

CITY OF CABOT

**UNIFIED
DEVELOPMENT
CODE**

**Amended: Ordinance 2014-21
Nov. 17th, 2014**

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SECTION 1.1 TITLE AND PURPOSE

1.1.1 Citation

This Code shall be known as the Unified Development Code and may be cited as such or, for the sake of brevity, as the “UDC.”

1.1.2 Purpose

The regulations of the code are enacted to carry out or protect various elements of the Comprehensive Development Plan and all other adopted plans and policies of the City of Cabot. Further, the code promotes, in accordance with present and future needs: the safety, order, convenience, prosperity, and general welfare of the citizens of Cabot. The code supports, in addition to other elements, the following:

- a. Efficiency and economy in the process of development
- b. The appropriate and best use of land
- c. Convenience of traffic and circulation of people and goods
- d. Safety from fire and other dangers
- e. Adequate light and air in the use and occupancy of buildings
- f. Healthful and convenient distribution of population
- g. Good civic design and arrangement
- h. Adequate public utilities and facilities
- i. Wise and efficient expenditure of funds

A person who wishes further information on plans and policies should contact the Administrative Official in City Hall.

SECTION 1.2 AUTHORITY

The provisions contained in the UDC are adopted pursuant to the authority conferred on the city by the General Assembly of the State of Arkansas, A.C.A. §14-54-103, General Powers of Cities and Towns; A.C.A. §14-54-104; Additional Powers of Cities of the First Class; and A.C.A. Title 14, Chapter 56, Municipal Building and Zoning Regulations--Planning; as amended.

SECTION 1.3 JURISDICTION

1.3.1 Planning Area Boundary

The city’s planning jurisdiction is described on the official Planning Area Boundary Map of the City of Cabot, Arkansas. This map is filed with the City Clerk as well as with the Lonoke County Circuit Clerk. Persons engaged in activities covered by this code should check one of these

sources before beginning their projects since the Planning Area may change from time to time in accordance with A.C.A. §14-56-413.

1.3.2 Applicability

Those portions of this code dealing with subdivision and development regulations apply to the entire Planning Area. Those portions dealing with zoning apply only within the corporate limits of the city of Cabot. Specific applicability standards occur in the appropriate sections.

SECTION 1.4 VALIDITY AND REPEAL

1.4.1 Validity

The following statements pertain to the validity of this code:

- a. This Unified Development Code and the various parts, sections, subsections, sentences, phrases, and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section or subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Unified Code shall not be affected thereby.
- b. The City Council of the City of Cabot hereby declares that all such remaining parts would have been passed irrespective of the validity or invalidity of any parts found to be invalid.

1.4.2 Repeal

All or parts of ordinances in conflict with this Unified Development Code or inconsistent with provisions of this Code are hereby repealed to the extent necessary to give this Unified Development Code full force and effect upon its adoption by ordinances of the City Council of the City of Cabot, Arkansas.

ARTICLE II: UNIVERSAL APPLICATIONS

SECTION 2.1 AMENDMENTS

The amendment procedure is not universal for all Articles of this code due to differing statutory requirements. Refer to each Article for specific amendment procedures.

SECTION 2.2 APPLICATIONS

In order for a private party to request a change to the Zoning or Subdivision and Development Code, the party must first submit an application to the Administrative Official. The process for filing specific kinds of applications may be found in the section pertaining to the objective purpose of the application.

Rezoning	Section 4.13
Subdivision Variance	Section 5.1.8
Zoning Variance	Section 4.12
Special Permit Use	Section 4.7
Sign Permit	Section 4.14
Preliminary/Final Plat	Section 5.2
Site Plan Review	Section 4.8
Planned Unit Development	Section 4.5

Applicants should obtain the forms and directions for all applications at the office of the Administrative Official. The Administrative Official will maintain a calendar showing the required date for all applications.

SECTION 2.3 PUBLIC HEARINGS

2.3.1 Public Hearings

Public hearings shall be held for all re-zoning requests, special permit use requests, Board of Adjustment meetings, appeals of planning commission decisions, and revisions to the Comprehensive Plan and its supporting regulations.

2.3.2 Amendments

Amendments to the plan, code, or requests for re-zonings or special use permits require an advertised notice of public hearing to be placed in a public newspaper of general circulation at least 15 days prior to the meeting.

2.3.3 Board of Adjustment

Meetings of the Board of Adjustment shall be public hearings and require a notice of public hearing to be advertised 7 days prior to the hearing.

2.3.4 Meetings

The Planning Commission shall conduct all meetings in accordance with its most recently adopted by-laws. All meetings are open to the public.

SECTION 2.4 APPEALS

2.4.1 Appeals from the decisions of the Planning Commission

Any person aggrieved by a decision of the Planning Commission in interpreting any section of this Unified Development Code may make an appeal to City Council.

- a. Notice of Appeal: Notice of an appeal to the City Council of a decision of the Planning Commission to approve, conditionally approve, or deny a request shall be filed by the applicant or any other interested party with the Administrative Official within ten days of the decision together with such appeal fee as may be set by resolution of the City Council.

The Notice of Appeal shall be filed on forms and in a format prescribed by the City. As a minimum, however, the applicant shall provide the following information:

- i. Summary of any reasons provided by the Planning Commission concerning the decision made in the case.
- ii. Reasons why the applicant of the appeal contends that the Planning Commission erred in its decision.
- iii. Reasons why the applicant of the appeal believes that the public health, safety, welfare, and morals would be better served if the Planning Commission's decision were reversed.
- iv. Any new and pertinent information bearing on the case which may have been overlooked by the Planning Commission or which may have come to light following the meeting at which the Planning Commission made its decision.

Upon receipt of the notice of appeal and appeal fee, the Administrative Official shall promptly forward the notice of appeal to the City Clerk together with any appropriate staff reports and the decision of the Planning Commission from which the appeal is made.

- b. Public Notice: Following receipt of the notice of appeal, the City Clerk shall set the matter for consideration on the City Council's next available agenda and give due notice to interested parties of the time and place of the public hearing

The Administrative Official shall provide notice of the appeal in a publication of general circulation at least 15 days before the hearing.

Also, the City shall require the petitioner to place a sign in an eye-catching place on the site of the property in question, indicating the date, time, and place of the public hearing on the petition. Said sign should be placed on the site no fewer than 15 days prior to the date of the hearing.

In addition to the public notice, the petitioner shall give written notice to the owner or owners of each separate parcel of land adjacent to or located directly across the street from the property that is the subject of the petition. The petitioner is required to show that the adjoining property owner has received notice at least ten days prior to the hearing by providing written acknowledgement that the owners of the adjoining properties have received notification such as a postal return receipt slip.

- i. Appeal Hearing: At the time set for the appeal consideration, the City Council shall receive a written report from the Administrative Official setting forth the facts and circumstances of the case and the decision of Planning Commission. The applicant and any other interested party shall have an opportunity to present testimony orally and/or in writing.

If new information is presented to the City Council that was not presented at the public hearing held before the Planning Commission or otherwise considered by the Planning Commission or public, the City Council shall remand the case back to the Planning Commission for reconsideration. For re-zoning requests and conditional use requests, such reconsideration shall require a new public hearing.

The City Council may affirm, reverse or modify the decision of the Planning Commission. The City Council shall approve or conditionally approve the application provided it finds that the proposal complies with the criteria set forth in the City's Unified Code and applicable requirements as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of this title, unless variances are approved. The decision of the City Council shall be final and shall be effective immediately upon pronouncement of the decision.

- ii. Conditions: The City Council may only impose such conditions to its approval as may be necessary to conform to the City's zoning and building regulations.

2.4.2 Appeals from the decision of the Board of Adjustment

Appeals from the decision of the Board of Adjustment shall be made directly to the court of record having jurisdiction as prescribed by A.C.A. §14-56-416.

2.4.3 Appeals from the decisions of the Administrative Official

Any decisions made the Administrative Official regarding enforcement of these regulations or denial of any permit may be appealed to the Board of Adjustment in writing within sixty (60) days of the offending action by the Administrative Official.

SECTION 2.5 EXPIRATIONS, EXTENSIONS, AND REINSTATEMENTS

Planning Commission and City Council approvals covered by the Unified Code shall be subject to the following expiration requirements.

- a. Rezoning - Non PUD: No expiration unless initiated as a request by the applicant, Planning Commission, or City Council
- b. Special Use Permit: No expiration unless initiated as a rezoning by the applicant, Planning Commission, or City Council, or change of use.
- c. Sign Permit: Approval shall expire within one-year if sign construction has not been completed.
- d. Planned Unit Development: Approvals shall expire within one-year if construction has not commenced and within three years if construction has not been completed.

- e. Preliminary Plat: Approvals shall expire after one-year if construction has not commenced or one month prior to the expiration date of any performance bond or letter of credit issued to guarantee completion of improvements.
- f. Building Permits: Building permits shall expire within six months if construction has not commenced and within two years if construction has not been completed.
- g. Site Plan Review: Approvals shall expire after six (6) months if construction has not commenced. The Administrative Official may grant a six (6) month extension of the original approval after a review of the circumstances causing a delay in commencement of construction.
- h. Variance: Where no building or construction is involved, if the use of the property which is the subject matter of the Variance shall not have been commenced in accordance with the variance within six (6) months of the date of granting the Variance; or

Where buildings or construction is involved, if a building permit for such construction in accordance with the Variance shall not have been issued within six (6) months from the date of granting the Variance, and, thereafter, such construction diligently pursued so as to be completed and places in use within two (2) years from the date of granting the Variance.

SECTION 3.1 ADMINISTRATIVE OFFICIAL

The provisions of this Code shall be administered by the Administrative Official, who shall be designated by the Mayor. He may be provided with the assistance of such other persons as the Mayor may direct. It shall be the duty of the administrative official to see that this Code is enforced through the proper legal channels. Appeal from the decision of the administrative official is generally empowered to carry out or conduct any activities essential to the proper administration and enforcement of this Code, said activities to include, but not be limited, to the following:

- a. Permits: To issue a permit and certificate of occupancy when compliance is made with these regulations, to refuse to issue the same in the event of non-compliance, and to give written notice of such refusal and reason thereof to the applicant.
- b. Collections: To collect the designated fees as set forth in these regulations for building permits, variances, appeals, amendments, and special permits.
- c. Records: To make and to keep all records necessary and appropriate to the office, including record of the issuance and denial of all building permits and certificates of occupancy, and of receipt of complaints of violation of these regulations and action taken on the same, and to file such record in the office of the Building Inspector.
- d. Inspections: To inspect any building or land to determine whether any violations of these regulations have been committed or exist.
- e. Enforcement: To enforce these regulations and take all necessary steps to remedy any condition found in violation. The City of Cabot may enjoin any individual or property owner who is in violation of this Code to prevent or correct such violation. Any individual aggrieved by a violation of this Code may request an injunction against any individual or property owner in violation of this Code or may mandamus any official to enforce the provisions of this Code.
- f. Advisements: To keep the Mayor, Planning Commission, and Board of Adjustment advised of all matters other than routine which relate to the administration and enforcement of these regulations.

SECTION 3.2 BUILDING PERMITS

It shall be unlawful to commence the construction, reconstruction, moving, demolition or structural alteration of any building until the Building Inspector has issued a building permit for such work. No building permit shall be issued unless the proposed construction or use is in full conformity with all the provisions of these regulations and other applicable building laws, ordinances, or regulations. All applications for building permits shall be accompanied by a plot plan in triplicate drawn to scale, the size of the building to be erected and its location on the lot, and such other information as may be necessary to provide for the administration of this Unified Development Code. Every building permit shall expire by limitation at the end of six months from the date of issue unless work is in progress. All permit fees as required by the City's adopted Building Code shall be paid.

SECTION 3.3 CERTIFICATE OF OCCUPANCY AND COMPLIANCE

3.3.1 Requirement

No building hereinafter erected or structurally altered shall be used, occupied, or changed in use until a certificate of occupancy and compliance shall have been issued by the administrative official, stating that the building or proposed use of a building or premises complies with the building laws and provisions of this Unified Development Code. A record of all certificates of occupancy and compliance shall be kept by the administrative official. A certificate of occupancy and compliance may be revoked by the administrative official when it is found that the building or land does not conform to the use or condition, if any, in the certificate. Each day a use continues after revocation of the certificate shall constitute a separate offense and shall be punished as provided herein.

3.3.2 Temporary Certificates of Occupancy

- a. A Temporary Certificate of Occupancy may be issued by the administrative official to authorize the use of temporary building for commercial purposes so long as the certificate bears the signatures of the Administrative Official and Fire Chief certifying that the building complies with this code and all applicable fire safety regulations.
- b. Temporary Certificates of Occupancy may contain conditions relating to hours of operations, maximum occupancy, construction standards and any other matter that may reasonably protect the safety of the public.
- c. No Temporary Certificate of Occupancy for a temporary building may be issued unless and until the following are met:
 - i. The foundation and anchoring of the building has been approved for the temporary use by City Engineer.
 - ii. The proposed location of the building to which the certificate will apply and a site plan for the proposed location of the permanent building has been approved by the planning staff of the city.
 - iii. A deposit in the amount of \$1,000 is tendered to the City Clerk guaranteeing the peaceable removal of the building to which the certificate applies upon its expiration. This deposit may be liquidated by the city to remove the temporary building at the expiration of the certificate. Upon removal of the temporary building in accordance with this subsection, the deposit shall be returned to the individual or entity posting it.
- d. The Temporary Certificate of Occupancy shall not be valid for more than one (1) year.
- e. Only one (1) Temporary Certificate of Occupancy may be approved for a property unless specifically permitted by the City Council.

SECTION 3.4 VIOLATION AND PENALTIES

Any person, firm, or corporation that violates any provision of these regulations or amendments thereto shall be guilty of a misdemeanor and on conviction shall be fined not less than twenty-five dollars (\$25.00) and not more than five hundred dollars (\$500.00). If the violation is continuous in respect to time, the maximum penalty or fine shall not exceed two hundred fifty dollars (\$250.00) for each day the violation may be unlawfully continued.

SECTION 3.5 ENFORCEMENT

3.5.1 Enforcement

- a. No plat of any tract of land within the planning area jurisdiction of the City of Cabot shall be accepted by the Circuit Clerk for filing of record until the plat has been approved by the Planning Commission.
- b. It shall be the duty of the Planning Commission to bring to the attention of the City Attorney any violations or lack of compliance with this Unified Development Code.
- c. No building permit shall be issued for construction of any building or structure located on a lot or plat subdivided or sold in violation of the provision of these regulations; nor shall any building permit be issued for the final ten (10) per cent of lots in a subdivision, or if ten (10) per cent be less than four (4) for the final four (4) lots of a subdivision until all required public improvements have been completed.
- d. Appropriate actions and proceedings may be taken at law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building, structure or premises.

SECTION 4.1 ESTABLISHMENT OF ZONING DISTRICTS AND BOUNDARIES

4.1.1 General

- a. Except as hereinafter otherwise provided, no land shall be used and no building, structure, or improvement shall be made, erected, constructed, move, altered, enlarged, or rebuilt which any is designed, arranged, or intended to be used or maintained for any purpose or in any manner except in accordance with the requirements established in the district in which such land, building, structure, or improvement is located, and in accordance with the provisions of the articles contained herein relating to any or all districts.
- b. No proposed plat of any new subdivision of land shall hereafter be considered for approval by the City Planning Commission unless the lots within such plat equal or exceed the minimum size and area regulations specified in the applicable land use zoning district of this Code.
- c. Nothing herein shall require any change in the plans, construction, or designated use of a building under construction at the time of the adoption of the Zoning Code. Nothing herein contained shall require any change in plans, construction, or designated use of a building of which a building permit has been issued within sixty (60) days prior to the adoption of this Code, provided construction is started on said building within ninety (90) days after adoption of this Zoning Code.
- d. On any lot in a residential use district which is on a plat of record prior to October 10, 1988, a single family residential structure may be erected even though the lot may be of less area or width than required by the regulations of the residential use zoning district in which the lot is located, provided that there shall be 2 side yards each of no less than five feet, a front yard of no less depth than those of adjoining properties and a rear yard of no less than 30 percent of the depth of the lot.
- e. On any lot in a residential use district which exists at the time of adoption of this Zoning Code and which is not in a plat of record or which cannot meet the setbacks, the Planning Commission may consider and approve the construction of a single family residence through the issuance of a Special Use Permit as outlined in Article IV. Section 4.7. When reviewing such Special Use Permit, the Planning Commission shall consider, among other items, fire-wall construction to be approved by the Cabot Fire Chief.
- f. The lot or yard areas required by this Zoning Code for a particular building or use at the time of adoption of this Code or later constructed or established, shall not be diminished and shall not be included as part of the required lot, open space, or yard area of any other building or use. If the lot, open space, or yard area required by this Code for a particular building or use are diminished below requirements, the continued existence of such building or use shall be deemed a violation and punished as provided in this Code.

4.1.2 Zoning Districts Established

For the purpose of this Zoning Code, the City of hereby divided into land use zoning districts, as follows:

R-1	Single-Family Residential
R-2	Medium Density Residential
R-2S	Medium Density Single Family
R-3	Manufactured Home District
R-4M	Medium Density Multi-Family District
R-4H	High Density Multi-Family District
R-5	Townhouse/Condominium Residential
PUD	Planned Unit Development
O-1	Office & Quiet Business
C-1	Central Business District
C-2	General Commercial District
C-3	Open Display District
I-1	Industrial District

4.1.3 Official Zoning Map

The location and boundaries of the land use zoning districts established by this Code are bounded and defined as shown on the attached map designated as "Official Zoning Map". The map, together with the legend, words, figures, symbols, dimensions, and explanatory material thereon, is declared to be a part of this Zoning Code and may be referred to variously as the Zoning District Map or the Official Zoning Map. The Official Zoning Map shall be kept on behalf of the City Clerk at the Cabot Public Works Department and shall be available for inspection and examination by the general public during working hours. Although unofficial copies of the Zoning Map, or portions thereof, may be provided the general public, the Official Zoning Map shall consist of the version signed by the Mayor and maintained in the Public Works Department.

4.1.4 Interpretation of District Boundaries

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

- a. Boundaries indicated as approximately following the centerlines of streets, highways and alleys shall be construed as following such centerlines.
- b. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- c. Boundaries indicated as approximately following city limits shall be construed as following city limits.

- d. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- e. Boundaries indicated as parallel to or extensions of features mentioned in the preceding rules shall be so construed.
- f. In circumstances not covered by the preceding rules, the Board of Adjustment shall interpret the district boundaries.

4.1.5 Relationship to Land Use Plan

Zoning designations shall conform to the city's adopted land use plan. If a proposed zoning conflicts with the land use plan, the applicant must first request an amendment to the land use plan. The planning commission may allow the submission of a request for plan change simultaneously with a request for the rezoning of a parcel or parcels.

4.1.6 Classification of Annexed Lands

Territory may be annexed to the city by one of three methods. These are the election method, the petition method, and the annexation of islands by city ordinance. The method of annexation shall determine the manner in which zoning classifications are assigned to newly annexed areas.

- a. Territory annexed by the election method will be temporarily zoned (R-1) for a period of 60 days following certification of the election. During this time the Planning Commission may conduct a public hearing to discuss the zoning of newly annexed areas and any modifications to the Comprehensive Plan that might be appropriate. Notice of the public hearing shall be advertised in a newspaper of general circulation no less than 15 days prior to the hearing. Following the public hearing, the Planning Commission shall forward a report to the city council proposing changes, as necessary, to the comprehensive plan and recommended zoning classification(s) to the newly annexed property. The City Council shall then act upon the recommendations in accordance with the provisions of this Code. If the Planning Commission has not initiated action for zoning the newly annexed areas within 60 days, the temporary (R-1) zoning shall become permanent.
- b. Following the entering of an order by the county court granting a petition for annexation, and during the 30 day waiting period during which proceedings may be instituted for having the annexation prevented, the planning commission shall conduct a public hearing to discuss the zoning of the proposed annexed areas and any modifications to the Comprehensive Plan that might be appropriate. Notice of the public hearing shall be advertised in a newspaper of general circulation no less than 15 days prior to the hearing. Following the public hearing, the Planning Commission shall forward a report to the city council proposing changes, as necessary, to the comprehensive plan and recommended zoning classification(s) to the proposed for annexation. If the city council accepts the recommendation; the zoning classifications shall be assigned at the time during which the city council accepts the territory. If no zoning is assigned at this time, the territory shall be classified as (R-1).
- c. Islands annexed by ordinance shall be assigned a temporary zoning classification of (R-1) at the time the city council annexes the territory by ordinance. The City Council may request, at that time, that the Planning Commission hold a public hearing and recommend a permanent zoning classification to the City Council. Notice of the public hearing shall be advertised in a

newspaper of general circulation no less than 15 days prior to the hearing. If the city council does not request that the Planning Commission prepare a recommendation when the annexation ordinance is passed, the territory annexed by ordinance shall be classified as (R-1).

- d. An accurate plat of any newly annexed area shall be submitted by the owner(s)/developer(s) to the Planning Commission for the purpose of zoning. No building permits shall be issued prior to the completion of annexation.

4.1.7 Vacations

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

SECTION 4.2 RESIDENTIAL DISTRICT REGULATIONS (R)

4.2.1 General Description

The regulations for the residential zoning districts are designed to: (1) protect the residential character of the included area by excluding commercial and industrial activities; (2) encourage a suitable environment for family life by permitting such neighborhood facilities as churches, schools and playgrounds; (3) permit certain county facilities and public utilities for the convenience and general welfare of the people; and (4) preserve openness of the areas and avoid overcrowding by requiring certain minimum yards, open spaces, and site areas. There are herein established six residential zoning districts which include the R-1 Single-Family District, R-2 Low Density Residential District, R-2S Medium Density Single-Family District, R-3 Manufactured Home District, R-4 Medium Density Residential District, and R-5 Townhouse/Condominium District. More specific descriptions of these districts are indicated below.

- a. R-1 Single-Family Residential: This is the most restrictive residential district. The principal use of the land is for detached single-family dwellings and related recreational, religious, and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas should be defined and protected from the encroachment of disruptive uses. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element.
- b. R-2 Medium Density Residential: This is a residential district intended to provide for a slightly higher population density than the R-1 Single-Family Residential District and a greater diversity of housing types, but with basic restrictions similar to the R-1 district. The principal use of land is for single-family attached and detached structures and two-family dwellings.
- c. R-2S Medium Density Single-Family: This is a residential district intended to be similar to the R-2 District while restricting development to single-family detached homes. The principal use of land is for single-family, detached dwellings.
- d. R-3 Mobile Manufactured Home District: This district recognizes a specific housing type which must be accommodated in the City of Cabot in either rental park settings or in subdivisions which provide for ownership of structure and lot. It is the intent of this district

that it be located so as to not adversely affect the established residential development patterns and densities in the City. Such locations, however, shall have necessary public utilities, community facilities, and other public services in order to provide a healthful living environment with the normal amenities associated with residential districts of the City.

- e. R-4M Medium Density Multi-Family District: This is a residential district to provide for medium density multi-family dwellings up to 12 dwelling units per acre and includes a wide variety of housing types. The principal use of land is for single-family, two-family dwellings, townhouses, multiple family dwellings, and rooming or boarding houses. Recreational, religious and educational uses normally located to service residential areas are also permitted to provide the basic elements of convenient, balanced and attractive living areas.
- f. R-4H High Density Multi-Family District: This is a residential district to provide for high density multi-family dwellings up to 24 dwelling units per acre and includes a wide variety of housing types. The principal use of land is for single-family, two-family dwellings, townhouses, multiple family dwellings, and rooming or boarding houses. Recreational, religious and educational uses normally located to service residential areas are also permitted to provide the basic elements of convenient, balanced and attractive living areas.
- g. R-5 Townhouse/Condominium District: This is a special residential district intended to provide for townhouse or condominium development. Often this district will be established with mixed-use development but may be established alone when found to be in harmony with surrounding neighborhoods. Typical densities for this district are four to twenty units per acre. The Planning Commission and Fire Marshall shall determine the proper setbacks for the district on a case-by-case basis.

4.2.2 Permitted Uses

The permitted uses in the residential districts are set forth in Article IV, Section 4.6 Table of Permitted Uses. Where the letter "X" appears opposite a permitted use and underneath a residential zoning district, the listed use is permitted in that district subject to (1) the providing of off-street parking in the amount required, (2) conformance to the special conditions applying to certain uses as set forth in Article IV, Section 4.9, and (3) the providing of adequate subdivision sites for the appropriate and designed type of dwelling unit or units. Where the letters "SP" appear instead of an "X", this use is permitted subject to acquiring a Special Use Permit as set forth in Article IV, Section 4.7.

4.2.3 Yard, Size, and Area Requirements

No lot or yard shall be established or reduced in dimension or area in any residential district that does not meet the minimum requirements set forth in the following table. No building or structure shall be erected or enlarged that will cause the maximum lot coverage or maximum height regulations to be exceeded for such district as set forth in the following table. All uses not specifically listed below, e.g. community facilities, public utilities, etc. shall meet the most restrictive area, yard and height requirements listed below for the zone in which they are located.

Zoning District	Use	Min. Lot Area (sq. ft.)	Min. Lot Area per family	Min. Lot Width at Building Line	Max. % Lot Coverage	Yard					Maximum Height	
						Front	Side			Rear	Stories	Feet
							I	E	CL			
R-1	S.F. Detached S.F. Manufactured	7,500 7,500	7,500 7,500	75 75	30 30	25 25	8 8	25 25	15 15	25 25	3 3	36 36
R-2	S.F. Detached S.F. Manufactured S.F. Attached S.F. Zero Lot Duplex	6,000 6,000 6,000 6,000 8,000	6,000 6,000 6,000 6,000 5,000	60 60 60 60 65	35 35 35 35 35	25 25 25 25 25	5 5 7b 10a 5	25 25 25 25 25	10 10 10 10 10	20 20 20 20 20	3 3 3 3 3	36 36 36 36 36
R-2S	S.F. Detached	6,000	6,000	60	35	25	5	25	10	20	3	36
R-3	M.H. Subdivision M.H. Park	5 acres 2 acres	3,800 -	38 -	30 30	25 25	5a&b 10	20 20	15 15	15 20	1 1	15 15
R-4	S.F. All Types Duplex Townhouses Multi-Family	5,000 8,000 4,000c 8,000	5,000 8,000 4,000c 1,000	50 65 22d 70f	40 40 40 40	25 25 25 25	5 5 5e 10	25 25 25 25	10 10 10 10	20 20 20 20 e	3 3 3 3	36 36 36 36
R-5	Townhouse/Condominium	4,000c	4,000c	22d	40	10	5e	25	10	20	3	36
PUD	Planned Unit Development	Neg.	Neg.	Neg.	Neg.	Neg.	Neg.	Neg.	Neg.	Neg.	Neg.	Neg.

NOTES:

- a. For zero lot line there shall be a minimum side yard requirement of 10' on one side of the dwelling. This allows for each detached dwelling unit to be "offset" on the lot to create a more usable side yard. Where lots are platted for zero lot line use, any lot located adjacent to any other residential zone or use must also provide for a side yard of at least 5' on the side directly abutting the other zone.
- b. For unattached sides only.
- c. This area includes both private and common area.
- b. When a side yard is required, the lot width shall be increased by an amount equal to the width of the required side yard.
- c. For unattached sides only. Side yard and rear yard setbacks shall be increased ten feet for two story units.
- d. Minimum lot width shall be increased by 10' for each dwelling unit exceeding four, up to a maximum required width of 200'.

SECTION 4.3 COMMERCIAL DISTRICT REGULATIONS (C,O)

4.3.1 General Descriptions

Commercial zoning districts are intended primarily for the conduct of business and the provision of services essential to support the residents within the City and the surrounding area. Four separate commercial districts are established to provide for the diversity of uses and appropriate locations required for the range of goods and services needed in Cabot. These include the O-1 Office and Quiet Business District, the C-1 Central Business District, the C-2 General Commercial District, and the C-3 Open Display Commercial District.

- a. O-1 Office and Quiet Business District: This district is established to accommodate offices and associated administrative, executive and professional uses, together with specified limited commercial and accessory uses. It is anticipated these office uses will be located in relatively close proximity to apartments and other residential uses; and area regulations are designed to assure that these uses will be compatible with adjacent residential districts. The

district is characterized by free-standing buildings and ancillary parking, and should generally be limited to arterial and collector street locations or other carefully selected areas where public utilities, community facilities and other public services are adequate to support general office and limited commercial development.

- b. C-1 Central Business District: This district is designed to be the Central Business District or the downtown shopping and employment area for the community and surrounding trade area. This district is designed to accommodate retailing of all kinds, professional offices, financial institutions, transient facilities, amusement facilities, and limited wholesaling and warehousing.
- c. C-2 General Commercial District: This district shall be applied to the broad range of retail uses which comprise the commercial function of the City. Permitted uses include most types of retail activity except those involving substantial open displays of merchandise and those which generate large volumes of vehicular traffic or are otherwise incompatible.
- d. C-3 Open Display Commercial District: This district is established in order to provide adequate locations for retail uses which serve the needs of the motoring public and are characterized by high level of vehicular ingress and egress. Among these uses are automobile and other vehicular service establishments, transient sleeping accommodations, and eating and drinking establishments. The district is also intended to provide a location for the limited amount of merchandise, equipment and material being offered for retail sale that, because of the type of material or transportation requirements, are suitable for display and storage outside the confines of an enclosed building. Such uses are not generally compatible with pedestrian oriented commercial districts and shopping centers since they tend to obstruct and interfere with pedestrian movements. Appropriate locations for this district are along heavily traveled major traffic arterials.

4.3.2 Permitted Uses

The permitted uses in the commercial districts are set forth in Article IV, Section 4.6 Table of Permitted Uses. Where the letter "X" appears opposite a permitted use and underneath a residential zoning district, the listed use is permitted in that district subject to (1) the providing of off-street parking in the amount required, (2) conformance to the special conditions applying to certain uses as set forth in Article IV, Section 4.9, and (3) the providing of adequate subdivision sites for the appropriate and designed type of dwelling unit or units. Where the letters "SP" appear instead of an "X", this use is permitted subject to acquiring a Special Use Permit as set forth in Article IV, Section 4.7.

4.3.3 Yard, Size, and Area Requirements

The minimum lot, yard, and height regulations for commercial districts are set forth in the following table.

Lot Regulation	O-1	C-1	C-2	C-3	PUD
Minimum Lot Area (Square Feet)	5,000	2,500	5,000	15,000	Neg
Minimum Lot Width at Building Line (Feet)	50	25	50	100	Neg
Maximum Lot Coverage (Percent)	40	100	50	40	Neg
Yard Regulations (In Feet) (1)					
Minimum Front Yard	25(1)	None	40(1)	40(1)	Neg
Minimum Rear Yard					
-Single Frontage Lot	20	None	12	12	Neg
-Double Frontage Lot	25	None	25	25	Neg
Minimum Side Yard					
Interior – When abutting property in Residential District	10	None	12	12	Neg
Interior – When abutting property in Non-Residential District	10	See (2)	See (2)	See (2)	Neg
Height Regulations(3)					
Maximum Number of Feet	24	36	36	36	Neg
Maximum Number of Stories	2	3	3	3	Neg

NOTES:

1. See Section 4.3.3, Paragraph C for exceptions
 2. Fire Marshall shall set side yard requirements
 3. A building or structure may exceed the maximum heights shown provided each of its front, side and rear yards are increased an additional foot for each foot such building exceeds the maximum height.
- a. Front yard setbacks in the O-1, C-2, C-3 districts are flexible according to the design proposed by the applicant. The following process will be followed in establishing the front yard setbacks in the commercial districts:

- i. For front yard setbacks of 40 feet or greater, only a building permit is required.
- b. For proposed front yard setbacks of less than 40 feet, the applicant shall adhere to the process outlined below:
 - i. A site plan shall be submitted for Planning Commission review according to a schedule maintained by the Public Works Director prior to the next Planning Commission meeting.
 - ii. The site plan shall be drawn to scale on 24" x 36" bond paper and shall clearly indicate the proposed location of all buildings, parking, drives, easements, rights-of-way, dumpster locations, landscaping, signage, and lighting.
 - iii. A written justification shall be submitted outlining why the proposed front yard setback is in harmony with other development in the area.
- c. The Planning Commission shall consider the following in approval of front yard setbacks:
 - i. That there are no existing plans that will require additional street right-of-way or utility right-of-way.
 - ii. That the proposed setback will not be out of alignment with adjoining properties.
 - iii. That the proposed setback will not pose a threat to public health, safety, and welfare.
- d. Islands for gasoline and diesel fuel pumps when situated on a state or federal highway, may be set to within 15 feet from street property line, as provided for and in conformance with Arkansas State law.

4.3.4 Development Criteria

Unless otherwise specifically provided in this section, the following development criteria shall apply.

a. All Commercial Districts

- i. Any lighting shall be placed so as to reflect away from adjacent residential districts. No excessive or unusual noise, odor or vibration shall be emitted so that it constitutes a nuisance that substantially exceeds the general level of noise, odor or vibration emitted by uses adjacent to or immediately surrounding the site. Such comparison shall be made at the boundary of the site.
- ii. All trash receptacles and pickup shall be oriented away from the street side of the property and adequately screened by an opaque fence.
- iii. All of the lot used for the parking of vehicles or for the storage and display of merchandise and all driveways used for vehicle ingress and egress shall be paved in accordance with the requirements of Article IV, Section 4.10.

b. Additional Criteria in O-1 Office and Quiet Business District:

Amended by Ordinance 2014-21

A permanent opaque screening fence or wall shall be constructed along any side or rear property line which abuts property zoned for residential purposes. The height of any fence, wall or other durable opaque barrier shall be a minimum of six (6) feet in height and not exceed ten (10) feet in height.

c. Additional Criteria in C-2 General Commercial District

All commercial uses shall be restricted to closed buildings except parking lots, plant nurseries, promotional events, and the normal pump island services of service station operations. In addition, outdoor display of merchandise is allowed in an area equal to one-half (1/2) of the facade area of the front of the building as long as said display of merchandise is stored inside the building or other completely enclosed area when the business is closed.

d. Additional Criteria in C-3 Open Display District

- i. All servicing of vehicles and assembly of equipment carried on as an incidental part of the sales operation shall be conducted within a completely enclosed building.
- ii. No article or material stored or offered for sale in connection with the permitted or conditional uses listed herein shall be stored or displayed outside the confines of a building unless it is so screened by a permanent opaque screening fence or wall so that it cannot be seen from an adjoining lot. The following screening and display criteria shall apply to uses located in the "C-3" - Open Display District:
 - a. The height of any opaque screening fence or wall shall not be less than six feet.
 - b. Automobile, truck, tractor, manufactured home, boat or motorcycle sales area are not required to screen fully assembled merchandise that is ready for sale.
 - c. No permanent open display of goods or materials will be permitted on sidewalks or public right-of-way; and said goods or materials must be set back at least 15 feet from the front property line.
 - d. Automobile service stations shall be permitted open display of merchandise commonly sold by such operations as long as the area of said display is not larger than an area equal to one-half (1/2) of the facade area of the front of the building.

SECTION 4.4 INDUSTRIAL DISTRICT REGULATIONS (I)

4.4.1 General Descriptions

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

4.4.2 Permitted Uses

- a. The permitted uses in the industrial districts are set forth in Article IV, Section 4.6 Table of Permitted Uses. Where the letter "X" appears opposite a permitted use and underneath a residential zoning district, the listed use is permitted in that district subject to (1) the

providing of off-street parking in the amount required, (2) conformance to the special conditions applying to certain uses as set forth in Article IV, Section 4.9, and (3) the providing of adequate subdivision sites for the appropriate and designed type of dwelling unit or units. Where the letters "SP" appear instead of an "X", this use is permitted subject to acquiring a Special Use Permit as set forth in Article IV, Section 4.7.

- b. Industrial uses having unusual accompanying hazards, such as fire, explosion, noise vibration, dust, or the emission of smoke, odor, or toxic gases may, if not in conflict with any law or ordinance, be located in the I-1 Industrial District only after the location and nature of such use shall have been approved by the City Council after public hearing and report by the Planning Commission as normally required and provided in Article IV, Section 4.7. The City Council shall review the plans and statements and shall not permit such buildings, structures, or uses until it has been shown that the public health, safety, morals and general welfare will be properly protected, and that necessary safeguards will be provided for the protection of surrounding property and persons. The City Council, in reviewing the plans and statements, may consult with other agencies created for the promotion of public health and safety, and may attach such special conditions or safeguards as it deems necessary to protect the public interest.

4.4.3 Yard and Area Requirements

- a. All structures shall be built at least 50 feet from the front property line and 25 feet from all other property lines, except that, where property abuts a railroad where siding facilities are utilized, structures may be built up to railroad property lines.
- b. Maximum lot coverage shall not exceed 35% of the lot area.
- c. The maximum height of a structure shall be two stories or 35 feet. However, a building or structure may exceed the maximum height provided that the front, side, and rear yards are each increased an additional foot for each foot such building exceeds the maximum height.

4.4.4 Development Criteria

Unless otherwise specifically provided in this section, the following development criteria shall apply:

- a. Any lighting visible from outside the site shall be designed to reflect away from adjacent residential districts. No noise, odor or vibration shall be emitted so that it constitutes a nuisance which substantially exceed the general level of noise, odor or vibration emitted by uses adjacent to or immediately surrounding the site. Such comparisons shall be made at the boundaries of the site.
- b. Outdoor storage of trash receptacles shall be at the side or rear of the site and shall be totally encircled or screened by an opaque fence, planting or other suitable visual barrier.
- c. A permanent opaque screening fence or wall shall be constructed along any side or rear property line which abuts property zoned for residential purposes. The height of this screen or wall shall be not less than six feet and shall be constructed of wood, masonry or other durable opaque material, and finished in a manner appropriate to the appearance and use of the property.
- d. No loading or storage of material shall be permitted in the required front yard.

- e. Every use, or any part thereof, that is not conducted within a building completely enclosed on all sides shall be screened by a permanent opaque screening fence or wall so that it cannot be seen from an adjoining lot. The following screening and display criteria shall apply:
 - i. The height of any opaque screening fence or wall shall not be less than six feet.
 - ii. Automobile, bus, truck, tractor, manufactured home, boat or motorcycle, and wheeled and/or tracked industrial vehicle storage areas are not required to screen fully assembled merchandise which is ready for sale.
 - iii. Other business uses shall be permitted open display of merchandise commonly sold by such operations as long as the area of said display is not larger than an area equal to one-half (1/2) of the front of the building.

SECTION 4.5 PUD – PLANNED UNIT DEVELOPMENTS

4.5.1 General Description

The purposes of this zone are to promote flexibility and innovation in design and to encourage innovation in the design of large-scale developments and the use of vacant, in-fill parcels in the built up portion of the city. The zone also promotes the inclusion of open space into project design. The Planned Unit Development (PUD) is a superimposed description that provides wider latitude of design to achieve the goals stated above.

In concept, the PUD is a combination of zoning designation and site plan. A detailed site plan is required for permitting. Development must follow the site plan exactly. Failure in this respect will result in reversion of the property to the original zoning. Although design innovation is encouraged, and flexibility is allowed, the PUD may not be used simply as a method of avoiding zoning regulations. The Planning Commission shall consider a PUD proposal only if it meets one or more of the following threshold criteria.

- a. The PUD will allow the development of an infill parcel in the developed portion of the city that could not be made productive under normal zoning regulations.
- b. The PUD would further the city's goal of providing housing for all economic segments of the city and its Planning Area Boundary.
- c. The PUD involves a large parcel in excess of five acres in which flexibility would allow high quality or innovative urban design.
- d. The PUD would aid in the elimination of slums and blight within the city and its Planning Area Boundary.
- e. The PUD design results in a minimum of 30 percent of the total development being reserved as permanent open space.

4.5.2 Type and Minimum Size

PUDs may be residential, commercial, industrial or mixed-use in nature. The site plan shall clearly depict the proposed land uses. There are no minimum district size restrictions for PUDs;

however, the Planning Commission will consider PUDs on less than one acre only under special circumstances when it advances specific benefits to the health, safety and public welfare.

4.5.3 Yard, Size, and Area Requirements

The applicant for a Planned Unit Development permit shall be the owner(s) of the property or the party designated to act as agent for the owners(s). The responsibilities of the applicant are as follows:

- a. Pre-application Conference: Each prospective applicant shall confer with the City Staff in connection with the preparation of the application prior to the submission. At this conference, the following information and data shall be considered.
 - i. The boundaries of the property
 - ii. Existing easements and covenants affecting the property
 - iii. Physical characteristics such as drainage, topography, vegetation and existing structures.
 - iv. Development characteristics such as surrounding land uses, existing streets and availability of utilities.
 - v. Elements of the proposed layout such as land uses, open spaces, community facilities, densities, traffic flow and estimated impact on traffic and adjacent land uses.
- b. Site Plan submittal: The applicant shall submit ten (10) copies of the proposed site plan to the staff prior to the Planning Commission meeting at which the proposed Planned Unit Development is to be reviewed according to a schedule maintained by the Public Works Director. The submittal shall include the following as a minimum. Any application which is incomplete in any respect will be returned to the applicant for appropriate corrections. The Commission will not review an incomplete application.
 - i. A site plan drawn to scale on vellum accompanied by an electronic version of the same in a format compatible with AutoCad®. Survey information shall be prepared by a Professional Surveyor (P.S.) Drainage and utility calculations shall be prepared by a Professional Engineer (P.E.) The stamps of the individuals responsible for the various elements shall be affixed to the drawing; and,
 - ii. Building footprints for the individual buildings to be included in the PUD; and,
 - iii. Topographic contours at two foot intervals; and,
 - iv. All easements, existing or proposed; and,
 - v. All drives, access-ways, alleys, parking lots and any streets proposed to be dedicated;
 - vi. Proposed landscaping; and,
 - vii. Open space and community facilities, if any, proposed as part of the PUD; and,
 - viii. Location of all existing and proposed private and public utilities; and,

- ix. Name(s) of the owners of the proposed project and their agent, if any; and,
- x. Names of the owners of adjacent properties; and,
- xi. Zoning classifications of adjoining properties; and,
- xii. Construction drawings as necessary to support the proposals outlined in the site plan.

4.5.4 Uses Permitted

The PUD submittal will include a listing of the proposed land uses and the amount of land devoted to each.

4.5.5 Regulations

- a. Residential Lot Size: No minimum lot sizes are established, per se, so the housing can be clustered or otherwise concentrated or arranged in planned locations on the site to take advantage of its natural features.
- b. Open Space Reservation: Land not used by buildings, accessory structures, and yards, but required by the zoning district in which the site is located shall be maintained as open space for the purpose of providing parks, recreational facilities, ways for pedestrian movement and circulation, and conserving visually pleasing elements of the environment. Prior to the sale of any lot, site, home or other structure, a bond of sufficient surety determined by the City Engineer shall be posted with the City for completion of said open space improvements. The amount of the bond shall reflect 150 percent of the City Engineer's estimate for completing the required improvements. The site plan shall clearly depict the amount of land to be maintained as permanent open space.
- c. Development Density: The site plan shall clearly depict the proposed density by land use category.
- d. Property Owners' Association: The developer shall submit a set of covenants running with the land, providing for an automatic membership in the Property Owners' Association, or comparable legal entity which shall exist in perpetuity to ensure permanent maintenance. The entity shall operate under recorded land agreements, through which each property owner in the Planned Unit Development is automatically subject to a charge for an appropriate proportionate share of the expenses for maintaining the common property, open space and/or other activities of the Association. Once established, the covenants shall continue and remain in force during the entire existence of the Planned Unit Development.
- e. Responsibility for Open Space: Nothing in this Section of the Code shall be construed as assigning or assuming any a responsibility or liability on the part of the City of Cabot, for maintenance of any private open areas, parks, or recreational facilities. A hold harmless clause shall be incorporated in the covenants running with the land to this effect. It shall be provided further, however, that when an owner of a Planned Unit Development desires to dedicate certain land areas to the City for public parks and recreational facilities, and the City approves the nature and location of such lands, and accepts the dedicated areas, the City shall be responsible for the operation and maintenance of these lands and properties.

- f. Common Open Spaces: The size, shape, dimension and location of the common open spaces shall be determined by the Planning Commission in conjunction with the developer or subdivider, with consideration being given to the size and extent of the proposed development and the physical characteristics of the land being developed. Consideration should also be given in providing parks, recreational facilities, both active and passive, and pedestrian walkways
- g. Common open space shall be guaranteed by a restrictive covenant, describing the open space and its maintenance and improvement, running with the land for the benefit of the residents of the planned unit development. The developer shall file, at the time the approved final plat is filed, legal documents that will produce the aforesaid guarantees and, in particular, will provide for restricting the use of common open spaces for the designated purpose.
- h. Landscaping Plan: In order to minimize the disturbance of the natural environment, a general landscaping plan shall be required at the time of preliminary plat submission; this shall showing the spacing, sizes, and specific types of landscaping material. The Planning Commission shall review the landscaping plan in conjunction with the review of the preliminary plat.
- i. The preservation of the natural amenities within the planned unit development, including topography, trees, ground cover, natural bodies of water, and other significant natural features, shall be given due consideration. Existing trees shall be preserved wherever possible. The location of trees shall be considered when planning the common open space, location of buildings, underground services, walks, paved areas, playgrounds, parking areas, and finished grade levels. Excessive site clearing of top soil, trees and natural features before the commencement of building operations shall be discouraged by the Planning Commission. The applicant shall provide evidence as how these objectives are to be met.
- j. Transportation: The vehicular circulation system shall be designed so as to permit smooth traffic flow with minimum hazards to pedestrian traffic. Minor streets within planned unit development shall not be connected to streets outside the development in such a way as to encourage their use by through traffic.
- k. The pedestrian circulation system and its related walkways shall be insulated as reasonably as possible from the vehicular movement. This shall include, when deemed to be necessary by the Planning Commission, pedestrian underpass or overpass in the vicinity of schools, playgrounds, local shopping areas, and other neighborhood uses that generate a considerable amount of pedestrian traffic.
- l. Land Subdivision: In the construction and installation of all subdivision improvements in the planned unit development, said improvements shall conform to all requirements and standards as set forth in the City's Subdivision and Development Code, unless exception to the requirements is recommended by the Planning Commission and approved by the Planning Commission.
- m. If the owners in the future should request that the private streets be changed to public streets, the owners do fully agree that, before the acceptance of such streets by the City, the owners will bear full expense of reconstruction or any other action necessary to make the streets fully conform to the requirements applicable to public streets, prior to dedication and

acceptance. The owners also shall agree that these streets shall be dedicated to public use without compensation to the owners.

- n. Setbacks: Building setbacks will be designed in such a manner that they:
 - i. Create a harmonious grouping of buildings;
 - ii. Allow all maintenance of streets and utilities;
 - iii. Do not restrict the provision of emergency or public services.

4.5.6 Review Process

The Planning Commission shall review the proposed PUD after proper submittal of all documents and review by the appropriate city staff. In reviewing any proposal, the Planning Commission shall determine that the PUD will:

- a. Provide public benefits that would not be achievable through the normal zoning regulations.
- b. Not create undue or unmitigated negative traffic impacts.
- c. Be compatible with surrounding developments.
- d. Be compatible with the city's comprehensive plan.
- e. Not endanger the public health, welfare or safety, nor shall it substantially diminish or impair property values in the neighborhood in which it is located.
- f. Be of a character and contain such uses that are needed in the area of the proposed project.

4.5.7 City Council Approval

Planned Unit Developments represent zoning districts and must be approved by the City Council. In addition, the PUD must be prepared in final plat format suitable for filing with the County Recorder. Upon approval by the Planning Commission, all recommendations shall be submitted to the Cabot City Council for approval. The Council will not consider any revisions to the site plan or development proposal that have not been reviewed by the Planning Commission. The Planning Commission must approve any contemplated deviation from the approved site plan. Any dedications of streets or easements to the city must be included in the ordinance approving the PUD.

4.5.8 Amendments

Following City Council approval the staff may approve minor revisions to the site plan if:

- a. No changes are made to either the access or the egress to the PUD.
- b. Any changes to internal traffic arteries do not alter overall traffic patterns, size of streets, or functional classification of streets.
- c. No new streets are proposed for dedication.
- d. No new private streets are proposed.

- e. Overall residential density is not increased.
- f. Overall drainage patterns are not altered.
- g. No additional loads are placed on municipal utilities.
- h. Retail and office space is not increased by more than five percent.
- i. No open space is dedicated for public maintenance.

If there is disagreement about the administration of the above, or if the staff is unsure of its authority, proposed revisions shall be submitted to the Planning Commission.

SECTION 4.6 TABLE OF PERMITTED USES

4.6.1 Use Unit Descriptions and Requirements

- a. Unit: Antenna tower - Any antenna that is visible from any public right-of-way or public place, and which extends or is located more than 40 feet above ground level.
- b. Unit: Automobile Repair/Service - This unit includes one automobile repair, body, or service shop per lot and allows an incidental convenience store, with or without gas pumps, as an accessory use to the automobile repair or service. This unit does not allow the overnight outside storage of vehicles for more than five days. This use unit is generally limited to 10,000 square feet of floor space. This use unit does not permit the permanent (24 hour) outdoor display of merchandise, equipment, or products. This use unit does not involve hazardous materials other than flammable petroleum type products; materials needed for auto body repair, and/or propane refills.
- c. Unit: Automobile Sales & Leasing – Small Lot - Any automobile sales and/or leasing establishment one acre or less in size. This unit does not include recreation vehicle, large vehicle, or manufactured home sales.
- d. Unit: Commercial – General - Offices, shops (goods or services), restaurants and businesses that exceed the Office – Small Scale or Commercial – Small Scale Use Unit requirements and which generally do not exceed 10,000 square feet floor space. This use unit permits one primary building per lot. Unmanned incidental or accessory buildings, such as ATM machines, are permitted on the same lot as the primary building. This use unit does not involve hazardous materials other than flammable petroleum type products and/or propane refills. This use does not permit permanent (24 hour) outdoor display of merchandise, equipment, or products. Light fabrication of non-hazardous products, with incidental retail sales, may be considered a part of the General Commercial Use Unit, provided the light fabrication use does not exceed the General Commercial Use Unit requirements. Convenience stores with restaurants or which exceed the Convenience Store Use Unit requirements are allowed in this unit.
- e. Unit: Commercial – Shopping Centers or Big Box Retailer - Uses that generally are 10,000 square feet or more such as big box retailers, shopping centers, and similar facilities. This

unit includes truck stops but does not involve hazardous materials other than flammable petroleum type products and/or propane refills. This use unit is generally suited for more than one primary building per lot. Light fabrication of non-hazardous products, with incidental retail sales, may be considered a part of the Shopping Center Commercial Use Unit.

- f. Unit: Commercial – Small Scale - One shop (goods or services), or non-drive-through retail establishment, per lot, which generally: does not exceed 5,000 square feet floor space, does not generate more than 100 trip ends per average business day, does not require over 20 parking spaces, is consistent in scale and appearance with surrounding buildings, does not exceed 35 percent lot coverage, and which, during normal business hours, generates sound not exceeding that of an average small retailer, and which is normally closed between 10:00 p.m. and 7:00 a.m.
- g. Unit: Commercial Parking Lot/Garage - Parking lots or garages used commercially to provide off-street parking and storage.
- h. Unit: Contractor or Utility Equipment Parking/Storage Yard - The storage or parking of contractor or utility equipment.
- i. Unit: Convenience Store - This unit includes convenience stores with or without gas pumps, and allows incidental automobile repair or services as an accessory use to the convenience store. Automobile repair or service allowed as an accessory use to a convenience store include only: the changing and refilling of fluids, tire repair, automatic car washes (no attendants), windshield wiper replacement, and glass repair. This use unit does not involve hazardous materials other than flammable petroleum type products and/or propane refills. This unit generally: does not exceed 5,000 square feet of floor space, is consistent in scale and appearance with surrounding buildings, does not exceed 35 percent lot coverage, and during normal business hours generates sound not exceeding that of an average small retailer, and is normally closed between 11:00 p.m. and 5:00 a.m. This unit does not allow the outside storage of vehicles.
- j. Unit: Dwellings - Manufactured home - Manufactured homes as defined by Article VI.
- k. Unit: Dwellings - Multi-family dwellings – Large Scale - Multiple-family dwellings 13 – 24 units per acre. The Planned Unit Development District is generally suitable for multifamily dwellings that exceed the requirements of this Use Unit.
- l. Unit: Dwellings - Multi-family dwellings – Small Scale - Multiple-family dwellings up to 12 units per acre
- m. Unit: Dwellings - Single-family - Single-family dwellings.
- n. Unit: Dwellings - Two-family - Two-family dwellings.
- o. Unit: Dwellings - Zero-Lot Line – Townhouses/Condominiums - Attached single-family dwellings.
- p. Unit: Hazardous Materials Use or Storage - The use or storage of hazardous (i.e. flammable, corrosive, explosive, etc.) materials.

- q. Unit: Hotel/Motel – Large Scale - One hotel/motel per lot that exceed the Hotel/Motel – Small Scale requirements.
- r. Unit: Hotel/Motel – Small Scale - One hotel/motel per lot, having no more than 30 rooms for rent, all rented on a short-term (30-day maximum) basis, and generating no special sound load.
- s. Unit: Industrial - General industrial uses such as manufacturing, assembling, or production of goods.
- t. Unit: Institutional – Large - Government offices, schools, tax-exempt institutions, public or private healthcare facilities such as nursing homes, half-way houses, clubs, lodges and similar uses which exceed "small" unit requirements.
- u. Unit: Institutional– Small - One tax-exempt public or private institution, or public or private non-emergency healthcare facility, club, lodge, or similar use, per lot, which generally: does not exceed 5,000 square feet floor space, does not generate more than 100 trip ends per average business day, does not require over 20 parking spaces, is consistent in scale and appearance with surrounding buildings, does not exceed 35 percent lot coverage, and which, during normal business hours, generates sound not exceeding that of an average small retailer, and which is normally closed between 10:00 p.m. and 7:00 a.m.
- v. Unit: Manufactured home park - A manufactured home park of at least two acres.
- w. Unit: Non-Urban - Farms, ranches, undeveloped lands. This unit includes field, row, and tree crops as well as dairy farms, and the breeding, training, feeding, display and sale of livestock, including required accessory uses and buildings such as barns, yards, and loading areas. This unit does not include hog farming or the raising of poultry.
- x. Unit: Office – Small Scale - One office or studio, per lot, which generally: does not exceed 5,000 square feet floor space, does not generate more than 100 trip ends per average business day, does not require over 20 parking spaces, is consistent in scale and appearance with surrounding buildings, does not exceed 35 percent lot coverage, and which, during normal business hours, generates sound not exceeding that of an average small retailer, and which is normally closed between 10:00 p.m. and 7:00 a.m.
- y. Unit: Open Display Commercial (No permanent - 24 hour - outside storage) - Commercial uses that have merchandise on display outside during business hours, but that remove the merchandise from outside after business hours for storage. This use unit does not involve hazardous materials other than flammable petroleum type products.
- z. Unit: Open Display Commercial (With permanent - 24 hour - outside storage) - Commercial uses that have permanent (24 hour) outdoor storage or display of merchandise, products, or equipment. This unit includes any automobile sales and/or leasing establishment greater than one acre, recreational vehicle sales, large vehicle sales, and manufactured home sales. This use unit does not involve hazardous materials other than flammable petroleum type products and/or propane refills.
- aa. Unit: Personal Care - This use unit includes adult daycares, childcare centers, family daycares, and nurseries that provide care for individuals.

- bb. Unit: Public/Semi-Public - Parks, community facilities, utility substations, public utilities, and public school facilities. This unit does not include sewage treatment plants.
- cc. Unit: Recreational vehicle park - Short-term (30-day maximum) space rentals for overnight residency or camping.
- dd. Unit: Sales and/or Service Operations - This use unit generally includes operations such as heating and air repair and service, office showrooms, office warehouses, and similar facilities. This use unit is generally appropriate for industrial areas and possibly commercial areas, with certain limitations. This use unit generally does not involve hazardous materials other than flammable petroleum type products and/or propane refills.
- ee. Unit: Salvage Yard/Wrecker Service - Salvage or junk yards and/or associated wrecker services.
- ff. Unit: Self – Storage Facilities - Self-storage facilities such mini-storages, mini-warehouses, and similar facilities.
- gg. Unit: Veterinarian Clinic – Large Animals - This use unit includes the practice of veterinarian medicine and any associated boarding or kenneling that exceeds the Veterinarian Clinic-Small Animals use unit. Generally, this use unit includes veterinarian clinics that serve or board large animals such as cattle, horses, and other large animals.
- hh. Unit: Veterinarian Clinic – Small Animals - One veterinarian clinic and any associated boarding or kenneling per lot, which generally: does not serve or board large animals such as cattle, horses, or other large animals, does not exceed 5,000 square feet floor space, does not generate more than 150 trip ends per average business day, does not require over 20 parking spaces, is consistent in scale and appearance with surrounding buildings, does not exceed 35 percent lot coverage, and which, during normal business hours, generates sound not exceeding that of an average small retailer, and which is normally closed between 10:00 p.m. and 7:00 a.m.

Table of Permitted Uses

Use Unit	R-1	R-2	R-2S	R-3	R-4M	R-4H	R-5	O-1	C-1	C-2	C-3	I-1	PUD
Antenna Tower	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	X	
Automobile Repair or Service										X	X	X	
Automobile Sales & Leasing – Small Scale									SP	X	X		
Commercial – General									SP	X	X		
Commercial – Shopping Centers or Big Box Retailers											X		
Commercial – Small Scale								X	X	X	X		
Commercial Parking Lot/Garage								SP	X	X	X	X	
Contractor or Utility Equipment Parking/Storage Yard											X	X	
Convenience Store									SP	X	X		
Dwellings – Manufactured Home ¹	X	X	X	X	X	X							
Dwellings - Multi-Family – Large Scale						X	X		SP	SP	SP		
Dwellings - Multi-Family – Small Scale					X	X	X	SP	SP	SP	SP		
Dwellings - Single Family	X	X	X	X	X	X	X	X	X	X	X	X	
Dwellings - Two-Family		X			X	X	X						
Dwellings - Zero-Lot Line – Townhouses/Condominiums					X	X	X		X	X	X		
Hazardous Materials Use or Storage												SP	
Hotel/Motel – Large Scale									SP	X	X		
Hotel/Motel – Small Scale									X	X	X		
Industrial												X	
Institutional – Large Scale					SP	SP		SP	SP	X	X	SP	
Institutional – Small Scale	SP	SP	SP	SP	SP	SP	SP	X	X	X	X	SP	
Manufactured Home Park ²				X									
Non-Urban	SP										SP	SP	
Office – Small Scale								X	X	X	X		
Open Display Commercial – (No permanent - 24 hour - outside storage)										X	X		
Open Display Commercial – (With permanent - 24 hour - outside storage)											X		
Personal Care	SP	SP	SP	SP	SP	SP	SP	SP	SP	X	X		
Public/Semi-Public	X	X	X	X	X	X	X	X	X	X	X	X	
Recreational Vehicle Parks											SP		
Sales and/or Service Operations									SP	SP	X	X	
Salvage Yard/Wrecker Service												SP	
Self-Storage Facilities										SP	X	X	
Veterinarian Clinic – Large Animals											X		
Veterinarian Clinic – Small Animals								X	X	X	X		

Uses to be proposed by the applicant.

Note: All uses are subject to district regulations, off-street parking, and special provisions as specified in the zoning code.

¹ See Article IV, Special Provisions, Section 4.9.21, Manufactured Homes

² See Article IV, Special Provision, Section 4.9.20, Manufactured Home Parks

SECTION 4.7 SPECIAL PERMIT USES

4.7.1 What is a Special Permit Use?

A Special Permit Use is a use that conforms to the intent of the comprehensive plan for a specific area and is generally allowable but not by right at any location. The use may represent potential problems with respect to its impact on neighboring property or to the city as a whole, or it may dominate the surrounding area by its size or intensity. For these reasons, special permit uses require a careful review of their location, design, configuration, and spatial impact to determine the desirability of allowing them on a particular site.

The Special Permit Use process must not allow an applicant to secure a use variance or as a means to circumvent the intent of the comprehensive plan or zoning code. Building configurations, footprints, and outlines should be compatible with other uses permitted for a district. Whether a proposed use is appropriate in a particular location depends upon a careful evaluation of the impacts to the neighborhood and the city by the Planning Commission and a weighing of conditions and methods proposed by the commission or by the applicant to ameliorate those impacts.

4.7.2 Uses

Uses which are listed in various districts as "special permit uses" may be located only in the district or districts so designated and in accordance with the procedure described herein in Section 4.7.5.

4.7.3 Standards

The Planning Commission may approve, deny, defer, or modify a special permit use request based on findings of fact with regard to the standards set forth below. The appropriateness of these standards shall be determined at the discretion of the Planning Commission for each specific special permit use location. The Planning Commission shall not permit any use in a zone as a special permit use that is not permitted under the zoning code.

In carrying out the purpose of this section, the Commission's consideration shall include, but not be limited to, the following development standards and design specifics.

The appropriateness of these standards shall be determined at the discretion of the Planning Commission for each specific special permit use location.

- a. The proposed use is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.
- b. The proposed land use is compatible with and will not adversely affect other property in the area where it is proposed to be located.
- c. The proposed use is within the provision of "Special Permit Uses" as set out in this Code.
- d. The proposed use conforms to all applicable provisions of this code for the zoning district in which it is to be located, and the use facilitates public convenience at that location.
- e. The size and shape of the site, and the size, shape and arrangement of the proposed structures, are in keeping with the intent of the comprehensive plan and this code.

- f. The internal street system, ingress or egress, off-street parking, loading and pedestrian ways will be efficient and safe.
- g. Safeguards, including, but not limited to, hours and methods of operation, landscaping and screening, controlling noxious or offensive emissions, including lighting, noise, glare, dust and odor, are satisfactory.
- h. Landscaping, fencing and open space will be properly maintained by the owner/developer.
- i. Proposed signs will be appropriate for the location and in accordance with the requirements of the existing City Code.
- j. Public utilities are, or will be, available and will not be overloaded.

4.7.4 Conditions

The Planning Commission may impose conditions and restrictions upon the premises benefited by a Special Permit Use as may be necessary to reduce or minimize the injurious effects of the special permit use, insure compatibility with the surrounding property, and carry out the general intent of this Code. The Planning Commission shall not permit any use in a zone as a special permit use that is not permitted under the zoning code.

Conditions imposed as part of the special permit use may be of two types. Threshold Conditions are those that must be met by all proposed developments before an application for a special permit use will be forwarded to the Planning Commission. Implicit Conditions are those that the Planning Commission may apply during the review of an individual case.

In no case shall the Planning Commission authorize relief from the minimum requirements of the code relating to height, area, parking or screening. However, applicants may be directed to the Board of Adjustment for variances.

4.7.5 Procedure for Authorizing

- a. Application: Application for a special permit use shall be made by the property owner or authorized agent for the owner. The application shall be submitted to the Public Works Office which will process all applicable surveys, site plans and other supporting information pertinent to this review process and make recommendations to the planning commission.

Notice of the Special Permit Use application shall be published at least one time, not less than fifteen (15) days prior to the date of the public hearing, in a newspaper of general circulation. The applicant shall give notice of such hearing by posting a suitable and pertinent sign, provided by the city, on the property involved not less than fifteen (15) days prior to the hearing. The applicant shall notify all adjacent property owners no less than fifteen (15) days prior to the public hearing.

- b. Development plan requirements: The development plan requirements for a special permit use application shall include a graphic representation of what is proposed and a general statement as to the intent of the use. The graphic representation shall include the following:
 - i. The location, size and use of buildings, signs, land and improvements

- ii. The location, size and arrangement of parking space, loading space,
 - iii. driveways and street access
 - iv. The existing topography with proposed grading and drainage plans
 - v. Proposed screening and landscaping
 - vi. The use of adjoining property
 - vii. Scale, north arrow and vicinity map
 - viii. Any additional information needed by the staff because of conditions peculiar to the development.
- c. Development plan review: The Public Works staff shall review the proposed special permit use and report to the commission on its relation to and probable effect on the surrounding area as well as its compliance with the requirements of this Code and shall make recommendations to the Planning Commission.
- d. Planning Commission Action: The Planning Commission shall review special permit use applications at its regularly scheduled monthly meeting, at which time interested persons may appear and offer information in support of, or against the proposed special permit use. The Planning Commission shall then make one of the following determinations: approve the special permit use as requested; approve the special permit use with modifications; defer the special permit use; or deny the special permit use.

The Planning Commission may impose conditions and restrictions upon the premises benefited by a special permit use as may be necessary to reduce or minimize the injurious effects of the special permit use, insure compatibility with the surrounding property and carry out the general intent of the comprehensive plan, appropriate neighborhood plans and this code.

In no case shall the Planning Commission authorize reduction from the minimum requirements of the code relating to height, area, parking or screening. However, the Applicant may be directed to the Board of Adjustment for variances under the Zoning Code.

- e. Appeal: Any applicant or other affected party aggrieved by a decision of the Planning Commission as it relates to the special permit use process shall have the right to appeal to the City Council. Such appeal must be filed in writing with the City Clerk within ten days after the Planning Commission takes final action on such a request. The City Council may affirm, modify, or deny said appealed action of the Planning Commission.
- f. City Council Action: Special Permit Uses are subject to ratification by the City Council by ordinance.
- g. Status of Conditions: Once any portion of the special permit use which has been authorized is utilized, all such conditions pertaining to such authorization shall become immediately operative. The violation of any condition so imposed shall constitute grounds for revocation of the special permit use. Such conditions may include time limits for exercise of such authorization and must commence within a reasonable time.

The Board of Adjustment is not authorized to grant a variance from conditions imposed by the commission in connection with a special permit use. However, the Board of Adjustment may grant variances as provided by the Zoning Code.

Amendments or major changes to a special permit use authorization must follow the same process as the original special permit use; however, the Commission may delegate to the staff authority to approve minor modifications to the conditions approved, including modifications to an approved development plan. No building permit shall be issued except in conformance with the provisions of this section.

A Special Permit Use is a part of the Zoning Code and shall run with the land upon which the use is located.

4.7.6 Fees

Before any action shall be taken as provided in this section, the petitioner shall deposit with the City an application fee as established or may hereafter be adopted by resolution of the City Council. Under no condition shall said sum or any part thereof be refunded for failure of said permit to be approved by the Planning Commission.

4.7.7 Special Permit Uses and Rezoning

Special permit use applications and rezoning applications for the same lot, parcel, or development site may be processed by the city concurrently. However, the special permit use cannot be in operation until the city council has adopted an ordinance rezoning the property to an appropriate zone that would allow the special permit use, and the adopting ordinance has taken effect.

SECTION 4.8 SITE PLAN REVIEW

4.8.1 General Purpose and Review Guidelines

The purpose of this section is to set forth procedure for processing site plans and to establish standards for development within those districts which require regulation by this section.

Site Plan Review is a development review process that provides for case-by-case consideration of project particulars including the provision of parking and landscaping, siting of buildings, and the compatibility of the proposed development with adjacent uses.

All development shall be designed in such a way as to minimize any potential deleterious impact on the surrounding area. Special attention shall be given to buffering commercial developments from adjacent single-family areas. Design of the internal street system ingress and egress, off-street parking, loading and pedestrian ways shall be sensitive to such conditions as safety, convenience, separation of vehicular and pedestrian traffic, general attractiveness, areas of dwelling units, and the proper relationship of different land uses. Landscaped areas shall be provided to reduce erosion, heat and glare, and said areas shall be maintained in an attractive condition. Existing trees on a development site shall be retained where possible. Screening, open space, or other buffer may be required to give adequate separation between uses which are not compatible and shall also be provided for the beautification and enhancement of the property. The requirements of Arkansas State Fire Code, Section 508, providing for handicapped parking and accessibility shall be indicated on the plan.

4.8.2 Applicable Districts

Any application for a zoning classification which involves site plan review may be initiated by the owner or other person having a contractual interest in the property for which site plan approval is requested or by the authorized agent of such owner or person. The site plan review process shall apply to all applications for the following zoning districts:

- "O-1" Office and Quiet Business District
- "C-2" General Commercial District
- "C-3" Open Display Commercial District

4.8.3 Procedure and Authority

The procedure for the zoning of property to one of the above three classifications shall be the same as for any other zoning application. The Planning Commission may outline special parameters or special concerns which will apply to the Site Plan when such are identified through the zoning process.

The Site Plan Review process occurs when a building permit is requested. The Building Inspector and the Planning Commission shall review site plans prior to the issuance of a building permit. At that time, the plan will be assessed for compatibility with standards and criteria provided herein. Public review of a site plan proposal shall take place at regularly scheduled monthly meetings at which time interested persons may appear and offer information in support of or against the proposed site plan. The Building Inspector will make recommendations to the full Planning Commission at said public hearing and said Commission will then take one of the following steps: approve the site plan as submitted; approve the site plan with modifications; defer the site plan for future review; or deny the site plan.

In addition to the special requirements of this section, the Planning Commission may impose on a site plan such additional requirements as are necessary to safeguard the public health, safety and general welfare. The Planning Commission may require the applicant to submit a revised site plan incorporating the imposed requirements and modifications. Such revised site plans shall have priority over new applications in the review process. The Planning commission may deny a Site Plan and recommend reducing the zoning classification of any parcel which requires a Site Plan if it does not carry out the general purpose of this section. In those instances where a variance from district standards is requested as a part of the submittal request, the Planning Commission may modify or waive standards. A variance may be allowed only after demonstration of a hardship unique to the development proposal filed. Pecuniary difficulties shall not be deemed to constitute a hardship.

Site plans will be reviewed by the Planning Commission under the following circumstances. All other site plans shall be considered minor site plans and shall be reviewed by the staff.

- a. Buildings or developments placed on a plot of real property of two acres or larger.
- b. Any development containing a building with a combined square footage of 10,000 square feet or more.
- c. All multi-family housing developments containing twenty or more units.
- d. Any building or development storing, using or selling petroleum products, flammable products or hazardous materials.

- e. Any project referred by the city staff.

4.8.4 Submission Requirements

- a. Zoning Classification: The submission requirements for the rezoning of any lot, parcel or tract of land which includes site plan review shall be the same as for any other zoning application to the City of Cabot. If available, a general graphic representation of what is proposed may be submitted showing the following:
 - i. Approximate location of buildings
 - ii. Approximate location of parking
 - iii. Approximate location of landscaping
 - iv. Approximate location of ingress and egress
- b. Site Plan Submission: The submission requirements for the review of a site plan preceding the receipt of the building permit shall include the following:
 - a. Payment in full of applicable fees for processing the application
 - b. A 3 ½" diskette with all information in AutoCAD.
 - c. Names, addresses, zoning and property lines of all property owners adjacent to the exterior boundaries of the project (including individual lots across streets and right-of-way) shall be located on the plat at the correct location.
 - d. Names, addresses, telephone numbers, of owner(s), developer(s) and project representative.
 - e. North arrow, scale (graphic and written), date of preparation, zoning classification, and proposed use.
 - f. Title block located in the lower right hand corner indicating the name and type of project, scale, firm or individual preparing drawing, date and revisions.
 - g. Provide a complete and accurate legend.
 - h. A vicinity map of the project with a radius of 1.5 miles from the project. This shall include any General Plan streets as well as the 100-year flood plain boundary.
 - i. Street right-of-way lines clearly labeled. The drawing shall depict any future R.O.W. needs as determined by AHTD and the General Plan. Future R.O.W. as well as existing R.O.W. and centerlines should be shown and dimensioned.
 - j. The location of all existing structures. Show the location of proposed buildings, square feet and height. Dimension buildings from the roof overhang and setbacks to property lines.
 - k. Site coverage note indicating the percentage of site that is covered by both building and surfaced area.

- l. Written legal description including area in square feet or acres that read clockwise. This shall be provided on the plat. (Note: If the project is contained in more than one tract, the legal for each individual tract and a total description must be provided.)
- m. Boundary survey of the property shown on the plat. The surveyor shall seal, sign, and date the survey. The survey shall be tied to state plane coordinates.
- n. Point-of beginning from a permanent well-defined reference point. This P.O.B. shall be clearly labeled on the drawing.
- o. Curve data for any street which forms a project boundary.
- p. Show 100-year floodplain and /or floodway and base flood elevations. Reference the FIRM panel number and effective date. Note regarding wetland, if applicable. Note if Army Corp of Engineers determination is in progress.
- q. Existing and proposed topographic information noted.
Show:
 - i. Two-foot contour interval for ground slope between level and ten percent.
 - ii. Five foot contour interval for ground slope exceeding ten percent
- r. Spot elevations at grade brakes existing road centerlines, gutter lines and top of curbs of pavement.
- s. Contours of adjacent land within 50 feet of the project shall be shown.
- t. Landscape proposals for parking lots shall include proposed plant and size. State the method for irrigating and plant material on the plan.
- u. Show on the drawing all known on-site and off-site existing utilities and easements (dimensioned) and provide the structures locations, types and condition and note them as "existing" on the plat.
- v. Existing easements shall show the name of the easement holder, purpose of the easement, and the book and page number of the easement. If an easement is blanket or indeterminate in nature, a note to this effect shall be placed on the plat or plan.
- w. Show all storm sewer structures, sanitary sewer structures and drainage structures:
 - i. Provide structures\ locations and types.
 - ii. Provide pipe types and sizes.
- x. Sanitary sewer systems:
 - i. Provide pipe locations, sizes, and types.
 - ii. Manhole locations of rim and invert elevations.

- y. If a septic system is to be utilized, provide a table of acreage and percolation rates.
- z. Water systems, on or near the site:
 - i. Provide pipe locations, types and sizes.
 - ii. Note the static pressure and flow of the nearest hydrant.
 - iii. Show location of proposed fire hydrants, meters, valves, backflow preventors and related appurtenance.
- aa. Underground or surface utility transmission lines:
 - i. Locations of all related structures (pedestals, poles, etc.)
 - ii. Locations of all lines (note whether the line is below or above ground)
 - iii. A note shall be placed where streets will be placed under the existing overhead facilities and the approximate change on grade for the proposed street.
- bb. State the width, location, and purpose of all proposed easements or right of way for utilities, drainage, sewers, flood control, ingress/egress or other public purpose within and adjacent to the project.
- cc. The location, widths, grades, and names of all existing and proposed streets, alleys paths, and other right-of-way, whether public or private, within and adjacent to the project; private easements within and adjacent to the project; and the radius of each centerline curve. Private streets shall be clearly indicated and named
- dd. The location of all existing and proposed street lights (At every intersection, cul-de-sac & every 300' and associated easements to serve each light.)
- ee. Provide a note of any known existing erosion problems on-site or within 300' downstream of the property.
- ff. The location of known existing or abandoned water wells, sumps, cesspools, springs, water impoundments, and underground structures within the project.
- gg. The location of known existing or proposed ground leases or access agreements, if known. (Shared parking lots, drives, areas of land that will be leased)
- hh. The location and size of existing and proposed signs, if any.
 - ii. Location and width of curb cuts and driveways. Dimension all driveways and curb cuts from side property line and surrounding intersections.
- jj. Draft of covenants, conditions and restrictions, if any.
- kk. A written description of requested waivers from any city requirements.

- ll. Show required building setbacks. Provide a note on the plat of the current setback requirements for the subdivision. A variance is necessary from the Board of Adjustments for proposed setbacks less than those set forth in the zoning district.
- mm. Preliminary grading and drainage plans and reports as required in the City Engineer's Office.
- nn. Any other data or reports as deemed necessary for project review by the City Planner, City Engineer or Planning Commission.

4.8.5 Standards for Site Plan Disapproval

The Planning Commission shall not disapprove an application for a site plan except on the basis of findings directed to one or more specified particular of the following standards:

- a. The proposed site plan is incomplete or contains or reveals violations of this Code or applicable district regulations which the applicant has, after written request, failed or refused to supply or correct.
- b. The proposed site plan interferes unnecessarily with easements, roadways, rail lines, utilities, and other public or private rights-of-way.
- c. The proposed pedestrian and vehicular circulation systems incorporated in the site plan subsequently create hazards to safety on or off the site.
- d. The proposed site plan does not conform to the minimum drainage requirements found in the Subdivision and Development Code or other applicable ordinances.
- e. The proposed site plan violates the basic intent of this Code or does not comply with those conditions which were stipulated at the time of rezoning.

4.8.6 Effect of Approval

An approved site plan shall be binding on the applicants and their successors and assignees. No building permit shall be issued for any building or structure not in conformance with the site plan. The construction, location, use, or operation of all land and structures within the site plan shall be in accordance with all conditions and limitations set forth in the site plan. No structure, use or other element of an approved site plan shall be eliminated, altered or provided in another manner unless an amendment is approved in accordance with this section, provided, however, that the Building Inspector may approve such minor changes in the site plan as will not cause any of the following circumstances to occur:

- a. Any change in the allowable use of the development.
- b. An increase of greater than five percent in the number of dwelling units, but not to exceed the total allowable dwelling units in the respective zoning classification.
- c. Any modification compounding the problems of vehicular circulation, safety, and provision of public utilities.
- d. Any modification having an adverse impact on adjacent property.

- e. Any reduction of the off-street parking and loading requirements below those specified in this Code.
- f. Any change in the allowable size, lighting, or orientation of signs.

Whenever the individual responsible for the reviewing building permits finds that any proposed construction or occupancy will not, in their opinion, comply with the approved site plan, they shall refer the question to the Planning Commission for review.

4.8.7 Amendments

The holder of an approved site plan may request modification of the site plan or the conditions of approval by submitting an amended site plan which shall be filed and processed in the same manner as the original application.

4.8.8 Appeals

Any applicant aggrieved by a decision of the Planning Commission as it relates to the site plan review process shall have the right to appeal to the City Council. Said appeal shall be filed in writing with the City Clerk within thirty days of the Planning Commission decision. Such appeal must state the reasons for disagreement with the decision of the Planning Commission.

SECTION 4.9 SPECIAL PROVISIONS

4.9.1 Accessory Building, Structure, or Use

- a. Permitting: An Accessory Building may be granted a building permit by the Administrative Official if the following conditions are met:
 - i. The building is not designated for full time occupancy and it has no sleeping quarters.
 - ii. The Accessory Building may be a pre-fabricated design, arriving as a fully assembled structure.
 - iii. An Accessory Building may not be used for rental or commercial purposes.
 - iv. No building shall be erected, placed or altered until the building plans, specifications, exterior color scheme, and plot plan showing the location of such building with respect to existing topography, lot lines, easements, building setbacks, and finished ground elevations have been approved in writing by the City.
- b. Accessory Building Criteria:
 - i. Residential, Small Lot: A residential, small lot is any platted lot, smaller than one-third (1/3) acre.
 - a. Location: An Accessory Building shall only be built in the rear yard and shall be located at least ten (10) feet from the rear property line, at least eight (8) feet from all side property lines, as least (10) feet from the main structure and must be built to the rear of the principal building.

- b. Appearance: The color of the Accessory Building shall be consistent with the colors of the main structure.
 - c. Size: Accessory Buildings smaller than 200 square feet that do exceed 30% of the square footage of the total rear yard or 40% of the total square footage, heated and cooled of the main structure and do not include utilities must pay an inspection fee of \$10.00 to insure compliance with the location requirements listed above. The Administrative Official will perform inspections of the location requirement.
 - d. Additional Accessory Buildings: No more than one Small Accessory Building will be allowed per lot or tract. In no circumstance shall the cumulative square footage of the accessory building on a lot or tract exceed 30% of the total square footage of the rear yard.
- ii. Residential, Medium Lot: A residential, medium lot is any platted lot, equal to or larger than one-third (1/3) acre and smaller than five (5) acres.
- a. Location: An Accessory Building shall only be built in the rear yard and shall be located at least ten (10) feet from the rear property line, at least eight (8) feet from all side property lines, as least (10) feet from the main structure and must be built to the rear of the principal building.
 - b. Appearance: The color of the Accessory Building shall be consistent with the colors of the main structure:
 - c. Size:
 - 1) Small Accessory Buildings: Accessory Buildings smaller than 200 square feet that do exceed 30% of the square footage of the total rear yard or 40% of the total square footage, heated and cooled of the main structure and do not include utilities must pay an inspection fee of \$10.00 to insure compliance with the location requirements listed above. The Administrative Official will perform inspections of the location requirement.
 - 2) Medium Accessory Buildings: Accessory Buildings larger than 200 square feet or that require utilities shall not exceed 800 square feet or 30% of the total square footage of the rear yard or 40% of the total square footage, heated and cooled of the main structure or 16 feet at the roof peak, whichever is less. The building must, if needed, share utilities with the main structure.
 - 3) Car Garage Only: An Accessory Building may be built at the front building line provided the minimum setback requirement are met, ten (10) feet from the main structure and eight (8) feet from the side property line. The material and colors of the Accessory Building shall match the main structure.
 - d. Additional Accessory Buildings: No more than one Medium Accessory Building will be allowed per lot or tract. No more than two Small Accessory Buildings will be allowed per lot or tract. In no circumstance shall the cumulative square footage of all accessory buildings on a lot or tract exceed 30% of the total square footage of the rear yard, nor shall the cumulative total exceed 800 square feet.

- iii. Residential, Large Lot: A residential, large lot is any platted lot, equal to or larger than five (5) acres.
 - a. Location: An Accessory Building shall only be built in the rear yard and shall be located at least ten (10) feet from the rear property line.
 - b. Appearance: The color of the Accessory Building shall be consistent with the colors of the main structure.
 - c. Size:
 - 1) Small Accessory Buildings: Accessory Buildings smaller than 200 square feet that do exceed 30% of the square footage of the total rear yard or 40% of the total square footage, heated and cooled of the main structure and do not include utilities must pay an inspection fee of \$10.00 to insure compliance with the location requirements listed above. The Administrative Official will perform inspections of the location requirement.
 - 2) Medium Accessory Buildings: Accessory Buildings larger than 200 square feet or that require utilities shall not exceed 800 square feet or 30% of the total square footage of the rear yard or 40% of the total square footage, heated and cooled of the main structure or 16 feet at the roof peak, whichever is less. The building must, if needed, share utilities with the main structure.
 - 3) Large Accessory Buildings: Accessory Buildings larger than 800 square feet or greater than 30% of the total square footage of the rear yard or 40% of the total square footage, heated and cooled of the main structure must be approved by the Planning Commission. The structure must be located at least 25 feet from the main structure and meet all location setbacks listed above. Large Accessory Buildings will only be considered if the lot or tract of land exceeds twice the minimum required lot area based on its Zoning District. Consideration on approval by the Planning Commission will be based on, but not limited to, size color, type of material, and all structure within 500 of the proposed Large Accessory Building.
 - 4) Car Garage Only: An Accessory Building may be built at the front building line provided the minimum setback requirement are met, ten (10) feet from the main structure and eight (8) feet from the side property line. The material and colors of the Accessory Building shall match the main structure.
 - d. Additional Accessory Buildings: No more than one Medium or Large Accessory Building will be allowed per lot or tract. No more than two Small Accessory Buildings will be allowed per lot or tract. In no circumstance shall the cumulative square footage of all Accessory Buildings on a lot or tract exceed 30% of the total square footage of the rear yard.
- iv. Commercial/Industrial: Accessory Buildings for Commercial/Industrial property uses shall comply with the provisions of Site Plan review in the Zoning Code.

4.9.2 Animal on Premises

The keeping of animals on the premises including animal husbandry, animal hospital; commercial kennel; livestock sales; riding academy; public stable; veterinarian's office, in those districts where permitted, shall be subject to the following regulations:

- a. Animal husbandry, dairying, pasturage shall have a minimum of not less than one acre and shall have no less than 20,000 square feet of lot area for each head of livestock kept on the premises.
- b. Animal hospital, pound or shelter; commercial kennel; livestock sales; riding academy; public stable; veterinarian's office with animals kept on the premises; shall be located no nearer than 200 feet to a residential district, and not nearer to a zoning lot line than 100 feet.

Proponents of such uses shall show that adequate measures will be taken to prevent odor, dust, noise, or drainage from becoming a nuisance to uses on other properties. No incineration of animal refuse shall be permitted on the premises.

4.9.3 Automobile Wreck, Salvage, and Junk Yards

- a. General: Because of the nature and character of their operations, automobile wrecking and salvage yards, junk yards, and similar uses of land can have a serious detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic, and health hazards, and may adversely affect property values by their general appearance. For the purpose of evaluating whether the proposed utilization of land for an automobile wrecking or junk yard properly minimizes its objectionable characteristics, the Standards established in paragraphs b, c, d, and e shall be used.
- b. Location: Because of the tendency of salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than 500 feet to any established residential district.
- c. Screening: All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence or wall, except driveway areas, from eight to twelve feet in height. Storage between the street and such fence is expressly prohibited. Any fence or wall erected for screening purpose shall be properly painted or otherwise maintained in good condition.
- d. Off-Street Parking: Off-street Parking requirements are provided in Article IV, Section 4.10.
- e. Ingress and Egress: The number of vehicular access driveways for junk yards and automobile wrecking yards having frontage on a State or Federal highway shall be regulated by the Arkansas State Highway and Transportation Department.

4.9.4 Places of Public Assembly

Places of Public Assembly shall comply with all of the following area and yard requirements:

- a. Places of Public Assembly and their accessory buildings shall set back from all exterior and interior lot lines a distance of not less than 25 feet.
- b. The lot area for a Place of Public Assembly and any accessory buildings shall be adequate to provide the yard area required by this section and the off-street parking areas required under Article IV, Section 4.10.

- c. When located in any residential zoning district, no parking areas are permitted within the required front yard. Except for driveways to permit ingress and egress, the front yard shall be landscaped with grass, hardy shrubs and trees, and/or evergreen ground cover and maintained in good condition.

4.9.5 Child Care Centers

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

- a. The center shall be located in a single-family dwelling which is the permanent residence of the operator and shall be operated in a manner that will not change the character of the residence. The permit shall specify the maximum number of children to be cared for at each center.
- b. The dwelling shall be located on a lot having not less than 10,000 square feet of area, and all portions of said lot used for outdoor play space shall be fenced with an opaque, ornamental fence not less than six feet in height.
- c. The dwelling shall meet all City, County, and State Health Department requirements as to safety, design, facilities, equipment, and other features and the center shall be operated in a manner that will not adversely affect other properties and uses in the area.

Commercial day care centers, kindergartens, and nurseries that are operated from buildings not originally designed as dwellings shall meet the following provisions:

- a. Shall be located in a commercial zoning district.
- b. Shall be limited by the requirements of the State of Arkansas in licensing such a facility.
- c. Shall otherwise comply with all area regulations established for the district in which such facility is located.

4.9.6 Wireless Communication Facilities

- a. Statement of Purpose: The purposes of these regulations are described as follows:
 - i. To establish a system of administering requests for the location of commercial communication towers in accordance with provisions of the Federal Telecommunications Act of 1996.
 - ii. To minimize the number of new towers needed by encouraging the use of existing towers and existing public and private structures.
 - iii. To preserve the stability of land values of properties near and adjacent to proposed commercial tower locations.
 - iv. To protect the public health, safety, and welfare through the use of good engineering and urban design principles.

b. Location and Application:

- i. Tower Use Permit (TUP) for the following may be processed and approved, with necessary information and agreements, through administrative review by the City Engineer, City Attorney and City Planner:
 - a. An Attached Wireless Communications Facility (Attached WCF) to be attached to an existing monopole, tower, or structure. The City Council reserves the right to negotiate and approve all leases for locations of Wireless Communications Facilities attached to public property.
 - b. Facilities to be located in I-1 (Industrial) zoning district.
 - c. Facilities to be located in parks or other public areas upon approval by the City Council and property owner(s).
- ii. The staff may seek additional input in its review such as analysis by structural, electrical, mechanical or geo-technical engineers. If the City staff does not approve a TUP for any of the above, the Applicant may elect to apply for a Special Permit under the conditions set forth in Article IV, Section 4.7.
- iii. The following applications are subject to acquisition of a Special Permit under the conditions set forth in Article IV, Section 4.7:
 - a. Facilities to be located in any residential use zoning district. All TUP applications for new tower construction in any residential zoning district shall include supporting documentation to the effect that the applicant has exhausted all alternative sites in commercial or industrial districts.
 - b. Facilities to be located in any commercial use zoning district.
- iv. All TUP applications for new tower construction will be considered only after the applicant has demonstrated to the satisfaction of the City Attorney, City Engineer and City Planner that:
 - a. No existing towers or structures are located within the geographic area that would meet applicant's engineering requirements.
 - b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - e. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

- f. The applicant represents an operator with immediate plans to locate an antenna array. Applications for speculative structures will not be processed.
 - v. All applications shall include, in addition to the other requirements specified in Article IV, Section 4.7, if applicable, a scaled site plan, a scaled elevation view and other supporting drawings. The Applicant shall also submit calculations and other documentation showing the location and dimensions of the WCF and all improvements associated therewith, including information concerning specifications, antenna locations, equipment storage facilities, landscaping, parking, access, fencing, and if relevant as determined by staff, topography, adjacent uses, and existing vegetation.
- c. Development Standards:
- i. Height
 - a. An attached WCF shall not add more than 20 feet in height to the existing building or structure to which it is attached.
 - b. WCF with Support Structures shall have a maximum height of 200 feet in industrial zones, 150 feet in commercial zones, and 100 feet in residential zones. Where collocation can be accommodated, towers may be increased by 10 feet in height for each additional provider to a maximum of 50 additional feet.
 - c. The applicant shall assume all responsibility for ensuring compliance with all local, state and federal codes regarding airport runway protection.
 - ii. Setbacks
 - a. Attached WCF: Antenna Arrays for Attached WCF are exempt from the setback provisions of the zone in which they are located. An Attached WCF Antenna Array may extend up to 30 inches horizontally beyond the edge of the Attached Structure so long as the Antenna Array does not encroach upon an adjoining parcel.
 - b. WCF with Support Structures shall meet the setback requirements for principal structures of the underlying zone in which they are located, except for residential zoning districts.
 - c. WCF with Support Structures located in residential districts or abutting residential property on any side shall be set back from any adjoining residential property line a distance at least equal to the height of the tower as measured from the base of the tower to the property line of the residential lot. Guy-wired anchors shall meet the setback requirements of the specific district in which the WCF is located.
 - iii. Landscaping and Aesthetics
 - a. Existing mature tree growth and natural landform on the site shall be preserved to the extent feasible; provided, however, that vegetation that causes interference with the antenna or inhibits access to the equipment storage may be trimmed. Any trees in excess of six (6) inches in diameter to be cut must be indicated on the site plan.

- b. WCF shall be designed so as to be compatible with the existing structures and surroundings to the extent feasible. Such requirements shall not interfere with normal functioning of the WCF and may include the use of compatible or neutral colors, or stealth technology.

iv. Lighting

- a. WCF shall not be artificially illuminated, directly or indirectly, except as may be required by state or federal law or for security of the equipment building. It shall be the Owner's responsibility to meet FAA lighting requirements, if necessary.
- b. Any required lighting shall be focused and shielded to the greatest extent possible so as not to project towards adjacent or nearby properties.
- c. WCF shall not display any signage or message of a commercial nature except for an inconspicuous message containing provider identification and emergency telephone numbers.
- d. Security Fencing: WCF with Support Structures shall be enclosed by a security fence not less than six (6) feet.

v. Collocation

All WCF with Supporting Structures shall be designed to accommodate additional providers where technically feasible and visually desirable.

d. Special Conditions:

- i. Support Structures for Wireless Communication Facilities shall be of the Monopole type in all zones except I-1 and C-1.
- ii. Support Structures in the I-1 zone may, in addition to Monopoles, be Guy-Wired Towers.
- iii. Support Structures located in the C-1 zone shall use Stealth Technology with a design to be approved by the Planning Commission and the City Council.
- iv. Derrick Towers are not permitted in any zoning district.

e. Discontinued Use:

- i. Agreements accompanying a request for new supporting structures or attached WCF shall include the following to be executed with the City of Cabot:
 - ii. Any Wireless Communication facility (WCF) whose use as a communication facility ceases and is discontinued shall be removed by the owner, and shall be reported to the City of Cabot immediately. All such discontinued facilities whose use as a communication facility has ended and said cessation of use shall continue for a period of one year shall be removed within one year and the site restored to its original condition, all at the owner's expense.

- iii. Any such facility whose use as such communication facility has ceased and been discontinued and such WCF is not removed within one year may be removed by the City at the owner's expense.
- f. Environmental Impact:
- i. Assessments of environmental impact are required by federal law to be prepared by personal wireless service carriers when the following environmental impacts occur:
 - a. Facilities are located in officially designated wilderness or wildlife areas.
 - b. Facilities threaten endangered species or critical habitats.
 - c. Facilities affect historic sites or structures
 - d. Facilities are to be located in flood plains.
 - e. Facilities will significantly change a surface area involving wetlands, deforestation, or water diversions.
 - ii. Since these assessments are already required by federal law, these provisions are incorporated into this Code and certification of compliance with the National Environmental Policy Act (NEPA) (43 U.S.C. Section 4321) must be provided before any permits will be issued.
- g. Review: The City of Cabot shall complete final action upon any TUP within 90 days of the filing of the application unless a request for extension is filed by the Applicant. Any decision to deny a request will be made in writing and will be supported by substantial evidence contained in a written record.
- h. Fees: The review fee for a Tower Use Permit shall be \$250.00 for the first \$100,000.00 of estimated construction cost and \$1.00 for each \$1,000.00 thereafter for the Support Structure plus \$250.00 for each Attached Wireless Facility located on the Support Structure.
- i. Change in Ownership: If the ownership of an existing support structure changes, and if no new construction or alterations are proposed, no action is required other than the filing of new ownership documents with the Building Official.

4.9.7 Fences

Amended by Ordinance 2014-21

Yard, Front: A yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street line and the main building or any projections thereof other than the projections of uncovered steps, uncovered balconies, terraces, or uncovered porches. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

Yard, Rear: A yard extending across the rear of the lot between the side lot lines and measured between the rear lot line and the rear of the main building or any projection other than steps, unenclosed porches, or entrance ways.

Yard, Side: A yard between the main building and the side line of the lot, and extending from the front lot line to the rear yard, and being the minimum horizontal distance between a side lot line and the side of the main building or any projection thereof.

- a. For all residential zones – (Located within any residential zoning district):
 - i. A fence, hedge, or wall not exceeding four (4) feet in height may project into or enclose any required front yard.
 - ii. A fence, hedge, or wall not exceeding six (6) feet in height may project into the side yard from the rear of the main structure to the rear property line.
 - iii. Fencing located at any corner lot shall not obstruct the visibility at the intersection as prescribed in Article IV, Section 4.9.11.
- b. For all commercial zones – (Located within the proper zone):
 - i. A fence not less than six (6) feet in height and not exceeding ten (10) feet in height may be constructed along any property line where required for either screening and /or security purposes, provided it does not obstruct the visibility at any intersection as prescribed in Article IV, Section 4.9.11.
 - ii. Barbed/Razor wire shall be permitted on top of any commercial security type fence provided the barbed/razor wire is upright or projecting over the owner’s property and not over abutting property.
 - iii. See Article IV, Section 4.3.4 (b) and (d) for additional information within commercial zones.
- c. For all industrial zones – (Located within the proper zone):
 - i. A fence not less than six (6) feet in height and not exceeding twelve (12) feet in height may be constructed along any property line where required for either screening and /or security purposes, provided it does not obstruct the visibility at any intersection as prescribed in Article IV, Section 4.9.11.
 - ii. Barbed/Razor wire shall be permitted on top of any commercial security type fence provided the barbed/razor wire is upright or projecting over the owner’s property and not over abutting property.
 - iii. See Article IV, Section 4.4.4 (c) and (e –i)

4.9.8 Flammable Liquids and Gases

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

4.9.9 Height Requirements

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

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

4.9.10 Home Occupations

- a. General: Home occupations, as defined herein, may be permitted in accordance with the following provisions:
 - b. Home occupations are only those occupations that meet all of the requirements listed below. Home occupations are approved administratively by city staff.
 - i. The home occupation is located completely within the principal dwelling unit.
 - ii. The home occupation is solely operated by the owner(s) and occupant(s) of the dwelling. No non-resident persons are employed.
 - iii. The home occupation is not primarily a retail sales operation. (Incidental sales, i.e. shampoo, cosmetics, are permitted.)
 - iv. The home occupation does not occupy more than 25 percent of the gross habitable ground floor area of the principal dwelling unit.
 - v. The home occupation does not display merchandise or have outside storage of equipment or materials.
 - vi. The home occupation does not alter the external appearance of the principal dwelling unit.
 - vii. The home occupation does not create noise, vibration, glare, fumes, electromagnetic interference, odors, or air pollution outside the principal dwelling unit.
 - viii. The home occupation has no more than one non-illuminated business identification sign mounted flush to the dwelling unit, not more than two square feet in area.
 - ix. 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.
 - x. The home occupation will not cause more than one customer vehicle to be parked in the vicinity of the principal dwelling unit at a time.
 - xi. The home occupation does not involve the external or visible manufacturing of goods on-site.
- c. Examples of Home Occupations:
 - i. Activities conducted principally by telephone, computer, facsimile, or mail.
 - ii. Studios where handicrafts or objects-of-art are produced.
 - iii. Dressmaking or apparel alterations.
 - iv. Barber and beauty shop (one chair).

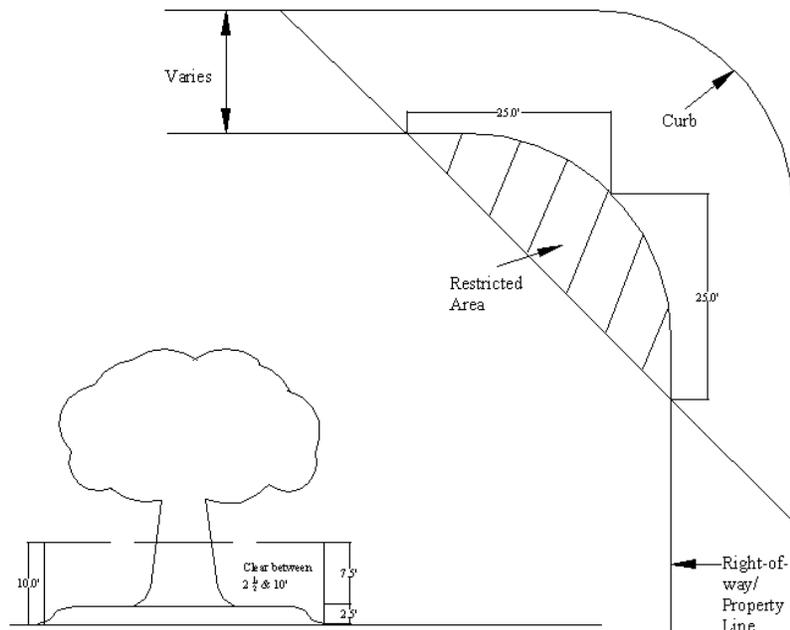
d. Prohibited Home Occupations:

- i. Bed and breakfast.
- ii. Eating and drinking establishments.
- iii. Kennels.
- iv. Commercial sales or leasing of vehicles.
- v. Rest home.
- vi. Clinic, Doctor or Dentist Office.
- vii. Tourist Home.
- viii. Any use that requires a building code upgrade (i.e., from residential standards to commercial standards) to accommodate the home occupation.

e. 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.

4.9.11 Visibility at Intersections

On a corner lot on which a front yard is required, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2 1/2) feet and ten (10) feet above the center line grade of the intersecting street in the area bounded by the street right-of-way lines (not curb lines but the rights-of-way lines which are also the property lines) of such corner lot and line joining points along said streets rights-of-way lines twenty-five (25) feet from the point of intersection. Graphic illustration of this requirement is provided by the following:



4.9.12 Self-Storage

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

- a. Storage of hazardous chemicals or explosives;
- b. Storage of bulk petroleum products;
- c. Auctions, commercial, wholesale, or retail sales, or miscellaneous or garage sales;
- d. The servicing, repairing, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment;
- e. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
- f. The establishment of a transfer and storage business; and
- g. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.

4.9.13 Service Station Pumps

Service station pumps, pump islands, and associated canopies covering said islands may occupy the required yards provided, however, that they are not less than 15 feet from all property lines.

4.9.14 Storage and Parking of Trailers and Commercial Vehicles

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

- a. Not more than one commercial vehicle, which does not exceed one and one-half (1 1/2) tons rated capacity, per family living on the premises, shall be permitted and in no case shall a commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products be permitted.
- b. No trailer (either camping, hauling, travel, or other type) shall be parked or stored for more than one week unless said trailer(s) is located behind the front yard building lines. A camping or travel trailer recreational vehicle shall not be occupied either temporarily or permanently while it is parked or stored in any area within the incorporated limits.

4.9.15 Mining, Excavation, and Material Storage

Mining, including extraction of clay, gravel or sand; quarrying of rock or stone; earth moving and excavation; depositing of construction material, clay, earth, gravel, minerals, rocks, sand or stone on the ground shall not be construed to be a permitted use in any district unless and until a Special Use Permit is issued; except for the following defined extractions and deposits:

- a. Excavations for the foundation or basement of any building or for a swimming pool for which a building permit has been issued, or deposits on the ground of any building or construction materials to be used in a structure for which a building permit has been issued.
- b. Grading of any parcel of land for a permitted use where no bank is left standing and exposed of more than 10 feet in vertical height.

- c. Grading in a subdivision which has been approved by the City in accordance with the City of Cabot Subdivision and Development Code.
- d. An extractive operation existing and operating as such on the effective date of this Code.

The Planning Commission and City Council may grant Special Use Permits, revocable and valid for specified periods of time to permit mining or extraction from, or deposits on the ground of rock, stone, gravel, sand, earth, minerals, or building or construction materials.

4.9.16 Radio, T.V., and Other Towers

Towers not covered by the Federal Telecommunications Act of 1996: Radio, television, microwave, and other electronic transmission or receiving towers in excess of height limits may be allowed in any zone upon a finding by the City and issuance of a Special Use Permit, that the proposed tower or towers will not be unduly detrimental to surrounding property, except that towers used by private residences for the reception of television signals or for supporting amateur radio transmitting antennae may be permitted to a maximum height of 100 feet without obtaining a Special Use Permit. Heights in excess of 100 feet shall be subject to the issuance of a Special Use Permit by the City Council. Exceptions to standard height restrictions shall not be granted in cases where they would violate height restrictions of an aircraft approach and turning zone. Refer to regulations pertaining to facilities governed by the Telecommunications Act of 1996.

4.9.17 Construction within Floodplain Area

Any construction within the 100-year floodway or flood plain shall be governed by the Flood Plain Management Ordinance of the City of Cabot.

4.9.18 Recreational Vehicle Parks

A recreational vehicle park as defined in this Code may be established as a commercial enterprise for short-term transient occupants in C-3 zones only. There is no minimum area which may be developed or used for the purpose of a recreational vehicle park, but the site should be well-drained and properly graded in order to ensure rapid drainage and freedom from stagnant pools of water. Because of the variety of different sizes and lengths of individual units, there are no maximum density requirements for recreational vehicle parks. However, all recreational vehicles shall be separated from each other and from other structures by a distance of at least 10 feet. Any accessory structures such as attached awnings or carports shall, for purposes of the separation requirements, be considered to be part of the recreational vehicle.

Plans for a commercial recreational vehicle park shall be submitted to the administrative official for approval and issuance of a building permit. The plot plans submitted shall include and clearly indicate, at a minimum, the following:

- a. Adequate space dimensions to accommodate the different sizes of expected vehicles.
- b. Street and access roads located within the recreational vehicle park.
- c. Set of plans for the service building which shall house an approved number of restrooms, lavatories, showers, and other sanitary facilities as the State Board of Health may require for the number of spaces available in the park.
- d. Water and sewer stands to accommodate each recreational vehicle space.

- e. Electrical master fuse or breaker panel, and receptacles in compliance with National Electrical Code.
- f. Sanitation containers deployed at intervals to accommodate not more than two spaces.
- g. Letter of approval from State Board of Health.

Upon determination that the submitted plans and information complies with all the standards described above, and with all other applicable ordinances that are in effect in the City of Cabot, the administrative official shall issue a building permit.

4.9.19 Manufactured Home Subdivisions

Manufactured home subdivisions, which shall be established in the R-3 Residential zone only, provide an opportunity for manufactured home ownership of structure and lot for those manufactured homes approved by the Department of Housing and Urban Development under Title VI of Public Law 93-383, USC5401 et seq. All manufactured homes so located within an approved subdivision must have the date plate attached to the unit specifying "This manufactured home is designed to comply with Federal Manufactured Home Construction and Safety Standards in force at the time of manufacture." Manufactured home subdivisions shall fully comply with the regulations of this Code and further be governed by the Subdivision and Development Code of the City of Cabot. Furthermore, individual manufactured homes located within a manufactured home subdivision must be converted to permanent structures as defined in this Code.

4.9.20 Manufactured Home Parks

All new manufactured home parks that are established or existing manufactured home parks which are expanded after the effective date of this Code shall comply with all of the regulations and standards contained in this section. Manufactured home parks shall be established only in the R-3 residential zone. Parks shall be established on large, well-drained tracts of land and no parcel of land containing less than two acres shall be used for a manufactured home park.

- a. Development Standards: Manufactured home parks shall comply with the following requirements:
 - i. No parcel of land containing less than two (2) acres shall be used for a manufactured home park.
 - ii. Manufactured home parks may locate only in the R-3 Residential District.
 - iii. The development shall be located on a well-drained site, property graded to insure rapid drainage and freedom from stagnant pools of water.
 - iv. A site development plan shall be submitted showing the area and dimensions of the tract of land; the number, locations, and size of all manufactured home spaces; the location and width of roadways, walkways, and recreational area; and the location of service buildings and other proposed structures. If approved, said development shall conform to the site development plan and violation of the plan shall nullify the permit. Any manufactured home park with two or more occupied spaces annexed to the City by popular vote after January 1, 1984, is declared to be zoned R-3. Existing facilities or rented spaces shall not be expanded without prior consent of the City Council.

- v. Individual home spaces shall be provided consisting of a minimum of 4,000 square feet for each space, which shall be at least 40 feet wide and clearly defined on the ground.
 - vi. Homes shall be so harbored on each space that there shall be at least 10 feet between the manufactured home and any other detached structure.
 - vii. Each manufactured home space shall abut a driveway of not less than 20 feet in width, which shall have unobstructed access to a dedicated public street. The driveway shall consist of a minimum of six-inch gravel base with two inches of concrete or asphalt surface.
 - viii. Each manufactured home park shall provide service buildings to house each toilet, bathing, and other sanitation facilities and such laundry facilities as the City may require.
 - ix. A 200 amp electrical service shall be provided for each manufactured home space.
 - x. No building or structure erected or stationed in the manufactured home park shall have a height greater than one story or 15 feet.
 - xi. Each manufactured home park shall be permitted to display on each street frontage, one identifying sign of a maximum size of 32 square feet.
 - xii. There shall be at least two paved parking spaces for each manufactured home space, which shall be on same site or located in grouped parking bays specifically designed for such purpose close to the site served. Spaces will consist of a six-inch gravel base with two inches of concrete or hot mix asphalt surface.
 - xiii. A landscaped strip of open space shall surround the Manufactured Home Park 25 feet wide along all street and other property lines. This area shall not be included as part of any manufactured home space.
 - xiv. Any manufactured home located in this district shall be set up and anchored in accordance with the Rules and Regulations of the Arkansas Manufactured Home Commission.
- b. Approval Procedure: All licenses and permits as required by the City of Cabot in this or other applicable Ordinances shall be fully complied with before the park is open to tenants. The owner or developer shall submit a Letter of Intent and the preliminary plans for development of the manufactured home park to the Planning Commission for review and approval prior to preparation of a final plat to insure conformity with plans and regulations. The preliminary plans submitted shall include an approval by all utilities or City governmental departments that may become involved in the final development of the site. The manufactured home park owner and developer shall submit evidence indicating that he/she is responsible for the complete cost of the development including site preparation, manufactured home spaces, installation of all utilities, driveways, parking areas, park facilities and recreational facilities.

After review of the Letter of Intent, preliminary plans, and other information submitted by the developer, the Planning Commission may approve these plans if it finds that all appropriate regulations have been complied with. After approval by the Planning Commission, the developer shall cause to be prepared a final plat of the proposed manufactured home park

lot. This plat shall be prepared by a Registered Professional Engineer in accordance with the Subdivision and Development Code for the City of Cabot. A building permit for construction of the park cannot be issued until a final plat has been approved for the manufactured home park.

4.9.21 Manufactured Homes

The establishment, location, and use of manufactured homes as scattered-site single family residences shall be permitted in the R-1 and R-2 Zoning Districts, subject to all requirements and limitations applying generally to such residential use in each of the respective districts, and provided such homes shall meet all of the following threshold requirements and limitations:

- a. Dwellings shall be multi-sectional.
- b. Dwellings shall be oriented in a manner so as to be consistent with the prevalent orientation in the immediate area.
- c. Dwellings shall be constructed with a type of siding that is consistent with other homes in the general vicinity.
- d. Roofs shall be sloped and shingled.
- e. Units shall be set up and anchored in accordance with regulations set forth by the Arkansas Manufactured Home Commission.
- f. Units shall have a continuous underpinning with a material approved by the Planning Commission.
- g. The manufactured home will be the principal structure on the lot.

4.9.22 Yard Modifications

Certain architectural features may project into required yards as follows:

- a. Cornices, canopies, eaves, or other architectural features, may project a distance not exceeding two and one-half (2 1/2) feet.
- b. Fire escapes may project a distance not exceeding four and one-half (4 1/2) feet.
- c. An uncovered stair and necessary landings may project a distance not to exceed three (3) feet, provided such stair and landing shall not extend above the entrance floor of the building except for a railing not exceeding three feet in height.
- d. Bay windows, balconies, and chimneys may project a distance not exceeding two feet , provided that such features do not occupy, in the aggregate, more than one-third (1/3) of the length of the building wall on which they are located.

SECTION 4.10 OFF-STREET PARKING AND LOADING REQUIREMENTS

4.10.1 Off-Street Parking Requirements

- a. Requirements: In all zoning districts except the C-1 Central Business District, in connection with every commercial, industrial, institutional, recreational, residential, or any other use,

there shall be provided at the time any building or structure is erected, enlarged or increased in capacity, of any other use is established, off-street parking spaces for automobiles in accordance with the requirements of this section.

Parking spaces used in connection with an existing and continuing use of building on the effective date of this Code, up to the number required by this Code, shall be continued and may not be counted as serving a new structure or addition; nor may a parking space be substituted for a loading space or a loading space substituted for parking space.

Any conveyance of such parking or loading space, or transfer of interest therein, by the owner of the property served thereby without a simultaneous conveyance or transfer of the property served thereby to the same grantee or transferee or without suitable provisions being made in another location for the maintenance of an equivalent number of required spaces in conformance with the provisions hereof shall be unlawful.

- b. Application of Standards: In applying the standards of this section, the following shall apply:
- i. In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately, except in the case of church sanctuary as specified below.
 - ii. Where a fractional space results, any fraction more than one-half (1/2) shall be counted as one (1) parking space.
 - iii. These standards shall apply fully to all uses and buildings established after the effective date of this Code.
 - iv. Except for parcels of land devoted to one or two family uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle if required to back into a public street to obtain egress.
 - v. Where parking or sales/storage areas are to be provided in the front yard, there shall be established a setback line of 15 feet. The area between the setback line and the front lot line shall be prepared and planted with grass, shrubs, trees, or ground cover.
- c. Number of Off-Street Parking Spaces Required: In all districts there shall be provided at such time any building or structure is erected, enlarged, or increased in capacity, off-street parking spaces for automobiles in accordance with the following requirements:
- i. Dwelling - One and one-half (1 1/2) parking spaces for each separate dwelling unit within the structure.
 - ii. Boarding or Rooming House or Hotel or Motel - One parking space for each guest room.
 - iii. Medical/Dental Clinics or Offices, and Hospitals - Seven spaces per doctor plus two spaces for each three employees in clinics and offices. For hospitals there shall be one space per bed and one space per employee, based on maximum employment of largest shift.

- iv. Sanitariums, Convalescent or Nursing Homes - One space for each six patient beds plus one space for each staff or visiting doctor plus one space for each four employees including nurses.
 - v. Community Center, Theater, Auditorium - One parking space for each three seats based on maximum seating capacity.
 - vi. Convention Hall, Lodge, Club, Library, Museum, Place of Amusement or Recreation - One parking space for each fifty square feet of floor area used for assembly or recreation in the building.
 - vii. Office Building - One parking space for each three hundred square feet of gross floor area in the building, exclusive of the area used for storage, utilities, and building service area.
 - viii. Retail Commercial Establishments - One parking space for each two hundred square feet of floor space in the building. If the site plan being considered does not reflect the floor space used for retail trade, then twenty percent (20%) of the total square footage of the building may be considered as storage space. The remaining eighty (80%) will be used in determining the number of parking spaces. Outdoor seasonal sales areas are excluded in calculating the total square footage of the business.
 - ix. Industrial Establishments - Adequate area to park all employees and customers' vehicles at all times and adequate space for loading, unloading, and storing all vehicles used incidental to or as a part of the primary operation of the establishment.
 - x. Religious Institutions - One parking space for each four seats based on maximum seating capacity; provided however, that churches may establish joint parking facilities for not to exceed 50% of the required spaces, with public institutions and agencies that do not have a time conflict in parking demand. The joint parking facility shall be located not to exceed 400 feet from the church sanctuary.
 - xi. Unlisted Uses - The number of parking spaces required for a use not listed herein shall be the same as for a similar use which is listed. Where the required number of spaces cannot be ascertained by this method, or the applicant and the City staff cannot agree, the matter shall be submitted to the Board of Adjustment for determination.
- d. Parking Design: The following four parking angles are allowed with their respective width and depth dimensions for stalls and maneuvering areas:

TYPE	WIDTH	DEPTH	MANEUVERING AREA
Parallel	22 feet	9 feet	11 feet
Right Angle	9 feet	20 feet	20 feet
Sixty Degrees Angle	9 feet	18 feet	18 feet
Forty-five Degree Angle	9 feet	18 feet	12 feet

The design of any parking area must conform to the access provisions and required spaces of Section 508 of the Arkansas Fire Prevention Code.

For parking areas which require greater than 100 parking spaces, 10% of said requirement may be utilized for compact auto parking. The following diagram illustrates the parking space and maneuvering space used for the various parking designs:

- e. Development and Maintenance of Parking Areas: Every parcel of land hereafter used as public or private parking area, including a commercial parking lot, shall be developed and maintained in accordance with the following requirements:
 - i. Location - All parking spaces provided pursuant to this section shall be on the same lot with the building or within 300 feet thereof. The distance to any parking area as herein required shall be measured between the nearest point of the building said parking area or facility is to serve.
 - ii. In no case shall off-site parking comprise more than 25% of the total number of spaces required in this section.
 - iii. When detached parking facilities or satellite parking lots are provided, they shall be located on property which is zoned to allow the principal use to which this parking will serve or they must be approved by the Board of Adjustment.
 - iv. Pavement Requirement - Every parcel of land which, after the effective date of this Code, is changed to a parking area, automobile, other vehicle or recreational vehicle sales or storage area, or automobile or motor vehicle service station, garage or other vehicular use area shall be paved, except for single-family residential lots of more than one acre in size. The minimum pavement requirements shall be designed for intense traffic use with asphaltic concrete hot mix surface, or a double surface treatment, or concrete surface. Any off-street parking area shall be paved as specified above and shall be so graded and drained as to dispose of all surface water accumulated within the area, and shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of vehicles.
 - v. Signs - No signs of any kind shall be erected except information signs used to guide traffic and to state the conditions and terms of the use of the lot. Only non-intermittent white lighting of signs shall be permitted.
 - vi. Lighting - Any lighting used to illuminate any off-street parking area shall be so arranged as to direct the light away from the adjoining premises in any Residential District.
 - vii. Driveways - Driveways used for residential ingress and egress shall not exceed 25 feet in width, exclusive of curb returns. Driveways used for commercial/industrial ingress and egress shall not exceed 40 feet in width, exclusive of curb returns.

4.10.2 Off-Street Loading

- a. Requirement: Every building or structure hereafter constructed in any district for non-residential purposes, requiring the receipt of distribution of vehicles of material or merchandise shall provide and maintain on the same lot with such building at least one off-street loading space for the first 5,000 square feet, or fraction thereof, of gross floor area, and one additional such loading space for each 10,000 square feet, or major fraction thereof, of gross floor area in excess of 5,000 square feet.

- b. Size: Each loading space shall be not less than 10 feet in width, 35 feet in length, and 14 feet in height. Where the off-street loading space does not abut on a street, alley, or easement of access, there shall be provided an access drive of at least 10 feet in width leading from the street to loading area.
- c. Location: Such space may occupy all or any part of any required yard or court space, but no such space may be located closer than 25 feet to any Residential District unless wholly within a completely enclosed building or unless enclosed on all sides abutting the Residential District by a wall or solid fence at least ten (10) feet in height.

4.10.3 Compliance for Business Permit

New businesses, whether opening in a new building or existing building, shall demonstrate compliance with the off-street parking and loading requirements of this Article prior to receiving a business permit.

SECTION 4.11 NON-CONFORMING USES AND STRUCTURES

4.11.1 Non-Conforming Use of Land

Where, on the effective date of adoption of this Code, a lawful use of land exists that is made no longer permissible under the terms of these zoning regulations as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- a. 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 Zoning Code.
- b. If any such non-conforming use of land ceases for any reason for a period of more than six months, any subsequent use of such land shall conform to the regulations specified by this Code for the district in which such land is located.

4.11.2 Non-Conforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this Zoning Code that could not be built under the terms of these regulations by reasons of restrictions on area, lot coverage, height, years, 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:

- a. Such structure, upon approval of the Board of Zoning Adjustment, may be remodeled to maintain the premises in a safe and usable condition.
- b. Should a structure be destroyed by any means to an extent of more than 50% of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Zoning Code.
- c. Such structure, upon the approval of the Board of Adjustment, may be added to if said addition meets the area requirements of the land use zoning district in which the structure is located, provided said use of structure is in conformance with this Zoning Code.

- d. This section shall be construed to allow the full replacement of non-conforming mobile or manufactured homes with new units if the unit to be replaced has not been vacated for over 6 months.

4.11.3 Non-Conforming Use of Structures

If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Zoning Code, which would not be allowed in the district under the terms of this Code, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. No existing structure devoted to a use not permitted by this Zoning Code in the district in which it is located shall be structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- b. 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 Zoning Code, but no such use shall be extended to occupy any land outside such building.
- c. 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 Adjustment shall determine that the proposed use is equally appropriate to the district as the existing non-conforming use.
- d. 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.
- e. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six 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.
- f. Should a structure containing a non-conforming use be destroyed by any means to an extent of more than 50 % of its replacement cost at time of destruction, the owner may request permission of the Board of Adjustment to reconstruct the structure and to continue the non-conforming use. The Board of Adjustment may grant or deny a request to reconstruct such a structure. In granting a request to reconstruct the structure, the Board may require conformance to yard requirements, on-lot parking space, adequate screening from adjacent uses and such other items deemed appropriate to the district in which located.

SECTION 4.12 BOARD OF ADJUSTMENT

4.12.1 Creation and Appointment

There is hereby created a City Board of Adjustment which shall consist of the Planning Commission as a whole. Their terms shall run concurrently with their appointment to the Planning Commission. On the effective date of this Code, the members of the Planning Commission that was legally in existence immediately prior to such date shall be constituted as members of the Board of Adjustment hereby created.

4.12.2 Organization

- a. Officers: A Chairman and Vice Chairman shall be elected annually by the Board from among its membership. The Chairman, or in his absence the Vice Chairman, shall preside at all meetings, shall decide all points of order or procedure, and , as necessary, shall administer oath and compel the attendance of witnesses.
- b. Rules and Meetings: The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Zoning Code. Meetings shall be held on a regular schedule and at such other times as the Board may determine. All meetings shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or if failing to vote, indicating such fact, it shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the City Clerk. A quorum of the Board shall consist of five members. The concurring vote of a majority of the entire Board shall be necessary to revise any order or decision of the Administrative Official or to decide on any matter upon which it is required to pass under this Code.

4.12.3 Powers and Duties

The Board of Adjustment shall have all the powers and duties prescribed by law and by this Code, which are more particularly described as follows:

- a. Administrative Review: To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the administrative official in the enforcement of this Zoning Code. The Board may affirm or reverse, in whole or in part, said decision o f the administrative official.
- b. Variances: To authorize upon appeal in specific cases such variance from the terms of the Zoning Code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Zoning Code would result in unnecessary hardship. A variance from the terms of this Zoning Code shall not be granted by the Board of Adjustment unless and until:
 - i. The applicant demonstrates that special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structure or buildings in the same district; that literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Zoning Code; that special conditions and circumstances do not result from the actions of the applicant; and that granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Code to other lands, structures, or buildings in the same district.
 - ii. No non-conforming use of neighboring lands, structures or buildings in the same district, and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
 - iii. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of land, building or structure.
 - iv. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Zoning Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

- v. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Zoning Code. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Zoning Code.
 - vi. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this Code in the district involved, or any use expressly or by implication prohibited by the terms of this Zoning Code in said district.
- c. Special Exceptions: In addition to the powers and duties specified above, the Board shall also have the following powers and duties to hold public hearings and decide the following special exceptions:
- i. Permit the extension of a zoning district boundary where the boundary divides a lot held in a single ownership at the time of adoption of this Code.
 - ii. Interpret zoning district boundaries where uncertainty exists as to the boundaries of the zoning districts or when the street or property lines existing on the ground are at variance with those shown on the Zoning District Map.
 - iii. Vary the parking regulations by not more than 50% where it is conclusively shown that the specific use of a building would make unnecessary the parking spaces otherwise required by this Code.
 - iv. Permit a change in use or occupancy of a non-conforming use, provided the use is within the same or more restricted classification as the original non-conforming use.

4.12.4 Procedure for Appeals

- a. Application: Appeals to the Board may be taken by any person aggrieved or by any officer, department, or board of the City affected by any decision of the administrative official. All appeals and applications made to the Board shall be made in writing on forms prescribed by the Board within 10 days after the decision has been rendered by the administrative official.
- b. Public Hearing and Notice: The Board shall fix a reasonable time for the public hearing of an appeal, give public notice of the time and place thereof, as well as due notice to the parties in interest, and decide same within a reasonable time. Said public notice shall be published at least once not less than seven days preceding the date of such hearing in a newspaper of general circulation in the City. The public notice shall give the particular location of the property on which the appeal is requested, as well as a brief statement of what the appeal consists. At a public hearing any party may appear in person, by agent, or by attorney.
- c. Effect of Appeal: An appeal shall stay all proceedings of the action appealed from, unless the person affected by such appeal certifies to the Board, that, by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or a court of record on application, and notice to the person from whom the appeal was taken.

- d. Time Limit on Permits: No order permitting the use of a building or premises, or the alteration or erection of a building shall be valid for a period longer than 60 days unless such use is established or the erection or alteration is started within such period.
- e. Fee: The fee for any appeal or application to the Board shall be \$35.00 plus the cost of publishing the notice, no part of which shall be refundable. The Administrative Official shall deposit with the City Clerk each month all fees collected during the preceding month.
- f. Appeals from Board of Adjustment: Any person or persons, or any board, taxpayer, department, board or bureau of the City aggrieved by any decision of the Board of Adjustment may seek review by a court of record of such decision, in the manner provided by the laws of the State of Arkansas.

SECTION 4.13 AMENDMENTS TO ZONING CODE

4.13.1 General

- a. This Code may be amended by changing the text, the Official Zoning Map, or both in accordance with the procedures prescribed herein. Notice of any public hearings held using any of the methods shall be published at least one time, not less than fifteen (15) days prior to the date of the public hearing, in a newspaper of general circulation.
- b. The following may initiate a request to amend this Code.
 - i. A member or members of the City Council
 - ii. A member or members of the Planning Commission
 - iii. The owner of a property or his appointed agent

4.13.2 Amendments Initiated by the City Council

Amendments initiated by the City Council may be made in the following manner.

- a. The City Council may refer a request for amendment to the Planning Commission to be considered in accordance with the procedures outlined in Section 4.13.3.
- b. The City Council may act upon a request to amend this Code when an emergency exists which threatens the health, safety, welfare, or morals of the citizens of the City. An amendment may be made upon the approval of a majority of the entire City Council.

4.13.3 Amendments Initiated by the City Council

Amendments initiated by the Planning Commission may be made only in accordance with the procedures outlined herein.

- a. The Planning Commission may, from time to time, either upon request by one or more of its members, by direction of the City Council, or in the course of its normal planning activities, consider amendments or additions to the Zoning Code.
- b. The Planning Commission shall prepare a work program and make studies, including the preparation of maps, to support its decisions regarding possible amendments.

- c. If the proposed amendments are not consistent with the comprehensive plan, the Planning Commission shall first consider and adopt any necessary changes to the plan.
- d. The Planning Commission shall hold a public hearing to consider amendments to the Zoning Code and amendments to the Comprehensive Plan, if required.
- e. Changes in zoning classifications initiated by the Planning Commission shall be considered comprehensive changes affecting the entire city and no individual notifications shall be made. A map indicating the proposed changes will be available in City Hall for interested citizens and property owners.
- f. Following the public hearing, the proposed plans may be recommended as presented, or in modified form, by a majority of the entire Planning Commission.
- g. Following its adoption of plans and recommendations of ordinances and regulations, the commission shall certify adopted plans or recommended ordinances and regulations to the City Council for its adoption.

4.13.4 Amendments Initiated by Property Owners

Amendments by property owners may be made in the following manner.

- a. An application for amendment shall be filed with the Administrative Official.
- b. The application for a Zoning Map Amendment shall contain the following information:
 - i. Name and address of applicant.
 - ii. Statement that the applicant is the owner or the authorized agent of the owner of the property for which the Zoning Map Amendment is proposed.
 - iii. Address and legal description of property.
 - iv. A list of the names and addresses of owners and occupants of properties located within 200 feet of the subject property certified by an abstractor licensed to do business in the State of Arkansas.
 - v. A map of the subject property, delineating: the dimensions of property; approximate location of buildings with appropriate dimensions; land uses of adjacent properties.
 - vi. A vicinity map of sufficient clarity to allow location of the property for which a re-zoning request is located.
 - vii. The application shall be accompanied by the prescribed fee.
- c. Hearing on Application:

Upon receipt in proper form of the application for a Zoning Map Amendment, the Administrative Official shall fix a date for a public hearing according to a monthly schedule maintained in the code enforcement office.

In addition to newspaper notice, notice of such hearing shall be given by posting a suitable and pertinent sign on the property involved by the applicant not less than fifteen (15) days prior to the hearing.

Notice of the Public Hearing prescribing the date of the hearing and including a description of the property and of the proposed Amendment relating thereto shall be given by the Applicant, at his expense, to each owner/or occupant of property located within 200 feet of the property which is the subject matter of the application. The notification list shall be the list compiled by a certified abstractor and the notification shall be made no less than seven days and no more than 30 prior to the hearing date. The applicant may satisfy this notice requirement by either of the following methods:

- i. Notice by certified mail, return receipt requested. This effort shall constitute substantial compliance of this requirement by the applicant. Neither the applicant nor the city shall be responsible for mail that is returned or which otherwise cannot be delivered by the United Postal Service.
- ii. Hand delivery of the required notice and the execution of an acknowledgement of receipt thereof by the owner/or occupant of the property.

At the hearing, the Applicant shall be required to submit evidence of notice in accordance herewith.

Upon receipt of an application for a Zoning Code Text Amendment, the Administrative Official shall fix a date for a public hearing according to a monthly schedule maintained in the code enforcement office.

Notice of such hearing shall be published at least one time not less than fifteen (15) days prior to the public hearing in a newspaper of general circulation in the City of Cabot. Content of such notice shall be of a general nature describing the general subject matter and the Chapters involved, with respect to the proposed amendment.

d. Finding of Fact:

Following the public hearing, the Planning Commission shall, within thirty (30) days, make a specific finding as to whether or not the change is consistent with the objectives of the Zoning Code, and the Plans adopted by the Planning Commission, and that the purpose of the amendment is not based exclusively upon a desire to increase the value or income potential of the property.

e. Approval or Disapproval:

- i. The proposed amendment or change of district boundary may be approved as presented or in modified form by a majority vote of the Planning Commission with recommendation for adoption by the City Council.
- ii. If the Planning Commission disapproves a proposed amendment or rezoning petition, the reason for such disapproval shall be given in writing to the petitioner within 15 days from the date of the hearing.

- iii. Following disapproval of a proposed amendment by the Planning Commission, the petitioner may appeal such disapproval to the City Council, provided that the petitioner states specifically in writing to the City Clerk why he considers the Planning Commission's findings and decisions are in error. Such appeal to the City Council shall be filed with the City Clerk within 15 days after receipt in writing of the Planning Commission's denial. No such amendment will be considered by the City Council unless appealed in accordance with this section.
- iv. If a proposed rezoning Petition is disapproved by the Planning Commission and the Petitioner perfects an appeal of such disapproval to the City Council pursuant to this section, notice of said appeal hearing before the City Council and the date thereof shall be published in a newspaper of general circulation in the City at least one (1) time fifteen (15) days prior to the appeal hearing. The Petitioner/Owner shall place a sign immediately adjacent to the sign on the subject property which furnished notice of the rezoning proposal which sign states that said disapproval of a rezoning request has been appealed to the City Council. Said sign to be placed on-site not fewer that fifteen (15) days prior to the date of the public hearing by the City Council of the appeal. The City will furnish the required sign.

f. City Council Action:

- i. The City Council, by a majority vote, may, by ordinance, adopt a recommended amendment submitted by the Planning Commission or may return the proposed amendment to the Planning Commission for further study and recommendation.
- ii. If the City Council does not concur with the recommendation of the Planning Commission, either as first submitted or as submitted after re-study, or with regard to an appealed matter, the City Council may, by majority vote, amend this Code by granting, by passage of an ordinance, the request for amendment in full or in modified form.

g. Effect of Denial of Amendment:

No application for an Amendment which has been denied wholly or partly by the City Council shall be resubmitted for a period of one (1) year from the date of said denial, except upon a showing of a substantial change in conditions found to be valid by the Planning Commission. For purposes hereof, a change of ownership of the subject property shall not be deemed to be a change of conditions.

4.13.5 Fees

Before any action shall be taken as provided in this section, any private party or parties proposing a change in the zoning regulations or district boundaries shall deposit with the administrative official the sum as adopted by resolution of the City Council to cover the approximate cost of this procedure, and under no condition shall said sum or any part thereof be refunded for failure of said change to be adopted by the City Council.

SECTION 4.14 SIGNS

Amended by Ordinance 2014-8

4.14.1 Purpose and Intent

The purpose and intent of this section is to support and complement the various land uses allowed in the City of Cabot ("City") through appropriate, acceptable types of signs for business

and event needs. Standards within this code are intended to ensure consistency in style, scale, visibility, readability, and clarity as well as location and quantity, while allowing for a varied, exciting, and interesting visual landscape. More specifically, the purpose of this code is to:

- a. Encourage the effective use of signs as a means of communication in the City.
- b. Protect the public welfare and City property values by preserving the aesthetic and environmental qualities of the City.
- c. Protect pedestrians and motorists of the City from damage or injury caused or partially attributed to the distractions caused by improper size, location, or upkeep of signs.
- d. Maintain the economic viability of businesses in our community through the availability of appropriate signage.
- e. To promote public safety, health, welfare, convenience, and enjoyment of travel and the free flow of travel within the City.

4.14.2 Applicability

a. General:

Unless specifically exempted in this code, no sign allowed by this code shall be constructed, erected, moved, enlarged, illuminated, altered, or displayed without first being issued a sign permit when applicable in accordance with the standards of this code. In addition to a sign permit, a Building Permit may or may not be required. It is the responsibility of the business owner to verify with the City if a Building Permit is required.

b. Application:

Applications for initial sign permits shall be made upon forms provided by the City and shall contain or have attached thereto the following information:

- i. Applicant name, address, telephone number and email address.
- ii. Building owner's name, address, telephone number and email address.
- iii. Location of the building, structure, or lot which the sign or other advertising structure is to be attached or erected.
- iv. Position of the sign or other advertising structure in relation to nearby buildings or structures.
- v. Two blueprints or drawings (digital or paper) of the plans and specifications, the method of construction and attachment to the building or in the ground.
- vi. Name of person, firm, corporation, or association erecting structure.
- vii. Written consent of the owner of the building, structure, or land to which or on which the sign/sign structure is to be erected.

viii. Any electrical permit required and issued for said sign. Application requesting electrical permit for proposed sign must accompany sign application.

ix. The proposed sign is subject to all Federal, State and City laws. The applicant must show full compliance with all applicable laws.

c. Permit Fees:

Unless otherwise modified by this code, fees for a sign permit shall be as follows:

i. Temporary sign fee - \$10.00

ii. Permanent signs fee - \$40.00

d. Issuance of Sign Permit:

It shall be the duty of the Administrative Official or designee, upon the filing of an application for a sign permit, to examine such plans, specifications and the premises upon which it is proposed to erect the sign or other advertising structure. If the proposed structure and sign are in full compliance with all requirements of this code, all other laws and codes of the City, the sign permit shall be issued within ten (10) days. If the Administrative Official or designee fails or rejects a completed sign application because it fails to show full compliance with all code requirements, he shall notify the applicant within ten (10) days by why such application fails to meet all code requirements. If the work authorized under a sign permit has not been completed within six (6) months after date of issuance, the said permit shall become null and void.

e. Sign Identification:

Every sign hereafter registered shall show the permit number in a conspicuous place thereon which is visible to the inspector and is readable by the inspector from the ground. Upon payment of the permit, Administrative Official will provide the permit holder with the appropriate sign identification tag which includes the permit number.

f. Inspection:

Any person installing, structurally altering, or relocating a sign for which a permit has been issued shall notify the City upon completion. A final inspection will be required, including electrical inspection if needed.

g. Responsibility for Compliance:

All businesses or organizations interested in installing signs are responsible for acquiring such permits. Signage may be selected from the allowable options indicated herein and design drawings must be submitted for approval by the City prior to installation of said signage.

h. Sign Removal:

If a business discontinues the use of a site, all sign face(s) used by the business shall be fully removed within sixty (60) days. It shall be the responsibility of the landowner to ensure all signage is removed.

i. Message Intent:

No provision in these regulations shall be construed to regulate the content and message of signs containing non-commercial speech. A non-commercial message may substitute a commercial message whenever a sign with a commercial message is allowed.

4.14.3 Nonconforming Signs

For the purpose of this section, a nonconforming sign shall be defined as a sign which does not conform to the provisions of this code. All nonconforming signs/structures not otherwise prohibited by the provisions of this code, relating to a place of business and located on the same premises as such place of business, may be continued unless:

- a. The business is closed or abandoned for six (6) months and the sign/sign structure fails to meet the requirements of the Maintenance section of this code.
- b. The sign/sign structure is destroyed by any means to an extent of more than fifty percent (50%).

The owner may request permission of the Board of Adjustments to reconstruct the sign/sign structure and continue the nonconforming use. The Board of Adjustments may grant or deny the request. In granting the request to reconstruct, the Board of Adjustments may require conformance to setbacks, electrical code, land and lighting requirements.

4.14.4 Allowable Permanent Signs – Sign Permit Required

This section includes the standards for the types of signs required to obtain a Sign Permit prior to erection, enlargement, display, alteration or illumination:

a. Awning Sign: Permit Required

A sign that is mounted, painted, or attached to an awning or canopy.



Allowable Zones:	O-1 / C-1 / C-2 / C-3 / I-1
Location:	Awnings on 1st floor of building only.
Maximum Number:	N/A

Illumination: Exterior (spot) lighting only, from overhead sign.
 Size/Dimension: Maximum 50% of awning area as calculated on the basis of the awning.

Limitations:

- Awning signs may not be used on single family dwellings for home occupations.
- Municipal, school, recreational, religious and civic club institutions are allowed within residential zones. Therefore, when located within a residential zone this type of sign is allowed.

b. Directory Sign: Permit Required

A ground or building sign that lists tenants or occupants of a building or development project with unit numbers, arrows, or other directional information.



Allowable Zones: O-1 / C-2 / C-3 / I-1
 Location: Minimum 10 feet behind right-of-way and driveway entrance.
 Maximum Number: 2 per site; 500 linear feet separation.
 Illumination: Exterior (spot) lighting only.
 Size/Dimension: Maximum area of ten (10) square feet per tenant, up to a maximum of fifty (50) square feet - Maximum height of six (6) feet.

Limitations:

- Only for use on non-public streets to facilitate access when individual tenants are not readily visible from the street.
- Municipal, school, recreational, religious and civic club institutions are allowed within residential zones. Therefore, when located within a residential zone this type of sign is allowed.

c. Drive-Thru Menu Board: Permit Required

An accessory sign providing menu items and prices associated with a drive-thru window or walk-up service window.



Allowable Zones:	C-2 / C-3 / I-1
Location:	As shown on approved site plan.
Maximum Number:	2 per drive through lane.
Illumination:	Interior only.
Size/Dimension:	No sign shall exceed 48 square feet.
Limitations:	Sign shall be located in rear or to the side of the building and not in public or private right-of-way.

d. Canopy Sign: Permit Required

A sign(s) which is/are wall-mounted sign(s) attached to a canopy. This definition includes but is not limited to fuel stations, banks, pharmacy and drive thru canopies.



Allowable Zones:	C-2 / C-3 / I-1
Location:	Sign is limited to canopies only.
Maximum Number:	1 per façade.
Illumination:	Interior only.
Size/Dimension:	Maximum of 10% of canopy face.

Limitations:

- No sign shall be placed where canopy roof abuts another structure.
- No sign shall project above the roof of the canopy.

e. Projecting Sign: Permit Required

Any sign other than a wall sign that is attached to and projects from the wall or face of a structure more than eighteen (18) inches.



Allowable Zones: O-1 / C-2 / C-3 / I-1
 Location: Sign shall maintain a minimum clearance of 9 feet.
 Maximum Number: 1 per establishment.
 Illumination: Interior only.
 Size/Dimension: Maximum area of 16 square feet and not extend above the roof line.

Limitations:

- Sign shall not extend lower than the top of the primary entrance door casing.
- Signs shall not project more than four (4) feet from the building wall.
- Municipal, school, recreational, religious and civic club institutions are allowed within residential zones. Therefore, when located within a residential zone this type of sign is allowed.

f. Arm Sign: Permit Required

A sign whose sign face is suspended from a support arm at a right angle to the ground. Arm signs do not include temporary real estate signage that may be supported in a similar manner.



Allowable Zones: R-2 / R-3 / R-4M / R-4H / R-5 / O-1 / C-2 / C-3 / I-1
 Location: Minimum 5 feet behind right-of-way.
 Maximum Number: 1 per street frontage.
 Illumination: Exterior (spot) lighting only.

Size/Dimension:

- 12 square feet maximum in zones R-2, R-3, R-4, R-5, O-1
- 16 square feet maximum in zones C-2, C-3, I-1
- Maximum height of 6 feet, measured from the top of the post to the average ground elevation.

Limitations: Commercial Arm signs may not be used at single family residence.

g. Monument Sign (Single Tenant): Permit Required

A sign which is freestanding and the entire base(s) is/are in contact with and supported by the ground and constructed of solid architectural materials.



Allowable Zones:

R-3 / R-4M / R-4H / R-5 / O-1 / C-1 / C-2 / C-3 / I-1

Location:

Minimum 15 feet behind the right-of-way, minimum 25 feet from the boundary or any Residential Zone and 15 feet from all other zones.

Maximum Number:

1 sign per street frontage.

Illumination:

Exterior (spot) or interior lighting.

Size/Dimension:

- 80 square feet maximum area, 6 feet maximum height: R-3 / R-4M / R-4H / R-5
- 75 square feet maximum area, 16 feet maximum height: O-1 / C-1 / C-2
- 160 square feet maximum area, 16 feet maximum height: C-3 / I-1

Limitations:

- These monument signs are for use with single-tenant occupied lots.
- Only buildings set more than 15 feet from the right-of-way may use a ground-mounted sign. Landscaping required.
- Monument signs must be located so that they do not obstruct the view of traffic from any intersection, street or driveway.
- Municipal, school, recreational, religious and civic club institutions are allowed within residential zones. Therefore, when located within a residential zone this type of sign is allowed.

h. Monument Sign (Multi-Tenant): Permit Required

A sign which is freestanding and the entire base(s) is/are in contact with and supported by the ground and constructed of solid architectural materials.



Allowable Zones: C-1 / C-2 / C-3
Location: Minimum 15 feet behind right-of-way, minimum 25 feet from the boundary or any Residential zone and 15 feet from all other zones.
Maximum Number: 1 sign per street frontage.
Illumination: Exterior (spot) or interior lighting.

Size/Dimension:
• 25 feet maximum height.
• 500 square feet maximum.

Limitations:
• These monument signs are for use with a complex with two or more tenants.
• Only buildings set more than 20 feet from the right-of-way may use a monument sign.
• Monument signs must be located so that they do not obstruct the view of traffic from any intersection, street or driveway.

i. Pole Sign (Single Tenant): Permit Required

A self-supporting sign resting on, or supported by means of a pole or poles which identifies a single-tenant in a single-tenant building and which is located in the development for which it is advertising.



Allowable Zones: R-4M / R-4H / R-5 / O-1 / C-1 / C-2 / C-3 / I-1
 Location: Minimum 15 feet behind right-of-way driveway entrance and/or lot line, and minimum 25 feet from any residential district.
 Illumination: Exterior (spot) or interior lighting.
 Maximum Number: 1 per single lot.

Size/Dimension:

- 0-150 frontage - 100 square feet maximum area.
- 151-500 frontage - 200 square feet maximum area.
- Excess of 500 frontage - 300 square feet maximum area.
- Maximum height 35 feet.

Limitations:

- Single Tenant Pole Signs are prohibited for Multi-Tenant buildings.
- Maximum height is as measured from the street grade or sidewalk (if one exists), whichever is less.
- Municipal, school, recreational, religious and civic club institutions are allowed within residential zones. Therefore, when located within a residential zone this type of sign is allowed.

j. Pole Sign (Multi-Tenant): Permit Required

A self-supporting sign resting on, or supported by means of a pole or poles which identifies tenants in a multi-tenant building or complex and which is located in the development for which it is advertising.



Allowable Zones: R-4M / R-4H / R-5 / O-1 / C-1 / C-2 / C-3 / I-1
 Illumination: Exterior (spot) or interior lighting.
 Location: Minimum 15 feet behind right-of-way driveway entrance and/or lot line, and a minimum 25 feet from any residential district.
 Maximum Number: 1 sign per street frontage.

Size/Dimension:

- 0-150 feet of frontage - 100 square feet maximum area.
- 151-500 feet of frontage - 200 square feet maximum area.
- Excess of 500 feet of frontage - 300 square feet maximum area.
- Maximum height 35 feet.

Limitations:

- Maximum height is measured from the street grade or sidewalk (if one exists), whichever is less.

k. Off Premise Sign (Multi-Tenant): Permit Required

An Off Premise Sign is a sign that is placed in an area other than the primary business location. It is the purpose of this section to describe the criteria under which a permitted sign can be placed off premises. All off premise advertising is prohibited in the City except for the following:



Allowable Zones:

O-1 / C-1 / C-2 / C-3 / I-1

Location:

At the intersection of State Highway, Primary or Secondary Artery and the connecting street and a minimum of 15 feet behind the right-of-way of a driveway entrance and/or lot line.

Illumination:

Exterior (spot) or interior lighting.

Maximum Number:

1 per single lot.

Size/Dimension:

- 0-150 feet of frontage - 100 square feet maximum area.
- 151-500 feet of frontage - 200 square feet maximum area.
- Excess of 500 feet of frontage - 300 square feet maximum area.
- Maximum height 35 feet.

Limitations: When a business is operating in a location that could be considered a commercial subdivision a sign may be placed off premises if:

- If the sign is not prohibited elsewhere within this code.
- The location of the business is not fronting a State Highway, a Primary or Secondary Artery as defined by the City's Master Street Plan.
- The owner of record provides evidence of his/her agreement to place the sign on his/her property.
- The owner of record accepts responsibility for the care and maintenance of the sign.

A Commercial Subdivision shall be defined as:

- An area that has a street connecting to a State Highway, a Primary or Secondary Artery as defined by the City's Master Street Plan.
- The zoning is contiguous from the business parcel to the parcel on which the sign will be placed.

I. Wall Sign: Permit Required

A sign mounted parallel to or painted on a building façade or other vertical building surface that does not project more than 24 inches from the wall surface. Signs painted on walls shall be considered wall signs. Wall signs do not include decorative murals that are free of any lettering or logos, except that the lettering or logos may represent historic products with ties to the region or companies that no longer exist in advertised form.



Allowable Zones: R-4M / R-4H / R-5 / O-1 / C-1 / C-2 / C-3 / I-1
Location: N/A
Maximum Number: 1 per street frontage.
Illumination: Exterior (spot) or interior lighting.

Size/Dimension:

- Maximum area of 1 square foot per linear foot of the façade, but not to exceed 5% of the total façade area for R-2, R-4M, R-4H, R-5, & O-1 Districts per each wall face.
- Maximum area of 2 square feet per each linear foot of façade, but not to exceed 10% of the total façade area for C-1, C-2, C-3 & I-1 Districts per each wall face.

Limitations:

- Signs may not project more than 24” from wall.
- Maximum height for a 1 story building: below roof.
- Maximum height for a 2+ story building: below window sill of second story.
- The maximum permitted aggregate area of wall signs shall not include the area of any windows or doorways.
- No wall sign or its supporting structure shall cover any window or part of a window. If free standing signage is allowed but not used, that copy area can be applied in addition to the allowed wall signage as additional wall signage.

m. Subdivision Sign: Permit Required

A ground mounted sign used at the main entrance(s) to a subdivided property with an interior road network utilized to access individual lots, either residential or commercial.



Allowable Zones: All zones
Location: 5 feet from the right-of-way.
Maximum Number: 2 signs per main entrance.
Illumination: Exterior (spot) lighting only.

Size/Dimension:

- 36 square feet maximum area, 6 feet maximum height: R-1, R-2, R-3, R-4M, R-5, & O-1
- 50 square feet maximum area, 6 feet maximum height: C-1 & C-2
- 75 square feet maximum area, 8 feet maximum height: C-3 & I-1

Limitations: May not be located in road right-of-way or must be located so that they do not obstruct the view of traffic from any intersection, street, or driveway.

4.14.5 Allowable Temporary Signs – Sign Permit Required

On-premise pennants, signs, flags, banners, inflatables and streamers for special events and grand openings associated with nonresidential uses may be permitted for a total of six (6) times in a calendar year and not more than ten (10) consecutive days at a time, provided that:

- a. A complete signage drawing approved by the City and a Sign Permit issued. The drawing shall include an event signage plan, location and description for approval. Additional items that were not included in the approved drawing shall not be installed without a revised drawing and application approved by the City.
- b. Temporary banners must be attached to primary facade of a principal structure or completely and securely affixed to banner poles and outside of the right-of-way. Banners shall not be attached to a roof structure or fence.
- c. Temporary signage must be removed at the event's conclusion.

Failure to comply with the standards in this section is a violation of this code, and shall result in enforcement action, fines and citations.

4.14.6 Allowable Signs – Exempt From Sign Permit Requirements

a. Sandwich Boards: No Permit Required



Allowable Zones: O-1 / C-1 / C-2 / C-3
Maximum Number: One per establishment
Size/Dimension:

- Maximum twelve (12) square feet.
- Maximum four (4) feet in height.

Limitations:

- Must be located so as to maintain at least four linear feet of clearance for pedestrian travel on sidewalk.
- Must be removed each evening following the close of the business it serves.
- Must be on the property where the business is located.

b. Yard Sale: No Permit Required



Allowable Zones: All zones
Maximum Number: One (1) on premise and six (6) off- premise per sale
Size/Dimension: No larger than four (4) square feet in area

Limitations:

- Must be removed within two (2) hours after the end of the yard sale.
- Cannot be affixed to a utility pole or affixed to any other sign.
- Cannot be placed in any public right-of-way.

c. Barber Poles: No Permit Required



Allowable Zones: O-1 / C-1 / C-2 / C-3 / I-1
Maximum Number: One per establishment
Size/Dimension: N/A

Limitations:

- Any structurally-unsafe sign that endangers the public safety shall be immediately removed or repaired, and made otherwise to comply with the requirements of this Code.

d. Fuel Sales: No Permit Required



- Allowable Zones: C-2 / C-3
Maximum Number: One free-standing price sign, one price or self-service sign provided it is secured to a gas pump
Size/Dimension:
 - Free-standing sign is no larger than nine (9) square feet.
 - Secured sign no larger than two (2) square feet.

Limitations:

- Free-standing sign must be outside right-of-way.

e. Political Campaign: No Permit Required



- Allowable Zones: All zones
Maximum Number: N/A
Size/Dimension:
 - No larger than 16 square feet in a residential zoning district.
 - No larger than 32 square feet in any other base zoning district.

Limitations:

- All signs are placed behind the right-of-ways.
- Signs over four (4) square feet in surface area and/or over four (4) feet in height are required to be set back at least ten (10) feet from the front property line or right-of-way line, whichever greater.
- All signs must be removed within seven (7) days following the last election in which the specific candidate advertised will participate in the designated election cycle.

f. Real Estate: No Permit Required



- Allowable Zones: All zones
Maximum Number: One per street frontage.
Size/Dimension:
 - No larger than 12 square feet in a residential zoning district.
 - No larger than 32 square feet in any other base zoning district.

Limitations:

- Signs are removed within seven (7) days after the property is sold, rented, leased, or construction has been completed.
- No sign is illuminated.
- Signs on corner lots are located at least 100 linear feet apart as measured by the shortest straight line between them.

g. Construction: No Permit Required

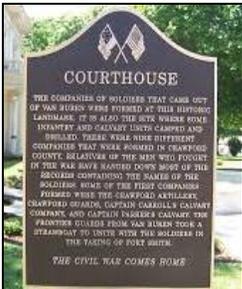


- Allowable Zones: All zones
 Maximum Number: One per development.
 Size/Dimension:
- Gross sign copy area 50 square feet on a lot less than one (1) acre.
 - 100 square feet for lots greater than one acre.

Limitations:

- Sign must be at least 10 feet behind the right-of- ways.
- No sign shall exceed 15 feet in total height.
- Sign shall be removed no later than seven days after the completion of the development.

h. Historical or Public Interest: No Permit Required



- Allowable Zones: All zones
 Maximum Number: Up to two signs per site.
 Size/Dimension: Wall-mounted or decorative post mounted sign not to exceed six (6) square feet.

Limitations:

- Memorial signs, plaques or grave markers that is non-commercial in nature.
- Historic plaques mounted in accordance with the United States Secretary of the Interior's Standards of Rehabilitation.

i. Off-Site Directional: No Permit Required (School, Church, and Civic Only)



Allowable Zones:	All zones
Maximum Number:	Max of three directional signs per principal use.
Size/Dimension:	No sign shall exceed four feet in height measured from grade and a maximum area of four square feet.

Limitations:

- All signs shall be free-standing. Portable signs are prohibited.
- Signs are NOT illuminated.
- No two signs for the same use shall be located within 1,000 feet of each other as measured using the shortest straight line.
- Signs may not be installed in the right-of-way.

j. Temporary Event On-Site Signage: No Permit Required (School, Church, and Civic Only)



Allowable Zones:	R-1 / R-2 / R-3 / R-4M / R-4H / R-5 / O-1 / C-1 / C-2 / C-3
Maximum Number:	Max of 1 sign per entrance or 2 signs per property, whichever is greater.
Size/Dimension:	No Sign shall exceed 32 square feet.

Limitation:

- Signs are removed no later than two (2) days after the event.
- Signs are NOT illuminated.
- Signs are placed at least five (5) feet behind the right- of-way and out of any sight triangles.

k. Temporary Event Off-Site Signage: No Permit Required (School, Church & Civic Only)



Allowable Zones:	R-1 / R-2 / R-3 / R-4M / R-4H / R-5 / O-1 / C-1 / C-2 / C-3
Maximum Number:	Max 1 sign per off site property.
Size/Dimension:	<ul style="list-style-type: none"> • No larger than 16 square feet in a residential zoning district. • No larger than 32 square feet in any other base zoning district.

Limitation:

- Off-site property owner must give permission for signage to be installed on property.
- Signs are removed no later than two (2) days after the event.
- Signs are NOT illuminated.
- Signs may not be placed in the right-of-way.

I. On-Site Attended Signs: No Permit Required



Allowable Zones:	C-1 / C-2 / C-3
Maximum Number:	Max 1 attendant per property
Size/Dimension:	N/A

Limitation:

- Attendant must remain behind the right-of-way and on property for which it is advertising.
- At no time shall the attendant interfere with vehicular or pedestrian traffic either physically or visually.

m. Informational: No Permit Required



Allowable Zones:	All zones
Maximum Number:	N/A
Size/Dimension:	Wall mounted or post mounted signs shall not exceed six (6) square feet unless otherwise noted above.

Limitations:

- Signs shall not be illuminated, except that “Open” or “Closed” or “ATM” signs may be illuminated.
- Regulatory signs (such as traffic control signage) and AHTD logo signs are permitted
- Wall mounted incidental signs such as tenant information are permitted.
- Public interest signs less than two (2) square feet including “Warning” or “No Trespassing”, “Open”, “Closed” or “ATM” are permitted.

n. Produce Stand Signs: No Permit Required



- Allowable Zones: All zones
Maximum Number: One sign per farm.
Size/Dimension:
- No sign shall exceed nine (9) square feet.
 - No sign shall exceed six (6) feet in height.

Limitation:

- Signs are NOT illuminated.
- Signs must not be placed in the right-of-way.
- Signs must be located on the same site as the farm where products are for sale and produced.

o. Permanent Outdoor Storage and Display: No Permit Required



- Allowable Zones: C-3
Maximum Number:
- Two ground mounted banners per site.
 - No maximum pole banners.
- Size/Dimension: No sign shall exceed 32 square feet.

Limitations:

- Manufacturer-supplied permanent or temporary signage depicting the type of product offered, sale conditions, or other information is permitted.
- Allowable signage includes temporary ground mounted banners, permanently-affixed banners on light poles, streamers and balloons are permitted.
- Signs must not be placed in the right-of-way.
- Signs may not be placed under the hood of vehicles, and vehicle headlights, turn signals, horns, etc. may not be used to draw attention to signage.

p. Window Sign: No Permit Required



- Allowable Zones: O-1 / C-2 / C-3 / I-1
Maximum Number: N/A
Size/Dimension: Maximum of 75% of total window area.

Limitations:

- Window signs do not count against the total allowable sign area.
- Signs shall not obstruct general visibility of the interior of the facility.
- Signs shall NOT be illuminated, except “Open”, “Closed” and “ATM” signage.
- Signs shall be on the first floor windows or glass doors.

4.14.7 Prohibited Signs

The following signs shall be prohibited, except as otherwise allowed in this Code.

a. Signs Interfering with Traffic Safety: (Prohibited)



Any sign that obstructs the view of bicyclists or motorists using any street, approach to any street intersection, or which interferes with the effectiveness of or obscures any traffic sign, device, or signal as determined by the Planning Department is prohibited.

b. Signs Misconstrued as Regulatory: Prohibited



Signs which contain lights, rotating disks, words and other devices not erected by a public authority which may be erroneously construed as regulatory signs or emergency warning signs are prohibited.

c. Signs within the Right-of-Way: (Prohibited)



Any sign (other than regulatory), banner, or display placed on any curb, sidewalk, post, pole, hydrant, bridge, tree, or other surface located on, over, or across any street or right-of-way, or any banner placed on stakes on a property, unless permitted is prohibited. The City shall possess the authority to remove or dispose of such signs.

d. Signs Blocking Existing Signs: (Prohibited)



Any sign located in such a way as to intentionally deny visual access to another existing sign is prohibited.

e. Flag Banner Signs: (Prohibited)



Permanent “flag” banner strands of any type, size, color or composition are prohibited except as allowed for temporary use. See Allowable Temporary Signs.

f. Vacant Lots: (Prohibited)



Commercial permitted signs on vacant lots are prohibited

g. Flashing Signs: (Prohibited)



Signs with flashing or reflective disks, flashing lights or lights of changing degree of intensity or color are prohibited except as allowed for informational use. See: INFORMATIONAL SIGNS.

h. Off-Premise: (Prohibited)



Off-premise commercial advertising signs (e.g. billboards) of any size and in any area are prohibited.

i. Roof Signs: (Prohibited)



Roof signs that extend above soffit of a pitched roof or above the highest point of a mansard roof are prohibited.

j. Signs that Interfere with Free Passage: (Prohibited)



Any sign located outdoors which interferes with free passage from or obstructs any sidewalk, fire escape, downspout, window, door, stairway, ladder, or opening intended as a means of ingress or egress or providing light or air is prohibited.

k. Home Occupation Signs: (Prohibited)



Any home occupation sign either attached to the building or on the property that advertise business simultaneously conducted primarily by a resident of the same dwelling is prohibited.

l. Rotating Signs: (Prohibited)



Rotating signs, excluding barber shop signs are prohibited.

m. Abandoned Signs: (Prohibited)



Any sign that has been abandoned, dilapidated, or unsafe is prohibited. The Code Enforcement Officer shall have the authority to remove or otherwise dispose of any sign that is deemed a danger to public safety.

n. Snipe/Bandit Signs: (Prohibited)



Temporary signs placed within the right-of-way are prohibited. Nor shall any sign be placed on utility poles or any sign poles.

o. Mobile Signs: (Prohibited)



Any sign whose face was initially constructed and designed to be placed and/or transported on wheels, regardless if sign face is removed from its base and placed on or in the ground so as “free-standing” is prohibited.

p. Inflatable Signs: (Prohibited)



Any sign that is inflatable or any balloon used as a sign that is used as permanent signage is prohibited except as allowed for temporary use. See: ALLOWABLE TEMPORARY SIGNS.

q. Feather Banner Signs: (Prohibited)



Any permanent or unpermitted “feather” banner or sign of any type, size, color, or composition is prohibited, except as allowed for temporary use. See: ALLOWABLE TEMPORARY SIGNS.

r. Portable Signs: (Prohibited)



Portable sign(s), regardless if its sign face and base are on wheels or free-standing is prohibited.

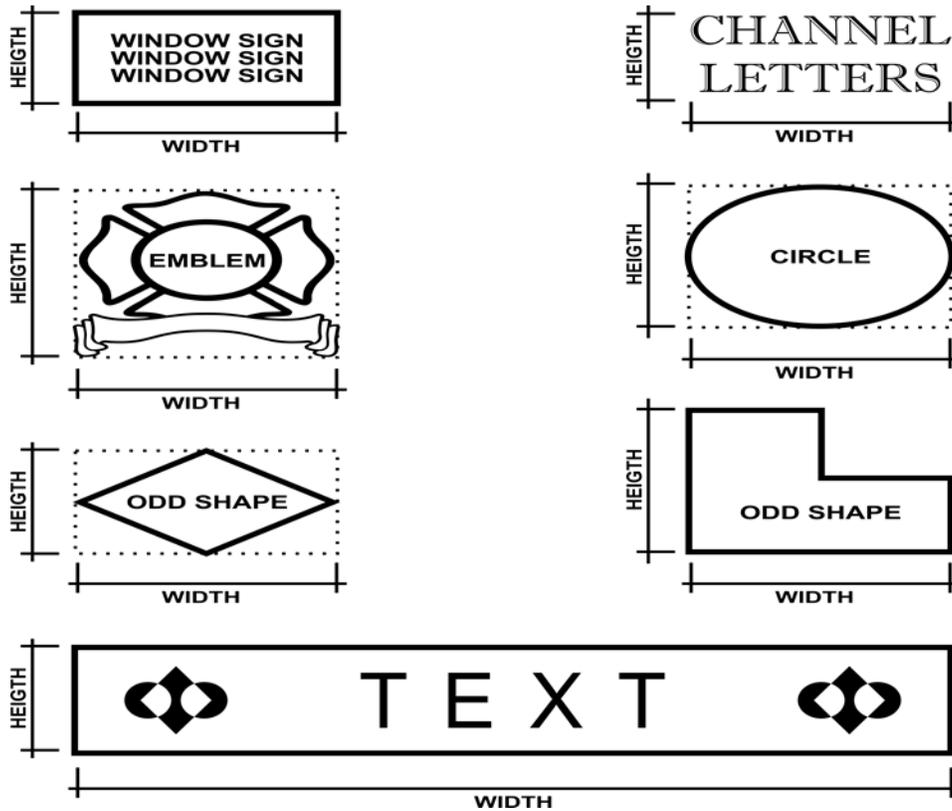
4.14.8 Size Dimension

a. Area:

- i. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest rectangle that will encompass the limits of the writing, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, base, bracing or decorative fence or wall when such fence or wall otherwise

meets the regulations of this chapter and is clearly incidental to the display itself. Street address numbers are not included within the sign copy area.

- ii. In the case of signs mounted back-to-back only one side of the sign is to be used for computation of the area. Back-to-back signs shall be defined as double-faced signs. The maximum angle of a double-faced sign shall be 45 degrees, except for signs located at corners in which case the angle may be 90 degrees. Otherwise, the surface area of each sign is to be separately computed.
- iii. For a single wall, all pieces of information or other graphic representations within a grouping on that wall shall be measured as though part of one sign, encompassed within one rectangle, which may not exceed the permitted total wall area to which the sign is affixed. For a single wall on a multi-occupant building, the area of signs shall be computed using these principles and the aggregate copy of each individual sign shall not exceed the allowed percentage of the total wall area to which the sign(s) is affixed.
- iv. This diagram illustrates how sign area is measured:



- b. Height: The height of a sign shall be the vertical distance from the mean grade elevation taken at the fronting street side of a structure to the highest point of a sign or supporting structure.

4.14.9 Illumination

a. Neon:

- i. Neon is allowed for wall signs or projecting signs only. Neon must be affixed to a sign backing.
- ii. Lettering or logos directly hanging on the fascia of the building are prohibited.
- iii. Neon may only be utilized for the name of the principle use, with minimal ancillary lettering or logo incorporated into the sign face.
- iv. One (1) Neon sign per building is allowed, and is limited to 0.5 sq. ft. per 1 linear foot of wall space. Any additional signage allowed (Wall Signs) must be non-illuminated.
- v. Neon is prohibited for any use other than specific lettering or logo signage. Architectural neon lighting (for example outlining windows) is prohibited.

b. Exterior Illumination:

- i. If Illumination is external, it shall be located and directed solely at the sign.
- ii. The light source shall not be visible from or cast into the right-of-way, or cause glare hazards to pedestrians, motorists, or adjacent properties.
- iii. The light source shall not be mounted to any part of the sign.
- iv. Only one exterior light shall be permitted per sign face for signs 16 square feet or less, and two exterior lights for sign faces that exceed 16 square feet in size.

c. Interior Illumination:

- i. A Channel Illuminated Sign is a sign whose light source is located in the interior of a sign so that light illumination shines through the front surface of the sign in specific “cut-away” areas. Any words, lettering, figures, numerals, emblems, devices, trademarks, or trade names, or any combination thereof, by which anything is made known and which is designed to attract attention and/or convey a message, may be displayed by channel cutting the words, letters, figures, etc. out of the surface of the sign. The sign itself is illuminated through cuts, or channels made through the surface of the sign.
- ii. A push-thru acrylic sign is typically an internally illuminated sign with letters and/or logos cut out of translucent acrylic that is as thick or thicker than the opaque sign face material, and mounted on the inside of the sign face so that the acrylic material’s thickness extends flush with our pushing through and beyond the front plane of the sign face. Acrylic letters are raised from the surface of the sign face so that light passes

through the edges. Acrylic that extends beyond the front plane may also have a face of all letters/logos to create a back light effect if desired.

- iii. A maximum of 10 foot candles is permitted on any portion of the sign. A foot candle is defined as a unit of luminance or light falling onto a surface. It stands for the light level on a surface one foot from a standard candle.
- iv. All lighting shall meet all applicable electrical codes.

4.14.10 Alternative Signage Plans

An Alternative Signage Plan may be used where impractical situations would result from this code. Alternative locations, size or quantity may be justified due to topography, utility easements, lot configuration or subdivision (particularly with respect to a shopping center), or location and size of pre-existing development. Also, the proposed use or collection of uses may not be captured by the spirit and intent of this code, justifying an Alternative Signage Plan. The Planning Commission shall approve an Alternative Signage Plan if it meets the purpose and intent of the sign code. The following conditions shall be met in order for an Alternative Signage Plan to be considered for approval:

- a. The applicant must show that installation of signage per this code while meeting other site-specific constraints as listed above would put the site in direct violation of other City Ordinances or State or Federal regulations, under any practical site layout configuration.
- b. The use(s) and/or architectural elements proposed for the site (as already approved by the Planning Department) are such that a standard sign plan under this code would be considered not in keeping with the code.

4.14.11 Electronic Message Signs

- a. Sign Type: Electronic message signs shall only be allowed on monument mounted and pole signs.
- b. Size: The maximum sign area of the electronic portion of an electronic message sign shall not exceed 50 square feet.
- c. Dimming and Brightness: Signs shall be equipped with dimming technology that automatically adjusts the display brightness based on ambient light conditions. The sign shall not exceed 0.3 foot candles illumination above ambient light level.
- d. Movement: The illusion of movement by means of a preprogrammed (repetitious or sequential) switching action in which illuminated elements of the sign are turned off or on to visually simulate the impression of motion characteristic of chasing, running, blinking, oscillating, twinkling, scintillating, or expanding and contracting light patterns, is prohibited.
- e. Rate of Change: No electronic message sign shall change copy more frequently than once during any five (5) second intervals. Electronic message signs that only display the time, temperature, or both the time and the temperature, may change at real time.

- f. Allowable Zones: As allowed by the MONUMENT SIGN & POLE SIGN Section of this Code.

4.14.12 Maintenance

All sign(s)/sign structure and premises surrounding the same shall be maintained by the owner thereof in a clean, sanitary condition and free and clear of all rubbish and weeds. All components thereof, including supports, braces, anchors, etc., shall be kept in compliance with all building and electrical codes, and in conformance with the requirements of this Code. All components should be free from deterioration, termite infestation, rot, rust or loosening. Repair and replacement of any faded, peeled, cracked or otherwise damaged or broken parts of a sign is required by this Code.

4.14.13 Violations

When a violation of the sign code exists, the Administrative Official shall notify the alleged violator. The notification should specify those sections of the sign code which the individual may be in violation of and shall state that the individual has seven (7) days from the date of the notification in which to correct the alleged violation or appear in court. In the case of a prohibited sign, the Administrative Official shall, if possible, remove such sign and notify the alleged violator. If violation continues, the alleged violator will be issued a citation. If, upon inspection, the Administrative Official finds that a sign is abandoned or structurally, materially, or electrically defective in such a way that it endangers the public, the Administrative Official shall notify the owner of the building/property stating the nature of the violation and requiring them to remove the endangerment immediately and to repair or remove the sign within thirty (30) days of the date of notification or appear in court. In case of emergency, the Administrative Official may cause the immediate removal of a dangerous or defective sign without notice. Signs removed in this manner must present a hazard to the public safety and defined in the local building codes or traffic codes.

4.14.14 Removal of Signs by the Administrative Official

The Administrative Official may cause the removal of an illegal sign in cases of emergency, if it is located within the public right-of-way or for failure to comply with notification of removal or repair. After removal or demolition of the sign, a notice shall be mailed to the sign owner stating the nature of the work and the date of which it was performed and demanding payment of the cost as certified by the Administrative Official. If the amount specified in the notice is not paid within sixty (60) days of the notice, it shall become an assessment upon a lien against the property of the sign owner, and will be certified as an assessment against the property.

4.14.15 Penalties

Any person who fails to comply with the provisions of this code is subject to a fine of \$250.00. The fine will also include an additional penalty of \$200.00 per day the violation continues.

4.14.16 Removal of Signs by the Administrative Official

The Administrative Official may cause the removal of an illegal sign in cases of emergency, if it is located within the public right-of-way or for failure to comply with the written orders of removal or repair. After removal or demolition of the sign, a notice shall be mailed to the sign owner stating the nature of the work and the date on which it was performed and demanding payment of the costs as certified by the Administrative Official.

If the amount specified in the notice is not paid within sixty (60) days of the notice, it shall become an assessment upon a lien against the property of the sign owner, and will be certified as an assessment against the property.

The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon unless documented facts to the contrary are brought to the attention of the Administrative Official, as in the case of leased sign. For the purposes of removal the definition of sign shall include all embellishments and structures designed specifically to support the sign.

4.14.17 Variances

Fee - \$250.00

Any decision rendered in denying a permit may be appealed to the Board of Adjustments for a variance. A variance is not allowed for Prohibited Signs of this code. The request for variances shall be in writing and shall be submitted along with the sign application. Such request shall demonstrate that special conditions or circumstances exist that is not applicable to other lands, structures, or buildings such that an interpretation of this code would result in an undue hardship. Requests for variance made to the Board of Adjustments shall be in writing and shall state the nature of the appeal. The Board of Adjustments shall review all requests to determine if variance should be granted. If the Board of Adjustments denies the variance request, the applicant may appeal to the Circuit Court.

SECTION 4.15 LANDSCAPING

The purpose of these regulations, through requirements and regulations for landscaping is to protect and to promote the public health, safety and general welfare of the citizens of the City of Cabot while preserving and enhancing the aesthetic beauty of the city. More specifically, the intent of the landscape regulations is to:

- a. Provide buffering between non-compatible land uses,
- b. Protect public & private property values and enhancement of neighborhoods, by means of landscape buffering and screening,
- c. Promote responsible land use design and development,
- d. Protect, preserve, and promote aesthetic appeal and scenic beauty,
- e. Assist in the reduction of noise and air pollution, storm water run-off,
- f. Filter and reduce glare from artificial light sources, and,
- g. Provide shaded areas along streets and in parking areas.

4.15.1 Scope

All standards and criteria contained within this Section are deemed to be minimum standards and shall apply to all new construction, including parking lots, or a change in use from residential to non-residential, occurring within the City.

4.15.2 Applicability

The standards apply to following circumstances and forms of development:

- a. Except as otherwise provided below, these regulations shall apply to all land located within the City. These requirements shall remain and continue with any and all subsequent owners.
- b. New developments and vehicular use areas which are part of a common development including more than one lot shall be treated as one lot for the purposes of satisfying these landscape regulations. Split ownership, planning in phases, construction in stages, and/or multiple building permits for a project, shall not prevent it from being a common development as referred to above. Each phase of a phased project shall comply with these requirements.
- c. Any development or vehicular use area in existence before adoption of these regulations shall comply with the requirements set forth herein under any of the following circumstances:
 - i. Any change requiring a thirty (30%) percent or more increase in the number of parking spaces;
 - ii. Reconstruction, renovation or remodeling which increases the square footage of a development by more than fifty (50%) percent, or the construction cost of which exceeds fifty (50%) percent of the value of the existing development;
 - iii. For purposes of subparagraphs (1) and (2) above, a common development shall be considered as a whole rather than as individual properties.

4.15.3 Exemptions

These requirements shall not apply to the following:

- a. All single-family residential dwellings and duplexes shall be exempt from these requirements.
- b. Building permits for buildings less than one hundred (100) square feet on an out-parcel within a commercial development.
- c. Clearing of trees for forestry or agricultural purposes.
- d. Building permits for the restoration of a building when restoration is required, as a result of damage and/or destruction by fire or natural causes, of less than sixty (60%) percent of its current market value and provided said permit is applied for within twelve (12) months of the occurrence of fire or natural causes.
- e. When out-parcels of a substantially developed shopping center are built/developed, the out-parcel shall be exempt from the landscaping requirements since the shopping center has already met the points required by these regulations.
- f. Site plans previously approved by the Administrative Official prior to the adoption of these regulations shall not be required to meet the provisions of these regulations.

4.15.4 Tree Credit

- a. Preservation of existing live natural trees, between the principal building and the public street right-of-way, can be credited towards the tree planting requirements of these regulations according to the following ratio: The number of credited trees shall be applied at a one to one ratio to the number of required trees. Credited trees shall be uniformly encircled by a protected ground area of sufficient size to insure the health of the tree. During any construction on the site, the protected ground area shall be clearly marked in the field.
- b. No credit will be allowed for any tree proposed to be retained if there is any encroachment within the "protected ground area" defined by a circle, which has as its center the trunk of the tree, or if the tree is unhealthy or dead. If any preserved tree being used for credit dies or fails to thrive, the owner shall plant new trees equal to the number of credited trees and such replacement plantings shall meet the requirements of these regulations.
- c. In no case shall credits for preserved trees eliminate the requirement that the front setback shall contain at least one (1) natural tree.

4.15.5 Landscaping Requirements

- a. Perimeter Landscaping: Perimeter landscaping requirements along public rights-of-way are as follows:
 - i. A ten-foot wide landscaped area is required and shall be located on the property parallel and adjacent to the public street right-of-way line.
 - ii. The minimum requirement for a planting strip will be one (1) tree and ten (10) shrubs for every fifty (50) linear feet of right-of-way frontage.
- b. Interior Landscaping for Vehicular Use Areas: Interior landscaping requirements for vehicular use areas are as follows:
 - i. For any open vehicular use area, excluding loading and unloading zones, containing more than six thousand (6,000) square feet of area, or twenty (20) or more vehicular parking spaces, the owner shall provide interior landscaping in addition to the previously required landscaping along the public right-of-way. Interior landscaping may be peninsular or island types. Applicant shall submit square footage of the paved surface area.
 - ii. Landscaped areas: For each one hundred (100) square feet or fraction thereof of vehicular use area, a minimum total of five (5) square feet of landscaped area shall be constructed and maintained. The minimum size for the landscaped area shall be sixty-four (64) square feet.
 - iii. In order to encourage the required landscape areas to be dispersed, no individual landscape area may be larger than three hundred fifty (350) square feet in size, unless the vehicular use area is over thirty thousand (30,000) square feet.
 - iv. If the vehicular use area is in excess of thirty thousand (30,000) square feet, no individual landscape area may be larger than one thousand five hundred (1,500) square feet.

- v. **Setbacks:** In all required interior landscape areas, trees are required to be set back a distance of four (4) feet from the edge of pavement.
- c. **Screening Requirements:** The grading and landscaping of a site shall be accomplished in such a way as to screen dumpster areas, outside storage areas, and certain other such activities external to buildings on the site from street view and abutting development of dissimilar use (i.e., commercial adjacent to residential, etc). Existing and planted vegetation, berms, fences, walls and other landscaping devices may be used to achieve the required screening in accordance with minimum standards as outlined under the terms of these regulations.
- d. **Species and Spacing Requirements:** Screening standards described above are intended to apply during all seasons of the year. A minimum of Fifty percent (50%) of the trees and a minimum of Seventy-five percent (75%) of the shrubs to be used for screening purposes shall be evergreen varieties.
- e. **Ground Cover Requirements:** All soil in landscape beds will be fully covered by appropriate materials such as, but not limited to, plants, mulch, bark, rock, a combination thereof, and/or other such appropriate materials. Under no circumstances will sod be placed within one-foot (1') of a tree or shrub. All plants must be "mulched" no more than three inches (3") with a natural material.
- f. **Overhead Utility Service:** When the configuration of a structure and parking area are such that the required landscaping set forth herein has to be placed under overhead utility services, consideration shall be given to the estimated mature height of required plant materials.

Ornamental trees which have an estimated mature height less than that of the overhead utility service may be substituted on a 1:1 ratio for shade trees.

Tall shrubs that have an estimated mature height in excess of eight (8) feet and can be pruned to resemble a small tree may be substituted on a 2:1 ratio for shade trees provided the shrubs are a minimum of seven (7) gallons at the time of installation. (See Appendix A)

4.15.6 Industrial Districts

Industrial zone developments will be required to meet all landscaping requirements of the Cabot Unified Development Code with the following exceptions:

- a. All manufacturing facilities and properties visible from street frontage must be landscaped and developed in such a manner as to comply with applicable terms of these regulations from the street to the building setback lines;
- b. Manufacturing compounds, facilities, and yards enclosed by fencing and used for storing materials, manufactured products, equipment, and truck loading and unloading shall be excluded from landscaping requirements; and,
- c. Manufacturing sites adjacent to other manufacturing sites shall not be required to provide perimeter landscaping strips behind the building setback lines between said properties unless so desired.

4.15.7 Miscellaneous Provisions

- a. Protection of Landscaping: Raised concrete curbing or other approved devices shall be placed around the base of each landscaped area to protect plantings from automobile and pedestrian traffic. Such curbing should be offset Four (4) feet from planting areas abutting parked vehicles in order to protect plantings from vehicle front-end overhang and vehicle doors opening into planter areas.
- b. Flexibility in Applying Standards: It is the intent of these provisions to allow reasonable and appropriate flexibility for adapting landscaping design standards described in this article to the specific conditions of an individual site.
- c. Removal of Waste Materials: During the course of construction and planting, excess and waste materials shall be continuously removed and all reasonable precautions taken to avoid damage to existing structures, plants, and grass. When all work is completed, the contractor shall leave the site in a neat and orderly condition.
- d. Cash Bond Required for Postponed Improvements: When in the judgment of the designated agents, under the provisions of these regulations, the current season of the year is not conducive to sustaining life for trees and plants required hereunder for commercial, multi-family residential, and manufacturing developments or zones, compliance with these provisions may be postponed for not more than One (1) year. At the option of the City, by and through the Administrative Official or the Planning Commission, a cash or surety bond in favor of the City in an amount equal to 1.5 times the estimated cost of the postponed improvements shall be posted by the owner or developer, and a conditional certificate of occupancy may be issued upon posting of said cash or surety bond.
- e. Surety Performance Bond: The developer shall obtain a performance bond from a surety bonding company authorized to do business in the State of Arkansas. The bond shall be payable to the City of Cabot and shall be in an amount equal to 1.5 times the entire cost of installing all required landscape improvements. The duration of the bond shall be until such time as the improvements are accepted by the City of Cabot. Any expenses associated with the cost verification by the Administrative Official shall be paid entirely by the developer.
- f. Cash or Equivalent Security: The developer shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the City or in escrow with a financial institution designated as an official depository of the City. The use of any instrument other than cash shall be subject to the approval of the Administrative Official.

The amount of deposit shall be equal to 1.5 times the entire cost, as estimated by the developer, and verified by the City, of installing all required improvements. If cash or other instrument is deposited in escrow with a financial institution as provided above, then the developer shall file with the City an agreement between the financial institution and himself guaranteeing the following:

- i. That said escrow amount will be held in trust until released by the City Planner and may not be used or pledged by the developer in any other transaction during the term of the escrow; and,
- ii. That in case of a failure on the part of the developer to complete said improvements, the financial institution shall, upon notification of the City to the financial institution of an estimate of the amount needed to complete the improvements, immediately pay the City

the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the City any other instruments fully endorsed or otherwise made payable in full to the City.

- g. Default: Upon default, meaning failure on the part of the developer to complete the required improvements in the time allowed by these regulations or as spelled out in the performance bond or escrow agreement, then the surety, or financial institution holding the escrow account, shall, if requested by the City, pay all or any portion of the bond or escrow fund to the City of Cabot up to the amount needed to complete the improvements based on an estimate by the City. Upon payment, the City, in its discretion, may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements. The City shall return to the developer any funds not spent in completing the improvements.
- h. Release of Guarantee Security: The City Planner may release part of any security posted as the improvements are completed and approved by the City. Such funds may be released within ten (10) days after the corresponding improvements have been verified. Estimates of landscaping cost may be prepared by the project architect or engineer, by a landscaping architect, or by a landscape contractor. Failure to complete such postponed landscaping within any such One (1) year postponement period shall affect any automatic forfeiture of the cash or surety bond; provided however, such forfeiture shall not relieve the owner or developer of complying with the provisions of this article. It shall be the responsibility of the applicant to establish valid reasons for such postponement.
- i. Maintenance & Installation Requirements: All landscaping materials shall be installed in a sound workmanship-like manner, and according to accepted, good construction & planting procedures. All landscaping materials shall be installed in accordance with the approved landscape plan design, prior to the issuance of a Certificate of Occupancy. All plant materials shall be No. 1 grade, free from plant disease, of typical growth for the species, have a healthy root system, and shall conform to the standards set forth in the current addition of the American Standard for Nursery Stock.

Plantings and/or other landscape improvements may be arranged to best suit the development; however, a portion of the improvements should be located according to the following objectives:

- i. Improvements should be arranged so that trash containers, loading docks, outdoor storage areas, vehicle-use areas and mechanical equipment are screened from view, from abutting properties and streets.
- ii. Improvements should be arranged in required buffer areas so that adjacent uses are screened from abutting incompatible uses.

All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include mowing, edging, pruning or trimming, fertilizing, weeding, watering and other such activities common to the maintenance of landscaping. Plant materials, which die, shall be replaced with plant material of similar variety and size within 30 days - weather permitting.

The developer, applicant, his/her/their successor, and/or the property owner shall be responsible for regular weeding, irrigating, fertilizing, and pruning of other maintenance of all

plantings on the private property of the development. Plant materials, which are installed for compliance with the terms of these regulations, both on private property and the right-of-way, which exhibit evidence of insect pests, disease and/or damage, shall be appropriately treated and dead plant materials replaced in a timely fashion.

The owner of property abutting a public right-of-way area between the property line and the curb/street shall be required to regularly weed, mow, prune, and maintain plantings in compliance with good horticultural practices.

If the owner neglects or refuses to remove, abate, or eliminate any such condition or conditions as are provided for in this article so as to constitute a nuisance under these regulations, after having been given seven a (7) day notice in writing to do so, it is presumed that the owner is in violation of this Section and guilty of a misdemeanor.

j. Mandatory Requirements:

- i. Subdivision & development plans shall be designed to preserve natural vegetation areas, as much as possible. Streets, parcels, structures & parking areas shall be laid out to minimize the destruction of wooded areas or outstanding tree specimens. Developers of land are encouraged to designate wooded areas as parks, green spaces or wildlife habitat.
- ii. In new subdivisions or when the development of commercial property occurs, the City will review landscaping plans & may require street trees to be planted in any of the street, parking lots, parks & other public places abutting lands, henceforth developed and/or subdivided.
- iii. The Planning Commission shall consider a landscape plan as part of its review of any subdivision plat, development plan or site plan application.
- iv. No person shall deposit, place, store, or maintain upon any public place of the municipality, any stone, brick, sand, concrete, or other materials which may impede the free passage of water, air, or nutrients to the roots within the dripline of any tree growing therein.
- v. Caliper of all new trees planted must be a minimum of two (2") inches.
- vi. All plant material except trees must be a minimum of 1 gallon container size.
- vii. All planting areas such as beds or islands must have landscape material (such as mulch and rocks) around plants.
- viii. View angles shall not be obscured. (See Sight Triangles)
- ix. Trees planted should not interfere with overhead utilities or utility easements, right of ways and cause no other obstructions (present or future).
- x. All refuse and outside storage areas must be screened from street or public view. The screening must be a minimum of 6 feet in height and may either be provided by evergreen plant material or a solid wall or fence.

k. Public Rights-of-Way: This Article does not require that landscaping must be undertaken in public rights-of-way except the seeding or planting and maintenance of appropriate ground cover. However, should any person desire to make other landscape improvements within the public rights-of-way, then all other provisions of these regulations shall be enforced and all plantings in compliance with the terms of these regulations.

l. Enforcement and Penalties:

i. Any applicant, business, corporation, entity, individual, partnership, and/or person are expected to fully comply with the terms and conditions required by these regulations.

Those found in violation of the terms of these regulations shall be notified of said violation (s) in the following manner:

a. Upon discovery of said violation(s), the Administrative Official and/or his designated representative(s) shall notify the responsible party(ies) in writing outlining the terms of non-compliance and providing a specified reasonable time frame in which to have said condition (s) brought into compliance with the terms of these regulations. Failure to comply with the terms and conditions outlined in the Cabot Zoning Code will result in a citation being issued.

b. Upon expiration of the designated time frame or when notified by the responsible party that sufficient work has been completed, the Administrative Official and/or his designated representative shall inspect said property for compliance with the terms of these regulations. If all repairs have been properly and timely made, the matter will be closed. Should the non-conforming condition exist, the Administrative Official and/or his designated representative may, with good cause, extend the time period by no more than seven (7) calendar days to allow completion of the necessary work and/or for the responsible party (ies) to post the appropriate cash/surety bond under the Cabot Zoning Code. A second inspection will be required before approval is granted.

c. Should non-compliance continue after the second and/or subsequent inspection(s), the Administrative Official will have the responsible party(ies) cited for violation of the terms of these regulations.

ii. Any non-compliant responsible party(ies) shall be cited into the Cabot District Court, and each day a non-conforming condition exists shall constitute a separate and distinct offense/violation.

iii. Should any such citation result in a plea/finding or guilty/conviction in the Cabot District Court, the responsible party(ies) will be responsible for payment of applicable court costs and may be fined no less than Fifty Dollars (\$50.00) and no more than Five Hundred Dollars (\$500.00) per violation of the terms of these regulations.

m. Permits: In the event that the proposed project is in a Planned Unit Development (PUD), a landscape plan will be required as part of the site plan approval process by the Planning Commission.

- n. Conflicts in Regulation: Where a conflict arises between this Section and another, the more stringent requirement shall apply.
- o. Planning Commission Approval: The City of Cabot Planning Commission or Staff will review and act on all landscaping proposals at the time building plans are submitted and in the case of subdivision at the preliminary plat submittal.

4.15.8 Plant List

TREE SPECIES:

COMMON NAME	SCIENTIFIC NAME
Acebark	Ulmus parvifolia
Honey Locust (thornless)	Gleditsia triacanthos
Loblolly Pine	Pinus taeda
Pin Oak	Quercus palustris
Sawtooth Oak	Quercus acutissima
Sugar Hackberry	Celtis lacvigata
Willow Oak	Quercus phellos
American Holly	Tlex opaca
Ash	Fraxinus species
Crepe Myrtle	Lagerstroemia indica
Foster Holly	Ilex fosteri
Thornless Hawthorne	Crataegius var. inermis
Redbud	Cercos canadensis
River Birch	Betula nigra
“Little Gem” Magnolia	Magnolia grandiflora
Water Oak	Quercus nigra
Yaupon Holly	Ilex vomitoria

SHRUBS:

COMMON NAME	SCIENTIFIC NAME
Evergreen Hollies	Ilex species
Nandina	Nandian domestica
Yew	
Abelia	Abelia grandiflora
Boxwood	Buxus sempervirens primary
Dwarf Crape Myrtle	Lagerstroemia indica nana
Dwarf Purpleleaf Japanese Barberry	Berberis thunbergii “Atropurpurea”
Juniper species	Juniperus species primary

GRASSES:

The following grasses may be used to comply with these regulations.

- Mayer Z-52 Zoysia
- Emerald Zoysia
- Bermuda grass
- Bermuda grass hybrids
- Centipede
- St. Augustine

The grasses listed in this subsection are the most commonly used grasses adjacent to vehicular use areas.

GROUND COVERS:

COMMON NAME

SCIENTIFIC NAME

Dwarf Nandina	N. domestica "Harbour Dwarf"
Junipers	Juniperus species
Liriope (monkey grass)	Liriope Muscari
Memorial Rose	Rosa Wichuriana
Mondo Grass	Ophiopogon japonicus
Periwinkle	Vinca Minor
Spreading Euonymus	E. fortunei "Radicans"
Asian Jasmine	Trachelospermum asiaticum
Carolina Jasmine	Gelsemium sempervirens
English Ivy	Hedera Helix

SECTION 5.1 GENERAL

5.1.1 Statement of Legislative Purpose and Intent

The subdivision of land is an early step in the process of urban development. The arrangement of land parcels in the community for residential, commercial and industrial uses and for streets, alleys, schools, parks and other public purposes will determine to a large degree the conditions of health, safety, economy and amenity that prevail in the urban area. The quality of these conditions is of public interest. This regulation incorporates standards designed to ensure proper development of land for urban use. The specific purposes of these regulations are:

- a. To protect and provide for the health, safety and general welfare of the public.
- b. To guide the future growth and development of the municipality in accordance with the municipal plan.
- c. To provide for adequate light, air and privacy; to secure safety from fire, flood and other danger and to prevent overcrowding of the land and undue congestion of population.
- d. To protect and conserve the value of buildings and improvements and to minimize adverse impact on adjoining or nearby properties.
- e. To establish a beneficial relationship between the uses of land and buildings and the municipal street system, to require the proper location and design of streets and building lines, to minimize traffic congestion and to make adequate provision for pedestrian traffic circulation.
- f. To establish reasonable standards of design and procedures for subdivision and resubdivisions, in order to further the orderly layout and use of land and to ensure proper legal descriptions and monumenting of subdivided land.
- g. To encourage the wise use and management of natural resources, to provide adequate and safe recreational areas, to maintain the natural beauty and topography of the municipality and to ensure appropriate development with regard to these natural features, to minimize the pollution of air, ponds and streams and to ensure the adequacy of drainage facilities.

5.1.2 Authority

This Subdivision and Development Code is promulgated in accordance with the authority cited in Arkansas Code Annotated § 14-56-401 through § 14-56-426. The Cabot Planning Commission shall exercise the power and authority to review, approve and disapprove plats for subdivisions and improvements in accordance with these regulations.

5.1.3 Application

It is hereby declared to be the policy of the City of Cabot to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the City pursuant to the Municipal Plan and the Master Street Plan for the orderly, planned, efficient and economical development of the Municipality.

This regulation shall apply to the subdivision of land as follows:

- a. All divisions or platting of a tract or parcel of land into one or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale or building development, shall be considered a subdivision and subject to this regulation.
- b. The division of land into tracts of five (5) acres or greater where no street right-of-way dedication or the provision of utilities is required shall not constitute a subdivision.
- c. The dedication or vacation of any street or alley through any tract of land regardless of the area involved as may be desired by the owner or if necessary to achieve conformance with the Master Street Plan, shall be considered a subdivision and subject to this regulation.
- d. Development involving the construction of buildings, together with the provision of street access and utilities and which is not sub-divided into customary lots, blocks, and streets shall be considered a subdivision and subject to this code. Plans for all such developments shall be submitted to the Planning Commission for approval. After approval is granted, a plat in proper form for recording shall be submitted to the Circuit Clerk.

5.1.4 Amendments

This regulation may be amended at any time after the Planning Commission has held a public hearing on the proposed amendments. At or after such public hearing, the Planning Commission may recommend to the City Council the adoption of such amendments.

5.1.5 Types of Subdivisions

Recognizing that subdivision regulations must be applied to various land development types, and because of the special conditions pertaining to each, this regulation hereby provides for the establishment of three subdivision types: Commercial/Office, Industrial and Residential Design standards applicable to each of these three types are outlined in this regulation. Prior to the approval of any preliminary plat, the Planning Commission shall classify and evaluate each subdivision according to its planned future use, it being the responsibility of the applicant to identify the type of proposed plan. Where a proposed plat incorporates more than one use of the type specified in this section, either the different land use types shall be clearly delineated on the submitted plat, or separate plats shall be filed for each land use type together with a scale drawing illustrating the proposed layout as a totality.

The purpose and intent of each subdivision type shall generally be as follows:

- a. Commercial/Office Subdivisions - Commercial/Office Subdivisions are intended to accommodate one or more commercial building sites on either single or multiple lots in a carefully planned configuration designed to protect and enhance the viability of each separate structure and ownership. Commercial and office uses shall be those defined as such in the Cabot Zoning Code.
- b. Industrial Subdivisions - Industrial subdivision are intended to fulfill a two-fold objective; to provide both opportunity and flexibility for industrial activities to take place at appropriate locations in a compatible manner with adjacent nonindustrial areas; to require the application of sound design principles and the orderly development of industrial parcels involving the creation of one or more building sites or lots. Industrial uses shall be defined as such in the Cabot Zoning Code.

- c. Residential Subdivisions - Residential subdivisions are intended to ensure efficient, aesthetic and convenient designs for single family, zero-lot-line, duplex and multi-family residential development and to provide harmonious relationships with surrounding areas. Residential uses shall be those defined as such in the Cabot Zoning Code.

5.1.6 Resubdivision of Land

- a. Previously platted lots served by an existing street system may be recombined on a final plat provided the newly created plat does not exceed the minimum requirements for lots as to the number or extent of nonconformities of size, shape or open space for the zoning district in which the subdivision is located or is not below the minimum requirements for lots in accord with the Arkansas Health Department regulations concerning septic tank systems.
- b. Previously platted lots or series of lots returned to acreage by court order or which were formerly provided access from rights of way which have been abandoned, shall be resubdivided in conformance with these regulations prior to issuance of any permits for construction. The reduction to acreage and/or abandonment of street right-of-way shall constitute abandonment of the former lots or record.

5.1.7 Vacation of Plats

- a. Any plat or any part of any plat lying within the City of Cabot, Arkansas, may be vacated by the owner at any time before the sale of any lot therein. Vacation of a plat shall be subject to the approval of the City Council. The City Council may reject any proposed plat vacation which abridges or destroys any public rights in any public use areas, improvements, streets, or alleys. Any plat lying outside the City limits of the City of Cabot, Arkansas and within the extraterritorial jurisdiction may be vacated by action of the appropriate County authority. The owner of lands for which a request for vacation is filed and granted shall provide the appropriate documents to the Circuit Clerk to carry out the vacation order.
- b. Upon recordation, such vacation shall have the effect of divesting the public of all rights in
- c. When lots have been sold, the plat may be vacated in the manner established herein, provided the owners of all lots join the plat vacation application.

5.1.8 Variances

- a. General. This regulation is the standard requirement of the City. Where the Planning Commission finds, however, that extreme hardships or practical difficulties may result from strict compliance with these regulations, or the purpose of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to the subdivision regulation so that substantial justice may be done and the effect of nullifying the intent and purpose of this regulation. The Planning Commission shall only approve variances where it finds that:
 - i. The granting of the variance will not be detrimental to the public safety, health, or welfare, or injurious to other property.
 - ii. The conditions upon which the request for variance is based are unique to the property for which the variance is sought and are not applicable generally to other properties.

- iii. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, strict application of these regulations would deprive the owner or reasonable use of his property.
 - iv. The variance will not in any manner vary the provisions of the Zoning Code, the Master Street Plan, or the Land Use Plan. For purposes of platting lots abutting of/r fronting on streets identified as requiring special setbacks in the Master Street Plan, the platted building lines shall conform to the plan.
 - v. The variance is not based solely on pecuniary difficulties, but has other overriding hardships.
- b. Procedures and Conditions. No variance shall be granted except upon written petition by the subdivider when the preliminary plat is filled for consideration by the Planning Commission. The petition shall state fully the grounds for the application and all of the facts upon which the petition is made. In approving variances, the Planning Commission, may, at its option, require special conditions to ensure development in accordance with objectives, standards and requirements of this regulation.

5.1.9 Filing Fees

Filing fees for all sections of these regulations shall be those established from time to time by the City Council. The filing fee shall cover the initial review and follow-up review. Any additional reviews will be charged to the applicant and must be paid before the final plat will be approved.

SECTION 5.2 APPLICATION PROCEDURE AND REVIEW PROCESS

5.2.1 General

The application procedure and approval process for subdivision development shall be accomplished in four stages.

- a. The first step consists of a sketch plan conference. Such pre-application procedure shall involve an informal discussion with the developer and the staff and the submittal of a sketch plan.
- b. The second step involves preparation of a preliminary plat by the applicant for consideration and approval by the Planning Commission. This document is designed to show the proposed subdivision in sufficient detail to indicate its workability in all respects, but not in final form, with all the details fully computed. A subdivider proposing to subdivide within the territorial jurisdiction of Cabot shall not proceed with any construction work on the proposed subdivision, including grading before obtaining preliminary plat approval.
- c. The third step involves submittal of a final plat conforming to the preliminary plat. This step shall be initiated within twelve months after approval of the preliminary plat by the Planning Commission unless construction work is actively progressing, in which case the preliminary approval remains valid. The final plat is a completed document incorporating specifications in a form required for legal recordation and sale of lots. No subdivision plat or any part thereof shall not be recorded prior to obtaining final plat approval from the Cabot Planning Commission, nor shall the subdivider convey title to any lot or lots before obtaining final plat approval.

- d. The fourth step involves acceptance of all public dedications as herein prescribed by either the City Council or Lonoke County, determined by appropriate area.

5.2.2 Pre-Application Procedure

- a. Submission of Sketch Plans. Any owner of land within the jurisdiction of this regulation seeking to plat a property shall submit sketch plans and data concerning existing conditions within the site and its vicinity to the staff. Submitted information shall convey the intentions of the subdivider as to the proposed layout and type of development. No fees shall be collected for pre-application review, its purpose being to acquaint the subdivider with plans and policies in effect that would be significant to the proposed subdivision.
- b. Review of Sketch Plans. The pre-application procedure affords the subdivider the opportunity to obtain the advice and assistance of the staff early and informally in order to:
 - i. Assist the subdivider in analyzing the development plan.
 - ii. Give informal guidance to the development at a stage when potential points of difference can be more easily resolved, thus simplifying official actions and saving unnecessary expense and delay to the subdivider.
 - iii. Determine whether or not a combined preliminary and final plat procedure may be authorized under Section 5.2.5 of this regulation.
- c. Advice. Advice of the staff shall be provided in either verbal or written form at the option of the subdivider, within thirty days of the sketch plan submittal. It is binding on neither the City nor the subdivider.

5.2.3 Preliminary Plat Approval/Notification

- a. Application. Whenever a subdivision is proposed to be made or before sale of any lots located in said subdivision as a whole or any part thereof is made, or before building permits are approved for multiple building sites, the owner shall file a plan of the proposed subdivision with the Planning Commission for approval. The applicants shall submit all the necessary fees as described in Section 5.1.9 and meet all the submittal requirements at the time of the filing as described in Section 5.3.2 of this regulation.
- b. Notification. For nonresidential plats, in areas where zoning is not applicable, the applicant shall submit proof of written notice to all owners of land contiguous to the subdivision presented for approval. For residential plats, the applicant shall give written notice to all owners of unplatted tracts and all platted lots in excess of 2.5 acres contiguous to the subdivision presented for approval. For all owners of residential or nonresidential parcels landlocked and contiguous to the subdivision, notice shall be given. The procedure for such notice shall be as follows:

Not less than ten days prior to the Planning Commission meeting, a written notification containing the time, place and date of the hearing shall be given. The applicant shall obtain the names of those owners required to be notified from a licensed abstractor. Said notice shall be sent by certified or registered mail or a petition of notification circulated to the last known address of such record owner(s) and the petitioner shall execute the file with the staff an affidavit showing compliance herewith, attaching as exhibits to said affidavit official evidence that said notices have been so mailed or petition circulated.

c. Staff Review.

- i. The staff and other appropriate city and public agency staff shall review the proposed subdivision for conformance with this regulation. In its review, staff shall take into consideration the requirements of the community and the use of the land being subdivided and may offer suggestions concerning changes they feel would enable the project to meet the purpose and intent of this Subdivision Regulation. Particular attention shall be given to width, arrangement and location of streets, utility easements, drainage, lot sizes and arrangements and other facilities such as parks, playgrounds or school sites, public buildings, parking areas, arterial streets and the relationship of the proposed subdivision to adjoining, existing, proposed and possible subdivision of lands.
- ii. The City shall distribute copies of the preliminary plat to other City departments, utility companies and county and state agencies as appropriate with the request that their recommendations for either approval or disapproval be provided in writing. Such recommendations shall be forwarded to the Planning Commission along with the staff's own recommendation.

d. Planning Commission Action. The Planning Commission shall reviews preliminary plats at its regularly scheduled monthly meeting at which time interested persons may appear and offer evidence in support of or against such preliminary plat. The Planning Commission shall then approve, conditionally approve, deny or defer the plat. Notification of decision and reason shall be provided in writing to the subdivider within ten (10) days of the Planning Commission's meeting.

i. Approval

- a. A preliminary plat approved by the Planning Commission shall be effective and binding upon the Commission for twelve (12) months or as long as work is actively progressing, at the end of which time the final plat application for the subdivision must have been submitted to the staff. Any plat not receiving final approval within the period of time set forth herein or otherwise conforming to the requirements of this regulation, shall be null and void, and the developer shall be required to submit a new plat of the property for preliminary approval subject to all zoning restrictions and subdivision regulations.
- b. Approval of the preliminary plat shall be accompanied by a Certificate of Preliminary Plat Approval executed by the Planning Commission. Such approval authorizes the subdivider to proceed with preparation of an application for final plat approval.
- c. Receipt by the subdivider of the executed Certificate of Preliminary Plat Approval is authorization to proceed with the preparation of necessary plans and specifications and the installation of required public improvements. The subdivider shall build all public street and drainage improvements to the specifications of the construction plans approved by the City. Construction work shall be subject to on-site inspections by the City to verify conformance with the approved construction plans. The necessary plans and specifications (engineering designs) require approval of the engineering staff prior to any construction in the subdivision.

- ii. Conditional Approval. If the application is conditionally approved by the Planning Commission, the Planning Commission shall specify such conditions to the applicant in writing within ten (10) days of Planning Commission action, with a copy supplied to the engineer of record. Such conditions shall be agreed to by the applicant and necessary changes made to the preliminary plat before the Certificate of Preliminary Plat Approval can be executed by the Planning Commission.
- iii. Denial. If the application is denied by the Planning Commission the applicant shall be so notified in writing within ten (10) days and the reasons therefore shall be stated. A denied application may be resubmitted to the staff after required modifications have been made.

5.2.4 Final Plat Procedure

- a. Application. An applicant seeking the approval of a final plat shall submit the necessary documents for the Planning commission. Such application shall conform to the submittal requirements described in Section 5.3.3 to this regulation.
- b. Review of the Final Plat. The staff shall review final plats for conformance with drainage and/or construction plans approved in conjunction with the preliminary plat. Comments will be forwarded to the Planning Commission for use in final plat review.
- c. Approval. Responsibility for final plat approval shall reside with the Planning Commission, which body shall approve or disapprove the final plat within thirty (30) days of the submittal thereof, unless the subdivider agrees in writing to deferral. No final plat shall be approved until its conformance with the preliminary plat has been verified and the subdivider and the City have entered into an agreement assuring completion of all required improvements as specified in Section 5.5.2 of this regulation. Approval of the final plat shall be accomplished when the Chairman of the Planning Commission signs the Certificate of Final Plat Approval as shown in Section 5.3.3 of this regulation and all fees have been remitted.
- d. Denial. Any plat submitted for final plat approval not in conformance with the preliminary plat as determined by the Planning Commission shall be denied. If the final plat is denied, such decision shall be communicated to the subdivider in written form expression the reasons therefore within ten (10) days after such determination is made.
- e. Staging. The subdivider may, and in conformance with the provisions of this regulation, seek final approval for only a portion of the property for which the preliminary plat was approved. For residential plats, however, such stages shall contain at least five (5) per cent (but in no case less than (5) lots) of the total number of lots contained within that phase of the approved preliminary plat seeking final plat approval. The Planning Commission may require that the performance bond for the public improvements be in such amount as is commensurate with the stage of the plat being filed and may defer additional performance bond requirements until additional stages of the plat are offered for filing.

5.2.5 Combined Preliminary and Final Plat Procedure

- a. Submission of Combined Application. Based upon the pre-application procedure and for minor subdivisions, lot splits and planned unit developments where no public purpose would be served by separate steps, a combined preliminary and final plat procedure may be

authorized in the following circumstances and in conformance with the requirements and standards specified herein.

b. Minor Subdivisions.

i. Authorization. The Administrative Official may authorize a combined preliminary and final review procedure for minor subdivisions. All plats submitted as minor subdivisions shall be considered pre-approved by the Planning Commission, if reviewed and approved by the Administrative Official when the following conditions are met. (See Definitions - Minor Subdivision.)

a. No new street or alley is required.

b. No vacation of streets, alleys setback lines, access control or easements is required or proposed.

c. Such action will not result in any significant increases in public service requirements, nor will interfere with maintaining existing public service levels.

d. There is adequate street right-of-way as required by these regulations and the Master Street Plan.

e. All easement requirements have been satisfied.

f. All lots created shall have direct access to a public street according to the provisions of this regulation.

g. No substandard sized lots or parcels shall be created.

h. The applicant has requested no variances to any other provisions of this code.

ii. Review and Approval. Request for minor subdivision approval shall be made by the owner of the land to the Administrative Official. Subdivision requirements shall be the same as those required for final plat. The Administrative Official shall review the plat. If the final plat is in conformance with the objectives and standards of this regulation and all required information is contained thereon, the Administrative Official shall certify its approval of the plat, and forward it to the Planning Commission Chairman for signing. The Chairman shall make the proper notation on the original tracing of said plat, and permit the plat's recording in the Office of the Circuit Clerk. The Administrative Official may elect, or the applicant may request, to have the plat reviewed and approved by the Planning Commission.

c. Lot Splits and Lot Recombinations.

i. General Intent and Definition. The Administrative Official may approve lot splits where a single lot, tract, or parcel is being split into two lots or lot recombinations where two or more lots are being reconfigured into fewer lots. The minimum lot size shall be governed by the lot size specified by the zoning classification of the subject property.

ii. Application of Procedure. Request for lot split or recombination approval shall be made by the owner of the land to the Administrative Official. Ten (10) copies of a drawing to

scale of the lots involved if there are no structures thereon, or if structures are located on any part of the lot being split, ten (10) copies of a survey of the lot(s) and the location of the structure(s) thereon, together with the precise nature, location and dimensions of the split or recombination, shall accompany the application.

- iii. Approval Guidelines. Approval or disapproval of lot splits shall be given based on the following guidelines:
 - a. No new street or alley is required.
 - b. No vacation of streets, alleys setback lines, access control or easements is required or proposed.
 - c. Such action will not result in any significant increases in public service requirements, nor will interfere with maintaining existing public service levels.
 - d. There is adequate street right-of-way as required by these regulations and the Master Street Plan.
 - e. All easement requirements have been satisfied.
 - f. Both lots created by such split shall have direct access to a public street according to the provisions of this regulation.
 - g. No substandard sized lots or parcels shall be created.
 - h. Such action will not result in a lot being split into more than two (2) tracts.
 - i. The applicant has requested no variances from any other provisions of this code.
- iv. Approval. Request for lot split or recombination approval shall be made by the owner of the land to the Administrative Official. Subdivision requirements shall be the same as those required for final plat. The Administrative Official shall review the plat. If the final plat is in conformance with the objectives and standards of this regulation and all required information is contained thereon, they shall certify its approval of the plat, and forward it to the Planning Commission Chairman for signing. The Chairman shall make the proper notation on the original tracing of said plat, and permit the plat's recording in the Office of the Circuit Clerk. The Administrative Official may elect, or the applicant may request, to have the plat reviewed and approved by the Planning Commission.
- v. Minor revisions to a previously approved plat which simply correct drafting or typing errors and do not result in violations of either this Code may be approved and filed in the same manner as a lot split or recombination.
- d. Planned Unit Development. The Planned Unit Development process is especially designed to combine preliminary and final plats into a single streamlined procedure as a means of facilitating the development approval process. The Planning Commission may authorize the combination of preliminary plans for such projects in accordance with Cabot Zoning Code.
- e. Plat Specifications. The final plat for minor subdivision or lot-splits shall be prepared on accepted tracing material or Mylar film at a minimum scale of 1" - 100' submission of a

regular final plat as outlined in Section 5.3.3.

- f. **Fees.** The applicant shall submit all necessary fees and meet all submittal requirements at the time of the filing.

SECTION 5.3 SUBDIVISION REQUIREMENTS

5.3.1 Pre-Application Requirements

In conjunction with a pre-application conference with the staff, whether optional or required, the subdivider shall provide the following information:

- a. **Vicinity Map.** The vicinity map, covering a radius of one-half (1/2) mile of the proposed plat at a scale of 1" = 2000' shall generally locate arterial streets and highways, section lines, railroads, schools, parks and other significant community facilities. Where possible, the north direction of the vicinity map shall correspond to the north direction of the plat.
- b. **Sketch Plan.** The sketch plan, on a current topographic survey, shall show in simple sketch form the proposed layout of streets, lots, and other features and their relationship to the surrounding development patterns.
- c. **Written Information.** Written information, informally submitted, shall generally include the following: The applicant's name and address, the agent, acreage in the tract, area allocated to each land use, proposed bills of assurance, cultural and natural features of the site and anticipated subdivision characteristics including the number of lots per gross acre, approximate number of lots, average lot size, location of street rights-of-way and easements.
- d. **Fees and Forms.** No application fees or special forms are required.

5.3.2 Preliminary Plat Application Requirements

Specific submission requirements include the following materials:

- a. **Application Form.** A subdivision application form providing the following information shall be completed by the applicant and submitted to the Planning Commission.
 - i. Proposed name of subdivision.
 - ii. Proposed type of subdivision.
 - iii. Name and address of owner(s) of record.
 - iv. Source of title giving deed record book and page number or instrument number.
 - v. Name and address of subdivider.
 - vi. Linear feet in streets.
 - vii. Average size of lots and minimum lot size.

- viii. Number of lots and lots per gross acre.
 - ix. Location of the tract by legal description giving acreage to the nearest one-tenth of an acre.
 - x. Existing and proposed covenants and restrictions.
 - xi. Proposed open space.
 - xii. Source of water supply.
 - xiii. Where wastewater disposal is to be accomplished by extending wastewater utility facilities, this circumstance shall be indicated. In those instances where extraordinary systems are proposed in lieu of extending public wastewater systems, detailed information shall accompany the plat.
 - xiv. Community panel number, date and flood zone of site.
 - xv. Such further information as the subdivider wishes to bring to the attention of the Planning Commission.
 - xvi. Submission of necessary fees as described in Section 5.1.9.
- b. Vicinity Map. The vicinity map shall cover an area within a radius of one-half (1/2) mile of the proposed subdivision at a scale of 1" = 2000'. The drawing shall generally locate arterial streets, highways, section lines, railroads, schools, parks, and other significant community facilities; and if possible shall be incorporated on the preliminary plat.
 - c. Preliminary Plat. Fifteen (15) black or blue line prints of the preliminary plat, clearly and legibly drawn, shall be submitted on white paper no larger than twenty-four (24) inches by thirty-six (36) inches. Extra large plats may be submitted on more than one conforming sheet. Plat scale shall be 1" = 50' for plats up to and including ten acres and 1" = 100' for plats larger than ten acres, except where a smaller scale may be deemed appropriate by the staff. The preliminary plat shall be identified by the name of the subdivision and shall include.
 - i. Contours shown at intervals of not more than five (5) feet for terrain with an average slope, exceeding ten per cent (10%) or more, and at an interval of two (2) feet for terrain with slopes of less than ten per cent (10%).
 - ii. Proposed design including streets, alleys and sidewalks with proposed street names, lot lines with approximate dimensions, service easements, open space land to be reserved or dedicated for public uses and land to be used for purposes other than residential
 - iii. Minimum building setback lines for commercial/office, industrial and residential subdivisions and all setback lines for zero-lot-line, apartment and townhouse development.
 - iv. Natural features within and immediately surrounding the proposed subdivision including drainage channels, bodies of water, wooded areas and other significant features. On all

watercourses leaving the tract the direction of flow shall be indicated and for all watercourses entering the tract the drainage area above the point of entry shall be noted.

- v. Storm drainage Analysis showing drainage date for all watercourses entering and leaving the plat boundaries. The storm drainage analysis shall be prepared in sufficient detail to illustrate the proposed system's capability of accommodating a not less than one in ten year rainfall.
 - vi. Date of survey, north point and graphic scale.
 - vii. Any portion of property within the floodway or the 100 year floodplain, based upon the Federal Insurance Administration's National Flood Insurance Program provided for and adopted by the City of Cabot or Lonoke County, whichever program is applicable.
 - viii. Cultural features within and immediately surrounding the proposed subdivision including existing and platted streets, bridges, culverts, utility lines, pipelines, power transmission lines, all easements, park areas, structures, city and county lines, section lines and other significant information.
 - ix. Preliminary storm drainage plan incorporating proposed easement dimensions and typical ditch sections.
 - x. Center line locations of all streets abutting proposed subdivision.
 - xi. Names of recorded subdivisions abutting the proposed subdivision, with plat book and page number or instrument number.
 - xii. For residential plats, names of owners of unplatted tracts abutting the proposed subdivision and the names of all owners of platted tracts in excess of 2.5 acres.
 - xiii. For commercial plats, names of owners of all land contiguous to the proposed subdivision.
 - xiv. For both residential and commercial subdivisions, names of all owners of landlocked parcels contiguous or within the plat boundaries.
 - xv. Exact boundary lines of the tract indicated by a heavy line giving dimensions and all bearings.
 - xvi. Zoning classifications within the plat and abutting areas.
 - xvii. Municipal boundaries that pass through or abut the subdivision.
- d. Engineering Analysis.
- i. Typical Street Cross Sections, and Profiles. At the option of the staff and where a street grade variance is being requested, the following information shall be provided.
 - a. Street cross sections of all proposed streets at one hundred foot (100) stations as follows: On a line at right angles to the center line of the street, and said elevation

points shall be at the center line of the street, each property line and points twenty-five (25) feet inside each property line.

b. Streets profiles showing existing and proposed elevations along center lines of all roads drawn at a horizontal scale of 100' to the inch and a vertical scale of 10 feet to the inch, or as otherwise allowed by the Engineering needs. Where required, such profiles shall be prepared by an engineer registered to practice in the State of Arkansas.

ii. Floodplain Analysis. Where a portion of the land area included on a plat is suspected to be flood prone and that area is not covered by the Flood Insurance Study prepared by the Federal Insurance Administration for the National Flood Insurance Program, or is not covered by available U.S. Army Corps of Engineers information, an Engineering analysis shall be submitted. The analysis shall be submitted as part of the preliminary plat filing.

Such analysis shall be prepared by the engineer of record at owner's expense. The analysis shall determine to the best of the engineer's ability a safe building line and it shall be clearly and legibly drawn on the preliminary plat.

iii. Soils Test. Soils test may be required, at the expense of the applicant, by the Planning Commission where it is suspected that soil conditions may affect structural or operational aspects of the facilities to be constructed. Such circumstance may include the stability of slopes, foundation conditions and potential hazards created by deep cuts and fills required for street or utility construction and similar situations.

e. Certificates, Fees and Bills of Assurance.

i. Preliminary Plat Certificate. Each preliminary plat submitted to the Planning Commission shall carry the following Certificates as appropriate:

Certificate of Surveying Accuracy	
I, _____, hereby certify that this plat correctly represents a boundary survey made by me and all monuments shown herein actually exist and their location, size, type and material are correctly shown.	
Signed _____	
Date of Execution _____	Name _____
Professional Surveyor No. _____ Arkansas	

Certificate of Preliminary Engineering Accuracy

I, _____, hereby certify that this plat correctly represents a plat made by me, and that engineering requirements of the Cabot Subdivision and Development Code have been complied with.

Signed _____

Date of Execution _____ Name _____

Professional Engineer No. _____ Arkansas

Certificate of Preliminary Plat Approval

All requirements of the Cabot Subdivision and Development Code relative to the preparation and submittal of a Preliminary Plat having been fulfilled, approval of this plat is hereby granted, subject to further provisions of said Rules and Regulations. This Certificate shall expire:

Date of Execution _____

Chairman, Cabot Planning Commission _____

Administrative Official _____

- ii. Fees. Filing fees for preliminary plats shall be those established by the City Council of the City of Cabot, Arkansas.
- iii. Bill of Assurance. A draft of any Bill of Assurance proposed for the subdivision generally describing proposed covenants, restrictions and conditions applicable to a property shall be submitted for review at the time of preliminary plat review.

5.3.3 Final Plat Application Requirements

- a. General. Submission for certification of final plat approval shall consist of the document plus fifteen (15) copies showing all certificates as specified below, and with the Certificate of owner, Certificate of Engineering Accuracy and Certificate of Surveying Accuracy being executed. The final plat shall be clearly and legibly drawn in black ink on suitable tracing material at the same scale and dimensions used for the approved preliminary plat.

- b. Final Plat. The final plat shall indicate the following information.
- i. Name and address of owner of record and subdivider.
 - ii. Name of subdivision
 - iii. Date of the plat, north point, and graphic scale.
 - iv. Names of all streets.
 - v. True courses and distances to two established land corners or corners of record which shall accurately describe the location of the plat.
 - vi. Exact boundary lines of the tract indicated by a heavy line or other acceptable control traverse, giving dimensions to the nearest hundredth of a foot and bearings to the nearest second in order to achieve an unbalanced error of closure of at least one in five thousand.
 - vii. Streets and alleys within and abutting the subdivision, with street names indicated and showing the source of dedication when required.
 - viii. Street center lines showing angles of deflection or bearing, angles of intersection, radii, length of tangents, and with basis of curve data.
 - ix. Source of title giving deed record book and page number or instrument number.
 - x. Lot lines with dimensions to the nearest tenth or hundredth of a foot, bearings and angles sufficient to reproduce the survey and chords and radii of rounded corners.
 - xi. Building setback lines with dimensions.
 - xii. Lot and block numbers.
 - xiii. Easements, buffer strips and public service utility rights-of-way lines giving dimensions, locations and purpose.
 - xiv. Accurate outlines and descriptions of any areas to be dedicated or reserved for public use or acquisition with the purpose indicated thereon and of any areas to be reserved by deed covenant or bill of Assurance for common use of all property owners.
 - xv. Accurate locations and description of all monuments.
 - xvi. Key map where more than one sheet is required to present map.
 - xvii. Location of tract by legal description and giving acreage.
 - xviii. Any area or lot which may be prone to local flooding shall have the lowest allowable finished floor elevation indicated on the final plat. This elevation shall be compared to the one in one hundred year flood elevation shown on the Flood Insurance Study or, if not available, any other applicable study in which the one in one hundred year flood

elevation is depicted. The staff and the Planning Commission shall review and approve compliance with the local Flood Hazard Prevention Ordinance.

xix. Plat note stating ■No changes in this plat are permitted without approval of Cabot Planning Commission.●

c. Written Information.

- i. Error of closure calculations shall be submitted when requested. When errors are suspected, the Planning Commission may cause a survey or check the final plat for correctness.
- ii. Certification of approval of water supply and sanitary sewage disposal by the appropriate agency, when not connected to the municipal system.

d. Certificates, Fees, and Bills of Assurance

- i. Final Plat Certificates. Each final plat submitted to the staff for approval shall carry the following certificates printed thereon.

Certificate of Owner	
We, the undersigned owners of the real estate shown and described herein, do hereby certify that we have laid off, platted, and subdivided, and do hereby lay off, plat, and subdivide said real estate in accordance with this plat.	
Signed _____	Date of Execution _____
Name: _____	Address: _____
Source Of Title: Book ____ Page ____	Instrument Number: _____
Certificate of Recording	
This document, number _____ filed for record _____ , 20 _____	
Plat Book _____	Page _____
Signed _____	
Name: _____	Clerk: _____

Certificate of Engineering Accuracy

I, _____, hereby certify that this plat correctly represents a plat made by me, and that engineering requirements of the Cabot Subdivision and Development Code have been complied with.

Signed _____

Date of Execution _____ Name _____

Professional Engineer No. _____ Arkansas

Certificate of Surveying Accuracy

I, _____, hereby certify that this plat correctly represents a boundary survey made by me and all monuments shown herein actually exist and their location, size, type and material are correctly shown.

Signed _____

Date of Execution _____ Name _____

Professional Surveyor No. _____ Arkansas

Certificate of Final Plat Approval

All requirements of the Cabot Subdivision and Development Code relative to the preparation and submittal of a Preliminary Plat having been fulfilled, approval of this plat is hereby granted, subject to further provisions of said Rules and Regulations. This Certificate shall expire:

Date of Execution _____

Chairman, Cabot Planning Commission _____

Administrative Official _____

- i. Fees. Filing Fees for final plat shall be those established by the City Council of the City of Cabot.
- ii. Bill of Assurance. The Bill of Assurance shall be submitted to the staff for review and acceptance with the final plat. Such document shall incorporate the same provisions as those filed with the preliminary plat, including, but not necessarily limited to the following:

Offering dedications of streets and alleys, parks and other public lands, establishing easements, setting forth privileges and conditions pertaining thereto and covenants of the subdivision; setting forth procedures by which amendments to the Bill of Assurance can be made. Said Bill of Assurance shall contain reference to the approval of the final plat.

Where minimum floor elevations are required to be placed on the final plat, the source of the information by which the elevation was obtained shall be shown on both the plat and contained in the Bill of Assurance. The Bill of Assurance shall contain language advising the property owner to verify the most current information available on the status of flooding on the property.

SECTION 5.4 DESIGN STANDARDS

5.4.1 General Principles

In addition to the requirements for improvements and their design, the following considerations shall guide the staff and the Planning Commission in their review of proposed subdivision plats.

- a. Conformance to Rules and Regulations. All proposed subdivisions shall conform to the following laws, rules and regulations:
 - i. The Master Street Plan, the Land Use Plan and other city plans as applicable within the planning area jurisdiction.
 - ii. Municipal Zoning Code and Building and Housing Codes as applicable within the corporate limits.
 - iii. Standards and regulations adopted by the City Council and all boards, commissions and agencies in the City of Cabot.
 - iv. Established goals, objectives and policies of the City Council and the Planning Commission.
 - v. For purposes of dedication of private streets to the public for maintenance, the standards set forth in the Master Street Plan shall apply. All plats submitted under this provision shall be reviewed with the standards provided being minimums. Streets may be required to be developed at a higher standard than required by the Master Street Plan when development is proposed or occurs which generates traffic which exceeds the design standard proposed by the Master Street Plan.
- b. Character of the Land. Land which the Planning Commission finds to be unsuitable for a

subdivision or development due to flooding and improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements or other such features deemed harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Planning Commission to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses that shall not involve such a danger. In particular, land within the 100 year floodplain as defined by the U.S. Army Corps of Engineers or the appropriate federal agency shall not be platted for urban purposes, unless the federal agency shall incorporate such improvements as required by the Planning Commission as will render the area substantially safe for development.

- c. Adequacy of Public Facilities and Services. The availability of water, sanitary sewer service, fire protection, police protection, refuse service, public schools and parks and recreation facilities shall be considered by the staff in its analysis of the plat.
- d. Reservation of Public Facilities. Where proposed community or public facilities of the municipal plan are located in whole or in part in a proposed subdivision, the Planning Commission, Council or public body shall require that land for those public facilities be reserved as the approval of the preliminary plat, the public board, commission or body having jurisdiction or financial responsibility for the acquisition of said reserved facility or facilities shall execute a written contract to acquire by purchase or file suit for condemnation of said area reserved for such facility or facilities. Provided further, however, said contract to acquire must be closed within twelve months following the date of the approval of said preliminary plat.
- e. Subdivision and Street Names. The proposed name of subdivision and streets shall not duplicate, or too closely approximate phonetically, the name of any street or subdivision in the area covered by these regulations. The Planning Commission shall have final authority to designate street and subdivision names, where conflicts exist with other established subdivisions with the county.
- f. Approval of Planned Unit Development. Design standards outlined in this regulation and in the Zoning Code shall serve as overall guidelines for project approval through the PUD process. Such standards, however, may be modified for a Planned Unit Development which, in the judgment of the Planning Commission, will provide adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the area when fully developed.
- g. Provision of Access to Adjacent Unplatted Property. Proper access in the form of stub streets or temporary dead-end streets shall be provided to adjacent unplatted property unless, in the judgment of the Planning Commission, topographic conditions or similar physical impediments preclude reasonable provision of such access, or alternate routes of access are, or will be available in the future.

5.4.2 Streets

a. General Guidelines

- i. Streets shall be related appropriately to the topography so as to produce usable lots and streets of reasonable gradient. Street grades and alignment shall conform reasonably to the original topography. In steep areas, through streets should generally follow contour lines rather than cross them. Combinations of steep grades and curves shall be avoided. Sudden and frequent changes of grade along arterials shall be avoided. Sharp horizontal curvature should be avoided if possible at or near the high point of a crest vertical curve or near the low point of a pronounced sag vertical control.
- ii. The proposed street layout should be appropriate for the type of development proposed and properly integrated with the street system in the area adjoining the subdivision. The layout shall also conform to the existing and proposed land uses and the most advantageous development pattern for the surrounding area.
- iii. Major traffic generators such as industries, commercial, service, Planned Commercial Developments (PDCs), schools, and residential development with a density in excess of six (6) dwelling units per gross acre shall obtain driveway access to a system of streets internal to the development. These types of uses shall obtain driveway access to a system of streets internal to the development. These types of uses shall obtain primary access from streets classified as collectors of a high functional classification.
- iv. The layout of streets and the design of lots for residential development with a density of six (6) units per gross acre or less and C-1 commercial shall provide for driveway access to Class VI, local streets. The provision of driveway access to Class V, Collector streets shall be discouraged. Direct driveway access to Class IV, Minor Arterial and higher functional classification of streets shall not be permitted. The developer in the subdivision process may apply to the Planning Commission for a waiver to this driveway access regulation. The application for waiver must be justified to the Planning Commission as a reasonable alternative situation based on physical characteristics of the property proposed for subdivision development.
- v. Residential streets shall be laid out to discourage through traffic, to permit efficient drainage and utility systems and to require the minimum length of street necessary to provide convenient and safe access to property. Curvilinear streets, cul-de-sac and loop streets shall be encouraged where such use will result in a more desirable lot layout.
- vi. Proposed through streets shall be extended to the boundary lines of the tract to be subdivided if necessary to achieve Master Street Plan conformity or to prevent land-locked property.

b. Right-of-Way Paving Width

- i. Every subdivision shall be served by an adequate system of publicly dedicated streets or their private counterparts as specified herein. All public streets within the subdivision shall be located, platted and dedicated to the City or the County in accordance with the Master Street Plan and the standards and procedures outlined in this code.
- ii. The City may require right-of-way dedications of up to one hundred feet. Right-of-way dedications in excess of one hundred feet as shown on the Master Street Plan shall be

reserved for acquisition subject to the following conditions: (1) the public board, commission, or body having jurisdiction or financial responsibility for the acquisition of said right-of-way shall within four months following the approval of the preliminary plat execute a written option to acquire by purchase or file suit for condemnation of said right-of-way and (2) said option to acquire must be exercised and fully consummated within twelve months following the date of the approval of the preliminary plat.

The Planning Commission may authorize a new boundary street when the subdivider proposes to dedicate the entire right-of-way and construct all the required improvements.

In no case shall a subdivider retain a parcel of land lying between a newly created boundary street and a former property line, the purpose of which would be to deny access by abutting owners.*

- a. For purposes of determining the extent of required improvements on boundary streets, the right-of-way center line shall be deemed to the plat boundary. Where a clearly defined right-of-way does not exist, the City shall establish the center line location.
- b. Dead-end Streets and Cul-de-sac
 - i. Cul-de-sac shall have a maximum length of 750 feet unless otherwise approved by the Planning Commission. Where a street does not extend to the boundary of a subdivision, and its continuation is not required by the Planning Commission for access to adjoining property, its terminus shall not normally be closer than fifty (50) feet to such boundary.
 - ii. Cul-de-sac turnarounds shall be provided at the end of all permanent dead-end streets. Cul-de-sac turnarounds for residential streets and minor residential streets shall have a minimum right-of-way diameter of one hundred (100) feet and a pavement width diameter of eighty (80) feet, with an optional inside radius of twenty (20) feet to the back of the curb and forty (40) feet to the outside of the back of the curb.
 - iii. In the case of temporary dead-end streets, which are stub streets designed to provide future connections with unsubdivided adjacent areas, the Planning Commission may require a temporary easement for a turnaround of the type discussed in b. above or an appropriate area for a back around.
 - iv. Hammer heads and T-Turnarounds are not allowed.
- c. Street Grades. Grades on streets shall not exceed the following standards:
 - i. Principal and minor arterials - 9%.
 - ii. Collection streets - 12%
 - iii. Residential Streets - 15%
 - iv. Minor Residential Streets - 16%
 - v. Residential cul-de-sac - 16%
 - vi. Cul-de-sac center line slope surface on downhill grades shall not exceed seven (7) per cent within the last fifty feet of the pavement. Cul-de-sac center line slope

surface on uphill grades shall not exceed twelve (12) per cent with the last fifty feet of the pavement.

- vii. No street surface shall have a finished grade of less than . of 1% in order to insure adequate drainage.
- viii. Subject to Planning Commission approval and where not feasible otherwise, street grades may be increased above the maximum grades stated herein by not more than two (2) per cent and not to exceed two hundred (200) feet in any contiguous segment. Average (positive or negative) grade of the entire street segment shall not exceed the stated requirements.

d. Minimum Horizontal Radius at Centerline. To ensure adequate sight distance on curves, the minimum center line radii for horizontal curves shall be as follows:

Arterial streets	600 ft.
Collector Streets	300 ft.
Residential Streets	100 ft.
Minor Residential Streets	75 ft

e. Tangents. Between reverse curves a tangent of not less than two hundred (200) feet for arterial streets and one hundred twenty-five (125) feet for collector streets shall be required. This requirement may be modified by the Planning Commission for residential streets where topography or other conditions makes such a modification desirable for maintaining a suitable layout.

f. Intersections and Alignment.

- i. Street intersections shall be laid out as nearly at right angles as possible and may be curved to bring this about. The center-line of no more than two (2) streets shall intersect at any one point. No intersection shall be at an angle of less than seventy-five (75) degrees.
- ii. Where collector or arterial streets intersect other collector or arterial streets, the curb radii at the intersection shall not be less than thirty-one and one-half (31 1/2) feet. Where residential streets intersect with other residential, collector or arterial streets, the curb radii at the intersection shall not be less than twenty-five (25) feet.
- iii. Street jobs with center line off sets of less than one hundred twenty-five (125) feet shall be avoided. Proposed new intersections along one side of an existing street shall, whenever practicable, coincide with any existing intersections on the opposite side of the street.
- iv. Intersections shall be designed with grades as level as possible consistent with proper provision for drainage. In approaching intersections, the leveling area shall have a grade not exceeding thirty (30) feet measured from the nearest curb or edge of the pavement.
- v. Additional street paving and right-of-way in the form of turning lanes shall normally be required along arterial streets at intersections with other arterial or

collector streets.

- vi. Property line corners at street intersections shall be rounded with a radius of at least twenty (20) feet.
- vii. Where visibility at any proposed street intersection would be impeded by earthen berms or existing vegetation, the developer shall cut such ground and/or vegetation in conjunction with the grading of the street right-of-way sufficient to provide adequate sight distance.
- viii. Street intersections shall be located to avoid creating hazardous driving conditions.
- g. Private Streets, New. Private streets for residential development may be approved by the Planning Commission provided that the design standards conform to those of public streets as specified in this regulation. Private streets are permissible only in the form of cul-de-sac and short loop streets and only when it has been determined that these streets can be adequately served by all public service vehicles. Such streets will not be permitted where there is a possibility of through traffic or the eventual providing of a connecting link to another public street. It shall be incumbent on the applicant to demonstrate that the private streets will not unreasonably limit access to adjacent parcels, hinder logical traffic patterns, or otherwise be contrary to the public interest. The subdivider shall provide for permanent maintenance of all private streets in the Bill of Assurance.
- h. Private Street, Existing. Existing private streets shall be dealt with as follows for the purpose of dedication:
 - i. The City Council of the City of Cabot, Arkansas, shall in every instance be the final authority in the City.
 - ii. Streets which have been previously dedicated and accepted by the County will become City streets upon annexation; these streets will be maintained at or above their physical condition upon annexation.
 - iii. Streets which had been previously fully maintained by the County for which no dedication is on record will become City streets upon annexation only if a formal dedication is made. Such dedications shall be reviewed by the Planning Commission and accepted by the City Council as prescribed by law. No improvements or construction shall be required and these streets will be maintained at or above their physical condition upon annexation.
 - iv. Streets which were private in every respect shall remain private after annexation. Owners of properties abutting such streets may request dedication by following the procedures outlined for submission of preliminary plats.
 - v. The Planning Commission shall determine that a need exists for a public street.
 - vi. Citizens desiring to dedicate private streets shall assume all costs to include platting, engineering and construction.

vii. No private street shall be offered or reviewed for dedication where no structure abuts the right-of-way or where such action would circumvent the Subdivision Regulation review for new streets and/or subdivisions.

viii. In those instances where a private road was created by land sales constituting a violation of the Subdivision Regulation, the property from which the road was derived shall be included in preliminary plat submissions and be subject to improvement requirements of this regulation.

5.4.3 Easements

Utility Easements. Utility easements for poles, wires, conduits, storm sewers, gas lines, water mains and lines and similar purposes shall be provided where required by utilities or the City. Such easements shall not be less than five (5) feet on either side of the rear lot lines and five (5) feet on either side of the side lot liens. The specific location of easements not uniform in width and parallel to lot lines must be shown by dimensions.

5.4.4 Alleys

Alleys may be allowed at the rear of commercial lots, but shall not be permitted in residential blocks except as a means of secondary access. In the event a subdivider proposes the platting of alleys in a residential development, evidence in support of the need for alleys shall be filed with the plat and made a part of the application. Such need or circumstances shall be interpreted to include provision of access to lots on terrain with grades which make frontal access impossible.

5.4.5 Lots

- a. Every lot shall abut upon a public street, except where private streets are explicitly approved by the Planning commission. The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- b. Minimum lot dimensions shall conform to the requirements of the Zoning Code for the applicable zoning district within the City limits.
- c. Within the planning jurisdiction the following minimum lot dimensions shall prevail:

	Width	Depth
Single Family Detached Residential	75 ft.	100 ft.
Duplex	80 ft.	125 ft.
Apartment Building (4 units or less)	80 ft.	125 ft.

- i. Townhouse Lots. Submission of a plat creating lots for townhouse residences shall be accompanied by a generalized site plan showing the proposed location and dimensions of all buildings, accessory uses and other improvements. Such lots shall be not less than thirty (30) feet in width by eighty (80) feet in depth, and with overall size of 2,400 square feet. Platted building liens shall conform to building location shown in the generalized site plan.
- ii. Zero-Lot-Line Residential Lots. Submission of a plat creating a zero-lot-line development shall be accompanied by a generalized site plan shown in the proposed locations and dimensions of all buildings, accessory uses and other improvements. Such lots shall be not less than sixty (60) feet wide by one hundred (100) feet in depth and with a minimum

overall size of 6,000 square feet. Platted building lines shall be shown on all sides of each lot. Platted building lines shall conform to building locations shown on the generalized site plan.

- d. No residential lot shall be more than three (3) times as deep as it is wide, except lots designated for townhouse or zero-lot-line use or average less than 100 feet in depth. Lot width shall be measured at the building line except in the case of lots abutting cul-de-sac where the average width of the lot shall be used.
- e. Lots served by a public water system and proposed to be served by a septic tank system must submit at the time of preliminary plat filing a written certification of approval by the Arkansas State Department of Health. The lot sizes allowable by this certification shall be indicated on the plat.
- f. Where a subdivision abuts or contains an existing or proposed arterial street, freeway, expressway, or railroad right-of-way, the Planning Commission may require double frontage and reverse frontage lots as a means of providing adequate protection of residential development and to afford separation of land from through traffic. Double frontage lots may also be used to facilitate residential development in hillside areas as defined in Section 5.4.12 of this Regulation. Elsewhere double frontage lots shall be avoided.
- g. Side lot lines shall be at right angles to street lines or radial to curving street lines unless a variation from this regulation will give a better street or lot plan or allow better utilization of conservation of energy.
- h. Corner Lots shall have additional width to accommodate the required building line on both streets and to assure adequate visibility for traffic safety.
- i. Pipe-stem lots may be permitted in residential subdivisions provided that the stem or narrowest part of such a lot shall not be less than twenty (20) feet in width or have a length of more than two hundred (200) feet.
- j. In residential subdivisions where lots abut a freeway, expressway or mainline railroad right-of-way, such lots shall have an overall depth of not less than one hundred seventy five (175) feet in order to ensure proper separation of residences from adjacent thoroughfare or railroad line.

5.4.6 Platted Building Lines and Buffers

- a. Building lines for residential lots shall be at least twenty-five (25) feet from each street property line except in the following circumstances:
 - i. residential lots fronting on a minor arterial street shall have a platted building line not less than thirty-five (35) feet from the right-of-way line;
 - ii. residential lots fronting on principal arterials shall have a platted building line not less than forty (40) feet from the right of -way line.
- b. Along arterial streets where it is desirable to limit curb access, building lines shall be established on both frontages of double frontage lots. Along the line of lots abutting such traffic artery, a restricted access easement of at least ten (10) feet, across which there shall

be no right-of-vehicle access permitted, shall be provided.

- c. Multi-family (more than two units attached) subdivisions abutting single family subdivisions or areas zoned for single family use shall protect such areas from potential nuisance by providing a minimum forty (40) foot buffer strip and a 6 foot fence of wood or masonry, extending along the entire abutting portion of the property. In those instances where drives or parking areas are proposed for intrusion into the buffer strip, a minimum of fifteen (15) feet shall be retained in its natural state. If ground cover and trees are sparse or have been removed, the fifteen (15) foot strip shall be replanted with cover of the type natural to the area. No building, outside storage areas or sanitation equipment shall be permitted within the fifteen (15) foot area.
- d. In those instances where a twenty-five (25) foot permanent landscaped rear yard is provided, the buffer may be reduced to twenty-five (25) feet. In this arrangement, no structural or physical improvements are allowed within the twenty-five (25) foot buffer. The 6 foot fence required will apply. The fence shall be of wood masonry or metal and extend along the entire property line common to single family use or zoning.

5.4.7 Blocks

- a. The lengths, widths and shapes of blocks shall be determined with due regard for the following considerations: the provision of adequate building sites suitable for the type of use contemplated, zoning requirements as to lot sizes and dimensions, need for convenient traffic access and circulation and the limitations and opportunities of topography.
- b. Blocks in residential subdivisions shall not exceed twenty-two hundred (2200) feet in length. Wherever practicable, blocks along major and minor arterial streets shall be not less than one-thousand (1,000) feet in length.
- c. Blocks may be irregular in shape, provided they are harmonious with the overall pattern of blocks in the proposed subdivisions and provided their design meets the requirements of lot standards, traffic flow and control considerations and development plan requirements.
- d. Blocks as a minimum shall have sufficient depth to provide for two (2) tiers of lots unless a different arrangement is required in the form of a single tier of lots of maximum depth for blocks adjacent to arterial streets, expressways, freeways, railroads or waterways.
- e. In blocks of nine hundred (900) feet or more in length, the dedication of a public crosswalk for pedestrian travel may be required to provide access to public or private facilities such as schools or parks. Such crosswalks shall have a minimum right-of-way width of ten (10) feet and a pavement width of four (4) feet and extend entirely across such block at approximately the midpoint of the length of the block. Internalized circulation systems in the form of pedestrian paths may be substituted in lieu of crosswalks upon the approval of the Planning Commission.

5.4.8 Sidewalks

Sidewalks shall be a minimum of four (4) feet wide and shall be installed within the dedicated right-of-way adjacent to the property line, except where otherwise specified in this section and

except where the land is topographically unsuited for the construction of sidewalks. Sidewalks shall be required as follows:

- a. The Planning Commission shall consider the need for sidewalks in conjunction with commercial subdivision approvals or in other subdivisions with anticipated heavy pedestrian traffic volumes.
 - i. On one or both sides of principal and minor arterials.
 - ii. On one side of collector streets
 - iii. On both sides of residential streets platted for multi-family development and on one side of streets serving single-family detached housing.
 - iv. Sidewalks are not required on residential cul-de-sac or short loop streets less than 450 feet in length.
- b. Internalized pedestrian circulation system in the form of paved pathways may be substituted for sidewalks along streets upon the request of the applicant and the approval of the Planning Commission.
- c. On residential and collector streets the developer shall have the option of locating sidewalks adjacent to the curb, if a variance is requested and the minimum width of sidewalk is five (5) feet.
- d. Sidewalks are not required to be constructed at the same grade of the curb of the street nor are they required to be constructed in a straight line if such straight line construction would damage trees or other desired natural features. The sidewalk elevation shall be two (2) percent above the top of the curb, sloping two (2) percent towards the curb (one-fourth inch in each foot). This elevation shall be continuous through the driveway approach. If the lot is lower than the curb elevation, the top of the sidewalk can be two (2) percent below the top of the curb, sloping two (2) percent down from the curb.
- e. Sidewalk Specifications.
 - i. Sidewalks
 - a. Grades; establishment of property lines. All sidewalks, street curbing and guttering, and driveway approaches shall be constructed in grades established by the Administrative Official. It shall be the responsibility of the owner to establish property lines by competent survey at his/her own expense.
 - b. Minimum width and setback of sidewalks.
 - 1) A residential street sidewalk will be at least four (4) feet wide and no less than four (4) feet from the back of the curb.
 - 2) A collector street sidewalk will be at least four (4) feet wide and can be as much as six (6) feet wide and no less than four (4) feet from the back of the curb.
 - 3) A minor arterial street sidewalk will be six (6) feet wide and no less than six (6) feet from the back of the curb.
 - c. There shall be a minimum of one (1) foot between the sidewalk and the beginning of a slope.

- d. Cement-concrete requirement: All sidewalks, street curbing and guttering, and concrete driveway approaches shall be constructed of a Portland cement concrete mixture which will produce a concrete of a compressive strength of 3,000 pounds per square inch after 28 days set under standard laboratory methods.
 - e. Minimum thickness of sidewalks and driveway approaches. The minimum thickness of sidewalks shall be four (4) inches with any fill materials required for residential or commercial sidewalks consisting of approved compacted base material. The minimum thickness of residential driveway approaches shall be four (4) inches with four (4) inches of compacted base material or with six inch by six inch 10 gauge reinforcing steel. The minimum thickness of commercial driveway approaches shall be six (6) inches with six (6) inches of compacted base material or with six inch by six inch 10 gauge reinforcing steel.
 - f. Sidewalks shall conform to ADA guidelines.
 - g. Sidewalks shall be continuous through driveways with a cold joint or expansion joint at the edge of the sidewalk opposite the street.
 - h. The sidewalk edge adjacent to the street shall have at least one (1) inch deep grooved joint mark (can be a cold joint) to clearly define the sidewalk/through the driveway and approach.
 - i. The sidewalk elevation shall be two percent above the top of the curb, sloping two percent towards the curb (one-fourth inch in each foot). This elevation shall be continuous through the driveway and approach.
 - j. Sidewalks that are to be constructed adjacent to the curb shall be so located at their intersection with the approach and the driveway that the ADA requirement of the two percent maximum vertical slope is met.
 - k. The area remaining between the sidewalk and the flow-line of the gutter, called the approach of the driveway, shall slope up to the elevation of the sidewalk.
 - l. Wood shall not be acceptable in sidewalks for expansion joints. The joint material shall be the same as approved for AHTD sidewalk construction (AASHTO M 213).
 - m. Full depth expansion joints (4 inches) shall be provided at not greater intervals than 50 feet. One-quarter depth (1 inch deep) weakened place joints or saw-cut joints shall be placed in sidewalk at regular intervals not greater than 10 feet apart.
 - n. All sidewalks and curb cuts made for driveway approaches require an inspection prior to the concrete pour.
 - o. The material used for sidewalk construction shall be Portland Cement Concrete having a broom finish. The use of other materials must have the approval of the Administrative Official.
 - p. All sidewalks shall have one-half inch rolled edges.
 - q. Removal and replacement of broken sidewalks require vertical, saw-cuts on both ends of the sidewalk being replaced.
 - r. All sidewalks and driveway approaches require the application of a concrete curing compound or the concrete is to be kept moist for seven (7) days.
- ii. Driveway Approaches.
- a. Curb, if existing, shall be removed for the full width of the drive approach.
 - b. All concrete to be removed shall be saw-cut to provide a straight, clean joint with the new concrete.
 - c. Horizontal curb cutting along the flow-line of the gutter is allowed.
 - d. If no horizontal curb cut is made, complete curb and gutter removal is allowed.
 - e. Broken edges of saw-cuts caused by demolition require a new saw-cut.
 - f. Width of driveway approaches.

- 1) The width of commercial driveway approaches shall not exceed 40 feet measured at right angles to the centerline of the driveway approach.
 - 2) The width of residential driveway approaches shall not exceed 24 feet measured at right angles to the centerline of the driveway approach.
 - 3) The minimum width shall not be less than 10 feet for one-way in or one-way out and 20 feet for two-way traffic.
- g. Safety zones. Safety zones between driveway approaches shall not be less than the distance designated for distances between curb cuts in the standards for street design. On streets of higher use designation than collector, the standards for collector streets shall apply. Curbs shall be installed to prohibit vehicle parking and access in safety zones. The barrier line nearest the street or highway shall be on line with existing curbs, or established curb lines, but not less than 22 feet from the center of the pavement; provided the Administrative Official does not require a greater distance when needed to preserve the safety and utility of the street or highway or provide conformance with proposed street or highway improvements. The curb cut for a driveway approach (other than for a single-family residential lot) shall be located a minimum of 12.5 feet from the nearest property line; curbs cuts between driveway approaches on single-family residential lots shall be separated by a minimum of 10 feet. The curb cut for a driveway approach on a single-family residential lot shall be located a minimum of 5 feet from the side property line; provided, this requirement shall not apply to a joint driveway (driveway approach providing access to two adjoining lots), or residential lots on the turning circle of a cul-de-sac.
- h. Safety zones at intersections, and corners. No driveway approach shall be constructed less than the distance from the corner of a street or highway intersection designated in the standards for street design; provided the Administrative Official may require a greater distance between the corner and the driveway approach to preserve the safety of the street or highway; provided further the city may require the property owner to designate a driveway approach “for entrance only” or “for exit only” where more than one driveway approach provided access to the property in order to preserve the safety of the street or highway. On streets of a higher use designation than collector, the standards for distances between curb cuts for collector streets shall apply.
- i. Variations. The Administrative Official may grant variations where strict enforcement would be impractical due to circumstances unique to the individual property under consideration.

iii. Access Ramps.

- a. Access ramps shall conform to ADA requirements.
- b. Access ramps shall be installed at all sidewalk intersections with the street.
- c. Access ramps shall be installed in a direct parallel direction to the sidewalk. Short radii curb may require two (2) access ramps.
- d. The raised or built-up access ramp shall not be installed on public streets without the approval of the Street Superintendent.
- e. The minimum width of a curb ramp shall be 36 inches and 48 inches is recommended, exclusive of flared sides.
- f. The slope of the ramp shall not be greater than 8.33 percent (1:12).
- g. The slope of the flared sides shall not be greater than 10 percent (1:10).
- h. Access ramps shall have a broom finish.

5.4.9 Storm Drainage

- a. Every subdivision shall make adequate provision to accommodate or dispose of storm water by means of drains, sewers, catch basins, culverts and other facilities deemed necessary by the City.
- b. Facilities for storm drainage shall be designed and constructed so as to eliminate increases in the rate of storm runoff onto adjoining property over that which existed prior to development.
- c. Facilities for storm drainage shall be of adequate capacity and designed in accordance with not less than a one in ten year rainfall. Provision shall be made for storm water emergency overflow in subdivisions having enclosed storm systems. This system is an above ground system consisting of swales or other drainage mechanisms with the capacity to carry excess water not carried by the underground system. This system shall have the capacity of a storm of a 100 year return frequency.
- d. Breaks in the curb with concrete aprons may be allowed in lieu of inlets where discharge does not exceed four cubic feet per second (CFS).
- e. Where a subdivision is traversed by a watercourse, channel, or stream, a storm water easement, or drainage right-of-way shall be provided. Such easement or right-of-way shall conform substantially to the lines of the watercourse as it enters and leaves the property and shall be of sufficient width and construction to provide adequate storm water drainage and access for maintenance thereof, but not less than twenty (20) feet in width.
- f. Valley gutters may be utilized at residential street intersections where surface water drainage to be accommodated is less than five (5) cubic feet per second (CFS).
- g. Box culverts and bridges which cross public streets need not extend from right-of-way line, but shall be of sufficient width to accommodate vehicular and pedestrian traffic. Box culverts having a clear span of less than six (6) feet shall not qualify as a box culvert in the above provision, but shall extend across the street from right-of-way line to right-of-way line.
- h. Storm water shall not be diverted from one watershed to another within the plat boundaries.
- i. In order to protect the public interest, floodways in every subdivision shall be kept free of incompatible urban development. Floodways, as defined by the current Flood Hazard Boundary Maps or as modified by detailed engineering analysis accepted by the Corps of Engineers and the City, shall be either designated on the plat as drainage easements, or at the option of the landowner, dedicated to the public.
- j. Vehicular access easements to allow public maintenance of drainageways shall be provided adjacent to floodways depicted on the City of Cabot Flood Hazard Boundary Maps. Such easements shall be not less than twenty-five (25) feet wide, measured from the edge of the floodway on either side of the drainage channel.

5.4.10 Commercial/Office and PCD Subdivisions

- a. General. In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the

satisfaction of the Planning Commission that the street, parcel and block pattern of all proposed commercial/office and Planned Commercial Development (PCD) subdivisions are adapted to the uses anticipated and that the prospective physical impact on adjacent areas has been taken into account. The following general principles and standards shall be observed.

- i. Commercial/office and PCD subdivisions abutting residential subdivisions or areas zoned for residential use shall protect such areas from potential nuisance by providing a minimum forty (40) foot buffer strip and a 6 foot fence. In those instances where drives or parking are proposed for intrusion into the buffer strip, a minimum of fifteen (15) feet shall be retained in its natural state.

If ground cover or trees are sparse or have been removed, the fifteen (15) foot strip shall be replanted with cover of the type natural to the area. No building, outside storage, or sanitation equipment shall be permitted within the fifteen (15) foot area.

The fence shall be of wood or masonry and extend along the entire property line common to single family use or zoning.

- ii. The Planning Commission shall require the subdivider to file a proposed subdivision phasing plan providing for continuity of development and individual phases or reasonable proportions. Single lot final plats and plats which create discontinuity within the development may be prohibited by the Planning Commission.
- iii. For commercial/office PCD subdivisions not greater than 20 acres in size, all boundary street improvements shall be completed in conjunction with the initial phase of the staging plan.

- b. Boundary Streets. Boundary streets abutting a proposed commercial/office subdivision shall be developed in accordance with the Master Street Plan. Where an internalized system of public streets or private service easements is proposed for commercial/office and PCD subdivision, the following design standards shall be observed.

STREET TYPE	Minimum R.O.W. Width	Minimum Paving Width
(Back to back of curb)		
Commercial	60 ft.	36 ft.
Minor Commercial (A cul-de-sac not more than 300 ft. long)	50 ft.	27 ft.
Alley (when required)	20 ft.	17 ft.

- c. Vertical and Horizontal Alignment. Vertical and horizontal alignment shall conform to collector street standards as outlined in the Master Street Plan.

- d. Lots. The depth and width for lots within plats located inside the City Limits shall conform to the applicable zoning district.

The depth and width for lots located outside the City Limits but within the planning jurisdiction shall comply with the following: minimum dimensions for commercial lots shall be one hundred (100) feet of frontage by one hundred fifty (150) feet of depth. In all instances, no Commercial/office and PCD lot shall have a depth exceeding three (3) times the width. Pipe-stem lots are expressly prohibited in office-commercial and PCD subdivisions.

- e. Blocks. In the interest of efficient traffic circulation and to ensure a suitable relationship between the street system and the proposed commercial use, blocks in commercial/office subdivisions shall generally be not less than six hundred (600) feet or more than one thousand (1,000) feet in length.
- f. Platted Building Line. Building lines for lots within plats located inside the City Limits shall conform to the applicable zoning district.

Building lines for lots located outside the City Limits but within the planning jurisdiction shall comply with the following: front yard guiding lines for commercial lots shall be at least forty (40) feet from the street right-of-way.

In all instances where a landscaped green area is substituted for parking and vehicular movement area between the building line and the street right-of-way, a twenty-five (25) foot front yard setback may be approved by the Planning Commission contingent upon approval of any necessary waivers of Zoning Code requirements by the Board of Adjustment.

- g. Internal Circulation. Where any commercial subdivision has in excess of three hundred (300) feet of frontage on an arterial street, special provisions for internal circulation shall be required to ensure proper ingress and egress. Alternative design solutions which may be required by the Planning Commission depending upon the circumstances unique to each situation include provisions of public commercial streets, service easements, curb cuts or some combination thereof.
- i. Public Commercial Streets. Public commercial streets shall be provided according to the provisions above.
- ii. Service Easements. Where a commercial/office or PCD subdivision requires the creation of multiple lots and building sites, the Planning Commission may, at its option, authorize the use of a service easement in lieu of public commercial streets. Location of private service easements shall be indicated on the plat and be built to public street dimensions, except where in the opinion of the staff and the Planning Commission a reduced pavement width is deemed sufficient to ensure safe and convenient access to the lots and otherwise fully complies in all respects with the purpose and intent of this regulation. Design of service easements shall be subject to the review and approval of the City.
- iii. Ingress and Egress to Commercial Lots on Major Thoroughfares. Due to the nature of the use proposed and to the high volume of traffic generated by commercial/office or PCD subdivisions, special conditions applicable to control of ingress and egress shall be required. Curb cuts for commercial/office or PCD subdivisions on arterial streets shall be located at least three hundred (300) feet apart and no closer than one hundred (100) feet to the right-of-way of any intersecting street. This requirement may be met by

incorporating marginal access streets, double frontage lots, common drives, cul-de-sacs in the subdivision, or by limiting direct access to arterial streets. The extent and placement of curb cuts on principal arterials, minor arterials and commercial streets shall be subject to the approval of the Planning Commission at site plan review.

- h. Curb Cut Design. Combined ingress, egress points with vehicular movement areas separated by landscaped safety islands shall be considered an acceptable method of meeting the purpose and intent of this regulation. Such ingress, egress points shall be subject to approval of the City.

5.4.11 Industrial Subdivisions

- a. General. In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Planning Commission that the street, parcel and the block pattern proposed for industrial subdivisions are specifically adapted to the uses anticipated and that prospective impact on adjacent areas has been taken into account. The following principles and standards shall be observed.
 - i. The Planning Commission may at its option, impose special requirements with respect to public utilities, streets, gutters and sidewalk design and construction to ensure compliance with the purpose and intent of these regulations.
 - ii. Industrial subdivisions abutting residential subdivisions or areas zoned for residential use shall protect such areas from potential nuisance by providing a minimum fifty (50) foot buffer strip and a fence or earth berm which shall extend along the entire property line common to a residential zoning district. Where possible, existing plant materials within the buffer strip shall be maintained. If not possible, suitable landscaping including trees, ground cover and other plant materials natural to the area shall be provided. No building, outside storage, or parking areas shall be constructed in the buffer area. The fence or earth berm shall be a minimum of six (6) foot in height unless the Planning Commission determines a lower height will provide adequate visual screening due to topographic considerations, existing or proposed vegetation or other considerations.
 - iii. In order to preclude the possibility of through traffic, industrial streets as defined in these regulations shall not normally be extended to the boundaries of adjacent existing or potential residential areas.
- b. Street Design. In general, industrial subdivisions shall conform to requirements of the Master Street Plan. The following street design standards shall be required for industrial subdivisions.

Minimum
R.O.W.
Width

Minimum
Paving
Width

STREET TYPE

(Back to back of curb)

Alleys (when required)	20 ft.	17 ft.
Industrial Streets	60 ft.	36 ft.
Minor Arterial	80 ft.	48 ft.
Major Arterial	100 ft.	As required by the Master Street Plan
Cul-de-sac Turnaround	130 ft. Diameter	100 ft. Diameter

- i. Street Grades. The maximum allowable grade shall be nine per cent (9%) on all streets within the subdivision where there are lots having access from the boundary street.
 - ii. Intersections. The property line radius at street or alley intersections shall be a minimum of fifty (50) feet and if the angle of street or alley intersections is less than ninety (90) degrees, the Planning Commission may require a greater radius.
 - iii. Curb Line. Street or alley intersections shall have at least a fifty (50) foot radius. Where the angle of street or alley intersection is less than ninety degrees, the Planning Commission may require both a greater radius and intersection design sufficient to accommodate turning movements of WB-50 vehicles.
- c. Blocks and Lots. In general, proposed industrial sites shall be suitable in area and dimension for the type of industrial development anticipated both in the City and in the City's planning area.

The depth and width for lots within plats located inside the City Limits shall conform to the applicable zoning district.

- d. Building Lines and Lot Coverage. Building lines for plats located within the City Limits shall conform to the applicable zoning district. Building lines for plats outside the City Limits but within the planning jurisdiction shall conform to the following:

Building lines and setback lines shall be a minimum of fifty (50) feet from all industrial street right-of-way lines. A minimum of thirty (30) feet of setback shall be provided on all other property lines.

One-half of any adjacent permanent open space or easement retained by the grantor for utility or other purpose or dedicated to the public shall be allowed as part of the required thirty (30) feet of setback except that in no case shall the total separation between buildings on adjacent tracts or lots be less than sixty (60) feet.

- e. Provision for Open Drainage. The following improvements and requirements are alternatives in lieu of curb and gutter and underground drainage:

- i. Pavement width for minor streets shall be a minimum of twenty-eight (28) feet with six (6) foot shoulders. These shoulders shall be designed to meet at least seventy-five per cent (75%) of the design requirements for the pavement. A double surface treatment may be used for these shoulders.
- ii. Open drainage ditches will be permitted in street rights-of-way or easements, provided they meet the following requirements.

The side slopes shall commence a minimum of six (6) feet of subgrade from the edge of the paved driving surface to permit the six (6) foot shoulders.

The side slope for both slopes of an earthen ditch shall be at a slope of three to one (3:1) or less. For concrete or riprap lined ditches, a slope of one to one (1:1) or less is permissible with the approval of the City.

The maximum high water ditch elevation for designed capacity shall be a minimum of six (6) inches below the bottom of the base of the shoulder.

Right-of-way width shall be a minimum of ten (10) feet beyond the top of the back slope requirements.

Concrete head walls, riprap and/or flume type structures shall be required for all underground facilities.

Bills of Assurance will require the various property owners within the subdivision to now and maintain the right-of-way and/or drainage easements adjacent to the property held by the owner(s) upon proper notice. If the property owner does not comply with the notice, the area may be mowed by the City and the property owner billed as per the procedure on vacant lots within the City.

All required drainage ditches shall be designed for appropriate erosion control (such as sodding, ditch checks, riprap, ditch paving, or other accepted engineering practices.)

In case of open drainage within the street right-of-way the following shall be the setback line from the center line of the right-of-way.

Industrial Street	70 ft.
Minor or Principle Arterial	120 ft.
Cul-de-sac	70 ft.
Cul-de-sac turnarounds	105 ft.

When street right-of-way requirements as set forth above are greater than normal requirements, the building line shall be a minimum of twenty (20) feet from the right-of-way line.

5.4.12 Hillside Regulations

- a. General. These requirements are designed to ensure prior integration of physical improvements in rugged topographical areas and shall supplement requirements outlined elsewhere in these regulations. The hillside regulations shall only apply to those portions of

a subdivision plats that have an average slope of eighteen (18) per cent or greater. Such areas of steep slope are recognized as requiring special subdivision development standards for vehicular access easements, lot dimensions, front and side yard setbacks and cuts and fills.

- b. Calculation of Average Slops. Average slops shall be calculated by the subdivider and indicated on the plat at the time of submittal. The hillside areas shall be divided into areas of generally similar slopes and an average for each of these similar areas shall be determined. These areas shall then be totaled and divided by the number of areas to obtain the average slope for the entire tract. A single average slope figure shall apply to that portion of the plat with slopes exceeding eighteen (18) per cent.
- c. Calculation of the Total Number of Lots. The total number of lots shall be determined by first calculating the total square footage of the area and then dividing the minimum lot size into it to arrive at the total number of lots allowed.

The total square footage of the area is determined by measuring the area and deleting eighteen (18) per cent to cover all needed streets and then subtracting all part and open space from that subtotal.

The minimum lot size is determined by using the minimum lot size requirement chart and applying it to the average slope (determined in Section b above.)

The minimum lot size shall be calculated to the closest one thousand (1,000) square feet from the lot size chart. No lot within any hillside area, however, shall be less than ten thousand (10,000) square feet in area. Following staff review and approval of the slope analysis, the subdivider shall prepare a preliminary plat conforming to the lot size established and submit it for approval in the conventional manner.

- d. Conformance. At least eight (80) per cent of the lots of the sloped portions of the affected subdivision shall conform to the minimum required lot size. The average size of all lots of the hillside area shall conform to the minimum lot requirement.
- e. Retaining Walls. Retaining walls may be required wherever topographic conditions warrant or where necessary to retain fill or cut slopes within the right-of-way. The retaining walls shall be constructed on private property to protect the streets from possible erosion and slides. Such improvements shall require the approval of the City.
- f. Rugged Areas. Hillside areas with an average slope in excess of forty (40) per cent are considered extremely rugged and development shall be limited to lots not less than two acres in size.
- g. Front Yard Setbacks. Minimum front yard setbacks shall conform to the Zoning Code except for areas with slopes in excess of eighteen (18) per cent, where they may be reduced to fifteen (15) feet.
- h. Cuts and Fills. Major cuts, excavation, grading and filling, where the same materially changes the site and its relationship with surrounding areas or materially affects such areas, shall not be permitted if such excavation, grading and filling will result in a slope exceeding a vertical rise of one (1) foot for each two and one half (2 .) feet or horizontal distance between abutting lots (sides and/or rear) or between adjoining tract of land, except where

adequate provision is made to prevent slides and erosion by cribbing and retaining walls. Deviation from these standards may be authorized by the Planning commission upon submission of an engineering analysis of the soil conditions and the condition of the compacted fill showing that the area is suitable for building.

- i. Vehicular Access Easements. Easements providing primary access to lots fronting on a public street, may be authorized by the Planning Commission where topographic conditions warrant and where the public interest can be demonstrated. Where approved, access easements shall serve not more than five (5) lots nor be more than three hundred (300) feet in length. Pavement shall be of concrete not less than twenty feet in width. Underground drainage shall be waived by the City when it can be demonstrated that open drainage will accommodate all runoff. Grades shall not exceed those specified for residential streets.
- j. Soils Analysis. The Planning Commission, at the applicant's expense, may require a soil test of the streets and building sites where the buildability of the area is questionable.

5.4.13 Multiple Building Sites

Large-scale development involving the construction of two or more buildings together with the necessary drives and accessways which is not subdivided into customary lots, blocks and streets shall be subject to the provisions of this regulation. This provision shall also be deemed to include single principal structures proposed for addition to an existing multiple building site development. Plans for all such developments shall be submitted to and approved by the Planning Commission, (whether or not such plan is to be recorded) and no building permit shall be issued until such approval has been given. Such plan shall be prepared in sufficient detail to show the location of driveways, curb cuts, service easements, building locations, sidewalks, parking areas and landscaping.

SECTION 5.5 REQUIRED IMPROVEMENTS

5.5.1 Required Public Improvements

In all subdivisions (including multiple building sites), the subdivider shall be required to install, at his own expense, or to have installed by the appropriate public utility certain specified improvements. No streets, drainage, or utility construction work, exclusive of clearing, shall begin until construction plans have been reviewed and approved by the city staff.

- a. Streets. All streets shall be constructed in accordance with applicable City of Cabot standards and specifications as provided in the Master Street Plan of the City of Cabot or other such standards and specifications adopted by the City Council.
- b. Curb and Gutters. Curbs and gutters shall be installed on all streets in accordance with applicable City standards and specifications as adopted by the City Council and/or the Arkansas State Highway Department, whichever is applicable.
- c. Water Supply. All subdivisions shall be provided with water supply and distribution systems approved by the City and meeting the requirements of the State Health Department. Where a public water supply is within a reasonable distance of the subdivision the subdivider shall install or have installed a system of water mains and connect to such supply. A connection to each lot shall be installed prior to the paving of the street, if possible.
- d. Sanitary Sewage Disposal

- i. All subdivisions shall be provided with a sewage collection and treatment system approved by the City and/or the State Board of Health. Where a public sanitary sewer is within a reasonable distance of any point of a subdivision, the subdivider shall connect with such sewer and provide a connection to each lot. Such sanitary sewage system shall be installed prior to the installation of the street pavement. The sewage collection system shall be designed to handle the anticipated flow of sewage from within the subdivision, including development of future section of the same subdivision and adjacent areas within the same drainage basin. Recognized engineering design criteria in accordance with the State Department of Health shall be used to design the system.
 - ii. For residential lots or development tracts not served by a public or community sanitary sewerage system whose disposal is approved by the Arkansas Department of Pollution Control and Ecology, the subdivider shall submit documentation with submission of the preliminary plat at the Arkansas State Department of Health, or its delegated authority, will approve septic tank installations, or other individual wastewater disposal methods for service to the subdivision proposed to be platted.
 - iii. The subdivider shall wither install the improvements referred to herein, or whenever a septic tank and absorption system or private water supply is to be provided, require as a condition in the Bill of Assurance of the subdivision, that those facilities shall be installed by the builders of the improvement of the lots in accordance with these roles and regulations.
- e. Storm Drainage. Every subdivision shall be served by storm drainage facilities including drains, sewers, catch basins, culvert and other facilities including drains, sewers, catch basins, culvert and other facilities designed and constructed to accommodate surface runoff originating within the subdivision or flowing across it. Said improvements shall be installed in accordance with regulations adopted by the City Council, but in no case shall be designed to accommodate less than a one in ten year rainfall.
- f. Sidewalks. Construction plans shall show the location of all sidewalks. Installation shall be in accordance with these plans, but shall be the responsibility of the builder. No building permit shall be issued for any lot where a required sidewalk is shown unless the site development plan indicates the required sidewalk and no certificate of occupancy shall be issued for any property until the sidewalk is constructed.
- g. Street Lighting.
- i. General.

All street lighting shall utilize poles and fixtures approved by the City. Overhead and underground street lighting plans shall be prepared by the appropriate electrical utility with the cooperation of the developer. All street lighting plans shall be approved by the City before any installation begins.

Where underground service is proposed, the developer shall provide electrical service to all points proposed for future fixtures.
 - ii. Subdivisions within the City's Corporate Boundaries.

The developer shall inform the City by letter of his pending development and ask that street lighting plans be prepared. The City will then request the appropriate electrical utility to prepare the plans for the installation.

If the developer does not desire street lighting he must request a written waiver of the requirement from the City. However, the City may require payment of all fees and expenses for the installation at some future time.

iii. Subdivision outside the City's Corporate Boundaries.

Where areas outside the City Limits, but within the extraterritorial area are proposed for annexation, or annexation in the future is likely, the developer must provide facilities that will enable standard lighting design to be installed at some future date, at no additional cost.

In areas designated for underground service, plans must be approved by the appropriate electric utility and the City before installation.

If underground service is to be provided, it will be necessary for the developer to provide electrical service to the points proposed for the future fixtures.

h. Other Utilities. Other utilities to be installed in a subdivision, including water, sewer, electricity, gas and telephone shall be located within the public right-of-way or easement. If stubs to the property lines are not installed, then connections between lots and utility lines shall be made if possible, without breaking into the wearing surface of the street. When street cuts are necessary, such cuts shall be in accordance with the city's specifications. A permit for same shall be obtained from the city staff.

i. Monuments

i. Permanent reference monuments shall be set on all outside lines of the subdivision at angle points and points of curb or as required by the City. Such monuments shall be of steel one (1) inch in diameter, twenty-four (24) inches in length or other approved monuments. Top of monuments shall have an indented cross to identify properly the location of the point and shall be set flush with the ground.

ii. All lot corners shall be marked with metal pins not less than one-half (1/2) inch in diameter and fifteen (15) inches long and driven so as to be flush with the finished grade. Permanent control points shall be placed in the center lines of streets, at ends of curves, points at intersections of streets and points where the street crosses the boundary line at the subdivision. These control points shall be established after paving has been completed. Where lots are adjacent to streets or other obstructions, offset pins shall be set and shown on the official plat. Offset distances to true corners shall be noted on the plat. Monuments and metal pins shall be indicated on all plats. Removal of monuments or metal pins by anyone other than a registered lay surveyor is prohibited.

j. Fire Hydrants. Fire hydrants shall be spaced a maximum of every one thousand (1,000) feet within all single family residential subdivisions. In multi-family residential subdivisions, hydrant placement shall be based on the density and value of the property as determined by the Fire Chief. When streets and alleys are closed by a petitioner, he shall at his own expense, install necessary fire hydrants to maintain the required fire

hydrant coverage.

- k. Street Name Signs. Street name signs shall be placed at intersections by and at the developer's expense. Street signs shall meet standards and specifications of the City.

5.5.2 Assurance for Completion of Improvements

Upon final approval of construction plans for required improvements, the subdivider shall enter into an agreement with the City to install or ensure the completion of the improvements as outlined below. The Planning Commission will accept the subdivision and issue the Certificate of Final Plat Approval subject to the assurance of installation of improvements. One of the following methods shall be used by the subdivider to guarantee that improvements required by these regulations can or will be installed in accordance with approved plans and specifications.

- a. Certificate of Completion of Improvements. The subdivider may submit for approval to the Planning commission a certificate stating that all improvements and installations to the subdivision required for its approval under the terms of these rules and regulations have been made, added, or installed in accordance with these specifications.
- b. Performance Bond. If the subdivider cannot certify that all improvements and installations in the subdivisions have been completed, a performance bond may be posted in favor of the City of Cabot. Such performance bond shall specify the time for the completion of the improvements and installation and shall be in an amount determined by the City to be sufficient to complete the improvements and installations for the subdivider in compliance with these rules and regulations. The bond shall be issued by a Surety Company authorized to business in the State of Arkansas.
- c. Cash Deposit. The subdivider may provide a cash deposit in a full amount as specified by the City as sufficient to complete the improvements and installations required to comply with these rules and regulations. The cash deposit will be retained until all improvements have been accepted or maintenance bond has been received.
- d. Tri-Party Agreement. The subdivider may enter into a tri-party agreement with the City and project leader requiring that:
 - i. The funds for the required improvements will be set aside and held separate from the balance of the development financing; and
 - ii. The funds set aside will be dispersed only for the required public improvements and for no other purpose; and
 - iii. The funds will be dispersed in direct payment for completion of the improvements if the applicant becomes in default under the contract for improvements.
- e. Maintenance Bond. Where a performance bond has been posted to ensure completion of the improvements, a separate maintenance bond need not be provided in such circumstances, the subdivider may extend the performance bond to cover the one-year period of the maintenance bond. Where the subdivider has chosen the option of a cash deposit or certificate of completion of improvements, or tri-party agreement, however, the maintenance bond must be posted for a minimum of a one (1) year period. However, the City may require a longer time if it feels that it is necessary.

5.5.3 Inspection of Improvements

All projects shall be constructed according to the approved plans and specifications of a Registered Professional Engineer. When the improvements required by these rules and regulations have been completed and installed, the Registered Professional Engineer shall submit a letter to the City certifying improvements and installations have been made in accordance with approved construction plan, specifications, drawings and the standards established by the City or the county and are functioning properly. The City shall then inspect, or cause to be inspected, those facilities, improvements and installations for conformance with plans and specifications. Additional inspections shall be made in accordance with other applicable ordinances.

- a. Re-Inspection of Improvements. If any defects or deficiencies are found to exist in the preliminary inspection, the City shall notify the subdivision engineer of these deficiencies. Once the corrections have been completed, and the City is again requested to inspect the improvements, a final inspection of the subdivision will be conducted. In the event the improvements do not pass this re-inspection because of the improvements not being ready for inspection, or any other reason due to neglect or failure on the part of the subdivider/contractor, re-inspection fee will be charged at a rate of \$1.00 per lot per subdivision with a minimum charge of \$100.00. This fee shall be applicable to second and subsequent preliminary and to all final inspections.
- b. Issuance of Building Permit. No permits shall be issued by the City before completion of all improvements in a residential subdivision. However, in cases of substantial hardship and where improvements have been completed to a point where there will be no adverse impact to health and safety, the developer may submit a request in writing to the Planning Commission detailing the hardship and indicating the completion date for the required improvements. Building permits may be issued in Commercial and Industrial Subdivisions before completion of all improvements. However, no occupancy permits will be issued until all improvements in the subject subdivision are completed.
- c. Extension. The City may allow an extension to the six (6) months period for just cause. The subdivision engineer must request this extension, in writing, at least one (1) month before the end of the six (6) month period.

5.5.4 Maintenance Bond

- a. A Maintenance Bond shall be furnished by the Contractors to cover all construction and improvements under the jurisdiction of review and approval of the City. All other public utilities installed in a development shall be subject to the administrative review and bonding procedures as set out by the respective public utilities and shall not be subject to the provisions of this section of these regulations.
- b. Contractors shall furnish a Maintenance Bond to the City covering any defects in materials and workmanship for the required improvements installed by the Contractor in the amount of fifty (50) per cent of the total cost of those improvements. The bond(s) shall be in full force and effect for not less than one year from the date of the letter from the City certifying that all improvements have been completed and approved and further stating that any and all defects in materials and workmanship shall be corrected by the Contractor by the end of the bond period. Work performed under the terms of the Maintenance Bond shall be approved by the City.

5.5.5 Final Approval

- a. Acceptance and Dedication. All public dedications of streets and public facility sites must be accepted by the City Council or County Judge following execution of satisfactory guarantees for completion as described in this section of the regulation. This acceptance shall be accomplished in conjunction with final plat approval. Approval of final plats within the Cabot City Limits by the Planning Commission and filing of the Plat of Record with the Circuit Clerk and Recorder of Lenoke County shall not constitute formal acceptance by the City of all approved public improvements covered by the Plat. Those improvements not completed as of the date of approval of the Final Plat shall be accepted as Public Facilities when the City certifies that the construction has been approved, maintenance bonds furnished and the Plat filed of record.
- b. Recorded with the Circuit Clerk. The final plat can be recorded only after the plat has received a Certificate of Final Approval from the City of Cabot Planning Commission. Submittal for recordation to the Circuit Clerk shall be the subdividers responsibility. The subdivider shall provide the City with copies of the recorded plat to be retained in City files. Final plats shall be duly recorded within two (2) years of final plat approval by the Planning commission or the plat shall be declared null and void.

No final Plat can be changed unless a revised Final Plat is submitted through the Cabot Planning Commission.

- c. Notification of Recordation. No building permits may be issued until proof of the recording by the subdivider of said approved final plat has been presented to the City, giving plat book and page number, or instrument number.

ARTICLE VI: DEFINITIONS

SECTION 6.1 DEFINITIONS

6.1.1 General

For the purpose of interpreting these regulations, words used in the present tense shall include the future tenses; words in the singular member include the plural; and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. The word "person" includes firm, partnership, or corporation as well as an individual.

6.1.2 Definitions

For the purpose of interpreting these regulations, certain terms and words are to be used and interpreted as defined hereinafter:

Accessory Buildings and Uses. An accessory building is a subordinate building, the use of which is clearly incidental to, or customarily found in connection with, and (except as otherwise provided in this Code) located on the same lot as, the use of the main building or principal use of the land. An accessory use is one, which is clearly incidental to, or customarily found in connection with, and on the same lot as, the main use of the premises. When "accessory" is used in the text, it shall have the same meaning as accessory use.

Accessway. An area intended to provide entrance or exit for vehicular traffic from a public or private right-of-way to an off-street parking or loading area.

Adequate Public Facilities. Facilities determined to be capable of supporting and servicing the physical area and designated intensity of the proposed subdivision as determined by the City of Cabot based upon specific levels of service.

Administrative Official. The person designated by the City Council to administer the Unified Development Code.

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

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

Alley: A public passage or way affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

Animal Clinic (Enclosed): A facility without outside runs. The diagnosis and treatment of pets and other animals including but not limited to dogs, cats, birds, and horses. No outdoor boarding of these animals shall be allowed overnight.

Animal Pound or Kennel: A public or private facility including outside runs for enclosure of animals, especially stray or unlicensed pets, or for pets being boarded for short periods of time.

Apartment: A multiple family dwelling (see "Dwelling, Multiple").

Applicant. The owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises.

Beacon. A stationary or revolving light which flashes or projects illumination, single color or multi-colored, in any manner which is intended to attract or divert attention; except, however, this term is not intended to include any kind of lighting device which is required or necessary under the safety regulations described by the Federal Aviation Agency or similar agencies.

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

Berm. Mounds or walls of earth that are molded into landforms in a landscaped area. When berms are used for screening, buffering or any other purpose, the berm shall be constructed such that soil erosion is prevented and sight triangles are unobstructed. The surface of the berms shall be completely covered with plant material or durable mulch so that the bare soil is not visible. Allowance for soil settlement shall be calculated at ten (10%) percent after the berms are compacted.

Bill of Assurance. A legal document specifying the covenants and restrictive conditions applicable to a particular property.

Block. A tract of land entirely bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines, waterways, or boundary lines of municipalities.

Block Front: All of the property on one side of the street between two intersecting streets or between an intersecting street and the dead end of a street.

Boarding or Rooming House: A dwelling or part thereof where meals and/or lodging are provided for compensation for two or more persons not transients.

Boundary Street. An existing street that borders a proposed subdivision.

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

Buffering. The use of landscaping, berms, walls, fences or any combination thereof, that at least partially block, in a continuous manner, the view from one area to another.

Building: Any structure including a roof supported by walls, designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels, or property and forming a construction that is safe and stable; the word building shall include the word structure.

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

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

Building, Height of : The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the structure, exclusive of chimneys, ventilators, or other extensions above the roof line that are not intended for occupancy or internal usage by persons.

Building Landscape Area(s). The on-site landscape area, which separates, parking from building, created and maintained to improve the appearance of the building from the street and parking areas.

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

Building, Main or Principal. A building that is conducted or intended to be conducted, the main or principal use of the lot on which said building is located.

Building Parcel. A contiguous lot or tract of land owned and recorded as the property of the same persons or controlled by a single entity in a proposed subdivision.

Caliper. Diameter of a tree measured from 6" above the ground for trees up to 4" in diameter, 12" above the ground for trees having diameter of 4" - 12", & 4 ½ feet above the ground for trees having diameter larger than 12".

Capital Improvement Program. A proposed schedule of all future projects listed in order of construction priority, together with cost estimates and anticipated means of financing each project. All projects require the expenditure of public funds, over and above the annual local government's operating expenses for the purchase, construction, or replacement of the community's physical assets.

Car Wash: A facility for washing or steam cleaning passenger automobiles (including a self-service operation), operating either as a separate facility or when installed and operated in conjunction with another use, and which installation includes equipment customarily associated with a car wash and is installed solely for the purpose of washing and cleaning automobiles.

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

Certify. Whenever these regulations require that an agency or official certify the existence of some fact or circumstance, the City of Cabot by administrative rule may require that such certification be made in any manner, oral or written, which provides reasonable assurance of the accuracy of the certification.

Child Care Center: Any place, home or institution which receives five or more children under the age of 16 years, and not of common parentage, for care apart from their natural parents, legal guardians, or custodians, when received for regular periods of time for compensation; provided however, this definition shall not include public and private schools organized, operated or approved under the laws of this State, custody of children fixed by a court of competent jurisdiction, children related by blood or marriage to the custodial persons, or to churches or other religious or public institutions caring for children within the institutional building while their parents or legal guardians are attending services or meetings or classes or engaged in church activities.

Church or Place of Religious Worship. An institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The term "church" shall not carry a

secular connotation and shall include buildings in which the religious services of any denomination are held.

City: The City of Cabot, Arkansas.

Circuit Clerk. The Circuit Clerk for Lonoke County, Arkansas.

City Clerk. The City Clerk of the city of Cabot, Arkansas.

Clearing. The removal or material damage of landscape materials by disturbing, excavating or removing the underlying soil.

Clinic, Dental or Medical: A facility for the examination and treatment of ill and afflicted human out-patients; provided, however, that patients are not kept overnight except under emergency conditions.

Club or Lodge. A membership organization established for specific purposes, having a charter of by-laws, and operating in other localities in addition to Cabot.

Collector Street. A street which is continuous through several residential districts and is intended as a connecting street between residential districts and thoroughfares or business districts.

Commercial Subdivision. A tract or parcel of land for commercial uses as defined in the Zoning Code.

Commercial Warehouse. Space used by one or more parties for the storage of merchandise. Material may be transferred into and out of by owner or other authorized persons.

Commercial Zone(s). (**Landscaping Section ONLY**) Zoning classifications primarily used for commercial business purposes commonly referred to as C-1, C-2, C-3, R-2S, R-3, R-4M, R4-H, R-5, PUD, I-1.

Commission: The Cabot Planning Commission.

Common Development. A commercial development, consisting of three or more businesses, which operates as a unit and shares common access and common parking areas; or a multi-family residential development, consisting of three or more residences, which operates as a unit and shares common amenities.

Common Ownership. Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities or unincorporated associations, in which a stockbroker, partner, or associates, or a member of his/her family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

Community Facilities Plan. A plan indicating the general location and extent of the service areas of, and the future requirements of: community facilities such as schools, playgrounds, recreational areas, hospitals, special education facilities, and cultural facilities; government buildings and areas; public and private utility terminals and lines; and transportation terminals and lines.

Comprehensive Plan. The general plan for the city which contains as a minimum the Land Use Plan, Master Street Plan, and the Community Facilities Plan.

Construction Plan. The map or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning Commission as a condition of the approval of the plat.

Contiguous. A lot(s) having at least one boundary line that touches the boundary line(s)

Controlled Access Highway. Any state or federal numbered highway, including an interstate highway, within the City of Cabot, Arkansas.

Convenience Store. Any retail establishment that is 3,500 square feet or less in gross floor area which offers for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption. For establishments greater than 3,500 square feet see "Truck Stop".

County. The County of Lonoke County, Arkansas.

Country Club: A chartered, non-profit membership club catering primarily to its membership, providing one or more of the following recreational and social activities: golf, swimming, riding, outdoor recreation, club house, locker room, and pro shop.

Cul-De-Sac. A local street with only one outlet and having an appropriate terminus for the safe and convenient turn-around or reversal of traffic movement.

Curb Cut(s). Any access area to be a parking lot from any alley, highway, right-of-way, road, street, or from any other parking lot.

Day Care Center: See "Child Care Center"

Dead-end street. A street, other than a cul-de-sac, with only one (1) outlet.

Deciduous. Of or referring to a plant which tends to shed its leaves each year.

Design Criteria. Standards that set forth specific improvement requirements.

Developer/Subdivider. Any person or any agent thereof dividing or proposing to divide land so as to constitute a subdivision as that term is defined in this section. The terms "subdivider" and "developer" shall be restricted to include only the owner, equitable owner, or authorized agent of such owner or equitable owner, of land to be subdivided.

Development. The act, process or result of developing. A developed site.

District Zoning: Any section, sections, or divisions of the City of which the regulations governing the use of land, density, bulk, height, and coverage of buildings and other structures are uniform.

Double Frontage Lot. A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot.

Dripline. The periphery of the area underneath a tree which would be encompassed by perpendicular lines dropped from the farthest edges of the crown of the tree.

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

Duplex. (See Dwelling, Two-Family)

Dwelling: Any building, or portion thereof, which is designed or used as living quarters for one or more families, but not including house trailers, manufactured home, or recreational vehicles.

Dwelling, Attached: A dwelling having any portion of one or more walls in common with adjoining dwellings.

Dwelling, Detached: A dwelling having open space on all sides.

Dwelling, Single-Family: A dwelling designed to be occupied by one family.

Dwelling, Two-Family: A dwelling designed to be occupied by two families living independently of each other.

Dwelling, Multiple-Family: A dwelling designed for occupancy by three or more families living independently of each other, exclusive of manufactured home parks or camps, hotels, or motels.

Dwelling, Townhouse or Row House: Two or more dwelling units attached at the side or sides, each unit of which has a separate outdoor entrance and is designed to be occupied and may be owned by one family.

Dwelling Unit: A room or group of rooms within a dwelling and forming a single habitable unit with facilities for living, sleeping, and cooking.

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

Encroachment. The act of advancing beyond the usual or proper limits, as in the encroachment of a motor vehicle beyond the limits of the parking area into the landscaping.

Encroachment Barrier. The protective barriers which shall be provided, positioned, and secured to prevent any part of an automobile or other vehicle from extending into live landscaping, fences, or walls. Protection for all landscaping from vehicular encroachment shall be provided by curbing, wheel stops, landscape timbers, railroad ties or bumper rails.

Engineer. A professional Engineer registered to practice in the State of Arkansas.

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

Evergreen. Of or referring to a plant which tends to retain its leaves all year round.

Expressway. Any divided street or highway with no access for abutting property and which has either separated or at-grade.

Fabrication, General. See Manufacturing.

Fabrication, Light. The adaptive reuse of vacant retail space for the assembly of standardized parts of a distinct object or product that is non-chemical and non-hazardous in nature and which does not require the use of a loading dock and generates minimal truck traffic, storage, parking or other external impacts.

Family. One or more persons related by blood or marriage, including adopted children, or a group of not to exceed four persons not all related by blood or marriage, occupying premises and living as a single, non-profit housekeeping unit, as distinguished from a group occupying a boarding or lodging house, hotel, club, or similar dwelling for group use. A family may include domestic servants employed by said family.

Fast-Food Restaurant. (See Restaurant, Fast-Food, and Restaurant, Drive-In)

Fence: A man-made barrier constructed to provide privacy or visual separation between one ownership and another.

Final plat. A plat of any lot, tract or parcel of land showing completely and accurately all information required by this chapter including all legal and engineering information and certification necessary for recordation in the deed records of the county.

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

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

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

Floor Area, Gross. The sum of the areas of the several floors of a building, including areas used for human occupancy in basements, attics, and penthouses, as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, or attics not used for human occupancy, or any floor space in accessory buildings or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this bylaw, or any such floor space intended and designed for accessory heating and ventilating equipment. It shall include the horizontal area at each floor level devoted to stairwells and elevator shafts.

Floor Area Ratio. Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

Freeway. Any divided street or highway with complete access control and grade separated interchanges with all other public streets and highways.

Front Building Wall. A building wall fronting on the street. Such building wall line shall follow and include the irregular indentations of the building. Steps and unenclosed porches shall be excluded for the purpose of this Ordinance.

Frontage. The front or frontage is that side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary sideline of a corner lot.

Front of Building. That facade of the building that abuts the required front yard as stipulated in this Zoning Code. The entrance door does not have to be in this facade.

Front of Lot. The front of lot is usually platted and marked on the plat; if it is not shown on the plat, it is the space parallel to the lot line having the least dimension along the street providing direct vehicular access.

Floor Area: The sum of the gross horizontal areas of all of the floors of a building or buildings measured from the exterior faces of exterior walls or from the centerline of walls separating two buildings.

Garage, Private: An accessory building or a part of a main building used for storage purposes only for automobiles, used solely by the occupants and their guests of the building to which it is accessory.

Garage, Public or Repair: A building in which are provided facilities for the care, servicing repair, or equipping of automobiles or other vehicles.

Gasoline or Service Station: Any building, structure, or land used primarily for the dispensing and sale of fuels, oils, accessories, or minor maintenance and repair services but not including painting, body work, or major repairs.

Grade. The slope of a road, street, or other public way, specified in percentage (%) terms.

Grass/Ground Cover. All species normally grown as permanent lawns in the area reasonably free of disease, pests, & weeds. Types of plant material used to cover the soil, that can be seeded, sodded, hydro-mulched, or planted as individual plants (groundcover). Area must be completely covered within 4 weeks after planting. (50 sq. ft. min.) Ground-cover plant material that reaches a maximum height of not more than eighteen (18) inches in height and may be used in lieu of grass.

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

Health Department: The Lonoke County Health Department, and/or Arkansas Department of Health.

Hedge. Shrubs planted in a continuous line which will block at least eighty (80%) percent of a view in a maximum of two (2) growing seasons after installation.

Home Occupation: Any occupation or profession carried on by the inhabitants which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, and which is conducted entirely within the main or accessory building.

Hospital: An institution providing health services primarily for human in-patient or medical or surgical care for the sick or injured, and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities and staff offices which are an integral part of the facilities.

Hotel: A building or part thereof occupied as a more or less temporary abiding place for individuals in which the rooms are usually occupied singularly for hire and in which rooms no provisions for cooking is made, and in which building there is usually a kitchen and public dining room for the accommodation of the occupants and guests. This definition does not include a manufactured home park or camp, sanitarium, hospital asylum, orphanage, or building where persons are housed under restraint.

Industrial Subdivision. A tract or parcel of land for industrial uses as defined in the Zoning Code.

Irrigation. An adequate supply of water which can be made available to landscape plant materials including, but not limited to, underground sprinkler systems or hose bibs.

Junk or Salvage Yard: Any establishment maintained, used or operated for the storing, keeping, dismantling, salvaging, buying or selling of (1) scraps or discarded pieces of metal, paper, rags, tires, bottles, and other materials, (2) inoperable, wrecked, scrapped, ruined or discarded automobiles, automobile parts, machinery or appliances. A junk or salvage yard shall not include premises on which such uses are conducted entirely within a completely enclosed building, nor shall a junk or salvage yard include premises used primarily for the sale or storage of operable automobiles or for the overhaul or full repair thereof, so long as no inoperable junk or wrecked automobile remains outside more than thirty days. Any premises on which there remains outside more than thirty days an inoperable, partially dismantled wrecked, or junked automobile, shall be deemed of the purpose of this Code, a junk or salvage yard.

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

Land Surveying. Any service comprising the determination of the location of land boundaries and land boundary corners; the preparation of plats showing the shape and areas of tracts of land and their subdivision into smaller tracts; the preparation of plats showing the location of streets, roads, and rights-of-way of tracts to give access to smaller tracts; and the preparation of official plats or maps of land thereof in this state. Land Surveying shall not include the measure of acreage of timber, cotton, rice, or other agricultural crops.

Land Use Plan. A plan which includes, but is not limited to, the reservation of open spaces; the preservation of natural and historical features, sites and monuments; the existing uses to be retained without change; the existing uses proposed for change; and the areas proposed for new development.

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

Landscape Design Plan. A Landscape Design Plan shall consist of a site plan and/or plot plan drawn to include North arrow, proper scale, and key, including all dimensions, easements, setbacks, property lines, and including the elements of design

Landscape Material. Plant materials including, but not limited to, live trees, shrubs, groundcovers, grass, flowers, and native landscape materials; also including, but not limited to, inorganic features such as planters, stone, brick, and aggregate forms, water, and other landscape elements when used to enhance live plant materials; provided, however, that the use of inorganic materials or grass in combination with inorganic materials shall not predominate over the use of live, organic plants. Artificial plants do not qualify as landscape material.

Landscape Permit. A permit issued by the Department of Public Works prior to the clearing and development of all land located within the City.

Landscaping. Acting with the purpose of meeting specific criteria regarding uses of outside space, including ground cover, buffers, and shade trees.

Large Tree. An evergreen or deciduous upright woody perennial plant having a single main stem or several main stems, which is a minimum of eight to ten (8-10) feet overall height at the time of planting and which attains a minimum height of fifteen (15) feet and a maximum height of generally more than thirty (30) feet with few or no branches on its lower part.

Local Street. A street which is intended primarily to serve traffic within a neighborhood or limited residential district, and which is not necessarily continuous through several residential districts.

Loop Street. A street closed on either end with "T" intersections and which intersects the same street twice with no other intersection.

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

Lot, Area: The total horizontal area included within the lot.

Lot of Record: A lot or parcel of land, the deed to which has been recorded in the office of the County Recorder of Lenoire County prior to the adoption of this Code.

Lot, Corner: A lot abutting upon two or more streets at their intersection.

Lot, Double Frontage: A lot which is an interior lot extending from one street to another and abutting a street on two ends.

Lot, Reverse Frontage. A double frontage lot which is designed to be developed with the rear yard abutting a major street and with primary means of ingress and egress provided on a minor street.

Lot, Pipe-Stem. Lots with narrow street frontage and disproportionately wider rear yards.

Lot Improvement. The clearing and grubbing of a lot or the siting of any building, structure, place, work of art, or other object on a lot.

Lot Lines: The lines bounding a lot as defined herein.

Lot Line, Front: In the case of an interior lot, the line separating said lot from that street which is designed as the front street in the request for a building permit.

Lot Line, Rear: The lot boundary opposite and most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line.

Lot Line, Side: Any lot line other than a front or rear lot line as defined herein.

Lot, Split. The dividing or redividing of a lot or lots in a recorded plat of a subdivision into not more than two tracts according to the criteria established within these regulations.

Lot Width: The width of a lot measured at the front building setback line.

Maintenance Bond. A bond furnished by the subdivider or contractor to the City of Cabot, for a period of time, to cover the cost of repairs resulting from defects in materials and workmanship of public improvements installed by the subdivider, or his contractor.

Major Renovation. When cost of renovation of the property involved is equal to or exceeds more than Fifty percent (50%) of the appraised value of the property according to the records of the Lenoke County Assessor's Office.

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

Mansard Roof. Any roof that has an angle greater than 45 degrees and which derives part of its support from the building wall and is attached to, but not necessarily a part of a low slope roof and which extends along the full length of a side building wall of 3/4 of the length of a side building wall. For purposes of this Code, a low slope roof shall mean any roof with a pitch less than 3 inches rise per 12 inches horizontal.

Manufactured Home: A detached single-family dwelling unit fabricated on or after June 15, 1976, in an off-site manufacturing facility for installation or assembly at the building site as a permanent structure with transport features removed, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code. This Code means the standard for construction, design and performance of a manufactured home as set forth in the Code of Federal Regulations, Title 24, Part 3280, 3282, 3283, and 42 USC 5401, ET SEQ, as mandated in the United States of America and as administered by the United States Department of Housing and Urban Development.

Manufacturing. Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the

creation of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.

Marginal access street. A street situated adjacent to a major street or highway that provides local traffic a route to travel that avoids the higher speed and traffic volume of the major street or highway.

Master Street Plan. The official street plan for the City of Cabot, denoting street Classifications, alignments and their design standards.

Mini-Warehouse: A warehouse facility which is utilized for the storage of personal possessions such as boats, trailers, and furniture, and is available for rent to the general public.

Mobile Home: A dwelling that was fabricated in a factory, designed to be a permanent residence, built prior to enactment of the Federal Manufactured Home Construction and Safety Standards, and consistent with any existing state definitions.

Manufactured Home Park: Land or property containing a minimum of two acres which is used or intended to be used or rented for occupancy by manufactured homes or movable sleeping quarters of any kind.

Minor Subdivision. A subdivision of less than four lots, intended for residential or commercial use and with no required dedication.

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

Motel: A motel or motor court is a business comprised of a building or group of buildings so arranged as to furnish overnight accommodations for transient guests.

Neighborhood. A number of residential units united by a network of residential and collector streets forming a loosely cohesive community characterized by individual features that together establish a distinctive appearance and atmosphere.

Non-conforming Structure. Any building or structure that does not meet the limitations on size and location on a lot, for the district in which such structure is located, for the use to which such building is being put.

Nonconforming Use: Any building of land lawfully occupied by a use at the time of passage of this Code which does not conform with the use or area regulations of the district within which it is located.

Nursing Home: Any premises where more than three persons are lodged and furnished with meals and nursing care.

Off-Site. Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant.

Open Space: An unoccupied space open to the sky on the same lot with the building and occupied by no structure or portion of structure, whatsoever.

Ornamental Tree(s). A tree planted primarily for its ornamental value and/or screening purposes, which are commonly smaller at maturity than other trees.

Owner. The owner or owners of record for all the land in a subdivision or authorized agent thereof.

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

Parking Lot: An off-street facility including parking spaces and drives and aisles for maneuvering, and providing access and for entrance and exit, developed in a way to accommodate the parking of automobiles or other wheeled vehicles.

Parking Space: An off-street space available for the parking of one motor vehicle and having an area of not less than 162 square feet exclusive of passageways and driveways, and having direct access to a street or alley. It shall measure not less than 9' x 18'.

Pavement Width (Back to Back). That portion of a street measured from the back of a curb on one side of the street to the back of the curb on the other side of the street.

Performance Bond. A bond posted by the developer to the City to guarantee completion of the necessary improvements within a subdivision.

Perimeter landscape Strip. A landscaped area which separates the vehicular use area from adjoining property and/or public right-of-way, designed to enhance the visual appearance of the site and to provide screening of the vehicular use area and certain other uses and/or activities from the public right-of-way and abutting properties.

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

Planning Area Boundary. The area within the territorial jurisdiction for which the City of Cabot will prepare plans, ordinances, and regulations as defined on the Planning Area Map.

Planning Area Map. A map indicating the Planning Area Boundaries of the City of Cabot on file with the City Clerk of Cabot and the County Recorder of Lonoke County.

Planter boxes. Pre-fabricated or constructed containers used for planting of blooming annual flowers, shrubs, trees, etc. that can be portable and placed anywhere on the property or built on top of the ground. Must be a minimum of 1'x 2' in size.

Plat, Final. A finished drawing showing completely and accurately all legal and engineering information required herein and including the Bill of Assurance.

Plat, Preliminary. The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission for review, and including the preliminary Bill of Assurance.

Principal Use: The specific primary purpose for which land, building, or structure is used or intended to be used.

Professional Engineer. A person who has been duly registered or licensed as a professional engineer by the State Board of Registration for Professional Engineers and Land Surveyors.

Professional Office. For purposes of determining permitted uses in the O-1, Office & Quiet Business, a professional office is defined as one in which no activity is carried on catering to retail trade with the general public and no stock of goods is maintained for sales to customers.

Professional Land Surveyor. Any person engaged in the practice of land surveying as defined in this section. (See Land Surveying.)

Property Line/Boundary. The legal boundary between Two (2) lots or parcels of land. For purposes of this Ordinance, this phrase shall also include property lease lines that separate independent uses or activities on a lot or parcel of land.

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

Public Improvement. Any drainage ditch, roadway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement, or other facility for which the City of Cabot may ultimately assume the responsibility for maintenance and operation, or which may effect an improvement for which the City of Cabot responsibility is established.

Public Utility: Any person, firm, corporation, municipal department, or board, duly authorized to furnish and furnishing under regulations to the public, electricity, gas, telephone, telegraph, transportation, drainage, water, or sanitary sewage.

Recreational Vehicle (RV). Self propelled or towed temporary living quarters equipped with minimum of bed, sanitation, bath and cooking facilities.

Recreational Vehicle (RV) Park. A unified development under private ownership designed primarily for transient service, on which recreational vehicles, pick-up coaches, and self-propelled motorized vehicles are parked or situated for short-term occupancy. The owner shall provide park services for utility and sanitary facilities.

Refuse Storage. Any area used for the storage of trash or garbage. No refuse storage shall be permitted as part of the landscaped area, but refuse storage is otherwise permitted adjacent to vehicular use areas.

Remodeling. The act of reconstructing a building or site for the purpose of making improvements. Any change or modification in existing exterior construction.

Replanning. The resubdivision of any part of a previously platted subdivision, addition, lot or tract.

Restaurant. A business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in non-disposable containers, and where the customer consumes these foods while seated at tables or counters located within the building.

Restaurant, Drive-In. An establishment that delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not is also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.

Restaurant, Fast Food. Any establishment whose principal business is the sale of foods, frozen desserts, or beverages in ready-to-consume individual servings, for consumption either within the restaurant building or for carry-out, and where either: 1) foods, frozen desserts, or beverages are usually served in paper, plastic, or other disposable containers, and where customers are not served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter where the items are consumed; or 2) the establishment includes a drive-up or drive-through service facility or offers curbside service.

Resubdivision. A change in a map of an approved or recorded subdivision plat and requiring approval by the Planning Commission.

Retail Uses Not Listed (Enclosed): Any completely enclosed retail sales outlet which is not specifically listed in this Code.

Retail Use Not Listed (With Outside Display): Any retail sales outlet which utilizes outdoor display of merchandise and is not specifically listed in this Code

Retail Sales. A commercial activity involving the sale of goods or merchandise to the general public, with the intent to attract the general public to buy.

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

Road, Classification. The classification of each street, highway, road, and right-of-way is based upon its location in the respective zoning districts of the City of Cabot and its present and estimated future traffic volume and its relative importance and function as specified in the Comprehensive Plan of the City of Cabot.

Satellite Television Receiving Dishes, Ground Mounted: A device commonly parabolic in shape, mounted at a fixed point on the ground for the purpose of capturing television signals transmitted via satellite communications facilities and serving the same or similar function as the common television antenna. Said devices are herein defined as accessory structures.

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

Screen/Screening. The use of natural or man-made topography, berms, fences, ground covers, grassy areas, shrubs, trees, and/or walls or any combination thereof, which partially or completely blocks the view of one area from the other and maintaining an attractive appearance. Unacceptable materials include, but are not limited to, corrugated metal/tin, fiberglass panels, or other such materials not commonly used by the fencing industry to enclose such areas.

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

Service Easement. A recorded easement used by public utilities for the purpose of installation and maintenance of facilities or used by the public as a means of vehicular access to commercial, office, industrial and multi-family developments.

Service Station: See Gasoline Service Station

Setback: Distance between the lot line and the building line.

Shrub. Woody or semi-woody perennial plants that are customarily included in landscape designs to provide for lower scale buffering and visual interest.

Sign: Any outdoor device, figure, painting, message, poster, or other structure which is designed or intended to advertise or inform the public of an establishment, goods, or service.

Sign, Advertising: An off-premise sign not exceeding thirty two (32) square feet in area.

Sign, Alteration: Change of height, size, and location will be defined as an alteration. Updating or repair of signage is not alteration.

Sign, Billboard: An off-premise sign exceeding thirty two (32) square feet in area.

Sign, Balloon: A type of temporary sign that floats and is designed to resemble a balloon, blimp, dirigible, hot air device or other flying object tethered to the ground.

Sign, Canopy: A sign attached to the underside of a canopy.

Sign, Construction: A temporary sign erected on the premises where construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

Sign, Directional: Signs directing or informing of public or quasi-public nature (church, school, library, hospital, tourist attraction, civic or service clubs).

Sign, Directory: A sign, usually of ladder construction, listing the tenants or occupants of a building or group of buildings, name of the building or group or buildings, and that may also indicate their respective professions or business activities.



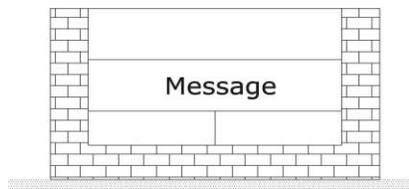
Directory Sign

Sign, Flashing: Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever.

Sign, Freestanding: Any non-movable sign not affixed to a building.

Sign, Ghost: A sign of historic nature and character painted on the side of a building. These signs generally serve no current purpose with regards to commercial or noncommercial advertising.

Sign, Ground-Mounted: A freestanding sign, other than a pole sign, in which the entire bottom is in contact with the ground.



Ground-Mounted Sign

Sign, Height: The vertical distance from the highest point of the sign or structure to the grade of adjacent street or surface grade beneath the sign, whichever grade is lower.

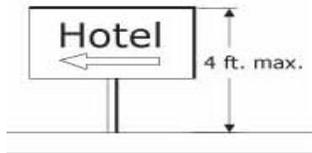
Sign, Home Occupation: A sign to identify the business, occupation or profession within a residential structure.

Sign, Illuminated: A sign designed to give forth any artificial light or reflect such light from an artificial source.

Sign, Ladder: See Sign, Directory.

Sign, Nonconforming: Any sign which is not permitted within the zone in which it is located or any sign that is defective, damaged, substantially deteriorated or presents a public hazard.

Sign, Off-premise: A commercial sign, whether leased or owned by the advertising entity, that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.



Off-Premise Sign

Sign, Pole: A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six (6) feet or more above grade.

Sign, Political: Temporary sign erected on private property within the City for the purpose of political campaigning regarding a designated election.

Sign, Portable: Any sign which is movable, portable, or designed to be portable which is in the shape of an "A" frame, panel, or mounted on wheels or legs of any kind, whether or not permanently affixed to the ground or buildings. Portable signs include movable "reader board" signs which are signs in which the advertising is accomplished by digitally active electrical lettering.

Sign, Projecting: A sign which projects from and is supported by a wall of a building and does not extend beyond, into, or over the street right-of-way.

Sign, Real Estate: Signs advertising a specific property for sale, rent, or lease.

Sign, Roof: A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top edge or roof line of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

Sign, Special Event: Temporary signs describing an event of public interest (fair, trade show, auctions, etc.).

Sign, Temporary: A sign not constructed or intended for long-term use, and not permanently attached to the ground, a building, or structure. Temporary signs shall include all signs made of non-durable material, including but not limited to cloth, canvas, paper, cardboard, flexible vinyl, nylon, tarpaulin or like material, coated paper or canvas, or organic material. See also: "Balloon Sign."

Sketch Plat. A sketch preparatory to the preliminary plat (or final plat in the case of minor subdivisions) to enable the subdivider to save time and expense in reaching general agreement with the Planning Commission as to the form of the plat and the objectives of these regulations.

Small Tree. an evergreen or deciduous upright woody perennial plant having a single main stem or several main stems, which is a minimum of six to eight (6-8) feet overall height at the time of

planting and which attains a minimum height of fifteen (15) feet and a maximum height of thirty (30) feet generally with few or no branches on its lower part.

Soil. The medium in which plants will grow.

Special Permit Use. A use that may or may not be located within various districts depending upon review and approval by the Planning Commission and City Council.

Storage, Mini. A building or group of buildings designed to contain multiple storage compartments for use by individuals on a short-term or long-term basis. The driveways, parking areas and access areas must all be paved.

Storm Shelter. Storm shelters are not regulated by this Code.

Story: That portion of a building, other than a basement, included between the surface of any floor, and the surface of the floor next above it or, if there is no floor above it, the space between the floor and ceiling next above it. A half story is a partial story under a gable, hop or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of each story.

Street: Any public or private thoroughfare which affords the principal means of access to abutting property.

Street, Arterial. Any street designed primarily to accommodate major traffic movements between cities or between various sections of the City, which forms part of a network of through streets, and which provides service and access to abutting properties only as a secondary function.

Street, Boundary. An existing or proposed public street or street right-of-way abutting or sharing a common property line with a tract of land to be developed or subdivided.

Street, Collector. Any street designed primarily to gather traffic from local or residential streets and carry it to the arterial system.

Street, Minor Commercial. A commercial cul-de-sac not greater than 300 feet in length.

Street, Minor Residential. Loop and cul-de-sac streets not exceeding 750 feet in length in the case of the latter and 1500 feet in the case of the former and providing access to not more than 35 single family units.

Street, Private. Cul-de-sac or loop streets built to public street standards, but specifically allowed as private streets by the Planning Commission.

Street, Public. A dedicated and accepted right-of-way for vehicular traffic which affords the principal means of access to abutting property.

Street, Residential. A street designed to provide circulation within a residential subdivision and to individual lots.

Street width. The shortest distance between the lines which delineate the rights-of- way of a street.

Structure: Anything constructed or erected, the use of which requires a fixed location on the ground or attached to something having a fixed location on the ground.

Structural Alterations: Any change in the supporting member of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

Thoroughfare streets. The principal traffic thoroughfares continuous across the city, which are intended to connect remote parts of the city or adjacent parts thereto, and which act as principal connecting streets with state and federal highways. Each thoroughfare street is designated on the Master Street Plan for the city.

Trailer Court. (See Manufactured Home Park)

Travel Trailer: See Recreational Vehicle.

Travel Trailer Park: See Recreational Vehicle Park.

Tree(s). A deciduous or evergreen plant species of an upright, woody, nature having a single main stem or several main stems and which, at maturity, shall attain a height and crown spread of no less than Fifteen feet (15'). Trees having an average mature crown spread of less than Fifteen feet (15') may be substituted by grouping the same so as to create the equivalent of Fifteen feet (15') crown spread. All trees shall have a minimum caliper of Two inches (2") at the point One foot (1') above ground at the time of planting.

Truck Stop. Any retail establishment that is greater than 3,500 square feet in gross floor area which offers for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption. For establishments 3,500 square feet or less see "Convenience Store".

Turf. Low growing perennial grasses, which creep along the earth's surface to form a solid mat or lawn.

Undisturbed. A land area which is intended to remain in a natural state, including topography, trees and vegetation. Enhancements, such as additional landscaping, replacement of underbrush and other treatment may be made only if approved by the City.

Utility easement. An interest in land granted to the city, to the public generally, and/or to a private utility corporation, for installing or maintaining utilities across, over or under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of such utilities.

Value. Value shall be determined as the true value as provided by the tax assessor, for tax purposes, or the property owner may provide a current appraisal from a certified licensed appraiser.

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

Vehicular Access Easement. A vehicular easement authorized by the Planning Commission to provide primary access in hillside areas and not more than 300 feet in length nor serving more than five lots.

Vehicular Use Area. That area of development subject to vehicular traffic, which is required to be a hard surface, all-weather area, including accessways, loading and service areas, areas used for parking, storage or display of vehicles, boats, or portable construction equipment, and all land which vehicles cross over as a function of primary use.

Vines. Herbaceous or semi-woody plants requiring support upon which to grow and used to provide some screening or buffering effects.

Walkway. A hard surface, all-weather area intended for pedestrian circulation within a development.

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

Warehousing. For building code purpose, warehouse space used in connection with and on the same premises as wholesale or retail operation is considered storage space.

Yard: An open space on the same lot with a building unobstructed from the ground upward and measured as the minimum horizontal distance between the lot line and the main building.

Yard, Front: A yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street line and the main building or any projections thereof other than the projections of uncovered steps, uncovered balconies, terraces, or uncovered porches. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

Yard, Rear: A yard extending across the rear of the lot between the side lot lines and measured between the rear lot line and the rear of the main building or any projection other than steps, unenclosed porches, or entrance ways.

Yard, Side: A yard between the main building and the side line of the lot, and extending from the front lot line to the rear yard, and being the minimum horizontal distance between a side lot line and the side of the main building or any projection thereof.

Zero Lot Line Development. A residential development concept eliminating the normally required side yard for one side, to provide for more usable open space on the other side.

Zoning Lot: A parcel of land that is designated by its owner or authorized agent as a tract, all of which is to be used, developed, or built upon as a unit under a single ownership. A zoning lot may consist of any standard lot or a combination of lot and any legally recorded portion of a lot that existed prior to the passage of this Code. When determining the front, rear, and side yard setbacks for a zoning lot, the required distance shall be measured from the exterior boundaries of said zoning lot.