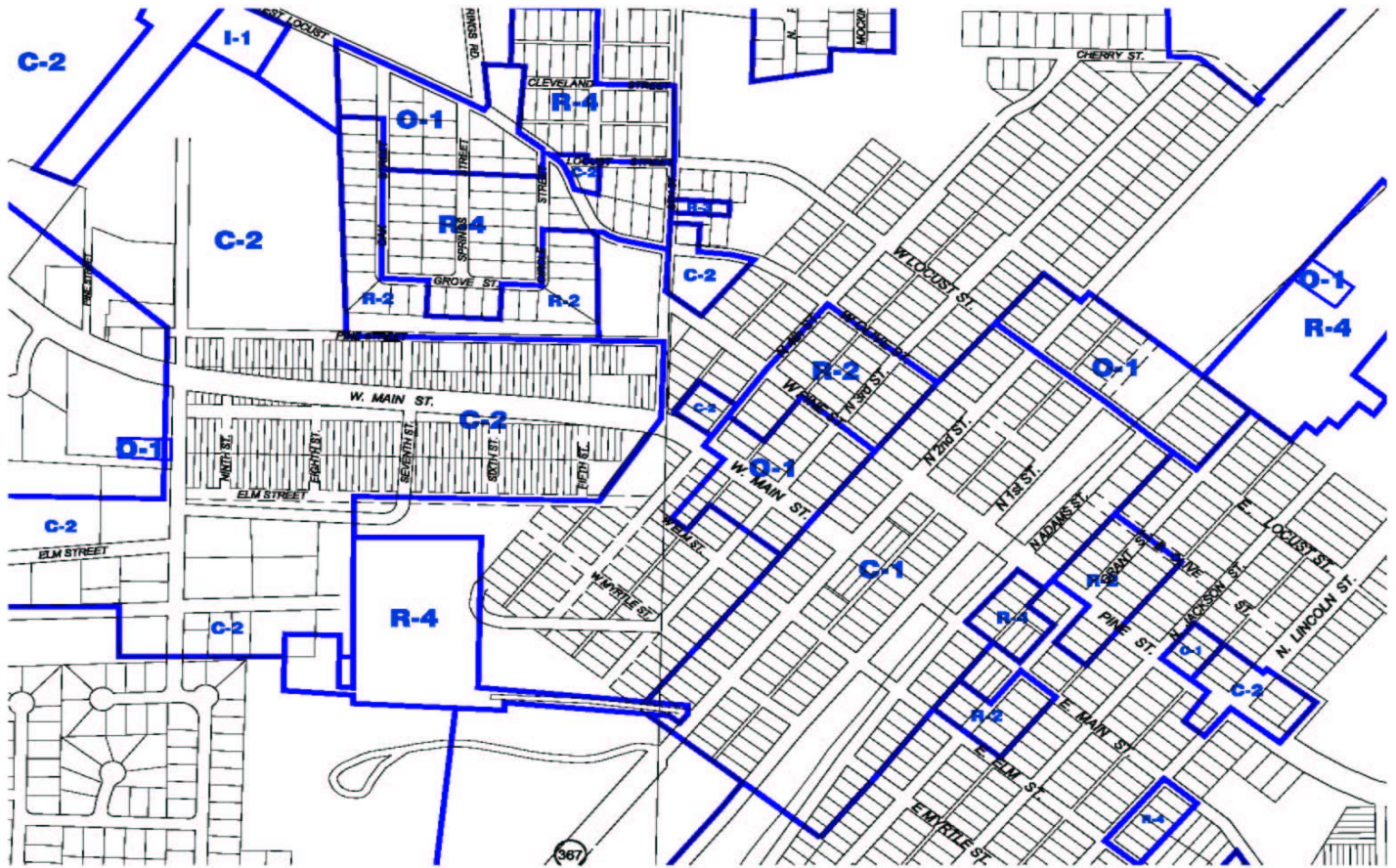


# City of Cabot, Arkansas Zoning Code



Prepared with assistance from:

## URBAN PLANNING

Associates, Inc.

300 Spring Street Suite 612; P.O. Box 3482

Little Rock, AR 72203

501-372-3232

[www.planyourcity.com](http://www.planyourcity.com)

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ARTICLE I  
CITATION, PURPOSE, AND NATURE AND APPLICATION  
OF ZONING CODE

Section 1: CITATION

This Code, in pursuance of the authority cited in Arkansas Code Annotated § 14-56-401 through § 14-56-426, shall be known as the Zoning Code and may be cited as such.

Section 2: PURPOSE

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

Section 3: NATURE AND APPLICATION

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

Except as hereinafter otherwise provided, no land shall be used and no building, structure, or improvement shall be made, erected, constructed, 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.

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.

Section 4: COMPLETION OF EXISTING BUILDINGS

Nothing herein shall require any change in the plans, construction, or designated use of a building under construction at the time of the adoption of 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 constructions is started on said building within ninety (90) days after adoption of this Zoning Code.

Section 5: LOT OF RECORD

1. 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.
2. 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 in paragraph 1, 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 3. 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.

Section 6: AREA NOT TO BE DIMINISHED

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.

ARTICLE II  
ESTABLISHMENT OF ZONING DISTRICTS AND BOUNDARIES

Section 1

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                  |

Section 2

ZONING DISTRICTS 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.

### Section 3

#### INTERPRETATION OF DISTRICT BOUNDARIES

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

- (a) Boundaries indicated as approximately following the centerlines of streets, highways and alleys shall be construed as following such centerlines.
- (b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (c) Boundaries indicated as approximately following city limits shall be construed as following city limits.
- (d) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- (e) Boundaries indicated as parallel to or extensions of features mentioned in the preceding rules shall be so construed.
- (f) In circumstances not covered by the preceding rules, the Board of Adjustment shall interpret the district boundaries.

### Section 4

#### CLASSIFICATION OF ANNEXED LANDS

1. 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.
2. 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 Article X. 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.



3. 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).

4. 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).

5. 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.

## Section 5

### VACATION OF PUBLIC EASEMENTS

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

ARTICLE III  
SPECIFIC DISTRICT REGULATIONS

Section 1

RESIDENTIAL DISTRICTS

A. 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 is 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.

1. 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.
2. 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.
3. 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.

4. 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.
5. 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.
6. 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.
7. 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.

B. Uses Permitted

The permitted uses in the residential districts are set forth in Article XIII, 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 VI, 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.

C. Lot, Yard and Height Regulations

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            | 7,500                   | 7,500                    | 75                              | 30                  | 25    | 8    | 25   | 15   | 25   | 3              | 36   |
|                 | S.F. Manufactured        | 7,500                   | 7,500                    | 75                              | 30                  | 25    | 8    | 25   | 15   | 25   | 3              | 36   |
| R-2             | S.F. Detached            | 6,000                   | 6,000                    | 60                              | 35                  | 25    | 5    | 25   | 10   | 20   | 3              | 36   |
|                 | S.F. Manufactured        | 6,000                   | 6,000                    | 60                              | 35                  | 25    | 5    | 25   | 10   | 20   | 3              | 36   |
|                 | S.F. Attached            | 6,000                   | 6,000                    | 60                              | 35                  | 25    | 7b   | 25   | 10   | 20   | 3              | 36   |
|                 | S.F. Zero Lot Duplex     | 6,000                   | 6,000                    | 60                              | 35                  | 25    | 10a  | 25   | 10   | 20   | 3              | 36   |
|                 | Duplex                   | 8,000                   | 5,000                    | 65                              | 35                  | 25    | 5    | 25   | 10   | 20   | 3              | 36   |
| R-2S            | S.F. Detached            | 6,000                   | 6,000                    | 60                              | 35                  | 25    | 5    | 25   | 10   | 20   | 3              | 36   |
| R-3             | M.H. Subdivision         | 5 acres                 | 3,800                    | 38                              | 30                  | 25    | 5a&b | 20   | 15   | 15   | 1              | 15   |
|                 | M.H. Park                | 2 acres                 | -                        | -                               | 30                  | 25    | 10   | 20   | 15   | 20   | 1              | 15   |
| R-4             | S.F. All Types           | 5,000                   | 5,000                    | 50                              | 40                  | 25    | 5    | 25   | 10   | 20   | 3              | 36   |
|                 | Duplex                   | 8,000                   | 8,000                    | 65                              | 40                  | 25    | 5    | 25   | 10   | 20   | 3              | 36   |
|                 | Townhouses               | 4,000c                  | 4,000c                   | 22d                             | 40                  | 25    | 5e   | 25   | 10   | 20   | 3              | 36   |
|                 | Multi-Family             | 8,000                   | 1,000                    | 70f                             | 40                  | 25    | 10   | 25   | 10   | 20e  | 3              | 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.
- d. When a side yard is required, the lot width shall be increased by an amount equal to the width of the required side yard.
- e. For unattached sides only. Side yard and rear yard setbacks shall be increased ten feet for two story units.
- f. Minimum lot width shall be increased by 10' for each dwelling unit exceeding four, up to a maximum required width of 200'.

**Section 2**

**COMMERCIAL DISTRICTS**

**A. General Description**

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.

1. 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.
2. 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.
3. 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.
4. 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.

B. General Description

The permitted uses in the Commercial Districts are set forth in Article XIII, Table of Permitted Uses. Where the letter "X" appears opposite a permitted use and underneath a Commercial 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 VI; and (3) the providing of off-street loading in accordance with Article VII, Section 2. 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.

C. Lot, Yard and Height Regulations

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

| <b>Lot Regulation</b>   | <b>O-1</b>      | <b>C-1</b> | <b>C-2</b>      | <b>C-3</b>      | <b>PUD</b> |
|---|-----------------|------------|-----------------|-----------------|------------|
| 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        |
| <b>Yard Regulations (In Feet) (a)</b>                         |                 |            |                 |                 |            |
| <b>Minimum Front Yard</b>                                     | 25 <sub>a</sub> | None       | 40 <sub>a</sub> | 40 <sub>a</sub> | Neg        |
| <b>Minimum Rear Yard</b>                                      |                 |            |                 |                 |            |
| -Single Frontage Lot  | 20              | None       | 12              | 12              | Neg        |
| -Double Frontage Lot  | 25              | None       | 25              | 25              | Neg        |
| <b>Minimum Side Yard</b>                                      |                 |            |                 |                 |            |
| Interior – When abutting property in Residential District     | 10              | None       | 12              | 12              | Neg        |
| Interior – When abutting property in Non-Residential District | 10              | See (b)    | See (b)         | See (b)         | Neg        |
| <b>Height Regulations(c)</b>                                  |                 |            |                 |                 |            |
| Maximum Number of Feet  | 24              | 36         | 36              | 36              | Neg        |
| Maximum Number of Stories                                     | 2               | 3          | 3               | 3               | Neg        |

NOTES:

- a. See Section D-2 for exceptions
  - b. Fire Marshall shall set side yard requirements
  - c. 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.
2. 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:
- a. 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:

(1) 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.

(2) 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.

(3) 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:

(1) That there are no existing plans that will require additional street right-of-way or utility right-of-way.

(2) That the proposed setback will not be out of alignment with adjoining properties.

(3) 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.

#### D. Development Criteria

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

##### 1. All Commercial Districts

a. 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.

b. All trash receptacles and pickup shall be oriented away from the street side of the property and adequately screened by a opaque fence.

c. 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 VII, Section 1.

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

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 not less than five feet, and not more than six feet tall.

3. 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.

4. Additional Criteria in C-3 Open Display District

- a. 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.
- b. 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:
  - 1) The height of any opaque screening fence or wall shall not be less than six feet.
  - 2) Automobile, truck, tractor, manufactured home, boat or motorcycle sales area are not required to screen fully assembled merchandise that is ready for sale.
  - 3) 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.
  - 4) 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 3

### INDUSTRIAL DISTRICTS

#### A. General Description

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.

#### B. Uses Permitted

1. The permitted uses in the Industrial District are set forth in Article XIII, Table of Permitted Uses. Where the letter "X" appears opposite a permitted use and underneath the Industrial 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 VI; and (3) the providing of off-street loading in accordance with Article VII, Section 2. 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.

#### 2. Hazardous Uses.

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. 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.

#### C. Area Regulations

1. 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.
2. Maximum lot coverage shall not exceed 35% of the lot area.
3. 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.

#### D. Development Criteria

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

1. 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.
2. Outdoor storage of trash receptacles shall be at the side or rear of the site and shall be totally encircled or screened by a opaque fence, planting or other suitable visual barrier.
3. 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.
4. No loading or storage of material shall be permitted in the required front yard.
5. 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:
  - a) The height of any opaque screening fence or wall shall not be less than six feet.
  - b) 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.
  - c) 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. PUD - PLANNED UNIT DEVELOPMENTS

### A. 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.

1. 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.
2. The PUD would further the city's goal of providing housing for all economic segments of the city and its Planning Area Boundary.
3. The PUD involves a large parcel in excess of five acres in which flexibility would allow high quality or innovative urban design.
4. The PUD would aid in the elimination of slums and blight within the city and its Planning Area Boundary.
5. The PUD design results in a minimum of 30 percent of the total development being reserved as permanent open space

### B. 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.

### C. Application Process.

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:

1. 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.
  - a. The boundaries of the property
  - b. Existing easements and covenants affecting the property
  - c. Physical characteristics such as drainage, topography, vegetation and existing structures.
  - d. Development characteristics such as surrounding land uses, existing streets and availability of utilities.
  - e. 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.
  
2. 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.
  - a. A site plan drawn to scale on vellum accompanied by an electronic version of the same in a format compatible with AutoCad® Release 2002 or higher. 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,
  - b. Building footprints for the individual buildings to be included in the PUD; and,
  - c. Topographic contours at two foot intervals; and,
  - d. All easements, existing or proposed; and,
  - e. All drives, access-ways, alleys, parking lots and any streets proposed to be dedicated; and,
  - f. Proposed landscaping; and,
  - g. Open space and community facilities, if any, proposed as part of the PUD; and,
  - h. Location of all existing and proposed private and public utilities; and,
  - i. Name(s) of the owners of the proposed project and their agent, if any; and,

- j. Names of the owners of adjacent properties; and,
- k. Zoning classifications of adjoining properties; and,
- l. Construction drawings as necessary to support the proposals outlined in the site plan.

D. Uses Permitted.

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

E. Regulations.

- (1) 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.
- (2) 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.
- (3) Development Density: The site plan shall clearly depict the proposed density by land use category.
- (4) 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.
- (5) 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.

- (6) 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

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.

- (7) 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.

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.

- (8) 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.

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.

- (9) 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 Regulations, unless exception to the requirements is recommended by the Planning Commission and approved by the Planning Commission.

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.

(10) Setbacks: Building setbacks will be designed in such a manner that they:

- a. Create a harmonious grouping of buildings;
- b. Allow all maintenance of streets and utilities;
- c. Do not restrict the provision of emergency or public services.

#### E. 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:

1. Provide public benefits that would not be achievable through the normal zoning regulations
2. Not create undue or unmitigated negative traffic impacts.
3. Be compatible with surrounding developments.
4. Be compatible with the city's comprehensive plan.
5. 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.
6. Be of a character and contain such uses that are needed in the area of the proposed project.

#### F. 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.

#### G. Amendments

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

1. No changes are made to either the access or the egress to the PUD.
2. Any changes to internal traffic arteries do not alter overall traffic patterns, size of streets, or functional classification of streets.

3. No new streets are proposed for dedication.
4. No new private streets are proposed.
5. Overall residential density is not increased.
6. Overall drainage patterns are not altered.
7. No additional loads are placed on municipal utilities.
8. Retail and office space is not increased by more than five percent.
9. 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.



ARTICLE IV  
SPECIAL PERMIT USES

Section 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.

Section 2      USES

USES RESTRICTED TO SPECIFIC DISTRICTS

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 3.

Section 3      STANDARDS FOR SPECIAL PERMIT USES

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 Ordinance.
- (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.

#### Section 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 ordinance. 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 ordinance relating to height, area, parking or screening. However, applicants may be directed to the Board of Adjustment for variances.

## Section 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:

- (a) The location, size and use of buildings, signs, land and improvements
- (b) The location, size and arrangement of parking space, loading space, driveways and street access
- (c) The existing topography with proposed grading and drainage plans
- (d) Proposed screening and landscaping
- (e) The use of adjoining property
- (f) Scale, north arrow and vicinity map
- (g) 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 ordinance 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.

Section 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.

Section 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 begin 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.

ARTICLE V  
SITE PLAN REVIEW

Section 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.

Section 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

Section 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.

## Section 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:

1. Approximate location of buildings
2. Approximate location of parking
3. Approximate location of landscaping
4. 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:

1. Payment in full of applicable fees for processing the application
2. A 3 ½" diskette with all information in AutoCAD.
3. 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.
4. Names, addresses, telephone numbers, of owner(s), developer(s) and project representative.
5. North arrow, scale (graphic and written), date of preparation, zoning classification, and proposed use.
6. 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.
7. Provide a complete and accurate legend.
8. 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.
9. 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.



10. 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.
11. Site coverage note indicating the percentage of site that is covered by both building and surfaced area.
12. 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.)
13. 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.
14. Point-of beginning from a permanent well-defined reference point. This P.O.B. shall be clearly labeled on the drawing.
15. Curve data for any street which forms a project boundary
16. Show 100-year floodplain and /or floodway and base flood elevations. Reference the FIRM panel number and effective date.
17. Note regarding wetland, if applicable. Note if Army Corp of Engineers determination is in progress.
18. Existing and proposed topographic information noted.  
Show:
  - a. Two-foot contour interval for ground slope between level and ten percent.
  - b. Five foot contour interval for ground slope exceeding ten percent
19. Spot elevations at grade brakes existing road centerlines, gutter lines and top of curbs of pavement.
20. Contours of adjacent land within 50 feet of the project shall be shown.
21. Landscape proposals for parking lots shall include proposed plant and size. State the method for irrigating and plant material on the plan.
22. 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.
23. 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.
24. Show all storm sewer structures, sanitary sewer structures and drainage structures:
  - a. Provide structures\ locations and types.

b. Provide pipe types and sizes.

25. Sanitary sewer systems:

a. Provide pipe locations, sizes, and types.

b. Manhole locations of rim and invert elevations.

26. If a septic system is to be utilized, provide a table of acreage and percolation rates.

27. Water systems, on or near the site:

a. Provide pipe locations, types and sizes.

b. Note the static pressure and flow of the nearest hydrant.

c. Show location of proposed fire hydrants, meters, valves, backflow preventors and related appurtenance.

28. Underground or surface utility transmission lines:

a. Locations of all related structures (pedestals, poles, etc.)

b. Locations of all lines (note whether the line is below or above ground)

c. 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.

29. 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.

30. 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

31. The location of all existing and proposed street lights (At every intersection, cul-de-sac & every 300' and associated easements to serve each light.)

32. Provide a note of any known existing erosion problems on-site or within 300' downstream of the property.

33. The location of known existing or abandoned water wells, sumps, cesspools, springs, water impoundments, and underground structures within the project.

34. 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)

35. The location and size of existing and proposed signs, if any.

36. Location and width of curb cuts and driveways. Dimension all driveways and curb cuts form side property line and surrounding intersections.

37. Draft of covenants, conditions and restrictions, if any.

38. A written description of requested waivers from any city requirements.
39. 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.
40. Preliminary grading and drainage plans and reports as required in the City Engineer's Office.
41. Any other data or reports as deemed necessary for project review by the City Planner, City Engineer or Planning Commission.

## Section 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 Ordinance 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.

## Section 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.

#### Section 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.

#### Section 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.

ARTICLE VI  
SPECIAL PROVISIONS

Section 1

ACCESSORY BUILDING, STRUCTURE, OR USE

a. An accessory building shall only be built in the rear yard and shall be located at least ten feet from the rear lot line and eight feet from any side lot line. The accessory building shall not be located within any public easement. The accessory building shall not exceed, in total square footage, an amount representing more than 30 percent of the total rear yard, forty percent of the heated and cooled floor area of the main structure, or 800 square feet, whichever is smaller, except as hereafter provided in Article VI, Section 1.b. The accessory building shall be a minimum of ten feet from any portion of the main building. The height of any accessory building shall not exceed 16 feet at the roof peak. Materials and colors of accessory buildings will be consistent with the main building and/or other residences within 200 feet of the subject property.

b. Where the size of a parcel, the size and nature of the existing structure(s), or other physical features on the lot warrant variance from the regulations set forth in Article VI, Section 1.a., above, relief may be granted by the Board of Adjustment in accordance with Article IX.

c. Garages and structures attached by a common roof are not considered accessory buildings.

Section 2

ANIMALS 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.

### Section 3

#### AUTOMOBILE WRECKING, 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 VII.

##### 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.

### Section 4

#### CHURCHES

Churches or other places of worship shall comply with all of the following area and yard requirements:

- a. Churches 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 church 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 VII.
- 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.

## Section 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.

## Section 6

### COMMERCIAL COMMUNICATION TOWERS

#### A. Statement of Purpose

The purposes of these regulations are described as follows:

- a. 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.
- b. To minimize the number of new towers needed by encouraging the use of existing towers and existing public and private structures.
- c. To preserve the stability of land values of properties near and adjacent to proposed commercial tower locations.
- d. To protect the public health, safety, and welfare through the use of good engineering and urban design principles.

#### B. Definitions

1. *Antenna Array* means one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include an omni-directional antenna (rod), a directional antenna (panel) and a parabolic antenna (disc). The Antenna Array does not include the Support Structure defined below.
2. *Attached Wireless Communications Facility (Attached WCF)* means an Antenna Array that is attached to an existing building or structure which shall include, but not be limited to, utility poles, signs, water towers, with any accompanying poles or device which attaches the Antenna Array to the existing building or structure and associated connection cables, and any Equipment Facility which may be located either inside or outside the Attachment Structure.
3. *Collocation or Site Sharing* means use of a common WCF or common site by two or more wireless license holders or by one wireless license holder for more than one type of communications technology or placement of a WCF on a structure owned or operated by a utility or other public entity.
4. *Derrick Tower* means a structure constructed of lattice steel and which is entirely self-supporting.
5. *Equipment Facility* means any structure used to contain ancillary equipment for a WCF.
6. *FAA* means the Federal Aviation Administration.



7. *FCC* means the Federal Communication Commission
8. *FTA* means the Federal Telecommunications Act of 1996.
9. *Guy-Wired Tower* is a structure constructed of lattice steel and which is supported by guy-wires extending at angles from the structure to ground anchors.
10. *Height*. When referring to a WCF, Height shall mean the distance measured from ground level to the highest point on the WCF, including the Antenna Array.
11. *Monopole Tower* is a supporting structure composed of a solid pole without any guy-wired support.
12. *Setback* means the required distance from the WCF to the property lines of the parcel on which the WCF is located.
13. *Stealth Technology* means systems, components and materials used in the construction of the WCF, which are designed to mask or conceal the WCF to make it compatible with the surrounding property.
14. *Support Structure* means a structure designed and constructed specifically to support an Antenna Array, and may include a monopole, guy-wire support tower, or derrick tower. Any device used to fasten an Attached WCF to an existing building or structure shall be excluded from the definition of and regulations applicable to Support Structures.
15. *Tower Use Permit (TUP)* means a permit issued by the City specifically for the location, construction and use of a WCF subject to an approved site plan and special conditions determined by the Planning Commission and City Council to be appropriate under the provisions of this Article.
16. *Wireless Communications* means any personal wireless service as defined in the Telecommunications Act of 1996, which includes FCC-licensed commercial wireless communications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed. This Code shall not govern any tower, or the installation of any antenna that is owned and operated solely by a federally licensed amateur radio station operator.
17. *Wireless Communication Facility (WCF)* means any un-staffed facility for the transmission or reception of wireless telecommunications services, usually consisting of an Antenna Array, connection cables, an Equipment Facility, and a Support Structure to achieve the necessary elevation.

C. Location and Application

1. 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).

2. 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 3.

3. The following applications are subject to acquisition of a Special Permit under the conditions set forth in Article IV, Section 3:

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.

4. 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.

5. All applications shall include, in addition to the other requirements specified in Article IV, Section 3, 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.

#### D. Development Standards

##### 1. 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.

##### 2. 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.

### 3. 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.

### 4. 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.

### E. Collocation

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

### F. Special Conditions

1. Support Structures for Wireless Communication Facilities shall be of the Monopole type in all zones except I-1 and C-1.
2. Support Structures in the I-1 zone may, in addition to Monopoles, be Guy-Wired Towers.
3. 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.
4. Derrick Towers are not permitted in any zoning district.

## G. Discontinued Use

1. Agreements accompanying a request for new supporting structures or attached WCF shall include the following to be executed with the City of Cabot:
2. 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.
3. 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.

## H. Environmental Impact

1. 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.
2. 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.

## I. 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.

## J. 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.

K. 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.

Section 7

FENCES

For all residential uses located within any zoning district, an ornamental fence, hedge, or wall not more than three and one-half (3 1/2) feet in height may project into or enclose any required front or side yard. Ornamental fences, hedges, or walls may project into the side yard from the front building line of the structure to the rear lot line, provided such fence and walls do not exceed a height of six feet.

For any commercial or industrial use, a fence not exceeding eight 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 Section 11 of this Article.

Section 8

FLAMMABLE LIQUIDS AND GASES

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

Section 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.

## Section 10

### HOME OCCUPATIONS

#### A. General

Home occupations, as defined herein, may be permitted in accordance with the following provisions:

Home occupations are only those occupations that meet all of the requirements listed below. Home occupations are approved administratively by city staff.

- (a) The home occupation is located completely within the principal dwelling unit.
- (b) The home occupation is solely operated by the owner(s) and occupant(s) of the dwelling. No non-resident persons are employed.
- (c) The home occupation is not primarily a retail sales operation. (Incidental sales, i.e. shampoo, cosmetics, are permitted.)
- (d) The home occupation does not occupy more than 25 percent of the gross habitable ground floor area of the principal dwelling unit.
- (e) The home occupation does not display merchandise or have outside storage of equipment or materials.
- (f) The home occupation does not alter the external appearance of the principal dwelling unit.
- (g) The home occupation does not create noise, vibration, glare, fumes, electromagnetic interference, odors, or air pollution outside the principal dwelling unit.
- (h) 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.
- (i) 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.
- (j) 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.
- (k) The home occupation does not involve the external or visible manufacturing of goods on-site.

B. Examples of Home Occupations

1. Activities conducted principally by telephone, computer, facsimile, or mail.
2. Studios where handicrafts or objects-of-art are produced.
3. Dressmaking or apparel alterations.
4. Barber and beauty shop (one chair).

C. Prohibited Home Occupations

1. Bed and breakfast.
2. Eating and drinking establishments.
3. Kennels.
4. Commercial sales or leasing of vehicles.
5. Rest home.
6. Clinic, Doctor or Dentist Office.
7. Tourist Home.
8. Any use that requires a building code upgrade (i.e., from residential standards to commercial standards) to accommodate the home occupation.

D. Hobbies

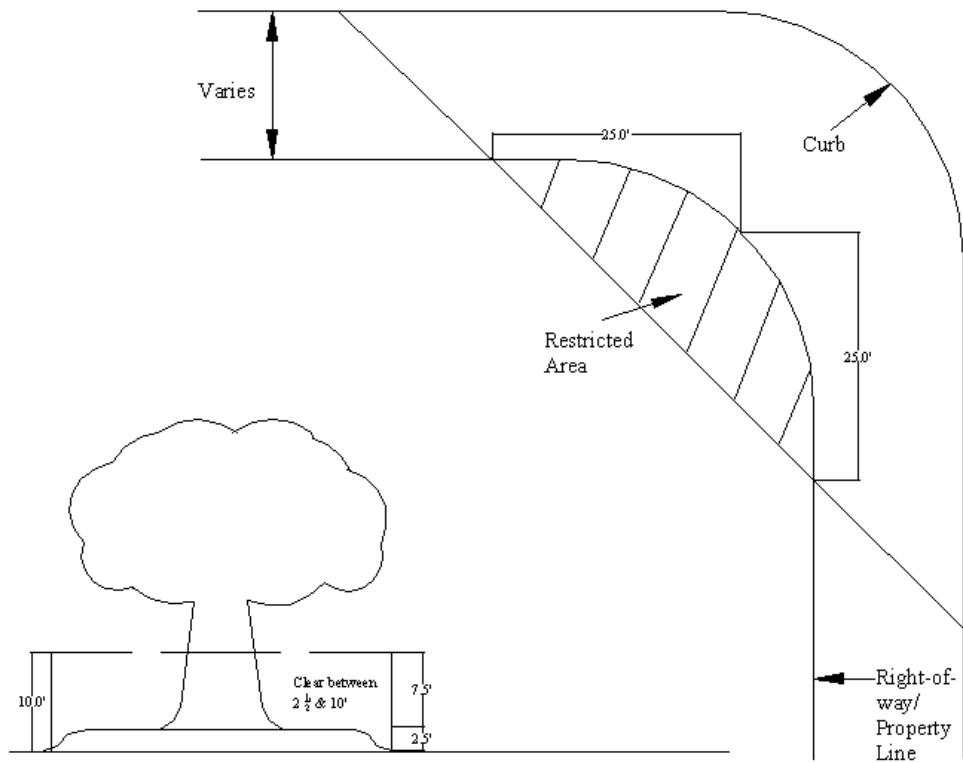
Hobbies conducted solely within the confines of a structure with no external impacts whatsoever, are not considered home occupations, even if occasional items are sold on the premises or transported away from the premises for sale.

Section 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:





Not to scale.

## Section 12

### SELF-STORAGE

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

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

Section 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.

Section 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.

Section 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 Regulations.
- 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.

## Section 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 Section 6 for regulations pertaining to facilities governed by the Telecommunications Act of 1996.

## Section 17

### SIGNS

#### A. General

The regulations established herein are designed to regulate sign structures in order to ensure light, air, and open space; to reduce hazards at intersections; to prevent accumulation of trash; and to protect property values of the entire community. The regulations for signs and other advertising structures are indicated below. See Article XI for definitions of terms.

No person except a public officer or employee in performance of public duty shall paste, post, paint, print, nail, tack, erect, place, project, or otherwise fasten any sign, pennant, or notice of any kind, or cause the same to be done facing or visible from any public street, except as provided herein.

The following general regulations apply to all signs where permitted in any zoning district:

- a. No sign shall be erected or maintained at any location where, by reason of its position, size, shape or color may obstruct, impair, obscure, interfere with the view of, or be confused with any authorized traffic control sign, signal, or device.
- b. No sign shall contain or make use of any word, phrase, symbol, shape, form or character in such a manner as to interfere with, mislead, or confuse traffic.

- c. If the top of a sign or sign structure extends more than four feet above the ground, then said sign must be located not less than ten feet above the ground and with the supporting structures so designed as to allow maximum visibility; however, this requirement does not apply if the entire sign is located at least 15 feet from all property lines, or street curb, whichever is greater.
- d. No illuminated sign shall be permitted within 50 feet of property in any residential use district unless the illumination of such sign is so designed that it does not shine or reflect light onto such property. All lighted signs must meet the electrical code requirements.
- e. No flashing sign shall be permitted within 200 feet of any residential zoning district in such a location as to be visible from said district.
- f. All signs and sign structures, when permitted in a district shall be erected in conformity with the side and rear yard requirements of the district in which it is located, and shall be set back from the established street right-of-way line as to not block the view of an adjacent building, and in no case shall it be located closer than ten feet to the street property line.
- g. Identification signs containing only the name of the church, public use or institution shall be permitted; but shall not exceed 32 square feet of area; and if not attached flat against a building, shall be at least 10 feet from all property lines.
- h. One real estate sign advertising the sale, rental, or lease of the premises on which it is maintained shall be permitted on any lot, provided it is non-illuminated and not over six square feet in area. For each ten feet by which the width of the lot, of two or more contiguous lots in single ownership, exceeds 50 feet, one square foot may be added to the above area of six square feet, but in no case shall such aggregate area of one or more signs on a single lot or group of contiguous lots exceed 32 square feet. All such signs shall be set back from every street lot line at least one-half (1/2) the depth of the required yard in which it is located; if the actual yard is shallower than the required yard, the sign shall be set back (1/2) the depth of the actual yard.
- i. A subdivision sign not exceeding 20 square feet in area may be placed for directional purposes on private property along each major or secondary thoroughfare surrounding a subdivision which is in the process of development and initial sales, provided that the total number of such signs for any subdivision shall not exceed four and shall be removed upon completion of the development.
- j. No sign which is otherwise permitted shall be painted, erected, or located upon or above the roof of any building located in any Residential District or the O-1 Office and Quiet Business District.
- k. Billboards and other off-premise advertising structures are prohibited except that commercial subdivisions are permitted one common off-premise sign identifying the occupants of the subdivision. Such signs shall conform to the other provisions of this

section and their design shall be approved by the Planning Commission. This sign shall be in lieu of any free-standing signs permitted for individual buildings.

1. Political signs are permitted to be placed or erected on private property subject to the permission of the property owner in any district for a period beginning not more than 30 days prior to the election to which said signs apply and ending not more than 10 days following each election, provided the erector of such signs assumes reasonable responsibility for the removal and disposal of such signs after the election.

B. Additional Regulations in Residential Districts

In residential use districts, the following standards and provisions shall apply:

- a. For any single-family, two-family dwellings or boarding house, nameplates not to exceed one square foot in area shall be permitted for each residential structure. Such nameplate shall indicate nothing other than the name and/or address of the occupants, premises, announcement of boarders, or roomers.
- b. Professional signs for home occupations shall not exceed one square foot, provided such sign is either a wall or ground sign located not closer than 20 feet to a street right-of-way line.
- c. For multi-family and group dwellings, identification signs not to exceed 12 square feet in area shall be permitted. Such sign shall indicate nothing other than the name and/or address of the premises and name of the management. Such sign may contain indirect illumination.
- d. Flashing or intermittent illumination is prohibited.

C. Additional Regulations in Commercial Districts

In commercial use districts, the following standards and provisions shall apply:

- a. In the O-1 Office and Quiet Business District, flashing or intermittent illumination signs are prohibited.
- b. In the O-1 Office and Quiet Business District, one identification sign not to exceed 10 square feet is permitted. Business signs are not permitted.
- c. In the C-1 Central Business District, C-2 General Commercial, and C-3 Open Display Commercial Districts, business signs may be erected subject to the following:
  1. The height of a sign or sign structure shall not exceed 35 feet.
  2. The gross area of a sign or sign structure, including framing but excluding supports, shall not exceed 100 square feet.

D. Additional Regulations in the Industrial District

In the industrial use district, the following additional standards and provisions shall apply:

- a. Business signs may be erected subject to the following conditions:
  1. The height of a sign or sign structure shall not exceed 35 feet.
  2. The gross area of a sign or sign structure, including framing but excluding supports, shall not exceed 100 square feet.
- b. Flashing or intermittent illumination signs are prohibited.

Section 18

CONSTRUCTION WITHIN FLOOD PLAIN 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.

Section 19

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 is 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.

## Section 20

### 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 Land 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 Article XI of this Code.

## Section 21

### 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:

(1) No parcel of land containing less than two (2) acres shall be used for a manufactured home park.

(2) Manufactured home parks may locate only in the R-3 Residential District.

(3) The development shall be located on a well-drained site, property graded to insure rapid drainage and freedom from stagnant pools of water.

(4) 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.

(5) 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.

(6) 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.

(7) 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.

(8) 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.

(9) A 200 amp electrical service shall be provided for each manufactured home space.

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

(11) Each manufactured home park shall be permitted to display on each street frontage, one identifying sign of a maximum size of 32 square feet.

(12) 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.

(13) 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.

(14) 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 Land 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.

Section 22

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:

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

Section 23

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.
- e. 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.

ARTICLE VII  
OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 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:

a. In the case of mixed of 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.

b. Where a fractional space results, any fraction more than one-half (1/2) shall be counted as one (1) parking space.

c. These standards shall apply fully to all uses and buildings established after the effective date of this Code.

d. 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.

e. 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:

1. Dwelling - One and one-half (1 1/2) parking spaces for each separate dwelling unit within the structure.

2. Boarding or Rooming House or Hotel or Hotel or Motel - One parking space for each guest room.

3. 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.

4. 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.

5. Community Center, Theater, Auditorium - One parking space for each three seats based on maximum seating capacity.

6. 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.

7. 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.

8. Retail Commercial Establishments - One parking space for each two hundred square feet of floor space in the building used for retail trade, or used by the public, whichever is greater.

9. 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.

10. Church Sanctuary - 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.

11. 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:

1. 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.

In no case shall off-site parking comprise more than 25% of the total number of spaces required in this section.

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.

2. Pavement Requirement - Every parcel of land which, after the effective date of this Code, is changed to a parking area, automobile, other vehicle or ~~trailer~~ **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 minium 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.

3. Screening and Landscaping - Off-street parking areas for more than five vehicles shall be effectively screened on each interior side or rear yard area which adjoins an Residential District, or institutional premises, by a masonry wall or solid board fence of acceptable design. Such wall or fence shall not be less than five feet or more than seven feet in height and shall be maintained in good condition without any advertising thereon. The space between such wall or fence and the side lot line adjoining said premises, or the front lot line facing said premises, in any Residential District shall be landscaped with grass, hardy shrubs, or evergreen ground cover and maintained in good condition.

4. 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.

5. 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.

6. 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.

## Section 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 eight feet in height.

Section 3 BUSINESS PERMITS

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.

ARTICLE VIII  
NON-CONFORMING STRUCTURES  
AND USES OF LAND AND STRUCTURES

Section 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:

1. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Zoning Code.
2. 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.

Section 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:

1. Such structure, upon approval of the Board of Zoning Adjustment, may be remodeled to maintain the premises in a safe and usable condition.
2. 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.
3. 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.
4. 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.



## Section 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, that 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:

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.

ARTICLE IX  
BOARD OF ADJUSTMENT

Section 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.

Section 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 enforcement officer or to decide on any matter upon which it is required to pass under this Code.

Section 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 of 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:

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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:

1. 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.
2. 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.
3. 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.
4. 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.

Section 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.

ARTICLE X  
ADMINISTRATION AND ENFORCEMENT

Section 1

ADMINISTRATIVE OFFICIAL

The provisions of the Zoning Code shall be administered by an administrative official 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 2

BUILDING PERMIT

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 Zoning 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

CERTIFICATE OF OCCUPANCY AND COMPLIANCE

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 Zoning 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.

Section 4

PENALTY FOR VIOLATION

Any person or corporation who shall violate any of the provisions of this Zoning Code or fail to comply thereafter with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement of plans submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable to a fine of not more than \$100.00. Each day such violation is permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof where anything in violation of this Code shall be placed, or shall exist, and any architect, builder, contractor, agent, engineer, person, or corporation employed in connection therewith and who may

have assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction thereof shall be fined as herein above provided.

## Section 5

### AMENDMENTS

#### A. General

1. 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.
2. The following may initiate a request to amend this Code.
  - (a) A member or members of the City Council
  - (b) A member or members of the Planning Commission
  - (c) The owner of a property or his appointed agent

#### B. Amendments initiated by the City Council

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

1. The City Council may refer a request for amendment to the Planning Commission to be considered in accordance with the procedures outlined in Section C, below.
2. 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.

#### C. Amendments initiated by the Planning Commission

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

1. 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.
2. The Planning Commission shall prepare a work program and make studies, including the preparation of maps, to support its decisions regarding possible amendments.
3. 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.



4. The Planning Commission shall hold a public hearing to consider amendments to the Zoning Code and amendments to the Comprehensive Plan, if required.
  5. 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.
  6. Following the public hearing, the proposed plans may be recommended as presented, or in modified form, by a majority of the entire Planning Commission.
  7. 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.
- D. Amendments initiated by property owners.

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

1. An application for amendment shall be filed with the enforcement officer.
2. The application for a Zoning Map Amendment shall contain the following information:

Name and address of applicant.

- (a) 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.
- (b) Address and legal description of property.
- (c) 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.
- (d) A map of the subject property, delineating:
  - (i) the dimensions of property;
  - (ii) approximate location of buildings with appropriate dimensions;
  - (iii) land uses of adjacent properties.
- (e) The application shall be accompanied by the prescribed fee as indicated in (f) Schedule of Fees and the anticipated cost of publication of notice.

3. Hearing on Application

Upon receipt in proper form of the application for a Zoning Map Amendment, the enforcement officer 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:

- (a) 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.
- (b) 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 enforcement officer 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.

#### 4. 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

#### 5. Approval or Disapproval

(a) 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.

(b) 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.

(c) 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.

(d) 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 than 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.

#### 6. City Council Action

(a) 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.

(b) 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.

#### 8. 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.

### Section 6

#### 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.

ARTICLE XI  
DEFINITIONS

- A. For the purpose of interpreting these regulations, words used in the present tense shall include the future tenses; words in the singular number include the plural, and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. The "shall" is mandatory and not directory. The word "person" includes a firm, partnership, or corporation as well as individual.
- B. 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.

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.

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

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").

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.

Billboard. Any advertising structure that has at least one dimension of greater than 12 feet. See "Signs" below for further definition.

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.

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

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.

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.

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.

Commercial Message. Any sign, wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention.

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.

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.

Commission: The Cabot Planning Commission.

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".

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.

Day Care Center: See "Child Care Center"

Display Surface Area. The net geometric area enclosed by the display surface of the sign, including the outer extremities of all letters, characters, and delineations; provided, however, "display surface area" shall not include the structural supports for free standing signs. One face only of a double-faced sign as defined shall be considered in determining the display surface area.

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.

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.

Enforcement Officer. The person designated by the City Council to administer the Zoning Code.

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

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.

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.

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.

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.

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

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 an manufactured home park or camp, sanitorium, hospital asylum, orphanage, or building where persons are housed under restraint.

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

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

Illumination, Spot Light. Illumination that comes from lamps, lenses, or devices designed to focus or concentrate the light rays of the source.

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.

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

Land-lease Community. 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**.

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

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.

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.

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.

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

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.

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 whatever.

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'.

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.

Portable Sign. Any sign that is moveable, portable, capable of or intended to be moveable or portable. Also, a sign which is not permanently secured in or on the surface upon which it rests or a sign erected on a frame, platform, trailer, or other portable or moveable structure. Includes signs non-illuminated, illuminated, or capable of being illuminated. The sign area shall not exceed 32 square feet.

Principal Use: The specific primary purpose for which land, building, or structure is used or intended to be used.

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.

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 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.

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 it 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.

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.

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.

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 Station: See Gasoline Service Station

Setback: Distance between the lot line and the building line.

Sign: A sign is any structure or part thereof, or any device attached to, painted on, or represented on a building or other structure, upon which is displayed or included any letter, work, model, banner, flag, pennant, insignia, decoration, device, or representation used as, or which is in the nature of an announcement, direction, advertisement, or other attention directing device. A sign shall not include a similar structure or device located within a building except for illuminated signs within show windows. A sign includes any billboard, but does not include the flag, pennant or insignia of any state, city, or other political unit, or any political, charitable, educational philanthropic, civic, professional, religious, or like campaign, drive, movement, or event.

Sign Area: The area within a line including the outer extremities of all letters, figures, characters, and delineations, or within a line including the outer extremities of the framework or background of the sign, whichever line includes the larger area. The support for the sign background, whether it be columns, a pylon, or a building or part thereof, shall not be included in the sign area.

Sign, Area Identification. A sign to identify a common area containing a group of structures, or a single structure on a minimum site of 5 acres, such as a residential subdivision, apartment complex, industrial park, manufactured home park, or shopping center, located at the entrance or entrances of the area, and consisting of a fence or wall or archway with letters or symbols affixed thereto.

Sign, Advertising: A sign which directs attention to a business commodity, service, or entertainment which is entirely or primarily conducted, sold, or offered elsewhere than upon the lot which the sign is located.

Sign, Bulletin: An accessory board or sign erected by a church, school, community center, public agency or institution on its own premises for announcement purposes.

Sign, Business: An accessory sign which directs attention to a profession, business, commodity, service, or entertainment conducted, sold or offered upon the same zoning lot.

Sign, Flashing: An illuminated sign on which the artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use. Any revolving illuminated sign shall be considered a flashing sign

Sign, Banner-style. Any sign printed or displayed upon cloth or other flexible material, with or without frames.

Sign, Building Marker. Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

Sign, Free Standing. A sign that is attached to or a part of a completely self-supporting structure. The supporting structure shall be set firmly in or below the ground surface and shall not be attached to any building or other structure whether portable or stationary.

Sign, Identification: A sign whose content is limited to the name and/or occupation of the occupant of the premises.

Sign, Illuminated: A sign designed to give forth any artificial light.

Sign, Incidental. A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives.

Sign, Joint Identification. A sign which serves as common or collective identification for a group of persons or businesses operating on the same zone lot (e.g., shopping center, office complex, etc.) and shall include a sign which identifies architects, engineers, contractors and other individuals or firms involved with the construction on the premises. Such sign may name the persons, organizations or businesses included but shall not portray any other commercial or non-commercial message.

Sign, Non-conforming. A sign existing at the effective date of the adoption of this Code, which could not be built under the terms of this Code.

Sign, Portable: Any sign which is attached to, located upon, or in any other manner affixed to a trailer or other mobile device having wheels for the purpose of moving said sign intact. Portable signs may also be referred to as trailer signs and are generally not permanently affixed to either a building or the ground. For purposes of this Code, all portable signs shall meet the requirements of business signs.

Sign, Projecting. Any sign that shall be affixed at an angle or perpendicular to the wall of any building in such a manner as to read perpendicular or at an angle to the wall on which it is mounted.

Sign, Public. A sign erected by or on behalf of a governmental body to post a legal notice, identify public property, convey public information or to direct or regulate pedestrian or vehicular traffic.

Sign, Residential. Any sign located in a district zoned for residential uses that contains no commercial message except such sign may contain a representation advertising the sale or lease of the residential premises.

Sign, Temporary. Any sign that is used only temporarily and not for a period exceeding 10 days and which is not permanently mounted.

Sign, Wall. Any sign that shall be affixed parallel to the wall or printed on the wall of any building in such a manner as to read parallel to the wall on which it is mounted; provided, however, said wall sign shall not project above the top of the wall or beyond the end of the building. For the purpose of this Code, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign. Any sign that is affixed to the face of a building marquee, building awning, or a building canopy, shall be considered a wall sign.

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 in accordance with Article VI, Section 13 of this Code.

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.

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.

Trailer Court. (See Manufactured Home Park)

Travel Trailer: See Recreational Vehicle.

Travel Trailer Park: See Recreational Vehicle Park.

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".

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.

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 lease 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.

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.

ARTICLE XII  
VALIDITY AND REPEAL

SECTION 1

VALIDITY

This Zoning Code and the various parts, sections, subsections, sentences, phrases, and clauses thereof are hereby declared to be severable. If any part, sentence, or paragraph, section or subsection, phrase or clause is adjudged unconstitutional in valid, it is hereby provided that the remainder of this Zoning Code shall not be affected thereby.

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.

SECTION 2

REPEAL

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

ARTICLE XIII  
TABLE OF PERMITTED USES

A. USE UNIT DESCRIPTIONS & REQUIREMENTS

1. 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.

2. 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. Unit: Commercial Parking Lot/Garage.

Parking lots or garages used commercially to provide off-street parking and storage.

8. Unit: Contractor or Utility Equipment Parking/Storage Yard

The storage or parking of contractor or utility equipment.

9. 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.

10. Unit: Dwellings - Manufactured home.

Manufactured homes as defined by Article XII.

11. 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.

12. Unit: Dwellings - Multi-family dwellings – Small Scale.

Multiple-family dwellings up to 12 units per acre

13. Unit: Dwellings - Single-family.

Single-family dwellings.

14. Unit: Dwellings - Two-family.

Two-family dwellings.

15. Unit: Dwellings - Zero-Lot Line – Townhouses/Condominiums.

Attached single-family dwellings.

16. Unit: Hazardous Materials Use or Storage.

The use or storage of hazardous (i.e. flammable, corrosive, explosive, etc.) materials.

17. Unit: Hotel/Motel – Large Scale.

One hotel/motel per lot that exceed the Hotel/Motel – Small Scale requirements.

18. 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.

19. Unit Industrial.

General industrial uses such as manufacturing, assembling, or production of goods.

20. 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.

21. 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.

22. Unit: Manufactured home park.

A manufactured home park of at least two acres.

23. 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.

24. 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.

25. 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.

26. 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.

27. Unit: Personal Care

This use unit includes adult daycares, childcare centers, family daycares, and nurseries that provide care for individuals.

28. Unit: Public/Semi-Public.

Parks, community facilities, utility substations, and similar public facilities. This unit does not include sewage treatment plants. These uses generally relate to facilities where location is dictated by the service area and for which alternative locations are not feasible.

29. Unit: Recreational vehicle park.

Short-term (30-day maximum) space rentals for overnight residency or camping.

### 30. 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.

### 31. Unit: Salvage Yard/Wrecker Service

Salvage or junk yards and/or associated wrecker services.

### 32. Unit: Self – Storage Facilities

Self-storage facilities such mini-storages, mini-warehouses, and similar facilities.

### 33. Unit: Veterinarian Clinic – Large Animals

This use unit includes the practice of veterinarian medicine and any associated boarding or kenneling that exceed 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.

### 34. 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 <sup>1</sup>                             | 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 <sup>2</sup>                                    |     |     |      | 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.**

<sup>1</sup> See Article VI, Special Provisions, Section 22, Manufactured Homes

<sup>2</sup> See Article VI, Special Provision, Section 21, Manufactured Home Parks