

ORDINANCE NO. 1740

**AN ORDINANCE TO ADOPT CITY ZONING CODE BY REFERENCE;
AND FOR OTHER PURPOSES**

WHEREAS, cities of the first and second class and incorporated communities have the power under Arkansas law to adopt and enforce plans for the coordinated, adjusted, and harmonious development of the municipality and its environs, and;

WHEREAS, the City of Russellville has grown, both in population and in the diversity and size of its economy over the years, and;

WHEREAS, the City of Russellville has undergone an extensive study of the need and the necessity for an updated Zoning Code, and;

WHEREAS, the Russellville Planning Commission adopted a revised Zoning Code on October 22, 2001, and forwarded it to the City Council for consideration.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RUSSELLVILLE, ARKANSAS:

SECTION 1: That the Zoning Code, consisting of a text and map is hereby adopted by reference as the Official Zoning Code of and for the City of Russellville, pursuant to A.C.A. 14-55-207.

SECTION 2: That copies of the Zoning Code are ordered, and have been filed in the office of the City Clerk of the City of Russellville for inspection and view by the public prior to the passage of this Code.

SECTION 3: That the municipality forthwith gave notice to the public, by publication in

a newspaper with general circulation within the municipality, stating that copies of the code, are and have been open to public inspection in the office of the City Clerk prior to the passage of the code adopted by reference as aforesaid.

SECTION 4: That any Code or Ordinance in conflict with this Code hereby repealed.

Passed and approved this 21 day of March, 2002.

Ray Turner
RAYE TURNER, MAYOR

ATTEST:

Kathy Collins
KATHY COLLINS, CITY CLERK

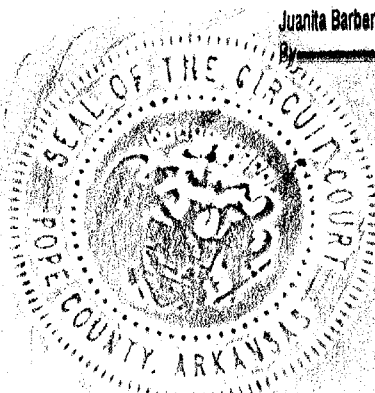
APPROVED AS TO FORM:

William F. Smith III
WILLIAM F. SMITH III, CITY ATTORNEY

CLERK'S CERTIFICATE OF RECORD
STATE OF ARKANSAS - COUNTY OF POPE

I, JUANITA BARBER, Circuit Clerk and Recorder of the County aforesaid do hereby certify that this instrument was filed for record the 28 day of March, 2002 at 11:25 o'clock AM, and the same is now duly recorded in Record Book 30-2 Page 203-204 Witness my hand and the seal of said court this the 28 day of March, 2002
Juanita Barber - Circuit Clerk and Recorder

Gay Adam



30-2-204

City of Russellville, Arkansas Zoning Code

Adopted by the Russellville City Council
on March 21, 2002. Effective April 20, 2002.
Ordinance No. 1740

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Prepared with Assistance from:



Planning · Zoning · Management
1510 South Broadway
Little Rock, Arkansas
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ZONING CODE

RUSSELLVILLE, ARKANSAS

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

Section A. Citation.

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

Section B. Purpose.

The Zoning Regulations set forth herein are enacted to carry out or protect various elements of the Comprehensive Development Plan for the City of Russellville and to promote, in accordance with present and future needs, the safety, order, convenience, prosperity, and general welfare of the citizens of Russellville, 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, for healthful and convenient distribution of population, for good civic design and arrangement, and for adequate public utilities and facilities.

Section C. Nature and Application.

1. For the purposes hereinbefore stated, the City has been divided into zoned 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.
2. Except as hereinafter otherwise provided, no land shall be used and no building, structure, or improvement shall be made, erected, constructed, moved, altered, enlarged, or rebuilt which 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 provision of the articles contained herein relating to any or all districts.
3. 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 D. Establishment of Zoning Districts.

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

R-E	Estate Residential
R-O	Residential Office
R-1	Single-Family Residential
R-2	Medium Density Residential
R-2S	Medium Density Single Family
R-3	Medium/High Density Residential
R-4	Mobile Home Park or Subdivision
C-1	Central Business District
C-1B	Central Business District Buffer
C-2	Highway Commercial
C-3	Large Scale and Shopping Center Commercial
C-4	Neighborhood and Quiet Business
M-1	Light Industrial District
M-2	Heavy Industrial District
A - 1	Agricultural District
PUD	Planned Unit Development

2. The location and boundaries of the land use zoning districts established by this Code are bounded and defined as shown on the map designated as “Official Zoning Map” and maintained in the Public Works Office. 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 available for inspection and examination by the general public at all reasonable times as any other public record. (Ordinance No. 1127 – 6/14/84)

3. Zoning control for Russellville City Ordinances 1243, 1264, 1272 and applicable State and Federal laws supplement the regulation of lands in the Runway Protection Zone of the Russellville Airport.

Section E. Interpretation of District Boundaries.

1. 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, highway 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 the city limits line shall be construed as following the city limits line.
 - d. Boundaries indicated as approximately 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 F. Classification of Annexed Lands.

Prior to any land being accepted for annexation into the City by any method, the following shall be accomplished:

1. The City Planner shall make a study of the existing parcels comprising the annexation. The studies will include, among other things, analysis of existing physical conditions, adequacy of the transportation system, existing utilities, and the present and historical use of the property.
2. The City will notify the owner of record of each individual parcel by certified mail, that the zoning of the property is being considered. The owner will also be provided information concerning how to participate in this process.
3. The City Planner shall prepare a report outlining the appropriate zoning classification based on the existing use of the property, any zoning preference expressed by the owner, and the highest and best potential use of the property.

4. The Planning Commission shall review the zoning recommendation after holding a public hearing, notice of which was published in a newspaper of general circulation in the City, at least one time 15 days prior to the hearing.
5. The Planning Commission shall, following the public hearing, make a recommendation to the City Council for the zoning classification of each ownership parcel involved in the annexation.
6. At the time the City Council votes final approval of the annexation it shall, by separate ordinance, assign a zoning classification to each ownership parcel involved in the annexation.

Section G. Vacation of Public Easements.

Whenever any street, alley or other public easement is vacated, the district classification of the vacated land shall be the same as the adjacent land.

Section H. Lot of Record.

1. On any lot in a residential use district which is on a plat of record at the time of adoption of this Zoning Code, 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 two side yards each equal to 10 percent of the width of the lot, that all other setback requirements are met, and provided, further, that the lot shall have at least 50 feet in width in an R-1 District and at least 40 feet in width in the R-2 and R-3 Districts. (Ordinance 878 – 9/8/77)
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 VI.
3. The provision of Section H.1 and H.2 above do not apply in the case of multiple contiguous lots under the same ownership. In this case, the lots shall be assembled, where physically possible, to form building lots that meet the size requirements of the zoning district in which they are located.

Section I. Extension of Land Use Authority.

Under the provisions of Arkansas Code Annot. §14-56-413, the City of Russellville shall have the authority to administer and enforce planning, land subdivision and development, and zoning codes in an area up to one mile beyond the corporate limits. (Ordinance 1314 – 10/12/89) Prior to assuming such authority, the Planning

Commission shall prepare and adopt plans for the extraterritorial jurisdiction in accordance with the provisions of Arkansas Code Annot. §14-56-414. Following adoption and filing of the land use plan for the extraterritorial jurisdiction, the Planning Commission shall submit a proposed zoning map for the area to the Russellville City Council. This map shall be adopted as an amendment to the Russellville Zoning Code.

Section J: Planning Commission Committees

The Planning Commission Chair shall each year appoint the following two permanent committees:

1. Subdivision Review Committee.

a. *Members.* The Subdivision Review Committee shall consist of four members of the Planning Commission, excluding the Planning Commission Chair.

b. *Meeting.* The Subdivision Review Committee shall meet monthly according to a schedule maintained by the Public Works Department.

c. *Purpose.* The purpose of the Subdivision Review Committee shall be to ensure proper enforcement of the city's subdivision regulations.

d. *Duties.* The duties of the Subdivision Review Committee shall be to attend the monthly Technical Review Committee meeting, and to assist staff in ensuring subdivision applications and applicants are properly prepared for the Planning Commission meeting.

e. *Report.* The Subdivision Review Committee shall periodically report to the Planning Commission chair on the progress of the Subdivision Review Committee and/or any matters requiring the attention or action of the Planning Commission.

2. Advance Planning Committee.

a. *Members.* The members of the Advance Planning Committee shall consist of four members of the Planning Commission, excluding the Planning Commission Chair.

b. *Meeting.* The Advance Planning Committee shall meet periodically to perform its duties as detailed in this section.

c. *Purpose.* The purpose of the Advance Planning Committee shall be to monitor present and future planning issues.

d. *Duties.* The duties of the Advance Planning Committee shall be to identify, research, and recommend as needed to the Planning Commission long rang planning goals, reports, regulation changes, and procedural issues.

e. *Report.* The Advance Planning Committee shall periodically report to the Planning Commission chair on the progress of the Advance Planning Committee and/or any matters requiring the attention or action of the Planning Commission.

**ARTICLE II.
SPECIFIC DISTRICT REGULATIONS**

Section A. Estate Residential District (R-E).

1. General Description.

- a. This district is intended to provide a location for the land situated within the city limits and on the fringe of the urban area that is either land for agricultural purposes or is suitable for development to a lesser density than other, more built-up areas within the City. The types of residences may essentially be semi-rural, estate, or second home, and located on large lots. It is not intended that this district provide a location for a lower standard of residential development but rather a lower density of development.
- b. Existing agricultural enterprises including but not limited to farms, truck gardens, ranches, nurseries, pastures and crops annexed to the City by popular vote after January 1, 1984, can be expanded on their present location or on adjoining property. (Ordinance No. 1168 – 8/22/85)

2. Uses Permitted.

Uses permitted in this district are included in Article XIII-Table of Permitted Uses. Where an “X” appears in the table under the specific zone, that use is permitted by right, subject to the provisions contained in the Land Subdivision Code pertaining to Large Scale Developments. Where “SP” appears in the table under the specific zone, that use is permitted only after the acquisition of a Special Use Permit as outlined in Article VI.

3. Site Plan Review.

Not applicable in this use zone, unless subject to the rules and regulations of the land subdivision and development codes.

4. Area Regulations.

Area regulations are shown on Article XII - Area Regulations.

5. Parking Regulations.

Off-street parking shall be provided in accordance with the provision of Article IV. No on-street parking shall be allowed.

Section B. Residential Office District (R-O).

1. General Description.

- a. The Residential Office District is intended to provide a place for those types of offices, professional and service activities that provide for the regular need or convenience of persons residing in the city. It is further intended to preserve the residential character of the district.
- b. This district is intended to provide conversion of older residential structures to office use. Such offices will be located in established city areas in proximity to residential uses.
- c. New construction designed to reinforce existing area characteristics and not detrimental to the use of surrounding projects for residential or office use will be allowed in the district.

2. Uses Permitted.

Uses permitted in this district are included in Article XIII-Table of Permitted Uses. Where an “X” appears in the table under the specific zone, that use is permitted by right, subject to the provisions contained in the Land Subdivision Code pertaining to Large Scale Developments. Where “SP” appears in the table under the specific zone, that use is permitted only after the acquisition of a Special Use Permit as outlined in Article VI.

3. Site Plan Review

Building permit requests for properties in this zone not otherwise eligible for Large Scale Review under the Russellville Land Subdivision and Development Code shall undergo Site Plan Review by the staff of the Office of Community Development. Submittals for Site Plan Review will consist of a scaled plan in 5 copies. The minimum size sheet is 8 ½” x 11”. The plan does not have to be prepared by a registered professional, but shall be professionally drawn and depict the following as a minimum:

- a. Vicinity Map
- b. Lot drawing with dimensions
- c. Location and dimension of all buildings
- d. Location of all drives and parking, including handicapped parking
- e. Sidewalks, including ramps for handicapped access
- f. Drainage, existing and proposed. Drainage improvements requiring the sizing of pipes, the construction of drainage structures, or the handling of water that cannot be disposed of

overland must be designed by a Professional Engineer registered in the State of Arkansas.

4. Area Regulations.

Area regulations for the R-O district shall conform to the area requirements for the C-4 Neighborhood or Quiet Business district that are shown on Article XII- Area Regulations. This will apply to all uses except residential.

Residential uses in this district shall comply with the area regulations for the zone from which it was changed.

5. Parking Regulations.

Off-street parking shall be provided in accordance with the provision of Article IV.

Section C. Single Family Residential District (R-1).

1. General Description.

This represents a restrictive residential district. The principal use of land is for 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 are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment. 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. Appropriate densities are three units per acre or less.

2. Uses Permitted.

Uses permitted in this district are included in Article XIII-Table of Permitted Uses. Where an "X" appears in the table under the specific zone, that use is permitted by right, subject to the provisions contained in the Land Subdivision Code pertaining to Large Scale Developments. Where "SP" appears in the table under the specific zone, that use is permitted only after the acquisition of a Special Use Permit as outlined in Article VI.

3. Site Plan Review.

Not applicable in this use zone. (Except as needed for building permit.)

4. Area Regulations.

Area regulations are shown on Article XII-Area Regulations.

5. Parking Regulations.

Off-street parking shall be provided in accordance with the provisions of Article IV.

6. Sign Regulations.

Signs shall be permitted only in accordance with the provisions of Article V.

7 Manufactured Homes.

Manufactured Homes located on property annexed to the City by popular vote after January 1, 1984, are permitted in the zone. When a manufactured home is removed from its existing location, no additional or other manufactured home shall be placed there except for a direct replacement within six months of removal. (Ordinance No. 1168 – 8/22/85)

Section D. Medium Density Residential District (R-2).

1. General Description.

This is a residential district designed to provide for higher densities, particularly in older neighborhoods of the city. Allowable uses include single-family residential and limited multi-family uses. Off street parking and traffic flow are important issues in this district. Appropriate densities are 3-7 units per acre.

2. Uses Permitted.

Uses permitted in this district are included in Article XIII-Table of Permitted Uses. Where an “X” appears in the table under the specific zone, that use is permitted by right, subject to the provisions contained in the Land Subdivision Code pertaining to Large Scale Developments. Where “SP” appears in the table under the specific zone, that use is permitted only after the acquisition of a Special Use Permit as outlined in Article VI.

3. Site Plan Review.

Not applicable in this use zone. (Except as needed for building permit, and except when multi-family complexes having in excess of eight units are

subject to the Large Scale Development Review under provisions of the City's Land Subdivision and Development Code.)

4. Area Regulations.

Area regulations are shown on Article XII- Area Regulations.

5. Parking Regulations.

Off-street parking shall be provided in accordance with the provisions of Article IV.

6. Sign Regulations.

Signs shall be permitted only in accordance with the provisions of Article V.

7. Minimum Distance Between Buildings.

In a multi-family complex involving more than one building on a single parcel of land, the minimum distance between principal buildings shall be not less than 10 feet (Ordinance 878 – 9/8/77) or as set forth by the Russellville Fire Marshall.

Section E. Medium Density Residential (R-2S)

1. This is a residential district to provide for a slightly higher population density than the R-1 District. The principal use of land is for single-family, relatively intense concentration of dwelling units served by large open spaces, including common areas and facilities, thereby resulting in low gross densities. Appropriate densities are three to four units per acre.
2. Provisions for the R-2 District are the same as those for the R-2 District except for the permitted use. They are contained in Article XIII – Table of Permitted Uses.

Section F. Medium/High Density Residential District (R-3).

1. General Information.

This is a residential district to provide for medium density ranging from 8 to 24 dwelling units per net acre. The principal use of land is for single-family dwellings, two-family dwellings, townhouses, low-rise multiple-family dwellings, and garden apartment. Recreational, religious, and educational uses normally located to serve residential areas are also permitted to provide the

basic elements of convenient, balanced, and attractive living areas. Zero-lot line developments may occur as set forth in this section.

2. Uses Permitted.

Uses permitted in this district are included in Article XIII-Table of Permitted Uses. Where an “X” appears in the table under the specific zone, that use is permitted by right, subject to the provisions contained in the Land Subdivision Code pertaining to Large Scale Developments. Where “SP” appears in the table under the specific zone, that use is permitted only after the acquisition of a Special Use Permit as outlined in Article VI.

3. Site Plan Review

Not applicable in this use zone. (Except as needed for building permit.)

4. Area Regulations.

Area regulations are shown on Article XII- Area Regulations.

5. Parking Regulations.

Off-street parking shall be provided in accordance with the provisions of Article IV.

6. Sign Regulations.

Signs shall be permitted only in accordance with the provisions of Article V.

7. Minimum Distance Between Buildings.

In a multi-family development involving more than one building on a single parcel of land, the minimum distance between principal buildings shall be not less than 10 feet (Ordinance 878 – 9/8/77) or as otherwise set forth by the Russellville Fire Marshall.

8. Zero-lot line.

a. Purpose.

The purpose of this housing type is to provide an additional choice in building arrangement on the lot. The arrangement eliminates one side yard thereby creating a more usable single-side yard on each lot. The units may be designed so that two units share a common structure wall that is contiguous with the interior lot line. The “common structure”

wall shall be offset laterally so that each structure has an “independent structure” wall of at least 15 feet along the common property line. This should produce a staggered setback of each unit relative to the building line. An alternative is to design the plot plan so that each unit has a windowless wall sited along one lot line. In the latter case the entire side yard separates the units. Due to small lots permitted in the zero-lot-line development, each lot should to the extent possible be near to a public open space system.

b. Density.

Six dwelling units per gross acre maximum.

c. Lot Area.

Minimum lot area, 4,000 square feet with a lot width of not less than 40 feet at the front building line.

d. Front Yard.

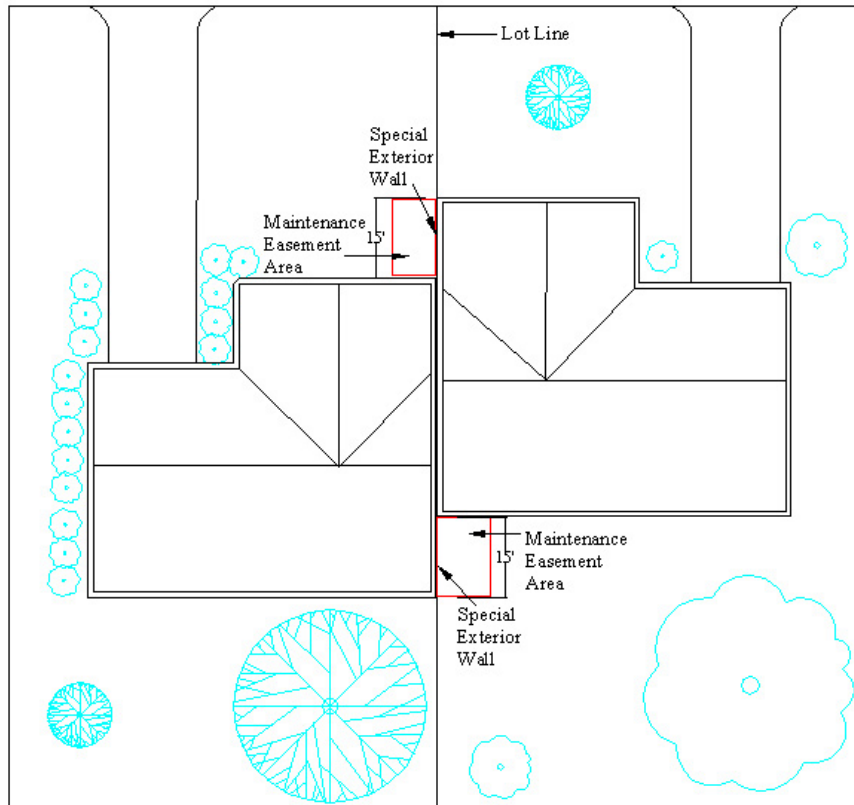
There shall be a front yard setback having a depth of not less than 15 feet.

e. Lot Coverage.

The principal building and all accessory building on a lot shall not occupy more than 50 percent of the total lot area.

f. Wall Requirements.

- (1) Rights of Owner with respect to the Special Exterior Wall: The Owner of the residence containing the Special Exterior Wall shall have the right at all reasonable times to enter the Maintenance Easement Area as is reasonably necessary for the purpose of maintaining the Special Exterior Wall during daylight hours only.



Not to scale.

FIGURE ONE: SPECIAL EXTERIOR WALL & MAINTENANCE EASEMENT AREA

- (2) Restrictions on Owner of residence containing Zero Lot Line Wall: The Owner of each residence containing Zero Lot Line Wall is prohibited from altering it in any way, nor shall he make any openings for windows or any other openings on such wall which shall interfere with the privacy of the Owner of the dwelling.
- (3) Fire Stop: Each attached wall shall have a two-inch air space between the adjoining framed walls with fire rated sheet rock attached to each wall as specified by the Russellville Fire Marshall and in conformity with the Arkansas Fire Prevention Code. The air space shall not be visible to the outside of the building, but shall stop at the point where the finish material for the exterior shall be attached to the building. The air space shall also extend up to level out with the decking. The structure will be tied together with a six-inch wide strip of twenty-six gage sheet metal running from the front side of decking, across the roof and down to the back side of decking. Shingles then will be laid over the sheet metal and the finish materials to be used on the exterior walls (front and back) will be applied over the air space.

(4) In case of fire damage to the fire wall, the Owner of the property in which the fire occurred will be responsible for repairing or replacing the fire wall to its original state.

g. Existing Subdivision Regulations. Property Owners shall further comply with existing provisions of the Russellville Land Subdivision and Development Code.

h. Zero-Lot Line Developments. These shall be designed in such a manner that there will be no on-street parking.

Section G. Manufactured Home Park or Subdivision (R-4).

1. General Description.

The R-4 District is designed to provide for either manufactured home parks or manufactured home subdivisions. The distinction is that all land in a manufactured home park is under single ownership of the owner-operator, while in a manufactured home subdivision, individual platted lots may be sold to owner-occupants who place thereon their individually-owned manufactured home unit. Recreational, religious, and educational uses normally located to serve residential areas are also permitted to provide the basic elements of convenient, balanced, and attractive living areas.

2. Uses Permitted.

Uses permitted in this district are included in Article XIII-Table of Permitted Uses. Where an “X” appears in the table under the specific zone, that use is permitted by right, subject to the provisions contained in the Land Subdivision Code pertaining to Large Scale Developments. Where “SP” appears in the table under the specific zone, that use is permitted only after the acquisition of a Special Use Permit as outlined in Article VI.

3. Site Plan Review.

Not applicable for individual homes sited within this district in this use zone. (Except as needed for building permit.)

4. Manufactured Homes and Manufactured Home Parks.

a. Manufactured Homes.

The parking of an individual manufactured home on a lot in any district except the R-4 District for residential purposes shall be prohibited, except in an R-E District, or to provide residency for a

night watchman over property located in an M-1 or M-2 Industrial District.

b. Manufactured Home Parks.

Manufactured home parks shall comply with the following requirements:

(1) No parcel of land containing less than three (3) acres shall be used for a manufactured home park.

(2) Manufactured home parks may locate only in the R-4 Residential District.

(3) The development shall be located on a well-drained site, properly 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-4. Existing facilities or rented spaces shall not be expanded without prior consent of the City Council. (Ord # 1168 – 8/22/85)

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

(9) Each space shall be provided with sanitary sewer and water service in a manner approved by the City.

(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 off-street, 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 Housing Commission.

5. Manufactured Home Subdivisions.

a. Manufactured Homes.

An individual manufactured home may be located on a platted lot in a subdivision designed for manufactured homes that is in an R-4 Residential District, and the lots may be sold to individual owners of manufactured homes. Foundation skirting shall be installed in order to obscure the wheels.

b. Manufactured Home Subdivisions.

Manufactured home subdivisions shall comply with the following regulations:

(1) A manufactured home subdivision may contain a land area of not less than five (5) acres prior to subdivision.

(2) The owner-developer of a manufactured home subdivision shall comply with the City's adopted Subdivision Regulations regarding the submission of plat information, the design and construction of site improvements, recording, and the sequence of events from sketch plan through final platting and dedication of public improvements to the City. The only portions of the Subdivision Regulations that would not be strictly applicable are those pertaining to size of lots.

(3) Any manufactured home located in this district shall be set up and anchored in accordance with the Rules and Regulations of the Arkansas Manufactured Housing Commission.

(4) The individual manufactured home lots shall be platted to contain a minimum of 4,000 square feet and shall be at least 40 feet wide at the required front setback line.

(5) All buildings shall be set back from the street right-of-way or property lines in accordance with Article XII – Area Requirements.

c. Off-Street Parking

Off-street parking shall be provided in accordance with the provisions of Article IV.

6. Sign Regulations.

Signs shall be permitted only in accordance with the provisions of Article V.

Section H. Central Business District (C-1).

1. General Description.

The C-1 District encompasses the historical portion of the City commonly referred to as “Downtown”. This district is intended for the conduct of personal and business services and the general retail business of the community. Persons living in the community and in the surrounding trade area require direct and frequent access to this area, which provides space for professional offices, banks, places of amusement, governmental offices, and retailing services of all kinds. Because of its unique and historical nature, normal parking and setback requirements are relaxed.

2. Uses Permitted.

Uses permitted in this district are included in Article XIII-Table of Permitted Uses. Where an “X” appears in the table under the specific zone, that use is permitted by right, subject to the provisions contained in the Land Subdivision Code pertaining to Large Scale Developments. Where “SP” appears in the table under the specific zone, that use is permitted only after the acquisition of a Special Use Permit as outlined in Article VI.

3. Site Plan Review.

Building permit requests for properties in this zone not otherwise eligible for Large Scale Review under the Russellville Land Subdivision and Development Code shall undergo Site Plan Review by the staff of the Office of Community Development. Submittals for Site Plan Review will consist of a scaled plan in 5 copies. The plan does not have to be prepared by a registered professional, but shall be professionally drawn and depict the following as a minimum:

- a. Vicinity Map.
- b. Lot drawing with dimensions.
- c. Location and dimension of all buildings.
- d. Location of all drives and parking, including handicapped parking.
- e. Sidewalks, including ramps for handicapped access.
- f. Drainage, existing and proposed. Drainage improvements requiring the sizing of pipes, the construction of drainage structures, or the handling of water that cannot be disposed of overland must be designed by a Professional Engineer registered in the State of Arkansas.

4. Area Regulations.

a. Front and Side Yards.

There are no specific front yard requirements. On the side of a lot adjoining a residential district there shall be a side yard of not less than 10 feet. Whenever the rear lot line of a corner lot abuts a residential district, the side yard adjacent to the street shall be not less than 15 feet in width. In all other cases, no side yard shall be required.

b. Rear Yard.

Where a commercial building is located on a lot abutting a residential district or where a commercial building is to be serviced from the rear, there shall be provided an alleyway, service court, rear yard, or combination thereof of not less than 25 feet in width. In all other cases, no rear yard is required.

c. Lot Area.

No minimum lot area is required but the lot must be adequate to provide the yard areas required by this section.

5. Sign Regulations.

Signs shall be permitted only in accordance with the provisions of Article V.

6. Parking Regulations.

Off-street parking is not required, however, if parking is provided it must be paved in accordance with Article IV, Section 3A. (Ordinance No. 1113 – 1/26/84)

7. Design Standards.

No new buildings erected in the C-1 District shall have a metal façade unless approved by the Planning Commission. Façade design should match the character and historical period of adjacent structures.

8. Property within the C-1 District shall conform to all regulations of the City's adopted fire district.

Section I. Central Business Buffer District (C-1B)

1. General Description

a. The C-1B District encompasses an area adjoining the Central Business District (C-1). It serves two purposes. The first is to act as a transition zone from the C-1 District to other use districts. The second is to encourage urban design that is compatible with and complementary to the C-1 District. To fulfill those purposes, innovative design is encouraged and flexibility is allowed with regard to parking.

b. Approval for development in the C-1B District shall follow the same process as that for a Planned Unit Development. Each proposed project will be evaluated on its merit. The following design guidelines will be used in the evaluation of proposed projects.

(1) Developments within the C-1B District shall demonstrate to the satisfaction of the Planning Commission that ample parking will be available for the proposed project. Where street parking is available in front of the proposed development, this may be computed as a percent of the required parking for commercial uses only. Off-site parking may count as the requirement for office and residential uses provided that contractual agreements for permanent parking spaces are provided and meet with the approval of the City Attorney.

(2) Buildings within the C-1B District shall have brick façades and shall be bricked for a distance of at least 15 feet on each side. The color of brick used shall be in harmony with adjacent structures and shall be approved by the Planning Commission at the time of development plan approval.

(3) Signs regulations for the C-1B zone are the same as the sign regulations for the C-1 zone. In addition, one pole-mounted sign may be allowed in the C-1B zone upon approval by the Planning Commission.

2. Property in the C-1B District shall conform to all regulations of the City's adopted fire district.

Section J. Highway Commercial District (C-2).

1. General Description.

This district is intended to provide space for certain retail and business activities and primarily serves the motoring public. This district provides for the commercial uses that do not need to be in shopping areas or the central business district or which are undesirable in such areas. It is characterized by establishments such as motels, drive-in restaurants, automobile sales and service, general retail, and other activities of this nature.

2. Uses Permitted.

Uses permitted in this district are included in Article XIII-Table of Permitted Uses. Where an "X" appears in the table under the specific zone, that use is permitted by right, subject to the provisions contained in the Land Subdivision Code pertaining to Large Scale Developments. Where "SP" appears in the table under the specific zone, that use is permitted only after the acquisition of a Special Use Permit as outlined in Article VI.

3. Site Plan Review.

Building permit requests for properties in this zone not otherwise eligible for Large Scale Review under the Russellville Land Subdivision and Development Code shall undergo Site Plan Review by the staff of the Community Development. Submittals for Site Plan Review will consist of a scaled plan in 5 copies. The plan does not have to be prepared by a registered professional, but shall be professionally drawn and depict the following as a minimum:

- a. Vicinity Map
- b. Lot drawing with dimensions
- c. Location and dimension of all buildings
- d. Location of all drives and parking, including handicapped parking
- e. Sidewalks, including ramps for handicapped access
- f. Drainage, existing and proposed. Drainage improvements requiring the sizing of pipes, the construction of drainage structures, or the handling of water that cannot be disposed of overland must be designed by a Professional Engineer registered in the State of Arkansas.

4. Area Regulations.

Area regulations are shown on Article XII- Area Regulations.

- a. Side Yard - 10 feet or as otherwise established by the Fire Marshall.
- b. Rear Yard.

Where a commercial building is located on a lot abutting a residential district and is to be serviced from the rear, there shall be provided an alleyway, service court, rear yard or combination thereof not less than 25 feet in width. In all other cases, no rear yard is required.

5. Parking Regulations.

Off street parking shall be provided in accordance with the provisions of Article IV.

6. Sign Regulations.

Signs shall be permitted only in accordance with the provisions of Article V.

7. Lot Coverage.

The maximum lot coverage for all structures is 40%.

Section K. Large Scale and Shopping Center Commercial District (C-3)

1. General Description.

The Large Scale and Shopping Center Commercial District is intended for unified grouping, and one or more buildings, of retail shops and stores that provide for the regular needs and/or for the convenience of the people residing in the adjacent residential areas. It is intended that the shopping center commercial area be developed as a unit, with adequate off-street parking

space for customers and employees, and with appropriate landscaping and screening material. They should be developed on areas of 3 to 6 acres in order to provide space for 4 to 8 stores although larger centers are encouraged. Major streets should be developed as indicated in the Master Street Plan component of the City's Comprehensive Development Plan.

2. Uses Permitted.

Uses permitted in this district are included in Article XIII-Table of Permitted Uses. Where an "X" appears in the table under the specific zone, that use is permitted by right, subject to the provisions contained in the Land Subdivision Code pertaining to Large Scale Developments. Where "SP" appears in the table under the specific zone, that use is permitted only after the acquisition of a Special Use Permit as outlined in Article VI.

3. Site Plan Review.

Building permit requests for properties in this zone not otherwise eligible for Large Scale Review under the Russellville Land Subdivision and Development Code shall undergo Site Plan Review by the staff of the Office of Community Development. Submittals for Site Plan Review will consist of a scaled plan in 5 copies. The plan does not have to be prepared by a registered professional, but shall be professionally drawn and depict the following as a minimum:

- a. Vicinity Map.
- b. Lot drawing with dimensions.
- c. Location and dimension of all buildings.
- d. Location of all drives and parking, including handicapped parking.
- e. Sidewalks, including ramps for handicapped access.
- f. Drainage, existing and proposed. Drainage improvements requiring the sizing of pipes, the construction of drainage structures, or the handling of water that cannot be disposed of overland must be designed by a Professional Engineer registered in the State of Arkansas.

4. Area Regulations.

Area regulations are shown on Article XII- Area Regulations.

5. Parking Regulations.

Off-street parking shall be provided in accordance with the provisions of Article IV.

6. Sign Regulations.

Signs shall be permitted only in accordance with the provisions of Article V.

7. Lot Coverage.

The maximum coverage for all structures is 40%.

Section L. Neighborhood and Quiet Business District (C-4)

1. General Description.

This commercial District (C-4) is intended to provide a place for those types of office, service, and commercial activities that provide for the regular needs and/or for the convenience of the people residing in the adjacent residential areas. Because these shops, stores, and offices may be an integral part of the neighborhood closely associated with residential, religious and recreational elements, requirements for light, air and open space are more restrictive than those of other commercial districts. This district can also serve as a buffer between higher intensity commercial districts and residential districts.

2. Uses Permitted.

Uses permitted in this district are included in Article XIII-Table of Permitted Uses. Where an “X” appears in the table under the specific zone, that use is permitted by right, subject to the provisions contained in the Land Subdivision Code pertaining to Large Scale Developments. Where “SP” appears in the table under the specific zone, that use is permitted only after the acquisition of a Special Use Permit as outlined in Article VI.

3. Site Plan Review.

Building permit requests for properties in this zone not otherwise eligible for Large Scale Review under the Russellville Land Subdivision and Development Code shall undergo Site Plan Review by the staff of the Office of Community Development. Submittals for Site Plan Review will consist of a scaled plan in 5 copies. The plan does not have to be prepared by a registered professional, but shall be professionally drawn and depict the following as a minimum:

- a. Vicinity Map.
- b. Lot drawing with dimensions.
- c. Location and dimension of all buildings.
- d. Location of all drives and parking, including handicapped parking.
- e. Sidewalks, including ramps for handicapped access.

f. Drainage, existing and proposed. Drainage improvements requiring the sizing of pipes, the construction of drainage structures, or the handling of water that cannot be disposed of overland must be designed by a Professional Engineer registered in the State of Arkansas.

4. Area Regulations.

Area regulations are shown on Article XII- Area Regulations. Moreover, residential uses in the C-4 District shall comply with the setback and area requirements of the R-3 District. Other uses of the R-3 District that are permitted in the C-4 District shall comply with the setback regulations of Article XII.

5. Parking Regulations.

Off-street parking shall be provided in accordance with the provisions of Article IV.

6. Sign Regulations.

Signs shall be permitted only in accordance with the provisions of Article V.

7. Lot Coverage.

The maximum lot coverage for all structures is 40%.

Section M. Light Industrial District (M-1)

1. General Description.

This industrial district is intended primarily for the conduct of light manufacturing, assembling and fabrication, and for warehousing, wholesale, and service uses. This district is intended for those operations, which are primarily carried on within enclosed buildings having adequate land area for parking and landscaping and with adequate safeguards for safety and aesthetics.

2. Uses Permitted.

Uses permitted in this district are included in Article XIII-Table of Permitted Uses. Where an “X” appears in the table under the specific zone, that use is permitted by right, subject to the provisions contained in the Land Subdivision Code pertaining to Large Scale Developments. Where “SP” appears in the table under the specific zone, that use is permitted only after the acquisition of a Special Use Permit as outlined in Article VI.

3. Site Plan Review.

Building permit requests for properties in this zone not otherwise eligible for Large Scale Review under the Russellville Land Subdivision and Development Code shall undergo Site Plan Review by the staff of the Office of Community Development. Submittals for Site Plan Review will consist of a scaled plan in 5 copies. The plan does not have to be prepared by a registered professional, but shall be professionally drawn and depict the following as a minimum:

- a. Vicinity Map
- b. Lot drawing with dimensions
- c. Location and dimension of all buildings
- d. Location of all drives and parking, including handicapped parking
- e. Sidewalks, including ramps for handicapped access
- f. Drainage, existing and proposed. . Drainage improvements requiring the sizing of pipes, the construction of drainage structures, or the handling of water that cannot be disposed of overland must be designed by a Professional Engineer registered in the State of Arkansas.

4. Area Regulations.

Area regulations are shown on Article XII- Area Regulations.

5. Parking Regulations.

Off-street parking shall be provided in accordance with the provisions of Article IV.

6. Sign Regulations.

Signs shall be permitted only in accordance with the provisions of Article V.

Section N. Heavy Industrial District (M-2).

1. General Description.

This industrial district is intended to provide for heavy industrial uses and other uses not otherwise provided for in the districts established by this Zoning Code.

2. Uses Permitted.

Uses permitted in this district are included in Article XIII-Table of Permitted Uses. Where an "X" appears in the table under the specific zone, that use is

permitted by right, subject to the provisions contained in the Land Subdivision Code pertaining to Large Scale Developments. Where “SP” appears in the table under the specific zone, that use is permitted only after the acquisition of a Special Use Permit as outlined in Article VI.

3. Site Plan Review.

Building permit requests for properties in this zone not otherwise eligible for Large Scale Review under the Russellville Land Subdivision and Development Code shall undergo Site Plan Review by the staff of the Office of Community Development. Submittals for Site Plan Review will consist of a scaled plan in 5 copies. The plan does not have to be prepared by a registered professional, but shall be professionally drawn and depict the following as a minimum:

- a. Vicinity Map.
- b. Lot drawing with dimensions.
 - a. Location and dimension of all buildings.
 - b. Location of all drives and parking, including handicapped parking.
 - c. Sidewalks, including ramps for handicapped access.
 - d. Drainage, existing and proposed. . Drainage improvements requiring the sizing of pipes, the construction of drainage structures, or the handling of water that cannot be disposed of overland must be designed by a Professional Engineer registered in the State of Arkansas.

4. Area Regulations.

Area regulations are shown on Article XII- Area Regulations.

5. Parking Regulations.

Off-street parking shall be provided in accordance with the provisions of Article IV.

6. Sign Regulations.

Signs shall be permitted only in accordance with the provisions of Article V.

Section O. Agricultural (A-1)

1. General Description.

This district is designed to protect the agricultural nature of land currently located inside the city limits, or that might be annexed into the City of Russellville in the future. These areas may undergo gradual transition to urban

uses; however, this is expected to occur in a planned manner. In the interim, it is expected that uses in the agricultural zone will be restricted to those uses normally associated with agricultural enterprises and supporting residential and accessory uses.

2. Uses Permitted.

Uses permitted in this district are included in Article XIII-Table of Permitted Uses. Where an “X” appears in the table under the specific zone, that use is permitted by right, subject to the provisions contained in the Land Subdivision Code pertaining to Large Scale Developments. Where “SP” appears in the table under the specific zone, that use is permitted only after the acquisition of a Special Use Permit as outlined in Article VI.

Agricultural/farming enterprises of a commercial nature currently existing at the time that agricultural land is brought into the City, or rezoned to the A-1 zoning classification, will be permitted to continue. Agricultural/farming enterprises of a commercial nature, such as commercial chicken houses, or commercial swine houses, will not be allowed to expand by the addition of additional buildings or space, or the addition of increased animal populations, unless said additions are approved by the Russellville Planning Commission after a public hearing, held after a public notice printed in the local newspaper. The public hearing must be published at least 15 days prior to the public hearing.

3. Site Plan Review.

Site plan review will not be required in this zone(Except as needed for building permit), unless the property owner desires to expand the agricultural use by building a building, or adding to a building or developing the property for a commercial purpose such as a chicken house or swine operation. Property owners desiring to expand agricultural/farming enterprises of a commercial nature shall follow an application process similar to the large scale development outlined in Article VIII of the Land Subdivision and Development Code.

4. Area Regulations.

Area regulations are shown on Article XII- Area Regulations.

5. Parking Regulations.

Off-street parking shall be provided in accordance with Article IV.

6. Sign Regulations.

Signs shall be permitted only in accordance with the provisions of Article V.

7. Minimum Distance Between Buildings.

Detached buildings shall be separated by a minimum of 10 feet, and may be built no closer than 25 feet from the property line.

Section P. Planned Unit Development (PUD)

1. General Description

The purposes of this zone are to promote flexibility and innovation in the design of large-scale developments and to encourage 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 development plan. A detailed development plan is required for permitting. Development must follow the development 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 of the following threshold criteria.

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

PUDs may be residential, commercial, industrial or mixed-use in nature. The development plan shall clearly depict the proposed land uses. There are no minimum lot size restrictions for PUDs; however, the Planning Commission will consider PUDs on less than one acre only under special circumstances.

2. 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:

- a. Pre-application Conference. Each prospective applicant shall confer with the City Staff in connection with the preparation of the application prior to the submission. At this conference, the following information and data shall be considered.
 - (1) The boundaries of the property
 - (2) Existing easements and covenants affecting the property
 - (3) Physical characteristics such as drainage, topography, vegetation and existing structures.
 - (4) Development characteristics such as surrounding land uses, existing streets and availability of utilities.
 - (5) Elements of the proposed layout such as land uses, open spaces, community facilities, densities, traffic flow and estimated impact on traffic and adjacent land uses.
- b. Development plan submittal. No less than ten days prior to the Planning Commission meeting at which the proposed Planned Unit Development is to be reviewed, the applicant shall submit ten (10) copies of the proposed development plan to the staff. The submittal shall include the following as a minimum.
 - (1) A development plan drawn to scale on vellum accompanied by an electronic version of the same in a format compatible with AutoCad® 2000 or more recent release. Survey information shall be prepared 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 indicated on the drawing.
 - (2) Name of developer
 - (3) Name and address of owner
 - (4) Type of activity
 - (5) Building footprints for the individual buildings to be included in the PUD
 - (6) Topographic contours at two (2) foot intervals
 - (7) All easements existing or proposed.
 - (8) Street rights-of-ways and street names.
 - (9) All drives, access-ways, alleys, parking lots and any streets proposed to be dedicated.
 - (10) Proposed landscaping
 - (11) Open space and community facilities, if any, proposed as part of the PUD

- (12) Location of all existing and proposed private and public utilities.
- (13) Names of the owners of adjacent properties
- (14) Zoning classifications of adjoining properties
- (15) Construction drawings as necessary to support the proposals outlined in the development plan.
- (16) Exterior lighting and speakers

3. Uses Permitted:

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

4. Regulations:

- a. Residential Lot Size: No minimum lot sizes are established, per se, so the housing can be clustered or otherwise concentrated or arranged in planned locations on the site to take advantage of its natural features.
- b. Open Space Reservation: In any Planned Unit Development, the amount of land not used by buildings, accessory structures, and yards but required by the zoning of the site, shall be maintained 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 prior to such sale. The development plan shall clearly depict the amount of land to be maintained as permanent open space.
- c. Development Density: The development plan shall clearly depict the proposed density by land use category.
- d. Property Owners' Association: As part of the plan proposed for any Planned Unit Development, the developer shall submit a set of covenants running with the land providing for an automatic membership in the Property Owners' Association, to be an incorporated nonprofit organization, operating under recorded land agreements, through which each property owner in the Planned Unit Development is automatically subject to a charge for an appropriate proportionate share of the expenses for maintaining the common property, open space and/or other activities of the Association. Once established, the covenants shall continue and remain in force during the entire existence of the Planned Unit Development.
- e. Responsibility for Open Space: Nothing in this Section of the Code shall be construed as a responsibility of the City of Russellville, either for maintenance

or liability of the following, which shall include but not be limited to: any private open areas, parks, recreational facilities, and a hold harmless clause shall be incorporated in the covenants running with the land to this effect. It shall be provided further, however, that when an owner of a Planned Unit Development desires to dedicate certain land areas to the City for public parks and recreational facilities, and the City approves the nature and location of such lands, and accepts the dedicated areas, the City shall be responsible for the operation and maintenance of these lands and properties.

- f. Common Open Spaces: The size, shape, dimension and location of the common open spaces shall be determined by the Planning Commission in conjunction with the developer or subdivider with consideration being given to the size and extent of the proposed development and the physical characteristics of the land being developed. Consideration should also be given in providing parks, recreational facilities, both active and passive, and pedestrian walkways.

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.

- g. Landscaping Plan: In order to minimize the disturbance of the natural environment, a general landscaping plan shall be required at the time of development plan submission 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 development plan.

The preservation of the natural amenities within the planned unit development shall be given due consideration which shall include topography, trees, and ground cover, natural bodies of water, and other significant natural features. 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. The Planning Commission shall inquire into the means whereby trees and other natural features will be protected during construction. Excessive site clearing of top soil, trees and natural features before the commencement of building operations shall be discouraged by the Planning Commission.

- h. 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.

- i. 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 City Council.

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.

5. Review Process

The Planning Commission shall review the proposed PUD after proper submittal of all documents and review by the appropriate city staff. The following criteria will govern the approval or disapproval of the PUD application by the Planning Commission.

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

6. City Council Approval

Planned Unit Developments represent zoning districts and must be approved by the City Council. However, the development shall be in accordance with the approved development plan. The Planning Commission must approve any contemplated deviation from the approved development plan. Upon approval by the Planning Commission, all recommendations shall be submitted to the Russellville City Council for approval. The Russellville City Council has the authority to require reasonable plan changes for the Planned Unit Development as a prerequisite to approval. Any dedications of streets or easements to the city must be included in the ordinance approving the PUD.

**ARTICLE III.
ADDITIONAL DISTRICT PROVISIONS**

Section A. Accessory Buildings.

An accessory building may be built within a required rear yard when located at least 5 feet from the rear side lot line and is not located within any easement or corner lot. On corner lots the side yard setback for corner lots shall apply. The accessory building shall not exceed, in total square footage, and amount representing more than 30 percent of the required rear yard, 40 percent of the heated and cooled area of the main structure or 800 square feet, whichever is smaller. The accessory building shall be a minimum of 10 feet from any portion of the main building. The height of any accessory building shall not exceed 16 feet at the roof peak.

Section B. 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 areas 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.

Section C. Automobile Wrecking and Junk Yards.

1. General.

Because of the nature and character of their operations, automobile wrecking and salvage yards, junkyards, and similar uses of land can have a 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 junkyard properly minimizes its objectionable characteristics, the standards established in items 2, 3, and 4 shall be used.

2. Location.

- a. Because of the tendency of salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than 400 feet to any established residential district.

- b. Salvage and wrecking yards annexed to the City by popular vote after January 1, 1984, can continue in their present locations. Expansion must have prior approval of the City Council.

3. Screening.

All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence or wall, except driveway area, from 8 to 12 feet in height. Storage between the street and such fence is expressly prohibited. Any fence or wall erected for screening purposes shall be properly painted or otherwise maintained in good condition.

4. Off-street Parking.

Off-street parking requirements are provided in Article IV.

Section D. Child Care Centers.

- 1. Child care centers authorized under special permit uses (Article VI) 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.
 - b. The dwelling shall be located on a lot having not less than 9,000 square feet of area, and all portions of said lot used for outdoor play space shall be fenced with an opaque fence not less than 6 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.
 - d. The site shall permit all unloading and parking to occur on site without disturbing normal traffic operations of the surrounding neighborhood. All parking areas shall be paved and shall be designed so that vehicles must not back into an existing street for egress.
 - e. Off-street parking will be provided for all employees.
- 2. Commercial day care centers, kindergartens, and nurseries that are operated from buildings not originally designed as dwellings shall be located in a commercial zoning district, as described in Article II.

Section E. 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 this Zoning Code. Nothing herein contained shall require any change in plans, construction, or designated use of a building for which a building permit has been issued within 30 days prior to the adoption of this Code, provided construction is started on said building within 60 days after adoption of this Zoning Code.

Section F. Fences, Walls and Hedges (Residential Zones).

1. Notwithstanding other provisions of this Code, fences, walls and hedges shall be permitted in any required yard, or along the periphery or edge of any yard, provided that no opaque fence, wall or hedge along the sides or front edge of any required front yard shall be over 3 ½ feet in height. Fences, hedges or walls may project into or be located along the side yard from the front building line of the lot to the rear lot line, provided such fences and walls (not hedges or trees) do not exceed a height of 6 feet. (Ordinance No. 1113 – 1/26/84)
2. No fence in a residential district may be higher than 6 feet, unless a variance is obtained from the Board of Adjustment. The variance shall not be granted unless the application is made and approved prior to construction of the fence. (Ordinance No. 1454 – 12/9/93)
3. Whenever a commercial or industrial zone or use abuts a residential zone or use, a privacy fence shall be required.

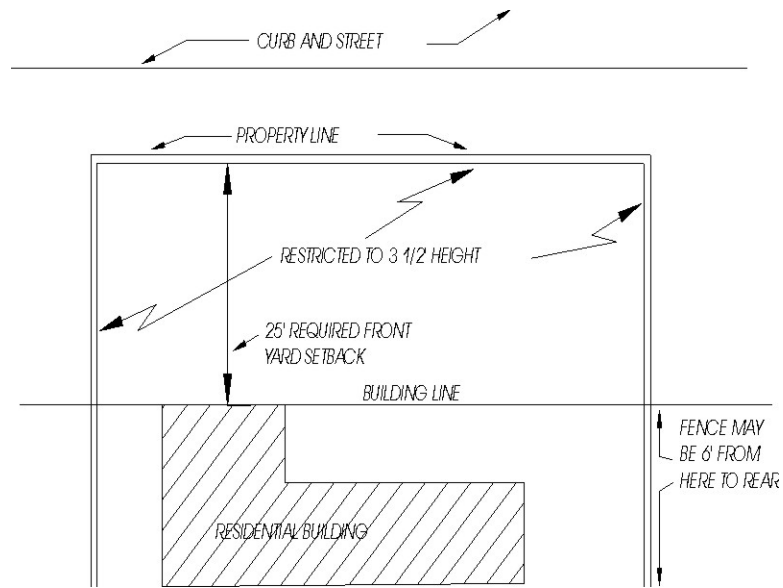
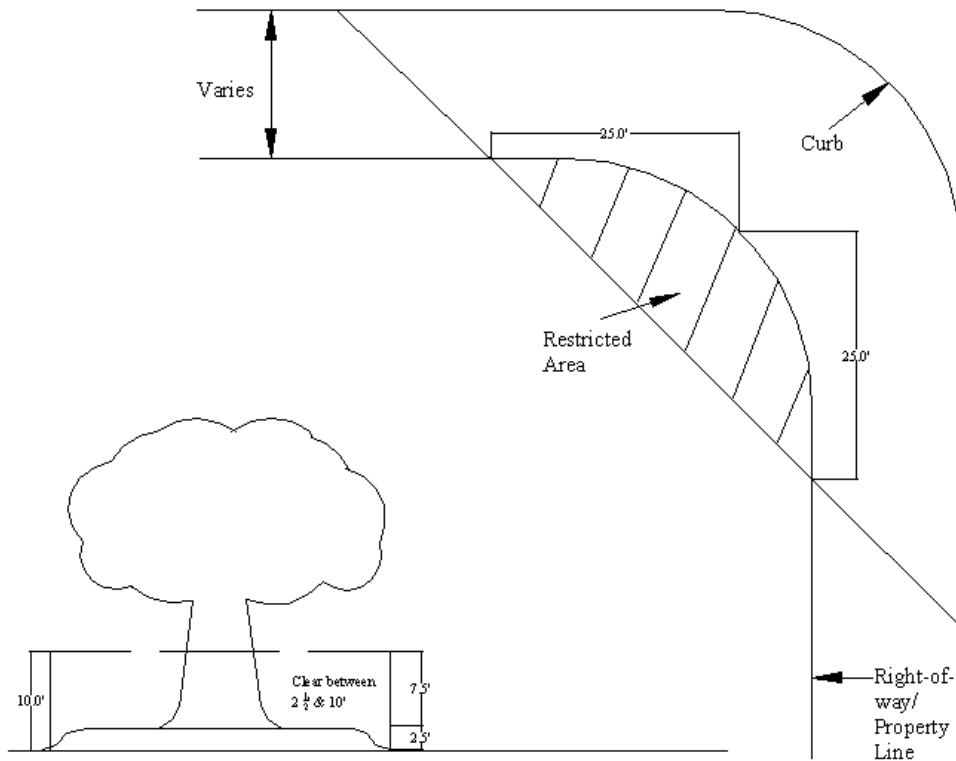


FIGURE TWO: FENCE HEIGHT REQUIREMENTS

Section G. Visibility at Intersections in Residential Districts.

On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of 2 ½ feet and 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 a line joining points along said streets rights-of-way lines 25 feet from the point of intersection. The following graphic illustrates this requirement.



Not to scale.

FIGURE THREE: INTERSECTION VISIBILITY

Section H. Flammable Liquids and Gases.

The storage of flammable liquids and gases shall comply with the State of Arkansas Fire Prevention Code and approved in writing by the Russellville Fire Marshall.

Section I. Height Requirements.

Chimneys, cooling or water towers, elevators, bulkheads, fire towers, monuments, stacks, storage towers, tanks, spires, church steeples, radio towers or necessary

mechanical apparatus may be erected to any height not in conflict with any other ordinance of the City.

Section J. Manufactured Homes and Manufactured Home Parks.

The placement of manufactured homes on individual lots is prohibited except as located in an R-4 Manufactured Home Park or Subdivision District as described in Article II, Section G; in an R-E Estate Residential District as described in Article II, Section A; or as property located in an M-1 Light Industrial District or M-2 Heavy Industrial District.

Section K. Fuel Pumps.

Fuel pumps and pump islands may be located within the required yard setbacks provided, however, that they are not less than 15 feet from all property lines.

Section L. Storage and Parking of Trailers, Commercial Vehicles, and Recreational Vehicles.

1. Commercial vehicles and trailers of all types, including hauling vehicles or trailers 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 provisions listed below. In no case shall a commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products be permitted.
 - a. Commercial vehicles that are less than two tons capacity, less than nine feet in height, including the bed or box; and less than 26 feet in length are permitted to park in residential districts or on a lot by which a dwelling is occupied.
 - b. One commercial vehicle on a five-acre or larger parcel may be parked on a lot in a residential district or on a lot occupied by a dwelling.
 - c. Commercial vehicles used for routine deliveries by tradesmen, or commercial vehicles used for making service calls are permitted to temporarily park in residential districts or on a lot occupied by a dwelling.
 - d. The temporary parking of construction equipment and vehicles on private land in residential districts or on a lot occupied by a dwelling where construction is underway, and for which a current and valid building permit had been issued by the City and is displayed on the premises is permitted.

- e. The parking of any commercial vehicle owned by a public or private utility provider when used in the event of emergencies requiring immediate attention.
 - f. The parking of agricultural equipment and vehicles on private land used for bona fide agricultural purposes is permitted in residential districts or on lots occupied by a dwelling.
 - g. The parking or storage of lawn maintenance equipment is permitted in a residential district or on a lot occupied by a dwelling when the equipment is parked or stored within an enclosed structure.
2. Not more than one recreational vehicle or travel trailer or hauling trailer per family living on the premises shall be permitted and said trailer shall not exceed 30 feet in length or 8 feet in width; and further provided that said trailer shall not be parked or stored for more than one week unless it is located behind the front yard building line. A recreational vehicle or travel trailer shall not be occupied either temporarily or permanently while it is parked or stored in any area within the incorporated limits except as authorized under Section J of this Article and Section G of Article II.

Section M. Swimming Pools.

1. Permitted Uses.

Private swimming pools may be constructed as an accessory use, but shall be completely enclosed by permanent wall or fence 6 feet in height. A swimming pool shall not be constructed in front of the front building line; and no portion of the pool, equipment, walkway, or other facilities related thereto, shall be located closer than 5 feet to the side or rear lot line. (Ordinance No. 1113 – 1/26/84) These requirements do not apply to above-ground pools defined as temporary in nature.

2. Procedure.

Prior to constructing a private swimming pool, the owner thereof shall apply to the City for a permit for such construction. The application shall show the lot on which the pool is proposed for construction; the location of the pool and all equipment, walkways, fences, and walls, or other facilities; and such other information as may be necessary to display adequately the owner's intent in constructing the swimming pool in compliance with this section of the Zoning Code.

Section N. Setbacks from Identified Major Thoroughfare.

Major thoroughfares have been established through the preparation of a comprehensive development plan for the City and are identified on the Master Street Plan. Future rights-of-way for each major thoroughfare shall be equi-distant from the centerline. When a lot abuts an identified major thoroughfare, the required front yard or side yard setback shall be measured from the future right-of-way, and buildings and structures shall be located accordingly.

Section O. Address Posting

The owners and/or occupants of each building located within the city limits of Russellville shall be required to post the address number for said building in a conspicuous place on the building or on a post or sign on the premises. Said number shall be posted on the side of the building or on the post or sign facing the street to which the address number applies and shall be clearly visible and legible from that street.

Address numbers shall be a minimum of three inches in height and shall be in a color contrasting with their background in order to facilitate visibility.

Failure to post the address number for a business or residence in the city shall be a misdemeanor violation and shall be punishable by a fine or not more than \$250.00.

Section P. Self-Storage

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

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

Section Q. Location of Sexually Oriented Businesses

1. Purposes and Intent

It is the purpose of this section to regulate sexually oriented businesses to promote the health, safety and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses within the City. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market, unless otherwise restricted by law.

2. Definitions

- a. Adult Arcade – Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled image-producing devices are maintained to show images to five or fewer viewers at one time, and where the images so displayed are distinguished or characterized by the depicting or describing of “SPECIFIED SEXUAL ACTIVITIES” or “SPECIFIED ANATOMICAL AREAS.”

- b. Adult Bookstore or Adult Video Store – A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
 - (1) books, magazines, periodicals or other printed material, or photographs, films, motion pictures, video cassettes, or video reproductions, slides or other visual representations which depict or describe “SPECIFIED SEXUAL ACTIVITIES” or “SPECIFIED ANATOMICAL AREAS.” or
 - (2) Instruments, devices, or paraphernalia which are designed for use in connection with “SPECIFIED SEXUAL ACTIVITIES.”

- c. Adult Cabaret – A nightclub, bar, restaurant, or similar commercial establishment which regularly features:
 - (1) persons who appear in a state of nudity; or
 - (2) live performances which are characterized by the exposure of “SPECIFIED ANATOMICAL AREAS” or by “SPECIFIED SEXUAL ACTIVITIES”; or
 - (3) films, motion pictures, video cassettes, slides or other photographic reproduction which are characterized by the depiction of “SPECIFIED SEXUAL ACTIVITIES” or “SPECIFIED ANATOMICAL AREAS.”

- d. Adult Motion Picture Theater – a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized or distinguished by an emphasis on matter depicting, describing or relating to “SPECIFIED SEXUAL ACTIVITIES” or “SPECIFIED ANATOMICAL AREAS”
- e. Adult Theaters – A theater, concert hall, auditorium, or similar commercial establishment, which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of “SPECIFIED ANATOMICAL AREAS” or “SPECIFIED SEXUAL ACTIVITIES.”
- f. Nudity or State of Nudity –
- (1) the appearance of the bare human buttock, anus, male genitals, female genitals, or female breasts.
 - (2) A state or dress which fails to opaquely cover a human buttock, anus, male genitals, female genitals, or areola or the female breasts.
- g. Person – an individual, proprietorship, partnership, corporation, association, or other legal entity.
- h. Semi-Nude – A state of dress in which clothing covers no more than the genitals, pubic region and or the female breast, as well as portions of the body covered by supporting straps or devices.
- i. Sexually Oriented Business – an adult arcade, adult bookstore or adult video store, adult cabaret, adult motion picture theater, or adult theater whose inventory, merchandise, or performances are characterized by a preponderance of “SPECIFIED SEXUAL ACTIVITIES” or “SPECIFIED ANATOMICAL AREAS.”
- j. Special Use: a use which may be permitted in a zone where it is specifically listed, subject to the provisions of Article VI of the Russellville Zoning Code as amended.
- k. Specified Sexual Activities –
- (1) Human genitals in a state of sexual stimulation or arousal;
 - (2) Acts of human masturbation, sexual intercourse, or sodomy;
 - (3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

1. Specified Anatomical Areas –

- (1) Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
- (2) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

m. Residential District – Any land within the City limits of Russellville zoned as R-E, R-O, R-1, R-2, R-2S, R-3, R-4, A-1, as defined by this code.

3. Classification

Sexually oriented businesses are classified as follows:

- a. adult arcade;
- b. adult bookstore or adult video stores;
- c. adult cabarets;
- d. adult motion picture theaters;
- e. adult theaters.

4. Location of Sexually Oriented Businesses.

a. A person commits an offense if he operates or causes to be operated a sexually oriented business within 1,000 feet of:

- (1) a church or other religious facility;
- (2) a public or private day-care, elementary, secondary or post-secondary school.
- (3) a boundary of a residential zone (R-E, R-O, R-1, R-2, R-2S, R-3, R-4, A-1), or any single family or multiple family residential use;
- (4) a public park(City, State or Federal)
- (5) a hospital or other medical facility; or

b. A person commits an offense if he causes or permits the operation, establishment, or maintenance of a sexually oriented business within 750 feet of another sexually oriented business.

c. For the purpose of Subsection a, measurement shall be made in a straight line, without regard to intervening structure or objects, from the nearest portion of the building or structure used as part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church or public or private elementary or secondary school, or college, or to the nearest boundary of an affected public park, residential district, residential lot, or hospital or other medical facility.

d. For the purposes of Subsection b of this section, the distance between any two sexually oriented businesses shall be measured in a straight line without regard to intervening structures or objects, from the closest exterior wall of the structure which each business is located.

5. Zones in which Sexually Oriented Businesses May be Located

In addition to the restrictions founding Section No. 4, the City Council directs that sexually oriented businesses may only be located in the following zoning districts, as defined by the City's Zoning Code, as amended : C-2 (Highway Commercial), M-1 (Light Industrial), and M-2 (Heavy Industrial).

6. Sexually Oriented Business – Special Use Permit Required

All sexually oriented businesses shall be considered special uses pursuant to the Russellville Zoning Code, and all sexually oriented businesses shall secure a special use permit form the Russellville City Council, after a public hearing to be held before the Russellville Planning Commission, in accordance with the rules and regulations of said Code, prior to opening a business or being issued a business permit.

7. Non-Conforming Sexually Oriented Business

(a) It is believed that there are currently no sexually oriented businesses located within the city limits of Russellville. If it is later determined that a sexually oriented business existed within the city limits prior to the effective date of this code, then an amending ordinance shall be prepared to address issues relating to the non-conforming business.

8. A lawfully operating sexually oriented business shall not be rendered illegal by the subsequent location of a church, a public or private school, a pre-school, a child-care facility, a public park, residential zoning, or residential uses.

9. Enforcement

a. Any person violating any part of this ordinance, upon conviction, shall be punished by a fine not to exceed \$500.00

b. If the violation is, in its nature, continuous in respect to time, the penalty for allowing the continuance thereof is a fine not to exceed two hundred fifty dollars (\$250.00) for each day that the same is unlawfully continued.

c. A person who operates or causes to be operated a sexually oriented business in violation of Section No. 4 of this ordinance will be subject to a suit for injunction as well as prosecution for criminal violations.

Section R. Location of Commercial Communication Towers

1. Purpose

The purposes of these regulations are described as follows:

- a. To establish a system of administering requests for the siting of commercial communication towers in accordance with provisions of the Federal Telecommunications Act of 1996.
- 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.
- e. This section shall not pertain to amateur radio operators licensed by the Federal Communication Commission (FCC).

2. Location and Application

- a. A Tower Use Permit (TUP) for the following may be processed and approved, with necessary information and agreements, through administrative review:
 - (1) An attached Wireless Communications Facility (Attached WCF) to be attached to an existing monopole, tower, or structure.
 - (2) Facilities to be located in M-1 (Light Industrial) and M-2 (Heavy Industrial) zoning districts.
 - (3) Facilities to be located in parks or other public areas upon approval by the City Council and property owner(s). If the City staff does not approve a TUP for any of the above, the Applicant may elect to apply for a Special Use Permit under the conditions set forth in Article VI.
- b. The following applications are subject to acquisition of a Special Use Permit under the conditions set forth in Article VI:
 - (1) Facilities to be located in any residential use zoning district.
 - (2) Facilities to be located in any commercial use zoning district.

- c. All TUP applications for new tower construction will be considered only after the applicant has demonstrated to the satisfaction of the Public Works Department that:
- (1) No existing towers or structures are located within the geographic area that would meet applicant's engineering requirements.
 - (2) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - (3) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - (4) The applicant's proposed antenna 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.
 - (5) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure, or to adapt an existing tower or structure for sharing, are unreasonable. Any such costs that exceed the cost of new tower development are presumed to be unreasonable.
 - (6) Applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 - (7) The applicant has a binding lease agreement with at least one user of the proposed tower.
- d. All applications shall include, in addition to the other requirements specified in Article VI, if applicable, a scaled development 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.

3. Development Standards.

a. Height.

- (1) An attached WCF shall not add more than 20 feet in height to the existing building or structure to which it is attached.
- (2) WCF with Support Structures shall have a maximum height of 200 feet in industrial and agricultural zones, 150 feet in commercial zones, and 100 feet in residential zones.

b. Setbacks.

- (1) 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.
- (2) WCF with Support Structures shall meet the setback requirements for principal structures of the underlying zone in which they are located, except for residential zoning districts.
- (3) WCF with Support Structures abutting residential property on any side shall be set back from any adjoining property line a distance at least 50 percent of the height of the tower measured from the base of the tower to the property line of the residential lot. Guy-wired anchors shall meet the setback requirements of the specific district in which the WCF is located.

c. Landscaping and Aesthetics.

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

d. Lighting.

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

e. Security Fencing.

WCF with Support Structures shall be enclosed by a security fence not less than six (6) feet.

f. Collocation.

- (1) All WCF with Supporting Structures shall be designed to accommodate a minimum of three antenna arrays where technically feasible and visually desirable.
- (2) All applicants for WCF with Supporting Structures are required to execute a statement upon filing the application agreeing to allow collocation of other WCF providers at a lease rate not to exceed the commonly accepted market terms as determined by the City of Russellville.

g. Conditions.

- (1) Support Structures for wireless communication facilities shall be of the monopole type construction in all zones except M-1, M-2, and C-1.
- (2) Structures in the M-1 and M-2 zones may be of derrick tower or guy-wired supported tower construction.
- (3) 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) The City may impose other conditions and restrictions upon the applicant, as it deems necessary to reduce or minimize any adverse effects and to enhance the compatibility of the WCF with the surrounding properties. Such requirements shall be reasonable and capable of being accomplished under the purposes of this section.

4. Abandonment.

Agreements accompanying a request for new supporting structures or attached WCF shall include the following to be executed with the City of Russellville:

- a. Any Wireless Communication facility (WCF) whose use is discontinued shall be removed by the owner, and shall be reported to the City of Russellville immediately. All discontinued facilities shall be removed within six months and the site restored to its original condition, all at the owner's expense.
- b. Any discontinued WCF not removed within six months may be removed by the City at the owner's expense.

5. Environmental Impact.

- a. Assessments of environmental impact are required by federal law to be prepared by personal wireless service carriers when the following environmental impacts occur:
 - (1) Facilities are located in officially designated wilderness or wildlife areas.
 - (2) Facilities threaten endangered species or critical habitats.
 - (3) Facilities affect historic sites or structures
 - (4) Facilities are to be located in floodplains.
 - (5) Facilities will significantly change a surface area involving wetlands, deforestation, or water diversions.
- b. 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.

6. Timeliness.

The City of Russellville shall complete final action upon any TUP within 90 days of the filing of the application unless the Applicant files a request for extension. Any decision to deny a request will be made in writing and will be supported by substantial evidence contained in a written record.

7. Change of Ownership.

If a Tower Use Permit has been previously issued, any ownership or licensing change not involving new construction may be approved administratively by the City Attorney.

**ARTICLE IV.
OFF-STREET PARKING AND LOADING REQUIREMENTS**

Section A. Off-street Parking Requirements.

1. Minimum Standards.

In all districts except the Central Business District, 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:

- a. Dwelling. Two side-by-side parking spaces for each dwelling unit, plus storage space for two more on driveway.
- b. Bed and Breakfast or Motel. One parking space for each two guests or each bedroom, whichever is greater.
- c. Medical or 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 on duty at any given time. (This includes doctors visiting patients.)
- d. Sanatoriums, Convalescent, or Nursing Homes. One space for each six patient beds plus one space for each staff or visiting doctor plus one space per employee on duty at any given time.
- e. Community Center; Theater, Auditorium. One parking space for each four seats based on maximum seating capacity.
- f. Convention Hall, Lodge, Club, Library, Museum, Place of Amusement or Recreation. One parking space for each 50 square feet of floor area used for assembly or recreation in the building.
- g. Retail Shops. One parking space for each 150 square feet of floor area devoted to sales.
- h. Office Building. One parking space for each 200 square feet of gross floor area in the building, exclusive of the area used for storage, utilities, and building service area.
- i. Commercial Establishments Not Otherwise Classified. One parking space for each 150 square feet of floor space in the building used for retail trade, or used by public, whichever is greater.

- j. 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. Not fewer than one parking space shall be provided for each 4 employees present at any given time.
- k. Church Sanctuary. One parking space fore each 4 seats based on maximum seating capacity; provided, however, that churches may establish joint parking facilities not to exceed 50 percent 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. Parking requirements for office, recreational, and educational uses shall be computed according to each classification.
- l. Day Care Centers. One parking space for each employee on duty at the day care center, plus two visitor spaces. (Ordinance 878 – 9/8/77)
- m. All Others. For all other uses not covered in a through l above, the Planning Commission shall make a determination of the parking demand to be created by the proposed use, and the amount of parking thus determined shall be the off-street parking requirement for the permitted use.

2. Application of Standards.

In applying the standards set forth above, the following shall apply:

- a. In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately, except in the case of church sanctuary as specified in Article IV, Section A.1.k, Church Sanctuary.
- b. Where a fractional space results, any fraction more than one-half shall be counted as one 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 single-family or duplex residences, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.

- e. All parking spaces required herein shall be located on the same lot with the building or use served, with the exception of churches, as noted in Article IV, Section A.1.k, Church Sanctuary.
- f. 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.

Section B. Off-street Loading and Unloading Requirements.

The following rules and regulations shall apply to off-street loading and unloading facilities:

- 1. A building whose principal use is handling and selling goods at retail shall provide one off-street loading and unloading space for buildings up to and including 10,000 square feet floor area, plus one additional space for each additional 10,000 square feet of gross floor area.
- 2. Manufacturing, repair, wholesale, and similar uses shall provide one off-street loading and unloading space for buildings containing 10,000 square feet of floor space, plus one space for each 40,000 square feet of floor area in excess of 10,000 square feet of gross floor area.
- 3. Where trailer trucks are involved, such loading and unloading space shall be an area 12 by 50 feet with a 14-foot height clearance and shall be designed with appropriate means of truck access to a street or alley, as well as having adequate maneuvering area.

Section C. Other Requirements.

- 1. Paved Surface Required.

All parking spaces provided under the provisions of this Article shall have a six-inch gravel base and be paved with concrete or minimum of 2 inches of hot mix asphalt. Parking areas must be paved and striped as required before a Certificate of Occupancy can be issued. (Ordinance No. 113 –1/26/84)

- 2. Driveways.

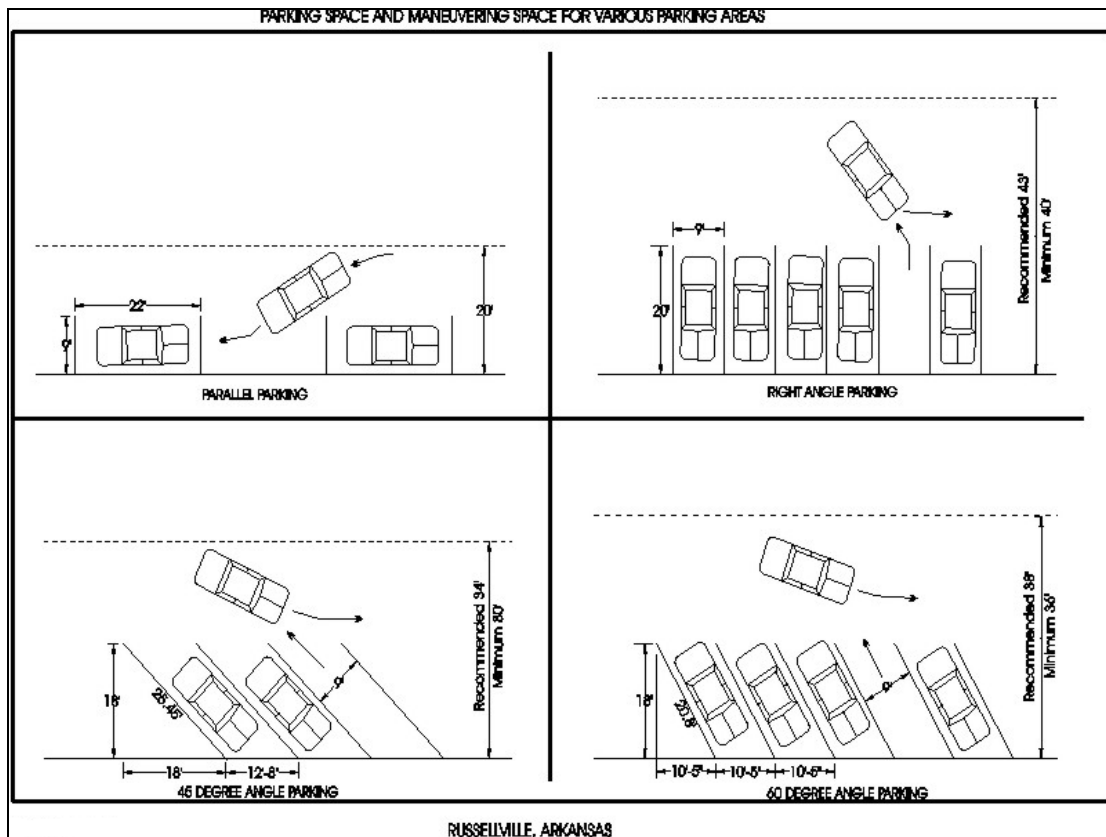
Driveways used for ingress and egress shall not exceed 25 feet in width, exclusive of curb returns, except that the width may be increased to 40 feet in a C-2 zone. Circle driveways must have approval of City Engineer.

3. Buffer.

All interior sides of a parking lot abutting a residential use shall be enclosed with an opaque, ornamental fence or wall, having a height of not less than five feet or more than six feet unless a variance is granted. Such fence or wall shall be maintained in good condition.

4. Size.

The size of a parking space for one vehicle shall consist of a rectangular area having dimensions of not less than 9 feet by 20 feet plus adequate area for ingress and egress.



Not to scale.

FIGURE FOUR: PARKING SPACE STANDARDS

**ARTICLE V.
SIGNS, BILLBOARDS, AND OTHER ADVERTISING STRUCTURES**

Section A. General.

The regulations established herein are designed to regulate sign structures in order to insure 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, billboards, and other advertising structures are indicated below. See Article X for definitions of terms.

Section B. All Districts.

1. In any zoning district, the following general regulations shall apply:
 - a. No sign shall be erected or maintained at any location where, by reason of its position, wording, size, shape, illumination, 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. No illuminated sign shall be permitted within 25 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.
 - d. All outdoor advertising structures, including billboards, 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 or vehicular traffic. In no case shall it be located closer than 10 feet from the front street property line except in C-2 zone.
 - e. Temporary signs shall not be erected or otherwise fixed to any pole, tree, stone, fence, building, structure, or any object within the right-of-way of any street. No temporary sign shall be erected at the intersection of any street in such a manner as to obstruct vision, or be confused with any authorized traffic sign, signal or device. No temporary sign shall exceed 35 square feet in area.
 - f. A temporary sign or banner shall not be suspended across public streets or other public places without the express permission of the City Council.

- g. Identification signs for home occupations shall not exceed six square feet, provided such sign is either a wall or ground sign located not closer than 20 feet to a street right-of-way.
- h. Real estate bulletin boards or signs, not exceeding 40 square feet in area, appertaining to the lease, hire, or sale of a building or premises are allowed in any zone without restriction. Such boards or signs shall be removed as soon as the premises are leased, hired, or sold.
- i. Political signs are allowed in any zone and must be removed by the property owner within 30 days after the election they advertise.
- k. Portable signs are permitted in accordance with the provisions outlined in Section F of this Article.
- j. Only one freestanding sign per street frontage shall be permitted on a lot with a building, at a shopping center, or at a mall.
- l. Projecting signs are permitted in the C-1 and C-1B districts only.
- m. Free standing signs shall be subject to the following:
 - (1) Display surface area shall not exceed 1 square foot per linear feet of street frontage, not to exceed 200 square feet.
 - (2) Freestanding signs shall not exceed 35 feet in height.
 - (3) Notwithstanding the provisions in the two items above, a free standing sign located on a property with a building which abuts Interstate 40 and which is located within 300 feet of the freeway right-of-way and which is set back a distance of 15 feet or more from the street right-of-way may have a maximum height of 50 feet and a maximum display surface of 300 square feet.

Section C. Additional Regulations in Residential Districts.

- 1. In residential use districts, the following maximum standards shall apply:
 - a. For any single-family, two-family dwellings, or boarding house, nameplates, not to exceed two square feet in area, shall be permitted for each dwelling unit; such nameplate shall indicate nothing other than name and/or address or occupants, premises, announcement of boarders or roomers.
 - b. Section B.1g of this Article regulates signs for home occupations.
 - c. For multiple-family and group dwellings, identification signs, not to

exceed 12 square feet in area, shall be permitted; such sign shall indicate nothing other than name and/or address of premises and name of the management.

- d. Announcement of church, school, or public building bulletin boards, not to exceed 30 square feet in area, shall be permitted; such bulletin board shall not be located in a manner so as to obscure or impair vision of persons operating vehicles entering or leaving the premises. Such bulletin board may contain indirect illumination.
- e. Only one sign per street frontage shall be permitted.
- f. Identification signs containing only the name of the public use or institution shall be permitted; but shall not exceed 100 square feet of area.
- g. Flashing or intermittent illumination is prohibited.
- h. Billboards and other advertising structures are prohibited.

Section D. Additional Regulations in Commercial Districts.

1. In the commercial use districts, the following additional regulations shall apply:

- a. C-1, Central Business District

Advertising signs (as contrasted from identification signs) painted on the sides of buildings and signs that advertise products or goods unrelated to the use of the building on which the sign is painted or attached are prohibited except for historic “Ghost Signs”. For principal uses, business signs shall be permitted on the basis of one sign not exceeding 2 square feet of sign area for each one linear foot of building facade, but the maximum total area of all permitted signs for a facade of any establishment shall not exceed 200 square feet. Freestanding billboards are prohibited in the C-1 zone.

- b. C-2, Highway Commercial.

In the C-2, Highway Commercial District, flashing or intermittent illuminated signs are prohibited. Billboards are allowed in accordance with the Table of Permitted Uses, Article XIII. Advertising signs (as opposed to identification signs) on the sides of buildings and signs that advertise products or goods unrelated to the use of the building on which the sign is painted or attached are prohibited. Façade-type

business signs shall be permitted on the basis of one sign not exceeding two square feet of sign area for each one linear foot of building face, but the maximum total area for all permitted signs for a façade of any establishment shall not exceed 200 square feet. Billboards are considered structures and must be the principal structure on the lot, as well as meeting all setback requirements of the C-2 zone.

c. C-3, Shopping Center Commercial District.

In the Shopping Center Commercial District, free-standing billboards are prohibited; additionally, advertising signs (as contrasted with identification signs) painted on the sides of buildings that advertise products or goods unrelated to the use of the building on which the sign is painted or attached shall be prohibited. One identification sign of the shopping center shall be permitted, provided that the sign area of such identification sign shall not exceed 120 square feet. Signs for individual shops and businesses shall conform to the additional regulations contained in Section D.1.a above for the C-1 zone.

d. C-4, Neighborhood and Quiet Business District.

In the Neighborhood and Quiet Business District, flashing or intermittent illumination signs are prohibited; and billboards and other advertising structures are prohibited. For principal uses, business signs shall be permitted on the basis of one sign not exceeding one square foot of surface area for each one linear foot of building facade fronting a public street. (Ordinance No. 1113 – 1/26/84) The height of a sign shall not exceed 35 feet.

Section E. Additional Regulations in Industrial Districts.

M-1, M-2, Industrial Zones

In the M-1 and M-2, Industrial Zones, flashing or intermittent illuminated signs are prohibited. Billboards are allowed in accordance with the Table of Permitted Uses, Article XIII. Advertising signs (as opposed to identification signs) on the sides of buildings and signs that advertise products or goods unrelated to the use of the building on which the sign is painted or attached are prohibited. Façade-type business signs shall be permitted on the basis of one sign not exceeding two square feet of sign area for each one linear foot of building face, but the maximum total area for all permitted signs for a façade of any establishment shall not exceed 200 square feet.

Section F. Additional Regulations Relating to Portable Signs in All Districts.

1. Regulations.

- a. The use of portable signs is prohibited in residential zoning districts (all R Zones). (Exception: Article V, Section 3 C, ~~(4)~~ d of Ordinance No. 859.)
- b. All electrical components, lighting, or illumination shall comply with the National Electrical code and shall meet all appropriate federal, state and local restrictions. The most stringent shall take precedence over any other. No electrical cords shall be placed across drive or walkways.
- c. On signs with flashing lights, wattage shall be no greater than 25 watts per bulb.
- d. Portable signs shall be set back a minimum of 10 feet from the edge of the pavement or curb line and shall not be set within a street or highway right-of-way or across a sidewalk.

2. Portable Sign Permits.

- a. From and after passage of this Ordinance, it shall be unlawful for any person to display a portable sign within the City of Russellville without first obtaining a portable sign permit from the Building Official's Office and paying a fee as required by this section. The permit for each sign to be placed in the City should be obtained by the owner of the sign (usually the sign company) before said sign is installed or placed on any property or business.

If any sign is installed or placed on any property prior to receipt of a permit, the specified permit fee shall be doubled. However, payment of the doubled fee shall not relieve any person of any other requirements or penalties prescribed in this Ordinance.

- b. An application for a portable sign permit shall contain the following information:
 - (1) Name, address, and phone number of the sign permit applicant;
 - (2) Location of property upon which sign is to be placed; and
 - (3) Location of sign on property, including the distance of said location from the curb line.

c. Sign Permit Fees.

Every applicant, before the granting of a permit, shall pay to the City Building Official an initial fee of \$25.00 for permit. (Ordinance No. 1239 - 3/26/87)

3. Non-Compliance and Penalty for Violation.

A violation of the provisions of this action shall constitute a misdemeanor offense. A fine not exceeding \$50.00 per day shall be assessed by the Municipal Court if a person is not in compliance within 3 working days after notification of a violation by the Code Enforcement Officer.

Signs found to be in violation of the provisions of this Ordinance (improper placement or otherwise) may result in the issuance of a citation both to the owner of the sign and the renter or lessee of the sign.

**ARTICLE VI.
SPECIAL PERMIT USES**

Section A. Nature and Description.

Certain uses may or may not be appropriately located within various districts throughout the City due to their unusual or unique characteristics of operation and external effects. Given their unusual character, special consideration must be given each application so as to provide for such reasonable conditions and protective restrictions as are deemed necessary to protect the character and integrity of the area in which uses are proposed to be located. The uses listed Table of Permitted Uses as “special permit uses” are so classified because they more intensely dominate the area in which they are located than do other uses permitted in the district; however, the nature of such uses make it desirable that they be permitted to locate therein.

Section B. Uses.

1. Uses Restricted to Specific Districts.

Uses which are listed in the Table of Permitted Uses as “special permit uses” may be located only in the district or districts so designated and in accordance with the procedure described in Section C below.

Section C. Procedure for Authorizing.

1. The following procedure is established to integrate properly the special permit uses with other land uses located in the district. These uses shall be reviewed and authorized or rejected under the following procedure:

- a. An application shall be filed with the City Planning Commission for review. Said application shall be accompanied by a survey or other similar print of the property showing the location and intended use of the site, all boundary lines, location of buildings on the property, existing land uses within 200 feet of the boundary line of the property upon which special use is to be located, and any other material or information pertinent to the request which the Planning Commission may require. The survey or print must also show any parking space to be located upon the property and the type of surface to be used for parking. (Ordinance 1454 –12/9/93)
- b. The City Planning Commission shall hold a public hearing thereon. At least 15 days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City. Application for a Special Use Permit must be filed according to a monthly schedule maintained by the Municipal Development Office in

order to allow time for processing the legal notices involved. The petitioner for such special permit shall provide evidence prior to the public hearing that he had notified the owners of all properties within 200 feet of the parcel proposed for a Special Use Permit, indicating to each the time and place of the public hearing and the specific use permit shall be in written form and receipt acknowledged. Additionally, the petitioner shall post on the property in a conspicuous location one sign provided by the City Building Inspector, which shall notify the general public of the proposed use and the public hearing date.

c. Following the public hearing, the Planning Commission shall, within 30 days, transmit to the City Council its report as to the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utilities, and other matters pertaining to the general welfare, and the recommendation of the Planning Commission concerning the use thereon.

d. (1) Thereupon, the City Council may authorize or deny the special permit for the use of land or buildings as requested. In granting any permit, the City Council may prescribe appropriate conditions and safeguards as are deemed necessary.

(2) Any signs to be placed upon special permit use property in Zoning Districts R-1, R-2, R-3, and C-4, shall comply with the sign regulations for District C-4 found elsewhere in this Code. Any sign in any other zoning districts must meet the requirements of the surrounding zoning district.

(3) The special permit shall be on a printed form and shall be no smaller than 8 inches by 10 inches. One copy of the permit shall go to the applicant and the Building Official shall maintain a duplicate copy. The permit shall give the following information:

- i. Property location.
- ii. Name of party to which permit is issued.
- iii. Date of issue.

Section D. Fees.

Before any action shall be taken in this section, the petitioner shall pay an application fee of \$50.00, and under no condition shall said sum or any part thereof be refunded for failure of said permit to be approved by the City Council.

ARTICLE VII.
NON-CONFORMING STRUCTURES AND USES OF LAND AND
STRUCTURES

Section A. 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 6 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.
3. In a residential zone, no such non-conforming use of land shall be continued for more than 5 years from date of adoption of this Code or after the effective date of annexation.
4. Any ongoing business, home occupation, or other enterprise conducted in a residential zone annexed to the City by popular vote after January 1, 1984, can continue indefinitely unless said business, home occupation, or other enterprise shall cease to exist for a period of one year in which event the property must comply with existing zone requirements. (Ordinance No. 1168 – 8/22/85)
5. Salvage and wrecking yards annexed to the City by popular vote after January 1, 1984, can continue in their present locations. Expansion must have prior approval of the City Council. (Ordinance No. 1168 – 8/22/85)
6. Subdivisions and land development can continue as planned when plats thereof are on record at the office of the Circuit Clerk and recorded at the time of annexation. (Ordinance No. 1168 - 8/22/85)
7. The City shall accept existing and planned streets providing said streets meet requirements of Pope County for street and road construction. Existing or planned streets for acceptance by the City must be on record with the County Clerk at the time of annexation. If not on record, streets must comply with City specifications. (Ordinance No. 1168 –8/22/85)

8. Timber, mining, and processing operations annexed to the City by popular vote after January 1, 1984, are declared in compliance with all zoning laws in which the same is located. Expansion is permitted so long as it meets State and Federal regulations. (Ordinance No. 1168 – 8/22/85)

Section B. Non-conforming Structure.

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 reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may continue so long as it remains otherwise lawful, subject to the following provisions:

1. Such structure, upon approval of the Board of 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 percent of its replacement cost at the 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.

Section C. Non-conforming Use of Structure.

1. 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, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - a. No existing structure devoted to a use not permitted by this Zoning Code in the district in which it is located shall be structurally altered except in changing the use of the structure to use permitted in the district in which it is located.
 - b. Any non-conforming use may be extended to any portion of a structure arranged or designed for such non-conforming use at the time of adoption or amendment of this Zoning Code, but no such use shall be extended to occupy any land outside such building.
 - c. If no structural alterations are made, any non-conforming use of a structure or structure and premises, may be changed to another non-conforming use provided that the Board of Adjustment shall determine that the propose use is equally appropriate to the district as the existing non-conforming use.

d. Any non-conforming use, once changed to a conforming use, shall thereafter conform to the regulations for the district in which such structure is located and all new uses shall be deemed conforming uses.

e. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six consecutive months, the structure or structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located. If a use is discontinued as a result of litigation, the six-month period shall be extended accordingly.

ARTICLE VIII.
ADMINISTRATION AND ENFORCEMENT

Section A. Administrative Official.

An administrative official designated by the City Council shall administer the provision of this Zoning Code. He may be provided with the assistance of such other persons as the City Council may direct.

Section B. Building Permit.

A building permit will be issued only when the application has been approved by the administrative official as meeting the requirements of this Zoning Code. All applications for building permits shall be accompanied by a plan in duplicate 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. A record of such application and plat shall be filed in the office of the enforcement officer.

Section C. 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 the building or premises complies with the building laws and provisions of this Zoning Code. The administrative official shall keep a record of all certificates of occupancy and compliance. The administrative official may revoke a certificate of occupancy and compliance 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 therein.

Section D. Penalty for Violation.

1. Any person, business, 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.
2. 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, building, 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 hereinabove provided.

Section E. Amendments.

Two types of amendments to this Zoning Code are recognized, one being a revision in the textual provisions of the Code and the other being a change of boundary in a zoning district.

1. Amendment to Text.

The City Council may suggest that the Planning Commission amend the text of this Zoning Code or the Planning Commission itself may desire to initiate an amendment. Should the Planning Commission, after study, request a change in the text, it shall conduct a public hearing on the proposed textual amendment. Following the public hearing, such recommendation shall be submitted to the City Council for adoption in the form of an ordinance amending this Zoning Code.

2. Change in Classification or Zoning District Boundary.

If the owner of property desires to revise the boundary line of a zoning district, he or his legally designated agent shall submit to the Planning Commission a petition for such rezoning. Petitions shall be accepted according to a monthly schedule maintained in the Department of Community Development. The City shall determine the format of this petition. The petition shall provide the legal description of the property proposed for revision in boundary, a description of the property as it is generally identified or known by the public (such as a street address; or in the case of a large tract, a description of its general boundaries), the zoning classification requested for the property, a map or diagram showing proposed improvements to the property, an explanation of the relationship of the proposed use to land uses surrounding the property, and any other optional information which the owner feels should be brought to the attention of the Planning Commission. The deposition of the petition shall be in accordance with the provisions of Sections F and G below.

3. Majority Vote.

- a. The City Council, under the authority of Arkansas Code Annotate 14-56-423 may amend the zoning plans, ordinance, code, and regulations by majority vote of the entire Council, after following the petition procedure (petition, public notice, public hearing, etc.) outlined above. In order to initiate a change in a zoning district boundary, the City Council must, by majority vote, direct that the City Attorney file a

petition, with the Planning Commission, as is outlined above. After a public hearing is held, and the Planning Commission reviews the petition, the Council may amend the zoning district boundary by passage of an ordinance by majority vote.

- b. Also, the City Planning Commission, by majority vote of the entire Commission, may initiate a zoning district boundary change by preparing a petition signed by the Commission Chairman and then following the public notice/hearing procedure outlined above.
- c. Zoning district changes initiated by the City Council or Planning Commission shall not require a fee. (Ordinance 1459 –4/14/94)

Section F. Notice.

Before the Planning Commission may recommend a proposed revision in the boundary of a zoning district such proposed revision must be subject of a public hearing. Notice of the public hearing on the rezoning petition shall be published in a newspaper of general circulation in the City at least one-time 15 days prior to the hearing. Applications for changes in the boundary of a zoning district must be filed according to a monthly scheduled maintained by the Community Development Office in order to allow time for processing the legal notices. The petitioner shall publish the notice and submit to the Planning Commission prior to the public hearing evidence that he has contacted in written form the owner or owners of each separate parcel of land within 200 feet of the parcel proposed for re-zoning. The written notice must provide each affected owner the content of his rezoning petition. For this purpose, the owner-petitioner shall present a plat map showing the location of affected properties together with the owner of record and written acknowledgment from each owner of receipt of property notification, such as postal return-receipt slips. Finally, the administrative official shall cause the owner to place one sign in a conspicuous place on the site of property proposed for rezoning indicating the date and place of the public hearing on the rezoning proposal, said sign to be placed on-site not fewer than 15 days prior to the date of the hearing. The City will furnish the required sign.

Section G. Hearing and Approval.

If all procedural requirements above are satisfied, the Planning Commission and the City Council shall proceed in the following manner:

1. The Planning Commission shall conduct the public hearing on the proposed amendment to the Zoning Code text and/or Official Zoning Map.
2. Following the public hearing, the Planning Commission may approve the proposed Amendment or change of district boundary as presented or in modified form; and the Planning Commission shall make a written

recommendation to the City Council including the reasons therefore.

3. 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 30 days from the date of the hearing.
4. 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 within 15 days after receipt in writing of the Planning Commission's denial.
5. The City Council, by a majority vote, may, by ordinance, adopt the recommended amendment submitted by the Planning Commission or may return the proposed amendment to the Planning Commission for further study and recommendation.
6. If the City Council does not concur with the recommendation of the Planning Commission, either as first submitted or as submitted after re-study, the City Council, may, by majority vote, amend this Code by granting the request in full or in modified form.
7. No application for a zoning amendment will be reconsidered by the Planning Commission for a period of 6 months of elapsed time from the date of final disapproval of the proposed amendment, unless the Planning Commission determines by 3/4 majority vote that a substantial reason exists for waiving this mandatory waiting period.

Section H. 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 pay an application fee as set forth by 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 IX.
BOARD OF ADJUSTMENT

Section A. Creation and Appointment.

A Board of Adjustment is hereby established which shall consist of five members to be nominated by the Planning Commission and confirmed by the City Council. Three members of the Board of Adjustment shall be members of the Planning Commission and two shall not be members of either the Planning Commission or the City Council. Terms of office for the three members from the Planning Commission shall coincide with their respective terms of office on the Planning Commission; and the other two members of the Board of Adjustment shall serve in staggered 2 year terms (initially one shall serve for a period of two years and the second shall serve for a period of one year to be determined by lot). Vacancies on the Board of Adjustment shall be filled by nomination of the Planning Commission and confirmation of the City Council for the unexpired term of the member affected. Board members shall serve until their successors are properly nominated and confirmed by the City Council.

Section B. Organizations.

1. Officers.

A Chairman, Vice Chairman, and Secretary 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 procedure, and, as necessary, shall administer oath and compel the attendance of witnesses. The Secretary shall maintain the official record of minutes and actions.

2. 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 Secretary of 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 3 members. The concurring vote of 60 percent of the total Board members, or 3 votes, shall be necessary to revise any order or decision of the Enforcement Officer or to decide on any manner upon which it is required to pass under this Code.

Section C. Powers and Duties.

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

1. 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.

2. Variances.

To authorize upon appeal in specific cases such variance from the terms of this 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:

- a. 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, structures, 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.
- b. 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.
- c. 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.
- d. 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.

- e. 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.
- f. Under no circumstance 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.

3. 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:

- a. 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.
- b. 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.
- c. Vary the parking regulations by not more than 50 percent where it is conclusively shown that the specific use of a building would make unnecessary the parking spaces otherwise required by this Code.
- d. 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 D. Procedure for Appeals.

1. Application.

Any person aggrieved by a decision of the Administrative Official in interpreting any section of this Code may make an appeal to the Board. 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. After receipt of the application for approval, the Public Works Department shall schedule a hearing at the next available meeting of the Board and shall so inform the applicant.

2. 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. Appeals must be filed according to a monthly schedule maintained by the Public Works Department in order to allow time for processing the legal notices required. 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 of. At a public hearing any party may appear in person, by agent, or by attorney.

In addition to the public notice, the petitioner shall give written notice to the owner or owners of each separate parcel of land adjacent to or located directly across the street from the property that is the subject of the petition. The petitioner is required to show that the adjoining property owner has received notice at least ten (10) days prior to the hearing by providing written acknowledgement that the owners of the adjoining properties have received notification, such as a postal return receipt slip.

Also, the city employee shall cause the petitioner to place a sign in a conspicuous place on the site of the property in question, indicating the date, time, and place of the public hearing on the petition. Said sign should be placed on the site no fewer that fifteen (15) days prior to the date of the hearing.

3. 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 cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of a court of record on application, and notice to the person from whom the appeal was taken.

4. Time Limit on Permits.

No order permitting the use of 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 a period.

5. Fee.

The fee for any appeal or application to the Board shall be \$100.00, no part of which shall be refundable, and shall be paid to the Building Inspector. The Building Inspector shall deposit with the City Treasurer each month all fees collected during the preceding month.

In addition to the application fee, the petitioner shall be required to post a \$50.00 deposit for the public notice sign provided by the city to be placed on the property in question. Failure to return the public notice sign within five (5) days of the Board's decision will result in forfeiture of the deposit.

6. Appeals from Board of Adjustment.

Any persons, or any board, taxpayer, department, or board of 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.
DEFINITIONS**

Section A. General.

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

Section B. Definitions.

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

1. **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.
2. **Administrative Official.** The person designated by the City Council to administer the Zoning Code.
3. **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.
4. **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.

5. **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.
6. **Alley.** A public passage or way affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.
7. **Antenna Array.** 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.
8. **Apartment.** A multiple family dwelling (see “Dwelling, Multiple).
9. **Attached Wireless Communications Facility (Attached WCF).** 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.
10. **Automobile Junk or Salvage Yard.** An area outside of a building where motor vehicles are disassembled, dismantled, junked, or “wrecked”, or where motor vehicles not in operable condition or used parts of motor vehicles are stored.
11. **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.
12. **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.
13. **Billboard.** Any advertising structure that has at least one dimension of greater than 12 feet. See “Signs” below for further definition.
14. **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.

15. **Buffer Area.** A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.
16. **Buildable Area.** The area of that part of the lot not included within the yards or open spaces herein required.
17. **Building.** Any structure including a roof supported by walls, designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property; and forming a construction that is safe and stable; the word building shall include the word structure.
18. **Building, Coverage.** The percentage of the lot area covered by the building. The building area shall include all overhanging roofs.
19. **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 extension above the roof line that are not intended for occupancy or internal usage by persons.
20. **Building Line.** The line of the face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.
21. **Building, Main or Principal.** A building that is constructed or intended to be constructed, as the main or principal use of the lot on which said building is located.
22. **Building, Temporary Construction.** A building located at a construction site which serves only as an office until the given construction work is completed. A temporary construction building is not permitted to serve as a residence at any time.
23. **Car Wash.** A building or area that provides facilities for washing and cleaning motor vehicles, which may use production line methods with a conveyor, blower, or other mechanical device, and which may employ some hand labor.
24. **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.

25. **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 schools 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 within the third degree of 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.
26. **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.
27. **Clinic, Dental or Medical.** A facility for the examination and treatment of ill and afflicted human outpatients; provided, however, that patients are not kept overnight except under emergency conditions.
28. **Club or Lodge.** A membership organization established for specific purposes, having a charter of by-laws, and operating in other localities in addition to Russellville.
29. **Collocation or Site Sharing.** 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.
30. **Commercial Message.** Any sign, wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.
31. **Commercial Vehicle.** Heavy machinery equipment, dump trucks, tractor and trailer rigs, either as one unit or separately, vehicles having more than two axles on the road and similar vehicles not ordinarily used for personal transportation.
32. **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.

33. **Community Theater.** A building used for theatrical or other cultural activities, open to the public or designated part of a public, non-profit group or agency.
34. **Comprehensive Plan.** An official statement reflecting the objectives, policies, and ambitions of the community regarding future physical growth. Once adopted, the plan serves as a guide for making land use changes, preparation of implementing ordinances (zoning, platting), preparation of capital improvement programs and the rate, timing and location of future growth. The Plan reflects the general location for various land uses, major streets, parks, public buildings, zoning districts and other public improvements. The Comprehensive Development Plan shall be hereinafter called the Plan.
35. **Controlled Access Highway.** Any state or federal numbered highway, including an interstate highway, within the City of Russellville, Arkansas.
36. **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”.
37. **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.
38. **Derrick Tower.** A structure constructed of lattice steel and which is entirely self-supporting.
39. **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.
40. **District, Zoning.** Any section, or sections, or divisions of the City for which the regulations governing the use of land, density, bulk, height, and coverage of buildings and other structures are uniform.
41. **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.

42. **Dwelling, or Dwelling Unit.** Any room or group of rooms, including manufactured housing units, located within a structure forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, eating, and sanitation by one family, but not including house trailers, travel trailers, or house boats.
43. **Dwelling, Attached.** A dwelling having any portion of one or more walls in common with adjoining dwellings.
44. **Dwelling, Detached.** A dwelling having open space on all sides.
45. **Dwelling for Resident Security Guard or Caretaker.** A permanent dwelling for a security guard or caretaker employed on the premises of a site. A dwelling for a resident security guard or caretaker does not include Recreational Vehicles (RV) or manufactured homes.
46. **Dwelling, Single Family.** A dwelling designed to be occupied by one family.
47. **Dwelling, Two-Family.** A dwelling designed to be occupied by two families living independently of each other.
48. **Dwelling or Complex, Multi-Family.** A dwelling or complex designed for occupancy by eight or more families living independently of each other, exclusive of auto or trailer courts or camps, hotels, or resort type hotels.
49. **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.
50. **Duplex. (See Dwelling, Two-Family)**
51. **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.
52. **Equipment Facility.** Any structure used to contain ancillary equipment for a WCF, which includes cabinets, shelters, and a build out of an existing structure, pedestals, and other similar structures.
53. **Erect.** To build, construct, attach, hang, place, suspend, or affix, and shall also include the painting of wall signs.

54. **FAA.** The Federal Aviation Administration.
55. **FCC.** The Federal Communication Commission
56. **FTA.** The Federal Telecommunications Act of 1996.
57. **Factory-built Home.** Any dwelling that is wholly, or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly on a building site. Factory-built homes shall include, but are not limited to, manufactured homes, modular homes and mobile homes.
58. **Family.** One or more persons related by blood or marriage, including adopted children; also may be defined as a group of persons not related by blood or marriage, not to exceed eight persons, 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.
59. **Fast-Food Restaurant. (See Restaurant, Fast-Food, and Restaurant, Drive-In)**
60. **Fence.** A structure serving as an enclosure, barrier, or boundary and usually made of post boards, wire, stakes, or rails.
61. **Flood Plain.** Flood plain or flood-prone area means any land area susceptible to being inundated by water from any source.
62. **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.
63. **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.
64. **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 2 buildings.
65. **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.

66. **Floor Area Ratio.** Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.
67. **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.
68. **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.
69. **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.
70. **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 and not for commercial repair use.
71. **Garage, Public or Repair.** A building in which are provided facilities for the care, servicing, repair, or equipping of automobiles.
72. **Gasoline or Service Station.** Any building, structure, or land used primarily for the dispensing, sale of fuels, oils, accessories, or maintenance and repair services.
73. **Gasoline Service or Filling Station.** Any area of land, including structures thereon, that is used for the retail sales of gasoline or oil fuel, or other automobile accessories, and incidental services including facilities for lubricating, hand washing and cleaning, or otherwise servicing automobiles, but not including painting, major repair, or automatic automobile washing or the sale of butane or propane fuels.
74. **Guy-Wired Tower.** A structure constructed of lattice steel and which is supported by guy-wires extending at angles from the structure to ground anchors.
75. **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.

76. **Hedge.** A barrier or boundary formed by a dense row of shrubs or low trees.
77. **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.
78. **Home Occupation.** Any occupation or profession carried on solely by the occupant of the dwelling and which is clearly incidental and secondary to the use of the premises for dwelling purposes; which does not change the character thereof; and which is conducted entirely within the main or accessory building; provided that no trading in merchandise is carried on and in connection with which there is no display of merchandise or sign other than one non-illuminated name plate, not more than 6 square feet in area and located not closer than 20 feet from the street right-of-way line; and no mechanical equipment is used or activity is conducted which creates any noise, dust, odor, or electrical disturbance beyond the confines of the lot on which said occupation is conducted. The operation of a tea room or restaurant, rest home, clinic, doctor or dentist office, child care center, tourist home, or cabinet, metal, or auto repair shop shall not be deemed a home occupation.
79. **Hospital.** An institution providing health services primarily for human in-patient or medical or surgical care for the sick or injured, and including the related facilities such as laboratories, out-patient departments, training facilities, central service facilities and staff offices which are integral part of the facilities.
80. **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 guests. This definition does not include an auto or trailer court or camp, sanatorium, hospital asylum, orphanage, or building where persons are housed under restraint.
81. **Illumination, Direct.** Illumination that is so arranged that the light is directed into the eyes of the viewer from the light source.
82. **Illumination, Indirect.** Illumination that is so arranged that the light is reflected from the sign to the eyes of the viewer.

83. **Illumination, Spot Light.** Illumination that comes from lamps, lenses, or devices designed to focus or concentrate the light rays of the source.
84. **Kennel.** Any lot or premises in which four or more dogs, more than six months of age are kept for personal use or boarding.
85. **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.
86. **Lot.** A parcel of land occupied or indented 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 the street.
87. **Lot of Record.** A lot or parcel of land, the deed to which has been recorded in the office of the County Recorder of Pope County prior to the adoption of this Code.
88. **Lot, Corner.** A lot abutting upon two or more streets at their intersection.
89. **Lot, Double Frontage.** A lot that is an interior lot extending from one street to another and abutting a street on two ends. (mainly front and back yards.)
90. **Lot Lines.** The lines bounding a lot as defined herein.
91. **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.
92. **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.
93. **Lot Line, Side.** Any lot line other than a front or rear lot line as defined herein.
94. **Lot Width.** The width of a lot measured at the front building setback line.
95. **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.

96. **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 $\frac{3}{4}$ 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.
97. **Manufactured Home.** A dwelling built in factory in accordance with the Federal Manufactured Home Construction and Safety Standards.
98. **Manufactured Home Park.** Land or property containing a minimum of 3 acres which is used or intended to be used or rented for occupancy by manufactured homes or movable sleeping quarters of any kind.
99. **Manufactured Home Subdivision.** A subdivision in which lots are platted to be served by public rights-of way, designed and intended for sale to individuals who will place a mobile home unit or joining of units, and meeting the requirements of Article II, Section G.
100. **Mobile Home.** A dwelling that was fabricated in an off-site manufacturing facility, designed to be a permanent residence, built prior to enactment of the Federal Manufactured Home Construction and Safety Standards, and consistent with any existing state definitions.
101. **Modular Home.** A residential dwelling, constructed in a factory to a residential construction code other than the Manufactured Home Construction and Safety Standards.
102. **Monopole Tower.** A supporting structure composed of a solid pole without any guy-wired support.
103. **Motel.** A motel or motor court is a business consisting of a building or group of buildings so arranged as to furnish overnight accommodations for transient guests.
104. **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.
105. **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.

106. **Non-conforming Use.** Any building or 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.
107. **Nursing Home.** Any premises where more than three persons are lodged and furnished with meals and nursing care.
108. **Park.** An area that is open to the general public and reserved for recreational, educational, cultural, or aesthetic use.
109. **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.
110. **Parking Lot, Private.** A parking area for the exclusive use of the owners, tenants, lessees, or occupants of the lot on which the parking area is located or their customers, employees, or whomever else they permit to use the parking area.
111. **Parking Lot, Public.** A parking area available to the public, with or without payment of a fee.
112. **Parking Space.** An off-street space available for the parking of one motor vehicle and having an area of not less than 180 square feet exclusive of passageways and driveways, and having direct access to a street or alley. It shall measure not less than 9 feet by 20 feet.
113. **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.
114. **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.
115. **Principal Use.** The specific primary purpose for which land, building, or structure is used or intended to be used.
116. **Professional Office.** For purposes of determining permitted uses in the C-4,

Neighborhood and Quiet Business District, a professional office is defined as one in a member of a recognized profession maintains for the conduct of that profession.

117. **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.
118. **Public Utility.** Any person, firm, corporation, municipal department, or board, duly authorized to furnish and furnishing under regulations to the public, electricity, gas, telephone, television cable, telegraph, transportation, drainage, water, or sanitary sewage.
119. **Radio Tower, Commercial.** A commercial communication tower not covered under the Telecommunications Act of 1996.
120. **Radio Tower, Private.** A radio or TV tower that is attached to a residence(s) for home or amateur use, and not covered under the Telecommunications Act of 1996.
121. **Recreational Vehicle (RV).** Self propelled or towed temporary living quarters equipped with minimum of bed, sanitation, bath and cooking facilities.
122. **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 nondisposable containers, and where the customer consumes these foods while seated at tables or counters located within the building.
123. **Restaurant, Drive-In.** An establishment that delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not is also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.
124. **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.

125. **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.
126. **School.** A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools.
127. **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.
128. **Service Station.** (See **Gasoline Service Station**)
129. **Setback.** The required minimum horizontal distance between the structure line and the related front, side, or rear property line.
130. **Shopping Center.** Two or more retail stores and/or service establishments, or one retail store and one service establishment, sharing customer-parking areas, regardless of whether said stores and/or service establishments occupy separate structures or are under separate ownership.
131. **Sign.** The term “sign” shall mean and include every device, frame, letter, figure, character, mark, plane, point, design, picture, stroke, stripe, trademark, or reading matter which is used or intended to be used to attract attention or convey information when the same is placed out of doors in view of the general public. In addition, any of the above, which is not placed out of doors, but which is illuminated with artificial or reflected light placed near the inside surface of a window in such a way as to be in view of the general public and used or intended to be used to attract attention or convey information to motorists.
132. **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 is columns, a pylon, or a building or part thereof, shall not be included in the sign area.
133. **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.

134. **Sign, Banner-style.** Any sign printed or displayed upon cloth or other flexible material, with or without frames.
135. **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.
136. **Sign, Bulletin Board.** A sign portraying a non-commercial message for the purpose of announcing an event to be held on the same premises upon which the sign is placed.
137. **Sign, Flashing.** An illuminated sign on which artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use.
138. **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.
139. **Sign, Identification.** A sign that serves as an identification for a person or business operating on the premises where the sign is located. Such sign may name the person, organization or business, but shall not portray any other commercial or non-commercial message.
140. **Sign, Illuminated.** Any sign that has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper.
141. **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.
142. **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.
143. **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.

144. **Sign, Portable.** 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.
145. **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.
146. **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.
147. **Sign, Real Estate.** A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.
148. **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.
149. **Sign, Temporary.** Any sign that is used only temporarily and not for a period exceeding 10 days and which is not permanently mounted.
150. **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.
151. **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.
152. **Stealth Technology.** 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.
153. **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 IV, Section C of this Code.

154. **Storm Shelter.** Storm shelters are not regulated by this Code.
155. **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 not floor above it, the space between the floor and ceiling next above it. A half story is a partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than 4 feet above the floor of each story.
156. **Street.** Any public or private thoroughfare that affords the principal means of access to abutting property.
157. **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.
158. **Structural Alterations.** Any change in the supporting members 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.
159. **Structure, Single-Family.** A detached residence designed for occupancy by one family only, and having a minimum of 500 square feet of living space.
160. **Structure, Two-Family.** A detached residence designed for occupancy by two families, and having a minimum of 500 square feet of living space per family.
161. **Structure, Multi-Family.** A residence designed for occupancy by three or more families, with separate housekeeping and cooking facilities for each.
162. **Support Structure.** A wireless communication 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.
163. **Swimming pool.** A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen inches below the level of surrounding land, or an above-surface pool, having a depth of more than thirty inches, designed, used, and maintained for swimming.
164. **Tower Use Permit (TUP).** 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 Code.

165. **Trailer Court.** (See **Manufactured Home Park**)
166. **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”.
167. **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.
168. **Wall.** An upright structure of masonry, wood, plaster, or other building materials serving to enclose, divide, or protect an area.
169. **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.
170. **Wireless Communications.** 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.
171. **Wireless Communication Facility (WCF) or Tower.** Any unstaffed facility covered under the Telecommunications Act of 1996 used 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.
172. **Yard.** The open space between the lot line and the main building line.
173. **Yard, Front.** The open space between the front lot line and the main building line, extending from side lot line to side lot line; this being the minimum horizontal distance between the front lot 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.

174. **Yard, Rear.** The minimum allowable horizontal distance between the rear lot line and the main building, extending across the rear of the lot between the side lot lines. Neither the main building nor any projection thereof other than steps, unenclosed porches, or entranceways may extend into the required rear yard.

175. **Yard, Side.** The required open space between the main building line and the sideline of the lot, extending from the front yard to the rear yard.

**ARTICLE XI.
VALIDITY AND REPEAL**

Section A. Validity.

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

2. The City Council of the City of Russellville 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 B. Repeal.

All 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 ordinances of the City Council of the City of Russellville, Arkansas.

**ARTICLE XII.
AREA REQUIREMENT**

ZONE	USE	MIN LOT AREA SQ FT	MIN LOT WIDTH AT BLDG LINE	FRONT	SIDE INTERIOR	SIDE EXTERIOR OR CORNER	REAR SINGLE FRONTAGE LOT	REAR DOUBLE FRONTAGE LOT
R-E	SINGLE FAMILY	43,560 (1 ACRE)	150	50	25	25	25	50
R-1	SINGLE FAMILY CHURCHES	9,600 20,000	75 100	25 30	10 30	15 30	15 30	25 30
R-2	SINGLE FAMILY DUPLEX MULTI-FAMILY CHURCHES	7,200 9,000 1,000-B 14,000	60 60 80-D 70	25 25 25 25	8 8 15 15	15 15 15 15	15 15 15 15	25 25 25 25
R-2S	SINGLE FAMILY	12,000	60	25	8	15	15	25
R-3	SINGLE FAMILY DUPLEX MULTI-FAMILY CHURCHES ZERO-LOT LINE	6,000 10,000 1,000-B 7,000 4,000	50 60 75-C 50 40	20 20 20 20 15	6 6 10 10 0/10	15 15 15 15 15	15 15 15 15 15	20 20 20 20 15
R-4	MFG HOME PARK MFG HOME SUBDIVISION	4,000 3 ACRES 5 ACRES	40 40	10 25	10 6	10 15	10 20	10 25
C-1	CENTRAL BUSINESS DISTRICT	NONE-D	NONE	0	NONE-E	NONE-E	NONE-E	NONE-E
C-1B	CENTRAL BUSINESS DIST. B	NONE-D	NONE	I	I	I	I	I
C-2	HIGHWAY COMMERCIAL	NONE-D	NONE	25	NONE-E	10	NONE-E	NONE-E
C-3	SHOPPING CENTER	3 ACRES	NONE	25	25	25	25	25
C-4	NEIGHBORHOOD & QUIET BUSINESS	NONE-D	NONE	25-F	10-F	15-F	15-F	25
M-1	LIGHT INDUSTRIAL	NONE-D	NONE	25-G	25-G	25-G	25-G	25
M-2	HEAVY INDUSTRIAL	NONE-D	NONE	25	25-G	25-G	25-G	25
A-1	AGRICULTURAL	43,560 (1 ACRE)	150	50	25	25	25	50
PUD	PLANNED UNIT DEVELOPMENT	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Notes for Area Requirements Table:

- A Minimum lot width shall be increased by 10 feet for each dwelling unit exceeding 3, up to a maximum required width of 200 feet.
- B Minimum lot area must be 8,500 square feet in the R-3 District, 12,000 square feet in the R-2S District, or 10,000 square feet in the R-2 District for the first 3 dwelling units, plus 1,000 square feet for each additional dwelling unit in excess of the first 3.
- C Minimum lot width shall be increased by 5 feet for each dwelling unit exceeding 3, up to a maximum required width of 150 feet.
- D While there are no specific lot area requirements, the lot must be adequate to provide all required yard area, off-street parking and loading area, and comply with coverage requirements.
- E Where commercial uses adjoin a residential district, or are serviced from the rear, setbacks are required. Refer to specific district regulations to determine condition.
- F Residential uses in the C-4 zone must comply with setback and area requirements of the R-3 District.
- G Industrial structures may be built to the side or rear property line where railroad siding facilities are utilized.
- H Requirement to be established through Planning Commission approval of development plan.

**ARTICLE XIII.
TABLE OF PERMITTED USES**

PERMITTED USES	<u>R-E</u>	<u>R-O</u>	<u>R-1</u>	<u>R-2</u>	<u>R-2S</u>	<u>R-3</u>	<u>R-4</u>	<u>A-1</u>	<u>C-1</u>	<u>C-1I</u>	<u>C-2</u>	<u>C-3</u>	<u>C-4</u>	<u>M-1</u>	<u>M-2</u>
Accessory Buildings	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Adult Daycare		SP							X	X	X	X	X		
Advertising Displays, and Signs - Printing & Fabrication														X	X
Air Conditioning and Heat Equipment - Sales and Service											X	X		X	X
Air Conditioning and Heat Equipment - Manufacture Of														X	X
Amusement, Commercial											SP			SP	SP
Animal Hospital, Kennel, Pound or Shelter								X			X	SP		X	X
Animal and Husbandry, Dairying or Pasturage								X						X	X
Animal and Poultry Husbandry, Dairying or Pasturage; not the Keeping /Feeding of Swine or Poultry								X							
Apparel or Other Textile Products, Manufacturing Of														X	X
Appliance Repair								X	X	X	X	X	X	X	X
Art Gallery or Museum		SP						X	X	X		X			
Asphalt or Asphalt Products															SP
Auction Room; Auctioneer									X	X	X	X			X
Auditorium		SP							X	X	X	X			
Auto Repair Garage									X	X	X	X		X	X
Auto Service Station									SP	SP	SP	SP	SP	SP	SP
Automobile Accessory and Supply Store									X	X	X	X	SP	X	X

PERMITTED USES	<u>R-E</u>	<u>R-O</u>	<u>R-1</u>	<u>R-2</u>	<u>R-2S</u>	<u>R-3</u>	<u>R-4</u>	<u>A-1</u>	<u>C-1</u>	<u>C-1I</u>	<u>C-2</u>	<u>C-3</u>	<u>C-4</u>	<u>M-1</u>	<u>M-2</u>
Automobile Bus or Truck-Painting or Body Shop											X			X	X
Automobile Car Wash									X	X	X	X	X	X	
Automobile/Truck Sales, New and Used											X	X		X	X
Automobiles, Trucks or Trailers, Manufacturing Of															X
Automobile Wrecking, Salvage or Junkyard															SP
Auto Wrecker Service, Subject to Article V											X				X
Baked Goods, Candy, Bread, Dairy, and Ice Cream Manufacturing									SP	SP	X	SP		X	X
Bank, Drive-in		SP							X	X	X	X	X	SP	SP
Bank, Savings and Loan, or Similar Financial Institutions									X	X	X	X	X	SP	SP
Barber or Beauty Shop		X				SP			X	X	X	X	X		
Batching or Mixing Plant, Asphaltic or Portland Cement, Concrete, Mortar or Plaster															SP
Bed & Breakfast		SP							X	X	X	X	X		
Beverages, Non-Alcoholic, Manufacturing															X
Billboards within 600 feet of interstate highway right-of-way											SP			SP	SP
Boats/Marine Rental or Sales											X	X		X	X
Boats, Building															X
Boats, Repair											X				
Book Binding									X	X	X	X		X	X
Book or Stationary Store		SP							X	X	X	X	X		
Bottling Works											X			X	X

PERMITTED USES	<u>R-E</u>	<u>R-O</u>	<u>R-1</u>	<u>R-2</u>	<u>R-2s</u>	<u>R-3</u>	<u>R-4</u>	<u>A-1</u>	<u>C-1</u>	<u>C-1F</u>	<u>C-2</u>	<u>C-3</u>	<u>C-4</u>	<u>M-1</u>	<u>M-2</u>
Bowling Alley											X	X			
Building Materials and Supplies, including Sale of Lumber											X	X		X	X
Buildings, Temporary until Construction Work Completed- Office only – no residence	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Buildings, Public, Semi-Public, Party or Club Rental									X	X	X	X	X		
Bus Station									SP	SP	X				
Campground, R.V. Park								SP			X				
Carnival, Circus or Similar Temporary Amusement Enterprise								SP	X	X	X	X			
Carpentry, Custom Woodworking or Furniture Making									X	X	X	X	SP	X	X
Catering Service									X	X	X	X	X		
Cement, Lime or Plaster-of-Paris, Manufacturing Of															SP
Cemetery/Mausoleum	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	
Ceramic Products - Brick, Tile, Clay, Glass, Porcelain, Manufacture Of											SP			SP	X
Chemicals, Compounding or Packaging														SP	X
Christmas Tree Sales, Temporary									X	X	X	X	X	X	
Church or Other Place of Worship	SP	SP	SP	SP	SP	SP	SP	SP	X	X	X	X	SP		
Church Nursery or Day Care	SP	SP	SP	SP	SP	SP	SP	SP	X	X	X		SP		
Clinic, Dental, Medical, or Osteopathic, Chiropracist		SP							X	X	X	X	X		

PERMITTED USES	<u>R-E</u>	<u>R-O</u>	<u>R-1</u>	<u>R-2</u>	<u>R-2s</u>	<u>R-3</u>	<u>R-4</u>	<u>A-1</u>	<u>C-1</u>	<u>C-1F</u>	<u>C-2</u>	<u>C-3</u>	<u>C-4</u>	<u>M-1</u>	<u>M-2</u>
	Clothing, Custom Manufacturing or Altering for Retail, including Tailoring									X	X	X	X	SP	
Club or Lodge, Public or Private		SP							X	X	X	X	X		
Cold Storage														X	X
Condominium				X		X			SP	SP	SP	SP	SP		
Convenience Goods, Sale of									X	X	X	X	SP		
Convenience Store, 3,500 square feet or less											X	SP	X		
Convenience Store, greater than 3,500 square feet											X	X			
Community Building		SP									X	X	X		
Compounding or Packaging of Cosmetics, Toiletries, Drugs, and Pharmaceutical Products														SP	X
Construction Staging Site without Heavy Equipment or Material Storage												X		X	X
Construction Office/Building, Equipment Repair, Sales, or Contractor Storage Yard											SP			X	X
Custom Sewing		SP							X	X	X	X	X		
Day Care Center	SP	SP	SP	SP	SP	SP	SP		X	X	X	X	X		
Drive-through Window Pick up-Pay		X							X	X	X	X	X		
Dry Cleaners, Laundry									X	X	X	X	X		
Drugstore or Pharmacy									X	X	X	X	X		

PERMITTED USES	<u>R-E</u>	<u>R-O</u>	<u>R-1</u>	<u>R-2</u>	<u>R-2S</u>	<u>R-3</u>	<u>R-4</u>	<u>A-1</u>	<u>C-1</u>	<u>C-1B</u>	<u>C-2</u>	<u>C-3</u>	<u>C-4</u>	<u>M-1</u>	<u>M-2</u>
Duplication Shop									X	X	X	X	X		
Dwelling for Resident Security Guard or Caretaker employed on the premises- No R.V. or Manufactured Home									X	X	X	X		X	X
Dwelling - Manufactured Home, Subdivision and Park							X								
Dwelling - Multi-Family - Duplex				X		X			X	X			X		
Dwelling - Multi-Family – 4-Plex				X		X			X	X					
Dwelling - Multi-Family – 5-Plex or More						X			X	X					
Dwelling - Single-Family, Detached	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Dwelling - Single-Family, Manufactured Home							X								
Dwelling - Single-Family, Zero Lot Lines						X			X	X					
Dwelling - Townhouses				X		X			X	X	SP	SP	SP		
Electrical Appliances, Equip & Supplies									X	X	X	X			
Electrical Substation	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
Exterminator, Pest									X	X	X		SP	X	X
Extraction of Clay, Gravel Quarrying of Rock Fabricator, Light – No trailer parking	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	X
											SP			X	X
Farm Equip Sales, Service, Repairs											X			X	X
Feed and Fertilizer Sales and Storage											SP			X	X
Fertilizers, Manufacturing of														SP	SP
Field Crops, Floriculture, Greenhouse, Horticulture, Nursery, Truck Gardening	X	X	X	X	X	X	X	X	X	X	X	X	SP	X	X
Flea Market									SP	SP	SP	SP	SP	SP	
Florist Shop		SP							X	X	X	X	X		

PERMITTED USES	R-E	R-O	R-1	R-2	R-2S	R-3	R-4	A-1	C-1	C-1B	C-2	C-3	C-4	M-1	M-2
Food Products, including Dairy Products, Bakery Products, Candy, Fruit and Vegetable Processing and Canning, Packing and Processing of Meat and Poultry, but not including Distilling of Beverages, Slaughtering of Animals or Poultry, or Manufacture of Vinegar or Pickles														X	X
Food Products, including Slaughtering of Animals or Poultry, or Manufacture of Vinegar or Pickles															SP
Fraternity, Sorority Houses						X			X	X	X		X		
Freight Depot, Railroad, Truck or Barge									SP	SP	SP			X	X
Funeral Home, Mortuary or Undertaking Establishment											X	X			
Gases or Liquids, Flammable, Bulk Storage of															X
Gas Regulator Station														X	X
Golf Course, including commercially operated Driving Range or Miniature Golf Course								X			X				
Grain, Milling or Processing															X
Grocery Stores									X	X	X	X	X		
Group Shelter						SP	SP	SP	SP	SP	SP		SP		
Hardware, General Sales									X	X	X	X	X		
Hardware, Industrial Sales									X	X	X	X		X	X
Hauling, Moving or Storage Company											X			X	
Health Studio or Spa		SP							X	X	X	X	SP		
Highway or Street Maintenance Garage, Yard of Similar Facility											SP	SP		X	X

PERMITTED USES	<u>R-E</u>	<u>R-O</u>	<u>R-1</u>	<u>R-2</u>	<u>R-2S</u>	<u>R-3</u>	<u>R-4</u>	<u>A-1</u>	<u>C-1</u>	<u>C-1I</u>	<u>C-2</u>	<u>C-3</u>	<u>C-4</u>	<u>M-1</u>	<u>M-2</u>
Home Center											X	X			
Hospital, Health Center, Institution for Aged or Children, Assisted Care Facility		SP							X	X	X	X			
Hotel or Motel									X	X	X	X			
Ice, Dry or Natural, Manufacture of														X	X
Industrial Uses Not Listed														SP	SP
Interior Decorating Shop		SP							X	X	X	X	SP		
Jewelry Store									X	X	X	X	X		
Laboratory, Research or Testing														X	X
Laundromat						SP	SP		X	X	X	X	X	X	X
Laundry Plant														X	X
Library		X							X	X	X	X	X		
Livestock Auction Sales, Barn & Pens															X
Lodge Hall, Veteran Organization, Service Organization		SP							X	X	X	X	X		
Machines, Machine Tools														X	X
Machine or Welding Shop									SP	SP	X	X	SP	X	X
Manufactured Home Sales											X	X		X	X
Manufacturing, Compounding, Processing, Packaging & Assembly														X	X
Mattresses, including Rebuilding or Renovating														X	X

PERMITTED USES	<u>R-E</u>	<u>R-O</u>	<u>R-1</u>	<u>R-2</u>	<u>R-2S</u>	<u>R-3</u>	<u>R-4</u>	<u>A-1</u>	<u>C-1</u>	<u>C-1I</u>	<u>C-2</u>	<u>C-3</u>	<u>C-4</u>	<u>M-1</u>	<u>M-2</u>
Monument Sales											X	X		X	
Monument Works															X
Motorcycle Sales and Service									SP	SP	X	X			
Newspaper Offices, Print Shop									X	X	X	X			
Nursing or Convalescent Home		X				SP					X	X	SP		
Nursery, Plants and Stock, Outdoor Retail Sales									SP	SP	X	X			
Offices, Home	X	X	X	X	X	X	X	X					X		
Offices, Medical and Professional		X							X	X	X	X	X		
Office Warehouse											X	X		X	X
Orthopedic or Medical Supplies, Manufacture of											X	X		X	X
Paint, Enamel Lacquer, Turpentine, Varnish – Storage or Manufacture of															SP
Paper Manufacturing or Processing														SP	X
Park or Recreational Facility, Publicly Operated	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Parking Lot or Garage, Public									X	X	X	X			
Petroleum Products Storage															X
Plastic Products, including Luggage, Tableware, Buttons, or Similar products, Manufacturing Of															X
Plumbing, Electrical, Air Conditioning and Heating Shop									SP	SP	X	X		X	X
Post Office									X	X	X	X		X	

PERMITTED USES	R-E	R-O	R-1	R-2	R-2S	R-3	R-4	A-1	C-1	C-1I	C-2	C-3	C-4	M-1	M-2
	Printing and Publishing, including Engraving or Photoengraving									SP	SP	X	X		X
Public Buildings and Uses	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
Public Utility Structure	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
Radio or TV Studio and/or Communication Tower, Commercial	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	X	X	SP	X	X
Radio or TV Studio and/or Communication Tower, Private	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Recreation waterslide, race track, amusement park & related activities											SP	SP			
Recreational Vehicle Park							X				X	X			
Re-cycle Collection									SP	SP	SP	SP	SP	SP	SP
Refrigerated Vehicle Storage & Operation														X	X
Removal of Gravel, Topsoil, or similar Natural Material	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
Restaurant									X	X	X	X	X		
Restaurant, Drive-in or Through									X	X	X	X	X		
Retail Establishments not listed with no outside sales or display									X	X	X	X	X		
Retail Establishments not listed with outside sales or display									X	X	X	X	SP		
Rubber Products, Natural or Synthetic – Manufacture or Storage of															X
Sanitary Landfill															X
School, Business		X							X	X	X	X	SP		
School, Commercial or Trade									SP	SP	X	X		X	X
School, Nursery or Day Care Center	SP	SP	SP	SP	SP	SP			X	X	X	X	X		
School, Public or Parochial	X	X	X	X	X	X	X				X	X	X		

PERMITTED USES	R-E	R-O	R-1	R-2	R-2S	R-3	R-4	A-1	C-1	C-1I	C-2	C-3	C-4	M-1	M-2
Self-storage											SP	X		X	X
Sheet Metal Shop											SP			X	X
Shoe Sales and Repair									X	X	X	X	X		
Shopping Center											X	X			
Sign, Off Premise											SP				
Skating Rinks											X	X			
Small Tool and Equipment Rental									X	X	X			X	X
Stables, for Commercial Hire								X			X				
Stadium, Arena or Similar Facility											SP			X	X
Steel Products, Fabrication and Assembly											SP			X	X
Stone and Gravel Processing, or Products Studio, Photographic or Musical															X
Tar or Tar Products, Creosoting, or Similar Process		X							X	X	X	X	X		
Telephone Exchange, Shop or Garage														SP	X
Theatre, Community									X	X	X	X			
Theatre, Indoor									X	X	X	X			
Tire Recapping Shop														X	X
Heavy Tool and Equipment Rental											X			X	X
Townhouses				X		X			SP	SP	SP	SP	SP		
Trailer Terminal and Distribution											X	X		X	X
Travel Bureau		X							X	X	X	X	X		
Truck Stop and Travel Center, or Truck Parking											X	X			
Utility Equipment, Storage and Repair												X	X	X	

PERMITTED USES	<u>R-E</u>	<u>R-O</u>	<u>R-1</u>	<u>R-2</u>	<u>R-2S</u>	<u>R-3</u>	<u>R-4</u>	<u>A-1</u>	<u>C-1</u>	<u>C-1I</u>	<u>C-2</u>	<u>C-3</u>	<u>C-4</u>	<u>M-1</u>	<u>M-2</u>
Utility Substation	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
Veterinarian, Office Only									X	X	X	X	X		
Veterinary Clinic, Boarding & Overnight Care											X	X			
Warehousing, Inside Storage Only											SP	SP		X	X
Warehousing, Inside & Outside Storage														X	X
Water Treatment Plant								SP						SP	SP
Waste Water Treatment Plant								SP						SP	SP
Wholesale Establishment											X			X	X
Wood or Lumber Processing, including the Manufacture of Paper pulp, Furniture, or Similar Products														X	X