ZONING ORDINANCE

CITY OF BARLING

PREPARED BY
BARLING PLANNING COMMISSION

ZONING ORDINANCE

 # 440

BARLING, ARKANSAS

MAY 2017

BARLING ZONING ORDINANCE

Table of Contents

			Page
ARTICLE I	**CITATION, PURPOSE, NATURE AND APPLICATION Of ZONING ORDINANCE**		
Section 1	-	Citation	4
Section 2	-	Purpose	4
Section 3	-	Nature and Application	4
Section 4	-	Completion of Existing Buildings	4
Section 5	-	Lot of Record	4
Section 6	-	Area Not to be Diminished	5
ARTICLE II	**DEFINITIONS**		6
ARTICLE III	**ESTABLISHMENT OF ZONING DISTRICTS AND BOUNDARIES**		
Section 1	-	Zoning Districts Established	12
Section 2	-	Zoning Districts Map	12
Section 3	-	Interpretation of District Boundaries	13
Section 4	-	Classification of Annexed Lands	13
Section 5	-	Vacation of Public Easements	13
Section 6	-	Large Scale or Extraordinary Developments	13
ARTICLE IV	**SPECIFIC DISTRICT REGULATIONS**		
Section 1	-	Residential Districts	14
Section 2	-	Commercial Districts	19
Section 3	-	Industrial Districts	26
Section 4	-	Park	29
Section 5	-	Public	30
Section 6	-	Planned Unit Development	31
Section 7	-	Planned Zoning District	36
ARTICLE V	**SPECIAL PERMIT USES**		
Section 1	-	Nature and Description	37
Section 2	-	Uses	37
Section 3	-	Procedure for Authorizing	38
Section 4	-	Fees	38
ARTICLE VI	**SITE PLAN REVIEW**		
Section 1	-	General Purpose and Review Guidelines	38
Section 2	-	Applicable Districts	39
Section 3	-	Procedure and Authority	39
Section 4	-	Submission Requirements	40
Section 5	-	Standards for Site Plan Disapproval	41
Section 6	-	Effect of Approval	42
Section 7	-	Amendments	42
Section 8	-	Appeals	42
ARTICLE VII	**SPECIAL PROVISIONS**		

Section 1	-	Accessory Building, Structure, or Use	43
Section 2	-	Animals on Premises	43
Section 3	-	Automobile Wrecking, Salvage, and Junk Yards	43
Section 4	-	Churches	44
Section 5	-	Schools/Institutional	44
Section 6	-	Child Care Centers	45
Section 7	-	Fences	45
Section 8	-	Flammable Liquids and Gases	46
Section 9	-	Height Requirements	46
Section 10	-	Home Occupations	46
Section 11	-	Visibility at Intersections	46
Section 12	-	Service Station Pumps	47
Section 13	-	Storage and Parking of Trailers and Commercial Vehicles	47
Section 14	-	Mining, Excavation, and Material Storage	47
Section 15	-	Radio, TV, and Other Towers	48
Section 16	-	Construction within Flood plain Area	48
Section 17	-	Travel Trailer Parks	49
Section 18	-	Mobile Home Subdivisions	49
Section 19	-	Mobile Home Parks	50
Section 20	-	Manufactured Homes	54
Section 21	-	Yard Modifications	55
Section 22	-	Sexual Oriented Businesses	55
Section 23	-	Regulations of Signs	58
ARTICLE VIII		**OFF-STREET PARKING AND LOADING REQUIREMENTS**	
Section 1	-	Off-Street Parking Requirements	65
Section 2	-	Off-Street Loading	68
ARTICLE IX		**NON-CONFORMING STRUCTURES AND USED OF LAND AND STRUCTURES**	
Section 1	-	Non-Conforming Use of Land	69
Section 2	-	Non-Conforming Structures	69
Section 3	-	Non-Conforming Use of Structures	69
ARTICLE X		**BOARD OF ADJUSTMENT**	
Section 1	-	Creation and Appointment	71
Section 2	-	Organization	71
Section 3	-	Powers and Duties	71
Section 4	-	Procedure for Appeals	73
ARTICLE XI		**ADMINISTRATION AND ENFORCEMENT**	
Section 1	-	Administrative Official	74
Section 2	-	Building Permit	75
Section 3	-	Certificate of Occupancy and Compliance	75
Section 4	-	Penalty for Violation	75
Section 5	-	Amendments	76
Section 6	-	Notice	76
Section 7	-	Hearing and Approval	77
Section 8	-	Fees	77

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

Section 1
CITATION

This Ordinance, in pursuance of the authority granted by the General Assembly of the State of Arkansas in Act 186 of the 1957 Acts of Arkansas, shall be known as the Zoning Ordinance and may be cited as such.

Section 2
PURPOSE

The Zoning Regulations set forth herein are enacted to implement the land use portion of the Comprehensive Development Plan for the City of Barling and to promote, in accordance with present and future needs, the safety, order, convenience, prosperity, and general welfare of the citizens of Barling, 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 3
NATURE AND APPLICATION

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

Except as hereinafter otherwise provided, no land shall be used and no building, structure, or improvement shall be made, erected, constructed, 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 provisions of the articles contained herein relating to any or all districts.

No proposed plat of any new subdivision of land shall hereafter be considered for approval by the City Planning Commission unless the lots within such plat equal or exceed the minimum size and area regulations specified in the applicable land use zoning district of this Ordinance.

Section 4
COMPLETION OF EXISTING BUILDINGS

Nothing herein shall require any change in the plans, construction, or designated use of a building under construction at the time of the adoption of this Zoning Ordinance. Nothing herein contained shall require any change in plans, construction, or designed use of a building for which a building permit has been issued within sixty (60) days prior to the adoption of this Ordinance, provided construction is started on said building within ninety (90) days after adoption of this Zoning Ordinance.

Section 5
LOT OF RECORD

Any lot or parcel of vacant land in any zoning district that was under separate ownership and on a plat of record or with a metes and bounds description at the time of adoption of this Zoning Ordinances, where no adjoining land fronting on the same street was under the same ownership on the said date, may be used as a building site even though such lot or parcel fails to meet the minimum requirements for lot area, lot width, or both, that are generally applicable to lots in the zoning district. On any such lot or parcel, the side yard requirements of this Ordinance shall be complied with if said requirements do not reduces the net building width of the lot below 35 feet. If the side yard requirements would reduce the net buildable width of the lot below 35 feet, then the side yard requirements shall be reduced so that (a) any interior side yard requirements shall not exceed 10% of the width of the lot, and (b) any exterior side yard requirements shall not exceed 20% of the width of the lot or 10 feet, whichever is greater. On any such lot or parcel, the front and rear yard requirements or building setbacks shall not reduce the net buildable depth of the lot below 50 feet. If the front and rear yard requirements would reduce the net buildable depth below 50 feet, the front and rear yard requirements shall be reduced so that (a) any front yard requirements shall not exceed 25% of the depth of the lot, and (b) any rear yard requirements shall not exceed 20% of the depth of the lot, or 20 feet, whichever is greater.

Section 6
AREA NOT TO BE DIMINISHED

The lot or yard areas required by this Zoning Ordinance for a particular building or use at the time of adoption of this Ordinance 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 Ordinance for a particular building or use are diminished below minimum requirements, the continued existence of such building or use shall be deemed in violation and appropriate action shall be taken as provided in this Ordinance.

(This space left intentionally blank)

ARTICLE II
DEFINITIONS

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

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

Accessory Buildings and Uses: An accessory building is a subordinate building or a portion of the main building, the use of which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in this Ordinance) 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 Aaccessory@ is used in the text, it shall have the same meaning as accessory use.

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

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

Animal Clinic B Large Animals and Veterinary Hospitals: A private facility for the diagnosis and treatment including but not limited to large animals, overnight boarding and outside runs are permitted.

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

Apartment: A multiple family dwelling (see ADwelling, Multiple@).

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

Boarding or Rooming Houses: A dwelling or part thereof where meals and/or lodging are provided for compensation for two (2) or more persons not transients.

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.

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

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

Building Inspector: A qualified person assigned to inspect all building phases and assure proper procedures and requirements are followed and permits, fees or other process for building in the City of Barling are in order.

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

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

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

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

City: The City of Barling, Arkansas.

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.

Commission: The Barling Planning Commission.

Country Club: A chartered, nonprofit 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.

District, Zoning: Any section, selections, 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.

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

Dwelling: any building, or portion thereof, which is designed or used as living quarters for one or more families, but not including house trailers, mobile homes, or travel trailers.

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

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

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

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

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

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

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

Family: One or more persons related by blood or marriage, including adopted children, or a group of not to exceed four (4) persons not all related by blood or marriage, occupying premises and living as a single, nonprofit 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.

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

Floor Area: The sum of the gross horizontal areas of all of the floors of a building or buildings measured from the exterior faces of exterior walls or from the centerline of walls separating two (2) buildings.

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

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

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

Home Occupation: Any occupation or profession carried on by the inhabitants which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, which is conducted entirely within the main building, and which meets all other applicable standards as described in Article V.

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

Hotel: A building or part thereof occupied as a more or less temporary abiding place for individuals in which the rooms are usually occupied singularly for hire and in which rooms no provisions for cooking is made, and in which building there is usually a kitchen and public dining room for the accommodation of the occupants and

guests. This definition does not include an auto or trailer court or camp, sanitarium, hospital asylum, orphanage, or building where persons are held under restraint.

Junkyard: A place where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, or handled, including auto wrecking yards, house wrecking yards, used lumber yards, and places for

storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase, or storage of used furniture and household equipment when conducted entirely within a completely enclosed building, or sale of used cars in operation condition.

Kennel: Any lot or premises on which four or more dogs, more than ten (10) weeks of age are kept for boarding.

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

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

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

Lot Coverage: The percentage of lot area occupied by the ground area of principal and accessory buildings on such lot.

Lot Depth: The mean horizontal distance between the front lot line and the rear lot line measured at right angles or radial to the centerline of the street.

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

Lot Frontage: That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

Lot, Interior: A lot other than a corner lot.

Lot lines the lines bounding a lot as defined herein.

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

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

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

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

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

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

USC 5401, ET SEQ, as mandated in the United States of America and as administered by the United States Department of Housing and Urban Development.

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

Mobile Homes: A movable or portable structure built after June 15, 1976, the effective date for the Federal Mobile Home Construction and Safety Act of 1974, which is larger than three hundred twenty (320) square feet, and designed to be used as a year-round residential dwelling unit. A mobile home which is to located in a mobile home park shall meet all of the specifications and standards as required for such mobile home parks and each individual mobile home must be anchored in compliance with the design load requirements of the Building Code of the City of Barling, Arkansas. A mobile home which is to be placed in an approved mobile home subdivision must be placed upon poured footing and piers or perimeter foundation constructed to Building Code specifications and completely enclosed (no exposed piers); and all transport elements such as wheels, axles, trailer or transport hitches and exterior light systems attached for highway usage must be removed. Furthermore, all such mobile homes shall provide two (2) on-site an all-weather off-street parking spaces and the placement of the mobile home must be such that it conforms with all bulk and area requirements of the zoning district. The placement of mobile homes, manufactured homes, travel trailers, or recreation vehicle on lots already occupied by residences in subdivision prohibited.

Mobile Home Park: Land or property containing a minimum of two (2) acres which is used or intended to be used or rented for occupancy by mobile homes or movable sleeping quarters of any kind.

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

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

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

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

Parking Lot: An off-street facility including parking spaces and drives and aisles for maneuvering, and providing access and for entrance and exit, developed in a way to accommodate the parking of automobiles or other wheeled vehicles.

Parking Spaces: An off-street space available for the parking of one (1) motor vehicle and having an area of not less than one hundred eighty (180) square feet exclusive of passageways and driveways, and having direct access to a street or alley. It shall measure not less than 9= x 20=.

Planned Unit Development: An area of land developed as a single entity or in approved stages in conformity with a final development plan prepared by a developer or group of developers acting jointly, which is totally planned to provide for a variety of residential uses and common open space.

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

Public Utility: Any person, firm, corporation, municipal department, or board, duly authorized to furnish under

regulations to the public, electricity, gas, telephone, television cable, telegraph, transportation, drainage, water, or sanitary sewage service.

Satellite Television Receiving Dishes, Ground Mounted: A device commonly parabolic in shape, mounted at a fixed point on the ground for the purpose of capturing television signals transmitted via satellite communications facilities and serving the same or similar function as the common television antenna. Said devices are herein defined as accessory uses.

Service Station: See Gasoline Service Station.

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

Sign: A sign is any structure or part thereof, or any device attached to, painted on, or represented on a building or other structure, upon which is displayed or included any letter, work, model, banner, flag, pennant, insignia, decoration, device, or representation used as, or which is in the nature of an announcement, direction, advertisement, or other attention directing device. A sign shall not include a similar structure or device located within a building except for illuminated signs within show windows. A sign includes any billboard, but does not include the flag, pennant, or insignia of any state, city, or other political unit, or any political, charitable, educational, philanthropic, civic, professional, religious, or like campaign, drive, movement, or event. See Article VII, Section 23.

Story: That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, the space between the floor and ceiling next above it. A half story is a partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of each story.

Street: Any public or private thoroughfare which affords the principal means of access to abutting property.

Structure: Anything constructed or erected, the use of which requires a fixed location on the ground or attached to something having a fixed location on the ground.

Structural Alterations: Any change in the supporting 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.

Travel Trailer: The travel trailer unit is a dependent temporary single-family dwelling built on a chassis not exceeding eight (8) feet wide and thirty-two (32) feet long designed for short-term occupancy and frequent travel, requiring park services for utility and sanitary facilities. Unit may be self-propelled or towed behind a vehicle without special permit required.

Travel Trailer Park: A unified development under private ownership designed primarily for transient service, on which travel trailers, pickup coaches, and self-propelled motorized vehicles are parked or situated for short-term occupancy. The owner shall provide park services for utility and sanitary facilities.
Yard: An open space on the same lot with a building unobstructed from the ground upward and measured as the minimum horizontal distance between the lot line and the main building.

Yard, Exterior: Any yard which is adjacent or parallel to a public or private street.

Yard, Front: A yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street line and the main building or any projections thereof other than the projections of uncovered steps, uncovered balconies, terraces, or uncovered porches. On corner lots the front yard

shall be considered as parallel to the street upon which the lot has its least dimension.

Yard, Interior: Any yard which does not run adjacent to or parallel with a public or private street.

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

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

Zoning Lot: A parcel of land that is designated by its owner or authorized agent as a tract, all of which is to be used, developed, or built upon as a unit under a single ownership. A zoning lot may consist of any standard lot or a combination of lot and any legally recorded portion of lot that existed prior to the passage of this Ordinance. When determining the front, rear, and side yard setbacks for a zoning lot the required distance shall be measured from the exterior boundaries of said zoning lot.

ARTICLE III
ESTABLISHMENT OF ZONING DISTRICTS AND BOUNDARIES

Section 1
ZONING DISTRICTS ESTABLISHED

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

R-1	Single Family Residential
R-2	Low Density Residential
R-3	Medium Density Residential
R-4	Mobile Home Subdivision or Park
R-5	Affordable Housing Residential
O-1	Office and Quiet Business
C-1	General Commercial District
C-2	Open Display or Highway Commercial District
I-1	Industrial District
PUD	Planned Unit Development District
PZD	Planned Zoning District
P-1	Parks
P-2	Public Property

Section 2
ZONING DISTRICTS MAP

The location and boundaries of the land use zoning districts established by this Ordinance are bounded and defined as shown on the attached map designated as AOfficial Zoning Map@. The map, together with the legend, words, figures, symbols, dimensions, and explanatory material thereon, is declared to be a part of this Zoning Ordinance and may be referred to variously as the Zoning District Map or the Official Zoning Map. The Official Zoning Map shall be kept by the City Clerk and shall be available for inspection and examination by the general public at all reasonable times as any other public record.

Section 3
INTERPRETATION OF DISTRICT BOUNDARIES

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

(a) Boundaries indicated as approximately following the centerline of streets, highways and alleys should be construed as following such centerlines.
(b) Boundaries indicated, as approximately following platted lot lines shall be construed as following such lot lines.
(c) Boundaries indicated, as approximately following city limits shall be construed as following city limits.
(d) Boundaries indicated, as following railroad lines shall be construed to be midway between the main tracks.

(e) Boundaries indicated, as parallel to or extensions of features mentioned in the proceeding rules shall be as construed.
(f) In the circumstances not covered by the preceding rules, the Board of Adjustment shall interpret the district boundaries.

Section 4
CLASSIFICATION OF ANNEXED LANDS

All new additions and annexations of land to the City shall be in an R-1 Single-Family Residential District, unless otherwise classified by the Board of Directors, for a period of time not to exceed one (1) year from the effective date of the Ordinance annexing said addition.

Within this one-year period of time, the Board of Directors shall instruct the City Planning Commission to study and make recommendations concerning the use of land within said annexation to promote the general welfare and in accordance with the comprehensive city plan, and upon receipt of such recommendations, the Board of Directors shall, after public hearings as required by laws, establish the district classification of said annexation; provided, however, that this shall not be construed as preventing the Board of Directors from holding public hearings prior to annexation and establishing a district classification other than R-1 at the time of said annexation.

Section 5
VACATION OF PUBLIC EASEMENTS

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

Section 6
LARGE SCALE OR EXTRAORDINARY DEVELOPMENTS

The requirements of this Code may be modified in the case of large-scale community or neighborhood units, such as Planned Community, Planned Unit Development, Mixed Use Development, Master Planned Neighborhood, Housing Project, Suburban-Estate, or Recreational Subdivision, Shopping Center, Mobile Home Park, or other such developments which are not subdivided into customary lots, blocks, and streets. Master Plans, Development Standards, and other documents as may be requested by the Planning Commission for such developments shall be presented to the Planning Commission for review and approval. After approval

by the Planning Commission, the Master Plan and Development Standards shall also be submitted to the Board of Directors for their review and approval.

The Development Standards shall specifically set forth the design and construction standards along with the means for their maintenance and control for any street, drainage, water, sewer, and such other facilities that do not conform with the provisions of this Code. Where there are conflicts between the Master Plan and Development Standards for such developments, as approved by the Planning Commission and Board of Directors, and the provisions of this Code, the provisions of the approved Master Plan and Development Standards shall apply.

ARTICLE IV
SPECIFIC DISTRICT REGULATIONS

Section 1
RESIDENTIAL DISTRICTS

A. General Description

The regulations for the residential zoning districts are designed to:

1. Protect the residential character of the included areas by excluding commercial and industrial activities;
2. Encourage a suitable environment for family life by permitting such neighborhood facilities as churches, schools and playgrounds;
3. Permit certain community facilities and public utilities for the convenience and general welfare of the people; and
4. Preserve openness of the areas and avoid overcrowding by requiring certain minimum yards, open spaces, and site areas.

There is herein established five (5) residential zoning districts which include the R-1 Single Family Residential; R-2 Low Density Residential; R-3 Medium Density Residential; R-4 Mobile Home Subdivision or Park, and R-5 Affordable Housing Residential. The more specific descriptions of the districts are indicated below.

1. R-1 Single-Family Residential This is the most restrictive residential district. The principal use of land is for detached single-family dwellings and related recreational, religious, and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas 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 encourage by providing for adequate light, air, and open space for dwellings and related facilities and through consideration for the proper functional relationship of each element.

2. R-2 Low Density Residential This is a residential district to provide for a slightly higher population density and a greater diversity of housing types, but with basic restrictions similar to the R-1 District. The principal use of land is for single-family attached and detached structures and two-family dwellings.

3. R-3 Medium Density Residential This is a residential district to provide for medium

density dwellings and includes a wide variety of housing types. The principal use of land is for single-family, two-family dwellings, townhouses, multiple family dwellings, and rooming or boarding houses. Recreational, religious and educational uses normally located to service residential areas are also permitted to provide the basic elements of convenient, balanced and attractive living areas.

4. R-4 Mobile Home Subdivision or Park This district recognizes a specific housing type, which must be accommodated in the City of Barling in either rental park settings or in subdivisions, which provide for ownership of structure and lot. It is the intent of this district that it be located so as to not adversely affect the established residential development patterns and densities in the City. Such locations, however, shall have necessary public utilities, community facilities, and other public services in order to provide a healthful living environment with the normal amenities associated with residential districts of the City

5. R-5 High Density Residential - This is a residential district to provide for smaller lot sizes for single family detached housing, two family dwellings, and multiple family dwellings.

B. Uses Permitted

The permitted uses in the residential districts are set forth below. Where the letter AX@ appears opposite a permitted use and underneath a residential zoning district, the listed use is permitted in that district subject to

1) The provision of off-street parking in the amount required,
2) Conformance to the special conditions applying to certain uses as set forth in Article VII, and
3) The providing of adequate subdivision sites for the appropriate and designed type of dwelling unit or units.

Where the letters "SP" appear instead of an "X", this use is permitted subject to acquiring a Special Use Permit as set forth in Article V.

	ZONING DISTRICT				
PERMITTED USES	R-1	R-2	R-3	R-4	R-5
1. RESIDENTIAL USES					
Single-Family Detached	X	X	X	X	X
Single-Family B Manufactured Home					X
Single-Family Attached		X	X	X	
Townhouses			X		
Two-Family Dwellings		X	X		X
Multiple-Family Dwellings			X		X

Mobile Home B Subdivision				X		
Mobile Home B Parks					X	
Nursing or Rest Home			SP			
Rooming or Boarding House				X		

2. COMMUNITY FACILITIES & RELATED USES

Church or Other Place of Worship	SP	SP	SP	SP	SP	
Non-Profit Club or Lodge	SP	SP	SP	SP	SP	
Community Building		SP	SP	SP	SP	SP
Hospital, Health Center, Institution for Aged or Children	SP	SP	SP	SP	SP	
Park, Golf Courses, Recreational Facility		X	X	X	X	X
School, Nursery or Day Care for Children, Subject to Article VII, Section 6		SP	SP	SP	SP	SP
School, Public, Private, or Religious	SP	SP	SP	SP	SP	

PERMITTED USES

3. OTHER USES

Field Crops, Gardens, Orchards	X	X	X	X	X	
Accessory Uses as defined in Article XI that are accessory to the permitted uses in these districts		X	X	X	X	X
Garage Sale, porch sale, patio sale or any similar type of sale for a period not to exceed three (3) calendar days during a six (6) month period of time unless there has been a change in ownership or rental occupancy of the residential structure located on the property.	***X***	***X***	***X***	***X***	***X***	
Animals, Stables, Dairying subject to Article VII, Section 2		SP	SP	SP	SP	SP

C. LOT, YARD, AND HEIGHT REGULATIONS

No lot or yard shall be established or reduced in dimension or area in any residential district that does not meet the minimum requirements set forth in the following table. No building or structure shall be erected or enlarged that will cause the maximum lot coverage or maximum height regulations to be exceeded for such district as set forth in the following table. All residential units in R-1 districts shall be built with front doors facing the street. All uses not specifically listed in the following Table, e.g. community facilities, public utilities, etc., shall meet the most restrictive area, yard and height requirements listed in the Table on Page 18 for the zone in which they are located.

LOT AND YARD TABLE

ZONING DISTRICTS	USE	LOT AREA (SQ. FT.)	LOT AREA PER FAMILY	LOT WIDTH AT BLDG. LINE	LOT DEPTH	LOT COVER-AGE MAX.%	YARD					MAXIMUM HEIGHT	
							FRONT	SIDE			REAR	STORIES	FT.
								INTERIOR	EXTERIOR BACKING UP TO SIDE YD.	CORNER LOT BACKING UP TO REAR YD.			
R-1	S.F. Detached	9000	9000	90	100	30	30	10	25	15	30	3	36
R-2	S.F. Detached	8000	8000	80	100	35	25	10	25	10	25	3	36
	S.F. Manufactured	8000	8000	80	100	35	25	10 (A)	25	10	25	3	36
	S.F. Attached	8000	8000	80	100	35	25	10	25	10	25	3	36
	Duplex	13500	6750	110	125	35	25	10	25	10	25	3	36
R-3	S.F. All Types	7500	7500	75	100	40	25	10 (B&C)	25	10	20	3	36
	Duplex	12000	6000	80 (C)	100	40	25	10 (D)	25	10	20	3	36
	Townhouse	6000	6000	60 (E)	100	40	25	10	25	10	20	3	36
	Multi-family	13500	4500	95	100	40	25	10	25	10	20	3	36
R-4	M.H. - Subdivision	5 acres	7500	75	100	30	25	10	20	15	15	1	15
	M.H. - Park	2 acres	4950	45	110	30	25	10	20	15	20	1	15
R-5	S.F. Detached	6500	6500	65	100	30	25	10	25	10	20	1	15
	Duplex	12000	6000	80 (C)	100	40	25	10 (D)	25	10	20	3	36
	Multi-family	13500	4500	95	100	40	25	10	25	10	20	3	36

Notes:

A. For unattached sides only.

B. This area includes both private and common area.

C. When a side yard is required, the lot width shall be increased by an amount equal to the width of the required side yard.

D. For unattached side only.

E. Minimum lot width shall be increased by 10' for each dwelling unit exceeding four, up to a maximum required width of 200'.

Section 2
COMMERCIAL DISTRICTS

1. General Description

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

1) O-1 Office and Quiet Business District B This district is established to accommodate offices and associated administrative, executive and professional uses, together with specified limited commercial and accessory uses. It is anticipated these office uses will be located in relatively close proximity to apartments and other residential uses; and are regulations are designed to assure that these uses will be compatible with adjacent residential districts. The district is characterized by freestanding buildings and ancillary parking, and should generally be limited to arterial and collector street locations or other carefully selected areas where public utilities, community facilities and other public services are adequate to support general office and limited commercial development.

2) C-1 General Commercial District B This district shall be applied to the broad range of retail uses which comprises the commercial function of the City. Permitted uses include most types of retail activity except those involving substantial open displays of merchandise and those which generate large volumes of vehicular traffic or are otherwise incompatible.

3) C-2 Open Display or Highway Commercial District B This district is established in order to provide adequate locations for retail uses which serve the needs of the motoring public and are characterized by a high level of vehicular ingress and egress. Among these uses are automobile and other vehicular service establishments, transient sleeping accommodations, and eating and drinking establishments. The district is also intended to provide a location for the limited amount of merchandise, equipment and material being offered for retail sale that, because of the type of material or transportation requirements, are suitable for display and storage outside the confines of an enclosed building. Such uses are not generally compatible with pedestrian oriented commercial districts and shopping centers since they tend to obstruct and interfere with pedestrian movements. Appropriate locations for this district are along heavily traveled major traffic arteries.

2. Permitted Uses

The permitted uses in the Commercial Districts are set forth below. Where the letter "X" appears opposite a permitted use and underneath a Commercial Zoning District, the listed use is permitted in that district subject to:

1) The providing of off-street parking in the amount required;
2) Conformance to the special conditions applying to certain uses as set forth in Article VII; and
3) The providing of off-street loading in accordance with Article VIII, Section 2.

Where the letters "SP" appear instead of an "X" this use is permitted subject to acquiring a Special Use Permit as set forth in Article V.

PERMITTED USES	ZONING DISTRICT O-1	C-1	C-2
1) COMMERCIAL USES			
Amusement, Commercial		X	X
Animal Clinic (Enclosed)		X	X
Animal Clinic or Veterinarian Hospital			X
Antique Store	X	X	X
Auction Room; Auctioneer		X	X
Automotive and Truck Sales (New and Used) And service		X	
Automotive Accessory and Supply Store		X	X
Automotive Body Shop		X	X
Automotive Car Wash		X	X
Automotive Service Station, not including Body or Motor Repair or Painting	X	X	X
Bank, Savings and Loan	X	X	X
Barber or Beauty Shop	X	X	X
Boat and Marine Rental, Repair, Sales			X
Bowling Alley		X	X
Building Supplies, Including Sale of Lumber			X
Bus Station		X	X

PERMITTED USES	ZONING DISTRICT O-1	C-1	C-2
COMMERCIAL USES (Cont.)			
Carnival, Circus or Similar Temporary Amusement Enterprise		X	X

Casinos		X	X
Clinic, Dental, Medical or Osteopathic, Chiropodist	X	X	X
Club or Lodge		X	X
Convenience Store, With or Without Gas Pumps	X	X	X
Custom Sewing	X	X	X
Drug Store	X	X	X
Dry Cleaners, Laundry		X	X
Eating Place, which does not provide service in Automobile (drive-through permitted)		X	X
Eating Place providing service in automobiles			X
Exterminator, Pest		X	X
Farm Equipment Sales, Service, Repair			X
Florist Shop	X	X	X
Freight Depot or Terminal: Railroad or Truck		X	X
Funeral homes, Mortuary or Undertaking Establishment		X	X
Hauling, Moving or Storage Company		X	X
Health Studio or Spa	X	X	X
Home Center		X	X
Hotel		X	X
Interior Decorating Shop	X	X	X

	ZONING DISTRICT		
	O-1	C-1	C-2
Kennel: Pound or Shelter		X	X
Liquor Sales, for consumption off the premises		X	X
Mini-Warehouse		X	X

Mobile Homes Sales and Service			X
Monument Sales			X
Motel		X	X
Motorcycle Sales and Service	X	X	X
Newspaper Offices, Print Shop		X	X
Offices: Medical, Chiropractic, Dental, Optical, Osteopathic	X	X	X
Offices: Professional and Governmental, Accounting, Architecture, Engineering, Planning, Insurance, Law, Real Estate	X	X	X
Plumbing, Electrical, Air Conditioning, and Heating Shop	X	X	
Retail Establishments not listed B enclosed		X	X
Retail Establishments not listed B with Outside sales or displays			X
School, Business	SP	X	X
School, Commercial or Trade	X	X	
School, Nursery or Day Care Centers	X	X	
Shoe Sales and Repair	X	X	
Sign, refer to Article VII, Section 23	X	X	X
Studio, Photographic, Musical, Dance		X	X
Theater, Indoor		X	X

	ZONING DISTRICT		
	O-1	C-1	C-2
Tool and Equipment Rental		X	X
Travel Bureau	X	X	X

PERMITTED USES

1) COMMERCIAL USES (Cont.)

Warehousing, Inside Storage Only		X	SP
Wholesale Establishment		X	SP

2) COMMUNITY FACILITIES AND PUBLIC UTILITIES

Art Gallery or Museum	X	X	X
Auditorium		X	X
Church or other Place of Worship	X	X	X
Community Building	SP	X	X
Hospital, Health Center Institution for Aged or Children	SP	X	X
Library	X	X	X
Post Office		X	X
Stadium, Arena or Similar Facility		SP	X

3) RESIDENTIAL USES

Multi-Family Dwellings as per R-3 District Requirements	SP	SP	SP
Nursing or Convalescent Home	X	X	X
Travel Trailer Park			X

4) AGRICULTURAL USES

	ZONING DISTRICT		
	O-1	C-1	C-2
Animal and Poultry Husbandry, Dairying and Pasturage, but not including the keeping or Feeding of swine			X
Field Crops, Greenhouse, Horticulture, Truck Gardening			X
Nursery, Plants and Stock, Outdoor Retail Sales		X	

5) OTHER USES

All uses as defined in Article VII, Section 1 that are accessory To the permitted uses in the Commercial Districts	X	X	X

The following uses are defined as accessory in Conjunction with development of an allowable Permitted use in the O-1 District, provided they May not utilize collectively in excess of 20% of The floor area provided.

a.	Barber of Beauty Shop		Acc
b.	Book or Stationery Store		Acc
c.	Drugstore or Pharmacy		Acc
d.	Duplication Shop		Acc

C. Lot, Yard and Height Regulations

No lot or yard shall be established or reduced in dimension or area in any Commercial District that does not meet the minimum requirements set forth in the following tables. No building or structure shall be erected or enlarged that will cause the maximum lot coverage or maximum height requisitions to be exceeded for such district as set forth in the following table.

	ZONING DISTRICT			
LOT REGULATIONS	O-1	C-1	C-2	I-1
Minimum Lot Area (Square Feet)	5000	5000	15000	15000
Minimum Lot Width at Building Line (Feet)	50	50	100	100
Maximum Lot Coverage (Percent)	40	50	40	40

	ZONING DISTRICT			
YARD REGULATIONS (IN FEET) (1)	0-1	C-1	C-2	I-1
Minimum Front Yard	25	40	40	50
Minimum Rear Yard				
Single Frontage Lot	20	15	15	25
Double Frontage Lot	25	25	25	25
Minimum Side Yard				

Interior				
When abutting property in Residential District	10	15	15	25
When abutting property in Non-residential District	10	10	10	25
Exterior	20	25	25	25
HEIGHT REGULATIONS (1)				
Maximum Number of Feet	36	36	36	36
Maximum Number of Stories	3	3	3	3

NOTE: (1) A building or structure may exceed the maximum heights shown provided each of its front, side and rear yards are increased an additional foot for each foot such building exceeds the maximum height if approved by fire chief.

4. Development Criteria

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

1. All Commercial Districts

a) Any lighting shall be placed so as to reflect away from adjacent residential districts and vehicle traffic. No excessive or unusual noise, odor or vibration shall be emitted so that it constitutes a nuisance which substantially exceeds the general level of noise, odor or vibration emitted by uses adjacent to or immediately surrounding the site. Such comparison shall be made at the boundary of the site.

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

c) All of the lot used for the parking of vehicles or for the storage and display of merchandise and all driveways used for vehicle ingress and egress shall be paved in accordance with the requirements of Article VIII, Section 1.

2. Additional Criteria in O-1 Office District

A permanent opaque screening fence or wall shall be constructed along any side or rear property line, which abuts property zoned for residential purposes. The height of any fence, wall or other durable opaque barrier shall be six (6) feet tall.

3. Additional Criteria in C-1 General Commercial District

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

4. Additional Criteria in C-2 Open Display or Highway Commercial District

a) All servicing of vehicles and assembly of equipment carried on as an incidental part of the sales operation shall be conducted within a completely enclosed building.

b) No article or material stored or offered for sale in connection with the permitted or conditional uses listed herein shall be stored or displayed outside the confines of a building unless it is so screened by a permanent opaque screening fence or wall so that it cannot be seen from an adjoining lot. The following screening and display criteria shall apply to uses located in the "C-2" Open Display or Highway Commercial District.

1. The height of any opaque screening fence or wall shall not be less than six (6) feet.

2. Automobiles, trucks, tractors, mobile homes, boats or motorcycle sales areas are not required to screen fully assembled merchandise, which is ready for sale.

3. No permanent open display of goods or materials will be permitted on sidewalks or public right-of-way; and said goods or materials must be set back at least 15 feet from the front property line.

4. Automobile service stations shall be permitted open display of merchandise commonly sold by such operations as long as the area of said display is not larger than an area equal to one-half (1/2) of the facade area of the front of the building.

Section 3
INDUSTRIAL DISTRICTS

A. General Description

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

B. Uses Permitted

Property and buildings in the I-1 District shall be used only for the following purposes:

1. Any use permitted in the C-2 Open Display or Highway Commercial District except dwellings, motels, hospitals, institutions, or other buildings used for permanent or temporary transient housing of persons except as described in Item 2 below.

2. Dwellings for resident watchmen and caretakers employed on the premises.

3. Any business, commercial, or industrial uses which do not create unusual hazards of fire, explosions, noise, vibration, dust, or the emission of smoke, odor or toxic gases. No use which would involve the manufacture, processing, or storage of any material or goods which has a high hazard of fire, explosion, or of a toxic nature shall be permitted as a use by right in the I-Industrial District.

In addition to the above uses, which are permitted by right in the I-Industrial District, the following uses may be permitted on review as special permits in accordance with the provisions contained here and in Article VI.

1. Junk or salvage yards, in accordance with the provisions contained in Article VIII, Section 3.

2. Sanitary fill for the disposal of garbage or trash.

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

C. Development Criteria

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

1. Any lighting visible from outside the site shall be designed to reflect away from adjacent residential districts. No noise, odor or vibration shall be emitted so that it constitutes a nuisance, which substantially exceeds the general level of noise, odor or vibration emitted by uses adjacent to or immediately surrounding the site. Such comparison shall be made at the boundaries of the site.

2. Outdoor storage of trash receptacles shall be at the side or rear of the site and shall be totally encircle or screened by a site-proof fence, planting or other suitable visual barrier.

3. A permanent opaque screening fence or wall shall be constructed along any side or rear property line, which abuts property zoned for residential purposes. The height of this screen or wall shall be not less than six (6) feet and shall be constructed of wood, masonry or other durable opaque material, and finished in a manner appropriate to the appearance and use of the property.

4. No loading or storage of material shall be permitted in the required front yard.

5. Every use, or any part thereof, that is not conducted within a building completely enclosed on all sides shall be screened by a permanent opaque screening fence or wall so that it cannot be seen from an adjoining lot. The following screening and display criteria shall apply:

   a. The height of any opaque screening fence or wall shall not be less than six (6) feet.

   b. Automobile, bus, truck, tractor, mobile home, boat or motorcycle, and wheeled and /or tracked industrial vehicle storage areas are not required to screen fully assembled merchandise which is ready for sale.

   c. Other business uses shall be permitted open display of merchandise commonly sold by such operations as long as the are equal to one-half (1/2) of the facade are of the front of the building.

PERMITTED USES	ZONING DISTRICT O-1	C-1	C-2	I-1
6) INDUSTRIAL USES				
Advertising Displays, Sign Printing		X	X	X
Baked Goods, Candy, Bread, Dairy and Ice Cream Manufacturing		SP	SP	X
Book Binding			X	X
Bottling Works, All Beverages	SP			X
Carpentry, Custom Wood Working or Furniture Making			X	X
Custom Ceramic Products, Manufacturing			X	X
	O-1	C-1	C-2	I-1
Printing or Publishing, Including Engraving Or Photo-Engraving			X	X
Sexually Oriented Businesses				X
Sheet Metal Shop			SP	X
Tire Recapping			SP	X
Highway or Street Maintenance Garage, Yard Or Similar Facility				X

Section 4
PARKS

A. General Description

This District provides an area where park and open space related activities can take place. It is intended to provide space for recreations, playgrounds, water recreation, campsites and the centers of recreation.

B. Uses Permitted

Property in the P-1 District shall be used for the following purposes:

1. Park or playground (public) shall mean an open recreational facility or park owned and operated by a public agency such as the City of Barling, Sebastian County, Fort Smith or Greenwood School Board and available to the general public.

2. Park or playground (nonpublic) shall mean a park or playground developed and sponsored by a quasipublic group or private agency for the benefit of a specific groups, such as Little League Baseball, or the public in general.

3. Playfield or stadium (public) shall mean an athletic field or stadium owned and operated by a public agency for the general public, including but not limited to a baseball field, football field, rodeo arena or stadium.

In addition to the above uses, which are permitted by right in the P-1 Park District, the following uses may be permitted on review as special permits in accordance with the provisions contained here and in the Article VI.

Section 5
PUBLIC

A. General Description

This district provides an area where public activities can take place. It is intended to provide space for uses of land owned directly by the federal, state, municipal government, special district, school district or other political subdivision.

B. Use Permitted

Property and buildings in the P-2 District shall be used only for the following purposes:

1. Any government use which does not create unusual hazards of fire, explosions, noise vibration, dust or the emission of smoke, odor or toxic gasses. No use which would involve the manufacture, processing or storage of any material or goods which has a high hazard of fire, explosion or of a toxic nature.

2. School buildings used for student education and document storage and not auxiliary uses such as bus yards or repair garage.

3. City Halls, governmental offices, fire stations, post office, special district offices.

In addition to the above uses, which are permitted by right in the P-2 Public District, the following users may be permitted on review as special permits in accordance with the provisions contained here and in Article VI.

1. Garage facilities serving a governmental entity.

2. Governmental residential structures owned, operated or funded with a majority of public funds.

C. Development Criteria

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

1. Any lighting visible from outside the site shall be designed to reflect away from adjacent residential districts. No noise, odor or vibration shall be emitted so that it constitutes a nuisance, which substantially exceeds the general level of noise, odor or vibration emitted by uses adjacent to or immediately surrounding the site. Such comparison shall be made at the boundaries of the site.

2. Outdoor storage of trash receptacles shall be at the side or rear of the site and shall be totally encircled or screened by a site-proof fence, planting or other suitable visual barrier.

3. A permanent opaque screening fence or wall shall be constructed along any side or rear property line, which abuts property zoned for residential purposes. The height of this screen or wall shall be not less than six (6) feet and shall be constructed of wood, masonry or other durable opaque material, and finished in a manner appropriate to the appearance and use of the

property.

4. No loading or storage of material shall be permitted in the required front yard.

5. Every use, or any part thereof, that is not conducted within a building completely enclosed on all sides, shall be screened by a permanent opaque screening fence or wall so that it cannot be seen from an adjoining lot. The following screening and display criteria shall apply:

   a. The height of any opaque screening fence of wall shall not be less than six (6) feet.

Section 6
PLANNED UNIT DEVELOPMENT DISTRICTS

A. 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.

B. USES PERMITTED

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.

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

PUDs shall be residential 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.

C. APPLICATION PROCESS

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

1. Pre-application Conference Each prospective applicant shall confer with the City Staff

in connection with the preparation of the application prior to the submission. At this conference, the following information and data shall be considered.

a. The boundaries of the property
b. Existing easements and covenants affecting the property
c. Physical characteristics such as drainage, topography, vegetation and existing structures.
d. Development characteristics such as surrounding land uses, existing streets and availability of utilities.
e. Elements of the proposed layout such as land uses, open spaces, community facilities, densities, traffic flow and estimated impact on traffic and adjacent land uses.

D. DEVELOPMENT PLAN SUBMITTAL

No less than (25) 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.

a. A development plan drawn to scale on vellum accompanied by an electronic version of the same in a format compatible with AutoCad® in the version required by the city. 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.
b. Name of developer
c. Name and address of owner
d. Type of activity
e. Building footprints for the individual buildings to be included in the PUD
f. Topographic contours at two (2) foot intervals
g. All easements existing or proposed.
h. Street rights-of-ways and street names.
i. All drives, access-ways, alleys, parking lots and any streets proposed to be dedicated.
j. Proposed landscaping
k. Open space and community facilities, if any, proposed as part of the PUD
l. Location of all existing and proposed private and public utilities.
m. Names of the owners of adjacent properties
n. Zoning classifications of adjoining properties
o. Construction drawings as necessary to support the proposals outlined in the development plan.
p. Exterior lighting and speakers
q. The PUD submittal will include a listing of the proposed land uses and the amount of land devoted to each.

E. REGULATIONS

The regulations for PUD are as follows:

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 Barling, 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.

Where the residential planned unit development consists of single-family detached dwellings on platted lots of less than 6,500 square feet, the developer may be required to provide an approved designated common area for the parking of campers, travel trailers, recreational trailers and vehicles, boats and boat trailers and other similar vehicles.

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 approved by the Planning Commission and the by the Board of Directors.

In the future, should the owners of a PUD 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.

F. 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 zoning 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 maintain the same or higher level of service (LOS) for the surrounding

traffic system.

c. The PUD shall conform in size, shape, and bulk to those in surrounding developments. The Planning Commission may make exceptions when adequate buffering is included with the PUD to shield adjoining uses from the adverse effects of higher land use intensities. The Planning Commission may also make exceptions when the PUD clearly represents a transitional development between developments or neighborhoods of differing densities or intensities of use.

d. The PUD shall be compatible with the all adopted plans and policies of the city, including the Master Street Plan. If the PUD is not consistent with any of such plans or policies, the application must include with the PUD submittal a request to amend such plans or policies.

e. The PUD shall be designed is such a manner as to protect the public health, welfare and safety of the residents of 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.

g. Approval of a PUD cannot result in the violation of regulations in the Arkansas Fire Prevention Code or in regulations issued by the Arkansas Health Department or Arkansas Department of EnvironmentalQuality. Approval of the PUD cannot result in the reduction of standard engineering practices or in the drainage or water quality requirements of the city.

G. BOARD OF DIRECTORS APPROVAL

Planned Unit Developments represent a zoning districts and must be approved by the Board of Directors. 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 City Board of Directors for approval. The City Board of Directors 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.

H. AMENDMENTS

Following City Board of Directors approval the staff may approve minor revisions to the site plan if:

1. No changes are made to either the access or the egress to the PUD.
2. Any changes to internal traffic arteries do not alter overall traffic patterns, size of streets, or functional classification of streets.
3. No new streets are proposed for dedication.
4. No new private streets are proposed.
5. Overall residential density is not increased.
6. Overall drainage patterns are not altered.
7. No additional loads are placed on municipal utilities.
8. Retail and office space is not increased by more than five percent.
9. No open space is dedicated for public maintenance.

SECTION 7

PLANNED ZONING DISTRICT

A. PURPOSE

Upon recommendation from the Planning Commission for the City of Barling (the "**City**") and following careful consideration of the subject matter, this Board City finds that planned zoning districts, if developed in accordance with stipulated technical criteria, specifications, and standards attached as Schedule A (the "**PZD Standards**") serve as an important means to promote the City's present and future needs as well as provide for the safety, morals, order, convenience, prosperity, and general welfare of the citizens of this City.

B. AUTHORITY

Act 186 of 1957, Arkansas Code Annotated 14-56-403 et seq. empowers cities of the first and second class to adopt and enforce plans for the coordinated, adjusted, and harmonious development of the municipality and its environs and to amend the same from time to time.

C. JURISDICTION

The adoption of a new, planned zoning district within the territorial jurisdiction of the City is within the purview of this Board.

D. AMENDMENT/CONFLICTING ORDINANCES AND REGULATIONS

1. All Planned Zoning Districts within the City must be constructed and developed in accordance with the technical criteria set forth on Schedule A attached (the "**PZD Standards**").

2. Ordinance No. 272 establishing a Master Street Plan for the City is amended to allow for and permit the construction and use of streets within a Planned Zoning District constructed in accordance with the PZD Standards. With regard to approved Planned Zoning Districts only, to the extent there is a conflict between the standards and requirements set forth in Ordinance No. 272 and the PZD Standards, the PZD Standards shall control.

3. Ordinance No. 281 adopting land subdivision and development standards for the City is amended to allow for and permit Planned Zoning Districts that meet or exceed the PZD Standards so long as the same have been reviewed by the Planning Commission and approved by the City after a public hearing. Article III, Section 4 of Ordinance No. 281 is specifically amended to include Planned Zoning Districts as a permissible community or neighborhood unit in which case the PZD Standards shall apply. With regard to approved Planned Zoning Districts only, to the extent there is a conflict between the standards and requirements set forth in Ordinance No. 281 and the PZD Standards, the PZD Standards shall control.

4. The land use plan for the City is amended to permit the location of Planned Zoning Districts in specific areas of the City approved by the planning commission and the Board of Directors.

E. SEVERABILITY

The provisions of this Ordinance and the Standards attached are hereby declared to be severable and a decision by any court of competent jurisdiction that any section, phrase, or provision of this Ordinance

or any application thereof is illegal, invalid, or unconstitutional, shall not affect the legality, validity, or constitutionality of the remaining provisions or applications of this Ordinance.

ARTICLE V
SPECIAL PERMIT USES

Section 1
NATURE AND DESCRIPTION

Certain uses may or may not be appropriately located within various districts throughout the City of Barling 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 under the various districts herein as ASpecial 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 makes it desirable that they be permitted to locate therein

Section 2
USES

A. Uses Restricted to Specific Districts

Uses, which are listed in various districts, as Aspecial permit uses@ may be located only in the district or districts so designed and in accordance with the procedure, described herein in Section 3.

B. Uses Permitted in Any District

The following special uses may be authorized in any district in accordance with the procedure described herein in Section 3:

1) Cemetery or mausoleum

2) Greenhouse or nursery

3) Hospital or sanitarium

4) Landing field or strip for aircraft

5) Radio tower or broadcasting station

6) Removal of gravel, topsoil or similar natural material

7) Public utility structure

Section 3
PROCEDURE FOR AUTHORIZING

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:

1) An application shall be filed with the City Planning Commission for review. Said application shall show the location and intended use of the site and existing land uses within 200 feet and any other material or information pertinent to the request which the Planning Commission may require.

2) The City Planning Commission shall hold a public hearing thereon. At least fifteen- (15) days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Barling at the petitioner=s expense. The Public notice shall give the particular location of the property and the type of use for which the permit is requested. Additionally, the petitioner shall post on the property in a conspicuous location a sign, provided

   by the City Building Inspector, which shall notify the general public of the proposed use and public hearing.

3) In considering an application for a Special Use Permit, the Planning Commission shall give due regard to the nature and condition of all adjacent uses and structures. The Planning Commission may deny any application for a Special Use Permit, or, in granting such a permit, may impose such requirements and conditions with respect to location, construction, maintenance and operations as it may deem necessary for the protection of adjacent properties and the public interest.

4) Any applicant or other affected party aggrieved by a decision of the Planning Commission as it relates to the special permit use process shall have the right to appeal to the Board of Directors. Such appeal must be filed in writing with the City Clerk within ten (10) days after the Planning Commission takes final action on such a request. The Board of Directors may affirm, modify, or deny said appealed action of the Planning Commission.

Section 4
FEES

Before any action shall be taken as provided in this section, the petitioner shall deposit with the City the sum of fifty dollars ($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 Planning Commission.

ARTICLE VI
SITE PLAN REVIEW

Section 1
GENERAL PURPOSE AND REVIEW GUIDELINES

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

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

All development shall be designed in such a way as to minimize any potential deleterious impact on the surrounding area. Special attention shall be given to buffering commercial developments from adjacent single-

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

Section 2
APPLICABLE DISTRICTS

Any application for a zoning classification which involves site plan review may be initiated by the owner or other person having a contractual interest in the property for which site plan approval is requested or by the authorized agent of such owner or person. The Commission reserves the right to waive the site plan review process.

The site plan review process shall apply to all applications for the following zoning districts:

"R-1" Single-Family Residential
"R-2" Low Density Residential
"R-3" Medium Density Residential
"R-4" Mobile Home Subdivision or Park
"R-5" Affordable Housing Residential
"O-1" Office and Quiet Business District
"C-1" General Commercial District
"C-2" Open Display and Highway Commercial District
"I-1" Industrial District
PUD Planned Unit Development
PZD Planned Zoning District
P-1 Parks
P-2 Public Property

Section 3
PROCEDURE AND AUTHORITY

The procedure for the zoning of property to one of the above classifications shall be the same as for any other zoning application. The Planning Commission may outline special parameters or special concerns which will apply to the Site Plan when such are identified through the zoning process. The procedure for zoning of property to the Planned Unit Development Classification shall be as required by Article IV, Section 6.

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

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

Section 4
SUBMISSION REQUIREMENTS

A. Zoning Classification

The submission requirements for the rezoning of any lot, parcel or tract of land which includes site plan review shall be the same as for any other zoning application to the City of Barling. Plans should be submitted to the Planning Commission a minimum of 15 days prior to the regular scheduled Planning Commission meeting. If available, a general graphic representation of what is proposed may be submitted showing the following:

1. Approximate location of buildings
2. Approximate location of parking
3. Approximate location of landscaping
4. Approximate location of ingress and egress

2. Site Plan Submission

The submission requirements for review of a site plan preceding the receipt of the building permit shall include the following:

1. A site plan to be submitted on white paper no larger than twenty-four (24) inches by thirty-six (36) inches, and no smaller than twelve (12) inches by twenty-four (24) inches, and including:

   (a) Graphic scale (1" = 20 ft.)

   (b) Proposed lot lines.

   (c) Existing and proposed vehicular and pedestrian circulation systems including street, alleys, walkways, service areas and loading areas, the location and arrangement of off-street parking areas, and all points of ingress and egress.

   (d) Proposed perimeter treatment of the property, indicating screening materials to be used including fences, walls, and plant materials together with a description of uses, setbacks and their proposed development=s relationship to surrounding areas.

(e) Schematic landscape plan showing proposed treatment of the areas designated as either buffers or private common open space.

(f) Location and dimension of all existing and proposed utility and street easements and all existing public improvements within the site.

(g) Proposed location of structures and structural dimensions, dimension distances, between buildings, and distances from structures to property lines.

2. A topographical map with 2 ft. contours.

3. Quantitative data including the following information:

   (a) Proposed buildings coverage of principal accessory buildings.

   (b) Parcel size.

   (c) Proposed floor area of principal and accessory buildings.

   (d) Proposed number of parking spaces.

4. A registered land survey showing the exact property or boundary lines, including a legal description of the total site(s) proposed for development, including a statement of present and proposed ownership.

Section 5
STANDARDS FOR SITE PLAN DISAPPROVAL

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

A. The proposed site plan is incomplete or contains or reveals violations of this Ordinance or applicable district regulations which the applicant has, after written request, failed or refused to supply or correct.

B. The proposed site plan interferes unnecessarily with easements, roadways, rail lines, utilities, and other public or private rights-of-way.

C. The proposed pedestrian and vehicular circulation systems incorporated in the site plan subsequently create hazards to safety on or off site.

D. The proposed site plan does not conform to the minimum drainage requirements found in the Subdivision Ordinance or other applicable ordinances.

E. The proposed site plan violates the basic intent of this Ordinance or does not comply with those conditions which were stipulated at the time of rezoning.

F. Inadequate water and sewer service.

Section 6

EFFECT OF APPROVAL

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

A. Any change in the allowable use of the development.

B. An increase of greater than five (5) percent in the number of dwelling units, but not to exceed the total allowable dwelling units in the respective zoning classification.

C. Any modification compounding the problems of vehicular circulation, safety, and provision of public utilities.

D. Any modification having an adverse impact on adjacent property.

E. Any appreciable reduction of approved building setback line.

F. Any reduction of off-street parking and loading requirements below those specified in this Ordinance.

G. Any change in the allowable size, lighting, or orientation of signs.

H. Any adverse impact on water or sewer.

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

Section 7
AMENDMENTS

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

Section 8
APPEALS

Any applicant aggrieved by a decision of the Planning Commission as it relates to the site plan review process shall have the right to appeal to the City Board of Directors. Said appeal shall be filed in writing with the City Clerk within thirty (30) days of the Planning Commission decision. Such appeal must state the reasons for disagreement with the decision of the Planning Commission.

ARTICLE VII
SPECIAL PROVISIONS

Section 1
ACCESSORY BUILDING, STRUCTURE, OR USE

An accessory building, structure, or use may be built or located within a required rear yard when located at least five (5) feet from the rear or side lot line, is not located within any public easement, and when occupying not more than thirty percent (30%) of the area of such required rear yard.

Section 2
ANIMALS ON PREMISES

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

A. Animal husbandry, Dairying, pasturage shall have a minimum of not less than (1) acre for each head of livestock kept on the premises. 1 acre per head = 43,560 SF

B. Animal hospital, pound or shelter; commercial kennel; livestock sales; riding academy; public stable; veterinarian=s office with animals kept on the premises; shall be located no nearer than two hundred (200) feet to a residential district; and no nearer to a zoning lot line than one hundred (100) feet.

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

Section 3
AUTOMOBILE WRECKING, SALVAGE, AND JUNK YARDS

A General

Because of the nature and character of their operations, automobile wrecking and salvage yards, junkyards, and similar uses of land can have a serious detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic, and health hazards, and may adversely affect property values by their general appearance. For the purpose of evaluating whether the proposed utilization of land for an automobile wrecking or junk yard impound area properly minimizes its objectionable characteristics, the Standards established in paragraphs B, C, D, and E shall be used:

B. Location

Because of the tendency of salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than five hundred (500) feet to any established residential district.

C. Screening

All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed

opaque fence or wall, except driveway areas, minimum twelve (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.

D. Off-Street Parking

Off-street parking requirements are provided in Article VIII.

E. Ingress and Egress

The number of vehicular access driveways for junk yards and automobile wrecking yards having frontage on a State or Federal highway shall be regulated by the Arkansas State Highway and Transportation Department.

Section 4
CHURCHES

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

A. Churches and their accessory buildings shall set back from all exterior and interior lot lines a distance of not less than twenty-five (25) feet.

B. The lot area for a church and any accessory buildings shall be adequate to provide the yard area required by this section and the off-street parking areas required under Article VIII.

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

Section 5
SCHOOLS/INSTITUTIONAL

Schools or other public/semi-public institutions shall comply with all of the following area and yard requirements:

A. Schools/Institutions and their accessory buildings shall set back from all exterior and interior lot lines a distance of not less than twenty-five (25) feet.

B. The lot area for a school/institution and any accessory buildings shall be adequate to provide the yard are required by this section and the off-street parking areas required under Article VIII.

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

Section 6
CHILD CARE CENTERS

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

A. The center shall be located in a single-family dwelling, which is the permanent residence of the operator and shall be operated in a manner that will not change the character of the residence. The permit shall specify the maximum number of children to be cared for at each center.

B. The dwelling shall be located on a lot having not less than ten thousand (10,000) square feet of area, and all portions of said lot used for outdoor play space shall be fenced with approved fence not less than six (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.

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, shall be limited by the requirements of the State of Arkansas to licensing such a facility, and shall otherwise comply with all area regulations established for the district in which such facility is located.

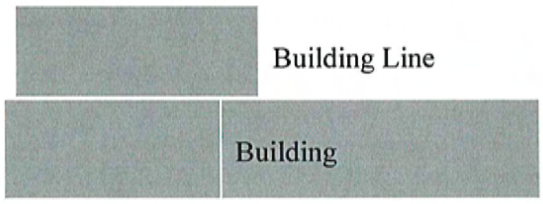
Section 7
FENCES

For all residential uses located within any zoning district, an ornamental fence, hedge, or wall not more than three and one-half (31/2) feet in height may project into or enclose any required front or side yard. Ornamental fences, hedges, or walls may project into the side yard from the front building lines of the structure to the rear lot line, provided such fence and walls do not exceed a height of six (6) feet. Permit must be obtained from Building Inspector. All fences must be approved by Building Inspector and be of approved material.

CURB AND STREET

Set back for fences:
Property Line

Restricted to 3-1/12' Height
25' Required front yard setback



Fence may be 6' from here to rear.

For any commercial or industrial use, a fence not exceeding eight (8) feet in height may be constructed along any property line where required for either screening and/or security purposes, provided it does not obstruct the visibility at any intersection as prescribed in Section 11 of this Article.

Section 8
FLAMMABLE LIQUIDS AND GASES

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

Section 9
HEIGHT REQUIREMENTS

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

Public, semi-public service buildings, hospitals, institutions, churches and schools, when permitted in a district, may be erected to exceed height limits specified for the district, provided all required yards are increased by one (1) foot for each foot of building height above the specified height limit.

Section 10
HOME OCCUPATIONS

Within the above requirements, a Home Occupation is a business that is operated in a residential structure that is located in a residential district which generates public usage less than five (5) people per hour. A Home Occupation includes, but is not limited to the following:

a. Art or Dance Studio (maximum of 2 students at a time)

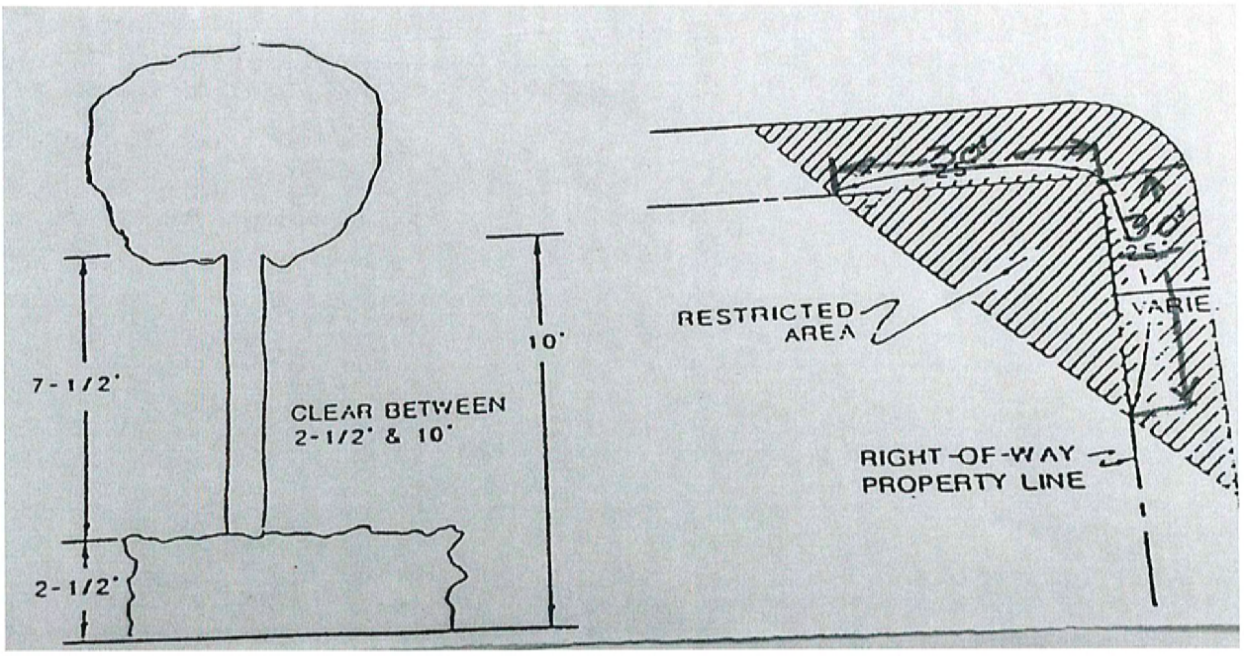
b. Beauty or Barber Shop (one chair only)

c. Professional Office: Attorney, Architect, Accountant, Insurance Agent, or similar occupation.

A Home Occupation shall not be interpreted to include a Restaurant, Beauty or Barber Shop having more than one chair, or the office of a physician or dentist.

Section 11
VISIBILITY AT INTERSECTIONS

On a corner lot on which a front yard is required, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2 1/2) feet and ten (10) feet above the center line grade of the intersecting street in the area bounded by the street right-of-way lines (not curb lines but the rights-of-way lines which are also the property lines) of such corner lot and line joining points along said street rights-of-way lines thirty (30) feet from the point of intersection. Graphic illustration of this requirement is provided by the following:



Section 12
SERVICE STATION PUMPS

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

Section 13
STORAGE AND PARKING OF TRAILERS
AND COMMERCIAL VEHICLES

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

A. Not more than one (1) commercial vehicle, which does not exceed one and one-half (1 1/2) tons rated capacity, per family living on the premises, shall be permitted and in no case shall a commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products be permitted.

B. No trailer of any type or recreational vehicle shall be parked or stored for more than one week unless said vehicle(s) is located behind the front yard building line. A camping, travel trailer or recreational vehicle shall not be occupied either temporarily or permanently while it is

parked or stored in any area within the incorporated limits unless it is parked at a commercial trailer park specifically designed for such temporary vehicles.

Section 14
MINING, EXCAVATION, AND MATERIAL STORAGE

Mining, including extraction of clay, gravel or sand; quarrying of rock or stone; earth moving and excavation;

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

A. Excavations for the foundation or basement of any building or for a swimming pool for which a building permit has been issued, or deposits on the ground of any building or construction materials to be used in a structure for which a building permit has been issued.

B. Grading of any parcel of land for a permitted use where no bank is left standing and exposed of more than ten (10) feet in vertical height.

C. Grading in subdivision, which has been approved, and in accordance with the City of Barling Subdivision Regulations.

D. An extractive operation existing and operating as such on the effective date of this Ordinance.

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

Section 15
RADIO, TV, AND OTHER TOWERS

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

Section 16
CONSTRUCTION WITHIN FLOOD PLAIN AREA

It is intended that this section be applied in a uniform manner to those properties within the City of Barling which are subject to inundation under the 100-year frequency flood conditions. The boundaries of the flood plain area shall be determined from the Flood Hazard Boundary Map or the Flood Insurance Rate Map as prepared by the Federal Insurance Administration or the Federal Emergency Management Agency as may be updated from time to time. In cases where such maps identify within the flood plain an area of the channel or streambed called the Flood way, no building or structure of any type shall be allowed within said flood way. Otherwise, any proposed structure within a flood plain area as defined above shall comply with the following criteria:

A. Structures shall have the lowest floor (including basement) elevated 2' above the level of the 100-year flood.

B. Nonresidential structures together with attendant utility and sanitary facilities shall be flood-proofed 2' above the level of the 100-year flood in compliance with the Building Code of the

City of Barling.

For any such structure proposed within the defined flood-plain area, it shall be the responsibility of the applicant for a building permit to furnish sufficient engineering data so that the City may clearly determine full compliance with this section.

Section 17
TRAVEL TRAILER PARKS/RV PARKS

A travel trailer park as defined in this Ordinance may be established as a commercial enterprise for short-term transient occupants in C-2 zones only. There is no minimum area which may be developed or used for the purpose of a travel trailer park, but the site should be well-drained and properly graded in order to ensure rapid drainage and freedom from stagnant pools of water. Because of the variety of different sizes and lengths of individual units, there is no maximum density requirement for travel trailer parks. However, all travel trailers shall be separated from each other and from other structures by a distance of at least ten (10) feet. Any accessory structures such as attached awnings and carports shall, for purposes of the separation requirement, be considered to be part of the trailer.

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

A. Adequate space dimensions to accommodate the different sizes of expected vehicles.
B. Street and access roads located within the travel trailer park.

C. Set of plans for the service building which shall house an approved number of restrooms, lavatories, showers, and other sanitary facilities as the State Board of Health may require for the number of spaces available in the park.

D. Water and sewer hookups to accommodate each trailer space.

E. Electrical master fuse or breaker panel, and receptacles in compliance with National Electrical Code.

F. Sanitation containers deployed at intervals to accommodate not more than two (2) spaces.

G. Letter of approval from State Board of Health.

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

Section 18
MOBILE HOME SUBDIVISIONS

Mobile home subdivisions, which shall be established in the R-4 Residential zone only, provide an opportunity for mobile home ownership of structure and lot for those mobile homes approved by the Department of Housing and Urban Development under Title VI of Public Law 93-383, USC5401 et seq. All mobile homes so located within an approved subdivision must have the date plate attached to the unit specifying "This mobile

home is designed to comply with Federal Mobile Home Construction and Safety Standards in force at the time of manufacture." Mobile home subdivisions shall fully comply with the regulations of this Ordinance and further be governed by the Land Subdivision and Development Code of the City of Barling. Furthermore, individual mobile homes located within mobile home subdivision must be converted to permanent structures.

Section 19
MOBILE HOME PARKS

A. All new mobile home parks that are established or existing mobile home parks which are expanded after the effective date of this Ordinance shall comply with all of the regulations and standards contained in this section. Mobile home spaces should be harmoniously and efficiently organized in relation to topography, existing trees and shrubs, and other natural features. A stylized uniform pattern in lining up units should be avoided. The mobile home park shall conform to the following standards:

1. Each mobile home space shall contain not less than four thousand nine hundred and fifty (4,950) square feet minimum area. Spaces may be irregular in shape, but each mobile home space shall be not less than thirty-eight (38) feet in width and of adequate shape to provide off-street parking for two (2) automobiles.

2. The minimum front yard setback shall be twenty (20) feet to the front lot line of the mobile home park. Additionally, each mobile home unit shall be set back at least twenty (20) feet from all internal drives and access routes through the mobile home park.

3. Mobile home parks must set aside and improve an area to be used for recreational purposes. All parks shall develop a recreational area equal to six percent (6%) of the total land area of the park.

4. Internal streets and drives shall be designed for safe and convenient access to all mobile home spaces. All such internal drives shall be privately owned, built and maintained. Such roadways shall be at least twenty (20) feet in width and shall be constructed with a bitumen or concrete surface.

5. No building or structure erected or stationed in the mobile home park shall have a height greater than one (1) story or fifteen (15) feet.

6. There shall be at least two (2) paved off-street parking spaces for each mobile home space which shall be on the same site or located in grouped parking bays specifically designed for this purpose close to the site served.

7. The mobile home shall be anchored to a permanent foundation in conformance with manufacturer's installation specifications. A skirt of permanent materials shall be attached to the bottom of the mobile home to screen the underside.

8. The utilization of recreational vehicles for residential purposes, temporarily or permanently, shall be prohibited in the City of Barling except that recreational vehicles may be used as residences in Mobile home parks for no more than thirty-five (35) days. At the expiration of thirty-five (35) days, a recreational vehicle must be skirted and anchored.

9. Each mobile home lot in the mobile home park shall be served with a supply of water adequate for potable use and for fire protection. Plans and specifications for the water works

improvements shall be prepared by a professional engineer registered in the State of Arkansas. Plans and specifications of the water distribution system improvements shall be approved by the Arkansas State Board of Health. The water distribution system shall be installed in accordance with the standards of the American Waterworks Association.

10. Each mobile home lot in the mobile home park shall be provided with sanitary sewer service. Sanitary sewers shall be a minimum of 6 inches in diameter except that 6-inch diameter laterals may be used serving less than 20 mobile home lots when it has been determined by the Planning Commission that this lateral sewer cannot be extended in the future for gravity service or be used to receive sewage from any future lift station. The sanitary sewer system shall be designed in the plans and specifications prepared by a professional engineer registered in Arkansas. The plans and specifications shall be approved by the Arkansas State Board of Health.

    Sanitary sewer systems shall be installed following the practices set forth in the American Society of Civil Engineers Manual No. 37, "Design and construction of sanitary and storm sewers," and under the supervision of a registered professional engineer. The maximum infiltration allowed shall be 500 gallons per inch of diameter per mile per day.

11. Where it is determined by the Planning Commission that an underground storm water drainage system is available and that connection thereto is feasible, then the entire mobile home park shall be provided with underground storm water drainage facilities and connected with the existing system. Where an underground storm water drainage system is not available, then adequate surface water drainage facilities shall be installed and connected to existing underground or surface drainage facilities.
    The Underground storm drainage system shall be designed by a registered professional engineer and the capacity shall be based on a rainfall frequency return period of ten years. The floor elevations of buildings constructed in a mobile home park shall be 2' above the water level, as determined by a registered professional engineer, resulting from a rainfall frequency with a return period of 100 years.
    Diversion of storm water flow shall be avoided, if at all possible. If storm water is to be diverted from its natural course, the site plan of the mobile home park shall show the location of the existing waterway and the location of the proposed channel. Provisions shall be made for the sodding or paving of open waterways to prevent erosion or silting.

12. Each mobile home lot shall be provided with a separate meter for the purpose of measuring water usage for billing by the City of Barling and each resident shall be considered an individual user for billing purposes.

13. Sidewalks shall be constructed in all mobile home parks across all mobile home lots. Sidewalks shall be at a minimum depth of not less than 4 inches Portland Cement reinforced with 6 x 6 x 10/10 welded wire fabric throughout. Expansion joints every 20 linear feet, at least one-half inch wide cutting entirely through the sidewalk shall be required. The surface is to be blocked off in 4 foot squares by contraction points extending at least 3 inches into the concrete.

14. All mobile home parks shall erect a fence with a minimum height of 4 feet on its property line where the property abuts other property that is improved by a permanent residence or is part of a platted subdivision. The fence shall not be a natural fence, but shall be of either solid wood, metal or other substance so that visibility through the fence is not possible.

Not less than 6 percent of the gross area of any mobile home park shall be devoted to common recreational areas and facilities. Such open space shall be separate and aside from the open space provided on each mobile home lot. Said open space shall be sodded and/or landscaped or otherwise designed and made available for recreational use.
To be includable as a common recreational area, interior blockways for pedestrians or cyclists shall be at least ten (10) feet in width and form part of a system leading to a principal destination. Such ways may also be used for installation of utilities. Said common areas shall not be designed so as to thwart the purpose of this Ordinance to provide the common recreation area as, for example, to provide several small areas that would strictly meet the required minimum recreation area, if combined, but which would be impractical or unsuitable as a common recreational area.
Provided, however, that no more than one-half acre shall be required to be devoted to the open space of the mobile home park.

15. All common access ways within the mobile home park shall be illuminated at night with lamps of not less than 150 watts each, or equivalent illumination, spaced at intervals of not more than 200 feet and, in addition, each mobile home, or recreational vehicle, shall be required to have exterior illumination sufficient to light the mobile home lot it occupies without interfering with the occupation of the adjacent mobile home lot.

16. All driveways acting as access to mobile home lots shall be a minimum width of 27 feet.

17. The site plan shall, in addition to all other requirements contained herein, reflect the following:

1. Legal description of the proposed mobile home park.

2. Name, address and phone number of each owner or developer and the name, address and phone number of the engineer or surveyor who prepared the site plan.

3. Location drawing showing the existing development within one quarter mile radius of the proposed location, and ownerships of adjacent tracts within 185 feet.

4. Scale of plan.

5. Date and north arrow.

6. Existing conditions: (a) location, width and name of each existing or platted street or other public way, railroad and utility right of way, within or adjacent to the proposed mobile home park. (b) all existing sewers, water mains, gas mains, culverts or other underground installations within the proposed mobile home park or immediately adjacent thereto, with pipe size, grades and locations shown.

7. Proposed development plan showing: (a) general layout of development with number of mobile home lots and their approximate dimensions. (b) location of parking areas, size and capacity. (c) location and size of common area. (d) general landscaping and screening plan.

18. Upon approval or denial by the Planning Commission of the site plan and other requirements, the Planning Commission shall transmit its recommendation to the Board of

Directors which shall issue the permit or deny the application within two (2) regular scheduled meetings. Upon approval by the Board of Directors, a permit shall be issued to the owner or developer allowing the construction and operation of a mobile home park,

19. The mobile home park, its facilities and equipment shall be kept in a clean, orderly and sanitary condition. The City Administrator, or his designated agents, shall be entitled to enter said mobile home park, at all times, to inspect the site to ascertain whether or not it is being kept in a clean, orderly and sanitary condition. All recreational vehicle and travel trailers utitlized for permanent residents shall be parked in recreational vehicle parks after the adoption of this ordinance.

20. If at any time, the City Administrator determines that said park is not being kept in a clean, orderly and sanitary condition, or otherwise in compliance with this Ordinance, he shall notify the permitee in writing specifying the noncompliant condition and allow said permitee 10 days upon which to correct said condition.

    If at the end of 10 days, said condition has not been corrected, the permitee shall be given notice by the City Administrator of the need by the permitee to show cause why the permit should not be revoked. At said time, the permitee may have an additional 10 days from permitee's receipt of the notice from the City Administrator in which to explain to the City Administrator why the permit should not be revoked.

    In the event the permitee does not respond to the initial request from the City Administrator to correct an existing condition, or if the permitee fails to respond to a request to show cause why the permit should not be revoked, then the permit shall be automatically revoked and shall not be reinstated unless reissued by the Planning Commission. After the permitee has produced evidence or provided sufficient explanation to show cause why the permit should not be revoked, the City Administrator shall issue his decision either accepting the evidence of the permitee and thereby allowing the permitee to retain the permit or revoking the permit.

    If a permit has been revoked through the actions of the City Administrator or the Board of Directors, the City of Barling shall take all legal action to close said park including the application for an injunction in a court of competent jurisdiction and/or the curtailment of utility services including but not limited to water and sewer to said mobile home park upon proper notice to all residents thereof.

    At any step of the process described in this Section, the permitee shall have a right of appeal to the Planning Commission which shall hear said appeal within thirty (30) days of being notified by the permitee in writing of the desire to appeal the actions of the City Administrator. All actions of the City Administrator shall be held in abeyance pending the recommendation of the Planning Commission and the final decision of the Board of Directors.

    The Planning Commission shall hear the basis and evidence for the revocation of the permit from the City Administrator at which time the permitee shall have the right to cross-examine witnesses and to present witnesses and any other evidence. The permitee shall be entitled to be represented by an attorney. A court reporter shall be present and shall make a transcript of the proceedings at the permitee's expense. The transcript together with the recommendation of the Planning Commission shall thereafter be transmitted to the Board of Directors. The Board shall within thirty (30) days vote to approve, modify or reject the recommendation of the Planning Commission.

B. Approval Procedure

All licenses and permits as required by the City of Barling in this or other applicable Ordinances shall be fully complied with before the park is open to tenants. The owner or developer shall submit a Letter of Intent and the preliminary plans for development of the mobile home park to the Planning Commission for review and approval prior to preparation of a final plat to ensure conformity with plants and regulations. The preliminary plans submitted shall include an approval by all utilities or City governmental departments that may become involved in the final development of the site. The mobile home park owner and developer shall submit evidence indicating that he/she is responsible for the complete cost of the development including site preparation, mobile home spaces, installation of all utilities, driveways, parking areas, park facilities, and recreational facilities.

After review of the Letter of Intent, preliminary plans, and other information submitted by the developer, the Planning Commission may approve these plans if it finds that all appropriate regulations have been complied with. After approval by the Planning Commission, the developer shall cause to be prepared a final plat of the proposed mobile home park lot. This plat shall be prepared by a Registered Professional Engineer in accordance with the Land Subdivision and Development Code of the City of Barling. A building permit for construction of the park cannot be issued until a final plat has been recommended by the Planning Commission to the Board of Directors for final approval for the mobile home park site.

Section 20
MANUFACTURED HOMES

The establishment, location, and use of mobile homes as scattered-site single-family residences shall be permitted in the R-4 Zoning District, subject to all requirements and limitations applying generally to such residential use in each of the respective districts, and provided such homes shall meet all of the following requirements and limitations:

A. The home must be a double section or larger multi-section unit and shall meet all requirements as defined in Article VI and must possess all necessary building and occupancy permits and other certifications required by the City for a dwelling unit.

B. The home must be appropriately sited on the lot, with the front door or entry of the home oriented to the front of the lot, and all required setbacks (front, side and rear) of the zoning district in which the home is located must be met without any exceptions or variances.

C. The home shall be attached and anchored to a permanent foundation in conformance with manufacturer's installation specifications.

D. The home shall be covered with an exterior material customarily used on site-built residential dwellings. Solid brick, stone or masonry material should be used to complete the area between the home and the ground around the entire outside perimeter of the structure.

E. The home shall have a roof composed of a material customarily used on site built residential dwellings, such as fiberglass, shake, asphalt or tile, which shall be installed onto a surface having a minimum pitch of 4" to the foot.

F. The home shall have truss rafter construction 30lb. Roof load with 2"x6" floor joists on 16" center; 2"x 6" side wall studs, 16" center on steel I beams. Insulation shall be R-11 for the floor; R-21 for the walls and R-30 for the roof.

G. Accessory porches or carports shall be constructed behind the required building set back lines.

Section 21
YARD MODIFICATIONS

Certain architectural features may project into required yards as follows:

A. Cornices, canopies, eaves, or other architectural features may project a distance not exceeding two and one-half (2 1/2) feet.

B. Fire escapes may project a distance not exceeding four and one-half (4 1/22) feet.

C. An uncovered stair and necessary landings may project a distance not to exceed three (3) feet, provided such stair and landing shall not extend above the entrance floor of the building except for a railing not exceeding three (3) feet in height.

D. Bay windows, balconies, and chimneys may project a distance not exceeding two (2) feet, provided that such features do not occupy, in the aggregate, more than one-third (1/3) of the length of the building wall on which they are located.

E. Decks may be constructed behind or to the side of homes, but may not infringe upon the yard requirements as stated in any ordinance.

Section 22
SEXUALLY ORIENTED BUSINESS

1. Purpose 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 ordinance have neither the purpose nor the 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

1. 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 a time, and where the images so displayed are distinguished or characterized by the depicting or describing of "SPECIFIC SEXUAL ACTIVITIES" or "SPECIFIED ANATOMICAL AREAS".

2. Adult Book Store or Adult Video Store: A commercial establishment which, as one of its principal business purposes, offers for sale or rental any form of consideration any one or more of the following:

    a. 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

    b. instruments, devices, or paraphernalia which are designed for use in connection with "SPECIFIED SEXUAL ACTIVITIES"

3. Adult Cabaret: A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

    a. persons who appear in a state of nudity; or

    b. Live performances which are characterized by the exposure of "SPECIFIED ANATOMICAL AREAS" or "SPECIFIED SEXUAL ACTIVITIES"; or

    c. films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction of "SPECIFIED ANATOMICAL ACTIVITIES" or "SPECIFIED ANATOMICAL AREAS".

4. 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".

5. 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".

6. Nudity or State of Nudity:
    a.) the appearance of the bare human buttock, anus, male genitals, female genitals, or female breast;
    b.) a state or dress which fails to opaquely cover a human buttock, anus, male genitals, female genitals, or female breast.

7. Person: An individual, proprietorship, partnership, corporation, association, or other legal entity.

8. SEMI-NUDE: A state or 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.

9. Sexually Oriented Business: An adult arcade, adult bookstore or audio 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".

10. Specified Sexual Activities:
    a.) Human genitals in a state of sexual stimulation or arousal;
    b.) Acts of human masturbation, sexual intercourse, or sodomy;
    c.) Fondling or other erotic touching of human genitals, pubic regions, buttock or female breast.

11. Specified Anatomical Areas:
    a.) Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areolae; and
    b.) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

12. Residential District: Any land within the City limits of Barling zoned as R1, R2, R3, R4, R-5 and/or, PUD, PZD as defined by this Ordinance.

C. Classification

Sexually oriented businesses are classified as follows:

1. Adult arcade;
2. Adult bookstores or adult video stores;
3. Adult cabarets;
4. Adult motion picture theaters;
5. Adult theaters.

D. Location of Sexually Oriented Businesses

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

    a. a church or other religious facility;
    b. a public or private day-care, elementary, secondary or post-secondary school;
    c. a boundary of a residential zone (R1, R2, R3, R4, R5, PUD, PZD) or any single family or multiple family residential use;
    d. a public park (City, State, or Federal);
    e. a hospital or other medical facility.

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

3. For the purpose of Subsection 1, of this section, 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 a 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.

4. For the purposes of Subsection 2, 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 in which each business is located.

E. Zones in which Sexually Oriented Businesses May Be Located

In addition to the restrictions found in the Subsections under D, Location of Sexually Oriented Businesses, The Barling Board of Directors directs that sexually oriented businesses may only be located in I-1, Light Industrial Zone, as defined by the City's Zoning Ordinance.

F. Non-Conforming Sexually Oriented Businesses

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

G. Enforcement

1. Any person violating any part of this Section, Section 22 Sexually Oriented Businesses, of the City of Barling's Zoning Ordinance, upon conviction, shall be punished by a fine not to exceed $ 500.00.

2. 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) for each day that the same is unlawfully continued.

3. A person who operates or causes to be operated a sexually oriented business in violation of Subsection D, Location of Sexually Oriented Businesses, of Section 22 Sexually Oriented Businesses will be subject to a suit for injunction as well as prosecution for criminal violations.

Section 23
REGULATION OF SIGNS

1. Purpose and Intent

It is the intention of the governing body of the City to amend by the adoption of this Section certain provisions of Ordinance No. 267 which previously regulated erection of signs within the City and to repeal any other ordinance(s) in conflict herewith.

2. Definitions

The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Back-to-back sign shall mean a structure with two (2) parallel and directly opposite signs with their faces oriented in opposite directions and spaced no more than ten (10) feet apart.

Business sign shall mean a sign which directs the attention of the general public to a business, product, service or activity which is conducted upon the premises where such sign is located.

Erect shall mean to construct, build, raise, assemble, place, affix, attach, create, paint, draw or in any other way bring into being or establish a sign. The term "erect" shall not mean a change in the advertising message or customary maintenance and repair.

Flashing sign shall mean a sign, the illumination of which is not constant in intensity when in use; except that illuminated signs which indicate the time, date, temperature and other public service information shall not be considered to be flashing signs.

Free-Standing sign shall mean any sign not attached or part of any building, but separate and affixed in or upon the ground. Included are pole signs, pylon signs and masonry wall type signs.

Frontage shall mean the distance along a property line which is also the right-of-way line of a dedicated public street.

Garage Sale sign: shall mean any temporary sign entitled " garage sale, "lawn sale", "attic sale, "rummage sale", "flea market sale", "yard sale" or any other similar casual sale of tangible personal property, which is advertised by any means whatsoever whereby the public at large is or can be made aware of such sale.

Nonconforming sign shall mean any sign which does not meet the requirements of this Section.

Outdoor advertising sign shall mean a sign which directs the attention of the general public to a business, product, service or activity not usually conducted upon the premises where such sign is located.

Political sign shall mean a temporary sign directly associated with national, state or local elections.

Portable sign shall mean a business sign that does not exceed forty (40) square feet in area, can be moved from place to place and is not permanently affixed to the ground or to a building (excluding real estate and construction signs). Any sign that is over forty (40) square feet shall, for purposes of this ordinance, be considered a **business sign** or an **outdoor advertising sign**.

Promotional sign shall mean a sign erected on a temporary basis to promote the sale of products, new management, new hours of operation, and a new service or to promote a special sale.

Sign shall mean a structure or device designed or intended to convey information to the public in written or pictorial form. Signs erected by the state highway department, county road department or the city street department are not subject to the regulations.

Sign area shall mean the entire area within a single continuous perimeter enclosing the outer dimensions of the actual message or copy area. It does not include customary extensions or embellishments, nor any structural elements outside the limits of such display surface and not forming an integral part of the display. For double-face or V-type sign structures, only one (1) display face shall be counted in computing the actual sign area. The sign area permitted on any

piece of property refers to the permitted combined total area of all signs on that property.

V-type sign shall mean a structure of two (2) signs in the shape of the letter "V" when viewed from above and with their faces oriented in opposite directions.

3. Permitted business signs in residential zones

The following provisions apply to signs in residential zones:

(A) Residential Zones:

1. Temporary real estate and construction signs, not exceeding one (1) square foot in area for each ten (10) feet of frontage;

2. Daycare home: No sign permitted;

3. Residential accessory uses: No sign permitted;

4. Home occupations: No sign permitted;

5. Development identification signs, free-standing: One (1) sign per frontage not to exceed twenty-four (24) square feet per sign;

6. Development identification signs, facade: One (1) sign per each frontage wall not to exceed one (1) percent of wall area.

(B) Public buildings, adult daycare, semipublic buildings, public libraries, fire and police stations, museums, community centers, nursing and convalescent homes, clubs and lodges, dormitories, churches, rectories, monasteries, public, private and parochial schools, convents:

1. All free-standing signs shall not exceed a cumulative total of fifty (50) square feet; and

2. Facade (wall) signs shall not exceed five (5) percent of the outside wall on which the sign is located

(C) Communication towers, utility substations:

1. Signs shall not be permitted on tower or monopole structure;

2. Signs required for public health and safety or identification may be displayed on security fencing if placed in conformity with Section 7.

(D) Subdivisions, developments signs: One (1) sign per entrance, not to exceed twenty-four (24) square feet in area per sign.

4. Permitted business signs in O-1 Office and Quiet Business District Zones.

The following provisions apply to signs in transitional zones.

(A) Flat, single-faced signs may be mounted directly on the facade of a structure, provided that

the total sign area does not exceed five (5) percent of the building facade area (building elevation area) as measured from the adjacent street right-of-way.

(B) Free-Standing type signs are permitted and shall conform to the following regulations:

1. Such signs, if illuminated, shall be illuminated with indirect lighting or, LED lighting, however no Red, Blue or Yellow LED must be non strobing lighting with at least a (5) five second delay between message change, and must not be distracting to oncoming traffic.

2. The maximum size of a free-standing sign for a lot or parcel fronting on any local street, identified from time to time by the City of Barling Master Street Plan, shall not exceed twelve (12) square feet;

3. The maximum size of a free-standing sign for a lot or parcel fronting on any collector street and arterial street, identified from time to time by the City of Barling Master Street Plan, shall be based upon the length of lot or parcel frontage as outlined as follows:

TABLE INSET:

Frontage Length	Maximum Signage Area
0--99 ft.	18 sq. ft.
100--199 ft.	24 sq. ft.
200 ft. or greater	32 sq. ft.

(C) If directional sign(s) are utilized within a development on a lot or parcel, the size of the direction signage shall be considered as part of the maximum sign area for the lot or parcel which contains the directional sign(s) and shall cause the allowable pedestal or monument sign area to be reduced by the amount of directional signage area.

5. Permitted signs in Commercial and Industrial Zones.

The following types of signs are permitted in Commercial and Industrial Zones.

(A) All free-standing signs shall not exceed one (1) square foot in area per linear foot of frontage with a maximum area not to exceed three hundred (300) square feet, not exceeding twenty-five (25) feet in height with a traffic sight triangle of greater than thirty (30) feet;

(B) All single face, facade (wall) signs are unlimited in size if placed directly on and are contained totally within the dimensions of the outside wall;

(C) Outdoor advertising signs shall comply with Section 6.

6. Outdoor advertising signs.

(A) Outdoor advertising signs are to be considered as a specific use, rather than as an

incidental use to an existing land use, in that outdoor advertising signs produce a revenue to the property owner as a land use while the advertising message carried by business signs does not produce a revenue, but is incidental to a revenue-producing land use. Because of the special characteristics of outdoor advertising signs as compared with other types of land uses and structures, certain qualifications and requirements are set forth below in connection with outdoor advertising signs as a permitted use;

(B) Outdoor advertising signs are permitted in all Industrial zones and in C-1 General Commercial and C-2 Open Display or Highway Commercial zones. They may be permitted in I-1 Industrial zones if the Planning Commission approves the specific location.

(C) No outdoor advertising sign structure of any size shall be permitted to be erected unless it is to replace an existing outdoor advertising sign that has been removed. No more than three (3) outdoor advertising sign structures (over thirty-five (35) square feet in area.) shall be permitted per 4.2 statute miles, no less than 1000 feet from an existing Outdoor Advertising Sign. All measurements shall be made along a line parallel to the street and from the center of the closest support pole.

(D) No outdoor advertising sign shall be permitted to be erected to exceed a sign area of three hundred (300) square feet, except that with special permission of the City Planning Commission this limit may be extended to six hundred (600) square feet.

(E) Within six hundred sixty (660) feet of the right-of-way of an interstate highway, no outdoor advertising sign structure designed to be primarily viewed from the roadway of such interstate highway shall be permitted to be erected closer than five hundred (500) feet to any other such sign structure on the same side of the right-of-way, as measured along a line parallel to such highway, except back-to-back signs.

(F) V-type outdoor advertising signs are not permitted except by variance request and approval.

7. General regulations.

(A) It shall be a violation of this division for any person to place or cause to be placed any sign on any property within the City without first obtaining a sign permit from the City building official or his designated agent, except as noted in Section 7 and Section 3.

(B) The following signs shall be exempt from the provisions of this Section:

1. Window signs not exceeding three (3) square feet and limited to business identification, hours of operation, address and emergency information;

2. Signs within a structure and not visible from the outside;

3. Identification signs on construction sites;

4. Political signs;

5. Real estate signs for residential sales shall be one sign per street frontage not exceeding four (4) square feet in area provided it is unlit and is removed within 1.5 days after the close of escrow or the rental or lease has been accomplished;

6. Real estate signs for the sale, rental, or lease of commercial and industrial premises: one sign per street frontage not to exceed sixteen (16) square feet in area to advertise the sale, lease or rent of the premises. The sign shall be removed upon sale, lease or rental of the premises or twelve (12) months, whichever comes first;

7. Promotional signs.

(C) Signs shall not be erected or illuminated in such a manner as to obscure or otherwise interfere with an official traffic sign, signal or device, or to obstruct or otherwise interfere with the driver's view of approaching, merging or intersecting traffic.

(D) Signs shall not be erected which imitate or resemble any traffic sign, signal or device, or emergency vehicle lights, or which are erected or maintained upon trees or painted or drawn upon rocks or natural features, or which are structurally unsafe or in disrepair.

(E) All signs occurring in or over public rights-of-way shall be an official traffic sign placed in compliance with the Manual on Uniform Traffic Control Devices published by the U.S. Department of Transportation and/or Federal Highway Administration.

(F) Signage that is placed at intersecting streets in the triangular area (known as the sight triangle) shall be governed as follows:

1. Not more than thirty-six (36) inches in height;

2. At least twelve (12) feet to the bottom of the sign, except for not more than two (2) supportive posts which are not more than sixteen (16) inches in width or diameter.

The sight triangle is described as the area delineated by a distance of thirty (30) feet along the intersecting property lines, beginning at the property corner point and extending said thirty (30) feet in both directions away from the corner point of intersection and then connecting the terminus points by a line to form the triangular area.

(G) No flashing signs shall occur in or over any building setback or public rights-of-way.

(H) No sign base or support shall be erected in a public right-of-way.

(I) All businesses or parties having signs located within the city limits and which cease operation of the business or activity advertised by such signs shall remove such signs within sixty (60) days of such cessation of business.

(J) If any nonconforming sign is damaged or destroyed by any cause to the extent that its cost of repair exceeds fifty (50) percent of its replacement cost it shall be considered a total loss and shall not be permitted to be replaced.

(K) If a lot has frontage on more than one (1) street, each frontage will have its own permitted sign area. The frontages on two (2) streets may not be combined to determine the permitted sign area for one (1) frontage.

(L) All Garage Sale signs as defined in this Section posted within the City are required to conform to this ordinance and Arkansas Code Annotated §§ 5-67-101 and 5-67-103 regarding signs in the public right-of-way. A permit is not required for Garage Sale signs. A maximum of seven (7) signs shall be allowed per sale and no such sign, poster or advertisement shall be permitted to remain in a public place for a period longer than forty-eight hours (48) after the termination of the sale. If the person or entity responsible for the sale or person or entity responsible for the property on which the sale was held does not cause the removal of such signs, posters or advertisements within the time specified by this Section they shall be subject to enforcement action which carries the penalty of a Class C Misdemeanor.

8. Portable sign permits.

(A) It shall be unlawful for any person to place a portable sign on their property within the City of Barling without first obtaining a portable sign permit. The permit shall include a sticker placed on the sign for the approved site.

(B) Portable sign owners shall be given six (6) months from the date of this Ordinance to obtain a portable sign permit. A permit shall be required for each sign.

(C) An application for a portable sign permit shall contain the following information:

1. Name, address and phone number of the applicant for the sign;

2. A site plan showing the location and total square footage of each sign on the property, including portable, business and outdoor advertising, including the distance of each sign from the curb line and/or property line;

3. Written approval of property owner for the portable sign location.

(D) Every applicant shall pay to the City a fee of twenty-five dollars ($25.00) for each permit, payable with business license fee if applicable. The permit shall be issued for a specific address, and should the portable sign be relocated, a new permit is required. Every portable sign permit shall be renewed before January of each year and when the portable sign is relocated to another site.

(E) Should the portable sign have electrical power, it shall meet the requirements of the National Electrical Code.

(F) Portable signs must be maintained, with all lights in working order if applicable. All letters must spell legible words that are not of a profane nature.

(G) For the purpose of portable signs, the sign area measurement shall be a rectangular perimeter around the entire sign, the length of which is the maximum possible length of the sign, the width of which is the maximum possible width of the sign above the legs or other portable supports.

ARTICLE VIII
OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 1
OFF-STREET PARKING REQUIREMENTS

A. Requirement

In all zoning districts, in connection with every commercial, industrial, institutional, recreational, residential, or any other use, there shall be provided at the time any building or structure is erected, enlarged or increased in capacity, or any other use is established, off-street parking spaces for automobiles in accordance with the requirements of this section.

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

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

B. Application of Standards

In applying the standards of this section, the following shall apply:

1. In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately, except in the case of church sanctuary as specified below.

2. Required number of spaces shall be rounded to the nearest whole number.

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

4. Except for parcels of land devoted to one (1) or two (2) family uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back in to a public street to obtain egress.

5. Where parking or sales/storage areas are to be provided in the front yard, there shall be established a setback line of ten (10) feet. The area between the setback line and the front lot line shall be prepared and planted with grass, shrubs, trees, or ground cover.

C. Number of Off-Street Parking Spaces Required

In all districts there shall be provided at such time any building or structure is erected, enlarged, or increased in capacity, off-street parking spaces for automobiles in accordance with the following requirements:

1. DWELLING-Two (2) parking spaces for each separate dwelling unit. For multi-family dwellings there shall be two (2)-parking spaces for each separate unit in the structure.

2. BOARDING OR ROOMING HOUSE OR HOTEL OR MOTEL-One (1) parking space for each guestroom.

3. MEDICAL/DENTAL CLINICS OR OFFICES, AND HOSPITALS-Seven (7) spaces per doctor plus two (2) spaces for each three-(3) employees in clinics and offices. For hospitals there shall be one (1) space per bed and one (1) space per employee, based on maximum employment of largest shift.

4. SANITARIUMS, CONVALESCENT OR NURSING HOMES-One (1) space for each six (6) patient beds plus one (1) space for each staff or visiting doctor plus one (1) space for each four (4) employees including nurses.

5. COMMUNITY CENTER, THEATER, AUDITORIUM-One (1) parking space for each three (3) seats based on maximum seating capacity.

6. CONVENTION HALL, LODGE, CLUB, LIBRARY, MUSEUM, PLACE OF AMUSEMENT OR RECREATION-One (1) parking space for each fifty (50) square feet of floor area used for assembly or recreation in the building.

7. OFFICE BUILDING-One (1) parking space for each three hundred (300) square feet of gross floor area in the building, exclusive of the area used for storage, utilities, and building service area.

8. HANDICAPPED PARKING-Number of units shall be determined as prescribed by Federal law.

9. RETAIL COMMERCIAL ESTABLISHMENTS-One (1) parking space for each unit of floor space area, listed in the Table below, contained in the building that is used for retail trade, or used by the public, whichever is greater.

Average Value of Individual Commodity Sold	Unit Floor Area Square Feet
$1 to $50	200
$50 to $500	300
Over $500	400

10. 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.

11. CHURCH SANCTUARY-One (1) parking space for each four (4) seats based on maximum seating capacity; provided, however, that churches may establish joint parking facilities for not to exceed fifty percent (50%) of the required spaces, with public institutions and agencies that do not have a time conflict in parking demand. The joint parking facility shall be located not to exceed four hundred (400) feet from the church sanctuary.

12. REPAIR SHOPS (Automotive Repair Shops, Body Repair Shops, etc.) - one parking space for each 300 square feet of gross floor area contained in the building. In addition, a storage area of one storage space for each 100 square feet of gross floor area shall also be provided. If the storage spaces are not paved with asphalt or concrete, they shall be surfaced with gravel having a minimum thickness of 4 inches.

13. UNLISTED USES-The number of parking spaces required for a use not listed herein shall be the same as for a similar use which is listed. Where the required number of spaces cannot be ascertained by this method, or the applicant and the City staff cannot agree, the matter shall be submitted to the Board of Adjustment for determination.

4. Parking Design

Standard parking stalls shall have a minimum width of 9 feet and a minimum depth of 20 feet. Compact parking stalls shall have a minimum width of 8 feet and a minimum depth of 16 feet. Driving aisles shall have a minimum width of 12 feet for one-way traffic and 24 feet for 2-way traffic. All 90 degree parking shall be provided with 2-way traffic driving aisles.

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

For parking areas which require greater than 100 parking spaces, 10% of said requirement may be utilized for compact auto parking.

E. Development and Maintenance of Parking Areas

Every parcel of land hereafter used as public or private parking area, including a commercial parking lot, shall be developed and maintained in accordance with the following requirements:

1. LOCATION-All parking spaces provided pursuant to this section shall be on the same lot with the building or within four hundred (400) feet thereof. The distance to any parking area as herein required shall be measured between the nearest point of the building said parking area or facility is to serve.

   In no case shall off-site parking comprise more than fifty percent (50%) of the total number of spaces required in this section.

   When detached parking facilities or satellite parking lots are provided, they shall be located on property which is zoned to allow the principal use to which this parking will serve or they must be approved by the Board of Adjustment.

2. PAVEMENT REQUIREMENT-Every parcel of land which, after the effective date of this Ordinance, is changed to a parking area, automobile, other vehicle or trailer sales or storage area,

or automobile or motor vehicle service station, garage, or other vehicular use area shall be paved, except for single-family residential that borders a commercial area where vacant parcel could be used for commercial purposes. The minimum pavement requirements shall be designed for intense traffic use with asphalt concrete hot mix surface, or a double surface treatment, or concrete surface. Any off-street parking area shall be paved as specified above and shall be so graded and drained as to dispose of all surface water accumulated within the area, and shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of vehicles.

3. SCREENING AND LANDSCAPING-Off-street parking areas for more than five (5) vehicles shall be effectively screened on each interior side or rear yard area which adjoins any Residential District, or institutional premises, by a masonry wall or solid board fence of acceptable design. Such wall or fence shall not be less than five (5) feet or more than seven (7) feet in height and shall be maintained in good condition without any advertising thereon. The space between such wall or fence and the side lot line adjoining said premises, or the front lot line facing said premises, in any Residential District shall be landscaped with grass, hardy shrubs, or evergreen ground cover and maintained in good condition.

4. SIGNS-No signs of any kind shall be erected except information signs used to guide traffic and to state the conditions and terms of the use of the lot. Only non-intermittent white lighting of signs shall be permitted.

5. LIGHTING-Any lighting used to illuminate any off-street parking shall be so arranged as to direct the light away from the adjoining premises in any Residential District and directed away from vehicular street traffic.

6. DRIVEWAYS-Driveways used for residential ingress and egress shall not exceed twenty-five (25) feet in width, exclusive of curb returns. Driveways used for commercial/industrial ingress and egress shall not exceed thirty-give (35) feet in width, exclusive of curb returns.

Section 2
OFF-STREET LOADING

A. Requirement

Every building or structure hereafter constructed in any district for nonresidential purposes, requiring the receipt or distribution by vehicles of material or merchandise shall provide and maintain on the same lot with such building at least one (1) off-street loading space for the first five thousand (5,000) square feet, or fraction thereof, of gross floor area, and one (1) additional such loading space for each

ten thousand (10,000) square feet, or major fraction thereof, of gross floor area in excess of five thousand (5,000) square feet.

B. Size

Each loading space shall be not less than ten (10) feet in width, thirty-five (35) feet in length, and fourteen (14) feet in height. Where the off-street loading space does not abut on a street, alley, or easement of access, there shall be provided an access drive of at least ten (10) feet in width leading from the street to loading area.

C. Location

Such space may occupy all or any part of any required yard or court space, but no such space may be located closer than twenty-five (25) feet to any Residential District unless wholly within a completely enclosed building or unless enclosed on all sides abutting the Residential District by a wall of solid fence at least eight (8) feet in height.

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

Section I
NON-CONFORMING USE OF LAND

Where, on the effective date of this ordinance, 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 and is not a danger to health and safety of area citizens, 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 Ordinance.

2. If any such non-conforming use of land ceases for any reason for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

Section 2
NON-CONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of this Zoning Ordinance that could not be built under the terms of these regulations by reasons of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. Such structure, upon approval of the Board of Adjustment, may be remodeled to maintain the premises in a safe and usable condition as stated in the City's Building Code.

2. Should a structure be destroyed by any means to an extent of more than sixty percent (60%) of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Zoning Ordinance.

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 Ordinance.

Section 3
NON-CONFORMING USE OF STRUCTURES

If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Zoning Ordinance, that would not be allowed in the district under the terms of

this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Zoning Ordinance in the district in which it is located shall be structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

2. Any non-conforming use may be extended to any portion of a structure arranged or designed for such non-conforming use at the time of adoption or amendment of this Zoning Ordinance, but no such use shall be extended to occupy any land outside such building.

3. If no structural alterations are made, any non-conforming use of a structure or structure and premises, may be changed to another non-conforming use provided that the Board of Adjustment shall determine that the proposed use is equally appropriate to the district as the existing non-conforming use.

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

5. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) consecutive months, the structure or structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located.

6. Should a structure containing a non-conforming use be destroyed by any means to an extent of more than sixty percent (60%) of its replacement cost at time of destruction the owner may request permission of the Board of Adjustment to reconstruct the structure and to continue the non-conforming use. The Board of Adjustment may grant or deny a request to reconstruct the structure, the Board may require conformance to yard requirements, on-lot parking space, adequate screening from adjacent uses and such other items deemed appropriate to the district in which located.

ARTICLE X
BOARD OF ADJUSTMENT

Section I
CREATION AND APPOINTMENT

There is hereby created a Board of Zoning Adjustment which shall consist of and not less than seven (7) Planning Commission members; each to be appointed by the Mayor and confirmed by the Board of Directors for a term of four (4) years.

A member of such Board of Zoning Adjustment, once qualified, can thereafter be removed during his/her term of office only for cause on a majority vote of the Board of Directors. In the event of the death, resignation, or removal of any such member before the expiration of his/her term, a successor shall be appointed by the Mayor and confirmed by the Board of Directors to serve his/her unexpired term.

Section 2
ORGANIZATION

1. Officers

A Chairperson shall be elected annually by the Board from among its membership. The Chairperson, or in his/her absence the Vice Chairperson, shall preside at all meetings, shall decide all points of order or procedure, and, as necessary, shall administer oath and compel the attendance of witnesses. The City Administrator shall appoint a secretary who shall hold office during the will and pleasure of the City Administrator, and shall receive such compensation from the City of Barling as may be fixed from time to time by the Board of Directors of the City of Barling.

B. Rules and Meetings

The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Zoning Ordinance. Meetings shall be held on a regular schedule and at such other times as the Board may determine. All meetings shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or if failing to vote, indicating such fact; it shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the designated office of the Board. A quorum of the Board shall consist of three (3) members. The concurring vote of a majority of the total Board members shall be necessary to revise any order or decision of the enforcement officer or to decide on any matter upon which it is required to pass under this Ordinance. The Building Inspector or his/her representative shall attend each meeting of the Board and shall bring with him/her all plans, specifications, plats, and papers relating to any case before the Board for determination.

Section 3
POWERS AND DUTIES

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

A. Administrative Review

To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the administrative official in the enforcement of the Zoning Ordinance. The Board may affirm or reverse, in whole or in part, said decision of the administrative official.

B. Variances

To authorize upon appeal in specific cases such variance from the terms of this Zoning Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Zoning Ordinance would result in unnecessary hardship.

A variance from the terms of this Zoning Ordinance shall not be granted by the Board of Adjustment unless and until:

(1) The applicant demonstrates that a 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 Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Zoning Ordinance; 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 Ordinance to other lands, structures, or buildings in the same district.

(2) No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variances.

(3) The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of land, building, or structure.

(4) The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Zoning Ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(5) In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Zoning Ordinance. 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 Ordinance.

(6) Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Zoning Ordinance in said district.

C. Special Exception

In addition to the powers and duties specified above, the Board shall also have the powers and duties to hold public hearings and decide the following special exceptions:

1. Permit the extension of a zoning district boundary where the boundary divides a lot held in a single ownership at the time of adoption of this Ordinance.

2. Interpret zoning district boundaries where uncertainty exists as to the boundaries of the zoning districts or when the street or property lines existing on the ground area at variance with those shown on the Zoning District Map.

3. Vary the parking regulations by not more than fifty percent (50%) where it is conclusively shown that the specific use of a building would make unnecessary the parking spaces otherwise required by this Ordinance.

4. Permit a change in use or occupancy of a non-conforming use, provided the use is within the same or more restricted classification as the original non-conforming use.

Section 4
PROCEDURE FOR APPEALS

1. Application

Appeals to the Board may be taken by any person aggrieved or by any officer, department, or Board of the City affected by any decision of the administrative official. All appeals and applications made to the Board shall be made in writing on forms prescribed by the Board within ten (10) days after the decision has been rendered by the administrative official.

2. Public Hearing and Notice

The Board shall fix a reasonable time for 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 the same within a reasonable time. Said public notice shall be published at least once not less than seven (7) days preceding the date of such hearing in a newspaper of general circulation in the City. The public notice shall give the particular location of the property on which the appeal is requested, as well as a brief statement of what the appeal consists. At a public hearing any party may appear in person, by agent, or by attorney.

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 case, 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. Additionally, the administrative official shall cause to place a sign in a conspicuous place on the site of property for rezoning indicating the date, time, and place of the public hearing on the rezoning proposal, said sign to be placed on-site not fewer than fifteen (15) days prior to the date of the hearing. The City will furnish the sign.

D. Time Limits on Permits

No order permitting the use of a building or premises, or the alteration or erection of a building shall

be valid for a period of longer than sixty (60) days unless such use is established or the erection or alteration is started within such a period.

E. Fee

The fee for any appeal or application to the Board shall be $35.00 plus the cost of publishing the notice, no part of which shall be refundable. The administrative official shall deposit with the City Clerk each month all fees collected during the preceding month.

F. Appeals from Board of Adjustment

Any person or persons, or any board, taxpayer, department, board or bureau of the City aggrieved by any decision of the Board of Adjustment may seek review by a court of record of such decision, in the manner provided by the laws of the State of Arkansas.

ARTICLE XI
ADMINISTRATION AND ENFORCEMENT

Section 1
ADMINISTRATION OFFICIAL

The provisions of this Zoning Ordinance shall be administered by an administrative official designated by the City Administrator with the approval of the Board of Directors. He may be provided with assistance from such other persons as the Administrator and Board direct. It shall be the duty of the administrative official to see that this Ordinance is enforced through the proper legal channels. Appeal from the decision of the administrative official may be made to the Board of Adjustment. The administrative official is generally empowered to carry out or conduct any activities essential to the proper administration and enforcement of this Ordinance, said activities to include, but not limited to the following:

A. Permits

To issue a building permit and certificate of occupancy when compliance is made with these regulations, to refuse to issue the same in the event of noncompliance, and to give written notice of such refusal and reason thereof to the applicant.

B. Collections

To collect the designated fees as set forth in these regulations for building permits, variances, appeals, amendments, and special permits.

C. Records

To make and to keep all records necessary and appropriate to the office, including record of the issuance and denial of all building permits and certificates of occupancy, and of receipt of complaints of violation of these regulations and action taken on the same, and to file such record in the office of the Building Inspector.

D. Inspections

To inspect any building or land to determine whether any violations of these regulations have been committed or exist.

E. Enforcement

To enforce these regulations and take all necessary steps to remedy any condition found in violation. The City of Barling may enjoin any individual or property owner who is in violation of this Ordinance to prevent or correct such violation. Any individual aggrieved by a violation of this Ordinance may request an injunction against any individual or property owner in violation of this Ordinance or may mandamus any official to enforce the provisions of this Ordinance.

6. Advertisements

To keep the Administrator, Board of Directors, Planning Commission, and Board of Adjustment advised of all matters other than routine which regulate to the administration and enforcement of these regulations.

Section 2
BUILDING PERMIT

It shall be unlawful to commence the construction, reconstruction, moving, demolition, or structural alteration of any building until the Building Inspector has issued a building permit for such work. No building permit shall be issued unless the proposed construction or use is in full conformity with all the provisions of these regulations and other applicable building laws, ordinances, or regulation. All application for building permits shall be accompanied by a plot plan in triplicate drawn to scale, the size of the building to be erected and its location on the lot, and other such other information as may be necessary to provide for the administration of this Zoning Ordinance. Every building permit shall expire six (6) months from the date of issue unless work is in progress. All permit fees as required by the City's adopted Building Code shall be paid. Building Permit applications can be obtained from the City offices. Building permit applications can be obtained from city offices.

Section 3
CERTIFICATE OF OCCUPANCY AND COMPLIANCE

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

Section 4
PENALTY FOR VIOLATION

A. Violation of the provisions of this chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grant of

variance or special exception) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not less than $25.00 and not more than $500.00. Each day such violation continues shall be considered a separate offense.

B. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, or maintains such violations may be found guilty of a separate offense and suffer the penalties herein provided.

C. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

Section 5
AMENDMENTS

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

A. Amendment to Text

The Board of Directors may suggest that the Planning Commission amend the text of this Zoning Ordinance 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 Board of Directors for adoption.

B. Change in District Boundary

The Board of Directors or an owner of property may initiate a change in 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. 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 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 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 disposition of the petition shall be in accordance with the provisions of Sections 6 and 7 below.

Section 6
NOTICE

Before a text change or proposed revision in the boundary of a zoning district may be recommended by the Planning Commission to the Board of Directors, it must be the subject of a public hearing. Notice of the public hearing on the text change or rezoning petition shall be published in a newspaper of general circulation in the City at least one (1) time fifteen (15) days prior to the hearing at the property owner=s expense. Adjacent absentee owners shall be notified by registered mail. Additionally, the administrative official shall cause the owner to place a sign in a conspicuous place on the site of property proposed for rezoning indicating the date, place, and time of the public hearing on the rezoning proposal, said sign to be placed on-site not fewer than fifteen (15) days prior to the date of the hearing. The City will furnish the required sign.

Section 7
HEARING AND APPROVAL

If all procedural requirements above are satisfied, the Planning Commission and the Board of Directors shall proceed in the following manner:

(1) The Planning Commission shall conduct the public hearing on the proposed amendment to Ordinance and/or Official Zoning Map.

(2) Following the public hearing, the proposed amendment or change of district boundary may be approved as presented or in modified form by a majority vote of the Planning Commission with a recommendation for adoption by the Board of Directors.

(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 fifteen (15) 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 Board of Directors, 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 Board of Directors shall be filed with the City Clerk within fifteen (15) days after receipt in writing of the Planning Commission's denial. No such amendment will be considered by the Board of Directors unless appealed in accordance with this section.

(5) The Board of Directors, by a majority vote, may, by ordinance, adopt a recommended amendment submitted by the Planning Commission or may return the proposed amendment to the Planning Commission for further study and recommendation

(6) If the Board of Directors does not concur with the recommendation of the Planning Commission, either as first submitted or as submitted after re-study, or with regard to an appealed matter, the Board of Directors may, by majority vote, amend this ordinance by granting the request for amendment in full or modified form.

(7) No application for a zoning amendment will be reconsidered by the Planning Commission for a period of twelve (12) months of elapsed time from the date of final disapproval of the proposed amendment, unless the Planning Commission determines by three-fourths (3/4) majority vote that a substantial reason exists for waiving this mandatory waiting period.

Section 8
FEES

Before any action shall be taken as provided in this section, any private party or parties proposing a change in the zoning regulations or district boundaries shall deposit with the City Clerk the sum of seventy five ($75.00) 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 Board of Directors.

PASSED AND APPROVED this 9TH DAY OF MAY 2017.

Mayor Jerry Barling

ATTEST:

City Clerk, Florene Brown

