally permitted, or prohibited within a respective zoning district as shown in Chapter 4.
3. All front, side, and rear yard setbacks established by this ordinance shall be measured from the planned right-of-way as shown in the Master Street Plan as that term setback is defined in 14.04.02. (Ord. No. 97-8, Sec. 4.02.)

B. **RESIDENTIAL R-1** This area is intended primary for residential neighborhoods characterized by large lots for single-family dwellings.

1. **Permitted uses:** See Section 4.14 Schedule of uses.
2. **Uses on appeal to the Planning Commission:** See Section 4.14 Schedule of uses. In addition, the following uses may be permitted subject to securing a Conditional Use Permit in each case:
 - a. Public schools, churches, religious educational buildings, municipal recreation uses, public utilities and structures, and other uses as deemed appropriate by the Planning Commission.
 - b. Area requirements – places of public assembly

Height – maximum height shall not exceed thirty-five (35) feet for that portion of the structure used for assembly or offices.

Setback requirement – Minimum of thirty-five (35) feet from all property lines. On property abutting a street, thirty-five (35) feet from the planning right-of-way as shown on the Master Street Plan.
 - c. Off-street parking – Refer to Chapter 4, Section 04.05 (E).
3. **Area requirements – Residential R-1**
 - a. Minimum lot area - Single-family.....21,780 sq. ft. (½ acre)
 - b. Minimum lot width (front building line) – Single-family.....120 feet
4. **Setback requirements R-1**
 - a. Front – Minimum thirty-five (35) feet from the planning right-of-way as shown on the Master Street Plan.
 - b. Rear - with the principal structure being twenty-five (25) feet from the rear lot line – Minimum twenty-five (25) feet from rear lot line or center of alley if one exists or from the planning right-of-way as shown on the Master Street Plan.
 - c. Side (each) – Minimum fifteen (15) feet from each property line.
 - d. Street side – Minimum thirty-five (35) feet from the planning right-of-way as shown on the Master Street Plan.
5. **Off-street parking** – Refer to Chapter 4, Section 04.05 (E).
6. **Area requirements - accessory structures and improvements**

- a. Front – Prohibited
- b. Rear – No accessory structures or improvements will be located within seven (7) feet of the rear property line, further, no accessory structure or improvements will be located on an easement of planning right-of-way as shown on the Master Street Plan.
- c. Side – Allowed
- d. Street side – Prohibited
(Ord. No. 97-8, Sec. 4.03)

C. **RESIDENTIAL R-2** This area is intended for residential neighborhoods with suitable lot area for single-family and two family dwellings.

- 1. **Permitted uses:** See Section 4.14 Schedule of uses.
- 2. **Uses on appeal to the Planning Commission:** See Section 4.14 Schedule of uses. In addition, the following uses may be permitted subject to securing a Conditional Use Permit in each case:
 - a. Public schools, churches, religious educational buildings, municipal recreation uses, public utilities and structures, and other uses as deemed appropriate by the Planning Commission.
 - b. Area requirements – places of public assembly

Height – maximum height shall not exceed thirty-five (35) feet for that portion of the structure used for assembly or offices.
Setback requirement – Minimum of thirty-five (35) feet from all property lines. On property abutting a street, thirty-five (35) feet from the planning right-of-way as shown on the Master Street Plan.
 - c. Off-street parking – Refer to Chapter 4, Section 04.05 (E).
- 3. **Area requirements – Residential R-2**
 - a. Minimum lot area:
 - Single-family.....8,500 sq. ft.
 - Two-family.....17,000 sq. ft.
 - b. Minimum lot area per dwelling unit:
 - Single-family.....8,500 sq. ft.
 - Two family.....8,500 sq. ft.
 - c. Minimum lot width (front building line)

Single-family.....80 feet
Two-family.....100 ft.

4. **Setback requirements R-2**

- a. Front – Minimum twenty-five (25) feet from the planning right-of-way as shown on the Master Street Plan.
- b. Rear - Minimum twenty-five (25) feet from rear lot line or center of alley if one exists or from the planning right-of-way as shown on the Master Street Plan.
- c. Side (each) – Minimum seven (7) feet from each property line.
- d. Street side – Minimum twenty-five (25) feet from the planning right-of-way as shown on the Master Street Plan.

5. **Off-street parking** – Refer to Chapter 4, Section 04.05 (E).

6. **Area requirements - accessory structures and improvements**

- a. Front – Prohibited
- b. Rear – No accessory structures or improvements will be located within seven (7) feet of the rear property line, further, no accessory structure or improvements will be located on an easement of planning right-of-way as shown on the Master Street Plan.
- c. Side – Allowed
- d. Street side – Prohibited
(Ord. No. 97-8, Sec. 4.04)

D. **RESIDENTIAL R-3** This area is intended for single-family, two-family, and multi-family dwellings with a suitable lot area.

1. **Permitted uses:** See Section 4.14 Schedule of uses.

2. **Uses on appeal to the Planning Commission:** See Section 4.14 Schedule of uses. In addition, the following uses may be permitted subject to securing a Conditional Use Permit in each case:

- a. Public schools, churches, religious educational buildings, municipal recreation uses, public utilities and structures, and other uses as deemed appropriate by the Planning Commission.
- b. Area requirements – places of public assembly

Height – maximum height shall not exceed thirty-five (35) feet for that portion of the structure used for assembly or offices.

Setback requirement – Minimum of thirty-five (35) feet from all property lines. On property abutting a street, thirty-five (35) feet from the planning right-of-way as shown on the Master Street Plan.

- c. Off-street parking – Refer to Chapter 4, Section 04.05 (E).

3. Area requirements – Residential R-3

- a. Minimum lot area:
 - Single-family.....6,000 sq. ft.
 - Two-family.....8,500 sq. ft.
 - Multi-family.....8,500 sq. ft.
for the first two dwelling units plus 2,000 sq. ft. for each additional dwelling unit
- b. Minimum lot area per dwelling unit:
 - Single-family.....6,000 sq. ft.
 - Two family.....4,250 sq. ft.
 - Multi-family.....4,000 sq. ft.
- c. Minimum lot width (front building line):
 - Single-family.....60 feet
 - Two-family.....80 ft.
 - Multi-family.....80 ft.
for the first two dwelling units plus 20 feet for each additional dwelling unit.

4. Setback requirements R-3

- a. Front – Minimum twenty-five (25) feet from the planning right-of-way as shown on the Master Street Plan, or for multi-family, fifty (50) feet.
- b. Rear - Minimum twenty (20) feet from rear lot line or center of alley if one exists or from the planning right-of-way as shown on the Master Street Plan for single-family and two-family, and for multi-family seventy-five (75) feet.
- c. Side (each) – Minimum seven (7) feet from each property line for single-family and two-family dwelling units, or for multi-family, combined minimum side yards of thirty (30) feet with a fifteen (15) foot minimum on any one side.
- d. Street side – Minimum twenty-five (25) feet from the planning right-of-way as shown on the Master Street Plan.

5. **Off-street parking** – Refer to Chapter 4, Section 04.05 (E).
6. **Area requirements - accessory structures and improvements**
 - a. Front – Prohibited
 - b. Rear – No accessory structures or improvements will be located within seven (7) feet of the rear property line, further, no accessory structure or improvements will be located on an easement or planning right-of-way as shown on the Master Street Plan.
 - c. Side – Allowed
 - d. Street side – Prohibited
(Ord. No. 97-8, Sec. 4.05)

E. **RESIDENTIAL MODULAR HOUSES R-MH** The Residential Modular Houses district is intended to provide for affordable family housing in modular houses in order to encourage a full range of housing opportunity.

1. **Permitted uses:** See Section 4.14 Schedule of uses. In addition, the following uses and their accessory uses are permitted on each lot: single-family modular houses and accessory uses including private garages, storage facilities, children’s playhouses, and green houses.
2. **Uses on appeal to the Planning Commission:** See Section 4.14 Schedule of uses.
3. **Area requirements – Residential modular houses R-MH**
 - a. Minimum lot area – Modular houses....6,000 sq. ft.
 - b. Minimum lot area per dwelling unit – Modular houses....6,000 sq. ft.
 - c. Minimum lot width – Modular houses....60 Ft.
4. **Setback requirements R-MH**
 - a. Front – Minimum twenty-five (25) feet from the planning right-of-way as shown on the Master Street Plan.
 - b. Rear - Minimum twenty-five (25) feet from rear lot line or center of alley if one exists or from the planning right-of-way as shown on the Master Street Plan.
 - c. Side (each) – Minimum seven (7) feet from each property line.

d. Street side – Same as front.

5. **Off-street parking** – Refer to Chapter 4, Section 04.05 (E).
(Ord. No. 97-8, Sec. 4.06.)

F. **RESIDENTIAL ESTATES R-E** This zoning district is intended to provide for and protect the rural residential environment. It is established for areas particularly suited for rural residential uses on larger lots in conjunction with the raising of crops and animals and other related activities.

1. **Permitted uses** – See Section 4.14 Schedule of uses. In addition, the following uses and their accessory uses are permitted on each lot:

- a. One single-family dwelling, provided such dwelling shall be on its own lot or parcel of land including all required setbacks.
- b. Accessory uses, building, and structures if they are clearly incidental to a permitted use and when placed upon the same lot or parcel with a permitted use, and when located thirty (30) feet or more from the right-of-way of any public streets, road, or highway.
- c. Farming, including all types of agriculture and horticulture such as flower, fruit, and vegetable gardening, field crops, vineyards and orchards, may be permitted in conjunction with a residential dwelling if such farming is for the use of the family residing on the lot or parcel as an incidental use thereto and not for commercial purposes.
- d. Small livestock farming involving the keeping of no more than one head per acre of cows, horses, sheep, goats, pigs, ostriches, emus or similar animals, provided they are properly fenced in or otherwise confined, may be permitted in conjunction with a residential dwelling if such small livestock farming is for the use of the family residing on the lot or parcel as an incidental use thereto and not for commercial purposes.
- e. Stables, barnyards and corrals may be permitted in conjunction with a residential dwelling if such stables, barnyards, and corrals are for the use of the family residing on the lot or parcel as an incidental use thereto and not for commercial purposes.
- f. Arboretum, fish and game management facilities, forest products (growing and harvesting), municipal facilities/utilities, parkways, and open water reservoirs (farm pond) may be permitted in conjunction with a residential dwelling if such is for the use of the family residing on the lot or parcel as an incidental use thereto and not for commercial purposes.

2. **Uses on appeal to the Planning Commission:** See Section 4.14 Schedule of uses. In addition, the following uses may be permitted subject to securing a conditional use permit in each case:
 - a. Public schools, churches, religious educational buildings, municipal recreation uses, public utilities and structures, and other uses as deemed appropriate by the Planning Commission.
 - b. Area requirements – R-E - places of public assembly

Height – maximum height shall not exceed thirty-five (35) feet for that portion of the structure used for assembly or offices.

Setback requirement – Minimum of thirty-five (35) feet from all property lines. On property abutting a street, thirty-five (35) feet from the planning right-of-way as shown on the Master Street Plan.
 - c. Off-street parking – Refer to Chapter 4, Section 04.05 (E).
3. **Area requirements – Residential Estates R-E**
 - a. Minimum lot area – Single-family108,945 sq. ft. (2 ½ acres)
 - b. Minimum lot width (front building line) – Single family.....120 Ft.
4. **Setback requirements R-E**
 - c. Front – Minimum thirty-five (35) feet from the planning right-of-way as shown on the Master Street Plan.
 - d. Rear – with the principal structure being twenty-five (25) feet from the rear lot line - Minimum twenty-five (25) feet from rear lot line or center of alley if one exists or from the planning right-of-way as shown on the Master Street Plan.
 - e. Side (each) – Minimum fifteen (15) feet from each property line.
 - f. Street side – Minimum thirty-five (35) feet from the planning right-of-way as shown on the Master Street Plan.
5. **Off-street parking** – Refer to Chapter 4, Section 04.05 (E).
6. **Area requirements – R-E - accessory structures and improvements**
 - a. Front – Prohibited

- b. Rear – No accessory structures or improvements will be located within seven (7) feet of the rear property line, further, no accessory structure or improvements will be located on an easement of planning right-of-way as shown on the Master Street Plan.
- c. Side – Allowed
- d. Street side – Prohibited
(Ord. No. 97-8, Sec. 4.07)

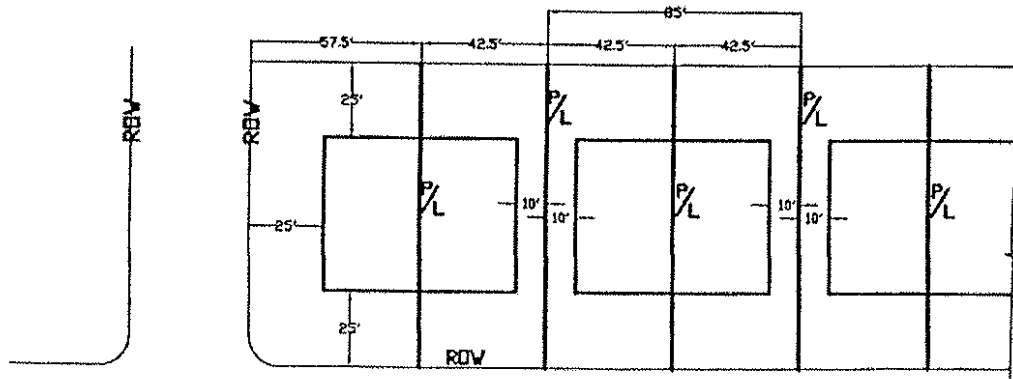
G. RESIDENTIAL TOWNHOUSE DUPLEX (RTH-D) This area is intended for residential neighborhoods with suitable area for one, two family dwelling, per lot.

- 1. **Area requirements - Residential Townhouse Duplex (RTH-D)**
 - a. Minimum lot area: 8,500 sq. ft. per two units (4,250 per unit)
 - b. Minimum lot width at lot frontage: 85 feet per two units (42.5 ft./unit)
 - c. Minimum lot depth: 100 feet
 - d. Minimum depth of front setback: 25 feet
 - e. Minimum depth of rear setback: 25 feet
 - f. Minimum width of side setback:
Internal lot: 10 feet at outside of structure, otherwise 0 feet.
Corner lot: 25 feet from intersecting side street

Area Regulations: (Minimum, all uses)

USE	SETBACK (FT.)					LOT AREA	LOT WIDTH	LOT DEPTH
	FRONT	REAR	SIDE					
			INTERIOR	EXTERIOR	CORNER	SQ. FT.	FT.	FT.
RESIDENTIAL	25	25	0	10	25	8500	85	100

RTH-D EXHIBIT:



2. **Building Size**

- a. Maximum coverage as a percentage of lot area: 40 percent
- b. Minimum area of each dwelling unit: 1,200 heated sq. ft.

3. **Architectural treatment**

- a. A minimum of 75 percent of exterior masonry veneer
- b. A minimum of a one car garage and one additional parking space

4. **Maximum accessory building coverage of rear yard: 20 percent**

5. **Maximum height of structures**

- a. 35 feet or 2 ½ stories, whichever is less;
- b. Public, semi-public or public service buildings, hospitals, institutions, or schools may not exceed a height of 60 feet. Churches, temples, and mosques may be up to 75 feet if, for each foot of height above 60 feet, the building is set back from each yard line at least one foot for each two feet additional height above the height limit in this district.

6. **Parking Regulations**

A townhouse/condominium duplex district lot shall provide a minimum of two (2) vehicle parking spaces per dwelling unit, with a driveway connecting the parking spaces with a street or alley, and meet all pertinent requirements in Ordinance 97-8, Section 04.05 (E), Off-Street Parking, or in the currently effective Building Code. (Ord. No. 2006-36, Sec. 3.)

H. **RESIDENTIAL TOWNHOUSE MULTI-FAMILY – (RTH-MF12)** This area is intended for multi-family structures containing single-family dwellings which are attached to one or more similar dwellings by a common fire wall or fire walls which, in combination with other attached dwellings, constitute an architectural whole on a separate lot.

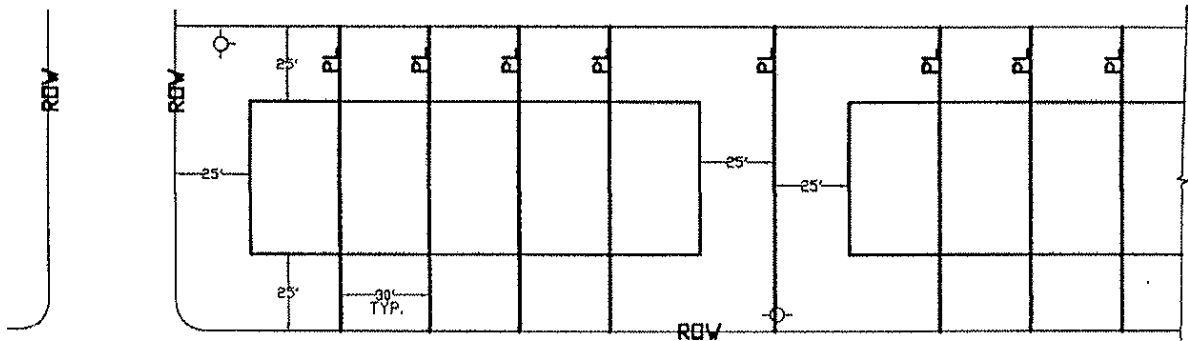
1. **Area requirements - Residential – (RTH-MF12)**

- a. Minimum lot area: 8500 sq. ft.; 3,000 sq. ft. per dwelling unit
- b. Minimum average lot width and lot frontage: 30 feet per dwelling unit
- c. Minimum lot depth: 100 feet
- d. Minimum depth of front setback: 25 feet
- e. Minimum depth of rear setback: 25 feet.
No construction permitted within 20 feet of the rear lot line. This includes patios, decks, fences (except for fences along the property line), or storage buildings.
- f. Minimum width of side setback:
Internal lot: 25 feet at outside of structure; otherwise 0 feet
Corner lot: 25 feet from intersecting side street

Area Regulations: (Minimum, all uses)

USE	SETBACK (FT.)					PER DWELLING UNIT		LOT DEPTH FT.
	FRONT	REAR	SIDE			LOT AREA SQ. FT.	LOT WIDTH FT.	
			INTERIOR	EXTERIOR	CORNER			
RESIDENTIAL	25	25	0	25	25	3000	30	100

RTH-MF12 EXHIBIT:



2. **Building Size**

- a. Maximum width of building: 150 feet along the street
- b. Maximum coverage as a percentage of lot area: 40 percent
- c. Minimum area of each dwelling unit: 1,000 heated sq. ft.

3. **Architectural treatment**

- a. A minimum of 75 percent of masonry veneer
- b. A minimum of 2 parking spaces per dwelling unit

4. **Maximum accessory building coverage of rear yard**

200 sq. ft.

5. **Maximum number of accessory buildings**

One per unit

6. **Maximum height of structures**

- a. 35 feet or 2 ½ stories, whichever is less;
- b. Public, semi-public or public service buildings, hospitals, institutions or schools may not exceed a height of 60 feet. Churches, temples, and mosques may not exceed 75 feet, if the building is set back from each yard line at least 1 foot for each 2 feet additional height above the height limit in this district.

7. **Special Provisions**

Townhouses having more than two units must be provided with a fire wall per code, or be sprinkled. A fire hydrant should be provided for each lot.

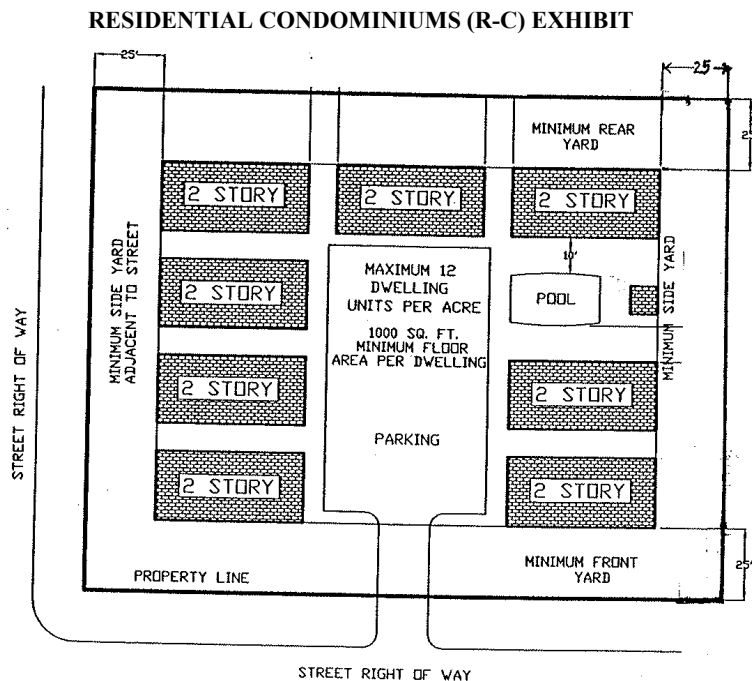
8. **Parking Regulations**

A Townhouse/Condominium Multi-Family District shall provide a minimum of two vehicles parking spaces per dwelling unit, with a driveway connecting the parking spaces with a street or alley, and meet all pertinent requirements contained in Ordinance 97-8, Section 04.05 (E), Off-Street Parking, or in the currently effective Building Code.

I. **RESIDENTIAL CONDOMINIUM (R-C)** This area is intended for single dwelling units contained in multi-unit dwellings or structures.

1. **Area requirements Residential Condominium (R-C)**

- a. Condominium zoning shall be for property ownership of a portion of a building, with ownership in common of all land and for portions of a building not part of a specific ownership.
- b. Condominium buildings and lots held in common shall comply with the provisions of one of the following zones:
 - i. Duplex style condominiums. These shall have only two units per building and shall comply with the applicable portions of Residential Townhouse Duplex RTH-D zoning. The minimum dwelling unit size shall be 1,200 sq. ft. excluding areas owned in common.
 - ii. Townhouse style condominiums. These shall have up to five units per building and shall comply with the applicable portions of the Residential Multi-Family RTH-MF12 zoning. The minimum dwelling unit size shall be 1,000 sq. ft., excluding areas owned in common.
 - iii. Apartment style condominium. These shall have up to 12 units per acre in buildings of various sizes, and shall comply with the following sketch.



J. **CENTRAL BUSINESS DISTRICT C-I** The Central Business District represents an area of intensive commercial uses including retail stores, banks, offices, and the like. It is the retail core of the city. Due to the permanency of the existing structures, and the nature of this district, structures, may, subject to Planning Commission approval, be built to the front and in most cases, side property lines.

1. **Permitted uses** – See Section 4.14 Schedule of uses.

Note: Service stations shall have underground tanks; pumps shall be twenty (20) feet from the property line; there shall be a minimum frontage of one hundred (100) feet.

2. **Uses on appeal to the Planning Commission** – See Section 4.14 Schedule of uses.

3. **Setback requirements C-1** – Setbacks should be compatible with existing structures and the character of the area.

a. Front – Minimum fifty (50) feet from the planning right-of-way as shown on the Master Street Plan.

b. Side – Ten (10) feet from property lines.

c. Street side – Ten (10) feet from the planning right-of-way as shown on the Master Street Plan.

d. Rear – Minimum of twenty-five (25) feet from property line or center of alley where one exists.

4. **Loading and unloading**

Loading and unloading facilities shall be provided so as not to block any public way.

5. **Off-street parking** – Refer to Chapter 4, Section 04.05 (E). (Ord. No. 97-8, Sec. 4.08.)

K. **HIGHWAY COMMERCIAL C-2** The Highway Commercial District is intended for those businesses which cater to the highway traffic, such as service stations, drive-in restaurants, motels, supermarkets, and similar businesses.

1. **Permitted uses** – See Section 4.14 Schedule of uses.

Note: Service stations shall have underground tanks; pumps shall be twenty (20) feet from the property line; there shall be a minimum frontage of one hundred (100) feet.

2. **Uses on appeal to the Planning Commission** – See Section 4.14 Schedule of uses.
3. **Setback requirements C-2**
 - a. Front – Minimum fifty (50) feet from the planning right-of-way as shown on the Master Street Plan.
 - b. Side – Ten (10) feet from property lines.
 - c. Street side – Ten (10) feet from the planning right-of-way as shown on the Master Street Plan.
 - d. Rear – Minimum of twenty-five (25) feet from property line or center of alley if one exists.
4. **Loading and unloading** – Loading and unloading facilities shall be provided so as not to block any public way.
5. **Off-street parking** – Refer to Chapter 4, Section 04.05 (E). (Ord. No. 97-8, Sec. 4.09.)

L. **NEIGHBORHOOD COMMERCIAL C-3** This zone is primarily for convenience shopping and services, such as grocery stores, barber and beauty shops, laundromats, drugstores, taverns, professional offices and similar uses. They provide convenient shopping for the surrounding area.

1. **Permitted uses** – See Section 4.14 Schedule of uses.

Note: Convenience shopping establishments with gasoline pumps shall have underground tanks.
2. **Uses on appeal to the Planning Commission** – See Section 4.14 Schedule of uses.
3. **Setback requirements C-3**
 - a. Front – Minimum twenty-five (25) feet from the planning right-of-way as shown on the Master Street Plan.
 - b. Side – Ten (10) feet from property lines.
 - c. Street side – Ten (10) feet from the planning right-of-way as shown on the Master Street Plan.
 - d. Rear – Minimum of twenty-five (25) feet from property line or center of alley where one exists.

4. **Off-Street loading and unloading**

Loading and unloading facilities shall be provided so as not to block any public way.

5. **Off-street parking** – Refer to Chapter 4, Section 04.05 (E).
(Ord. No. 97-8, Sec. 4.08.)

M. LIGHT INDUSTRIAL I-1

1. **Permitted uses** – See Section 4.14 Schedule of uses.

2. **Uses on appeal to the Planning Commission** – See Section 4.14 Schedule of uses.

3. **Residential use prohibited**

No structure may be constructed or altered for residential use.

4. **Setback requirements I-1**

All structures shall be built a minimum of twenty-five (25) feet from the planning right-of-way as shown on the Master Street Plan and twenty-five (25) feet from the side and rear property lines.

5. **Height requirements I-1**

a. Maximum height of a structure shall not exceed thirty-five (35) feet.

b. The Board of Adjustment may waive the height requirements when it is demonstrated that the equipment and the structure to house the operation requires greater height.

6. **Other requirements I-1**

a. The maximum lot size for I-1 is five (5) acres.

b. All activities must be carried on within buildings, with no outside storage of raw materials.

c. Shall employ a maximum of thirty (30) people.

d. Shall have a maximum of one hundred (100) vehicle trips per peak hours.

e. Shall have no discernable odor or vibration beyond the building walls.

f. Shall have no discernable noise beyond the lot lines.

- g. A continuous visual buffer, such as landscaping, berms, fencing, walls, etc. shall be located no less than ten (10) feet from the lot lines.
 - h. No toxic gases or chemicals shall be used or produced.
 - i. Any business or industry that cannot meet the above stated requirements must appeal to the Planning Commission for a condition Use Permit.
- 7. **Off-street parking** – Refer to Chapter 4, Section 04.05 (E).
 - 8. **Off-street loading and unloading facilities**

Each structure or use shall provide off-street loading and unloading facilities which will not block a street, alley, or public way.
(Ord. No. 97-8, Sec. 4.11)

N. **HEAVY INDUSTRIAL I-2**

- 1. **Permitted uses** – See Section 4.14 Schedule of uses.
- 2. **Uses on appeal to the Planning Commission** – See Section 4.14 Schedule of uses.
- 3. **Residential use prohibited**

No structure may be constructed or altered for residential use.
- 4. **Setback requirements I-2**

All structures shall be built a minimum of twenty-five (25) feet from the planning right-of-way as shown on the Master Street Plan and twenty-five (25) feet from the side and rear property lines.
- 5. **Height requirements I-2**
 - a. Maximum height of a structure shall not exceed thirty –five (35) feet.
 - b. The Board of Adjustment may waive the height requirements when it is demonstrated that the equipment and the structure to house the operation requires greater height.
- 6. **Other requirements I-2**
 - a. The minimum lot size shall be five (5) acres.

- b. Shall employ a maximum of ninety (99) people. Uses which employ more than one hundred (100) people must apply to the Planning Commission for a Condition Use Permit.
 - c. Shall have a maximum of three hundred (300) vehicle trips per peak hour.
 - d. Shall have no discernable odor, vibration or noise beyond the lot lines.
 - e. A continuous visual buffer, such as landscaping, berms, fencing, walls, etc. shall be located no less than ten (10) feet from the lot lines.
 - f. Any business or industry that cannot meet the above stated requirements must appeal to the Planning Commission for a Conditional Use permit.
7. **Off-street parking** – Refer to Chapter 4, Section 04.05 (E).
8. **Off-street loading and unloading facilities**

Each structure or use shall provide off-street loading and unloading facilities which will not block a street, alley, or public way.
(Ord. No. 97-8, Sec. 4.12)

O. **AGRICULTURAL A-1** Intended to provide for agricultural activities and to protect flood areas from development.

- 1. **Permitted uses** – See Section 4.14 Schedule of uses.
- 2. **Uses by appeal to the Planning Commission**

The raising of any animals subject to the following conditions:

- a. Anyone wishing to raise hogs, poultry, cattle, sheep rabbits, or goats for a commercial nature shall submit to the Planning Commission a written statement setting forth the nature of the proposed operation. This would include how and where the animals would be housed on the site, the maximum number to be accommodated permanently on the site at any time and any other information the Planning Commission feels necessary in making decisions. The petitioners shall also submit a list of all property owners within one-half (½) mile in all directions of the exterior limits of the property and a signed petition by as many of those property owners as are in favor of the operation.
- b. Anyone wishing to raise any other animal not listed in one (1) above shall submit to the Planning Commission a written statement setting forth the nature of the proposed operation. The statement should include the maximum number of animals to be accommodated at any one time, where and how they are to be

housed and the closest off-site residence other than the petitioners or an employee of the petitioners, to the proposed operation.

- c. The Planning Commission, after review of all materials submitted, shall make its decision as to whether the proposed agricultural activity is appropriate in the location intended. The Planning Commission may, as a part of its approval, impose such conditions as it deems necessary to protect the health, safety, morals, and general welfare of surrounding property owners.

3. **Setback requirements A-1**

- a. The minimum area for dwelling and agriculture related buildings shall be ten (10) acres.
- b. The setbacks for dwellings shall be the same as the R-1 – Residential District.
 - i. Front – Minimum thirty-five (35) feet from the planning right-of-way as shown on the Master Street Plan.
 - ii. Rear, with the principal structure being twenty-five (25) feet from the rear lot line. -Minimum of twenty-five (25) feet from rear lot line or center of alley where one exists or from the planning right-of-way as shown on the Master Street Plan.
 - iii. Side (each)– Minimum fifteen (15) feet from property lines.
 - iv. Street side – Minimum thirty-five (35) feet from the planning right-of-way as shown on the Master Street Plan.
- c. The setback for any structure related to the agricultural activity shall be one hundred (100) feet from the planning right-of-way as shown on the Master Street Plan.

4. **Off-street parking** – Refer to Chapter 4, Section 04.05 (E).
(Ord. No. 97-8, Sec. 4.13.)

14.04.05 General regulations

A. MODULAR HOUSES

1. Generally – All modular house units shall meet the following criteria:
 - a. be occupied only as residence;
 - b. be subject to all applicable provisions of the zoning ordinance, including having the land on which it is placed zoned R-MH;

- c. be constructed of two (2) or more sections;
 - d. be placed on permanent foundations, on footings, on piers, or on blocks in accordance with Arkansas State requirements or manufacturer recommendations, whichever are more stringent. Both the foundation system and connection of the manufactured home to the foundation system shall be capable of withstanding the design loads and concentrated loads identified in the installation instructions prescribed by the manufacturer;
 - e. have a skirt at the perimeter of the unit composed of concrete or masonry material;
 - f. be covered with a non-reflective exterior material customarily used on site-built dwelling, such as board siding, plywood siding, brick, or stucco; exterior brick or stucco material shall extend to the ground; other covering material need not extend below the top of the foundation and shall not be closer than eight inches to the ground;
 - g. have a pitched or peaked roof of two and one-half inches (2 ½) per foot, have a minimum roof overhang of twelve inches (12), and covered with a non-flammable roof material used on site-built dwellings;
 - h. be anchored to the ground in accordance with the manufacturers' specifications;
 - i. have wheels axles and hitch mechanisms removed;
 - j. have all pertinent utilities connected in accordance with the manufacturers' specifications and city ordinances.
2. Subdivisions – Any modular house subdivision to be placed in Centerton shall be subject to the review and approval of the Planning Commission.
- a. Anyone desiring to develop a modular house subdivision in Centerton shall file with the Planning Commission an application requesting the commission's review and approval. The applicant shall provide the Commission with the following information at the time of filing the application:
 - i. Legal description, ownership, and general location of property;
 - ii. Sketch showing lot dimensions, number of modular house units to be placed, setbacks from exterior property lines, type and location of proposed utilities, location of existing improvements above and below the ground, proposed access, street right-of-way and any additional information the Commission might request concerning the property; and

- iii. A list with addresses of abutting property owners, whether or not a street separates the property.
- b. The Planning Commission shall require the developer, by certified mail, notification of abutting property owners by mail of the request and at the next regular meeting unless the matter is continued for some reason, shall approve with or without conditions or deny with reasons, the request.
- c. The same procedure as used in zoning matters, shall be used for considering the request.
- d. Any decision of the Planning Commission may be appealed to the City Council (as provided in Chapter 8, Sec. 8.02)
- e. A request once denied shall not be reconsidered for a period of twelve (12) months from the date of denial unless the Planning Commission finds substantial reason exists for waiving this limitation. (Ord. No. 97-8, Sec. 5.01.)

B. ANNEXED AREA

Territory annexed to the city after adoption of this ordinance shall be given the Agricultural Use District designation until such time as an amendment to the text of this ordinance is requested as per Chapter 8, Section 8.01 and/or 8.02, unless the City Council approves a designation of a district other than Agricultural in the ordinance accepting the annexed area, providing that such district is in accordance with the City Comprehensive Plan. (Ord. No. 97-8, Sec. 5.02.)

C. COMPLETION OF EXISTING BUILDINGS

Nothing herein contained shall require any changes in plans, construction or designated use of a building for which a building permit has been issued within thirty (30) days prior to the adoption of this ordinance, provided construction is started on said building within one hundred twenty (120) days after adoption of this ordinance. (Ord. No. 97-8, Sec. 5.03.)

D. EXISTING LOTS AND LOT AREA

- 1. On any lot in a residential use district which is on a plat of record at the time of passage of this ordinance, a one-family structure may be erected even though the lot be of less area or width than required by the regulations of the residential use area in which the lot is located, provided all other area requirements are met.
- 2. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance. (Ord. No. 97-8, Sec. 5.04)

E. OFF-STREET PARKING

The following is a list of minimum requirements that are permitted within the terms of this ordinance. This list is to be used by the Enforcement Officer in evaluating each building erected, enlarged, or altered for use, for any of the following purposes:

1. Residential – At least two parking spaces for each dwelling unit.
2. Place of public assembly – At least one parking space for each three persons accommodated in the assembly hall.
3. School
 - a. Kindergarten through 9th grade – 1 parking space per 1,200 sq. ft. of floor area.
 - b. 10th through 12th grade – 1 parking space per 800 sq. ft. of floor area plus 1 parking space per 4 stadium seats.
4. Hospital and nursing home – At least one parking space for each four beds, plus one parking space for each 2 employees.
5. Retail stores providing goods and service, offices, restaurants and taverns – a minimum of one parking space for each 200 sq. ft. of floor space.
6. Warehousing and wholesaling – At least one parking space for each 500 sq. ft. of floor are or for each 2 employees, whichever is greater.
7. Industrial manufacturing – At least one parking space for each 2 employees. (Ord. No. 97-8, Sec. 4.05.)

14.04.06 Non-conforming

A. INTENT

1. Within the districts established by this ordinance or amendments that may later be adopted, there exist structures, and use of land and structures which were lawful before this ordinance was passed, but which would be prohibited, regulated, or restricted under the terms of this ordinance.
2. Such uses are declared to be incompatible with permitted uses in the districts involved.
3. It is the intent of this ordinance to permit these non-conformities to continue until they are removed, abandoned, or destroyed.

4. It is the further intent that existing non-conformities shall not be used as the basis for adding elsewhere other structures or uses prohibited in the same district. (Ord. No. 97-8, Sec. 6.01.)

B. NON-CONFORMING USE OF LAND

Where, at the effective date of this ordinance, a lawful use of land exists that is no longer permissible after the enactment of this ordinance, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions of this section:

1. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.
2. If any such non-conforming use of land ceases for any reason for a period of one (1) year, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located. (Ord. No. 97-8, Sec. 6.02.)

C. NON-CONFORMING STRUCTURE

When a lawful structure exists at the effective date of this ordinance that could not be built under the requirements of this ordinance by reason of restrictions on the area, lot coverage, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions of this section:

1. Should such structure be destroyed by any means to an extent in excess of two-thirds of its current appraised value, as determined by the Benton County Assessor's office, immediately prior to damage, it shall not be reconstructed except in conformity with the provisions of this ordinance.
2. Such structure, upon the approval of the Board of Zoning Adjustment, may be added to if said addition meets the area requirements of the zone district in which the structure is located, provided said use of structure is in conformance with this ordinance.
3. No such structure may be enlarged or altered in a way which increases its non-conformity. (Ord. No. 97-8, Sec. 6.03.)

D. NON-CONFORMING USE OF STRUCTURE AND LAND

If lawful use of a structure, or of structure and land in combination, exists at the effective date of this ordinance, that would not be allowed in the district under the requirements of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions of this section:

1. Any non-conforming use may be extended to any portion of a structure arranged or designed for such non-conforming use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.
2. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the Board of Zoning Adjustment shall determine that the proposed use is equally appropriate to the district as the existing non-conforming use.
3. Any non-conforming use, once changed to a conforming use, shall thereafter conform to the regulations for the district in which such structure is located, and all new uses shall be conforming uses.
4. When a non-conforming use of a structure, or structure and premises in combination, is destroyed by any means to an extent of more than fifty percent (50%) or discontinued for six (6) consecutive months, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. (Ord. No. 97-8, Sec. 6.04.)

E. REPAIRS AND MAINTENANCE

1. Any building devoted in whole or in part to any non-conforming use may have ordinary repairs, or repair and replacement of non-bearing walls, fixtures, wiring or plumbing, to an extent not to exceed ten percent (10%) of the replacement value of the building in any twelve (12) month period, provided that the size of the building is not increased.
2. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. (Ord. No. 97-8, Sec. 6.05.)

14.04.07 Board of Zoning Adjustment

A. ORGANIZATION

1. The Board of Zoning Adjustment, hereinafter referred to as the “Board,” shall consist of the entire membership of the Planning Commission and a quorum thereof shall be necessary in order to act officially on any matter. Appointment to the Planning Commission by the Mayor and City Council shall also be appointment to the Board and for the same time period.
2. Upon appointment and annually thereafter, the Board shall meet, organize and elect its own chairperson who shall serve for one (1) year or until the successor is duly

qualified. The chair may appoint a secretary who is not a member of the Board for the purpose of taking minutes at the meetings.

3. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant in the same manner as the original appointments. (Ord. No. 97-8, Sec. 7.01.)

B. MEETINGS

1. Meetings of the Board shall be held at such time and at such place within the city as the Board may designate, and may meet at any time on call of the chair or on request of two (2) members.
2. The Board shall keep minutes of its proceedings which shall contain as a minimum:
 - a. Time, date, and place of meeting.
 - b. Names of members present.
 - c. Citation, by number and description of appeal or application.
 - d. Pertinent facts of the case.
 - e. Names of persons appearing and their interest in the case.
 - f. Record of vote by name.
 - g. Authority for decision (cite ordinance or statute) and reasons for conditions imposed.
3. The minutes of the meeting shall be filed by the secretary of the Board in the office of the City Recorder and shall be public record. (Ord. No. 97-8, Sec. 7.02.)

C. APPEALS FROM DECISION OF ENFORCEMENT OFFICER The Board may hear appeals from the decision of the Enforcement Officer in respect to the enforcement and application of these regulations and may affirm or reverse, in whole or part, such decision of the Enforcement Officer. (Ord. No. 97-8, Sec. 7.03.)

D. VARIANCE

1. The Board shall hear requests for variances from the stated provisions of the zoning ordinance in instances where strict compliance to the provisions of the ordinance would cause undue hardship due to the circumstances unique to the individual property under consideration.

2. The Board may grant variances only when it is demonstrated that such action will with the spirit and intent of the zoning ordinance.
 3. The Board shall not permit as a variance any use in a zone that is not permitted under this ordinance in conformance with Act 186 of 1957 as amended.
 4. The Board may impose conditions in the granting of the variance to insure compliance and to protect adjacent property. (Ord. No. 97-8, Sec. 7.04.)
- E. **OTHER FUNCTIONS OF THE BOARD** The Board may hear applications and take such action as permitted on matters specifically referred to it under this ordinance. (Ord. No. 97-8, Sec. 7.05)
- F. **APPEALS FROM DECISIONS OF THE BOARD** Appeals from the decision of the Board shall be to a court of record within thirty (30) days from the decision of the Board in accordance with Act 186 of 1957 as amended. (Ord. No. 97-8, Sec. 7.06.)
- G. **NOTICE AND FEES**
1. Whenever an appeal or application for a variance is made to the Board, the Board shall cause to have published at the expense of the appellant or applicant a notice of the time and place of the public hearing upon such appeal or application which notice shall be published at least once not less than seven (7) days preceding the date of such hearing in an official paper or a paper of general circulation in the city, said notice to designate the particular location with which the appeal or application is concerned, and a brief statement as to what the appeal or application consists of. The Board shall also give or cause to be given such additional notice of such hearing to interested persons and organizations as it shall deem feasible and practicable.
 2. The appellant or applicant shall be required to pay to the City Recorder fees as established in Section 13.05 of this Code pursuant to the Planning Fee Schedule. Such fees are to cover the cost of this procedure, and under no condition shall said sum or any part thereof be refunded for failure of said change to be approved by the Planning Commission and adopted by the City Council. (Ord. No. 97-8, Sec. 7.07.)

14.04.08 Amending the zoning ordinance

A. AMENDMENTS BY PUBLIC BODY

1. The City Council may suggest that the Planning commission propose amendments to the text of this ordinance, or the Planning Commission itself may initiate proposed amendments.
2. Amendment to the text proposed by the Planning Commission shall be advertised in a paper of general circulation at least fifteen (15) days in advance of a public

hearing to be conducted by the Planning Commission. After the public hearing, the Planning Commission shall make a report and recommendation to the City Council pertaining to the proposed amendment to the text. The City Council's action on the report and recommendation shall be final.

3. The City Council, upon its own initiative, may amend this ordinance and the official zoning map by a majority vote of the entire City Council. (Ord. No. 2003-8, Sec. 1.)

B. AMENDMENTS BY INDIVIDUAL PROPERTY OWNER

1. A petition, giving the legal description of the property involved and the zoning classification requested for the property, or indicating the proposed amendment, shall be submitted to the Planning Commission by the property owner or his or her legally designated agent. The petition shall also include a statement and diagram explaining the proposed changes.
2. Upon receipt of the petition, the Planning Commission, in accordance with Act 186 of the 1957 General Assembly as subsequently amended, shall proceed as follows:
 - a. The Planning Commission shall hold a public hearing on a proposed amendment. Notice of the public hearing shall be published in a newspaper of general circulation in the city, at least one (1) time fifteen (15) days prior to the hearing. Additionally, notification must be served to adjacent property owners, within three hundred (300) feet, by certified mail.
 - b. Following the public hearing, the proposed amendment may be approved as presented or in modified form by a majority vote of the Planning Commission and recommended to the City Council.
 - c. If the Planning Commission disapproves a proposed amendment, the reasons for such disapproval shall be given in writing to the petitioner within fifteen (15) days from the date of the decision.
 - d. The City Council, by majority vote, may by ordinance adopt the recommended amendment submitted by the Planning Commission or may return the proposed change to the Planning Commission for further study and recommendation.

If the City Council does not concur with the recommendation for the Planning Commission, either as first submitted or as submitted after restudy, the City Council may, by majority vote, amend this ordinance by granting the request for the proposed change in the zoning classification in full or in modified form.

- e. Following disapproval of a proposed amendment by the Planning Commission, the petitioner may appeal such disapproval to the City Council, provided that the petitioner states specifically in writing to the City Recorder why he or she

considers the Planning Commission's finding and decision are in error. Such appeal shall be filed with the City Recorder within fifteen (15) days from mailing date of notice to petitioner of Planning Commission.

3. No application for a change in zoning classification will be reconsidered by the Planning Commission within twelve (12) months from date of final disapproval unless the Commission finds that a substantial reason exists for waiving this limitation.
4. Before any action shall be taken as provided in this section, any person or persons proposing a change in the zoning classification of his or her property shall pay to the City Recorder fees as established in Section 13.05 of this Code pursuant to the Planning Fee Schedule. Such fees are to cover the cost of this procedure, and under no condition shall said sum or any part thereof be refunded for failure of said change to be approved by the Planning Commission and adopted by the City Council. (Ord. No. 97-8, Sec. 8.02.)

14.04.09 Enforcement and administration

A. **RESPONSIBILITY** The Code Enforcement Officer or other designated official shall be responsible for the administration and enforcement of this ordinance. (Ord. No. 97-8, Sec. 9.01.)

B. **BUILDING PERMITS** No structure shall be erected, moved, added to, or structurally altered without a building permit. No building permit shall be issued except in conformity with the provisions of Ord. No. 93-22, or any amendments thereto and replacements thereof. (Ord. No. 97-8, Sec. 9.02.)

C. VIOLATIONS

1. If the Enforcement Officer shall find that the provisions of this ordinance are being violated, he or she shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it.
2. Should the person responsible for such violations fail to take the necessary action to correct it, the Enforcement Officer shall notify the City Council of the violation, said City Council shall certify the violation to the City Attorney, and said City Attorney shall, within seven (7) days, apply to Chancery Court for an injunction, mandamus, or other process to prevent, enjoin, abate, or remove said violation to this ordinance.
3. Each day a violation exists, after notification by the Enforcement Officer, constitutes a separate offense. The violator may be charged with a misdemeanor and shall be subject to a fine not to exceed Two Hundred Fifty Dollars (\$250.00). (Ord. No. 97-8, Sec. 9.03.)

D. CERTIFICATION OF OCCUPANCY

1. It shall be unlawful to use or occupy or permit the use or occupancy of any structure or land, or both, hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use of structure until a certificate of occupancy shall have been issued by the Enforcement Officer stating that the proposed use of structure of land conforms to the requirements of this ordinance.
2. The Enforcement Officer shall maintain a record of all certificates of zoning compliance, and copies shall be furnished upon request to any person. (Ord. No. 97-8, Sec. 9.04.)

14.04.10 HOME OCCUPATIONS

- A. Those home occupations that meet all the requirements herein, may be permitted in accordance with the following provisions, and approved administratively by city staff. Home occupations that do not meet one or more of the requirements below must be approved by the Planning Commission through the conditional use procedure.
1. The home occupation is located completely within the principal dwelling unit.
 2. The home occupation is solely operated by the owner(s) and occupant(s) of the dwelling. No nonresident persons are employed or independently contracted.
 3. The home occupation is not primarily a retail sales operation. (Incidental sales, i.e. shampoo, cosmetics, are permitted.)
 4. The home occupation does not occupy more than 25 percent of the gross habitable ground floor area of the principal dwelling unit.
 5. The home occupation does not display merchandise or have outside storage of equipment or materials.
 6. The home occupation does not alter the external appearance of the principal dwelling unit.
 7. The home occupation does not create noise, vibration, glare, fumes, electromagnetic interference, odors, or air pollution outside the principal dwelling unit.
 8. The home occupation does not involve the storage of hazardous materials, other than substances of a type and quantity customarily associated with a home or hobby.
 9. The home occupation will not cause more than one customer vehicle to be parking in the vicinity of the principal dwelling unit at a time.

10. The home occupation does not involve the external or visible manufacturing of goods on site.

B. Home occupation must meet the following requirements to be considered for a conditional use permit by the Planning Commission.

1. Traffic generated by the proposed use must not negatively impact the safety, ambiance and characteristics of the residential neighborhood.
2. The home occupation does not create noise, vibration, glare, fumes, electromagnetic interference, odors, or air pollution outside a structure.
3. The home occupation is not primarily a retail sales operation (Incidental sales, i.e. shampoo, cosmetics, are permitted).
4. The home occupation does not involve the storage of hazardous materials, other than substances of a type and quantity customarily associated with a home or hobby.
5. The home occupation is solely operated by the owner(s) and occupant(s) of the dwelling. No nonresident persons are employed or independently contracted.

C. **Examples of Home Occupations.**

1. Activities conducted principally by telephone, computer, facsimile or mail.
2. Studios where handicrafts or objects of art are produced.
3. Dressmaking or apparel alterations.
4. Barber or beauty shop (one chair).
5. Independent consultant such as Mary Kay, Pampered Chef, Avon, Southern Living at Home, etc.
6. Residential child care up to eight (8) children.

D. **Hobbies.** Hobbies conducted solely within the confines of a structure with no external impacts whatsoever, are not considered home occupations, even if occasional items are sold on the premises or transported away from the premises for sale.

14.04.11 ALCOHOL SALES

A. **General Provisions**

1. **Applicability.** The definitions, terms and provisions of A.C.A. Title 3 Alcoholic Beverages (A.C.A. §3-1-101 et seq.) relating to beer, wine and liquors are hereby adopted and made a part of this article. Applicants for and holders of permits and other persons shall conform to the regulations set forth in A.C.A. Title 3 (A.C.A. §3-1-101 et seq.) and to the provisions of this article. (Ord. 2013-01; Sec.14.04.11)
 - a. It shall be unlawful for any person to engage in the business of manufacturing, transporting, storing, handling, receiving, distributing, selling, or dispensing, either at wholesale or retail, any controlled beverage, within the City of Centerton without the appropriate permit issued by the Division of Alcoholic Beverage Control of the State of Arkansas.
 - b. It shall be unlawful to sell, offer for sale, or give away, at wholesale or retail for consumption on or off the premises, alcoholic beverages of every kind and type on those days or hours prohibited by A.C.A. Title 3 (A.C.A. §3-1-101 et seq.)
 - c. The provisions of this section shall not apply to the home manufacture of wines or beer for personal use by residents of the City of Centerton and not for sale or distribution outside of the home.

B. Establishment Types

1. **Establishments – On Premise Consumption**
 - a. Restaurant, Hotel or Motel – The retail sales of alcoholic beverages for consumption on the premises shall be allowed by right in the zoning district of C-2, General Commercial, and with conditional use approval in the zoning district of C-1, Downtown Commercial.
 - b. Bars, Pubs, Clubs, and Lodges – The retail sales of alcoholic beverages for consumption on the premises shall be subject to conditional use approval by the Centerton Planning Commission in the zoning districts of C-1 and C-2.
2. **Packaged Retail Sales – Off Premise Consumption**
 - a. **Beer, Wine and Spirits – Districts Permitted.** The packaged retail sales of beer, wine, and spirits of every kind and type for consumption off the premises shall be allowed by right in the zoning district of C-2, General Commercial and with the issuance of a Conditional Use Permit in the C-1, Downtown Commercial zoning district, subject to the conditional use provisions as outlined below in Section b) Conditions for Use.
 - b. **Conditions for Use.** Public Notice of Hearing shall be advertised in a paper of general circulation at least one (1) time fifteen (15) days prior to the hearing to be conducted by the Planning Commission. Additionally, notification must be

served to adjacent property owners within three hundred (300) feet. List of adjacent property owners and proof of mailing are required to be submitted to the City. Extra costs, such as advertising, will be the responsibility of the applicant.

3. **Wholesale Manufacture and/or Distribution.** The wholesale manufacture and/or distribution of intoxicating liquors to include alcoholic beverages of every kind and type shall be allowed by right in the I-1, Light Industrial and I-2, Heavy Industrial zoning districts and with the approval of a Conditional Use Permit in the C-2, General Commercial zoning district.
4. **Microbrewery-Restaurant.** A microbrewery-restaurant as defined by the Division of Alcoholic Beverage Control of the State of Arkansas, shall be allowed with the approval of a Conditional Use Permit in the C-1, Downtown Commercial, C-2, General Commercial, I-1, Light Industrial, and I-2, Heavy Industrial zoning districts.

14.04.12 Planned Unit Developments

A. GENERAL

1. **Approval.** *Planned unit developments* (PUDs) shall be allowed by Planning Commission approval in any commercial, residential, or industrial district. No such planned unit development permit shall be granted unless such development will meet the use limitations of the zoning district in which it is located and meet the spatial requirements and other limitations of such districts, except as such requirements may be lawfully modified as provided by this code and approved by the Planning Commission. Compliance with the regulations of this code in no way excuses the developer from the applicable requirements of Title 15, Subdivision & Development Regulations, except as modifications thereof are specifically authorized in the approval of the application for the PUD.
2. **Intent.** These regulations are to encourage and provide means for effecting desirable and quality development by permitting greater flexibility and design freedom than that permitted under the basic district regulations, and to accomplish a well-balanced, aesthetically satisfying city and economically desirable development of building sites within a PUD. These regulations are established to permit latitude in the development of the building site if such development is found to be in accordance with the purpose, spirit and intent of this ordinance and is found not to be hazardous, harmful, offensive or otherwise adverse to the environment, property values or the character of the neighborhood or the health, safety and welfare of the community. It is intended to permit and encourage diversification, variation and imagination in the relationship of uses, structures, open spaces and heights of structures for developments conceived and implemented as comprehensive and cohesive unified projects. It is further intended to encourage more rational and efficient development with relationship

to public services, and to encourage and facilitate the preservation of open lands.

B. CONDITIONS

1. **Area.** No PUD shall have an area less than that approved by the Planning Commission as adequate for the proposed development.
2. **Uses.** Permitted uses within a PUD shall conform to the permitted uses within the existing zoning district in which the PUD is being proposed, and/or shall be consistent with the general character of the land use classification of the subject property in the city's Land Use Plan, and/or be substantially similar to and compatible with adjacent property.
3. **Ownership.** The development shall be in single or corporate ownership at the time of application, or the application is filed jointly by all owners of the property. Subdividing shall be defined with the PUD approval. No future additional land division shall be permitted, except upon consideration and approval by the Planning Commission.
4. **Design.** The Planning Commission shall require such arrangements of structures and open spaces within the site development plan as necessary to ensure that adjacent properties will not be adversely affected. Where feasible and applicable, it is recommended that the least height and density of buildings and uses be arranged around the boundaries of the development, with higher and more dense building arrangement in the interior.
5. **Density.** Density for residential land use (number of dwelling units per acre) shall be consistent with the City's Comprehensive Plan and Future Land Use Plan.
6. **Accessory Buildings.** Placement and setbacks shall conform with Zoning District principle buildings, except as may be modified by the Planning Commission.
7. **Open Space.** PUDs with exclusively residential land use shall designate at least twenty-five (25) percent of the total development area to common usable open space. All other PUDs shall designate at least fifteen (15) percent of the total development area to common usable open space.
 - a. Open Space land excludes all buildings, accessory structures, yards, streets, or drainage ways & detention, and shall be maintained as common usable open space for the purpose of providing parks, recreational facilities, ways for pedestrian movement and circulation, and conserving visually pleasing elements of the environment.
 - i. No more than one-half (1/2) of the common usable open space in a development may be retention ponds and bodies of water.
 - ii. No more than one-half (1/2) of the common usable open space may

have a slope greater than fifteen (15) percent.

- b. Preservation, maintenance and ownership of required open spaces within the development shall be accomplished by either:
 - i. Dedication by deed or easement and improvement of the land as a public park or trail system; or
 - ii. Creating a permanent, open space easement on and over the said private open spaces to guarantee that the open space remain perpetually in recreational use, with ownership and maintenance being the responsibility of an owners' association established with articles of association and bylaws, which are satisfactory to the Planning Commission.

8. **Architectural Treatment.** All the items below shall apply to commercial and mixed-use (commercial/residential) developments. Items (a) and (c) shall additionally apply to residential developments, and item (a) shall apply to industrial developments.

- a. All uses shall incorporate architectural materials in the design of all structures. All façade walls shall be composed of one-hundred percent architectural materials including at least two (2) of the following materials on each façade wall: brick, exterior insulation finish systems (EIFS)/Dryvit, architectural concrete blocks, glass, pre-cast concrete, native stone, wood, tile, stucco (3 step process), fiber cement siding, aluminum composite panels (ACP), or flush metal paneling. ACP and flush metal paneling may not compose more than twenty (25) percent of the area of any one façade wall. This list should not be considered exhaustive, and other materials may be considered for review upon request of the applicant.
- b. Commercial or mixed-use (commercial/residential) structures shall have a front building façade with windows, glazing, and/or doors comprising no less than twenty (20) percent of its total square footage.
- c. The vertical plane of each façade of the commercial or residential building shall not be completely flat but shall be broken vertically in a least one location by a minimum of a one (1) foot differential in the vertical plane for each one hundred (100) feet of horizontal surface or a minimum of one (1) time, whichever is more stringent. This requirement may be met by a recessed or extended entrance. Coursing or use of at least two (2) different architectural materials may be considered to meet this requirement on sidewall facades.

9. **Landscaping and Tree Preservation.** Landscaping, fencing and screening

related to the uses within the site and as a means of integrating the proposed development into its surroundings shall be planned and presented to the Planning Commission for approval, together with other required plans for the development. A planting plan showing proposed tree and shrubbery plantings shall be prepared for the entire site to be developed, as required by City Code, and as approved by the Planning Commission.

10. **Site Lighting.** Site lighting shall conform to the requirements of Chapter 15.12.xy, Outdoor Lighting & Illumination, of City Code. Detailed information submitted for review to include: Site Lighting Plan and information on poles, fixtures, illumination patterns, etc. as applicable.

11. **Off-Street Parking.**

a. **Recommended Number.** Off-street parking is recommended as follows, or as otherwise approved by the Planning Commission with the PUD application:

USE	NUMBER OF PARKING SPACES RECOMMENDED
Assembly	1 per 300 gross square feet
Dwelling unit	Single Family Units – 2 covered plus 2 uncovered Otherwise – 2 per dwelling unit (note: visitor parking should be considered if street parking is not available, 1 stall per unit recommended)
Health club	1 per 100 gross square feet
Hotel/motel	1 per sleeping unit plus 1 per 500 gross square feet
Industry	1 per 500 gross square feet
Medical office	1 per 200 gross square feet
Office	1 per 300 gross square feet
Restaurant	1 per 100 gross square feet
Retail	1 per 200 gross square feet of floor space
School	1 per 3.5 seats in assembly rooms plus 1 per faculty member/employee
Warehouse	1 per 500 gross square feet

b. **Combination of uses.** Where there is a combination of uses on a lot, the recommended number of parking spaces shall be the sum of that found for each use, or as otherwise approved by the Planning Commission.

12. **Signs.** Proposed signage shall conform to the requirements of Chapter 18.04.xy, Sign Regulations, of City Code. The size, location, design and nature of signs, if any, and the intensity and direction of area or floodlighting shall be detailed in the PUD development plans and on the Sign Permit application.

13. **Suitability.** The proposed use of the particular location shall be shown as necessary or desirable, to provide a service or facility that will contribute to the

general wellbeing of the surrounding area and City in general. It shall also be shown that under the circumstances of the particular case, the proposed use will not be detrimental to the health, safety, or general welfare of persons residing in the vicinity of the PUD or the City as a whole. Consideration of alternate or multi-modal modes of transportation is encouraged.

C. PLANNING COMMISSION DETERMINATION

1. **Considerations.** In carrying out the intent of this section, the Planning Commission shall consider the following principles:
 - a. It is the intent of this section that site and building plans for a PUD shall be prepared by a designer or team of designers having professional competence in urban planning. The Planning Commission shall be permitted to require the applicant to engage such professional expertise as a qualified designer or design team.
 - b. It is not the intent of this section that control of the design of a PUD by the Planning Commission be so rigidly exercised that individual initiative be stifled and substantial additional expense incurred; rather, it is the intent of this section that the control exercised be the minimum necessary to achieve the purpose and intent of this section.
 - c. Approval shall be based on findings that the proposed PUD:
 - i. The development's land use is permitted in the presented zoning district, and/or is compatible with the city's Land Use Plan, and/or is substantially similar to adjacent property.
 - ii. The development is likely to be compatible with development and land use permitted as of right by the zoning ordinance on substantially all land in the vicinity of the proposed PUD.
 - iii. Provides public benefits that would not be achievable through the normal zoning regulations.
 - iv. Adequate public utilities are already in place to service the property, or the developer has sufficient plans and private financial commitment in place to ensure adequate public utilities will be available to service the property.
 - v. The development will not impose substantial negative external impacts on or prevent the orderly development of adjacent property.
 - vi. The development does not endanger the public health, welfare or safety.

- vii. The development satisfies any other requirements of the ordinance.
2. The Planning Commission shall be authorized to approve or disapprove an application for a PUD.

In an approval, the commission shall be permitted to attach such conditions as it deems necessary to secure compliance with the purposes set forth in this chapter. The denial of an application for a PUD by the Planning Commission shall be permitted to be appealed to the legislative body of the jurisdiction.

D. REQUIRED CONTRIBUTIONS

The Planning Commission body, as part of the approval of a PUD, shall be permitted to require an applicant to make reasonable contributions to include, but not limited to any combination of the following:

1. Dedication or reservation of land for public park and trail purposes.
2. Dedication or reservation of land for public road right-of-way and alternative or multi-modal transportation purposes.
3. Dedication of public utility, drainage, and access easements.
4. Adjacent Street Improvements - construction of, or addition to, roads serving the proposed project where such construction or addition is reasonably related to the traffic to be generated.
5. Installation of required traffic safety devices.
6. Preservation of areas containing significant natural, environmental, historic, archeological or similar resources.

E. PROCEDURE

1. **General.** A pre-application plan and conference is recommended to provide information to the City of the developer's intention with respect to the nature and scope of the PUD district, and to allow the developer to be informed of the City's policies concerning development alternatives for the area. The formal application for PUD includes a Conditional Use - Planned Unit Development Permit Application and a concurrent Large Scale Development Plan and/or Preliminary Plat and Plans for review and approval.
2. **Pre-Application Plan and Conference.**

- a. A pre-application plan and conference is recommended for staff review of the area and proposed uses relative to the compatibility of a PUD project with existing development in the surrounding area and the Comprehensive Plan of the City.
 - b. It shall be the responsibility of the applicant to request the pre-application conference from planning staff.
 - c. The general outline of the proposal, evidenced by the pre-application plan and such other information as recommended on the PUD application checklist, are to be considered prior to submission of the PUD application. Staff will furnish the applicant with appropriate recommendations to inform and assist the applicant prior to preparing the components of the PUD application.
3. **Application Requirements.** After receiving recommendations from the pre-application plan and conference, the applicant may proceed in preparing a formal application for a Conditional Use – Planned Unit Development Permit to the Planning Commission. The application shall consist of a concurrent submission of Large Scale Development Plans and/or Preliminary Plat and Plans and shall conform to all requirements contained in the Centerton Subdivision & Development Regulations (Title 15 of the Centerton Municipal Code) with the exception of certain design requirements that are specifically exempted or modified by provisions of these regulations of the Zoning Ordinance. The following will be required for the submission to be accepted:
- a. **Application.** Completed and signed application form.
 - b. **Fee.** Payment of the filing fee as specified in the schedule of fees.
 - c. **Deed.** Copy of land deed showing ownership of property.
 - d. **Written Description.** The applicant shall provide a written description of the proposed planned unit development to include:
 - i. Justification of compliance with the intent of this PUD ordinance and consistency with the local comprehensive plan;
 - ii. Description of proposed land uses and percentage of land area devoted to each;
 - iii. Description of compliance with PUD development criteria; and
 - iv. If phasing is proposed, a proposed schedule of construction.
4. **Concurrent Submittal of Large Scale Development Plans and/or Preliminary**

Plat and Plans. Applicant shall submit the number of copies of the Development Plans and/or Preliminary Plat and Plans as indicated in the relevant application packet and including the information required as set forth in the Subdivision & Development Regulations concurrently with the Conditional Use – Planned Unit Development Permit application.

5. **Notification.** For all PUD's, a public hearing shall be held concurrently with the review of the PUD plan by the Planning Commission and the following notifications shall be completed:
- a. **Notice of Public Hearing Preparation.** The Planning Department will review the application submittals and sign the "Notice of Public Hearing" for the Planning Commission Chairperson. This notice will be returned to the Applicant for notification purposes.
 - b. **Certified Mailing.** Applicant shall obtain a certified mailing list (from abstract company or Benton County Assessor's Office) of anyone who owns or leases property within 300 feet of the property boundary to be rezoned. The Applicant will be responsible for any fees charged for this service. Applicant shall provide the City with a digital copy of the complete list of all adjacent Property Owners to be notified, in Excel Format if more than 10, and providing the following information, each in their own column: owner name (first, last); mailing address; property identification number (PID#); property address; and lot number (if platted lands). The applicant shall mail a copy of the signed "Notice of Public Hearing", with a site location map provided by the City, by certified mail, return receipt requested, to everyone on the certified mailing list at least fifteen (15) days in advance of the public hearing to be conducted by the Planning Commission. Applicant shall provide the City with a signed Affidavit provided in the PUD Application, along with proof of mailing at least seven (7) days prior to the public hearing date. This includes: all original mailing receipts; returned post cards; and undeliverable notices. Extra costs, such as advertising, will be the responsibility of the applicant.
 - c. **Publication.** The Commission shall cause to have published at the expense of the applicant a notice of the time and place of the public hearing upon such appeal or application, which notice shall be advertised in a paper of general circulation at least one (1) time fifteen (15) days in advance of a public hearing to be conducted by the Planning Commission. Said notice shall designate the particular location with which the appeal or application is concerned, and a brief description of the appeal or application.
 - d. **Sign Posting.** The applicant will be responsible to post one or more signs, provided by the City, on the property subject to the Conditional Use PUD request 15 days prior to the Public Hearing date. Applicant will also be responsible for the removal/disposal of the sign within one day following the hearing date. The sign must be viewable to the public and may be displayed on

a fence with zip ties, or in the ground in front of the property where the PUD applies, with visibility of both sides of the sign.

6. Planning Commission Review and Action. The Planning Commission shall have the authority to require that the following conditions for a planned unit development (PUD) be met by the applicant:

- a. That the proponents shall start construction within 1 year of approval of the project by the Planning Commission, and intend to complete said construction, or approved stages thereof, within 3 years from the date construction begins.
- b. That the development is planned as one integrated land use rather than as an aggregation of individual and unrelated buildings and uses.
- c. That a development plat or site plan for the PUD be recorded with Benton County Recorder of Deeds and Records.
- d. Other conditions as may be deemed appropriate or necessary by the Planning Commission.

7. Limitations on Application.

- a. Upon approval of a PUD, construction shall proceed only in accordance with the plans and specifications approved by the Planning Commission and in compliance with any conditions attached by the jurisdiction as to its approval.
- b. Amendment to approved plans and specifications for a PUD shall be obtained only by following the procedures herein outlined for first approval.
- c. The building official shall not issue any permit for any proposed building, structure or use within the project unless such building, structure or use is in accordance with the approved development plan and with any conditions imposed in conjunction with its approval.

14.04.14 Schedule of Uses

A. PERMITTED, PROHIBITED, AND CONDITIONAL USES

1. **Permitted Uses.** Where the letter “P” appears on the line of a permitted use and in the column of a district, the use is permitted in that district subject to the provisions of Section 14.04.04 Zoning Districts.
2. **Conditional Uses.** Where the letter “C” appears, this use is permitted subject to acquiring a conditional use permit and requires review and

approval by the Planning Commission. A conditional use (otherwise known as uses on appeal) is a use that is not expressly permitted in a district, however, may be considered for compatible and appropriate with existing uses. The Planning Commission may put conditions on these, including but not limited to, operating limits, parking restrictions, landscaping, or timed renewal of the permit, as is required to mitigate any adverse impacts of the use.

3. **Prohibited Uses.** Where a use is listed but neither “P” nor “C” appears in a district column, the use is not permitted in the district. This prohibition may be appealed to the Board of Zoning Adjustment as a variance request; or an application can be made to the Planning Commission and handled as a proposed amendment to the zoning ordinance per Section 14.04.08.
4. **Uses Not Listed.** When a use is proposed that is not listed in the Schedule of Uses, the Planning Director shall recommend to the applicant the appropriate districts based on land uses that are similar in size, bulk, and traffic generation. The proposed use requires review and approval by the Planning Commission. If the applicant does not agree with this interpretation, he/she may appeal the interpretation to the Board of Adjustment. If the Planning Director fails to make an interpretation for the use in question, then the application shall be handled as a proposed amendment to the Zoning Code and processed in accordance with Section 14.04.08.
5. **Less Intensive Uses.** Less intensive uses may be allowed in a higher zone upon consideration and approval by the Planning Commission.

Schedule of Uses Listed on Next Page

Section 14.04.14 - SCHEDULE OF USES

P=Permitted; C=Conditional			AG	RESIDENTIAL								COMMERCIAL			INDUSTRIAL	
USES	Applicable Code	A1	RE	R1	R2	R3	TH-D	TH-MF	RC	MH	C1	C2	C3	I1	I2	
AGRICULTURE AND ANIMALS																
1	Agricultural product processing		P											C	P	
2	Agricultural-related business		P											C	P	
3	Agriculture / Farm crops		P											C	C	
4	Animal – domestic or household		P	P	P	P	P	P	P	P	P	P	P	P	P	
5	Animal - exotic		C													
6	Animal - farm		P	P												
7	Animal Kennel/Boarding/Training/Shelter	6.04.14 6.04.15	P	C							C	C	C	P		
8	Animal clinic/veterinary (large animals)		P											C	P	
9	Animal clinic/veterinary (small animals)		P								C	P		C		
10	Apiculture (Bee Keeping) (*single family only)		P	P	C	C*	C*									
11	Botanical Garden		P	C	C	C	C	C	C	C	P	P	P			
12	Community Garden		P	P	P	P	P	P	P	P	P	P	P	P	P	
13	Crop Sales & Farmers Market		P	C							C	C	C	C		
14	Farm Equipment and Supply Sales		P									C		P	P	
15	Feed Store		P									C		P	P	
16	Grain Elevator or Feed Mill, Storage		P											C	P	
17	Greenhouse (Commercial)		P	C							C	P	C	P	P	
18	Livestock Market		P												C	
19	Marijuana Cultivation		C											C	C	
20	Pet Shop/Grooming		P	C							C	P	C	C		
21	Plant Nursery / Tree Farm		P								C	C		P	P	
22	Slaughterhouse		C												C	
23	Stables (Commercial, Riding & Boarding)		P	C										C		
24	Zoo		C											C		

P=Permitted; C=Conditional			AG	RESIDENTIAL								COMMERCIAL			INDUSTRIAL	
	USES	Applicable Code	A1	RE	R1	R2	R3	TH-D	TH-MF	RC	MH	C1	C2	C3	I1	I2
RESIDENTIAL																
25	Dwelling – accessory living unit		P	C	C	C	C					C	C	C		
26	Dwelling – condominium									P						
27	Dwelling – manufactured / modular		P	P	C		C				P					
28	Dwelling – multi-family						P		P							
29	Dwelling – single family		P	P	P	P	P				P					
30	Dwelling – two family / duplex					P	P									
31	Dwelling – townhouse two family							P								
32	Dwelling – townhouse multi-family								P							
33	Home Occupation – (*requires HOP)	14.04.10 A	p*	p*	p*	p*	p*	p*	p*	p*	p*					
34	Home Occupation	14.04.10 B	C	C	C	C	C	C	C	C	C					
35	Manufactured Home Park										P					
36	Residential Facility – Assisted living						C	C	C	C		C	C	C		
37	Residential Facility – Extended Medical Care (Nursing Home)											C	C	C		
38	Residential Facility – Group Home (temp shelter, youth center, half-way home, ...)		C				C					C	C	C		
39	Residential Facility – Rehabilitation											C	P	C		
MUNICIPAL/EDUCATION/PUBLIC ASSEMBLY																
40	Arena /Auditorium / Convention Center											C	P	C	C	C
41	Cemetery / Mausoleum		C	C	C	C	C					C	C	C	C	C
42	Community/Event Center		C									P	P	C		
43	Educational Facilities		C	C	C	C	C	C	C	C	C	C	C	C	C	C
44	Emergency Services (fire/police, etc)		C	C	C	C	C	C	C	C	C	C	C	C	C	C
45	Governmental Agencies/Offices		C									P	P	C	P	P
46	Jail / Correctional Facility		C										C		P	P
47	Library		C	C	C	C	C	C	C	C	C	P	P	C		
48	Museum, Art Gallery, or Other Similar Public Use		C	C	C	C	C	C	C	C	C	P	P	C		
49	Post Office											C	C	C		
50	Religious Facilities		C	C	C	C	C	C	C	C	C	C	C	C	C	C

P=Permitted; C=Conditional			AG	RESIDENTIAL								COMMERCIAL			INDUSTRIAL	
	USES	Applicable Code	A1	RE	R1	R2	R3	TH-D	TH-MF	RC	MH	C1	C2	C3	I1	I2
RECREATION																
51	Campground		C	C								C	C		C	
52	Country Club / Clubhouse (private)		C	C	C	C	C	C	C	C	C	C	P	C		
53	Dance / Gymnastics / Karate Studio, etc.		C									P	P	P		
54	Fair or rodeo grounds		C										C		C	C
55	Golf Course		P	C	C	C	C	C	C	C	C	C	C	C	C	C
56	Golf Driving Range		P	C	C	C	C	C	C	C	C	C	C	C	C	C
57	Golf - Miniature		C									C	P	C	P	
58	Gun Range (Indoor)		C										C		P	P
59	Gun Range (Outdoor)		C												C	C
60	Parks		P	P	P	P	P	P	P	P	P	P	P	P	P	P
61	Recreation Facility – Indoor		C									P	P	C	P	P
62	Recreational Facility – Outdoor		C									C	C	C	C	C
63	Recreational Vehicle Park		C								P	C	C		C	
64	Theater (indoor)											P	P			
65	Theater Drive-In (outdoor)		C										C		C	
SERVICES																
66	ATM Machine											P	P	P	P	P
67	Auction House		C									P	P	C	P	P
68	Auction – Auto or Large Equipment		C										C		P	P
69	Auto detail, glass, muffler, brakes, tires, upholstery		C									C	P		P	P
70	Auto Rental Agency											C	P		P	P
71	Auto Repair Garage (mechanical & auto body)		C									C	P		P	P
72	Bank/Financial Institutions											P	P	P		
73	Barber, Beauty Shop, Nail Salon		C									P	P	P		
74	Barber, Beauty Shop, Nail Salon – Residential (1 chair)	14.04.10	C	C	C	C	C	C	C	C						
75	Car Wash											C	P		P	P
76	Catering		C	C	C	C	C	C	C	C		P	P	P		
<i>(SERVICES CONT'D NEXT PAGE)</i>																

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			A1	RE	R1	R2	R3	TH-D	TH-MF	RC	MH	C1	C2	C3	I1	I2
SERVICES cont'd																
77	Cleaning/Janitorial Service											P	P	C	P	P
78	Child Care - Commercial		C									P	P	P		
79	Child Care - Residential (Up to 8 children)		C	C	C	C	C	C	C	C	C					
80	Contractors (Electrical, Plumbing, HVAC, Painting, Masonry, Roofing, etc.)		P									C	P		P	P
81	Contractors - Heavy Equipment		P												C	P
82	Crematory											C	C		P	P
83	Dry Cleaning / Laundromat											P	P	C		
84	Funeral Home											P	P	C		
85	Health Spa											C	P	C		
86	Lodging - Bed & Breakfast / Homestay		C	C	C	C	C	C	C	C	C	C	C	C		
87	Lodging - Motel/Hotel											P	P			
88	Medical Services - Hospitals											C	P			
89	Medical Services - Doctor office											P	P	P		
90	Medical Services - Laboratory											C	P	C	P	P
91	Medical Services - Substance abuse or mental health treatment clinic											C	P			
92	Office (General or Professional)											P	P	P		
93	Photography Studio											P	P	P		
94	Print Shop, Lithographer or Blueprinting											P	P	C	P	
95	Repair Services - Household		P									P	P	P	P	P
96	Repair Services - Large Equipment		P										P		P	P
97	Senior Activity Center/Adult Day Services		C	C	C	C	C	C	C	C	C	P	P	P		
RETAIL																
98	Alcohol Mfg - Microbrewery-Restaurant											C	C	C	P	P
99	Alcohol Sales - Off Premise Consumption											C	P	C		
100	Alcohol Sales - On Premise Consumption											C	P	C		
101	Appliance Sales & Service											P	P	C		
102	Auto Parts and Accessories Retail											P	P			
<i>(RETAIL CONT'D NEXT PAGE)</i>																

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	RETAIL cont'd															
103	Auto Sales		C										P		P	P
104	Bakery or Confectionary Shop											P	P	P		
105	Gas Propane Refill Stations														C	P
106	Building Materials & Supply											C	P		P	P
107	Business Machines and Repair											P	P	P	P	P
108	Cabinet or Woodwork Shop		P									C	P	C	P	P
109	Convenience Store		C									C	P	C	P	P
110	Flea Market / Antique Shop		C									P	P	C	C	
111	Florist Shop											P	P	P		
112	Frozen Food Locker														C	P
113	Fuel Station		C									C	P	C	P	P
114	Grocery Store											P	P	P		
115	Machinery, Heavy Equipment Sales & Svc		P										C		P	P
116	Machinery, Light Equipment Sales & Svc											C	C		P	P
117	Mobile Food Vendor/Food Truck	4.28.01	C									C	C	C	C	C
118	Modular/Manufactured Home Sales												C		P	P
119	Pawn Shop											C	P		P	
120	Pharmacy / Marijuana Dispensary											C	C			
121	Pool Sales & Supplies											C	C		P	P
122	Portable Building Sales		C										C		P	P
123	Recreational Vehicle/Boat Sales & Rental												C		P	P
124	Restaurant/Diner		C									P	P	C	P	P
125	Retail Stores - Small scale (≤4,000 gsf)											P	P	P	P	P
126	Retail Stores - Large Scale (>4,000 gsf)											C	P	C	P	P
127	Sign Shop											C	P	C	P	P
128	Sexually Oriented Businesses (Chapter 7.36)												C			
129	Tool & Equipment Rental (Light)											C	C	C	P	P
130	Tool & Equipment Rental (Heavy)												C		P	P

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INDUSTRIAL AND WAREHOUSING																
129	Alcohol Manufacturing & Distribution												C		P	P
130	Artisan/craft product manufacturer (brick, pottery, tile and terra cotta)		C									C	C	C	P	P
131	Batch Plant / Concrete Mix Quarry															P
132	Canning Plant															P
133	Cold Storage Plants														C	P
134	Construction Facility / Maintenance Yard												C		P	P
135	Distribution, hauling, & trucking														C	P
136	Fabrication / Assembly												C		P	P
137	Industrial - Intensive															P
138	Industrial - Light														P	P
139	Laboratory - Experimental & Testing												C		P	P
140	Laboratory - Manufacturing														P	P
141	Machine, Metal or Welding Shop		C												P	P
142	Manufacturing												C		P	P
143	Millwork Products (Woodworking)		C										C		C	P
144	Mining		C													C
145	Monument & Stone Manufacturing												C		C	P
146	Recycling and Reclamation														C	P
147	Salvage Yard															C
148	Septic Tank Cleaning/Port-A-Potty Svc														C	C
149	Vehicle Storage												C		P	P
150	Warehouse Mini-Storage												C		P	P
151	Warehouse/Storage Facility														P	P
152	Wholesaling												C		P	P

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COMMUNICATION, TRANSPORTATION & UTILITIES																
153	Airport Facilities		C												C	C
154	Broadcasting & Recording Studio		P									P	P	C	P	P
155	Electric Generating Plant		C												C	C
156	Electric Regulating Station		C										C		C	C
157	Parking facility (as principal use)											C	P	C	P	P
158	Utility & Street Maintenance Facility		C										C		P	P
159	Sewage Containment & Disposal Facility		C												C	C
160	Transportation facilities excluding airports											C	C	C	P	P
161	Solid Waste Disposal & Transfer Facility		C													C
162	Wastewater Treatment Plant		C													C
163	Water Towers / Storage Facility		C	C	C	C	C	C	C	C	C	C	C	C	C	C
164	Water Treatment Plant		C												C	C
165	Wind Energy System, large		C													C
166	Wireless Communication Facility (cell towers)		C	C	C	C	C	C	C	C	C	C	C	C	C	C
OTHER																
167	Plan Unit Development (PUD)			C	C	C	C	C	C	C	C	C	C	C	C	C
168	Mixed Use		C	C	C	C	C	C	C	C		C	C	C		
169	Temporary Uses		C	C	C	C	C	C	C	C	C	C	C	C	C	C
	- Recreational Vehicles	08.12														

CHAPTER 14.08

MOBILE HOMES

Sections:

14.08.01	Definitions
14.08.02	Placed on lot
14.08.03	Manufactured homes
14.08.04	Non-conforming use of land
14.08.05	Fine

14.08.01 Definitions For the purposes of this ordinance the following words or phrases shall mean:

Dwelling unit: Any room or group of rooms, including manufactured housing units, located within a structure forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, eating and sanitation by one family.

Factory built home: 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.

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

Mobile home: A dwelling that was fabricated in an off-site manufacturing facility, designed to be a permanent residence, built prior to the enactment of the Federal Manufactured Home Construction and Safety Standards in 1976, and consistent with any existing state definitions.

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

Place, placed or placement: To situate upon a foundation, tie-down or connect by any means to any utility service of the city or occupied as living or sleeping quarters by one or more persons.

14.08.02 Placed on lot

It shall be unlawful for any mobile home (as that term is defined herein) to be placed in any area or upon any lot or property in the city of Centerton from the date of adoption hereof and the placement of any mobile home shall be illegal. All mobile homes which were placed within the corporate limits of the city of Centerton prior to the date of the adoption of this ordinance shall be considered legally and properly permitted.

14.08.03 Manufactured homes

The provisions of this chapter shall not apply to manufactured homes or modular homes as defined in section 14.08.01 hereof.

14.08.04 Non-conforming use of land

Each mobile home currently placed within the city limits shall be considered a separate nonconforming use of land, as defined in the city of Centerton Zoning Regulations (except that the period of non-use shall be six (6) months). If more than one (1) mobile home is located on a single parcel of land, each unit shall be a separate nonconforming use. Thus, no additional units may be placed on the parcel, and no damaged or destroyed units may be replaced. Mobile homes may be replaced by manufactured homes or modular homes provided all requirements of the Zoning Regulations (including but not limited to district and area requirements) are complied with.

14.08.05 Fine

Any person, firm, or corporation violating any provision of this chapter shall upon conviction be deemed guilty of a misdemeanor and be fined in any sum not less than \$100.00 nor more than \$500.00, and each day that such violation continues shall be a separate punishable offense."