



Zoning Code

UPDATES:

Ordinance 1984 August 16, 2007 (Vending Machine – Ice)
Amendments to the Zoning Code -Ordinances Incorporated on October 25, 2012
Ordinance 2009 adopted February 21, 2008
Ordinance 2021 adopted May 15, 2008 (Swimming Pools) Internal Inconsistencies Pertaining to Maximum Allowable Densities in Residential Zoning Districts)
Ordinance 2109 adopted June 23, 2011 (Funeral Homes, Mortuary, or Undertaking Establishments)
Ordinance 2126 adopted June 14, 2012 (Accessory Buildings, Vehicles on Premises, Sidewalks, Dumping or Storage of Fill, Off Street Parking or Loading Requirements)
Ordinance 2129 adopted August 16, 2012 (General Changes)
Ordinance 2170 adopted March 20, 2014 (Recreational Vehicle Parks)
Ordinance 2179 adopted June 26, 2014 (Permitted Heights of Fences, Walls, Hedges in a Residential Zones)
Ordinance 2182 adopted October 16, 2014 (Permitted Uses - C-1 and C-1B)
Ordinance 2185 adopted November 15, 2014 (Permitted Uses - Auto Wrecker Service)
Ordinance 2211 adopted October 6, 2015 (Permitted Uses-Medical, Dental and Outpatient Surgical Clinics)
Ordinance 2238 adopted April 21, 2016 (Sidewalks)
Ordinance 2258 adopted October 20, 2016 (Committees, PUD Regulations, Special Exceptions)
Ordinance 2276 adopted June 13, 2017 (Area Requirements, Table of Permitted Uses & C-1B) Storage Bldg/Container Sales or Rental
Ordinance 2279 adopted June 13, 2017 (Article X111 Table of Permitted Uses - Medical Marijuana Dispensary)
Ordinance 2297 adopted March 15, 2018 (Creating an El Paso / University Zone)
Ordinance 2326 adopted June 20, 2019 (Article III, Section 20, subsection 5 – Flexibility in Commercial Building Design)
Ordinance 2327 adopted July 18, 2019 (Article III Ice Machine, Address Posting, Enforcement, Denial for SP, Violation, Amendments, Notice and Appeals.
Ordinance 2332 adopted August 15, 2019 (Article III, Section 25 – Small Wireless Facilities Deployment)
Ordinance 2339 adopted November 21, 2019 (Article XIII – Table of Permitted Uses updates)
Ordinance 2340 adopted November 21, 2019 (Article X – Definitions)
Ordinance 2341 adopted December 19, 2019 (Article III, Section 18 – Commercial Communication Towers – Agricultural zone)
Ordinance 2343 adopted December 23, 2019 (Article I, Article II and Article XIII – Zone C5 Highway Commercial Casino District)
Ordinance 2348 adopted February 20, 2020 (Article IV - Parking Spaces for Dwellings and Driveway widths for Duplexes)
Ordinance 2352 adopted April 16, 2020 (Article I and II regarding El Paso / University Zone)
Ordinance 2353 adopted April 16, 2020 (Article IV regarding vehicle storage areas)
Ordinance 2354 adopted April 16, 2020 (Article 3.21- Sidewalks Commercial Uses)
Ordinance 2357 adopted May 21, 2020 (Article XIII – Table of Permitted Uses – Funeral Home Service – Crematorium)
Ordinance 2377 adopted January 21, 2021 (Article X and XIII – Definitions added and Revised Table of Permitted Uses)

| | |
|---|-----------|
| ARTICLE 1. CITATION, PURPOSE, NATURE AND APPLICATION OF ZONING CODE..... | 4 |
| 1.1 CITATION: | 4 |
| 1.2 PURPOSE: | 4 |
| 1.3 NATURE AND APPLICATION..... | 4 |
| 1.4 ESTABLISHMENT OF ZONING DISTRICTS..... | 5 |
| 1.5 OFFICIAL ZONING MAP..... | 5 |
| 1.6 RUNWAY PROTECTION ZONE | 6 |
| 1.7 INTERPRETATION OF DISTRICT BOUNDARIES..... | 6 |
| 1.8 CLASSIFICATION OF ANNEXED LANDS..... | 6 |
| 1.9 VACATION OF PUBLIC EASEMENTS | 7 |
| 1.10 LOT OF RECORD | 7 |
| 1.11 EXTENSION OF LAND USE AUTHORITY..... | 7 |
| 1.12 PLANNING COMMISSION AND STAFF COMMITTEES | 8 |
| ARTICLE II. SPECIFIC DISTRICT REGULATIONS | 10 |
| 2.1 ESTATE RESIDENTIAL DISTRICT (R-E) | 10 |
| 2.2 RESIDENTIAL OFFICE DISTRICT (R-O)..... | 10 |
| 2.3 SINGLE FAMILY RESIDENTIAL DISTRICT (R-1) | 11 |
| 2.4 MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2) | 12 |
| 2.5 MEDIUM DENSITY RESIDENTIAL (R-2S) | 13 |
| 2.6 MEDIUM/HIGH DENSITY RESIDENTIAL DISTRICT (R-3)..... | 13 |
| 2.7 MANUFACTURED HOME PARK OR SUBDIVISION (R-4) | 17 |
| 2.8 CENTRAL BUSINESS DISTRICT (C-1)..... | 20 |
| 2.9 CENTRAL BUSINESS BUFFER DISTRICT (C-1B)..... | 21 |
| 2.10 HIGHWAY COMMERCIAL DISTRICT (C-2) AND HIGHWAY COMMERCIAL CASINO DISTRICT (C-5)..... | 22 |
| 2.11 LARGE SCALE AND SHOPPING CENTER COMMERCIAL DISTRICT (C-3) | 23 |
| 2.12 NEIGHBORHOOD AND QUIET BUSINESS DISTRICT (C-4) | 24 |
| 2.13 LIGHT INDUSTRIAL DISTRICT (M-1)..... | 25 |
| 2.14 HEAVY INDUSTRIAL DISTRICT (M-2)..... | 26 |
| 2.15 AGRICULTURAL (A-1)..... | 27 |
| 2.16 PLANNED UNIT DEVELOPMENT (PUD): | 28 |
| 2.17 CONSERVATION DISTRICT | 38 |
| 2.18 EL PASO/UNIVERSITY DISTRICT (EPU) INCLUDING THE COLLEGE HILL ZONE (CHZ), DOWNTOWN CROSSING ZONE (DCZ), AND THE PRAIRIE CREEK ZONE (PCZ). | 38 |
| ARTICLE III. ADDITIONAL DISTRICT PROVISIONS | 59 |
| 3.1 ACCESSORY STRUCTURES IN RESIDENTIAL ZONES | 59 |
| 3.2 AREA NOT TO BE DIMINISHED | 60 |
| 3.3 AUTOMOBILE WRECKING AND JUNK YARDS | 60 |
| 3.4 CHILD CARE FACILITIES | 60 |
| 3.5 COMPLETION OF EXISTING BUILDINGS | 64 |
| 3.6 FENCES, WALLS AND HEDGES (RESIDENTIAL ZONES) | 64 |
| 3.7 VISIBILITY AT INTERSECTIONS IN RESIDENTIAL DISTRICTS..... | 65 |
| 3.8 FLAMMABLE LIQUIDS AND GASES | 66 |
| 3.9 HEIGHT REQUIREMENTS | 66 |
| 3.10 MANUFACTURED HOMES AND MANUFACTURED HOME PARKS | 66 |
| 3.11 FUEL PUMPS | 66 |
| 3.12 STORAGE AND PARKING OF TRAILERS, MOTOR HOMES, COMMERCIAL VEHICLES, AND RECREATIONAL VEHICLES | 66 |
| 3.13 SWIMMING POOLS | 68 |
| 3.14 SETBACKS FROM IDENTIFIED MAJOR THOROUGHFARE..... | 68 |
| 3.15 ADDRESS POSTING..... | 69 |
| 3.16 SELF-STORAGE | 69 |
| 3.17 LOCATION OF SEXUALLY ORIENTED BUSINESSES..... | 69 |
| 3.18 LOCATION OF COMMERCIAL COMMUNICATION TOWERS..... | 73 |

| | |
|---|------------|
| 3.19 TEMPORARY CARNIVALS AND SIMILAR TEMPORARY ENTERPRISES | 77 |
| 3.20 COMMERCIAL BUILDING DESIGN | 78 |
| 3.21 SIDEWALKS..... | 80 |
| 3.22 DUMPING OR STORAGE OF FILL | 81 |
| 3.23 CAMPGROUNDS AND RV PARKS (REVISED DECEMBER 2013) | 82 |
| 3.24 FREE STANDING AUTOMATED ICE VENDING MACHINES | 85 |
| 3.25 SMALL WIRELESS COMMUNICATION FACILITIES | 85 |
| ARTICLE IV. OFF-STREET PARKING AND LOADING REQUIREMENTS | 106 |
| 4.1 OFF-STREET PARKING REQUIREMENTS | 106 |
| 4.2 OFF-STREET LOADING AND UNLOADING REQUIREMENTS..... | 108 |
| 4.3 OTHER REQUIREMENTS | 108 |
| ARTICLE V. SIGNS, BILLBOARDS, AND OTHER ADVERTISING STRUCTURES | 110 |
| 5.1 GENERAL | 110 |
| 5.2 ALL DISTRICTS..... | 110 |
| 5.3 ADDITIONAL REGULATIONS IN RESIDENTIAL DISTRICTS | 111 |
| 5.4 ADDITIONAL REGULATIONS IN COMMERCIAL DISTRICTS | 112 |
| 5.5 ADDITIONAL REGULATIONS IN INDUSTRIAL DISTRICTS | 113 |
| 5.6 ADDITIONAL REGULATIONS RELATING TO PORTABLE SIGNS IN ALL DISTRICTS | 113 |
| ARTICLE VI. SPECIAL PERMIT USES | 115 |
| 6.1 NATURE AND DESCRIPTION | 115 |
| 6.2 USES..... | 115 |
| 6.3 PROCEDURE FOR AUTHORIZING..... | 115 |
| 6.4 FEES | 116 |
| 6.5 EFFECT OF DENIAL FOR SPECIAL USE PERMIT | 116 |
| ARTICLE VII. NON-CONFORMING STRUCTURES AND USES OF LAND AND STRUCTURES | 117 |
| 7.1 NON-CONFORMING USE OF LAND | 117 |
| 7.2 NON-CONFORMING STRUCTURE..... | 117 |
| 7.3 NON-CONFORMING USE OF STRUCTURE | 118 |
| ARTICLE VIII. ADMINISTRATION AND ENFORCEMENT | 119 |
| 8.1 ADMINISTRATIVE OFFICIAL | 119 |
| 8.2 BUILDING PERMIT..... | 119 |
| 8.3 CERTIFICATE OF OCCUPANCY AND COMPLIANCE | 119 |
| 8.4 PENALTY FOR VIOLATION | 119 |
| 8.5 ZONING CODE/ZONING MAP AMENDMENTS..... | 120 |
| 8.6 NOTICE..... | 123 |
| 8.7 PUBLIC HEARING ON APPLICATION AND APPROVAL | 124 |
| 8.8 FEES | 125 |
| ARTICLE IX. BOARD OF ADJUSTMENT..... | 126 |
| 9.1 CREATION AND APPOINTMENT | 126 |
| 9.2 ORGANIZATIONS..... | 126 |
| 9.3 POWERS AND DUTIES | 126 |
| 9.4 PROCEDURE FOR APPEALS..... | 128 |
| 9.5 STANDING..... | 130 |
| ARTICLE X. DEFINITIONS | 131 |
| 10.1 GENERAL | 131 |
| 10.2 DEFINITIONS..... | 131 |
| ARTICLE XI. VALIDITY AND REPEAL..... | 147 |

11.1 VALIDITY..... 147
11.2 REPEAL..... 147
ARTICLE XII. AREA REQUIREMENT.....148
RUSSELLVILLE, ARKANSAS ARTICLE XIII. TABLE OF PERMITTED USES150

ARTICLE 1. CITATION, PURPOSE, NATURE AND APPLICATION OF ZONING CODE

1.1 Citation:

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

1.2 Purpose:

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

1.3 Nature and Application

The application of this code should conform to the following guidelines.

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

1.3.2 Construction 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 purposed or in any manner except in accordance with the requirements established in the district in which such land, building, structure, or improvement is located, and in accordance with the provision of the articles contained herein relating to any or all districts.

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

1.4 Establishment of Zoning Districts

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

| | |
|-------|--|
| R-E | Estate Residential |
| R-O | Residential Office |
| R-1 | Single-Family Residential |
| R-2 | Medium Density Residential |
| R-2S | Medium Density Single Family |
| R-3 | Medium/High Density Residential |
| R-4 | Mobile Home Park or Subdivision |
| C-1 | Central Business District |
| C-1B | Central Business District Buffer |
| C-2 | Highway Commercial |
| C-3 | Large Scale and Shopping Center Commercial |
| C-4 | Neighborhood and Quiet Business |
| C-5 | Highway Commercial Casino District |
| M-1 | Light Industrial District |
| M-2 | Heavy Industrial District |
| A - 1 | Agricultural District |
| PUD | Planned Unit Development |
| CON | Conservation District |
| EPU | El Paso / University District |
| CHZ | College Hill Zone |
| DCZ | Downtown Crossing Zone |
| PCZ | Prairie Creek Zone |

1.5 Official Zoning Map

The location and boundaries of the land use zoning districts established by this Code are bounded and defined as shown on the map designated as “Official Zoning Map” and maintained in the Public Works Office. The map, together with the legend, words, figures, symbols,

dimensions, and explanatory material thereon, is declared to be a part of this Zoning Code and may be referred to variously as the Zoning District Map or the Official Zoning Map. The Official Zoning Map shall be available for inspection and examination by the general public at all reasonable times as any other public record.

1.6 Runway Protection Zone

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

1.7 Interpretation of District Boundaries

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

- 1) Boundaries indicated as approximately following the centerlines of streets, highway and alleys shall be construed as following such centerlines.
- 2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- 3) Boundaries indicated as approximately following the city limits line shall be construed as following the city limits line.
- 4) Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks.
- 5) Boundaries indicated as parallel to or extensions of features mentioned in the preceding rules shall be so construed.
- 6) In circumstances not covered by the preceding rules, the Board of Adjustment shall interpret the district boundaries.

1.8 Classification of Annexed Lands

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

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

and the highest and best potential use of the property.

4) The Planning Commission shall review the zoning recommendation after holding a public hearing, notice of which was published in a newspaper of general circulation in the City, at least one time 15 days prior to the hearing.

5) The Planning Commission shall, following the public hearing, make a recommendation to the City Council for the zoning classification of each ownership parcel involved in the annexation.

6) At the time the City Council votes final approval of the annexation it shall, by separate ordinance, assign a zoning classification to each ownership parcel involved in the annexation.

1.9 Vacation of Public Easements

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

1.10 Lot of Record

Lots of Record may be used as set forth in this section.

1.10.1 Residential On any lot in a residential use district which is on a plat of record at the time of adoption of this Zoning Code, a single family residential structure may be erected even though the lot may be of less area or width than required by the regulations of the residential use zoning district in which the lot is located, provided that there shall be two side yards each equal to 10 percent of the width of the lot, that all other setback requirements are met, and provided, further, that the lot shall have at least 50 feet in width in an R-1 District and at least 40 feet in width in the R-2 and R-3 Districts.

1.10.2 Special Use Permit On any lot in a residential use district which exists at the time of adoption of this Zoning Code and which is not in a plat of record or which cannot meet the setbacks in Paragraph 1, the Planning Commission may consider and approve the construction of a single family residence through the issuance of a Special Use Permit as outlined in Article VI.

1.10.3 Multiple Lots The provision of Section 1.10.1 and Section 1.10.2 above do not apply in the case of multiple contiguous lots under the same ownership. In this case, the lots shall be assembled, where physically possible, to form building lots that meet the size requirements of the zoning district in which they are located.

1.11 Extension of Land Use Authority

Under the provisions of Arkansas Code Annot. §14-56-413, the City of Russellville shall have the authority to administer and enforce planning, land subdivision and development, and zoning codes in an area up to one mile beyond the corporate limits. Prior to assuming such authority, the Planning Commission shall prepare and adopt plans for the extraterritorial jurisdiction in accordance with the provisions of Arkansas Code Annot. §14-56-414. Following adoption and filing of the land use plan for the extraterritorial jurisdiction, the Planning Commission shall submit a proposed zoning map for the area to the Russellville City Council. This map shall be

adopted as an amendment to the Russellville Zoning Code.

1.12 Planning Commission and Staff Committees

The following committees may be created and maintained to assist in long-range planning and carrying out these regulations:

1.12.1 Technical Review Committee The Technical Review Committee shall be a staff committee and consist of the following:

- 1) *Members* The Technical Review Committee shall consist of the City Engineer, Planning Assistant, Community Development Director, City Planner, Fire Marshal, a Russellville City Corporation Representative, a Planning Commission Liaison, and a City Council Liaison. The Planning Commission chair shall appoint the Planning Commission Liaison, and the Mayor shall appoint the City Council Liaison. Representatives from all private public utility providers shall be non-voting members of the committee and shall be invited to provide input to the committee.
- 2) *Meeting* The Technical Review Committee shall meet monthly according to a schedule maintained by the Public Works Department.
- 3) *Purpose* The purpose of the Technical Review Committee shall be to review all applications presented before the Planning Commission and handle site plan reviews.
- 4) *Duties* The duties of the Technical Review Committee shall be to attend the monthly Technical Review Committee meeting, and to assist staff in ensuring applications and applicants are properly prepared for the Planning Commission meeting.
- 5) *Report* The Technical Review Committee shall provide reports to the Planning Commission regarding each application and/or site plan reviewed by the Committee and/or any matters requiring the attention or action of the Planning Commission.

1.12.2 Long-Range Planning Committee The Long-Range Planning Committee shall be an ad-hoc committee and its establishment shall rest at the discretion of the Planning Commission. When and if formed, it shall be governed by the following:

- 1) *Members* The members of the Long-Range Planning Committee shall consist of four members of the Planning Commission and may include the Planning Commission Chair. Additionally, up to three community representatives may sit on this committee. Appointed members shall be selected by the Planning Commission Chair. The committee shall also consist of the City Planner, City Engineer, and Planning Assistant.
- 2) *Meeting* The Long-Range Planning Committee shall meet at least quarterly to perform its duties as detailed in this section.
- 3) *Purpose* The purpose of the Long-Range Planning Committee shall be to monitor present and future planning issues.

4) *Duties* The duties of the Long-Range Planning Committee shall be to identify, research, and recommend, as needed, to the Planning Commission long range planning goals, reports, regulation changes, and procedural issues.

5) *Report* The Long-Range Planning Committee shall periodically report to the Planning Commission chair on the progress of the Long- Range Planning Committee and/or any matters requiring the attention or action of the Planning Commission.

ARTICLE II. SPECIFIC DISTRICT REGULATIONS

2.1 Estate Residential District (R-E)

The regulations in effect for Estate Residential District (R-E) are as follows:

2.1.1 General Description This district's residential and agricultural property shall be subject to the following guidelines:

1) *Low Density Development* This district is intended to provide a location for the land situated within the city limits and on the fringe of the urban area that is either land for agricultural purposes or is suitable for development to a lesser density than other, more built-up areas within the City. The types of residences may essentially be semi-rural, estate, or second home, and located on large lots. It is not intended that this district provide a location for a lower standard of residential development but rather a lower density of development.

2) *Agriculture* Existing agricultural enterprises including but not limited to farms, truck gardens, ranches, nurseries, pastures and crops annexed to the City by popular vote after January 1, 1984, can be expanded on their present location or on adjoining property.

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

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

2.1.4 Area Regulations Area regulations are shown on Article XII - Area Regulations.

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

2.2 Residential Office District (R-O)

The regulations in effect for Residential Office District (R-O) are as follows:

2.2.1 General Description The Residential Office District (R-O) presents residents with conventional services.

1) *Residential Provision* The Residential Office District is intended to provide a place for those types of offices, professional and service activities that provide for the regular need or convenience of persons residing in the city. It is further intended to preserve the residential character of the district.

2) *Office Conversion* This district is intended to provide conversion of older residential structures to office use. Such offices will be located in established city areas in proximity to residential uses.

3) *New Construction* New construction designed to reinforce existing area characteristics and not detrimental to the use of surrounding projects for residential or office use will be allowed in the district.

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

2.2.3 Site Plan Review Building permit requests for properties in this zone not otherwise eligible for Large Scale Review under the Russellville Land Subdivision and Development Code shall undergo Site Plan Review by the staff of the Office of Community Development. Submittals for Site Plan Review will consist of a scaled plan in 5 copies. The minimum size sheet is 8½” x 11”. The plan does not have to be prepared by a registered professional, but shall be professionally drawn and depict the following as a minimum:

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

2.2.4 Area Regulations Area regulations for the R-O district shall conform to the area requirements for the C-4 Neighborhood or Quiet Business district that are shown on Article XII- Area Regulations. This will apply to all uses except residential. Residential uses in this district shall comply with the area regulations for the zone from which it was changed.

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

2.3 Single Family Residential District (R-1)

The regulations in effect for Single Family Residential District (R-1) are as follows:

2.3.1 General Description This represents a restrictive residential district. The principal use of land is for single-family dwellings and related recreational, religious,

and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element. Allowable density shall not exceed 4.5 dwelling units per acre.

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

2.3.3 Site Plan Review Not applicable in this use zone. (Except as needed for building permit.)

2.3.4 Area Regulations Area regulations are shown on Article XII-Area Regulations.

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

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

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

2.4 Medium Density Residential District (R-2)

The regulations in effect for Medium Density Residential District (R-2) are as follows:

2.4.1 General Description This is a residential district designed to provide for higher densities, particularly in older neighborhoods of the city. Allowable uses include single-family residential and limited multi-family uses. Off street parking and traffic flow are important issues in this district. Allowable density shall not exceed 16 dwelling units per acre.

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

2.4.3 Site Plan Review Not applicable in this use zone. (Except as needed for building permit, and except when multi-family complexes having in excess of eight units are subject to the Large Scale Development Review under provisions of the City's Land Subdivision and Development Code.)

2.4.4 Area Regulations Area regulations are shown on Article XII- Area Regulations.

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

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

2.4.7 Minimum Distance Between Buildings In a multi-family complex involving more than one building on a single parcel of land, the minimum distance between principal buildings shall be not less than 10 feet or as set forth by the Russellville Fire Marshall.

2.5 Medium Density Residential (R-2S)

The regulations in effect for Medium Density Residential (R-2S) are as follows:

2.5.1 Low Gross Density This is a residential district to provide for a slightly higher population density than the R-1 District. The principal use of land is for single-family, relatively intense concentration of dwelling units served by large open spaces, including common areas and facilities, thereby resulting in low gross densities. Allowable density shall not exceed 6 dwelling units per acre.

2.5.2 Provision Provisions for the R-2S District are the same as those for the R-2 District except for the permitted uses. They are contained in Article XIII – Table of Permitted Uses.

2.6 Medium/High Density Residential District (R-3)

The regulations in effect for Medium/High Density Residential District (R-3) are as follows:

2.6.1 General Description This district encourages affordable housing of varied types in specified locations within the city. Allowable density shall not exceed 24 dwelling units per acre. The principle use of land is for single- family dwellings, two-family dwellings, townhouses, low-rise multiple-family dwellings, and garden apartments. Recreational, religious, and educational uses normally located to serve residential areas are also permitted to provide the basic elements of convenient, balanced, and attractive living areas. Zero- lot line developments may occur as set forth in this section. The district permits site-built housing, manufactured housing, and modular housing constructed on individual lots with uniform design guidelines imposed to maintain neighborhood harmony and consistency in appearance. The provisions of this district seek to achieve the following goals.

- 1) To provide a choice of housing types within the city and to expand housing choices for all families.

- 2) To maintain efficiency and economy in the process of development by encouraging infill development with medium housing densities.
- 3) To encourage the appropriate and best use of land by placing uniform size and appearance guidelines on new housing placements.
- 4) To promote healthful and convenient distribution of population by achieving higher densities through the utilization of vacant or underdeveloped properties.
- 5) To encourage good civic design and arrangement by maintaining reasonable and uniformly applied design standards within existing neighborhoods.
- 6) To maintain the economic stability of existing neighborhoods by maintaining consistent size, bulk, and appearance standards.

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

2.6.3 Site Plan Review Not applicable in this use zone except as required for a building permit.

2.6.4 Area Regulations Area regulations are shown in Article XII, Area Regulations.

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

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

2.6.7 Minimum Distance Between Buildings In a multi-family development involving more than one building on a single parcel of land, the minimum distance between principal buildings shall be not less than 10 feet or as otherwise set forth by the Russellville Fire Marshall.

2.6.8 Zero-lot line

- 1) *Purpose* The purpose of this housing type is to provide an additional choice in building arrangement on the lot. The arrangement eliminates one side yard thereby creating a more usable single-side yard on each lot. The units may be designed so that two units share a common structure wall that is contiguous with the interior lot line. The “common structure” wall shall be offset laterally so that each structure has an “independent structure” wall of at least 15 feet along the common property line. This should produce a staggered setback of each unit relative to the building line. An alternative is to design the plot plan so that each unit has a windowless wall sited

along one lot line. In the latter case the entire side yard separates the units. Due to small lots permitted in the zero-lot-line development, each lot should, to the extent possible, be near to a public open space system.

- 2) *Density* Six dwelling units per gross acre maximum.
- 3) *Lot Area* Minimum lot area, 4,000 square feet with a lot width of not less than 40 feet at the front building line.
- 4) *Front Yard* There shall be a front yard setback having a depth of not less than 15 feet.
- 5) *Lot Coverage* The principal building and all accessory building on a lot shall not occupy more than 50 percent of the total lot area.
- 6) *Wall Requirements*

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

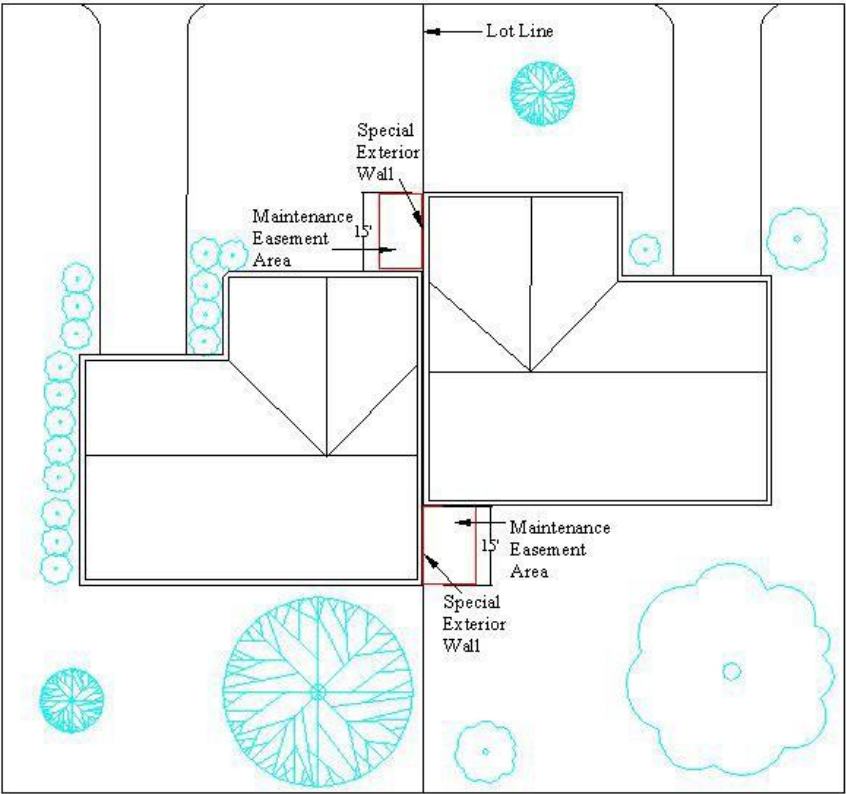


FIGURE ONE: SPECIAL EXTERIOR WALL & MAINTENANCE EASEMENT AREA

B. Restrictions on Owner of residence containing Zero Lot Line Wall: The Owner of each residence containing Zero Lot Line Wall is prohibited from altering it in any way, nor shall he make any openings for windows or any other openings on such wall which shall interfere with the privacy of the Owner of the dwelling.

C. Fire Stop: Each attached wall shall have a two-inch air space between the adjoining framed walls with fire rated sheet rock attached to each wall as specified by the Russellville Fire Marshall and in conformity with the Arkansas Fire Prevention Code. The air space shall not be visible to the outside of the building, but shall stop at the point where the finish material for the exterior shall be attached to the building. The air space shall also extend up to level out with the decking. The structure will be tied together with a six- inch wide strip of twenty-six gage sheet metal running from the front side of decking, across the roof and down to the back side of decking. Shingles then will be laid over the sheet metal and the finish materials to be used on the exterior walls (front and back) will be applied over the air space.

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

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

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

9) *Special Provisions for Single-family Units*

A. All single-family units constructed in or set up in this district, whether by new construction, addition to an existing unit, placement of a multi-section manufactured or modular home, or combination of two or more single-section manufactured homes, shall have a minimum dimension on each side of at least 20 feet.

B. All single-family units constructed or set up in this district with a crawl space shall have continuous masonry underpinning around said crawl space.

C. All units constructed or set up in this district shall have the front door oriented toward the front yard unless approved as a planned unit development.

D. All single-family units constructed or set up in this district shall have shingle roofs unless specifically approved by the Board of Zoning Adjustment.

E. All single-family units constructed or set up in this district without a built-in porch shall have a covered front landing, accessible by stairs with handrails if necessary, of at least six feet by six feet and oriented to the front yard.

F. All single-family units constructed in this district shall have foundation systems that meet the city's building code or, in the case of manufactured housing, be anchored in accordance with the manufacturer's instructions or the regulations of the Arkansas Manufactured Home Commission.

G. All single-family units moved into this district from offsite shall be new and under warranty or inspected by the city's code enforcement officer prior to being moved on site to ensure compliance with the following standards.

- (i) All roofing material shall be secure without gaps or damaged shingles.
- (ii) All windows shall be operative without broken panes or damaged trim or screening.
- (iii) All exterior siding shall be in place and undamaged. No dented, torn, burned, loose or mildewed siding shall be allowed.
- (iv) All kitchen and bathroom facilities shall be fully operational and all mechanical equipment shall be in good working order.
- (v) Any attached gutters shall be secure and functional.
- (vi) All cornice materials shall be in place and undamaged.
- (vii) Paint shall be uniform and unblemished.
- (viii) Doors shall be plumb and fully operational. No damaged screening or door fixtures shall be allowed.
- (ix) All flooring shall be structurally undamaged, and secure. Holes in the flooring, or flooring that is missing, dented, broken, or in a state of damage or decay will not be allowed.

2.7 Manufactured Home Park or Subdivision (R-4)

The regulations in effect for Subdivision (R-4) are as follows:

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

2.7.2 Uses Permitted Uses permitted in this district are included in Article XIII-Table

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

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

2.7.4 Manufactured Homes and Manufactured Home Parks

1) *Manufactured Homes* The parking of an individual manufactured home on a lot in any district except the R-4 District for residential purposes shall be prohibited, except in an R-E District, or to provide residency for a night watchman over property located in an M-1 or M- 2 Industrial District.

2) *Manufactured Home Parks* Manufactured home parks shall comply with the following requirements:

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

B. Manufactured home parks may locate only in the R-4 Residential District.

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

D. A site development plan shall be submitted showing the area and dimensions of the tract of land; the number, locations, and size of all manufactured home spaces; the location and width of roadways, walkways, and recreational area; and the location of service buildings and other proposed structures. If approved, said development shall conform to the site development plan and violation of the plan shall nullify the permit. Any manufactured home park with two or more occupied spaces annexed to the City by popular vote after January 1, 1984, is declared to be zoned R-4. Existing facilities or rented spaces shall not be expanded without prior consent of the City Council.

E. Individual home spaces shall be provided consisting of a minimum of 4,000 square feet for each space, which shall be at least 40 feet wide and clearly defined on the ground.

F. Homes shall be so harbored on each space that there shall be at least 10 feet between the manufactured home and any other detached structure.

G. Each manufactured home space shall abut a driveway of not less than 20 feet in width, which shall have unobstructed access to a dedicated public street. The driveway shall consist of a minimum of six-inch gravel base with two inches of concrete or asphalt surface.

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

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

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

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

L. There shall be at least two off-street, paved parking spaces for each manufactured home space, which shall be on same site or located in grouped parking bays specifically designed for such purpose close to the site served. Spaces will consist of a six-inch gravel base with two inches of concrete or hot mix asphalt surface.

M. A landscaped strip of open space shall surround the Manufactured Home Park 25 feet wide along all street and other property lines. This area shall not be included as part of any manufactured home space.

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

2.7.5 Manufactured Home Subdivisions

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

2) *Manufactured Home Subdivisions* Manufactured home subdivisions shall comply with the following regulations:

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

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

C. Any manufactured home located in this district shall be set up and anchored in accordance with the Rules and Regulations of the Arkansas Manufactured

Housing Commission.

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

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

3) *Off-Street Parking* Off –street parking shall be provided in accordance with the provisions of Article IV.

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

2.8 Central Business District (C-1)

The regulations in effect for Central Business District (C-1) are as follows:

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

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

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

- 1) Vicinity Map.
- 2) Lot drawing with dimensions.
- 3) Location and dimension of all buildings.
- 4) Location of all drives and parking, including handicapped parking.
- 5) Sidewalks, including ramps for handicapped access.
- 6) Drainage, existing and proposed. Drainage improvements requiring the sizing of pipes, the construction of drainage structures, or the handling of water that cannot be

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

2.8.4 Area Regulations Area Regulations should conform to the following guidelines:

- 1) *Front and Side Yards* There are no specific front yard requirements. On the side of a lot adjoining a residential district there shall be a side yard of not less than 10 feet or as otherwise established by the Fire Marshall. Whenever the rear lot line of a corner lot abuts a residential district, the side yard adjacent to the street shall be not less than 15 feet in width. In all other cases, no side yard shall be required.
- 2) *Rear Yard* Where a commercial building is located on a lot abutting a residential district or where a commercial building is to be serviced from the rear, there shall be provided an alleyway, service court, rear yard, or combination thereof of not less than 25 feet in width. In all other cases, no rear yard is required.
- 3) *Lot Area* No minimum lot area is required but the lot must be adequate to provide the yard areas required by this section.

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

2.8.6 Parking Regulations Off-street parking is not required, however, if parking is provided it must be paved in accordance with Article IV, Section 4.1.1.

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

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

2.9 Central Business Buffer District (C-1B)

The regulations in effect for Central Business Buffer District (C-1B) are as follows:

2.9.1 General Description The Central Business Buffer District shall serve two purposes and be approved by the following process.

- 1) *Purposes* The C-1B District encompasses an area adjoining the Central Business District (C-1). It serves two purposes. The first is to act as a transition zone from the C-1 District to other use districts. The second is to encourage urban design that is compatible with and complementary to the C-1 District. To fulfill those purposes, innovative design is encouraged and flexibility is allowed with regard to parking.
- 2) *Evaluation* Approval for development in the C-1B District shall follow the same process as that for a Planned Unit Development. Each proposed project will be evaluated on its merit. The following design guidelines will be used in the evaluation

of proposed projects.

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

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

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

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

2.10 Highway Commercial District (C-2) and Highway Commercial Casino District (C-5)

The regulations in effect for Highway Commercial District (C-2) and Highway Commercial Casino District (C-5) are as follows:

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

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

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

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

2.10.4 Area Regulations Area regulations are shown on Article XII- Area Regulations.

- 1) *Side Yard* This should be 10 feet or as otherwise established by the Fire Marshall.
- 2) *Rear Yard* Where a commercial building is located on a lot abutting a residential district or is to be serviced from the rear, there shall be provided an alleyway, service court, rear yard or combination thereof not less than 25 feet in width. In all other cases, no rear yard is required.

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

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

2.10.7 Lot Coverage The maximum lot coverage for all structures is 40%.

2.10.8 C5 Highway Commercial Casino District is considered C2 for purposes of compliance with the zoning regulations and shall be reviewed as if the zone were designated as such.

2.11 Large Scale and Shopping Center Commercial District (C-3)

The regulations in effect for Large Scale and Shopping Center Commercial District (C-3) are as follows:

2.11.1 General Description The Large Scale and Shopping Center Commercial District is intended for unified grouping, and one or more buildings, of retail shops and stores that provide for the regular needs and/or for the convenience of the people residing in the adjacent residential areas. It is intended that the shopping center commercial area be developed as a unit, with adequate off-street parking space for customers and employees, and with appropriate landscaping and screening material. They should be developed on areas of 3 to 6 acres in order to provide space for 4 to 8 stores although larger centers are encouraged. Major streets should be developed as indicated in the Master Street Plan component of the City's Comprehensive Development Plan.

2.11.2 Uses Permitted Uses permitted in this district are included in Article XIII-

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

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

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

2.11.4 Area Regulations Area regulations are shown on Article XII- Area Regulations.

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

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

2.11.7 Lot Coverage The maximum coverage for all structures is 40%.

2.12 Neighborhood and Quiet Business District (C-4)

The regulations in effect for Neighborhood and Quiet Business District (C-4) are as follows:

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

2.12.2 Uses Permitted Uses permitted in this district are included in Article XIII-Table of Permitted Uses. Where a “P” appears in the table under the specific zone, that use is permitted by right, subject to the provisions contained in the Land Subdivision Code

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

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

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

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

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

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

2.12.7 Lot Coverage The maximum lot coverage for all structures is 40%.

2.13 Light Industrial District (M-1)

The regulations in effect for Light Industrial District (M-1) are as follows:

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

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

outlined in Article VI.

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

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

2.13.4 Area Regulations Area regulations are shown on Article XII- Area Regulations.

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

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

2.14 Heavy Industrial District (M-2)

The regulations in effect for Heavy Industrial District (M-2) are as follows:

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

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

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

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

2.14.4 Area Regulations Area regulations are shown on Article XII- Area Regulations.

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

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

2.15 Agricultural (A-1)

The regulations in effect for Agricultural (A-1) are as follows:

2.15.1 General Description This district is designed to protect the agricultural nature of land currently located inside the city limits, or that might be annexed into the City of Russellville in the future. These areas may undergo gradual transition to urban uses; however, this is expected to occur in a planned manner. In the interim, it is expected that uses in the agricultural zone will be restricted to those uses normally associated with agricultural enterprises and supporting residential and accessory uses.

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

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

2.15.3 Site Plan Review Site plan review will not be required in this zone (Except as needed for building permit), unless the property owner desires to expand the agricultural use by building a building, or adding to a building or developing the property for a

commercial purpose such as a chicken house or swine operation. Property owners desiring to expand agricultural/farming enterprises of a commercial nature shall follow an application process similar to the large scale development outlined in Article VIII of the Land Subdivision and Development Code.

2.15.4 Area Regulations Area regulations are shown on Article XII- Area Regulations.

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

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

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

2.16 Planned Unit Development (PUD):

2.16.1 General Description The purposes of this zone are to promote flexibility and innovation in design and to encourage innovation in the design of large-scale developments and the use of vacant, in-fill parcels in the built up portion of the city. The zone also promotes the inclusion of open space in developments.

In concept, the Planned Unit Development (PUD) is a combination of zoning designation and development plan. The approval process is designed to encourage innovation by the developer in allowing submittal of engineered plans, known as a Final Development Plan, after approval of a Zoning Plan to rezone the property. Development must follow the approved Final Development Plan exactly. Failure in this respect can result in revocation of the PUD. Although design innovation is encouraged, and flexibility is allowed, the PUD may not be used simply as a method of avoiding zoning regulations.

2.16.2 Minimum Size and Use Criteria PUD applications shall meet the following criteria before they will be considered for review and approval.

- 1) PUDs may be residential, commercial, industrial or mixed-use in nature.
- 2) The minimum size for PUDs which incorporate residential or mixed-uses shall be two (2) acres. The minimum size for PUDs which incorporate commercial or industrial uses shall be one (1) acre.

2.16.3 Development Standards

- 1) *Uses Permitted:* Permitted uses within a PUD shall conform to the permitted uses within the existing zoning district in which the PUD is being proposed, or shall be consistent with the general character of the land use classification of the subject property in the city's Comprehensive Plan or other applicable Land Use Plan.
- 2) *Development Density:* All plans shall clearly depict the proposed density by land use category.

3) *Setbacks*: Building setbacks will be designed in such a manner that they:

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

4) *Lot Size and Area Requirements*: No minimum lot sizes are established. Housing and development can be clustered or otherwise concentrated or arranged in planned locations on the site to take advantage of natural features and topography. The following restrictions apply:

A. *Residential Density*: Residential density for any development shall not exceed the following standards as measured by dwelling units per developable acre (dua). Calculation shall not include areas devoted to surface streets and surface drainage improvements. This shall be computed by the equation below:

| Housing Units / (Developable Land + Common Usable Open Space) = | Residential Density |
|---|---------------------|
| Single-Family: | 7 dua |
| Single-Family Zero Lot Line: | 7 dua |
| Duplex: | 9 dua |
| Townhouses/Condominium: | 11 dua |
| Multi-Family (1-2 stories): | 18 dua |
| Multi-Family (3 stories or more): | 24 dua |

5) *Open Space Reservation*: Land not used by buildings, accessory structures, yards, streets, or drainage, shall be maintained as common usable open space for the purpose of providing parks, recreational facilities, ways for pedestrian movement and circulation, and conserving visually pleasing elements of the environment.

6) *Common Usable Open Spaces – Future Phase Construction*: If common usable open space and common space improvements required for a development are planned for construction in future phases, a performance bond shall be required. Prior to the sale of any lot, site, home or other structure, a bond of sufficient surety determined by the Administrative Official shall be posted with the City for completion of said common usable open space improvements. The amount of the bond shall reflect 150 percent of the Administrative Official’s estimate for completing the required improvements. The Zoning Plan shall clearly depict the amount of land to be used and maintained as permanent common usable open space.

7) *Landscaping*: Landscaping and buffer areas shall be provided to enhance the visual and aesthetic appeal of the PUD development. The provided landscaping shall be consistent with other applicable landscaping regulations within this Code.

8) *Bills of Assurance, Covenants, Trusts, and Homeowner Associations*: The developer shall create such legal entities as appropriate to undertake and be responsible for the ownership, operation, construction, and maintenance of private roads, parking areas, common usable open space, community facilities, recreation areas, buildings, lighting, security measures, and similar common elements. All legal

instruments setting forth a plan or manner of permanent care and maintenance of such open space, recreational areas, and common owned facilities shall be approved by the City Attorney as to legal form and effect, and by the Planning Commission as to the suitability for the proposed use of the common owned facilities.

If the common owned facilities are deeded to a homeowner association or improvement district, the developer shall file with the approved Final Plat/Final Development Plan a declaration of covenants and restrictions in the bill of assurance. The following is required:

- A. The homeowner association must be legally established before building permits are granted.
- B. Membership and fees must be mandatory for each property buyer and successive buyer.
- C. The open space restrictions must be permanent.
- D. The association must be responsible for the maintenance of all common owned facilities covered by the agreement and for all liability, taxes, and other assessments.
- E. Homeowners must pay their pro-rata share of the initial cost, the maintenance assessment levied by the association must be stipulated as a potential lien on the property.
- F. The association must be able to adjust the assessment to meet changed needs.

9) *Responsibility for Open Space and Landscaping:* Nothing in this Code shall be construed as assigning or assuming any responsibility or liability on the part of the City of Russellville, for maintenance of any landscaping, private open areas, parks, or recreational facilities. A hold harmless clause shall be incorporated in the covenants conveying 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.

10) *Private Street Conversion:* Private streets that are requested to be converted to public ownership shall be required to be improved to city standards prior to dedication to 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 owner shall not be compensated for any street dedicated to public use. Any private street conversion shall be subject to the maintenance bond requirements found in Russellville Land Subdivision and Development Code.

11) *Land Subdivision:* In the construction and installation of all subdivision

improvements in the PUD, said improvements shall conform to all requirements and standards as set forth in the Russellville Land Subdivision and Development Code.

2.16.4 Review and Approval Types

- 1) The PUD approval process shall consist of two (2) forms of review procedure:
 - A. Short Form PUD: Developments contained on one-lot that are not intended for re-subdivision into additional lots.
 - B. Long Form PUD: Developments intended to plat property into two or more lots.

2.16.5 Short Form PUD Review and Approval Procedure

1) *Pre-application Conference:* Before submitting an application for PUD approval, the owner, authorized agent, or developer shall confer with the City Engineer. The intent of this conference is to provide guidance to the applicant prior to incurring substantial legal and engineering expense in the preparation of plans. An additional purpose is to ensure proper information is provided with a formal PUD application.

The Administrative Official will discuss the applicant's potential application and inform the applicant of any perceived potential problems that might arise in the development process. The Administrative Official may refer the applicant to the Technical Review Committee for additional advice.

2) *Zoning Plan Review and Approval:* The Zoning Plan shall consist of a Zoning Plan for the development without the submittal of an engineered site plan and construction plans. Approval of the Zoning Plan shall have the effect of rezoning the property.

A. Before an application can be considered, a complete application with the PUD application fee must be filed and paid with the Administrative Official.

B. The Technical Review Committee shall review the application and provide comments to the applicant for revision of the plans. A public hearing for the Zoning Plan shall be set no later than sixty (60) days after filing the application. The procedures within Section 8.5.05 shall govern the process for arranging the public hearing.

C. Within thirty (30) days of the public hearing, the Planning Commission shall render a decision to approve, conditionally approve, or deny the application. At any point following the public hearing, the applicant may request deferral of a decision on the application to allow modification. Any application which is deferred shall be subject to an additional public hearing to allow public comment. If the request for deferral is made at the same meeting at which the public hearing is made, the Planning Commission shall allow the public hearing to be continued at the following regular meeting of the Planning Commission without being re-advertised.

D. For any application that is conditionally approved by the Planning Commission, the applicant shall have ninety (90) days to submit modified plans. These plans shall be reviewed by the Administrative Official to determine if the modified plans comply with the Planning Commission's conditional approval. The Administrative Official shall provide a written report of his/her findings. The city council will not consider any modified plans that are not reviewed by the Administrative Official.

E. An application which is approved or conditionally approved shall be forwarded to the city council for approval. The city council shall render a decision to approve or deny the application by an ordinance to rezone the property. Such decision shall occur within thirty (30) days of a decision of the Planning Commission or submission of modified plans, whichever is later.

F. To approve a PUD Zoning Plan, the Planning Commission shall find the following:

1. The PUD provides public benefits that would not be achievable through the normal zoning regulations.
2. Adequate public utilities are already in place to service the property, or the developer has sufficient plans and private financial commitment in place to ensure adequate public utilities will be available to service the property.
3. Land use compatibility with surrounding developments.
4. Be compatible with the city's Comprehensive Plan or other adopted Land Use Plan.
5. Not endanger the public health, welfare or safety.

3) *Final Development Plan Review and Approval:* The Final Development Plan shall consist of a Zoning Plan and submittal of an engineered site plan and construction plans. Approval of the Final Development Plan shall have the effect of permitting development of the property.

A. The applicant shall provide the submittal requirements necessary for a Short Form PUD Final Development Plan. See Section 2.17.7.

B. The Administrative Official and Technical Review Committee shall review the application and provide comments to the applicant for revision of the drawings.

C. The Administrative Official shall approve or deny the Final Development Plan and provide report of his/her approval to the Planning Commission within ten (10) business days following approval. The Administrative Official shall not approve a Final Development Plan that contains a Zoning Plan that does not match the Zoning Plan previously approved the Planning Commission and City Council, excluding minor modifications, or that contains construction plans that do not address comments for revision made by the Technical Review Committee.

The applicant shall provide a written explanation for any modifications to the Zoning Plan. Modifications that alter permitted uses, development density,

setbacks, lot size, area requirements, or common usable open space shall require re- approval of the Zoning Plan by the City Council in the form of a rezoning ordinance.

D. The Administrative Official shall have the authority to defer approval of a Final Development Plan to the Planning Commission. The Planning Commission shall have the authority to require any Final Development Plan be reviewed for approval by the Planning Commission instead of the Administrative Official.

E. The applicant, any Planning Commissioner, any City Council member, or any aggrieved party may appeal the decision of the Administrative Official rendered on a Final Development Plan by written request made to the Administrative Official within twenty (20) days of the Administrative Official's decision. The appeal shall be heard by the Planning Commission.

2.16.6 Long Form PUD Review and Approval Procedure

1) *Pre-application Conference:* Before submitting an application for PUD approval, the owner, authorized agent, or developer shall confer with the Administrative Official. The intent of this conference is provide guidance to the applicant prior to incurring substantial legal and engineering expense in the preparation of plans. An additional purpose is to ensure proper information is provided with a formal PUD application.

The Administrative Official will discuss the applicant's potential application and inform the applicant of any perceived potential problems that might arise in the development process. The Administrative Official may refer the applicant to the Technical Review Committee for additional advice.

2) *Zoning Plan Review and Approval:* The Zoning Plan shall consist of a Zoning Plan for the development without the submittal of an engineered development plan or construction plans. Approval of the Zoning Plan shall have the effect of rezoning the property.

A. Before an application can be considered, a complete application with the PUD application fee must be filed and paid with the Administrative Official. See Section 2.17.7 for submittal requirements for Long Form PUD Zoning Plan applications.

B. The Administrative Official and Technical Review Committee shall review the application and provide comments to the application for revision of the plans. A public hearing for the Zoning Plan shall be set no later than sixty (60) days after filing the application. The procedures within Section 8.5.05 shall govern the process for arranging the public hearing.

C. Within thirty (30) days of the public hearing the Planning Commission shall render a decision to approve, conditionally approve, or deny the application. At any point following the public hearing, the applicant may request deferral of a decision on the application to allow modification. Any application which is

deferred shall be subject to an additional public hearing to allow public comment. If the request for deferral is made at the same meeting at which the public hearing is made, the Planning Commission shall allow the public hearing to be continued at the following regular meeting of the Planning Commission without being re-advertised.

D. For any application that is conditionally approved by the Planning Commission, the applicant shall have ninety (90) days to submit modified plans. These plans shall be reviewed by the Administrative Official to determine if the modified plans comply with the Planning Commission's conditional approval. The Administrative Official shall provide a written report of his/her findings. The city council will not consider any modified plans that are not reviewed by the Administrative Official.

E. An application which is approved or conditionally approved shall be forwarded to the city council for approval. The city council shall render a decision to approve or deny the application by an ordinance to rezone the property. Such decision shall occur within thirty (30) days of a decision of the Planning Commission or submission of modified plans, whichever is later.

F. To approve a PUD Zoning Plan, the Planning Commission shall find the following:

1. The PUD provides public benefits that would not be achievable through the normal zoning regulations.
2. Adequate public utilities are already in place to service the property, or the developer has sufficient plans and private financial commitment in place to ensure adequate public utilities will be available to service the property.
3. Land use compatibility with surrounding developments.
4. Be compatible with the city's Comprehensive Plan or other adopted Land Use Plan.
5. Not endanger the public health, welfare or safety.

G. Following approval of the Zoning Plan the applicant shall submit an application for Preliminary Plat approval. The Preliminary Plat application shall conform to the procedures and requirements of the Russellville Land Subdivision and Development Code.

H. An application for a Final Development Plan shall not be accepted by Administrative Official until and unless a Preliminary Plat for the property has been approved.

3) *Final Development Plan Review and Approval:* The Final Development Plan shall consist of a Zoning Plan and submittal of a Final Plat application. Approval of the Final Development Plan shall have the effect of permitting the applicant to sell lots in the development, obtain building permits, or file an application for site plan or large scale development review.

A. The applicant shall provide the submittal requirements necessary for a Long

Form PUD Final Development Plan. See Section 2.17.7. The applicant may submit an application for site plan or large scale development review for concurrent review and approval as part of the Final Development Plan.

B. The Final Plat application shall be subject to the regulations and requirements of the Russellville Land Subdivision and Development Code, however, the following shall govern the approval procedure. Acceptance of the public dedication of streets, utilities, and other public facilities shall be handled by the provisions of the Russellville Land Subdivision and Development Code.

C. The Administrative Official and Technical Review Committee shall review the application and provide comments to the applicant for revision of the drawings.

D. The Administrative Official shall approve or deny the Final Development Plan and provide report of his/her approval to the Planning Commission within ten (10) business days following approval. The Administrative Official shall not approve a Final Development Plan that contains a Zoning Plan that does not match the Zoning Plan previously approved the Planning Commission and City Council, excluding minor modifications, or that contains construction plans that do not address comments for revision made by the Technical Review Committee.

The applicant shall provide a written explanation for any modifications to the Zoning Plan. Modifications that alter permitted uses, development density, setbacks, lot size, area requirements, or common usable open space shall require re-approval of the Zoning Plan by the City Council in the form of a rezoning ordinance.

E. The Administrative Official shall have the authority to defer approval of a Final Development Plan to the Planning Commission. The Planning Commission shall have the authority to require any Final Development Plan be reviewed for approval by the Planning Commission instead of the Administrative Official.

F. The applicant, any Planning Commissioner, any City Council member, or any aggrieved party may appeal the decision of the Administrative Official rendered on a Final Development Plan by written request made to the Administrative Official within fifteen (15) days of the Administrative Official's decision. The appeal shall be heard by the Planning Commission.

2.16.7 Application Requirements

Applications shall include a digital AutoCAD/PDF submittal and fifteen (15) copies of scaled printed plans containing the following:

| PUD Application Requirements | | | | |
|--|-------------------------------|--|------------------------------|---|
| Type of submission | Short Form Zoning Plan | Short Form Final Development Plan | Long Form Zoning Plan | Long Form Final Development Plan |
| REQUIREMENTS | | | | |
| Letter of Transmittal: Name of Development; Names, addresses, and contact information of the owner, authorized agent, and developer; Written description of the character and intent of the development. | ✓ | ✓ | ✓ | ✓ |
| Proposed/Final Bill of Assurance, Restrictive Covenants, or other legal instruments set up to fulfill Section 2.17.3, item 7 | ✓ | ✓ | ✓ | ✓ |
| Vicinity Map | ✓ | ✓ | ✓ | ✓ |
| Names, addresses, zoning, and property lines of all property owners adjacent to the exterior boundaries of the project (including individual lot across streets and right-of-ways). | ✓ | ✓ | ✓ | ✓ |
| North arrow, scale, date of preparation, and existing zoning classification. | ✓ | ✓ | ✓ | ✓ |
| Boundary Survey of the property and written legal description of the property. | ✓ | ✓ | ✓ | ✓ |
| Source of title to property giving deed record book page number or instrument number | ✓ | ✓ | ✓ | ✓ |
| Location of all existing and proposed easements. | | ✓ | | ✓ |
| Area and dimensioned length and width for each lot in the proposed development. | ✓ | ✓ | ✓ | ✓ |
| Proposed building footprint(s) with all proposed setbacks dimensioned. | ✓ | ✓ | ✓ | ✓ |
| Landscaping plan showing all plantings and buffer areas. | ✓ | ✓ | ✓ | ✓ |
| Lighting plan showing street lighting and exterior lighting quantity, direction, and pattern. | | ✓ | | ✓ |
| Proposed permitted uses and location of permitted uses. | ✓ | ✓ | ✓ | ✓ |
| Proposed residential density of the dwelling as calculated by Section 2.17.3, item 4 | ✓ | ✓ | ✓ | ✓ |
| Proposed setbacks and buffer areas shown with dimensions. | ✓ | ✓ | ✓ | ✓ |
| Existing structure(s) and general indication of any significant vegetation. | ✓ | ✓ | ✓ | ✓ |
| Existing and proposed topographic information including two-foot contour interval for areas with a slope of less than 10%, five-foot contour interval for areas with a slope of more than 10%. | | ✓ | | ✓ |
| Existing significant drainage features on the site. | ✓ | ✓ | ✓ | ✓ |
| Location of all flood hazard areas within a 100-year floodplain and/or floodway. Reference the FIRM panel number and effective date. Note regarding wetland, if applicable. Note if Corps of Engineers determination is in progress. | | ✓ | | ✓ |
| Drainage improvements and drainage runoff quantities (cubic feet per second), prepared by a Professional Engineer, with points of entry and exit for the development, show flood hazard area. | | ✓ | | ✓ |

| PUD Application Requirements | | | | |
|---|------------------------|-----------------------------------|-----------------------|----------------------------------|
| Type of submission | Short Form Zoning Plan | Short Form Final Development Plan | Long Form Zoning Plan | Long Form Final Development Plan |
| REQUIREMENTS | | | | |
| Soil tests, as may be required or requested. | | ✓ | | ✓ |
| Location, size, and materials of all proposed utilities. | | ✓ | | ✓ |
| Russellville City Corporation Developers Agreement. | | ✓ | | ✓ |
| Location of parking areas, vehicle maneuvering areas, and any proposed access drives. | ✓ | ✓ | ✓ | ✓ |
| Location of access drives for adjacent properties, including those across the street, street intersections. Items dimensioned relative to each other. | ✓ | ✓ | ✓ | ✓ |
| Proposed sidewalks and streets. | ✓ | ✓ | ✓ | ✓ |
| Street names, class per Master Street Plan, rights-of-way (existing and proposed), centerlines, and easements bordering or traversing the property. | ✓ | ✓ | ✓ | ✓ |
| Open Space Plan indicating the size and proposed use for common useable open space areas. | ✓ | ✓ | ✓ | ✓ |
| Certificate of Owner | ✓ | ✓ | ✓ | ✓ |
| Certificate of Surveying Accuracy | ✓ | ✓ | ✓ | ✓ |
| Certificate of Engineering Accuracy | | ✓ | | ✓ |
| Static pressure and flow of the nearest hydrant | | ✓ | | ✓ |
| As-built drawings | | ✓ | | ✓ |

2.16.8 Revocation: Revocation of the approval of a PUD shall occur if, by vote of the city council, it is found that the owner, owner’s agent, or developer are not developing the property in compliance with the provisions of this Code and other applicable laws, are not complying with the terms of PUD’s approval, have not commenced construction within six (6) months of approval, have not completed construction within two (2) years of approval, are not developing the PUD according to the approved Final Development Plan, or have not received approval for a Final Development Plan within two (2) years of approval of a Zoning Plan.

In the event of revocation, any completed portion of the development or those portions for which building permits have been issued shall be treated as a whole and effective development. In such cases, the property within the PUD shall retain the PUD zoning district designation. If no development has occurred, the zoning shall revert back to the zoning district designation(s) which existed for the property prior to the PUD’s approval.

2.17 Conservation District

The Conservation District represents the U.S. Corps of Engineers Flowage Easement, the floodway by the FEMA Flood Insurance Rate Map, and other lands deemed compatible with the Conservation District.

2.18 El Paso/University District (EPU) including the College Hill Zone (CHZ), Downtown Crossing Zone (DCZ), and the Prairie Creek Zone (PCZ).

The regulations in effect for El Paso/University District (EPU) are as follows:

2.18.1 General Description and Applicability

1) *El Paso/University Sub-Area*: This article establishes the character zones, build-to lines, build-to zones, parking setbacks, height maximums, and upper floor recess requirements for the District. It also establishes lot and block standards for subdivision within the District.

2) *Character Zones*:

A. College Hill Zone (CHZ) - The College Hill Zone is intended to extend the university activity adjacent to ATU and incorporate mixed-use development within the core of the area.

B. Prairie Creek Zone (PCZ) - The Prairie Creek Zone between the rail line and the College Hill Zone and along the creek in town is intended to encourage a dense residential and mixed use neighborhood to support the revitalization of the District and provide for appropriate transitions between the creek and mixed uses within the College Hill area.

C. Downtown Crossing Zone (DCZ) - The Downtown Crossing Zone is intended to provide appropriate development opportunities to take advantage of connection and access to Downtown while providing appropriate transitions to pedestrian-oriented development within the District. Careful focus on pedestrian and bicycle connectivity is the key to implementing quality improvements in this zone.

3) Note about measuring build-to lines, zones, and parking setbacks: Due to the public improvements planned for different streets within the El Paso/University Zoning District including the realignment of travel lanes, addition of on-street parking, the future right-of-way lines and corresponding property lines are subject to change based on the approved streetscape plan. If an existing street does not require any public improvements, the setback ranges shall all be measured from the property/R-0-W line along that street frontage. The Administrative Official or designee may revise the setback ranges to accommodate planned future streetscape improvements on the Master Street Plan.

4) *Designation of El Paso/University area*: This article shall only be applied towards parcels within the El Paso/University area, in accordance with the

Downtown Master Plan Update 2017. Properties outside of this area and/or disconnected from the area shall not be brought into this zoning district.

2.18.2 Community Intent and Public Improvements. The El Paso/University Zoning District is a connector between the ATU and Downtown Russellville and will be emphasized as a means to connect the two areas with food, activities, events and residences with their roots in the enduring qualities of Russellville and ATU-its small town ambience and natural heritage.

In order to facilitate walkability and livability, streets within this District shall provide accessible sidewalks with street trees. The pedestrian zones, travel lane widths, turning radii, intersection design, bicycle facilities and other street elements shall be based on the *ITE Manual for Designing Walkable Urban Thoroughfares* and/or *NACTO's Urban Street Guide and Bicycle Guide*. Those standards may be adjusted based on the specific Concept Plan and Site Plan with the approval of the Administrative Official or designee. Bicycle facility widths, where desired to be built, may be modified based on the City's adopted Master Street Plan standards.

2.18.3 Schedule of Uses.

- 1) Due to the emphasis on urban form over land uses in the District, general use categories have been identified by areas. Uses not listed in the following schedule, but are substantially similar, may be permitted upon the approval of the Administrative Official or designee, subject to appeal to the BOA.
- 2) Uses allowed in M-1 and M-2 zones shall be expressly not permitted unless otherwise designated in the schedule of uses.

Table 1 - Schedule of Uses

| EL PASO/UNIVERSITY DISTRICT (EPU) | | | |
|---|--------------------------|---------------------------|-------------------------------|
| Land Use | <i>College Hill Zone</i> | <i>Prairie Creek Zone</i> | <i>Downtown Crossing Zone</i> |
| Commercial Uses (Office & Retail Uses) | | | |
| Retail Sales or Service with <u>no drive through facility</u> . Excluded from this category are retail sales and services establishments geared towards the automobile, including gasoline service stations. | P | P | P |
| Finance, Insurance, and Real Estate establishments including banks, credit unions, real estate, and property management services, with no drive through facility. | P | P | P |
| Offices for business, professional, and technical uses such as accountants, architects, lawyers, doctors, etc. | P | P | P |
| Food and Beverage Service Uses such as full-service restaurants, cafeterias, and snack bars with no drive through facilities including cafe seating within a public or private sidewalk area with no obstruction of pedestrian circulation. | P | P | P |

| EL PASO/UNIVERSITY DISTRICT (EPU) | | | |
|---|--------------------------|-------------------------------------|-------------------------------|
| Land Use | College Hill Zone | Prairie Creek Zone | Downtown Crossing Zone |
| Arts, Entertainment, and Recreation Uses | | | |
| Art galleries | P | P | P |
| Art, antique, furniture or electronics studio (retail, repair or fabrication; excludes auto electronics sales or service) | P | P | P |
| Theater, cinema, dance, or music establishment | P | P | P |
| Museums and other special purpose recreational institutions | P | P | P |
| Fitness, recreational sports, gym, or athletic club | P | P | P |
| Indoor recreation and entertainment | P | P | P |
| Parks, greens, plazas, squares, and playgrounds | P | P | P |
| Educational, Public Administration, Health Care and Other Institutional Uses | | | |
| Business associations and professional membership organizations | P | P | P |
| Schools, libraries, and community halls | P | P | P |
| Civic uses (City Hall, Courthouse, and other public offices and functions) | P | P | P |
| Social and fraternal organizations | P | P | P |
| Social services and philanthropic organizations | P | P | P |
| Religious Institutions | P | P | P |
| Residential Uses | | | |
| Home Occupations | P | P | P |
| Live/Work units | P | P | P |
| Residential Apartments and/or condominiums | P | P | P |
| Upper floor residential uses ¹ | P | P | P |
| Single-family residential attached dwelling unit (Townhomes) | P | P | P |
| Single-family residential detached dwelling unit | P | P/C (lots shall be 40 feet or less) | NP |
| Single-family - Duplex | NP | NP | NP |
| Other Uses | | | |
| Accessory Buildings/Units | P | P | P |
| Auto-oriented service, repair | NP | NP | NP |
| Model homes for sales and promotion** | NP | P | NP |
| Full-service hotels | P | P | P |
| Bed and breakfast establishments | P | P | P |
| Outdoor Storage | NP | NP | NP |
| Outdoor Display (within 10 feet of front facade of building only; merchandise must be brought indoors after closing) | P | P | P |
| Parking, surface | P | A | P |
| Parking, structured | P | P | P |
| Sales from kiosks | P | P | P |
| Food Truck (on-street) | P | P | P |
| Food Truck Park (off-street) | SUP | SUP | SUP |
| Any permitted use with a drive through facility | NP | NP | NP |
| Farmer's Market | P | P | P |
| Veterinary clinic (no outdoor facilities for overnight storage of animals) | P | P | P |
| Wholesale | NP | NP | P |

P= Permitted by right

NP= Not Permitted

P/C= Permitted with conditions

A= Permitted Accessory Use

SUP= Permitted with a Specific Use Permit consistent with the process in the City of Russellville Zoning Code

¹ Residential Uses shall be permitted by right in the upper floors of all buildings

** Model Homes are limited to a time period until all the homes are sold in the neighborhood.

2.18.4 Area Requirements: The following table shall establish the development standards for the three (3) different zones in the El Paso/University Zoning district.

Table 2 – Development Standards

| Zone | College Hill Zone | Prairie Creek Zone | Downtown Crossing Zone |
|---|---|---|---|
| Standards | | | |
| 1. Setback Ranges | <ul style="list-style-type: none"> 0 feet minimum 15 feet maximum Corner lots shall be built to the build-to-zone for a minimum of 35' from the corner along each street front. | <ul style="list-style-type: none"> 0 feet minimum 20 feet maximum Corner lots shall be built to the build-to-zone for a minimum of 25' from the corner along each street front. | <ul style="list-style-type: none"> 10 feet minimum 75 feet maximum |
| 2. Building Structure Height | 5 Stories or 65 feet maximum | 5 Stories or 65 feet maximum | 5 Stories or 65 feet maximum |
| a. First Floor Height | Min. 12 feet clear for all uses | Min. 12 feet clear for non-residential or live/work units only; 9 feet min. for residential uses | Min. 12 feet clear for all uses |
| 3. Buildable Area | A maximum of 80% of the lot area may be covered by building footprint. | A maximum of 75% of the lot area may be covered by building footprint. | A maximum of 90% of the lot area may be covered by building footprint. |
| 4. Building Frontage Required | <ul style="list-style-type: none"> Min. of 70% of the building facade along Pedestrian Oriented streets shall be built within the build-to-zone. Min. of 30% of the building facades along all other streets shall be built to the build-to-zone. | <ul style="list-style-type: none"> Min. of 70% of the building facade along Pedestrian Oriented streets shall be built within the build-to-zone Min. of 30% of the building facades along all other streets shall be built to the build-to-zone | <ul style="list-style-type: none"> Min. of 70% of the building facade along Pedestrian Oriented streets shall be built within the build-to-zone. Min. of 30% of the building facades along all other streets shall be built to the build-to-zone. |
| 5. Encroachments over sidewalks or public R-0-W | <ul style="list-style-type: none"> Permitted within the setback range area only Other streets, no more than 6 feet horizontal encroachment over the sidewalk/R.O.W with min. vertical clearance over the sidewalk of 8 feet for signs or other overhead structures. | | |
| Streetscape Standards | | | |
| Sidewalks | Min. 6' wide | Min. 6'wide | Min. 6' wide |
| Parkway | Min. 5' wide | Min. 5' wide | Min. 5'wide |
| Street trees | Required at average of 50 feet on center along all public street frontages (excluding alleys) (min. 3" caliper tree measured at four (4) feet above ground level) | Required at average of 50 feet on center along all public street frontages (excluding alleys) (min. 3" caliper tree measured at four (4) feet above ground level) | N/A |
| Lot and Block Standards | | | |
| Lot width | Min. 20'; max. 400' | Min. 20'; max. 400' | Min. 20'; max. 400' |
| Lot depth | N/A | N/A | N/A |

2.18.5 Parking

- 1) Parking shall only be located behind or to the side of buildings within the District. Shared parking and access is preferred in these character zones.
- 2) The number of off-street parking spaces required shall be established in Article IV, Off Street Parking and Loading Requirements, except that residential

dwellings shall be one half (1/2) of required parking required by Article IV.

3) Any parking lot permitted adjacent to a public right-of-way shall provide a street screen such that the side facing to the street shall be screened by a wall or landscaped wrought iron fence three feet (3') in height.

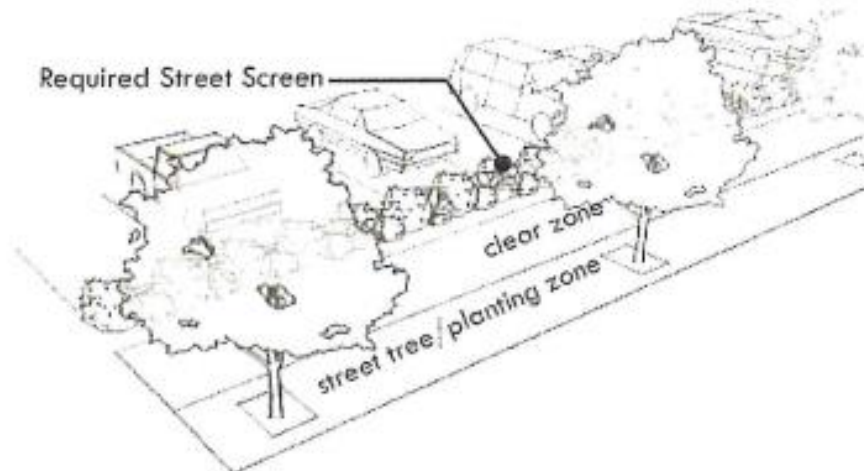


Image showing screening of off-street parking.

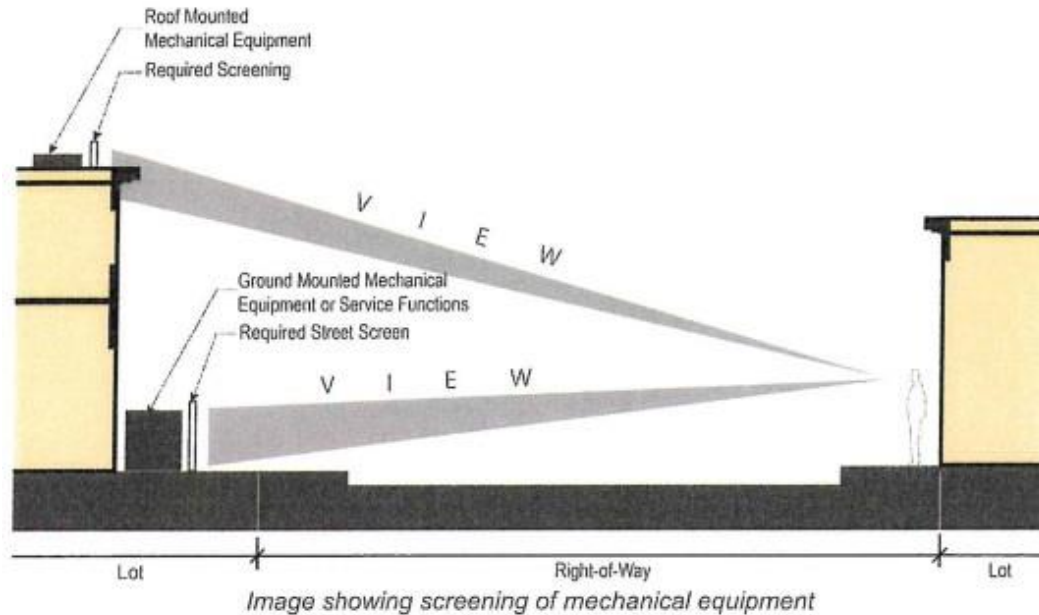
4) *Shared Parking*: Off-street parking requirements for any and all uses permitted in the District may be waived subject to a shared parking agreement or a coordinated parking plan approved by the Planning Administrator or designee, subject to appeal to the City Council.

5) *On-Street Parking*: Parking on-street shall count towards the off-street parking requirement. The on-street parking shall be directly adjacent to the parcel being developed.

6) *Parking Lot Design*: Parking lot and space design is subject to Russellville Subdivision Ordinance, unless the Planning Administrator or designee approves an alternative design and/or paving material, subject to appeal to the City Council.

2.18.6 Screening

1) All buildings shall be designed such that no mechanical equipment (HVAC, etc.), except vents or stacks, is visible from the public right-of-way or open space, whether the equipment is located on the ground, exterior walls or the roof.



2) For non-residential, mixed-use and multi-family uses within the District, loading and service areas shall be located at the rear of buildings utilizing an alley or driveway for access.

2.18.7 Landscaping

1) New landscaping in the District shall comply as follows:

- A. Pedestrian safety shall be considered in the location of planting beds and plant material locations.
- B. Shade trees shall be a minimum of three inches (3") inches in caliper and ten feet (10') in height at planting.
- C. Ornamental trees should be a minimum two inches (2") in caliper and six feet (6') to eight feet (8') in height at planting.
- D. For non-residential, mixed-use and multi-family development irrigation is required. Drip irrigation is encouraged for all non-turf irrigation areas.

2) Setback landscaping

- A. For non-residential and mixed-use development, hardscape, flush to the sidewalk grade, shall be used at the entries of the building.
- B. For residential and multi-family, landscaping is permitted within the setback range.

2.18.8 Signage

For conforming uses and new signs for non-conforming uses, the standards in Table 3 shall apply and sign permits may be approved administratively unless specifically noted in this section. An applicant has the option to establish unique sign standards including size, color, type, design, and location based upon specific performance criteria. Such alternative sign standards shall be reviewed by staff and is subject to approval of the City Council.

Table 3-Sign Standard

| Character Zone | College Hill Zone | Prairie Creek Zone | Downtown Crossing and Downtown Mixed Use Zones | Standard |
|--------------------|-------------------|--------------------|--|---|
| Sign Type | | | | |
| (1) Building Signs | P | P | P | <ul style="list-style-type: none"> • For all commercial uses (retail, office, and restaurant): One sign per tenant space; area not to exceed 32 sq.ft. along each public street frontage. • Second floor commercial uses may also be permitted one second floor wall sign per tenant space per public street frontage; area not to exceed 32 sq.ft. on the second floor facade along that public street. • Live-Work and Home occupations: One sign limited to an area of 12 sq.ft. max. • May encroach a maximum of 12" on to a sidewalk while maintaining a vertical clearance of 8' from the finished sidewalk. • Wall signs may be internally or externally lit. |
| (2) Monument Signs | NP | P | P | <p>Prairie Creek Zone: One monument sign per lot regardless of street frontage limited to a maximum of 30 sq.ft. per sign face and 5' in height</p> |
| (3) Window Signs | P | P | P | <p>Limited to 10% of the window area The following shall be exempt from this limitation:</p> <ul style="list-style-type: none"> • Business operation information. • Mannequins and storefront displays of merchandise sold. • Interior directory signage identifying shopping aisles and merchandise display areas. • Festival and holiday displays |
| (4) Blade Signs | P | P | P | <ul style="list-style-type: none"> • Shall be permitted for all non-residential uses. • 6 sq.ft. maximum per sign face. • May encroach a maximum of 2' on to a sidewalk. • Blade signs may be attached to the building or hung under the soffit of an arcade or under a canopy/awning while maintaining a vertical clearance of 7' from the finished sidewalk. |

| Character Zone | College Hill Zone | Prairie Creek Zone | Downtown Crossing and Downtown Mixed Use Zones | Standard |
|----------------------------------|-------------------|--------------------|--|--|
| (5) Address signs | P | P | P | Is required to be a building sign located near the principal entrance to the building |
| (6) Temporary construction signs | P | P | P | 1 free standing sign per lot during construction only; limited to 32 sq.ft. |
| (7) Banners and temporary signs | P | P | P | Permitted for temporary use, not to exceed one (1) month. Additional time permitted with approval of the Administrative Official or designee. |
| (8) Sandwich board signs | P | P | P | <ul style="list-style-type: none"> • Permitted only for retail, service, or restaurant uses. • Limited to 8 sq.ft. per storefront; • Sign may not exceed 2 feet in width or 4 feet in height. • A minimum of 4 feet of sidewalk shall remain clear. • Chalkboards may be used for daily changing of messages. Reader-boards (electronic and non-electronic) shall be prohibited. • Sign shall be removed every day after the business is closed. |
| (9) Light Pole Banners | P | P | P | <ul style="list-style-type: none"> • 8 sq.ft. per sign face. • Limited to one per light pole • All light pole banners shall be approved by the appropriate utility company prior to consideration by Planning Commission. • Light pole banners shall be limited to publicize community-wide events, holiday celebrations, public art, and other city sponsored events. |
| (10) Directory signs | P | P | P | <ul style="list-style-type: none"> • Shall be allowed for all multi-tenant buildings only • One directory sign per multi-tenant building limited to 10 sq.ft. in area • Design of the sign shall be integral to the facade on which the sign is to be affixed. |
| (11) Neon signs | P | NP | P | <ul style="list-style-type: none"> • Shall be limited to no more than 50% of the permitted window or building sign area and in lieu of the same. • Shall be permitted for restaurants, entertainment uses, and retail shopfronts. |

2.18.9 Architectural Standards & Design Guidelines.

1) The key design principles establish essential goals for development in the District to ensure sustainability and visual quality of this unique environment. Buildings shall be located and designed so that they provide visual interest and create enjoyable, human scaled spaces. The key design principles are:

A. New buildings/building facades shall utilize building elements and

details to achieve compatibility with existing buildings in the District.

B. Compatibility is not meant to be achieved through uniformity, but through the use of variations in building elements to achieve individual building identity.

C. Building facades must include appropriate architectural details and ornament to create variety and interest that relate to the human scale of design.

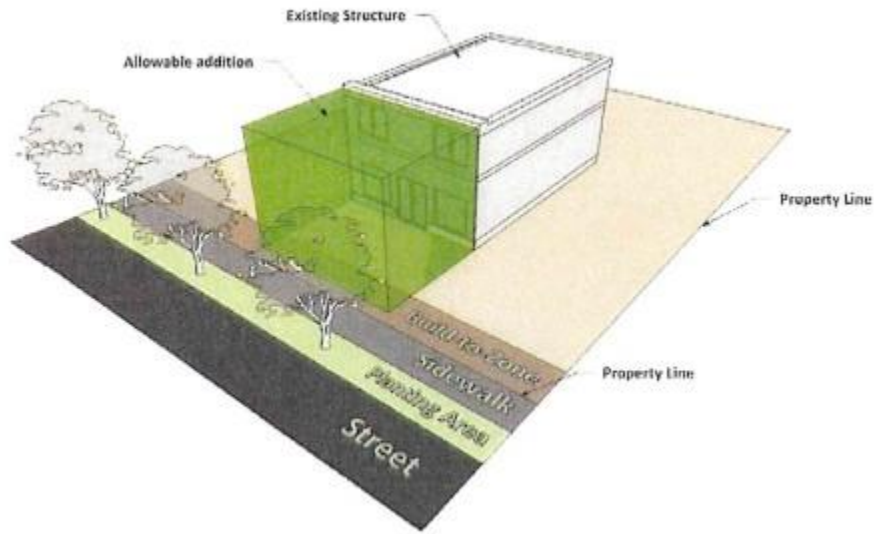
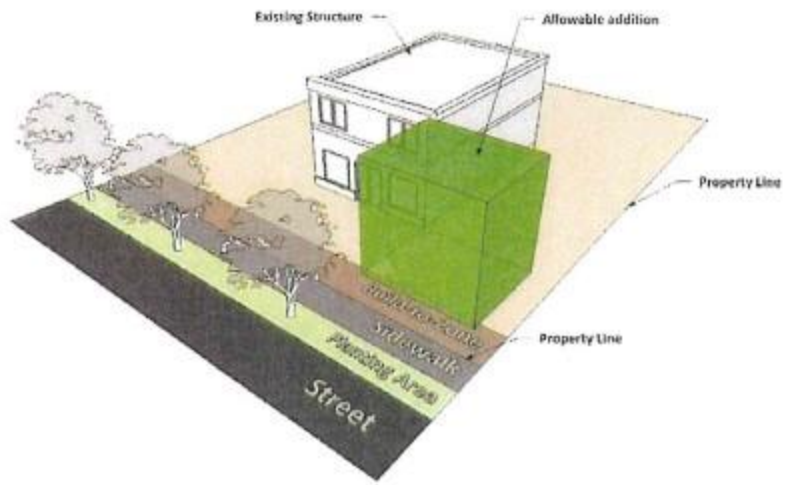
D. Buildings shall be built to, or close to, the sidewalk to define and enhance the pedestrian environment. The Regulating Plan shall establish the framework within which new buildings shall be constructed.

2) Changes to Non-complying Structures

A. The following illustrations shall provide guidance to property owners on the allowed and prohibited modifications to existing non-complying structures and sites within the El Paso/University Zoning District.

1. *Allowable Additions:* The following illustrations show potential allowable additions to noncomplying structures and sites. Additions shall meet the build-to- zone standards of the character zone they are located in.





2. Non-Allowable Additions: The following illustrations show potential non-allowable additions to noncomplying structures and sites since the additions do not comply with the build-to-zone standards of the character zone.



3) The following design standards and guidelines shall provide property owners, developers, city staff, and decision makers adequate design guidance for new and existing commercial and mixed use buildings.

A. Location on the street:

1. Buildings shall be oriented toward the major street front with the primary entrance located on that street. All primary entrances shall be oriented to the public sidewalk for ease of pedestrian access. Corner buildings, may feature entrances on both streets, or a corner entrance as depicted below. For consistency in applying this requirement the primary entrance shall be located within the build-to-zone.

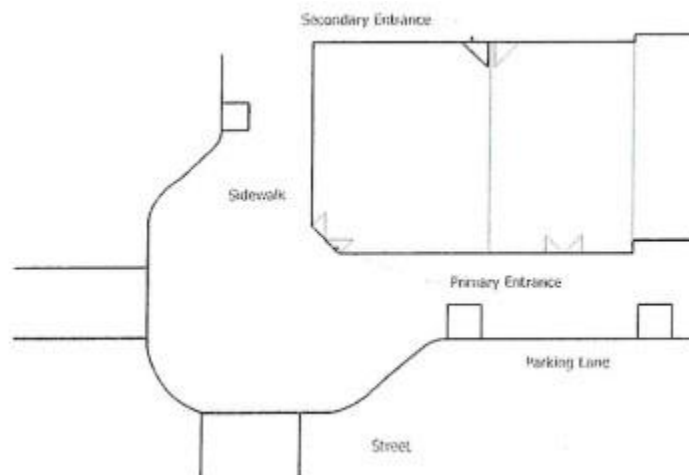


Image showing desired primary and secondary entrances to buildings in the District.

2. At key intersections buildings located on corner lots shall utilize variations in building massing to emphasize street intersections as points of interest in the district. Maximum building heights shall be permitted to exceed by twenty-five percent (25%) for approximately twenty-five percent (25%) of the building frontage along each street façade.

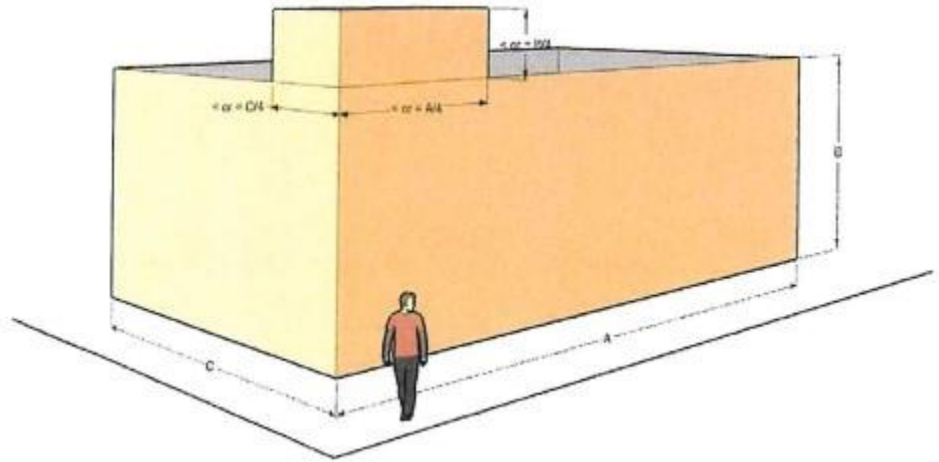


Image showing desired massing of corner buildings.

B. Pedestrian Friendly Buildings Massing Scale and Size

1. A building's massing shall serve to define entry points and help orient pedestrians.
2. Buildings and/or facades shall emphasize and frame or terminate important vistas.
3. Variations in the rhythms within individual building facades shall be achieved within any block of building facades with architectural elements such as bays, columns, doors, windows, etc.
4. Breaks in the predominant rhythm may also be used to reinforce changes in massing and important elements such as building entrances, terminated vistas, or corner sites.
5. Porches, stoops, eaves, awnings, blade signs, arcades, colonnades and balconies should be used along commercial storefronts and they may protrude beyond the setback line provided that they do not inhibit pedestrian movement within the public right-of-way. Balconies shall have external bottom supports.

C. Architectural Elements and Storefronts.

1. Architectural elements shall be designed to the appropriate scale and proportions of the selected architectural style.
2. An expression line or equivalent architectural element shall delineate divisions between floors of all buildings, and a cornice shall delineate the tops of facades that do not utilize a pitched roof. For retail storefronts, a transom, display window area and bulkhead at the base shall be utilized.

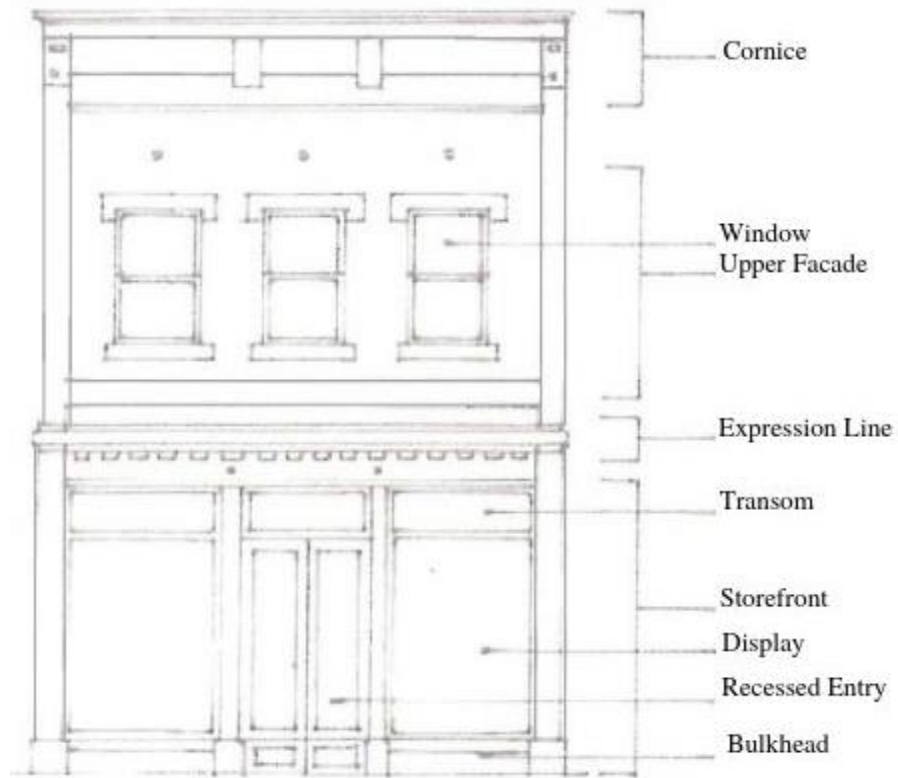


Image showing architectural elements and storefronts; not intended to denote style of architecture.

3. Building entrances may be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticos, porches, overhangs, railings, balustrades, and others as appropriate. All building elements should be compatible with the architectural style, materials, colors, and details of the building as a whole. Entrances to upper level uses may be defined and integrated into the design of the overall building facade.
4. Roofs: Flat roofs enclosed by parapets or sloped roofs shall be used to screen rooftop mechanical equipment. Mansard roofs and flat membrane-type roofs that are visible are prohibited.
5. Doors and Windows: Generally, windows shall be oriented vertically, and bay windows shall have external bottom supports. Dormer windows

shall also be vertically proportioned either through dimensions of the window or through fenestration and slightly shorter than the windows below. In order to provide clear views of merchandise and perceived connections.

6. **Transparency Required:** For all new non-residential or mixed-use construction and renovation, the street-level floor in the District shall have transparent storefront windows covering no less than fifty percent (50%) of the facade area. Each upper story floor of all building facades facing a street or open space shall contain transparent windows covering at least fifteen percent (15%) of the facade area.

7. **Storefronts:** Retailers located at the street level shall primarily use storefronts to orient and advertise merchandise to customers. Retail buildings shall provide street-level pedestrian-oriented uses at the ground floor level. Storefronts on facade treatments that span multiple tenants shall use architecturally compatible materials, colors, details, awnings, signage, and lighting fixtures.



Retail storefronts with transparent windows



Vertically oriented windows with emphasis on corners and entrances.

D. Design of Structured Parking Facilities:

1. To the extent possible, the amount of street frontage devoted to a parking structure shall be minimized by placing the shortest dimension(s) of the parking structure along the street edge(s).
2. Where above ground structured parking is located at the perimeter of a building with street frontage, it shall be screened in such a way that cars on all parking levels are appropriately screened from view. Architectural screens shall be used to articulate the façade, hide parked vehicles, and shield lighting. Parking garage ramps shall not be visible from any street.



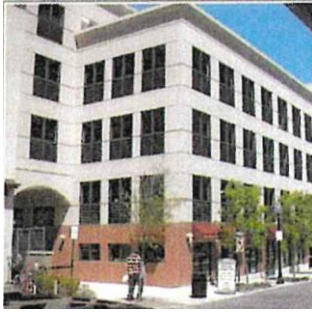
Illustrative Examples of Parking Garage Screening

3. Garage parking in a multi-story building shall be behind storefronts or residential units facing any street frontage in order to substantially inhibit and shield views of the garage from adjacent streets.
4. Ground floor façade treatment (building materials, windows, and architectural detailing) shall be continued to the second floor of a parking structure along all streets.



Images showing required façade treatment of parking garages along streets

5. When parking structures are located at street intersections, corner emphasizing elements (such as towers, pedestrian entrances, signage, glazing, etc.) shall be incorporated.
6. Parking structures and adjacent sidewalks shall be designed so pedestrians and bicyclists are clearly visible (through sight distance clearance, signage, and other warning signs) to entering and exiting automobiles.
7. All frontages of parking structures located within the College Hill and Prairie Creek Zones shall not have parking uses on the ground floor to a minimum depth of 30 feet along the street frontage. Or, garage shall be set back to a minimum of 30 feet in order to allow for a future liner building along the garage frontage.



Images showing appropriate design of Parking Structures

E. Building Material for Non-residential, Mixed-Use, and Multi-Family buildings

1. **Primary Materials:** At least seventy percent (70%) of the street facing (except alleys) facades of all new buildings (excluding doors and windows) shall be finished in one or more of the following materials:
 - a Masonry (brick, stone, cast stone, rock, marble, granite, glass block and/or tile);
 - b Cementitious-fiber clapboard (not sheet) with at least a fifty (50) year warranty;
 - c Split face concrete block or poured-in-place concrete.

2. **Secondary Materials:** The remaining thirty percent (30%) of the street facing facades and all other facades of all new buildings (excluding doors and windows) shall be furnished in one or more of the following materials:
 - a Architectural metal utilizing detailed finishes (not corrugated metal)
 - b Exterior Insulating Finishing System (EIFS) on upper stories only.
 - c Stucco applied through a three-step application process

3. **Roofing materials (visible from any public right-of-way):** copper, factory finished painted metal, slate, synthetic slate, terra cotta, cement tile, glass fiber shingles or materials with similar durability.

4. **Side facades and rear facades** shall be of finished quality and of the same color that blend with the front of the building, but are not required to be the same material. Rear facades may be painted tilt-wall or painted block matching the same color of the rest of the building if the rear façade faces an alley or is not viewable from a public street or right-of-way.

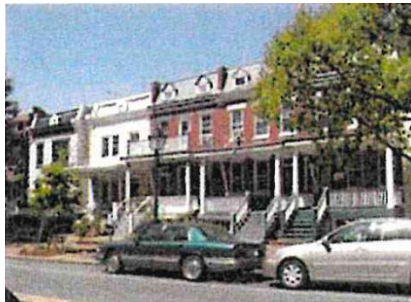
- 4) **For Single Family Residential Buildings:** The following design standards and guidelines shall provide property owners, developers, city staff, and decision makers adequate design guidance:

A. Location on the street:

1. All primary entrances shall address the primary street unless

configured as a courtyard building or along a mews or other similar common space.

2. Garages generally shall be located on alleys at the rear of residential buildings; pull-through garages are allowed if the garage door is set back behind the rear façade of the main structure. If front-loaded garages are utilized on single-family residential lots, front-loaded garages shall be no greater than sixteen feet (16') wide, and set back at least ten feet (10') measured from the face of the main structure closest to the garage or rotated ninety (90) degrees with windows on the wall facing the street. Front-loaded garages on residential lots less than fifty feet (50') wide shall not be allowed, and shall be loaded from alleys only. Town homes and courtyard apartments shall utilize rear-loaded garages from an alley.



Residential townhomes with primary entrances to the street



Live-work units with bay windows

B. Pedestrian-Friendly Building Massing and Scale

1. On residential buildings, at least one of the following shall be utilized: porches, stoops, bay windows, balconies, masonry clad chimneys, attached pergolas or colonnades. Those architectural elements may encroach beyond the setback line.

2. The base of a building shall be delineated by a change in color, water mark or different material for at least the first eighteen inches (18") of the façade; or where feasible, the grade of the slab or first floor elevation shall be elevated at least eighteen inches (18") above the grade of the sidewalk.

C. Architectural Elements:

1. Residential buildings shall have relatively flat fronts and simple roofs with most building wing articulations set at the rear of the structure. Window projections, stoops, porches, balconies, and similar extensions are exempt from this standard.

2. Gable roofs, if provided, shall have a minimum pitch of 6/12. When hipped roofs are used, the minimum pitch shall be 4/12. Other roof types

shall be appropriate to the architectural style of the building. Mansard roofs shall be prohibited.

3. Architectural embellishments that add visual interest to the roofs, such as dormers and masonry chimneys may be provided.



Residential townhomes with stoops, dormers, and other architectural embellishments that add visual interest along the street.

D. Building Materials

1. The following shall be permitted finishes for street fronting facades of all residential buildings and live/work units:

- a Cementitious-fiber clapboard (not sheet) with at least a twenty-five (25) year warranty;
- b Masonry (brick; stone; man-made stone and stucco utilizing a three-step process.)

2. The following shall be allowed up to twenty-five percent (25%) as an accent material:

- a Wood;
- b Architectural Metal utilizing detailed finishes (not corrugated metal)
- c Or similar material over a cementitious base, rock, glass block and tile.

3. Side and rear facades shall be of finished quality and of the same color and durability of materials that blend with the front of the building.

4. Roofing materials (visible from any public right-of-way): copper, factory finished painted metal, slate, synthetic slate, terra cotta, cement tile, glass fiber shingles or shingles of similar durability.

5. An enclosed garage or carport shall be designed and constructed of the same material as the primary

2.18.10 Definitions

1) *Alley* means the right of way for vehicles and pedestrians within a block that provides access to the rear of buildings, vehicle parking, utility meters, and

service areas. An easement for public access is required if the alley is a private right-of-way.

2) *Awning/Canopy* means an awning is a cantilevered, projected or suspended cover over the sidewalk portion of any public street. Awnings may also be roof-like coverings, usually of canvas or metal and often adjustable, placed over the sidewalk, windows, or doors to provide protection from sun and rain. Awnings shall have a minimum clear height of eight feet (8') from the finished sidewalk in front of it.

3) *Block* is an increment of land comprised of lots, alleys, and tracts circumscribed by streets.

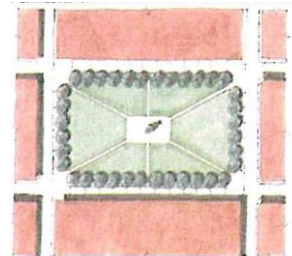
4) *Build-to Line or Build-to Zone* shall be the line or area within which the principal building's front facade shall be built.

5) *Building Permit* means an official document or certificate issued by the City of Russellville authorizing erection, construction, renovation, maintenance, or any other specified activity on any building, structure or land, or on any installations or facilities therein. The term "building permit" shall include but not be limited to building permits, electrical permits, mechanical permits, and plumbing permits.

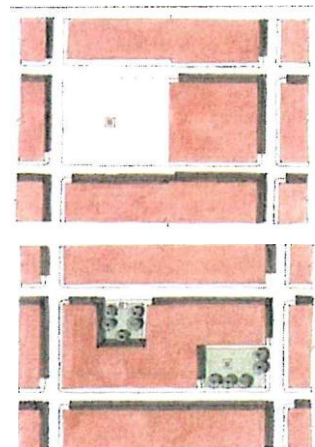
6) *Certificate of Occupancy* means an official certificate issued by the City through the Administrative Official which indicates conformance with building, zoning and health and safety regulations and authorizes legal use and occupancy of the premises for which it is issued.

7) *Civic Space* means publicly accessible open space in the form of parks, courtyards, forecourts, plazas, greens, pocket parks, playgrounds, etc. They may be privately or publicly owned. For all residential uses, privately accessible open spaces such as courtyards, porches, and balconies may also be considered as Civic Space for the purposes of this ordinance.

A. *Square* means a civic/open space available for unstructured recreation and civic purposes. A square is spatially defined by buildings. Its landscape shall consist of landscaping, hardscaping, water features, pathways, and pedestrian amenities arranged in formal and informal patterns. Squares shall be located at the intersection of important streets.



B. *Plaza* means a primarily hardscaped civic/open space with formal landscaping, available for civic purposes and commercial activities. A plaza shall be spatially defined by buildings.



C. *Playground* means a civic/open space designed and equipped for children's recreation. A playground shall be fenced and may include an open shelter. Playgrounds shall be located within residential areas and may be placed within a block as illustrated. They may be included in other open spaces.

8) *Colonnade or Arcade* is a roofed or built structure, extending beyond the ground floor front facade of a building and over the sidewalk or civic space. A colonnade or arcade shall be open to the street except for supporting columns, piers, or arches and shall be a minimum of 6 feet in depth. Residential or office units may occupy the space over the colonnade or arcade.

9) *Common Lot Line* means a lot line shared by more than one lot shall be a common lot line.

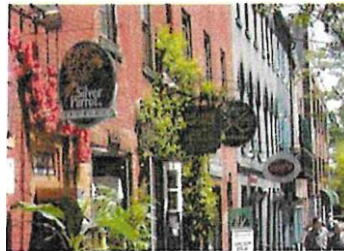
10) *Corner Site/Lot* shall be one that has more than one intersecting street frontages (with the exception of alleys).

11) *Interior Site/Lot* shall be one that has only one public street frontage (with the exception of alleys)

12) *Live-Work Unit* means a live-work unit is a dwelling unit that is also used for work purposes, provided that the 'work' component is restricted to the uses of professional office, artist's workshop, studio, or other similar uses and is located on the street level. The 'live' component may be located on the street level (behind the work component) or any other level of the building.

13) *Porch* means an attached covered area around the front entry of a residential building. Porches shall be a minimum of 6 feet in depth.

14) *Sign, blade*. Means an attached sign oriented perpendicular to the face of the building which projects (vertically or horizontally) more than twelve inches (12') beyond the surface of the building to which it is affixed or supported.



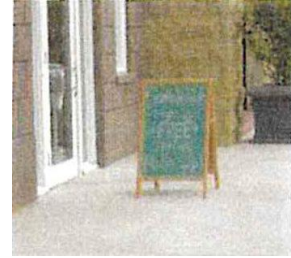
15) *Sign, Directory's*. Means a permanent on-site attached wall sign providing direction to or identifying the buildings/suites in the development/building.



16) *Sign, Light Pole Banner*. Means a banner sign attached to a light/utility pole along a public street or within a public park.



17) Sign, Sandwich Board. A portable sign consisting of two panels of equal size, which are hinged at the top and or a single panel placed on the ground or pavement so as to be self-supporting.



ARTICLE III. ADDITIONAL DISTRICT PROVISIONS

3.1 Accessory Structures in Residential Zones

Accessory structures such as storage buildings, detached garages, pool houses, barns, workshops, etc., are permitted in residential zones, subject to:

3.1.1 General The primary structure must be substantially complete before a building permit can be issued for any accessory structure.

3.1.2 Dimensional Requirements

3.1.2(A) No portion of an accessory structure shall be closer to the front property line than the majority plane of the primary structure's front façade. Accessory structures that do not have a front façade that substantially duplicates or complements visually the front facade of the primary structure (in regard to scale, materials, proportions, etc.) shall be placed behind the majority plane of the rear facade of the primary structure.

3.1.2(B) Accessory structures shall not exceed 18' eave height, or 24' total height. This section shall not apply to antennae or similar structures.

3.1.2(C) Accessory structures shall be at least 5' from any rear or interior side lot line. For accessory structures with an eave height exceeding 10', the required setback shall increase by six (6) inches for every additional foot, or portion of a foot, of increase in the eave height.

3.1.2(D) On corner lots, accessory structures shall comply with side yard on street setbacks.

3.1.2(E) Accessory structures shall be at least 10' from any portion of any other structure.

3.1.2(F) Accessory structures shall not be located within any recorded easement.

3.1.2(G) When calculating floor area of an accessory structure, all floors shall be included.

3.1.2(H) The combined floor area of all accessory buildings on a lot shall not exceed 10% of lot area, 50% of the heated/cooled area of the primary structure, or 1,600sf, whichever is smallest.

3.1.3 Use

3.1.3(A) Accessory structures in residential zones are generally limited to personal use. The use of such structures for any business purpose is subject to prior review and approval by City staff and, in some cases, by the Planning Commission and/or City Council.

3.1.3(B) Temporary structures deemed necessary to comply with the intent of the Americans With Disabilities Act may be authorized with approval by both City Planner and Public Works Director. City Planner shall prepare a synopsis of circumstances considered in granting approval and place it in the Community Development Department address file for the subject property. Upon any change of occupancy or circumstance that nullifies original approval, the structure(s) shall be removed.

3.2 Area Not To Be Diminished

The lot or yard areas required by this Zoning Code for a particular building or use at the time of adoption of this Code or later constructed or established, shall not be diminished and shall not be included as part of the required lot, open space, or yard area of any other building or use. If the lot, open space, or yard areas required by this Code for a particular building or use are diminished below requirements, the continued existence of such building or use shall be deemed a violation and punished as provided in this Code.

3.3 Automobile Wrecking and Junk Yards

Automobile wrecking and junk yards should conform to the following guidelines:

3.3.1 General Because of the nature and character of their operations, automobile wrecking and salvage yards, junkyards, and similar uses of land can have a detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic, and health hazards, and may adversely affect property values by their general appearance. For the purpose of evaluating whether the proposed utilization of land for an automobile wrecking or junkyard properly minimizes its objectionable characteristics, the standards established in items sections 3.3.2, 3.3.3, and 3.3.4 shall be used.

3.3.2 Location Salvage yard location should adhere to the subsequent regulations:

- 1) Because of the tendency of salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than 400 feet to any established residential district.
- 2) Salvage and wrecking yards annexed to the City by popular vote after January 1, 1984, can continue in their present locations. Expansion must have prior approval of the City Council.

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

3.3.4 Off-street Parking Off-street parking requirements are provided in Article IV.

3.4 Child Care Facilities

Child Care Centers should adhere to the following regulations:

3.4.1 General This Code classifies childcare facilities into five categories by level of use and location. The classifications and threshold requirements are as follows.

- 1) *Residential Home Day Care* This classification allows for the care of five (5) children or less in a home setting by the resident of that home. Registered Home Day Care Facilities are permitted by right in R-E, R-O, R-1, R-2, R-2S, R-3, R-4, and A-1 zones. Owners must comply with all necessary city and state permits and licenses as required by law.
- 2) *Day Care Family Homes* This classification allows for the care of six (6) children or more up to a maximum of sixteen (16) children, in a caregiver's own residence or in some other suitable family style residence. Day Care Family Homes are permitted by special use permit R-2, R-2S, R-3, R-4 zones. Owners must comply with all necessary city and state permits and licenses as required by law.
- 3) *Child Care Centers* This classification permits the care of children in specific districts subject to the size, number, and hours of operations permitted by the Arkansas Department of Human Services, Child Care Licensing Unit. Child Care Centers will be allowed by special use permit in zones R-2, R-2S, R-3, R-4, and A-1. Child Care Centers are allowed by right only in C-1, C-1B, C-2, C-3, and C-4 zones. Owners must comply with all necessary city and state permits and licenses as required by law.
- 4) *Church Child Care Centers* This classification permits the care of children in specific districts subject to the size, number, and hours of operation permitted by the Arkansas Department of Human Services, Child Care Licensing Unit. Church Child Care Centers are permitted by right only in R-2, R-2S, R-3, R-4, A-1, C-1, C-1B, C-2, C-3, C-4 zones. Owners must comply with all necessary city and state permits and licenses, as required by law.
- 5) *School Child Care Center* This classification permits the care of children in specific districts subject to the size, number, and hours of operation permitted by the Arkansas Department of Human Services, Child Care Licensing Unit. School Child Care Centers are permitted by right only in R-2, R-2S, R-3, R-4, A-1, C-1, C-1B, C-2, C-3, C-4 zones. Owners must comply with all necessary city and state permits and licenses as required by law.

3.4.2 Threshold Requirements Certain requirements apply to all Child Care Facilities listed in Section 3.4. 1. These are as follows:

- 1) All Child Care Facilities shall be designed for child safety by providing a paved off-street loading area.
- 2) All Child Care Facilities shall be designed for child safety by providing adequate paved parking.
- 3) All Child Care Facilities shall be designed for child safety so that no parking area is located between the entrance of the building and the paved driveway.

3.4.3 Residential Home Day Cares Requirements applying to Residential Home Day Cares are as follows:

- 1) Residential Home Day Care operation shall meet all requirements as stated above in Article III Section 3.4.1 General and Section 3.4.2 Threshold Requirements.
- 2) Residential Home Day Care operations shall be operated by the resident of the structure.
- 3) Residential Home Day Care operations shall be operated on a lot meeting city codes and State of Arkansas licensing regulations. All portions of the lot used for outdoor play space shall be fenced with an opaque fence six (6) feet in height per ordinance.
- 4) The dwelling shall meet all City, County, and State Health Department requirements as to safety, design, facilities, equipment, and other features and the facility shall be operated in such a manner that it will not adversely affect other properties in the area.

3.4.4 Day Care Family Homes Requirements applying to Day Care Family Homes are as follows:

- 1) Day Care Family Homes shall meet all requirements as stated above in Article III, Section 3.4.1 General and Section 3.4.2 Threshold Requirements.
- 2) Each city business permit issued for a Day Care Family Home shall pertain to only one (1) building/ structure and each expansion thereof shall require a separated business permit.
- 3) The application for a Day Care Family Home business permit shall be accompanied by a scaled site plan and shall include the following:
 - A. Owners Name, address, and telephone number.
 - B. North Arrow.
 - C. Scale.
 - D. Accurate Shape and dimension of the lot or site.
 - E. Lengths of all property lines.
 - F. Roads and Rights-of-Ways-Labeled, both public and private.
 - G. Parking areas, driveway location and any intersections with roads.
 - H. Label all existing structures.
 - I. Locations and dimension of all structures and distances of each to property lines.
- 4) All Day Care Family Homes shall be located in a single-family dwelling and shall be operated in a manner that will not change the character of the residence.
- 5) All Day Care Family Homes shall be located on a lot large enough to meet city codes and street requirements, and all portions of said lot used for outdoor play space shall be fenced with an opaque fence six (6) feet in height.

6) All Day Care Family Homes shall meet all City, County and State Health Department requirements as to safety, design, facilities, equipment, and other features. The facility shall be operated in a manner that will not adversely affect other properties and uses in the area.

7) All Day Family Homes shall provide one paved parking space for each employee at the home at any time plus two (2) additional paved parking spaces.

3.4.5 Child Care Centers Requirements applying to Child Care Centers are as follows:

1) Child Care Centers shall meet all requirements as stated above in Article III, Section 3.4.1 General and Section 3.4.2 Threshold Requirements.

2) Each city business permit issued for a child Care Center shall be accompanied by a scaled site plan and shall include the following:

- A. Owners Name, address, and telephone number.
- B. North Arrow.
- C. Scale.
- D. Accurate Shape and dimension of the lot or site.
- E. Lengths of all property lines.
- F. Roads and Rights-of-Ways-Labeled, both public and private.
- G. Parking areas, driveway location and any intersections with roads.
- H. Label all existing structures.
- I. Locations and dimension of all structures and distances of each to property lines.

3) All Child Care Centers shall be located on a lot large enough to meet city codes and state requirements, and all portions of said lot used for outdoor play space shall be fenced with an opaque fence six (6) feet in height.

4) Child Care Centers shall meet all City, County and State Health Department requirements as to safety, design, facilities, equipment, and other features. The facility shall be operated in a manner that will not adversely affect other properties and uses in the area.

5) Child Care Centers shall provide one paved parking space for each employee at the center at any one time, plus two (2) additional paved parking spaces.

3.4.6 Church and School Child Care Centers Requirements applying to Church and School Child Care Centers are as follows:

1) Church and School Child Care Centers shall meet all requirements as stated above in Article III, Section 3.4.1 General and Section 3.4.2 Threshold requirements.

2) Each city business permit issued for a Church or School Child Care Center shall be accompanied by a scaled site plan and shall include the following:

- A. Owners name, address, and telephone number.

- B. North Arrow.
- C. Scale.
- D. Accurate shape and dimensions of the lot or site.
- E. Lengths of all property lines.
- F. Roads and Rights-of-Way-Labeled, both public and private.
- G. Parking areas, driveway location and any intersections with roads.
- H. Label all existing structures.
- I. Locations and dimension of all structures and distances of each to property lines.

3) All Church and School Child Care Centers shall be located on a lot large enough to meet city codes and state requirements, and all portions of said lot used for outdoor play space shall be fenced with an opaque fence six (6) feet in height.

4) All Church and School Child Care Centers shall meet all City, County and State Health Department requirements as to safety, design, facilities, equipment, and other features. The facility shall be operated in a manner that will not adversely affect other properties and uses in the area.

5) All Church and School Child Care Centers shall provide on paved parking space for each employee at the center at any one time, plus three (3) additional paved parking spaces.

3.4.7 Minimum Standards Child Care Centers must comply with the following minimum standards:

1) *Day Care Family Homes* One parking space for each employee at the home at any one time plus two (2) additional paved parking spaces.

2) *Child Care Centers* One paved parking space for each employee at the center at any one time plus two (2) additional paved parking spaces.

3) *Church or School Child Care Center* One paved parking space for each employee at any one time, plus two (2) additional paved parking spaces.

3.5 Completion of Existing Buildings

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

3.6 Fences, Walls and Hedges (Residential Zones)

All fences, walls, and hedges should comply with the following regulations:

3.6.1 Permitted Heights Notwithstanding other provisions of this Code, fences, wall

and hedges shall be permitted in any required yard, or along the periphery or edge of any yard, unless such periphery or edge of any yard is within ten (10) feet of any street, then fences, walls or hedges shall not be closer than ten (10) feet from the edge of the street, provided that no fence, wall or hedge along the sides or front edge of any required front yard shall be over 3 ½ feet in height. Fences, hedges or walls may project into or be located along the side yard from the front building line of the lot to the rear lot line, provided such fences and walls (not hedges or trees) do not exceed a height of 6 feet.

3.6.2 Variance No fence in a residential district may be higher than 6 feet, unless a variance is obtained from the Board of Adjustment. The variance shall not be granted unless the application is made and approved prior to construction of the fence.

3.6.3 Privacy Fence Whenever a commercial or industrial zone or use abuts a residential zone or use, a privacy fence shall be required.

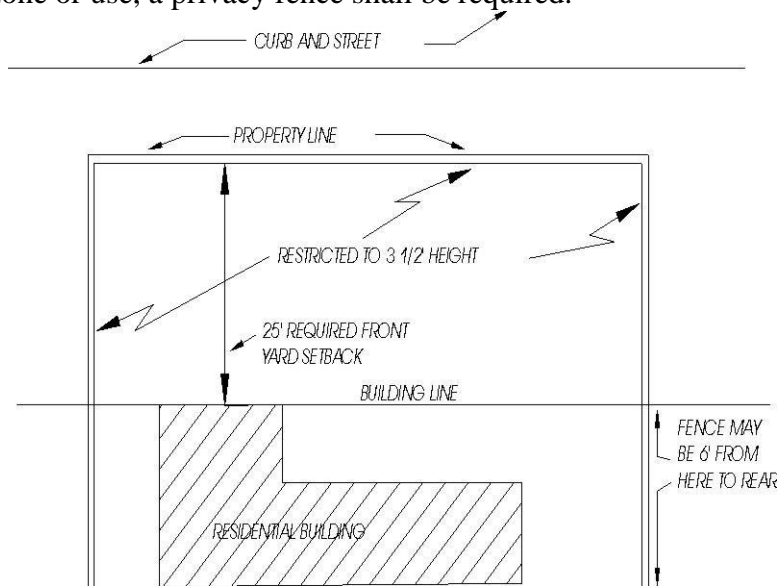
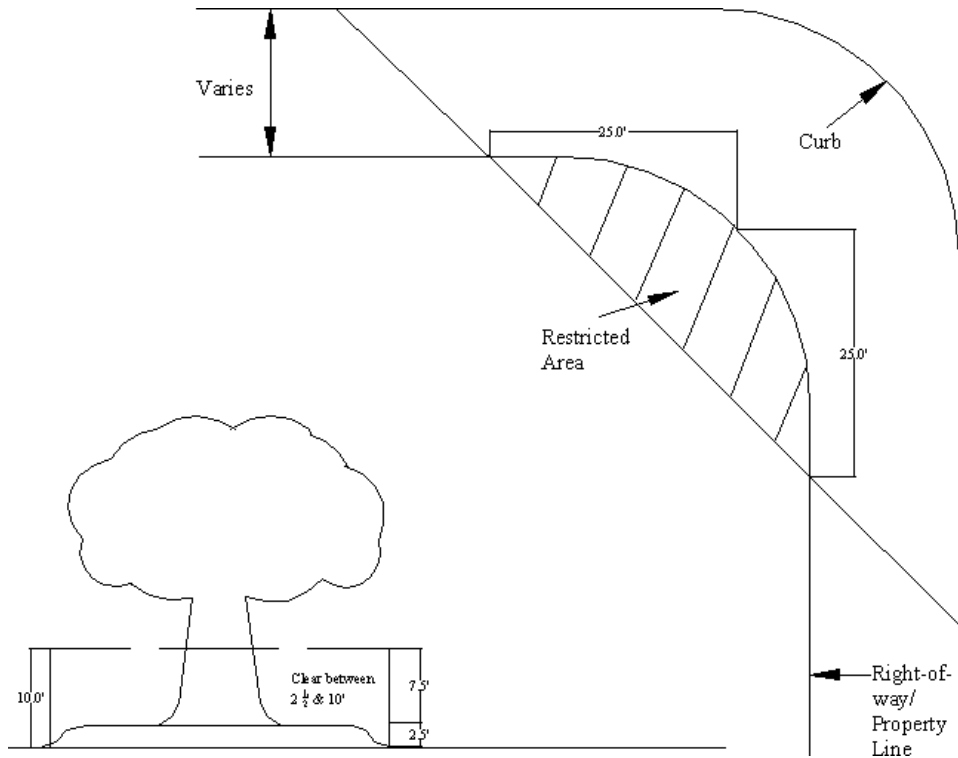


FIGURE TWO: FENCE HEIGHT REQUIREMENTS

3.7 Visibility at Intersections in Residential Districts

On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of 2 ½ feet and 10 feet above the center line grade of the intersecting street in the area bounded by the street right-of-way lines (not curb lines but the rights-of-way lines which are also the property lines) of such corner lot and a line joining points along said streets rights-of-way lines 25 feet from the point of intersection. The following graphic illustrates this requirement.



Not to scale.

FIGURE THREE: INTERSECTION VISIBILITY

3.8 Flammable Liquids and Gases

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

3.9 Height Requirements

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

3.10 Manufactured Homes and Manufactured Home Parks

The placement of an individual manufactured home on a lot in any district except the R-3 District, the R-4 District, or the RE District shall be prohibited, except to provide residency for a night watchman on property located in an M-1 or M-2 Industrial District.

3.11 Fuel Pumps

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

3.12 Storage and Parking of Trailers, Motor Homes, Commercial Vehicles, and Recreational Vehicles

Regulations for trailers, motor homes, commercial vehicles, and recreational vehicles are as follows:

3.12.1 Provisions Commercial vehicles and trailers of all types, including motor homes, hauling vehicles or trailers shall not be parked or stored on any lot in any residential district except in accordance with the provisions listed below. In no case shall a commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products be permitted.

- 1) Commercial vehicles that are less than two tons capacity, less than nine feet in height, including the bed or box; and less than 26 feet in length are permitted to park in residential districts.
- 2) One commercial vehicle on a five-acre or larger parcel may be parked on a lot in a residential district.
- 3) Commercial vehicles used for routine deliveries by tradesmen, or commercial vehicles used for making service calls are permitted to temporarily park in residential districts.
- 4) The temporary parking of construction equipment and vehicles on private land in residential where construction is underway, and for which a current and valid building permit had been issued by the City and is displayed on the premises is permitted.
- 5) The parking of any commercial vehicle owned by a public or private utility provider when used in the event of emergencies requiring immediate attention.
- 6) The parking of agricultural equipment and vehicles on private land used for bona fide agricultural purposes is permitted in residential districts.
- 7) The parking or storage of commercial lawn maintenance equipment is permitted in a residential district when the equipment is parked or stored within an enclosed structure.

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

- 1) Not more than one commercial vehicle, which does not exceed one and one-half 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.
- 2) Not more than one camping/travel/boat/utility/hauling trailer shall be permitted on any parcel in residential use and said trailer shall not exceed thirty feet in length or eight feet in width; and further provided that said trailer shall not be parked or stored for more than one week unless it is behind the front yard building setback line and, on corner lots, behind the side yard on street setback line. A camping or travel

trailer shall not be occupied either temporarily or permanently while it is parked or stored in any area within the incorporated limits except as authorized under Section 3.10 and Section 2.7.

3.13 Swimming Pools

Swimming Pools should be in compliance with the guidelines that follow:

3.13.1 Requirements for Swimming Pools.

1) Setbacks and dimensional requirements: Public/semi-public pools shall conform to Article 3.1 Accessory Buildings. Private pools are permitted only as accessory uses to primary structures, and pools, associated walkways, filters, pumps, etc. shall be located behind the front building line and at least 5' from any side or rear lot line. The pool itself shall be at least 10' from any building. Private pools shall not be permitted on vacant lots.

2) Required fences: Pools (not to include hot tubs, whirlpools or other smaller installations that are drained after each use or have a substantial cover that would prevent entry by a child) shall be protected by a fence, wall, building or other enclosure, or any combination thereof, which completely encloses the pool and meets all these conditions:

- (a) Constructed so as to afford no external handholds or footholds.
- (b) A minimum height of 4' is provided entirely around the pool.
- (c) Horizontal space between vertical members shall not exceed 4". Where this spacing exceeds 1.75" there shall be at least 30" vertical spacing between any horizontal rails.
- (d) No opening at the bottom of the enclosure shall exceed a height of 4".
- (e) No opening in the enclosure shall be large enough for a 4" sphere to pass through.
- (f) All gates into the pool enclosure shall be self-closing, and shall be equipped on the inside with lockable, self latching mechanisms.
- (g) The Building Official can waive these requirements for above-ground pools if in his/her opinion the circumstances negate the need for enforcement.

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

3.14 Setbacks from Identified Major Thoroughfare

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

3.15 Address Posting

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

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

3.16 Self-Storage

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

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

3.17 Location of Sexually Oriented Businesses

The location of sexually oriented businesses is regulated by the following:

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

3.17.2 Definitions Definitions applicable to the location of sexually oriented businesses are as follows:

- 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 one time, and where the images so displayed are distinguished or characterized by the depicting or describing of “SPECIFIED SEXUAL ACTIVITIES” or “SPECIFIED ANATOMICAL AREAS.”

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

- 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 by “SPECIFIED SEXUAL ACTIVITIES”; or
- C. Films, motion pictures, video cassettes, slides or other photographic reproduction which are characterized by the depiction of “SPECIFIED SEXUAL 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 show which are characterized or distinguished by an emphasis on matter depicting, describing or relating to “SPECIFIED SEXUAL ACTIVITIES” or “SPECIFIED ANATOMICAL AREAS”

5) *Adult Novelty Shop* - Any commercial establishment which, as its principle or partial business, offers for sale, adult novelty items of a sexual nature or other types items or devices, including a dildo or artificial vagina designed or marketed as useful primarily for the stimulation of human genital organs for any thing of pecuniary value.

- A. It is an affirmative defense under this Code section that dissemination of the material was restricted to:
 - (i) A person associated with an institution of higher learning, either as a member of the faculty or a matriculated student, teaching or pursuing a course of study related to such material; or
 - (ii) A person whose receipt of such material was authorized in writing by a licensed medical practitioner or psychiatrist.

6) *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.”

7) *Nudity or State of Nudity* – The following constitute examples of nudity:

- A. The appearance of the bare human buttock, anus, male genitals, female genitals, or female breasts.
- B. A state or dress which fails to opaquely cover a human buttock, anus, male genitals, female genitals, or areola or the female breasts.

8) *Person* – an individual, proprietorship, partnership, corporation, association, or other legal entity.

9) *Semi-Nude* – A state of dress in which clothing covers no more than the genitals, pubic region and or the female breast, as well as portions of the body covered by supporting straps or devices.

10) *Sexually Oriented Business* – an adult arcade, adult bookstore or adult video store, adult cabaret, adult motion picture theater, adult theater or adult novelty shop which:

- A. Devotes a portion of its stock-in-trade or interior floor space to: or
- B. Receives a portion of its revenue from: or
- C. Devotes a portion of its advertising expenditures to the promotion of:
 - (i) The sale, rental, viewing (for any form of consideration) of inventory, merchandise, or performances that are characterized by “SPECIFIC SEXUAL ACTIVITIES” or “SPECIFIED ANATOMICAL AREAS.”
 - (ii) An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials, or performances, depicting or describing “SPECIFIC SEXUAL ACTIVITIES” or “SPECIFIED ANATOMICAL AREAS”, and still be categorized as an adult arcade, adult bookstore or adult video store, adult cabaret, adult motion picture theater, adult theater or adult novelty shop. Such other business purposes will not serve to exempt such establishment from being categorized as a sexually oriented business so long as the provisions of this definition are otherwise met.

11) *Special Use*: a use which may be permitted in a zone where it is specifically listed, subject to the provisions of Article VI of the Russellville Zoning Code as amended.

12) *Specified Sexual Activities* – The following are instances of sexual activities:

- A. Human genitals in as 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 region, buttock or female breast.

13) *Specified Anatomical Areas* – The following are 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 areola; and

B. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

14) *Residential District* – Any land within the City limits of Russellville zoned as R-E, R-O, R-1, R-2, R-2S, R-3, R-4, and any type of PUD with residential use as defined by this Ordinance and the current City of Russellville Zoning Code.”

3.17.3 Classification Sexually oriented businesses are classified as follows:

- 1) adult arcade;
- 2) adult bookstore or adult video stores;
- 3) adult cabarets;
- 4) adult motion picture theaters;
- 5) adult novelty shops.

3.17.4 Location of Sexually Oriented Businesses The following defines the location limitations of sexually oriented businesses:

- 1) *Nearby Facilities* A person commits an offense 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 (R-E, R-O, R-1, R-2, R-2S, R-3, R-4 or any type of PUD with residential use), or and single family or multiple family residential use;
 - D. a public park (City, State or Federal);
 - E. a hospital or other medical facility; or
 - F. properties listed on the National Register of Historical Places or local historic districts as identified by the Arkansas Historic Preservation Program;
 - G. a family recreation center as defined in A.C.A. §5-27-226; a bowling alley; a skating rink; a movie theater; or a public recreational center.
- 2) *Nearby Competitor* A person commits an offense if he causes or permits the operation, establishment, or maintenance of a sexually oriented business within 750 feet of another sexually oriented business.
- 3) *Measurement* For the purpose of 3.17.4(1), measurement shall be made in a straight line, without regard to intervening structure or objects, from the nearest portion of the building or structure used as part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of: a church; public or private daycare; public or private elementary or secondary school; public or private college or university; public park, family recreational center, bowling alley, skating rink, movie theater, public recreational center, residential district, residential lot, properties listed on the National Historic Register or local historic districts as identified by the Arkansas Historic Preservation Program, hospital or other medical facility.
- 4) *Competitor Distance* For the purposes of 3.17.4(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 which each business is located.

3.17.5 Zones in which Sexually Oriented Businesses May be Located In addition to the restrictions found in 3.17.4, the City Council directs that sexually oriented businesses may only be located in the following zoning districts, as defined by the City's Zoning Code, as amended : C-2 (Highway Commercial), M-1 (Light Industrial), and M-2 (Heavy Industrial).

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

3.17.7 Non-Conforming Sexually Oriented Business: Any sexually oriented business lawfully operating on November 16, 2006, that is in violation of Ordinance No. 1638 shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed three (3) years, unless sooner terminated for any reason or discontinued for a period of ninety (90) days or more. Such nonconforming use shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses violate 3.17.4(2), the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business is nonconforming.

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

3.18 Location of Commercial Communication Towers

Commercial Communication Tower location should comply with the following guidelines:

3.18.1 Purpose The purposes of these regulations are described as follows:

- 1) To establish a system of administering requests for the siting of commercial communication towers in accordance with provisions of the Federal Telecommunications Act of 1996.
- 2) To minimize the number of new towers needed by encouraging the use of existing towers and existing public and private structures.
- 3) To preserve the stability of land values of properties near and adjacent to proposed commercial tower locations.
- 4) To protect the public health, safety, and welfare through the use of good engineering and urban design principles.
- 5) This section shall not pertain to amateur radio operators licensed by the Federal Communication Commission (FCC).

3.18.2 Location and Application The location and application of Commercial Communication Towers is as follows:

- 1) A Tower Use Permit (TUP) for the following may be processed and approved, with necessary information and agreements, through administrative review:
 - A. An attached Wireless Communications Facility (Attached WCF) to be attached to an existing monopole, tower, or structure.
 - B. Facilities to be located in A-1 (Agricultural), M-1 (Light Industrial), and M-2 (Heavy Industrial) zoning districts.
 - C. Facilities to be located in parks or other public areas upon approval by the City Council and property owner(s). If the City staff does not approve a TUP for any of the above, the Applicant may elect to apply for a Special Use Permit under the conditions set forth in Article VI.
- 2) The following applications are subject to acquisition of a Special Use Permit under the conditions set forth in Article VI:
 - A. Facilities to be located in any residential use zoning district.
 - B. Facilities to be located in any commercial use zoning district
- 3) All TUP applications for new tower construction will be considered only after the applicant has demonstrated to the satisfaction of the Public Works Department that:
 - A. No existing towers or structures are located within the geographic area that would meet applicant's engineering requirements.
 - B. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - C. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - D. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - E. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure, or to adapt an existing tower or structure for sharing, are unreasonable. Any such costs that exceed the cost of new tower development are presumed to be unreasonable.
 - F. Applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 - G. The applicant has a binding lease agreement with at least one user of the

proposed tower.

- 4) All applications shall include, in addition to the other requirements specified in Article VI, if applicable, a scaled development plan, a scaled elevation view and other supporting drawings. The Applicant shall also submit calculations and other documentation showing the location and dimensions of the WCF and all improvements associated therewith, including information concerning specifications, antenna locations, equipment storage facilities, landscaping, parking, access, fencing, and if relevant as determined by staff, topography, adjacent uses, and existing vegetation.

3.18.3 Development Standards Commercial Communication Towers should adhere to the following development standards:

1) *Height*

A. An attached WCF shall not add more than 20 feet in height to the existing building or structure to which it is attached.

B. WCF with Support Structures shall have a maximum height of 200 feet in industrial and agricultural zones, 150 feet in commercial zones, and 100 feet in residential zones.

2) *Setbacks*

A. Attached WCF: Antenna Arrays for Attached WCF are exempt from the setback provisions of the zone in which they are located. An Attached WCF Antenna Array may extend up to 30 inches horizontally beyond the edge of the Attached Structure so long as the Antenna Array does not encroach upon an adjoining parcel.

B. WCF with Support Structures shall meet the setback requirements for principal structures of the underlying zone in which they are located, except for residential zoning districts.

C. WCF with Support Structures abutting residential property on any side shall be set back from any adjoining property line a distance at least 50 percent of the height of the tower measured from the base of the tower to the property line of the residential lot, excluding Public Right of way that may be zoned Residential. Guy-wired anchors shall meet the setback requirements of the specific district in which the WCF is located.

3) *Landscaping and Aesthetics*

A. Existing mature tree growth and natural landform on the site shall be preserved to the extent feasible; provided, however, that vegetation that causes interference with the antenna or inhibits access to the equipment storage may be trimmed. Any trees in excess of six (6) inches in diameter, which are to be cut, must be indicated on the development plan.

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

4) *Lighting*

A. WCF shall not be artificially illuminated, directly or indirectly, except as may be required by state or federal law or for security of the equipment building. It shall be the Owner's responsibility to meet FAA lighting requirements, if necessary.

B. WCF shall not display any signage or message of a commercial nature except for an inconspicuous message containing provider identification and emergency telephone numbers.

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

6) *Collocation*

A. All WCF with Supporting Structures shall be designed to accommodate a minimum of three antenna arrays where technically feasible and visually desirable.

B. All applicants for WCF with Supporting Structures are required to execute a statement upon filing the application agreeing to allow collocation of other WCF providers at a lease rate not to exceed the commonly accepted market terms as determined by the City of Russellville.

7) *Conditions*

A. Support Structures for wireless communication facilities shall be of the monopole type construction in all zones except A-1, M-1, M-2, and C-1.

B. Structures in the A-1, M-1, and M-2 zones may be of derrick tower or guy-wired supported tower construction.

C. Structures located in the C-1 zone shall use Stealth Technology with a design to be approved by the Planning Commission and the City Council.

D. The City may impose other conditions and restrictions upon the applicant, as it deems necessary to reduce or minimize any adverse effects and to enhance the compatibility of the WCF with the surrounding properties. Such requirements shall be reasonable and capable of being accomplished under the purposes of this section.

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

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

3.18.5 Environmental Impact The environmental impact of Commercial Communication Towers is regulated by the following guidelines:

- 1) Assessments of environmental impact are required by federal law to be prepared by personal wireless service carriers when the following environmental impacts occur:
 - A. Facilities are located in officially designated wilderness or wildlife areas.
 - B. Facilities threaten endangered species or critical habitats.
 - C. Facilities affect historic sites or structures.
 - D. Facilities are to be located in floodplains.
 - E. Facilities will significantly change a surface area involving wetlands, deforestation, or water diversions.
- 2) Since these assessments are already required by federal law, these provisions are incorporated into this code and certification of compliance with the National Environmental Policy Act (NEPA) (43 U.S.C. Section 4321) must be provided before any permits will be issued.

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

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

3.19 Temporary Carnivals and Similar Temporary Enterprises

3.19.1. A carnival, or similar temporary enterprise shall be permitted only upon the issuance of a permit by the Public Works Director. The permit applicant must show:

- 1). That adequate measures will be taken to prevent odor, dust, noise, lights and traffic from becoming a nuisance to uses on other adjacent properties.
- 2). That adequate off-street parking is available for the enterprise.

- 3). That sufficient space is available for the accommodation of crowds.
- 4). That the enterprise will not interfere with the use of adjacent properties.

3.19.2. Enterprises held at the Pope County Fairgrounds shall be exempt from the requirements of this section.

- 1) A fee of \$100.00 shall be collected in receipt of an application for permit. Public agencies, churches, schools, and 501(c)(3) (non-profit) corporations are exempt from the permit application fee.

3.20 Commercial Building Design

3.20.1. Purpose: The purpose of this section is to create a framework for ensuring that the design of commercial buildings will either meet minimum design standards adopted by the community or be subject to public review by the Planning Commission. This section further seeks to maintain good civic design and arrangement within the commercial corridors and neighborhoods of the city thereby assuring a desired aesthetic environment and a stable economic environment. It is the intent of this section to promote the development of commercial buildings that:

- 1). Are designed to be in visual harmony with buildings either in the same vicinity or along the same commercial corridor;
- 2). Express individual design and creativity without detracting from the visual environment to the point at which the values of adjoining properties will be negatively recognized.
- 3). Are appropriate to the context in which they reside; and
- 4). Generally do not detract from the aesthetics of the location, area, and community as a whole.

3.20.2. Procedures for Obtaining Commercial Building Permits: Persons desiring to obtain a building permit for development of a new building or the renovation or expansion of an existing building by following one of two tracks.

- 1) Track One: Applicants who meet all of the following conditions may apply for a building permit through the existing administrative procedure.
 - A. The design of the building conforms to the design standards outlined in Section 3.20.5, below.
 - B. The footprint of the primary building does not exceed, in square footage, that of primary buildings on adjoining properties by more than 50 percent.
 - C. The primary building is not more than two stories in height.
- 2) Track Two: Applicants who do not meet the specifications of 3.20.2(1) above shall submit an application for approval of a Non- Standard Commercial Building. The application process shall the same as used for a Special Use Permit except that

Planning Commission action shall be final unless an appeal is filed. The application shall contain the following, as a minimum.

- A. All information required for a Special Use Permit.
- B. Front and side elevations of all structures.
- C. Materials list for front and side facades, roof structures, and trim.
- D. Any other material supporting the proposed design of the building.

3.20.3. Review of building permits for Non-Standard Commercial Buildings: The Planning Commission shall review the proposed design during the next Planning Commission meeting and allow public review of the proposed design. Public comments shall be allowed. The Planning Commission shall approve the submittal of the Non-Standard Commercial Building permit after reviewing the proposed submittal and determining:

- 1). The proposed design represents an innovative use of non-standard building materials to the extent that it is in harmony with the visual aspects of the location, area, and community as a whole;
- 2). No discernible public benefit would be gained by requiring an alternative design;
- 3). The size and bulk of the proposed building is comparable to other buildings within the immediate area; and
- 4). The proposed construction meets the spirit and intent of this section of the Zoning Code.

3.20.4. Appeal of Planning Commission Review of a Non-Standard Commercial Building: When the Planning Commission does not approve the design of a Non-Standard Commercial Building, the applicant may appeal the decision to the Russellville City Council provided that he submits a letter stating this intent to the Mayor's Office within 10 days of the Planning Commission meeting at which time the design was denied.

3.20.5. Design Standards: Adherence to the following standards shall qualify a proposed structure as a Standard Commercial Building.

1) The finished façade of front or visible side of the building shall be composed of building materials selected from the list at the end of this section. This includes any side of the building that fully faces a public street or the front of a building facing any other fire apparatus access lane used by the general public. The visible side of the building shall mean the forward eight feet of any side perpendicular to a street and all of a side on an angle of less than 90 degrees as measured from the street or fire apparatus access lane to the side of the building. The rear facade of a building located on an "out-parcel" of a shopping center, and which rear portion faces a fire apparatus access lane may be composed of metal. Acceptable building materials for the affected portions of buildings as defined in this section shall include items A through H below. Note: this list below should not be considered exhaustive, and other materials may be considered for review upon request of the applicant on a case by case basis.

- A. Exterior insulation finish systems (EIFS)/Dryvit

- B. Brick.
- C. Architectural or split concrete blocks to the exclusion of the following types:
 - i precision concrete blocks/concrete masonry units (CMU)
 - ii smooth faced concrete blocks.
- D. ‘Architectural Metals’ to the exclusion of all ‘pre-engineered’ metal buildings. For the purpose of this section. ‘architectural metals’ shall be comprised of the following materials:
 - i Aluminum composite panel (ACP)
 - ii Brass
 - iii Copper
 - iv Flush metal paneling
 - v Iron (cast, malleable, etc.)
 - vi Steel (cast, forged, pressed, stainless, stamped, textured)
- E. Glass.
- F. Pre-cast concrete.
- G. Native stone or mortar.
- H. Wood.
- I. Tile.
- J. Stucco (3 step process)
- K. Fiber Cement siding

2) Accent trim on roofs, windows and doors may be of metal.

3) There shall be no illustrative designs on any visible façade material that cover more than ten percent of the area of the façade.

3.21 Sidewalks

Unless otherwise exempted, new construction or development of land in the City of Russellville shall require the provision of sidewalks as set forth in this section.

3.21.1. Applicability

3.21.1(A) Residential subdivisions that comply with the provisions of Land Subdivision and Development Code Section 9.1.I are exempted from this section.

3.21.1(B) Whenever any new residential structure is proposed and a sidewalk is present on any adjoining parcel facing the same public street as subject parcel, then provision of a connecting or continuing four-foot wide sidewalk shall be a condition of the building permit issued for the proposed structure.

3.21.1(C) New commercial structures or improvements that increase the value of the property by more than 50% shall provide sidewalks along all public street frontages.

3.21.1(D) In the Airport Industrial District Character Zone Sidewalks shall not be required except that they shall be required in the following areas:

- 1) Along the south side of Main Street

- 2) Along the south side of 2nd street
- 3) 8' sidewalks along the south side of Fairway west of Elmira

3.21.1(E) In the Arkansas River Industrial District Character Zone Sidewalks shall not be required except that the construction of the multi-use trail shall be required in accordance to the Russellville Trail Connected System Plan with any development meeting the requirements of 3.21.1(C)

3.21.2. Standards

3.21.2(A) Sidewalks required as part of a commercial development site plan approval shall be not less than five feet in clear width. No obstruction (including, but not limited to, mail boxes, poles, signs, hydrants, benches, etc), shall reduce the actual functional clear width to less than five feet.

3.21.2(B) All sidewalks installed within City Limits shall comply with City Design Standards for construction material, finish, appearance, and structural quality.

3.21.2(C) Ramps and blended transitions shall be provided as necessary to comply with the Americans with Disabilities Act.

3.21.2(D) Required sidewalks shall be constructed within the public right-of-way immediately adjacent to the ROW line whenever possible, with a vegetated strip between the back of the street curbing and the sidewalk. In cases where the builder/developer feels this is impractical, approval to vary from this guideline may be requested from the Board of Adjustment. In cases where right-of-way is insufficient for provision of the required public sidewalk, an easement shall be dedicated for its provision.

3.21.3. Payment in lieu of Construction

3.21.3(A) The property owner may request this option if there are unusual circumstances.

3.21.3(B) If, because of pending street or utility construction or other unusual factors, the Public Works Director believes it would be in the interest of the City, payment in lieu of construction shall be allowed in an amount to be determined by the Public Works Director.

3.21.4. Variances – All variances sought for the provisions of this Section shall be heard and decided by the Board of Adjustment.

3.22 Dumping or Storage of Fill

3.22.1 General No person shall place or dump fill or cause fill to be placed or dumped in the City of Russellville without approval from Public Works or Planning, as appropriate for the situation.

3.22.2 Definition of Fill In this section, 'fill' shall mean material consisting of soil, stone, turf, sod, concrete, asphalt or similar materials - singly or in combination -

removed from one location and deposited or placed on another location, even if both locations are on the same property.

3.22.3 Adulterated Fill Fill adulterated with tires, scrap of any kind, wood or other materials not commonly considered suitable for fill shall constitute solid waste and shall be handled and disposed of in a manner consistent with applicable City of Russellville regulations.

3.22.4 Land Use Classification Storage of fill materials for later use shall constitute establishment of a land use classified by Article XIII Table of Permitted Uses as ‘Contractor Storage Yard’ and shall be subject to all Zoning Code or other regulations bearing on that use classification.

3.22.5 Exempted Activities This section shall not apply to:

3.22.5(1) Activities undertaken in conjunction with a valid building permit unless fill materials are moved offsite to another location within the City of Russellville.

3.22.5(2) Situations where the amount of fill is 16 cubic yards or less.

3.22.5(3) Public street, water, sewer or other infrastructure projects.

3.23 Campgrounds and RV Parks (Revised December 2013)

3.23.1 Legislative Intent

The intended function of RV Parks is to provide short-term sites for RVs, tents and similar accommodations for camping, vacationing, recreation, extended work related projects, travel or related purposes and the restrictions included in this item are intended to ensure that RV Parks do not become de facto mobile home parks. RVs occupied by park managers are specifically recognized as being exempt from this requirement.

3.23.2 Definitions

Recreation Vehicle (RV). Any vehicular unit, powered or unpowered, primarily designed and intended for use as temporary living quarters for recreational, camping or travel use. Recreational vehicles include camping trailers, motor homes, conversion vans/buses, pick-up mounted campers/shells, travel trailers, and self-contained trailers. For purposes of this section, tents shall also be considered to be recreational vehicles.

RV Park. A parcel of land developed specifically as rental spaces for RVs on a short-term basis. Uses within RV Parks are limited to rental spaces and directly-related accessory uses as described elsewhere in this section. For the purposes of this section, tents shall be considered as RVs.

RV Site. An individual space within an RV Park intended for the accommodation of an RV, tent or other camping unit.

Sanitary Facilities. Toilets, urinals, lavatories, showers, utility sinks, drinking

fountains, and the buildings containing these facilities.

Sanitary Waste Station. A facility used for removing and holding for disposal of waste from self-contained camping vehicle sewage holding tanks.

Service Building. Any structure housing sanitary facilities, manager office, laundry room, convenience store, or any other camping related accessory uses. Laundry, general store, and other commercial uses should be for the convenience of RV Park patrons and should be available primarily to campers rather than the general public. Any structures located along street frontages must comply with Zoning Code Section 3.20, *Commercial Building Design*. Structures located at the interior of the property and not generally visible from public right-of-ways do not have to comply with Section 3.20.

3.23.3 Review Process

(A) Applications to develop and operate RV Parks shall be reviewed as Special Permit Uses following the procedure described in Article VI of the Russellville Zoning Code. A binding site plan must be submitted for review by City staff.

(B) Development or expansion of an RV Park or the letting of any camping spaces prior to approval of the Special Permit Use is prohibited.

(C) Occupancy of premises without Certificate of Occupancy is prohibited.

(D) Expansion of any RV Park already in operation prior to the effective date of the amendment to the Russellville Zoning Code incorporating this section must be reviewed and approved through the Special Permit Use process.

3.23.4 Location of Recreational Vehicle Parks

(A) RV Parks may be considered for locating in areas where the principal characteristic or activity is:

- (1) Agricultural or open space
- (2) Highway Commercial
- (3) Commercial Recreation

(B) RV Parks shall not be permitted in any area zoned for residential use of any type.

(C) RV Parks must be located adjacent to and take access from a collector or higher classification street.

3.23.5 Park Dimensional Requirements

(A) Park Size – Minimum two (2) acres

(B) Lot Frontage – 100' Minimum

(C) Campsite area – No campsite shall comprise less than 1,200sf, with a minimum

width of twenty feet and a minimum depth of forty feet.

(D) Density – Gross density shall not exceed 30 units per acre.

3.23.6 Park Development Standards

(A) Roadways – Interior park roadways shall be paved and crowned to facilitate drainage away from the traveling lanes. One-way streets shall have a minimum width of eleven feet and two-way streets shall have a minimum width of twenty-two feet. Street layout must be approved in writing by both the Public Works Director and the Fire Marshall.

(B) Parking – Each site must contain paved surface parking for one vehicle (10' X 20') plus an improved pad (contained/compacted gravel or similar) for RV (10' X 25'). The paved surface parking shall comply with the requirements as stated in the Zoning Code, Article IV, Section 4.3.1.

(C) Campsite separation – Campsite shall be laid out so that separation between RVs shall be not less than 15' under any circumstances.

(D) ROW Access – There shall be no direct access to campsites from public ROW.

(E) Open Space – Not less than 10% of the gross site area shall be provided for recreation or open space. Recreational facilities can be included to meet requirement.

(F) Buffers – Along property lines where adjoining property is in any type residential use or is zoned for any type residential, there shall be provided a buffer area with a depth of not less than 25'. This area shall not be used for any purpose other than to serve as a passive buffer between the campground and adjoining residential property. Additionally, an opaque screening fence shall be provided along such property lines with a height of four feet forward of front yard setback line, and a height of six feet in all other locations. Along property lines where adjoining land is neither zoned residential or in residential or in residential use the minimum buffer area depth shall be 10', with no screening fence required.

(G) Awnings/Skirting/etc – There shall be no removal of wheels or hitches (except as necessary for emergency repair), installation of skirting/underpinning, or erection of any awnings, porches, carports, etc; unless they are clearly temporary in nature. There shall be no permanent electricity/water/sewer hook ups for each site/RV in an RV owners' name.

(H) Site Numbers – Each space shall be identified by a sign with letters/numbers a minimum of three inches tall, posted in a conspicuous location on the space.

3.23.7 Utilities Underground

All public utilities within an RV Park shall be underground.

3.23.8 Refuse Disposal

3.23.9 Sewage/Sanitary Disposal Station

Collection, storage and disposition of refuse shall be handled with individual receptacles at campsites, shared dumpsters placed throughout park, or some combination of the two. Dumpsters must be screened. Garbage containers must have lids. No burning of refuse shall be permitted in any RV Park. Refuse shall be collected not less than one (1) per week.

3.23.10 Sewage/Sanitary Disposal Station

3.23.11 Free Standing Automated Ice Vending Machines

(A) Every RV Park shall provide a sanitary disposal station for the sole purpose of removing and disposing of wastes from RV holding tanks. Design and operation of such stations shall be reviewed and approved by the Pope County Health Department.

(B) RV Park sewage facilities shall be installed and operated according to City Corporation Water and Sewer System standards.

3.24 Free Standing Automated Ice Vending Machines

3.24.1 Installation

Free-standing automated ice vending machines shall be installed as the principal structure on a lot and shall provide off-street access and parking so as not to block or impede on a public street.

3.25 Small Wireless Communication Facilities

3.25.1 Purpose and Scope

- 1) Purpose: The purpose of this Section is to provide policies and procedures for the placement of small wireless facilities, which will provide a public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the City.
- 2) Intent. By enacting this Section, the City is establishing uniform standards to address issues presented by small wireless facilities, including without limitation:
 - A. Health, safety, and welfare of citizens;
 - B. Limit interference with the use of streets, sidewalks, alleys, parkways, public utilities, public views, certain City corridors, and other public ways and places;
 - C. Limit the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
 - D. Limit interference with the facilities and operations of facilities lawfully located in rights-of-way or public property;

- E. Limit environmental damage, including damage to trees;
- F. Respect the character of the neighborhoods in which facilities are installed by minimization of visual clutter and preservation of the character and aesthetics of areas in close proximity to small wireless communication facilities;
- G. Facilitate the City's permitting process to encourage fair and meaningful competition;
- H. Encourage collocation of antenna on existing facilities; and
- I. Facilitate deployment of small wireless facilities and other next-generation wireless and broadband network facilities to provide the benefits of advanced wireless services to all citizens and organizations throughout the City. Russellville recognizes the economic and social value of data connectivity and desire to encourage wireless infrastructure investment by providing a fair and predictable process for the deployment of small wireless facilities within the public rights-of-way in a manner that is:
 - i. Safe;
 - ii. Compatible with and complementary to the provision of services by the municipality and others lawfully using the rights-of-way; and
 - iii. Consistent with the aesthetic standards of the municipality.

3) Zoning and Use of Rights of Way by Wireless Provider.

- A. A wireless provider shall have the right, as a permitted use not subject to zoning review or approval, to collocate, maintain, modify, operate, and replace small wireless facilities and to install, maintain, modify, and replace poles it owns or manages or, with the permission of the owner, a third party's pole, associated with a small wireless facility, along, across, upon, and under the right-of-way.
- B. Small wireless facilities and associated poles shall be installed and maintained as to not obstruct or hinder the usual travel or public safety of the right-of-way or the usage of the right-of-way by utilities with the permission of the owner, a third party's pole, associated with a small wireless facility, along, across, upon, and under the right-of-way.
- C. Therefore, applications to collocate a small wireless facility or install or modify an associated utility pole in the rights-of-way shall be treated as a permitted use in all districts within the City, but are not exempt from the following local regulations and review.
- D. All wireless facilities not meeting the definition of a small wireless facility shall be subject to applicable local zoning and development requirements.

- 4) Conflicts with Other Chapters. This Chapter supersedes all Chapters or parts of Chapters adopted prior hereto that are in conflict herewith, to the extent of such conflict.
- 5) Conflicts with State and Federal Laws. In the event that applicable federal or State laws or regulations conflict with the requirements of this Chapter, the Wireless Services Provider shall comply with the requirements of this Chapter to the maximum extent possible without violating federal or State laws or regulations.

3.25.2 Location, Height, Design, Aesthetics, and other standards

1) Location:

- A. While small wireless facilities are permitted uses within all zoning districts within the City, deployment of small wireless facilities within the City is subject to the standards within this ordinance.
- B. The City may prohibit wireless providers from installing poles in the right-of-way in areas where the authority has required that all communications and electric lines be placed underground, if:
 1. The City has required all electric and communication lines to be placed underground by a date that is three (3) months prior to the submission of the application;
 2. Any poles the authority allows to remain shall be made available to wireless providers for the collocation of small wireless facilities, and may be replaced by a wireless provider to accommodate the collocation of small wireless facilities, in compliance with this subsection.

2) Height:

- A. Each new or modified pole installed in the right-of-way for the purpose of collocation of small wireless facilities shall not exceed the greater of:
 1. Fifty feet (50') in height above ground level; or
 2. Ten percent (10%) taller than the tallest existing pole in place in the same right-of-way as September 1, 2019, within three hundred feet (300') of the new or modified pole.
- B. A new small wireless facility in the right-of-way shall not extend more than ten percent (10%) above the existing structure on which it is located or fifty feet (50') above ground level, whichever is greater.

3) Design:

A. Consistent with the provisions of this section, a small wireless facility shall be installed using the following design approaches to the greatest extent practicable including without limitation the following:

1. For location on newly proposed Wireless Support Structures, the following options are available:

- a. New poles installed to support small wireless facilities shall be made of the same or similar material as existing poles in the immediate area.
- b. In an area where other above ground utilities are present, the deployment of a new small cell facility shall be located on the same side of the street which the existing above ground utilities are located and a similar style utility pole (as those utilized by existing above ground utilities) may be utilized.
- c. In an area where no above ground utilities exist, an explanation as to why collocation or use of an existing structure is not technically feasible is required. This shall apply to the location of *all* pole attached utilities and shall include demonstration of a reasonable attempt to collocate or utilize an existing structure.
- d. When a wireless provider applies to install a new pole in the right-of-way in an area zoned for residential use, the City or applicable authority may propose an alternative location in the right-of-way within one hundred feet (100') of the location stated in the application, and the wireless provider shall use the authority's proposed alternative location unless the location imposes technical limits or significant additional costs.
 - i. The wireless provider shall certify that it has made the determination in good faith, based on the assessment of a licensed engineer, and the wireless provider shall provide a written summary of the basis for the determination.
- e. The City or applicable authority may require wireless providers to comply with reasonable and nondiscriminatory horizontal spacing requirements of general application for new poles and ground-mounted small wireless facilities, but the requirements shall not prevent a wireless provider from serving any location.

2. For location on existing Pole Structures:

- a. Stealth antennas and mounts (completely encased or screened antennas, when possible, to approximately match the color of the existing poles). In the event that some antennas cannot be covered due to their operational wavelength, the Applicant shall provide proof of such to the City and the antenna shall be required to be painted in a way that blends with the pole.

- b. Stealth base cabinet enclosures (completely encased base cabinet equipment to match the colors of the existing poles to the extent feasible). Base cabinet may be placed in any location on the lower portion of the pole, but may not impede ADA accessibility of a sidewalk. The base cabinet may also be placed underground
 - c. The City shall not limit the collocation of small wireless facilities by minimum horizontal separation distance requirements from existing small wireless facilities, poles, or wireless support structures.
3. For location on existing Building Structures:
- a. New steeple, extension to existing steeple, and replacement steeple concealment structures,
 - b. Chimney concealment structures,
 - c. Chimney pot concealment structures,
 - d. Rooftop façade extension concealment,
 - e. Rooftop cupola concealment,
 - f. Rooftop screen concealment,
 - g. Rooftop pod concealment systems,
 - h. Building side grid concealment structures,
 - i. Building side screen concealment structures,
 - j. Rooftop or wall mounted lantern concealment structures.
4. Antenna arrays, cables, and other ancillary facilities used for providing the wireless service shall not be obtrusive or noticeably visible from adjacent properties or adjacent rights-of-way;
5. The color of the facility shall be compatible with that of the non-tower support structure. To the extent any small wireless facilities extend above the height of the vegetation buildings and utilities immediately surrounding it, they shall be painted in a non-reflective light gray, light blue, or other hue, which blends with the skyline and horizon;
6. Attachments which are ancillary to the antenna arrays mounted onto a non-tower support structure shall not project greater than three feet (3'), as measured horizontally, from the surface of the non-tower support structure and shall be painted or screened with materials that are a compatible color to the non-tower support structure. Cables shall travel along the exterior of a non-tower support structure shall be closely connected to the structure creating a minimal appearance of gaps or loose wires. When possible, visible cables should be in conduit or otherwise covered in a material visually compatible in color to the support structure;
7. The general design of a small wireless facility shall be compatible to the streetscape and aesthetics of the surrounding area with respect to street furniture and lights, building façade designs, and area character.
8. Other design elements which by industry standards are considered stealth technology deployment may also be used.

9. Within the Old Town Neighborhood, Downtown District, or the El Paso/ University District stealth concealment is required without exception.

10. Facilities not deploying the items described in paragraph a-e above shall be considered non-stealth.

B. A wireless provider shall not install a small wireless facility or pole in the Old Town Neighborhood, Downtown District, or the El Paso/ University District without complying with the requirements of general application for structures within those districts.

C. A wireless provider may replace decorative poles when necessary to deploy a small wireless facility so long as the replacement reasonably conforms to the design of the original decorative pole.

4) Aesthetic Standards:

A. The aesthetic appearance of small wireless facilities and associated poles is regulated by the City to ensure coordinated, adjusted, and harmonious development, as provided in this section.

B. These aesthetic standards shall adhere to the following requirements:

1. Reasonable, in that they are technically feasible and reasonably directed to avoiding or remedying unsightly or out-of-character deployments;

2. No more burdensome than those applied to other types of utility and communications infrastructure deployments; and

3. Objective

4. Any design or concealment measures are not considered a part of the small wireless facility for purposes of the size parameters in the definition of "small wireless facility"; and

5. The City may deny an application for not complying with aesthetic requirements only if the authority finds that the denial does not prohibit or have the effect of prohibiting the provision of wireless service.

5) Sign Regulations Signs shall be permitted only in accordance with the provisions of Article V.

6) Illumination: A small wireless facility shall not have lights on the facility unless the lights are required by other laws and consistent with the requirements of law or designed as an intended amenity of the support structure.

7) Fencing: A small wireless facility shall not be fenced.

8) Equipment Enclosures:

A. If the support structure is a pole, all radios and wireless communication equipment, except the antenna, shall be enclosed within an equipment cabinet and housed: at the base of the support structure, pole mounted (at a height and placement that will not interfere with pedestrian, cyclist, or vehicular movements), or below grade.

B. Where underground utilities are required by the provisions of this Code or other City adopted regulations or codes, *ancillary* equipment related to the small wireless facility shall be placed in an underground vault to the greatest extent possible.

9) Use of Right-of-Way and indemnification

A. The wireless provider shall fully indemnify and hold harmless the city and its officers, agents and employees against any claims, demands, damages, lawsuits, judgments, costs, liens, losses, expenses, and attorney's fees resulting from the installation, construction, repair, replacement, operation, or maintenance of poles, small wireless facilities, or attachments to authority or City poles to the extent directly caused by the negligence of the wireless provider, its contractors, subcontractors and their officers, employees or agents.

B. A permit from the city shall not create a property right or grant any authority to the owner of the small wireless facility to impinge upon the rights of others who may already have an interest in the right-of-way.

3.25.3 Damage, Repair, Abandonment, and Removal

1) A wireless provider shall repair all damage to the right-of-way directly caused by the activities of the wireless provider in the right-of-way and return the right-of-way to its functional and aesthetic equivalence before the damage under the competitively neutral, reasonable requirements and specifications of the City or other applicable authority.

A. If the wireless provider fails to make the repairs required by the City (or other applicable authority) within a reasonable time after written notice, the authority may make those repairs and charge the applicable party the actual and reasonable documented cost, including overhead, of the repairs.

2) Replacements

A. A wireless provider is not required to replace or upgrade an existing pole except for reasons of structural necessity or compliance with applicable codes.

B. A wireless provider may, with the permission of the pole owner, replace or modify existing poles, but any such replacement or modification shall substantially conform to the design aesthetics of the pole being modified or replaced.

3) Abandonment

A. A wireless provider shall notify the City or other applicable authority at least thirty (30) days before the wireless provider's abandonment of a small wireless facility.

B. If the wireless provider fails to remove the abandoned small wireless facility within ninety (90) days after the notice, the City or other applicable authority may undertake the removal and recover the actual and reasonable documented cost, including overhead, of the removal from the wireless provider, or its successors or assigns.

4) Removal

A. The City or the applicable authority may order the removal of a small wireless facility or associated pole in the right-of-way that violates § 23-17-505, § 23-17-20506, or applicable codes.

B. The City or other applicable authority shall provide written notice of the violation to the owner of the small wireless facility at least thirty (30) days before removal to afford the owner the opportunity to conduct repairs or removal, or otherwise remedy the violation.

C. If the City or other applicable authority determines that a wireless provider's activity in a right-of-way under this subchapter creates an imminent risk to public safety, the authority may provide written notice to the wireless provider and demand that the wireless provider address the risk.

1. If the wireless provider fails to reasonably address the risk within twenty-four hours of the written notice, the authority may take or cause to be taken action to reasonably address the risk and charge the wireless provider the reasonable documented cost of the actions.

3.25.4 Collocation on City or other applicable authority poles

1) This section applies to activities of a wireless provider collocating small wireless facilities on authority poles in the City's right-of-way or in a right-of-way controlled by the Arkansas Department of Transportation located within the City.

2) A person owning, managing, or controlling authority poles in the right-of-way shall not enter into an exclusive arrangement with any person for the right to attach to the poles.

3) A person who purchases or otherwise acquires an authority pole is subject to the requirements of this section.

4) A wireless provider shall not collocate a small wireless facility or install, modify, or replace a pole in the right-of-way that:

A. Materially interferes with the safe operation of traffic control equipment;

B. Materially interferes with sight lines or clear zones for transportation or pedestrians;

C. Materially interferes with compliance with the Americans with Disabilities Act of 1990, Pub. L. No. 101-336, or similar federal or state standards regarding pedestrian access or movement; or

D. Fails to comply with applicable codes.

5) The City shall allow the collocation of small wireless facilities on authority poles on nondiscriminatory terms and conditions using the Application and Review process in Section 3.25.5 and to charge a rate to collocate on authority poles as provided in Section 3.25.7.

A. An authority pole may be required to be replaced only if the collocation would make the authority pole structurally unsound.

1. The replaced authority pole shall have the same functionality as the pole being replaced

2. If the authority pole is replaced, the authority shall take ownership of the new pole and operate authority fixtures on the pole.

6) The City may reserve space on an authority pole for future public safety or transportation uses in a documented and approved plan in place at the time an application is filed.

A. A reservation of space shall not preclude placement of a pole or collocation of a small wireless facility.

B. If replacement of the authority's pole is necessary to accommodate the collocation of the small wireless facility and the future use, the wireless provider shall pay for the replacement of the authority pole and the replaced pole shall accommodate future use.

3.25.5 Application and Review Process

1) Application:

A. An application and a permit is required for the collocation, placement and/or construction of a small wireless facility. The small wireless facility permit application shall be made by the Wireless Services Provider, or an authorized agent. A permit application shall contain the following:

1. The Applicant's name, address, telephone number and e-mail address;

2. The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting on behalf of the Applicant with respect to the filing of the Application;

3. A general description of the proposed work and the purposes and intent of the small wireless facility. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters, including but not limited to sub-surface utilities, likely to be affected or impacted by the work proposed;
4. Authorization for any consultant acting on behalf of the Applicant to speak with the City, or a designee of the City;
5. Verification from an appropriate professional that the small wireless facility shall comply with all applicable codes.
6. Drawings and descriptions of the proposed facilities, non-tower support structures, and ancillary equipment;
7. Maps with the specific locations;
8. Geographic coordinates of the locations;
9. If the proposed location is a new pole, an explanation as to why collocation or use of an existing structure is not technically feasible. This shall apply to the location of all pole attached utilities and shall include demonstration of a reasonable attempt to collocate or use an existing structure.
10. If the Applicant proposes to collocate on, or occupy any existing structure not owned by the Applicant, a letter of agreement for use between the owner of the facility and non-tower support structure;
11. A description and substantiation of any requests for exceptions from the requirements of this Section.

B. The City may require the Applicant to file a separate application for any small wireless facility that is not of a substantially similar design to the others included in the application.

C. As part of an application to collocate a small wireless facility on an authority pole, the wireless provider shall submit make-ready design drawings and work descriptions that enable the pole to support the requested collocation by the wireless provider, including pole replacement if necessary.

1. An authority may amend the make-ready design drawings and work to comply with applicable codes before the issuance of a permit to the extent reasonably necessary.
2. The rates, fees, and terms and conditions for the make-ready work to collocate on an authority pole shall be nondiscriminatory, competitively

neutral, and commercially reasonable and shall comply with the entirety of Section 3.25 Small Wireless Communication Facility.

3. The authority shall not require more make-ready work than required to meet applicable codes or industry standards nor may the fees for make-ready work include costs related to preexisting or prior damage or noncompliance.

D. An Applicant shall provide proof of compliance with state and federal laws upon request.

E. An application shall not be required for Routine Maintenance and Replacement when the following conditions are met:

1. Routine maintenance that does not expand the size or height of the small wireless facility; and
2. The replacement of a small wireless facility with another small wireless facility that is substantially similar or smaller in size, weight, and height;
3. Provided, however, on a location where the City or another provider has placed equipment or facilities, any routine maintenance and/or replacement that is done shall not occur until written notice of an intent to proceed is provided to the City.

2) Review Procedure:

A. The Administrative Official shall review the application for compliance with these and other regulations. Review and approval shall be in accordance with timeframes established by federal and state law/policy and the following:

1. All applications shall be processed on a nondiscriminatory basis within:
 - a. Sixty (60) days of receipt of an application for the collocation of a small wireless facility; and
 - b. Ninety (90) days for an application to install, modify, or replace a pole on which a small wireless facility is or will be collocated.
 - c. These timelines may be tolled only by mutual agreement between the Applicant and the City or as determined by a review of completeness as outlined in Section 3.25.5 2) A. 2;
2. Within ten (10) days of receiving an application, the Administrative Official shall determine and notify the Applicant in writing:
 - a. Whether the application is complete;
 - b. If the application is incomplete, what specific information is missing;

i. If the application is incomplete, the Applicant shall be allowed to resubmit the amended application without penalty or payment of any additional application fees, if resubmission occurs within thirty (30) days of notification.

3. The time frame for reviewing shall commence when the application is submitted, but may be tolled upon notification of incompleteness. If the application is incomplete, the applicable time frame for reviewing is reset when the missing information is provided by the Applicant.

B. Once the application is determined to be complete, the Administrative Official shall review the application and if the application meets the requirements and standards set forth in this section the application shall be granted and a permit issued.

1. If the Applicant is requesting an exception to any requirement, the standard of review shall be to determine if the exception is warranted due to an easily identifiable site-specific hardship or a technological challenge, and more specifically if the excepted requirement is:

a. Not necessary or desirable for the protection of the surrounding property, public health, public safety, or general welfare; or

b. Unreasonable as applied to the particular application.

c. The Administrative Official may approve some or all of the requested exception, and advise the Applicant in writing of the extent of approval and/or reasons for denial.

i. If the Applicant believes the decision of the Administrative Official to be in error, an appeal may be made to the Board of Adjustment.

ii. If the Applicant accepts the decision of the Administrative Official the application shall proceed with review and approval/denial.

d. The Administrative Official shall have the authority to defer an exception request to the Board of Adjustment. The Board of Adjustment shall act upon the request in a timely manner. If the decision of the Board of Adjustment is in the affirmative, the permit shall be approved, provided all other review requirements are met. If not, the application shall be referred to the Administrative Official for continued review.

i. If the Board of Adjustment denies any or all of the requested exception, the Applicant may appeal the decision only to a court of record having jurisdiction.

3) The Administrative Official shall notify the Applicant in writing of its final decision:

A. If the application is approved, a permit shall be issued;

B. If the application is denied, the Administrative Official shall specify, in writing, the basis for denial, citing specific code provisions from federal, state, or local law as to why the application was denied.

1. Notwithstanding the initial denial, the Applicant may cure any deficiencies identified by the Administrative Official within thirty (30) days of the denial without paying an additional application fee, provided the Administrative Official shall approve or deny the revised application within thirty (30) days of receipt of the amended application which shall be limited to the deficiencies specified in the original notice of denial.

C. If a decision on an application is not made within the applicable time frame, the application shall be deemed approved ten (10) days after written notice is provided by the Applicant to the authority that the time period for acting on the application has lapsed.

4) Within sixty (60) days of the receipt of the application filed to collocate on an authority pole, the authority shall elect to:

A. Perform the make-ready work necessary to enable the pole to support the requested collocation by a wireless provider and provide a good-faith estimate for the work, including pole replacement, if necessary; or

B. Authorize the wireless provider to perform the make ready work.

C. Make-ready fees:

1. Make-ready fees charged by an authority may include the amount the authority pays a professional engineer registered in Arkansas to review the wireless provider's make-ready work plans.

2. Fees for make-ready work shall not include any revenue or contingency-based consultant's fees or expenses of any kind.

D. The City or other applicable authority shall complete make-ready work it elects to perform, including any pole replacement, within sixty (60) days of written acceptance of the good faith estimate of the Applicant.

E. If the City or other applicable authority electing to perform the make-ready work has not completed the work within sixty (60) days after the written acceptance and deposit of the good faith estimate by the Applicant, the Applicant may demand a return of any deposited funds and proceed with the make-ready

work as described in the make-ready application per Section 3.25.5 1) C. of this zoning code, using authorized, qualified contractors approved by the authority with the authorization not to be unreasonably withheld, conditioned, or delayed.

5) If after commencement of construction but before construction is complete for an approved permit, circumstances unforeseen at the time of approval arise which make continued construction unsafe or impracticable, the Applicant may request an amendment to the application or plan by filing a request to amend the approved application. The Applicant shall cease work, and the procedure for the amendment request shall proceed in the same manner as if it were a new application under this section. There is no application fee for an amendment request.

3.25.6 Prohibition and Work Requirements

- 1) Within 30 days of written notice, the owner of the small wireless facility shall:
 - A. Remove all graffiti on the facility at his or her expense;
 - B. Repair or replace any damaged equipment.
- 2) Facilities located in the public right-of-way shall not visually obstruct traffic signals or signage and shall be maintained in a manner that does not interfere with public safety equipment.
- 3) The owner shall employ due care during the installation, maintenance or any other work in the ROW, and shall comply with all safety and Public ROW protection requirements of all applicable local, state, and federal laws. The owner shall restore, repair and/or replace any portion of the public improvements in the ROW that are damaged or disturbed by the owner's work or small wireless facilities.
- 4) Unless otherwise specified in the permit, the owner shall erect a barrier around the perimeter of any excavation and provide appropriate traffic control devices, signs and lights to protect, warn and guide the public (vehicular and pedestrian) through the work zone. The manner and use of these devices shall be described within a traffic control plan in accordance with the Uniform Manual of Traffic Control Devices. The owner shall maintain all barriers and other traffic control and safety devices related to an open excavation until the excavation is restored to a safe condition or as otherwise directed by the City.
- 5) If use of the right-of-way on which the Small Wireless Facility is located is necessary for a construction or improvement project undertaken by the City of Russellville or one of its' commissions, the Small Wireless Facility shall be relocated. The City shall not bear any expense of any necessary relocation.
- 6) A small wireless facility shall not interfere with City and public safety communication systems or area television or radio broadcast.
- 7) A guy wire or other support wire shall not be used in connection with an antenna, antenna array, or a non-tower support structure except when used to anchor the antenna, antenna array, or non-tower support structure to an existing building or

ground to which such antenna, antenna array, or non-tower support structure is attached.

8) The owner of a small wireless facility that is not in service or use for more than six (6) months shall disassemble and remove the facility.

3.25.7 Fees and Rates

1) Application for the co-location of a small wireless facility on an existing pole or structure:

A. One hundred dollars (\$100.00) non-recurring application fee.

2) Application for the installation of a new small wireless facility and a new pole, or installation, modification, or replacement of a pole together with the collocation of an associated small wireless facility in the right-of-way:

A. Two hundred fifty dollars (\$250) – non-recurring application fee

3) If the application is for multiple facilities, the fee is one hundred dollars (\$100.00) non-recurring application fee for the first facility and seventy-five dollars (\$75.00) for each additional facility submitted for review at the same time. If the application is for multiple facilities, the fee is one hundred dollars (\$100.00) non-recurring application fee for each facility.

4) A wireless provider shall pay an authority compensation as described in ACA § 23-17-510(e) the following:

A. For use of the right-of-way an annual rate of thirty dollars (\$30.00) per small wireless facility; and

B. For collocation of small wireless facilities on authority poles an annual rate of two hundred forty dollars (\$240) for each authority pole.

C. The annual rate shall be paid to the City by January 31st of the following year.

5) Exceptions:

A. A wireless provider is not required to pay an authority compensation for micro-wireless facilities that are suspended on cables strung between existing utility poles in the right-of-way as long as the wireless provider compensates the authority through other licenses or franchises held directly or through one (1) of the wireless provider's affiliates for the placement of the suspension cables in the right-of-way.

3.25.8 Appeals

1) The Board of Adjustments may:

A. Hear appeals of the decision of the administrative officers in respect to the enforcement and application of the aesthetic standards, and may affirm or reverse, in whole or in part, the decision of the administrative officer;

1. Decisions of the administrative officer shall be rendered to the Applicant in writing.

2. An appeal must be filed within 10 days of the written decision of the administrative officer

B. Hear requests for variances from the literal provisions of the aesthetic standards and grant the variances only when it is necessary to avoid the prohibition of wireless service or otherwise comply with the law.

2) Decisions of the Board of Adjustment in respect to this section shall be subject to appeal only to a court of record having jurisdiction.

3.25.9 Exclusive Arrangements Prohibited

1) The City shall not enter into an exclusive arrangement with a person for use of the right-of-way for the collocation of small wireless facilities or the installation, operation, marketing, modification, maintenance, or replacement of poles for the collocation.

3.25.10 Local Authority

1) As per ACA 23-17-512 and applicable federal law, the City may continue to exercise zoning, land use, planning, and permitting authority within its territorial boundaries with respect to wireless support structures, including the enforcement of applicable codes

2) The City shall not have or exercise any jurisdiction or authority over the design, engineering, construction, installation, or operation of a small wireless facility located in an interior structure or upon the site of a campus, stadium, or athletic facility not owned or controlled by the City, other than to require compliance with applicable codes.

3.25.11 Definitions

1) "**Affiliate**" means an entity that directly or indirectly controls, is controlled by, or is under common control with another party;

2) "**Antenna**" means communications equipment that transmits or receives an electromagnetic radio frequency signal in the provision of wireless service;

3) "**Antenna equipment**" means equipment, switches, wiring, cabling, power sources, shelters, or cabinets associated with an antenna, located at the same fixed location as the antenna, and when collocated on a structure is mounted or installed at the same time as the antenna.

- A. **"Antenna equipment"** does not include:
1. The structure or improvements on, under, or within which the equipment is collocated; or
 2. Wireline backhaul facilities, coaxial or fiber optic cable that is between structures, or coaxial or fiber optic cable that is otherwise not immediately adjacent to or directly associated with an antenna;
- 4) **"Antenna facility"** means an antenna and associated antenna equipment;
- 5) **"Applicable codes"** means uniform electrical reliability, building, fire, electrical, plumbing, or mechanical codes, as adopted by a recognized national code organization, or local amendments to the codes that are of general application, or local ordinances that are of general application, that address public health, safety, or welfare and are consistent with this subchapter;
- 6) **"Applicant"** means a person who submits an application as or on behalf of a wireless provider;
- 7) **"Application"** means a request submitted by an Applicant to an authority for a permit:
- A. To collocate small wireless facilities; or
 - B. To install, modify, or replace a pole on which a small wireless facility is or will be collocated, in the right-of-way.
- 8) **"Authority"** means a county, a municipality, a subdivision, or instrumentality thereof, including without limitation:
- A. A public utility district;
 - B. An irrigation district; or
 - C. A municipal electric utility.
 - D. **"Authority"** does not include a state court having jurisdiction over an authority;
- 9) **"Authority pole"** means a pole owned, managed, or operated by or on behalf of an authority;
- 10) **"Collocate"** or **"collocate on"** means the placement, mounting, replacement, or modification of a small wireless facility on, or of ground-mounted antenna equipment adjacent to, a structure.
- A. **"Collocate"** or **"collocate on"** includes collocated ground-mounted antenna equipment as a small wireless facility if it meets the requirements of § 23-17-503(25)(A)(iii)-(vi) and the associated facilities on the adjacent structure meet the requirements of § 23-17-503(25)(i)-(vi);
- 11) **"Collocation,"** has a corresponding meaning. Collocation is defined as placing an antenna on any existing structure, regardless of whether that structure already has wireless equipment on it, or whether it has been zoned for placing that equipment.

12) "**Communications service**" means:

- A. A cable service, as defined in 47 U.S.C. § 522(6), as it existed on January 1, 2019;
- B. A telecommunications service, as defined in 47 U.S.C. § 153(53), as it existed on January 1, 2019;
- C. An information service, as defined in 47 U.S.C. § 153(24), as it existed on January 1, 2019; or
- D. Wireless service;

13) "**Communications service provider**" means:

- A. A cable operator, as defined in 47 U.S.C. § 522(5), as it existed on January 1, 2019;
- B. A provider of information service, as defined in 47 U.S.C. § 153(24), as it existed on January 1, 2019;
- C. A telecommunications carrier, as defined in 47 U.S.C. § 153(51); or
- D. A wireless provider;

14) "**Control**" means the direct or indirect:

- A. Ownership of at least fifty percent (50%) of the equity;
- B. Ability to direct at least fifty percent (50%) of voting power; or
- C. Ability otherwise to direct management policies;

15) "**Controlled-access facility**" means a highway or street described in § 27-68-102;

16) "**Decorative pole**" means an authority pole that is specifically designed and placed for aesthetic purposes and on which limited appurtenances or attachments, such as a small wireless facility, lighting, specially designed informational or directional signage, or temporary holiday or special event attachments, have been placed or are permitted to be placed according to nondiscriminatory authority rules or codes;

17) "**Facility**" means an antenna facility or a structure that is used for the provision of wireless service;

18) "**Fee**" means a one-time, nonrecurring charge;

19) "**Historic district**" means a group of buildings, properties, or sites that are either:

- A. Listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register of Historic Places, according to Section VI.D.1.a.i-v of the Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process, 47 C.F.R. Part 1, Appendix C, as it existed on January 1, 2019;
- B. A historic district designated under the Historic Districts Act, § 14-172-201

et seq.; or

C. A historic district otherwise designated under a local ordinance as of January 1, 2019;

20) "**Micro-wireless facility**" means a wireless facility that:

A. Is not larger in dimension than twenty-four inches (24") in length, fifteen inches (15") in width, and twelve inches (12") in height;

B. Has an exterior antenna that is no longer than eleven inches (11"); and

C. Is not placed any farther than ten feet (10') down the span as measured from the side of the pole;

21) "**Permit**" means an authorization, written or otherwise, required by an authority to perform an action or initiate, continue, or complete a project for the deployment of wireless service at a specified location;

22) "**Person**" means an individual, corporation, limited liability company, partnership, association, trust, authority, or other entity or organization;

23) "**Pole**" means a pole in a right-of-way that may be used by or for wireline communications, electric distribution, lighting, traffic control, signage, or a similar function, or for collocation of small wireless facilities.

A. "**Pole**" does not include a wireless support structure or an electric transmission structure;

24) "**Rate**" means a recurring charge;

25) "**Right-of-way**" means an area on, below, or above a public utility easement, roadway, highway, street, sidewalk, alley, or similar property.

A. "**Right-of-way**" does not include a federal interstate highway, controlled-access facility, or a public utility easement that does not authorize the deployment sought by the wireless provider;

26) "**Small wireless facility**" means a wireless facility that meets all of the following specifications:

A. The facility:

1. Is mounted on a structure fifty feet (50') or less in height, including the antennas;

2. Is mounted on a structure no more than ten percent (10%) taller than other adjacent structures; or

3. Does not extend an existing structure on which it is located to a height of more than fifty feet (50') or by more than ten percent (10%), whichever is greater;

B. Each antenna associated with the deployment, excluding associated antenna equipment, is no more than three cubic feet (3 cu. ft.) in volume;

C. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any preexisting associated

equipment on the structure, is no more than twenty-eight cubic feet (28 cu. ft.) in volume;

D. The facility does not require antenna structure registration under 47 C.F.R. Part 17, as it existed on January 1, 2019;

E. The facility is not located on tribal lands, as defined in 36 C.F.R. 800.16(x), as it existed on January 1, 2019; and

F. The facility does not result in human exposure to radio frequency in excess of the applicable safety standards specified in 47 C.F.R. 1.1307(b), as it existed on January 1, 2019.

G. "**Small wireless facility**" does not include:

1. The structure or improvements on, under, or within which the equipment is located or collocated or to which the equipment is attached; and

2. Any wireline backhaul facility or coaxial or fiber optic cable that is between wireless support structures or utility poles, or that is otherwise not immediately adjacent to or directly associated with a particular antenna;

27) "**Structure**" means a pole or wireless support structure, whether or not it has an existing antenna facility, that is used or to be used for the provision of wireless service;

28) "**Technically feasible**" means that by virtue of engineering or spectrum usage the proposed placement for a small wireless facility, or its design, concealment measures, or site location, can be implemented without a material reduction in the functionality of the small wireless facility;

29) "**Utility Pole**" A pole or similar structure that is used in whole or in part for the purpose of carrying electric distribution lines or cables or wires for telecommunications, cable or electric service, or for lighting, traffic control signage, or a similar function regardless of ownership. Such term shall not include structures supporting only Wireless Facilities.

30) "**Wireless Facility**" Equipment at a fixed location that enables wireless communications between user equipment and a communication network, including: (i) equipment associated with wireless communications; (ii) radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes Small Wireless Facilities. The term does not include the structure or improvements on, under, or within which the equipment is collocated, wireline backhaul facilities, coaxial or fiber optic cable that is between wireless support structures or utility poles or coaxial or fiber optic cable that is otherwise not immediately adjacent to, or directly associated with, an antenna.

31) "**Wireless infrastructure provider**" means a person or an affiliate thereof, including a person authorized to provide communications service in the state, that builds or installs facilities for the provision of wireless service, but that is not a wireless service provider;

32) "**Wireless provider**" means a wireless infrastructure provider or a wireless service provider;

33) **"Wireless service"** means any service using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public;

34) **"Wireless service provider"** means a person who provides wireless service;

35) **"Wireless support structure"** means a structure, including:

- A. A monopole;
- B. A tower, either guyed or self-supporting;
- C. A billboard;
- D. A building; or
- E. Any other existing or proposed structure designed to support or that is capable of supporting small wireless facilities, other than a structure designed solely for the collocation of small wireless facilities.
- F. **"Wireless support structure"** does not include a utility pole

36) **"Wireline backhaul facility"** means an aboveground or underground facility used to transport communications services from a wireless facility to a network.

ARTICLE IV. OFF-STREET PARKING AND LOADING REQUIREMENTS

4.1 Off-street Parking Requirements

The following rules and regulations shall apply to off-street parking:

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

- 1) *Dwelling*
 - A. *Dwelling Single Family Detached* - Two (2) parking spaces for each dwelling unit.
 - B. *Single Family Townhouse* – Two and one half (2.5) parking spaces per dwelling unit.
 - C. *Single Family Duplex Dwelling* – Two and one half (2.5) spaces per dwelling unit.
 - D. *Single Family Multi-Family* – Two (2) spaces per dwelling unit.
- 2) *Bed and Breakfast or Motel* One parking space for each two guests or each bedroom, whichever is greater.
- 3) *Medical or Dental Clinics or Offices and Hospitals* Seven spaces per doctor plus two spaces for each three employees in clinics and offices. For hospitals there shall be one space per bed and one space per employee on duty at any given time. (This includes doctors visiting patients.)
- 4) *Sanatoriums, Convalescent, or Nursing Homes* One space for each six patient beds plus one space for each staff or visiting doctor plus one space per employee on duty at any given time.
- 5) *Community Center; Theater, Auditorium* One parking space for each four seats based on maximum seating capacity.
- 6) *Convention Hall, Lodge, Club, Library, Museum, Place of Amusement or Recreation* One parking space for each 50 square feet of floor area used for assembly or recreation in the building.
- 7) *Retail Shops* One parking space for each 150 square feet of floor area devoted to sales.
- 8) *Office Building* One parking space for each 200 square feet of gross floor area in the building, exclusive of the area used for storage, utilities, and building service area.
- 9) *Commercial Establishments Not Otherwise Classified* One parking space for each 150 square feet of floor space in the building used for retail trade, or used by public, whichever is greater.

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. Not fewer than one parking space shall be provided for each 4 employees present at any given time.

11) *Church Sanctuary* One parking space for each 4 seats based on maximum seating capacity; provided, however, that churches may establish joint parking facilities not to exceed 50 percent of the required spaces, with public institutions and agencies that do not have a time conflict in parking demand. The joint parking facility shall be located not to exceed 400 feet from the church sanctuary. Parking requirements for office, recreational, and educational uses shall be computed according to each classification.

12) *Day Care Centers* One parking space for each employee on duty at the day care center, plus two visitor spaces.

13) *All Others* For all other uses not covered in a through I above, the Planning Commission shall make a determination of the parking demand to be created by the proposed use, and the amount of parking thus determined shall be the off-street parking requirement for the permitted use.

4.1.2 Application of Standards In applying the standards set forth above, 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 in Section 4.1.1, Church Sanctuary.

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

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

4) All areas devoted to off-street parking shall be so designed and be of adequate size so that no vehicle is required to back into a public street to obtain egress. Exempted from this provision are single-family or duplex residences. This exemption applies only in cases where a parcel contains one detached single-family dwelling or a single duplex structure.

5) All parking spaces required herein shall be located on the same lot with the building or use served, with the exception of churches, as noted in Article IV, Section 4.1.11, Church Sanctuary.

6) 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.

4.2 Off-street Loading and Unloading Requirements

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

4.2.1 Retail A building whose principal use is handling and selling goods at retail shall provide one off-street loading and unloading space for buildings up to and including 10,000 square feet floor area, plus one additional space for each additional 10,000 square feet of gross floor area.

4.2.2 Manufacturing Manufacturing, repair, wholesale, and similar uses shall provide one off-street loading and unloading space for buildings containing 10,000 square feet of floor space, plus one space for each 40,000 square feet of floor area in excess of 10,000 square feet of gross floor area.

4.2.3 Trailer Trucks Where trailer trucks are involved, such loading and unloading space shall be an area 12 by 50 feet with a 14-foot height clearance and shall be designed with appropriate means of truck access to a street or alley, as well as having adequate maneuvering area.

4.3 Other Requirements

The following other requirements shall apply to off-street loading and unloading facilities:

4.3.1 Paved Surface Required

1) Any area that is used for off-street parking shall be paved with a hard surface material. Hard surface material means paved of concrete or minimum of 2 inches of hot mix asphalt or may include the use of pavers or other such similar material and shall have a six-inch gravel base. Parking areas must be paved and striped as required before a Certificate of Occupancy can be issued.

2) Vehicle storage areas are not required to be paved, however, must meet the screening requirement outlined in 4.3.3 and shall have six-inches of compacted gravel maintained in such a manner as to provide a mud-free and dustless surface or meet the hard surface material requirement above.

4.3.2 Driveways

1) Driveways for ingress and egress shall not exceed 30 feet in width, exclusive of curb returns.

2) **Single Family Dwelling** - Driveways for ingress and egress shall not exceed 30 feet in width, exclusive of curb returns.

3) **Single Family Duplex Dwelling** – Driveways for ingress and egress shall not exceed 45 feet in width, exclusive of curb returns.

4) **Commercial and Industrial Zoning Districts** – Driveways for ingress and egress shall not exceed 40 feet in width, exclusive of curb returns.

5) Circle driveways must have approval of City Engineer. (Ord 1774)

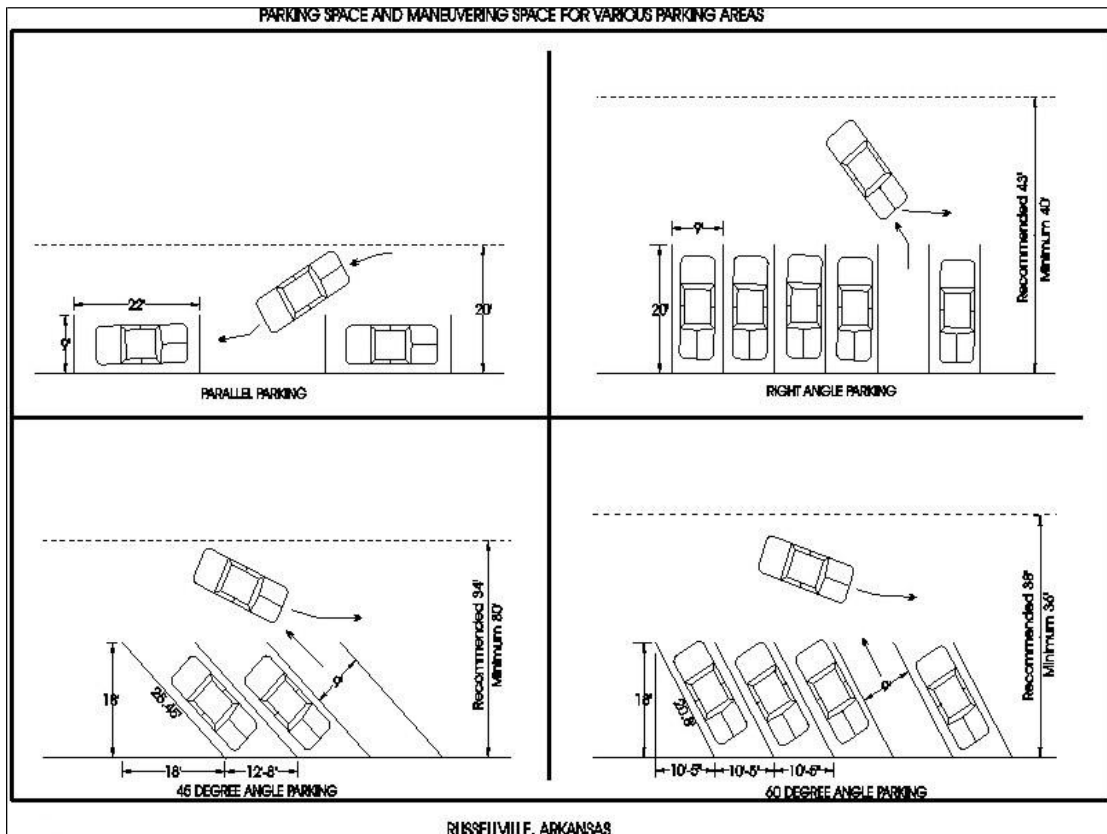
4.3.3 Screening- Off-street parking areas and vehicle storage areas shall be screened as follows:

1) Off-street parking areas located within a garage or carport or on a driveway are not required to be screened. All other off-street parking areas shall be screened from all public areas, public streets, and abutting residential uses by a minimum five (5)-foot-tall or maximum six (6) foot tall sight-obscuring ornamental fence, wall, hedge, or landscaping approved by the Planning and Zoning Department along the side or rear yards, along with an ornamental fence or landscaping approved by the Planning and Zoning department along the street right of way not to exceed thirty (30) inches in height.

2) Vehicle storage areas within an enclosed structure or on a driveway are not required to be screened. All other vehicle storage areas shall be screened from all public areas, public streets, and abutting residential uses by a minimum five (5) foot tall or maximum six (6) foot tall sight-obscuring ornamental fence, wall, or hedge.

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

FIGURE FOUR: PARKING SPACE STANDARDS



Not to scale.

ARTICLE V. SIGNS, BILLBOARDS, AND OTHER ADVERTISING STRUCTURES

5.1 General

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

5.2 All Districts

In any zoning district, the following general regulations shall apply:

5.2.1 Location No sign shall be erected or maintained at any location where, by reason of its position, wording, size, shape, illumination, or color may obstruct, impair, obscure, interfere with the view of, or be confused with any authorized traffic control sign, signal, or device.

5.2.2 Traffic Confusion No sign shall contain or make use of any word, phrase, symbol, shape, form or character in such a manner as to interfere with, mislead, or confuse traffic.

5.2.3 Illuminated Signs No illuminated sign shall be permitted within 25 feet of property in any residential use district unless the illumination of such sign is so designed that it does not shine or reflect light onto such property.

5.2.4 Outdoor Advertising All outdoor advertising structures, including billboards, shall be erected in conformity with the side and rear yard requirements of the district in which it is located, and shall be set back from the established street right-of-way line as to not block the view of an adjacent building or vehicular traffic. In no case shall it be located closer than 10 feet from the front street property line except in C-2 or C-4 zone.

5.2.5 Temporary Signs Temporary signs shall not be erected or otherwise fixed to any pole, tree, stone, fence, building, structure, or any object within the right-of-way of any street. No temporary sign shall be erected at the intersection of any street in such a manner as to obstruct vision, or be confused with any authorized traffic sign, signal or device. No temporary sign shall exceed 35 square feet in area.

5.2.6 Banners A temporary sign or banner shall not be suspended across public streets or other public places without the express permission of the Mayor or City Engineer. The decision of the Mayor or City Engineer may be appealed to the Board of Adjustments for it to review the decision and either affirm or reverse the decision.

5.2.7 Home Occupations Signs for home occupations shall not exceed six square feet, provided such sign is either a wall or ground sign located not closer than 20 feet to a street right-of-way.

5.2.8 Real Estate Signs Real estate bulletin boards or signs, not exceeding 40 square feet Identification in area, appertaining to the lease, hire, or sale of a building or premises are allowed in any zone without restriction. Such boards or signs shall be removed as soon as the premises are leased, hired, or sold.

5.2.9 Political Signs Political signs are allowed in any zone and must be removed by the property owner within 30 days after the election they advertise.

5.2.10 Portable Signs Portable signs are permitted in accordance with the provisions outlined in Section 5.6 of this Article.

5.2.11 Freestanding Signs Only one freestanding sign per street frontage shall be permitted on a lot with a building, at a shopping center, or at a mall.

5.2.12 Projecting Signs Projecting signs are permitted in the C-1 and C-1B districts only.

5.2.13 Size The following requirements are the general regulations regarding freestanding signs.

- 1) All freestanding signs shall be subject to the following:
 - A) Display surface area shall not exceed 1 square foot per linear feet of street frontage, not to exceed 200 square feet.
 - B) Freestanding signs shall not exceed 35 feet in length
- 2) Notwithstanding the provisions of subsection 5.2.13(1)(A), a freestanding sign may have a maximum height of 50 feet and a maximum display surface of 300 square feet if it:
 - A) is located on property with a building that abuts Interstate 40;
 - B) is located within 300 feet of the interstate right-of-way; and
 - C) is set back a distance of 15 feet or more from the street right- of-way.”

5.2.14 Floating Signs Floating signs tethered by lines to the ground are permitted by special permit for a period not to exceed two weeks in any six- month period subject to the following:

- 1) The length of the sign shall not exceed 20 feet.
- 2) The width of the sign shall not exceed 10 feet.
- 3) The permit application must include a drawing, professionally drawn and dimensioned, showing that, in the event of a straight-line wind, if the sign is blown completely horizontal on its tether, it will not extend into any public right-of-way, parking area, or adjacent property.

5.3 Additional Regulations in Residential Districts

In residential use districts, the following maximum standards shall apply:

5.3.1 Dwelling Units For any single-family, two-family dwellings, or boarding house, nameplates, not to exceed two square feet in area, shall be permitted for each dwelling unit; such nameplate shall indicate nothing other than name and/or address or occupants, premises, announcement of boarders or roomers.

5.3.2 Home Occupations Section 5.2.7 of this Article regulates signs for home occupations.

5.3.3 Multi-Family For multiple-family and group dwellings, identification signs, not to exceed 12 square feet in area, shall be permitted; such sign shall indicate nothing other than name and/or address of premises and name of the management.

5.3.4 Churches, Schools, and Public Buildings Announcement of church, school, or public building bulletin boards, not to exceed 30 square feet in area, shall be permitted; such bulletin board shall not be located in a manner so as to obscure or impair vision of persons operating vehicles entering or leaving the premises. Such bulletin board may contain indirect illumination.

5.3.5 Street Frontage Only one sign per street frontage shall be permitted.

5.3.6 Identification Signs Identification signs containing only the name of the public use or institution shall be permitted; but shall not exceed 100 square feet of area.

5.3.7 Flashing Signs Flashing or intermittent illumination is prohibited.

5.3.8 Billboards Billboards and other advertising structures are prohibited.

5.4 Additional Regulations in Commercial Districts

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

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

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

not exceed 200 square feet. Billboards are considered structures and must be the principal structure on the lot, as well as meeting all setback requirements of the C-2 zone. Businesses on corner lots may have a sign on each frontage providing they follow all other sign requirements.

5.4.3 C-3, Shopping Center Commercial District In the Shopping Center Commercial District, free-standing billboards are prohibited; additionally, advertising signs (as contrasted with identification signs) painted on the sides of buildings that advertise products or goods unrelated to the use of the building on which the sign is painted or attached shall be prohibited. One identification sign of the shopping center shall be permitted, provided that the sign area of such identification sign shall not exceed 120 square feet. Signs for individual shops and businesses shall conform to the additional regulations contained in Section 5.4.1 above for the C-1 zone.

5.4.4 C-4, Neighborhood and Quiet Business District In the Neighborhood and Quiet Business District, flashing or intermittent illumination signs are prohibited; and billboards and other advertising structures are prohibited. For principal uses, business signs shall be permitted on the basis of one sign not exceeding one square foot of surface area for each one linear foot of building facade fronting a public street. The height of a sign shall not exceed 35 feet. Businesses on corner lots may have a sign on each frontage providing they follow all other sign requirements.

5.5 Additional Regulations in Industrial Districts

Further regulations for industrial zones are as follows:

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

5.6 Additional Regulations Relating to Portable Signs in All Districts

The following portable sign regulations apply to all districts:

5.6.1 Regulations

- 1) The use of portable signs is prohibited in residential zoning district, except as provided in section 5.3.4.
- 2) All electrical components, lighting, or illumination shall comply with the National Electrical code and shall meet all appropriate federal, state and local restrictions. The most stringent shall take precedence over any other. No electrical cords shall be placed across drive or walkways.

- 3) On signs with flashing lights, wattage shall be no greater than 25 watts per bulb.
- 4) Portable signs shall be set back a minimum of 10 feet from the edge of the pavement or curb line and shall not be set within a street or highway right-of-way or across a sidewalk.

5.6.2 Portable Sign Permits

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

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

- 2) An application for a portable sign permit shall contain the following information:
 - A. Name, address, and phone number of the sign permit applicant;
 - B. Location of property upon which sign is to be placed; and
 - C. Location of sign on property, including the distance of said location from the curb line.
- 3) Sign Permit Fees every applicant, before the granting of a permit, shall pay to the City Building Official an initial fee of \$25.00 for permit.

5.6.3 Non-Compliance and Penalty for Violation

Signs found to be in violation of the provisions of Subsection 5.6 (improper placement or otherwise) may result in the issuance of a citation both to the owner of the sign and the renter or lessee of the sign.

ARTICLE VI. SPECIAL PERMIT USES

6.1 Nature and Description

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

6.2 Uses

Uses Restricted to Specific Districts.

6.2.1 Special Permit Uses Uses which are listed in the Table of Permitted Uses as “special permit uses” may be located only in the district or districts so designated and in accordance with the procedure described in Section 6.3 below.

6.3 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:

6.3.1 Application An application shall be filed with the City Planning Commission for review. Said application shall be accompanied by:

- 1) A survey or other similar print of the property.
- 2) A site plan showing the location and intended use of the site, location of buildings on the property, proposed access and egress drives, proposed parking and parking and type of surface for parking, proposed landscaping, proposed signage and elevations of each building proposed;
- 3) Existing land uses within 200 feet of the boundary line of the property upon which special use is to be located; and
- 4.) Any other material or information pertinent to the request which the Planning Commission may require.

6.3.2 Public Hearing The City Planning Commission shall hold a public hearing thereon. At least 15 days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City. Application for a Special Use Permit must be filed according to a monthly schedule maintained by the Community Development Office in order to allow time for processing the legal notices involved. The petitioner for such special permit shall provide evidence prior to the public hearing that he had notified the owners of all properties within 200 feet of the parcel proposed for a

Special Use Permit, indicating to each the time and place of the public hearing and the specific use permit shall be in written form and receipt acknowledged. Additionally, the petitioner shall post on the property in a conspicuous location one sign provided by the City Building Inspector, which shall notify the general public of the proposed use and the public hearing date.

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

6.3.4 Decision The City Council must decide to authorize or deny the permit request and act according to the following:

- 1) Thereupon, the City Council may authorize or deny the special permit for the use of land or buildings as requested. In granting any permit, the City Council may prescribe appropriate conditions and safeguards as are deemed necessary.
- 2) Any signs to be placed upon special permit use property in Zoning Districts R-1, R-2, R-3, and C-4, shall comply with the sign regulations for District C-4 found elsewhere in this Code. Any sign in any other zoning districts must meet the requirements of the surrounding zoning district.
- 3) The special permit shall be on a printed form and shall be no smaller than 8 inches by 10 inches. One copy of the permit shall go to the applicant and the Building Official shall maintain a duplicate copy. The permit shall give the following information:
 - A. Property location.
 - B. Name of party to which permit is issued.
 - C. Date of issue.

6.4 Fees

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

6.5 Effect of Denial for Special Use Permit

No application for a Special Use Permit, for property previously considered, shall be reconsidered by the Planning Commission for a period not less than six (6) months of elapsed time from the date of final decision to deny the proposed special permit use, unless the Planning Commission determines by three-fourths (3/4) majority vote that a substantial reason exists for waiving the six (6) month mandatory waiting period or upon a showing of a substantial change in conditions found to be valid by the Planning Commission. For purposes of this Subsection, a change in ownership of the subject property shall not constitute a change of conditions.

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

7.1 Non-conforming Use of Land

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

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

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

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

7.1.4 Subdivisions and land development can continue as planned when plats thereof are on record at the office of the Circuit Clerk and recorded at the time of annexation.

7.1.5 The City shall accept existing and planned streets providing said streets meet requirements of Pope County for street and road construction. Existing or planned streets for acceptance by the City must be on record with the County Clerk at the time of annexation. If not on record, streets must comply with City specifications.

7.1.6 Timber, mining, and processing operations annexed to the City by popular vote after January 1, 1984, are declared in compliance with all zoning laws in which the same is located. Expansion is permitted so long as it meets State and Federal regulations.

7.2 Non-conforming Structure

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

7.2.1 Such structure, upon approval of the Board of Adjustment, may be remodeled to maintain the premises in a safe and usable condition.

7.2.2 Should a structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Zoning Code.

7.2.3 Such structure, upon the approval of the Board of Adjustment, may be added to if said addition meets the area requirements of the land use zoning district in which the structure is located, provided said use of structure is in conformance with this Zoning Code.

7.3 Non-conforming Use of Structure

If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Zoning Code, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

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

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

7.3.3 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 propose use is equally appropriate to the district as the existing non-conforming use.

7.3.4 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 deemed conforming uses.

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

ARTICLE VIII. ADMINISTRATION AND ENFORCEMENT

8.1 Administrative Official

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

8.2 Building Permit

A building permit will be issued only when the application has been approved by the administrative official as meeting the requirements of this Zoning Code. All applications for building permits shall be accompanied by a plan in duplicate drawn to scale, the size of the building to be erected and its location on the lot, and such other information as may be necessary to provide for the administration of this Zoning Code. A record of such application and plat shall be filed in the office of the enforcement officer.

8.3 Certificate of Occupancy and Compliance

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

8.4 Penalty for Violation

Violating any provisions of this Zoning Code shall incur the following penalties:

8.4.1 Fine Any person, business, or corporation who shall violate any of the provisions of this Zoning Code or fail to comply thereafter with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement of plans submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable to a fine up to, but not exceeding:

- 1) One thousand dollars (\$1,000.00) for the first offense
- 2) Two thousand dollars (\$2,000.00) for the second offense
- 3) Four thousand dollars (\$4,000.00) for each subsequent offense after the second offense;
- 4) Plus court costs and applicable fees

8.4.2 Separate Offense Each day such violation is permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof

where anything in violation of this Code shall be placed, or shall exist, and any architect, building, contractor, agent, engineer, person, or corporation employed in connection therewith and who may have assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction thereof shall be fined as hereinabove provided.

1) **Continuous Offense** If it is found that any violation of Zoning Code is found to be continuous in respect to time, the fine or penalty for allowing the continuous thereof, in violation of the Zoning Code, shall not exceed five hundred dollars (\$500.00) for each day that it is unlawfully continued, plus court costs and applicable fees.

8.5 Zoning Code/Zoning Map Amendments

8.5 General: This Code (referred herein as the Zoning Code or Zoning Map) may be amended by changing the text, changing the Official Zoning Map, or both in accordance with the procedures prescribed herein.

8.5.1 Request For Amendments: The following entities may initiate a request to amend this Code.

- 1) A member or members of the City Council
- 2) A member or members of the Planning Commission
- 3) The owner of a property or his appointed agent

8.5.2 Amendments by the City Council: Amendments generated by the City Council shall be made in the following manner.

- 1) The City Council shall refer a request for amendment to the Planning Commission to be considered in accordance with the procedures outlined in Section 3, below.
- 2) The City Council shall act upon a request to amend this Code in accordance with the provisions of § 14-56-423 of the Arkansas Code, and shall take this action through normal ordinance procedures with no further public hearing or notification.

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

- 1) The Planning Commission may, from time to time, either upon request by one or more of its members, by direction of the City Council, or in the course of its normal planning activities, consider amendments or additions to the Zoning Code.
- 2) The Planning Commission shall prepare a work program and make studies, including the preparation of maps, to support its decisions regarding possible amendments.
- 3) If the proposed amendments are not consistent with the comprehensive plan, the Planning Commission shall first consider and adopt any necessary changes to the plan.

- 4) The Planning Commission shall hold a public hearing to consider amendments to the Zoning Code and amendments to the Comprehensive Plan, if required.
- 5) Notice of such hearing shall be published at least one time not less than fifteen (15) days prior to the date of the public hearing in a newspaper of general circulation in the City of Russellville.
- 6) Changes in zoning classifications initiated by the Planning Commission shall be considered changes to the Comprehensive Plan affecting the entire city and notice to individual property owners shall be not be made unless the Planning Commission shall make a finding that a substantial public benefit would be attained by such notification. The Planning Commission shall make a map and/or documents indicating the proposed changes available in City Hall for review by interested citizens and property owners at least ten days prior to the public hearing at which the changes will be considered.
- 7) Following the public hearing, the proposed plans may be recommended as presented, or in modified form, by a majority of the entire Planning Commission.
- 8) Following its adoption of plans and recommendations of ordinances and regulations, the commission shall certify adopted plans or recommended ordinances and regulations to the City Council for its adoption.

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

- 1) An application for amendment shall be filed with the Community Development Office.
- 2) The application for a Zoning Map Amendment shall contain the following information:
 - A. Name and address of applicant.
 - B. Statement that the applicant is the owner or the authorized agent of the owner of the property for which the Zoning Map Amendment is proposed.
 - C. Address and legal description of property.
 - D. A list of the names and addresses of owners and occupants of properties located within 200 feet of the subject property.
 - E. A map of the subject property, delineating:
 - (1) the dimensions of property;
 - (2) approximate location of buildings with appropriate dimensions;
 - (3) land uses of adjacent properties.
 - (4) A vicinity map of sufficient clarity to allow location of the property for which a re-zoning request is located.
 - F. The application shall be accompanied by the prescribed fee.

8.5.5 Hearing on Application Upon receipt in proper form of the application for a Zoning Map Amendment, the Planning Commission Clerk shall fix a date for a public hearing according to a monthly schedule maintained in the Community Development office. The following steps apply to the hearing process.

- 1) Notice of such hearing shall be published at least one time not less than (15) days prior to the date of the public hearing in a newspaper of general circulation in the City of Russellville. The applicant shall bear the cost of such advertising.
- 2) Notice of such hearing shall be given by posting a sign furnished by the Community Development Office on the property involved by the applicant not less than fifteen (15) days prior to the hearing. Posting of the sign by the prescribed time shall be the responsibility of the applicant.
- 3) Notice of the Public Hearing prescribing the date of the hearing and including a description of the property and of the proposed Amendment relating thereto shall be given by the Applicant, at his expense, to each owner/or occupant of property located within 200 feet of the property which is the subject matter of the application within 15 days of the hearing date. This notice requirement shall be satisfied by notice by certified mail, return receipt requested.
- 4) No less than seven (7) days prior to the public hearing, the applicant shall submit return receipts from certified mailing to owner/occupants within 200 feet of the property which is the subject matter of the application. Return of receipts or notice that the Postal Service was unable to deliver the notice to the owner of record shall satisfy the intent of this section.
- 5) The applicant shall then be placed on the Planning Commission agenda for the meeting on which the public hearing is to be held.
- 6) Upon receipt of an application for a Zoning Code Text Amendment, the enforcement officer shall fix a date for a public hearing according to a monthly schedule maintained in the code enforcement office.
- 7) Notice of such hearing shall be published at least one time not less than fifteen (15) days prior to the public hearing in a newspaper of general circulation in the City of Russellville. Content of such notice shall be of a general nature describing the general subject matter and the Chapters involved, with respect to the proposed amendment.

8.5.6 Finding of Fact Within thirty (30) days following the public hearing, the Planning Commission shall make a specific finding as to whether or not the change is consistent with the objectives of the Zoning Code, and the Plans adopted by the Planning Commission, and that the purpose of the Amendment is not based exclusively upon a desire to increase the value or income potential of the property. The Planning Commission shall make written recommendations to the City Council setting forth the basis for its recommendations. A copy of these recommendations shall be submitted to the applicant at the same time.

8.5.7 Authorization by City Council Any amendment hereto shall become effective

only upon passage by ordinance by a majority of the full City Council except in the instance of an emergency approval in accordance with Section 8.5.02 above which shall require approval by a two-thirds vote of the entire City Council.

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

8.6 Notice

General Applications for changes in the boundary of a zoning district must be filed according to a monthly schedule maintained by the Community Development Office in order to allow time for processing the legal notices. Before the Planning Commission may recommend a proposed revision in the boundary of a zoning district such proposed revision must be subject of a public hearing. Upon receipt in proper form of the application for a Zoning Map Amendment, the Planning Commission Clerk shall fix a date for a public hearing according to a monthly schedule maintained in the Community Development office. The following steps apply to the hearing process.

8.6.1 Notice by Publication Notice of the public hearing on the 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. Content of such notice shall be of a general nature describing the general subject matter with respect to the proposed amendment. The applicant shall bear the cost of such advertising.

8.6.2 Notice by Sign Notice of such hearing shall also be given by posting one (1) sign in a conspicuous place on the site of property proposed for rezoning not less than fifteen (15) days prior to the Public Hearing. Posting of the sign by the prescribed time shall be the responsibility of the Applicant and shall be furnished to the Applicant by the City. The sign shall display the time, date, and place of the Public Hearing on the rezoning proposal on the subject property.

8.6.3 Notice by Letter to Owners within 200 Feet of Subject Property. Notice of the Public Hearing prescribing the date of the hearing and including a description of the property and of the proposed Amendment relating thereto shall also be given by the Applicant, at his expense, to each owner(s) or occupant(s) of property located within two hundred (200) feet of the property which is the subject matter of the application within fifteen (15) days of the hearing date. The Applicant shall present a plat map showing the location of affected properties together with the owner(s) of record within two hundred (200) feet of the property which proposed to be rezoned. The written notice must provide each affected owner within two hundred (200) feet the content of his rezoning petition. This notice requirement shall be satisfied by notice by certified mail, return receipt requested.

8.6.3.1 Evidence of Compliance with Subsection 8.6.3.1 No less than seven (7) days prior to the public hearing, the applicant shall submit return receipts from certified mailing to owner(s) or occupants(s) within two hundred (200) feet of the

property which is the subject matter of the application. Return of receipts or notice that the Postal Service was unable to deliver the notice to the owner of record shall satisfy the intent of subsection 8.6.3.

8.6.4 Placement on Planning Commission Agenda The Applicant shall then be placed on the Planning Commission agenda for the meeting on which the Public Hearing is to be held.

8.7 Public Hearing on Application and Approval

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

8.7.1 Public Hearing The Planning Commission shall conduct the Public Hearing on the proposed amendment to the Zoning Code Text or Official Zoning Map.

8.7.2 Finding of Fact Within thirty (30) days following the Public Hearing, the Planning Commission shall make a specific finding as to whether or not the change is consistent with the objectives of the Zoning Code, and the Plans adopted by the Planning Commission, and that the purpose of the Amendment is not based exclusively upon a desire to increase the value or income potential of the property. The Planning Commission shall make written recommendations to the City Council setting forth the basis for its recommendations. A copy of these recommendations shall be submitted to the applicant at the same time.

8.7.3 Approval The Planning Commission may approve the proposed Amendment or change of district boundary as presented or in modified form; and the Planning Commission shall make a written recommendation to the City Council including the reasons therefore.

8.7.4 Disapproval If the Planning Commission disapproves a proposed amendment or rezoning petition, the reason for such disapproval shall be given in writing to the Applicant and City Council within thirty (30) days from the date of the Public Hearing.

8.7.5 All Recommendation to be Heard by City Council All applications of a proposed amendment for a change in the boundary of a zoning district, whether recommend for approval or disapproval by the Planning Commission, are to be heard by the City Council at the next regular City Council meeting for a final decision on the proposed amendment.

8.7.6 Withdrawal of Application; Effect of Withdrawal The Applicant may withdraw his proposed amendment from the City Council Agenda at any time prior to the time the proposed amendment is to be addressed by the City Council; however, any proposed amendment withdrawn must begin the process from the beginning and resubmit a new application for a proposed amendment to rezone property and be subject to the time submission requirement in subsection 8.7.10.

8.7.7 Request to Postpone The Applicant may request that the proposed amendment be postponed from any consideration of approval or disapproval on the date it is

scheduled on the City Council's agenda and move it to the next regular meeting of the City Council; however, the City Council, by majority vote, may approve or deny the request at the date of the City Council meeting which it is subject to be considered. The City Council may still read the proposed amendment to meet the state law reading requirement for passage of ordinances after the City Council has voted to postpone consideration of the approval or disapproval of the proposed amendment.

8.7.7.1 Nothing in subsection 8.7.7 shall be construed to prohibit the City Council from postponing the proposed amendment to the next regular meeting of the City Council or to a special meeting of the City Council on its own initiative.

8.7.8 Approval of Ordinance The City Council, by a majority vote, may, by ordinance, adopt the recommended amendment submitted by the Planning Commission or may return the proposed amendment to the Planning Commission for further study and recommendation. Any amendment hereto shall become effective only upon passage by ordinance by a majority of the full City Council.

8.7.9 Referral to Planning Commission If the City Council does not concur with the recommendation of the Planning Commission, either as first submitted or as submitted after re-study, the City Council, may, by majority vote, amend this Code by granting the request in full or in modified form.

8.7.9.1 Recall by City Council Nothing in subsection 8.7.9 shall be construed to prohibit the City Council from authority to recall from the Planning Commission the referred proposed rezoning amendment by a vote of the majority of the City Council.

8.7.10 Effect of Denial of Amendment No application for a zoning amendment will be reconsidered by the Planning Commission for a period of six (6) 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 or upon a showing of substantial change in conditions found to be valid by the Planning Commission. For purposes hereof, a change of ownership of the subject property shall not be deemed to be a change of conditions.

8.8 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 pay an application fee as set forth by the City Council to cover the approximate cost of this procedure, and under no condition shall said sum or any part thereof be refunded for failure of said change to be adopted by the City Council.

ARTICLE IX. BOARD OF ADJUSTMENT

9.1 Creation and Appointment

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

9.2 Organizations

The organization of The Board of Adjustment is as follows:

9.2.1 Officers A Chairman, Vice Chairman, and Secretary shall be elected annually by the Board from among its membership. The Chairman, or in his absence, the Vice Chairman, shall preside at all meetings, shall decide all points of procedure, and, as necessary, shall administer oath and compel the attendance of witnesses. The Secretary shall maintain the official record of minutes and actions.

9.2.2 Rules and Meetings The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Zoning Code. Meetings shall be held on a regular schedule and at such other times as the Board may determine. All meetings shall be open to the public. The Secretary of the Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or if failing to vote, indicating such fact, it shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the City Clerk. A quorum of the Board shall consist of 3 members. The concurring vote of 60 percent of the total Board members, or 3 votes, shall be necessary to revise any order or decision of the Enforcement Officer or to decide on any manner upon which it is required to pass under this Code.

9.3 Powers and Duties

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

9.3.1 Administrative Review To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the administrative official in the enforcement of this Zoning Code. The Board may affirm or reverse, in

whole or in part, said decision of the administrative official.

9.3.2 Variances To authorize upon appeal in specific cases such variance from the terms of this Zoning Code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Zoning Code would result in unnecessary hardship. A variance from the terms of this Zoning Code shall not be granted by the Board of Adjustment unless and until:

- 1) The applicant demonstrates that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district; that literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Zoning Code; that special conditions and circumstances do not result from the actions of the applicant; and that granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Code to other lands, structures, or buildings in the same district.
- 2) No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
- 3) The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of land, building, or structure.
- 4) The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Zoning Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- 5) In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Zoning Code. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Zoning Code.
- 6) Under no circumstance shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this Code in the district involved, or any use expressly or by implication prohibited by the terms of this Zoning Code in said district.

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

- 1) Permit the extension of a zoning district boundary where the boundary divides a lot held in a single ownership at the time of adoption of this Code.
- 2) Interpret zoning district boundaries where uncertainty exists as to the boundaries of the zoning districts or when the street or property lines existing on the ground are

at variance with those shown on the Zoning District Map.

- 3) Vary the parking regulations by not more than 50 percent where it is conclusively shown that the specific use of a building would make unnecessary the parking spaces otherwise required by this Code.
- 4) Permit a change in use or occupancy of a non-conforming use, provided the use is within the same or more restricted classification as the original non-conforming use.
- 5) Vary the requirements contained in the area requirements table in Article XII by no more than 10% of the numerical standard when it can be demonstrated that such action will not be harmful to the public welfare. Such actions shall not be deemed variances as described in section 9.3.2.

9.3.4 Rehabilitation Agreement Between the City and the Owner of a Property Needing to be Bought up to Code The Board of Adjustment shall have the power and duty of hearing appeals from an Owner of a Property who has entered in a Rehabilitation Agreement with the City of Russellville, Arkansas, to bring the property subject of the Agreement up to all applicable and current city and state codes. Specifically, the Board of Adjustment shall hear appeals brought by an Owner regarding the decisions of the Building Official in approving or denying the requests of an Owner to extend the time benchmarks of the Agreement. No appeal shall be heard by the Board of Adjustment until the Building Official has rendered a decision regarding the request for extending the time benchmarks of the Agreement.

9.3.4 1) The time accruing under the terms of the Agreement shall be suspended from the time of the filing of the appeal with the Board of Adjustment to the final decision of the Board of Adjustment on the issue appealed to the Board of Adjustment.

9.3.4 2) If an Owner appeals the Building Official's denial of the Owner's extension request of the time benchmarks, the building permit the Owner has acquired for the rehabilitation of the subject property shall be immediately suspended until the Board of Adjustment renders a decision on the appeal.

9.4 Procedure for Appeals

The following procedure is necessary to make an appeal to the Board:

9.4.1 Application Any Applicant who disagrees with any decision by the Administrative Officials in interpreting any section of this Zoning Code may appeal the order, requirement, decision, or determination by the Administrative Official

- 1) All appeals and applications made to the Board shall be made in writing on forms prescribed by the Board within ten (10) days after a final decision has been rendered by the Administrative Official. After receipt of the application for Appeal, the Board of Adjustment shall schedule a hearing at the next available meeting of the Board and shall so inform the Applicant.

9.4.2 Public Hearing and Notice The Board shall fix a reasonable time for the public hearing of an Appeal, Variance, or Special Exception, give public notice of the time and place thereof, as well as due notice to the parties in interest, and decide same within a reasonable time.

- 1) Said public notice shall be published at least once, and for not less than seven (7) days prior to the scheduled hearing date, of such hearing in a newspaper of general circulation in the City. An applicant shall file their appeal according to a monthly schedule maintained by the Board of Adjustment Public Works Department in order to allow time for processing the legal notices required. The requisite public notice shall give the particular location of the property on which the Appeal, Variance, or Special Exception consists of. The cost of the public notice shall be paid by the Applicant. At a public hearing any party may appear in person, by agent, or by attorney.
- 2) In addition to the public notice, the Applicant shall give written notice to the owner or owners of each separate parcel of land adjacent to or located directly across the street from the property that is the subject of the appeal, variance, or special exception. The Applicant is required to show that the adjoining property owner(s) received notice at least ten (10) days prior to the hearing by providing written acknowledgement that the owners of the adjoining properties have received notification, such as a postal return receipt slip.
- 3) Also, the city employee shall cause the Applicant to place a sign in a conspicuous place on the site of the property in question, indicating the date, time, and place of the public hearing on the Appeal, Variance, or Special Exception.. Said sign should be placed on the site no fewer than fifteen (15) days prior to the date of the hearing.

9.4.3 Effect of Appeal An appeal shall stay all proceedings of the action appealed from, unless the person affected by such appeal certifies to the Board, that, by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of a court of record on application, and notice to the person from whom the appeal was taken.

9.4.4 Time Limit on Permits No order permitting the use of building or premises, or the alteration or erection of a building, shall be valid for a period longer than 60 days unless such use is established or the erection or alteration is started within such a period.

9.4.5 Fee The application fee for any Appeal, Variance or Special Exception to the Board shall be \$100.00, no part of which shall be refundable, and shall be paid to the Building Official. The Building Official shall deposit with the Finance Department each month all fees collected during the preceding month.

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

9.4.6 Appeals from Board of Adjustment Applicant(s) with an Appeal, Variance, or

Special Exception before the Board of Adjustments denied the relief sought by a final decision of the Board of Adjustment may seek review by the Circuit a Court of the appropriate County of such decision, in the manner provided by A.C.A §14-56-425

- 1) The City may also appeal any final decision by the Board of Adjustment on the Appeal, Variance, or Special Exception that is adverse to its position as stated before the Board of Adjustment in the same manner provided by A.C.A §14-56-425
- 2) Any person, other than the parties listed in Subsections 9.4.6 and 9.4.6 1), aggrieved by a final decision of the Board of Adjustment over an Appeal, Variance, or Special Exception may seek review by the Circuit Court of the appropriate County of such decision, in the manner provided by A.C.A. §14-56-425.

9.5 Standing

No Variance or Special Exception shall be filed with or heard by the Board of Adjustment from an Applicant who does not own the property which is the subject of or the relief sought for the Variance or Special Exception or is an appointed agent of the Applicant who owns the subject property.

9.5.1 Inapplicability Section 9.5 shall not be applicable to the City.

ARTICLE X. DEFINITIONS

10.1 General

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

10.2 Definitions

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

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

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

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

Adult Development Day Treatment. Adult habilitative services are provided to individuals with development and intellectual disabilities. These services provide instruction in areas of cognition, communication, social/emotional, motor, and adaptive (including self-care).

Advertising Sign or Structure. Any cloth, card, paper, metal, glass, wooden, plastic, plaster, stone or other sign, device, or structure of any character whatsoever, including statuary placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, or structure. The term ‘plate’ shall include erecting, constructing, posting, painting, printing, tacking, mailing, gluing, sticking, carving, or otherwise fastening, affixing, or making visible in any manner whatsoever. The area of an advertising structure shall be determined as the area of the largest cross section of the structure.

Neither directional, warning, nor other signs posted by public officials in the course of their public duties nor merchandise or materials being offered for sale shall be constructed as advertising signs for the purpose of this Code.

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

activities.

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

Antenna Array. One or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include an omni-directional antenna (rod), a directional antenna (panel) and a parabolic antenna (disc). The Antenna Array does not include the Support Structure defined below.

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

Attached Wireless Communications Facility (Attached WCF). An Antenna Array that is attached to an existing building or structure which shall include, but not be limited to, utility poles, signs, water towers, with any accompanying poles or device which attaches the Antenna Array to the existing building or structure and associated connection cables, and any Equipment Facility which may be located either inside or outside the Attachment Structure.

Automobile Junk or Salvage Yard. An area outside of a building where motor vehicles are disassembled, dismantled, junked, or “wrecked”, or where motor vehicles not in operable condition or used parts of motor vehicles are stored.

Aviation Service. A use or service appurtenant to an airport including but not limited to the repair, service, or maintenance of aircraft, or services that could be in conjunction with an airport.

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

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

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

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

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

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

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 extension above the roof line that are not intended for occupancy or internal usage by persons.

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

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

Building, Temporary Construction. A building located at a construction site which serves only as an office until the given construction work is completed. A temporary construction building is not permitted to serve as a residence at any time.

Car Wash. A building or area that provides facilities for washing and cleaning motor vehicles, which may use production line methods with a conveyor, blower, or other mechanical device, and which may employ some hand labor.

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

Child Care Center. Any Child Care Facility conducted under public or private auspices on a profit or nonprofit basis providing direct care and protection for minor children. Any facility that is open more than five (5) hours during any 24 hour period or more than a total of ten (10) hours during a seven (7) day period is considered a Child Care Center and shall be subject to provisions of the Child Care Facility Licensing Act. This definition includes, but is not limited to, a nursery, a nursery school, a registered home day care, a day care family home, or day care center. However this definition does not include:

- 1) Special schools or classes operated solely for religious instruction.
- 2) Facilities operated in connection with a church, shopping center, business or establishment where children are cared for not more than five (5) hours during any 24 hour period or more than a total of ten (10) hours during a seven (7) day period.
- 3) Educational facilities, whether public or private, which operate solely for educational purposes in grades one (1) or above and does not provide any custodial care.
- 4) Kindergartens operated as a part of the public schools of this state.
- 5) Any situation, arrangement, or agreement by which one (1) or more persons care for fewer than six (6) children from one (1) family at the same time.

6) Any recreational facility or program, whether public or private, which operates solely as a place of recreation for minor children, where children are not cared for more than five (5) hours during any 24 hour period or more than a total of ten (10) hours during a seven (7) day period.

7) Any state-operated facility to house juvenile delinquents or any serious offender program operated by a state designee to house juvenile delinquents, foster home, group home, or custodial institution.

Church Child Care Center. A Child Care Center operated on a church campus.

School Child Care Center. A Child Care Center operated on a school campus.

Church or Place of Religious Worship. An institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The term “church” shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

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.

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

Collocation or Site Sharing. Use of a common WCF or common site by two or more wireless license holders or by one wireless license holder for more than one type of communications technology or placement of a WCF on a structure owned or operated by a utility or other public entity.

Commercial Message. Any sign, wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Commercial Vehicle. Heavy machinery equipment, dump trucks, tractor and trailer rigs, either as one unit or separately, vehicles having more than two axles on the road and similar vehicles not ordinarily used for personal transportation.

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

Common Usable Open Space. Open space areas within a development such as a Planned Unit Development which are designed and intended for landscaping, natural preservation, or recreational use by the residents or users of the development. Drainage structures are not considered common usable open space unless made suitable for recreational use.

Community Theater. A building used for theatrical or other cultural activities, open to the public or designated part of a public, non-profit group or agency.

Comprehensive Plan. An official statement reflecting the objectives, policies, and ambitions of the community regarding future physical growth. Once adopted, the plan serves as a guide for making land use changes, preparation of implementing ordinances (zoning, platting), preparation of capital improvement programs and the rate, timing and location of future growth. The Plan reflects the general location for various land uses, major streets, parks, public buildings, zoning districts and other public improvements. The Comprehensive Development Plan shall be hereinafter called the Plan.

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

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

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

Day Care Family Home. A situation in which six to 16 children are cared for in a caregiver’s own family home or in some other suitable family type residence.

Derrick Tower. A structure constructed of lattice steel and which is entirely self-supporting.

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

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

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

Dwelling, or Dwelling Unit. Any room or group of rooms, including manufactured housing units, located within a structure forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, eating, and sanitation by one family, but not including house trailers, travel trailers, or house boats.

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

Dwelling – Condominium. A single-dwelling unit in a multiunit dwelling or structure, that is separately owned and may be combined with an undivided interest in the common areas and facilities of the property.

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

Dwelling for Resident Security Guard or Caretaker. A permanent dwelling for a security guard or caretaker employed on the premises of a site. A dwelling for a resident security guard or caretaker does not include Recreational Vehicles (RV) or manufactured homes.

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

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

Dwelling or Complex, Multi-Family. A dwelling or complex designed for occupancy by eight or more families living independently of each other, exclusive of auto or trailer courts or camps, hotels, or resort type hotels.

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

Duplex. (See Dwelling, Two-Family)

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

Equipment Facility. Any structure used to contain ancillary equipment for a WCF, which includes cabinets, shelters, and a build out of an existing structure, pedestals, and other similar structures.

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

FAA. The Federal Aviation Administration.

FCC. The Federal Communication Commission.

FTA. The Federal Telecommunications Act of 1996.

Factory-built Home. Any dwelling that is wholly, or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly on a building site. Factory-built homes shall include, but are not limited to, manufactured homes, modular homes and mobile homes.

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

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

Fence. A structure serving as an enclosure, barrier, or boundary and usually made of post boards, wire, stakes, or rails.

Flea Market. A flea market is a type of street market that provides space for vendors to sell previously-owned (second-hand) merchandise. This type of market is often seasonal.

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

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

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

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

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

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

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

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

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

Garage, Private. An accessory building or a part of a main building used for storage purposes only for automobiles used solely by the occupants and their guests of the building to which it is accessory and not for commercial repair use.

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, sale of fuels, oils, accessories, or maintenance and repair services.

Gasoline Service or Filling Station. Any area of land, including structures thereon, that is used for the retail sales of gasoline or oil fuel, or other automobile accessories, and incidental services including facilities for lubricating, hand washing and cleaning, or otherwise servicing automobiles, but not including painting, major repair, or automatic automobile washing or the sale of butane or propane fuels.

Group Shelter. A group shelter shall mean a homeless shelter that shelters some combination of a family or group of unrelated persons of differing genders under one roof and with centralized management.

Guy-Wired Tower. A structure constructed of lattice steel and which is supported by guy-wires extending at angles from the structure to ground anchors.

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

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

Height. When referring to a WCF, height shall mean the distance measured from ground level to the highest point on the WCF, including the Antenna Array.

Home Occupation. Any occupation or profession carried on solely by the occupant of the dwelling and which is clearly incidental and secondary to the use of the premises for dwelling purposes; which does not change the character thereof; and which is conducted entirely within the main or accessory building; provided that no trading in merchandise is carried on and in connection with which there is no display of merchandise or sign other than one non-illuminated name plate, not more than 6 square feet in area and located not closer than 20 feet from the street right-of-way line; and no mechanical equipment is used or activity is conducted which creates any noise, dust, odor, or electrical disturbance beyond the confines of the lot on which said occupation is conducted. The operation of a tea room or restaurant, rest home, clinic, doctor or dentist office, child care center, tourist home, or cabinet, metal, or auto repair shop shall not be deemed a home occupation.

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

Hotel. A building or part thereof occupied as a more or less temporary abiding place for individuals in which the rooms are usually occupied singularly for hire and in which rooms no provisions for cooking is made, and in which building there is usually a kitchen and public dining room for the accommodation of the guests. This definition does not include an auto or

trailer court or camp, sanatorium, hospital asylum, orphanage, or building where persons are housed under restraint.

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

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

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

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

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

Legal Parking Space. A legal parking space is defined as parking within a garage, underneath a carport, on a driveway leading to a garage or carport, in a screened space behind the required setback line, or within a designated parking lot.

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

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

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

Lot, Double Frontage. A lot that is an interior lot extending from one street to another and abutting a street on two ends. (mainly front and back yards.)

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

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

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

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

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

Mall. Any concentration of retail stores and/or service establishments that share customer-parking areas and are located within an enclosure having public walkways whereby a customer

in one store or establishment may walk to another store or establishment without leaving the enclosure.

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

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

Manufactured Home Park. Land or property containing a minimum of 3 acres which is used or intended to be used or rented for occupancy by manufactured homes or movable sleeping quarters of any kind.

Manufactured Home Subdivision. A subdivision in which lots are platted to be served by public rights-of way, designed and intended for sale to individuals who will place a mobile home unit or joining of units, and meeting the requirements of Article II, Section 7.

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

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

Monopole Tower. A supporting structure composed of a solid pole without any guy-wired support.

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

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

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

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

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

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

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

Parking Lot, Private. A parking area for the exclusive use of the owners, tenants, lessees, or occupants of the lot on which the parking area is located or their customers, employees, or whomever else they permit to use the parking area.

Parking Lot, Public. A parking area available to the public, with or without payment of a fee.

Parking Space. An off-street space available for the parking of one motor vehicle and having an area of not less than 180 square feet exclusive of passageways and driveways, and having direct access to a street or alley. It shall measure not less than 9 feet by 20 feet.

Planned Unit Development (PUD). A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

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

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

Professional Office. For purposes of determining permitted uses in the C-4, Neighborhood and Quiet Business District, a professional office is defined as one in a member of a recognized profession maintains for the conduct of that profession.

Public Assembly. A space, room, or structure designed or used for occupancy by 20 or more persons who are gathered for a non-commercial purpose. Clubs, lodges, halls, and churches are places of public assembly.

Public Utility. Any person, firm, corporation, municipal department, or board, duly authorized to furnish and furnishing under regulations to the public, electricity, gas, telephone, television cable, telegraph, transportation, drainage, water, or sanitary sewage.

Radio Tower, Commercial. A commercial communication tower not covered under the Telecommunications Act of 1996.

Radio Tower, Private. A radio or TV tower that is attached to a residence(s) for home or amateur use, and not covered under the Telecommunications Act of 1996.

Recreational Vehicle (RV). Self propelled or towed temporary living quarters equipped with minimum of bed, sanitation, bath and cooking facilities.

Residential Home Day Care. A situation in which the resident of a home cares for five (5) children or less.

Restaurant. A business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in non-disposable containers, and where the customer consumes these foods while seated at tables or counters located within the building.

Restaurant, Drive-In. An establishment that delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not is also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.

Restaurant, Fast Food. Any establishment whose principal business is the sale of foods, frozen desserts, or beverages in ready-to-consume individual servings, for consumption either within the restaurant building or for carry-out, and where either: 1) foods, frozen desserts, or beverages are usually served in paper, plastic, or other disposable containers, and where customers are not served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter where the items are consumed; or 2) the establishment includes a drive-up or drive-through service facility or offers curbside service.

Right-of-Way. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other special use.

School. A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools.

Self-Storage. A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

Service Station. (See Gasoline Service Station)

Setback. The required minimum horizontal distance between the structure line and the related front, side, or rear property line.

Shopping Center. Two or more retail stores and/or service establishments, or one retail store and one service establishment, sharing customer-parking areas, regardless of whether said stores and/or service establishments occupy separate structures or are under separate ownership.

Sign. The term “sign” shall mean and include every device, frame, letter, figure, character, mark, plane, point, design, picture, stroke, stripe, trademark, or reading matter which is used or intended to be used to attract attention or convey information when the same is placed out of doors in view of the general public. In addition, any of the above, which is not placed out of doors, but which is illuminated with artificial or reflected light placed near the inside surface of a window in such a way as to be in view of the general public and used or intended to be used to attract attention or convey information to motorists.

Sign Area. The area within a line including the outer extremities of all letters, figures,

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

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

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

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

Sign, Bulletin Board. A sign portraying a non-commercial message for the purpose of announcing an event to be held on the same premises upon which the sign is placed.

Sign, Flashing. An illuminated sign on which artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use.

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

Sign, Identification. A sign that serves as an identification for a person or business operating on the premises where the sign is located. Such sign may name the person, organization or business, but shall not portray any other commercial or non-commercial message.

Sign, Illuminated. Any sign that has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper.

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

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

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

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

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

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

Sign, Real Estate. A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.

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

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

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

Special Permit Use. A use that may or may not be located within various districts depending upon review and approval by the Planning Commission and City Council.

Stealth Technology. Systems, components and materials used in the construction of the WCF, which are designed to mask or conceal the WCF to make it compatible with the surrounding property.

Storage, Mini. A building or group of buildings designed to contain multiple storage compartments for use by individuals on a short-term or long-term basis. The driveways, parking areas and access areas must all be paved in accordance with Section 4.3.1 of this Code.

Storm Shelter. Storm shelters are not regulated by this Code.

Story. That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it or, if there is not floor above it, the space between the floor and ceiling next above it. A half story is a partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than 4 feet above the floor of each story.

Street. Any public or private thoroughfare that 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.

Structure, Single-Family. A detached residence designed for occupancy by one family only, and having a minimum of 500 square feet of living space.

Structure, Two-Family. A detached residence designed for occupancy by two families, and having a minimum of 500 square feet of living space per family.

Structure, Multi-Family. A residence designed for occupancy by three or more families, with separate housekeeping and cooking facilities for each.

Support Structure. A wireless communication structure designed and constructed specifically to support an Antenna Array, and may include a monopole, guy-wire support tower, or derrick tower. Any device used to fasten an Attached WCF to an existing building or structure shall be excluded from the definition of and regulations applicable to Support Structures.

Swimming pool. Any private, public or semi-public in-ground or above pool, tank, tub or other receptacle of water that is artificially created by any means other than impoundment to provide facilities for swimming, bathing, wading, muscle relaxation, etc., and which has at any point a depth equal to or greater than 18”.

Temporary Carnival or Amusement Enterprise. A transient amusement enterprise set up with the intent to operate for a limited time at any specific location.

Therapeutic Community. A highly structured residential environment or continuum of care in which the primary goals are the treatment of behavioral health needs and the fostering of personal growth leading to personal accountability. Services address the broad range of needs identified by the person served and employ a community imposed consequences and earned privileges as a part of the recovery and growth process.

Level 1 Therapeutic Community: Is a secure facility / locked down facility and is the highest level of care.

Level 2 Therapeutic Community: Is a lower level of care and is NOT secured / locked down.

Tower Use Permit (TUP). A permit issued by the City specifically for the location, construction, and use of a WCF subject to an approved site plan and special conditions determined by the Planning Commission and City Council to be appropriate under the provisions of this Code.

Trailer Court. (See Manufactured Home Park)

Truck Stop. Any retail establishment that is greater than 3,500 square feet in gross floor area

which offers for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption. For establishments 3,500 square feet or less see “Convenience Store”.

Variance. Administrative relief from the literal provisions of this Code in instances where enforcement would cause undue hardship due to circumstances unique to the individual property under question.

Vending Ice Machine, Free Standing Automated. (Ordinance 1984) – A coin or paper money operated machine that dispenses ice upon receipt of money intended as a self-serve stand-alone business to be accessed by the public on a twenty-four (24) hour basis.

Wall. An upright structure of masonry, wood, plaster, or other building materials serving to enclose, divide, or protect an area.

Warehousing. For building code purpose, warehouse space used in connection with and on the same premises as wholesale or retail operation is considered storage space.

Wireless Communications. Any personal wireless service as defined in the Telecommunications Act of 1996, which includes FCC-licensed commercial wireless communications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.

Wireless Communication Facility (WCF) or Tower. Any un-staffed facility covered under the Telecommunications Act of 1996 used for the transmission or reception of wireless telecommunications services, usually consisting of an Antenna Array, connection cables, an Equipment Facility, and a Support Structure to achieve the necessary elevation.

Yard. The open space between the lot line and the main building line.

Yard, Front. The open space between the front lot line and the main building line, extending from side lot line to side lot line; this being the minimum horizontal distance between the front lot line and the main building or any projections thereof other than the projections of uncovered steps, uncovered balconies, terraces, or uncovered porches. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its lease dimension.

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

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

ARTICLE XI. VALIDITY AND REPEAL

11.1 Validity

The following statements pertain to the validity of this code:

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

11.1.2 The City Council of the City of Russellville hereby declares that all such remaining parts would have been passed irrespective of the validity or invalidity of any parts found to be invalid.

11.2 Repeal

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

ARTICLE XII. AREA REQUIREMENT

| ZONE | USE | MIN LOT AREA SQ FT | MIN LOT WIDTH AT BLDG LINE | FRONT | SIDE INTERIOR | SIDE EXTERIOR OR CORNER | REAR SINGLE FRONTAGE LOT | REAR DOUBLE FRONTAGE LOT |
|-------------|--|---|----------------------------------|----------------------------|----------------------------|----------------------------------|-----------------------------------|-----------------------------------|
| R-E | SINGLE FAMILY | 43,560 (1 ACRE) | 150 | 50 | 25 | 25 | 25 | 50 |
| R-1 | SINGLE FAMILY CHURCHES | 9,600 20,000 | 75 100 | 25 30 | 10 30 | 15 30 | 15 30 | 25 30 |
| R-2 | SINGLE FAMILY DUPLEX MULTI-FAMILY CHURCHES | 7,200 9,000 NoteB 14,000 | 60 60 80A 70 | 25 25 25 25 | 8 8 15 15 | 15 15 15 15 | 15 15 15 15 | 25 25 25 25 |
| R-2S | SINGLE FAMILY | 7,200 | 60 | 25 | 8 | 15 | 15 | 25 |
| R-3 | SINGLE FAMILY DUPLEX MULTI-FAMILY CHURCHES ZERO-LOT LINE | 6,000 7,500 NoteB 7,000 4,000 | 50 60 75-C 50 40 | 20 20 20 20 15 | 6 6 10 10 0/10 | 15 15 15 15 15 | 15 15 15 15 15 | 20 20 20 20 15 |
| R-4 | MFG HOME PARK MFG HOME SUBDIVISION | 4,000 3 ACRES 5 ACRES | 40 40 | 10 25 | 10 6 | 10 15 | 10 20 | 10 25 |
| R-O | RESIDENTIAL OFFICE | 10,000 | 60 | 25 | 5 | 10 | 30 | 30 |
| C-1 | CENTRAL BUSINESS DISTRICT | NONE-D, I | NONE | 0 Max.-J | NONE-E | NONE-E | NONE-E | NONE-E |
| C-1B | CENTRAL BUSINESS DIST. B | NONE-D, I | NONE | H | H | H | H | H |
| C-2 | HIGHWAY COMMERCIAL | NONE-D | NONE | 25 | NONE-E | 10 | NONE-E | NONE-E |
| C-3 | SHOPPING CENTER | 3 ACRES | NONE | 25 | 25 | 25 | 25 | 25 |
| C-4 | NEIGHBORHOOD & QUIET BUSINESS | NONE-D | NONE | 25-F | 10-F | 15-F | 15-F | 25 |
| M-1 | LIGHT INDUSTRIAL | NONE-D | NONE | 25-G | 25-G | 25-G | 25-G | 25 |
| M-2 | HEAVY INDUSTRIAL | NONE-D | NONE | 25 | 25-G | 25-G | 25-G | 25 |
| A-1 | AGRICULTURAL | 43,560 (1 ACRE) | 150 | 50 | 25 | 25 | 25 | 50 |
| PUD | PLANNED UNIT DEVELOPMENT | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| CONS | CONSERVATION | NONE- D | NONE | 50 | 25 | 25 | 50 | 50 |

12.1 Notes for Area Requirements Table Notes referring to the Area Requirements Table are as follows:

(A) Minimum lot width shall be increased by 10 feet for each dwelling unit exceeding 3, up to a maximum required width of 200 feet.

(B) “In the R-2 District minimum lot area shall be 10,000 square feet for the first three dwelling units. For 4 or more dwelling units, minimum lot area shall be calculated by multiplying total number of units times 2,722.5 square feet. In the R-3 District minimum lot area shall be 7,500 square feet for the first 3 dwelling units, plus 1,000 square feet for each additional dwelling unit up to 5. For 6 units or more, minimum lot area shall be calculated by multiplying total number of units times 1,815 square feet.”

(C) Minimum lot width shall be increased by 5 feet for each dwelling unit exceeding 3, up to a maximum required width of 150 feet.

(D) While there are no specific lot area requirements, the lot must be adequate to provide all required yard area, off-street parking and loading area, and comply with coverage requirements.

(E) Where commercial uses adjoin a residential district, or are serviced from the rear, setbacks are required. Refer to specific district regulations to determine condition.

(F) Residential uses approved for sites located in any Commercial or Manufacturing zoning district shall comply with area requirements of the R-3 Medium/High Density Residential District.

(G) Industrial structures may be built to the side or rear property line where railroad siding facilities are utilized.

(H) Requirement to be established through Planning Commission approval of development plan.

(I) Continue to allow all forms of dwellings (other than mobile or manufactured homes) as Permitted uses in C-1/C-1B except on the ground floor. Ground floor residential uses would require a SPECIAL USE PERMIT.

(J) Setback may be increased to a maximum of 10 feet with Planning Commission approval of a development plan/site plan.

RUSSELLVILLE, ARKANSAS ARTICLE XIII. TABLE OF PERMITTED USES

January 2021

Any Permitted Uses not specifically listed on in this Table of Permitted Uses is NOT PERMITTED and must be submitted to the Planning Commission to be reviewed in order to determine whether the intended Permitted Use in question fits in into the zone it is proposed to be located by the User/Applicant. Depending on the Permitted Use proposed by the User/Applicant, the Planning Commission may determine the zoning appropriate for the use proposed, may reject the proposed use for the zone the use is to be located, may require rezoning to better fit the use proposed or proposed a new Permitted Use to the Table of Permitted Uses with the uses for each zone determined and recommend to the City Council to amend the Zoning Code Table of Permitted Uses to add the new Permitted Use to the Table.

“P” mean that use is permitted;

“SP” means that use requires a Special Use Permit Approval;

“-” means that use is Not Permitted

| | | RESIDENTIAL DISTRICTS | | | | | | | NONRESIDENTIAL DISTRICTS | | | | | | | | | | | |
|--|---|-----------------------|-----------|-----------|-----------|------------|-----------|-----------|--------------------------|-----------|------------|-----------|-----------|-----------|-----------|-----------|-----------|------------|------------|----|
| USE CATEGORY | SPECIFIC USE | <u>RE</u> | <u>RO</u> | <u>R1</u> | <u>R2</u> | <u>R2S</u> | <u>R3</u> | <u>R4</u> | <u>A1</u> | <u>C1</u> | <u>C1B</u> | <u>C2</u> | <u>C3</u> | <u>C4</u> | <u>C5</u> | <u>M1</u> | <u>M2</u> | <u>PUD</u> | <u>CNS</u> | |
| RESIDENTIAL | | | | | | | | | | | | | | | | | | | | |
| Household Living | Dwelling - Condominium | - | - | - | P | - | P | - | - | SP | SP | SP | SP | SP | SP | - | - | - | - | |
| | Dwelling - Manufactured Home, Subdivision and Park | - | - | - | - | - | - | P | - | - | - | - | - | - | - | - | - | - | - | |
| | Dwelling - Multi-Family - Duplex | - | - | - | P | - | P | - | - | P | P | - | - | P | - | - | - | - | - | |
| | Dwelling - Multi -Family up to and including 8 plexes | - | - | - | P | - | P | - | - | P | P | - | - | - | - | - | - | - | - | |
| | Dwelling - Multi-Family - More than 8 Plexes | - | - | - | - | - | P | - | - | P | P | - | - | - | - | - | - | - | - | |
| | Dwelling - Single-Family, Detached | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | SP |
| | Dwelling - Single-Family, Manufactured Home | - | - | - | - | - | P | P | - | - | - | - | - | - | - | - | - | - | - | - |
| | Dwelling - Single-Family, Zero Lot Lines | - | - | - | - | - | P | - | - | P | P | - | - | - | - | - | - | - | - | - |
| | Dwelling - Townhouses | - | - | - | P | - | P | - | - | P | P | SP | SP | SP | SP | SP | - | - | - | - |
| Dwelling for Resident Security Guard or Caretaker employed on the premises- No R.V. or Manufactured Home | - | - | - | - | - | - | - | - | - | SP | SP | P | P | - | P | P | P | - | - | |
| Group Living | Boarding House | - | - | - | - | - | SP | - | SP | - | - | SP | - | SP | SP | - | - | - | - | |
| | Fraternity, Sorority Houses | - | - | - | - | - | P | - | - | - | - | P | - | P | P | - | - | - | - | |
| | Group Home | - | SP | - | - | - | SP | - | SP | - | - | SP | - | SP | SP | - | - | - | - | |
| | Group Shelter | - | - | - | - | - | SP | SP | SP | SP | SP | SP | - | SP | SP | - | - | - | - | |
| | Halfway House | - | - | - | - | - | SP | - | SP | - | - | SP | - | SP | SP | - | - | - | - | |
| | Nursing or Convalescent Home | - | P | - | - | - | SP | - | - | - | - | P | P | SP | P | - | - | - | - | |
| | Residential Home Day Care | P | P | P | P | P | P | P | P | - | - | - | - | - | - | - | - | - | - | |
| | Therapeutic Community – Level 1 | - | - | - | - | - | - | - | - | SP | - | - | SP | - | SP | SP | - | - | - | - |
| Therapeutic Community – Level 2 | - | SP | - | - | - | SP | - | SP | - | - | SP | - | SP | SP | - | - | - | - | - | |

To Be Proposed by Applicant

“P” mean that use is permitted;

“SP” means that use requires a Special Use Permit Approval;

“-” means that use is Not Permitted

| | | RESIDENTIAL DISTRICTS | | | | | | | NONRESIDENTIAL DISTRICTS | | | | | | | | | | | |
|---|---|-----------------------|----|----|----|-----|----|----|--------------------------|----|-----|----|----|----|----|----|----|-----|-----|---|
| USE CATEGORY | SPECIFIC USE | RE | RO | R1 | R2 | R2S | R3 | R4 | A1 | C1 | C1B | C2 | C3 | C4 | C5 | M1 | M2 | PUD | CNS | |
| PUBLIC, CIVIC, AND INSTITUTIONAL | | | | | | | | | | | | | | | | | | | | |
| Community Service | Art Gallery or Museum | - | SP | - | - | - | - | - | P | P | P | - | P | - | - | - | - | - | - | |
| | Auditorium | - | SP | - | - | - | - | - | - | P | P | P | P | - | P | - | - | - | - | |
| | Community Building | - | SP | - | - | - | - | - | - | - | - | P | P | P | P | - | - | - | - | |
| | Community and Relief Services | - | - | - | - | - | - | - | - | - | - | P | P | - | P | - | - | - | - | |
| | Golf Course, including commercially operated Driving Range or Miniature Golf Course | - | - | - | - | - | - | - | - | SP | - | - | SP | - | - | SP | - | - | - | P |
| | Lodge Hall, Veteran Organization, Service Organization | - | SP | - | - | - | - | - | - | - | P | P | P | P | P | P | - | - | - | - |
| Educational Facilities | Adult Daycare / Adult Development Day Treatment | - | SP | - | - | - | SP | - | - | P | P | P | P | P | P | - | - | - | - | |
| | Child Care Center | SP | SP | SP | SP | SP | SP | SP | SP | P | P | P | P | P | P | - | - | - | - | |
| | Day Care Family Homes | - | - | - | P | P | P | P | - | - | - | - | - | - | - | - | - | - | - | |
| | School, Business | - | P | - | - | - | - | - | - | P | P | P | P | SP | P | - | - | - | - | |
| | School, Nursery or Child Care Center | - | - | - | P | P | P | P | P | P | P | P | P | P | P | - | - | - | - | |
| | School, Commercial or Trade | - | - | - | - | - | - | - | - | SP | SP | P | P | - | P | P | P | - | - | |
| Funeral Home | Cemetery/Mausoleum | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | - | - | |
| | Funeral Home, Mortuary or Undertaking Establishment | - | - | - | - | - | - | - | - | - | - | P | P | - | P | P | - | - | - | |
| | Funeral Home Service - Crematorium | - | - | - | - | - | - | - | P | - | - | SP | SP | - | SP | P | P | - | - | |
| Government Facilities | Public Buildings and Uses | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | |
| | Park or Recreational Facility, Publicly Operated | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | |
| Health Care | Clinic, Dental, Medical, or Osteopathic, Chiropracist | - | SP | - | - | - | - | - | - | P | P | P | P | P | P | - | - | - | - | |
| | Laboratory, Research or Testing | - | - | - | - | - | - | - | - | - | - | P | - | - | P | P | P | - | - | |
| | Medical, Dental and Outpatient Surgical Clinic | - | P | - | - | - | - | - | - | P | P | P | P | P | P | - | - | - | - | |
| | Rehabilitation – Drug / Alcohol | - | - | - | - | - | - | - | SP | - | - | SP | - | - | SP | - | - | - | - | |
| Institutions | Hospital, Health Center, Institution for Aged or Children, Assisted Care Facility | - | SP | - | - | - | - | - | - | P | P | P | P | - | P | - | - | - | - | |
| | Library | - | P | - | - | - | - | - | - | P | P | P | P | P | P | - | - | - | - | |
| | Newspaper Offices | - | - | - | - | - | - | - | - | P | P | P | P | - | P | - | - | - | - | |
| | Post Office | - | - | - | - | - | - | - | - | P | P | P | P | - | P | P | - | - | - | |
| Passenger Terminal | Bus Station | - | - | - | - | - | - | - | - | SP | SP | P | - | - | P | - | - | - | - | |
| | Freight Depot, Railroad, Truck or Barge | - | - | - | - | - | - | - | - | SP | SP | SP | - | - | SP | P | P | - | - | |
| | Travel Bureau | - | P | - | - | - | - | - | - | P | P | P | P | P | P | - | - | - | - | |
| | Truck Stop and Travel Center, or Truck Parking | - | - | - | - | - | - | - | - | - | - | SP | P | - | SP | - | - | - | - | |

To Be Proposed by Applicant

“P” mean that use is permitted;

“SP” means that use requires a Special Use Permit Approval;

“-” means that use is Not Permitted

| | | RESIDENTIAL DISTRICTS | | | | | | | NONRESIDENTIAL DISTRICTS | | | | | | | | | | | | |
|---------------------------------------|--|-----------------------|----|----|----|-----|----|----|--------------------------|----|-----|----|----|----|----|----|----|-----------------------------|-----|----|----|
| USE CATEGORY | SPECIFIC USE | RE | RO | R1 | R2 | R2S | R3 | R4 | A1 | C1 | C1B | C2 | C3 | C4 | C5 | M1 | M2 | PUD | CNS | | |
| Religious | Church or Other Place of Worship | SP | SP | SP | SP | SP | SP | SP | SP | P | P | P | P | SP | P | - | - | To Be Proposed by Applicant | - | | |
| | Church Nursery or Day Child Care | SP | SP | SP | P | P | P | P | P | P | P | P | P | P | P | - | - | | - | | |
| Utilities | Above Ground Storage Tank – Non Flammable | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | | SP | SP | |
| | Electrical Substation | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | | SP | SP | |
| | Highway or Street Maintenance Garage, Yard of Similar Facility | - | - | - | - | - | - | - | - | - | - | SP | SP | - | SP | P | P | | - | - | |
| | Radio or TV Studio and/or Communication Tower, Commercial. 1. licensed under FCC Act of 1996 | See Article III.18 | | | | | | | | | | | | | | | | | | | |
| | Radio or TV Studio and/or Communication Tower, Commercial. 1. Not licensed under FCC Act of 1996 | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | P | | P | - | - |
| | *Radio or Communication Tower, Private, including Ham Operators | P | P | P | P | P | P | P | P | P | SP | SP | P | P | P | P | P | | P | - | - |
| | Telephone Exchange, Shop or Garage | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | SP | | P | - | - |
| | Utility Equipment, Storage and Repair | - | - | - | - | - | - | - | - | - | - | - | P | - | - | P | P | | P | - | - |
| | Utility Substation | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | | SP | SP | SP |
| | Water Treatment Plant | - | - | - | - | - | - | - | - | SP | - | - | - | - | - | - | SP | | SP | - | - |
| Waste Water Treatment Plant | - | - | - | - | - | - | - | - | SP | - | - | - | - | - | - | SP | SP | - | - | | |
| COMMERCIAL, OFFICE, AND RETAIL | | | | | | | | | | | | | | | | | | | | | |
| Entertainment | Amusement, Commercial | - | - | - | - | - | - | - | - | - | - | SP | - | - | SP | SP | SP | To Be Proposed by Applicant | - | | |
| | Arcade | - | - | - | - | - | - | - | - | P | P | P | P | P | P | - | - | | - | - | |
| | Archery or Axe Range | - | - | - | - | - | - | - | - | - | - | SP | - | - | SP | SP | SP | | - | - | |
| | Art Studio | - | SP | - | - | - | - | - | - | P | P | P | P | P | P | - | - | | - | - | |
| | Bowling Alley | - | - | - | - | - | - | - | - | - | - | P | P | - | P | - | - | | - | - | |
| | Buildings, Public, Semi-Public, Party or Club Rental | - | - | - | - | - | - | - | - | SP | SP | SP | SP | SP | SP | - | - | | - | - | |
| | Carnival, Circus or Similar Temporary Amusement Enterprise | - | - | - | - | - | - | - | SP | SP | SP | P | P | - | P | - | - | | - | - | |
| | Casino / Casino Operator | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | - | | - | - | |
| | Club or Lodge, Public or Private | - | SP | - | - | - | - | - | - | P | P | P | P | P | P | - | - | | - | - | |
| | Indoor Playground | - | SP | - | - | - | - | - | - | P | P | P | P | P | P | - | - | | - | - | |
| | Recreation waterslide, race track, amusement park & related activities | - | - | - | - | - | - | - | - | - | - | SP | SP | - | SP | - | - | | - | - | |
| | Recreational Vehicle Park | - | - | - | - | - | - | - | - | SP | - | - | SP | SP | - | SP | SP | | SP | - | |
| | Skating Rinks | - | - | - | - | - | - | - | - | - | - | P | P | - | P | - | - | | - | - | |
| Stables, for Commercial Hire | - | - | - | - | - | - | - | - | P | - | - | SP | - | - | SP | - | - | - | | | |

“P” mean that use is permitted;

“SP” means that use requires a Special Use Permit Approval;

“-” means that use is Not Permitted

| USE CATEGORY | SPECIFIC USE | RESIDENTIAL DISTRICTS | | | | | | | NONRESIDENTIAL DISTRICTS | | | | | | | | | | |
|-------------------------|--|-----------------------|----|----|----|-----|----|----|--------------------------|----|-----|----|----|----|----|----|----|-----|-----|
| | | RE | RO | R1 | R2 | R2S | R3 | R4 | A1 | C1 | C1B | C2 | C3 | C4 | C5 | M1 | M2 | PUD | CNS |
| Entertainment | Stadium, Arena or Similar Facility | - | - | - | - | - | - | - | - | - | - | SP | - | - | SP | P | P | - | - |
| | Theatre, Community | - | - | - | - | - | - | - | - | P | P | P | P | - | P | - | - | - | - |
| | Theatre, Indoor | - | - | - | - | - | - | - | - | P | P | P | P | - | P | - | - | - | - |
| Miscellaneous | Accessory Buildings | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| | Billboards within 600 feet of interstate highway right-of-way | - | - | - | - | - | - | - | - | - | - | SP | SP | - | SP | SP | SP | - | - |
| | Buildings, Temporary until Construction Work Completed- Office only – no residence | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| | Construction Staging Site without Heavy Equipment or Material Storage | - | - | - | - | - | - | - | - | - | - | - | P | - | - | P | P | - | - |
| | Construction Office/Building, Equipment Repair, Sales, or Contractor Storage Yard | - | - | - | - | - | - | - | - | - | - | SP | - | - | SP | P | P | - | - |
| | Sign, Off Premise | - | - | - | - | - | - | - | - | - | - | SP | - | - | SP | - | - | - | - |
| Office | Animal Hospital, Kennel, Pound or Shelter | - | - | - | - | - | - | - | P | - | - | SP | SP | - | SP | P | P | - | - |
| | Office, Construction no equipment repair, sales, or storage yards | - | - | - | - | - | - | - | - | - | - | P | P | - | P | P | P | - | - |
| | Offices, Home | P | P | P | P | P | P | P | P | P | P | P | P | P | P | - | - | - | - |
| | Office, Other | - | - | - | - | - | - | - | - | P | P | P | - | P | P | P | P | - | - |
| | Offices, Medical and Professional | - | P | - | - | - | - | - | - | P | P | P | P | P | P | - | - | - | - |
| | Office Warehouse | - | - | - | - | - | - | - | - | - | - | P | P | - | P | P | P | - | - |
| | Veterinarian, Office Only | - | - | - | - | - | - | - | - | P | P | P | P | P | P | - | - | - | - |
| | Veterinary Clinic, Boarding & Overnight Care | - | - | - | - | - | - | - | - | - | - | P | P | - | P | - | - | - | - |
| Overnight Accommodation | Bed & Breakfast | - | SP | - | - | - | - | - | - | SP | SP | P | P | P | P | - | - | - | - |
| | Campground, R.V. Park | - | - | - | - | - | - | - | SP | - | - | P | - | - | P | - | - | - | - |
| | Hotel or Motel | - | - | - | - | - | - | - | - | P | P | P | P | - | P | - | - | - | - |
| Parking, Commercial | - | - | - | - | - | - | - | - | P | P | P | P | - | P | - | - | - | - | |
| Personal Service | Barber or Beauty Shop | - | P | - | - | - | SP | - | - | P | P | P | P | P | P | - | - | - | - |
| | Custom Sewing | - | SP | - | - | - | - | - | - | P | P | P | P | P | P | - | - | - | - |
| | Day Spa or Massage | - | P | - | - | - | - | - | - | P | P | P | P | P | P | - | - | - | - |
| | Dry Cleaners, Laundry | - | - | - | - | - | - | - | - | P | P | P | P | P | P | - | - | - | - |
| | Health Studio | - | SP | - | - | - | - | - | - | P | P | P | P | SP | P | - | - | - | - |
| | Landscaping Service - Office Location | - | - | - | - | - | - | - | - | - | - | P | P | - | P | - | - | - | - |
| | Locksmith | - | - | - | - | - | - | - | - | - | - | P | P | - | P | - | - | - | - |

To Be Proposed by Applicant

“P” mean that use is permitted;

“SP” means that use requires a Special Use Permit Approval;

“-” means that use is Not Permitted

| USE CATEGORY | SPECIFIC USE | RESIDENTIAL DISTRICTS | | | | | | | NONRESIDENTIAL DISTRICTS | | | | | | | | | | | |
|----------------------------|---|-----------------------|----|----|----|-----|----|----|--------------------------|----|-----|----|----|----|----|----|----|-----|-----|---|
| | | RE | RO | R1 | R2 | R2S | R3 | R4 | A1 | C1 | C1B | C2 | C3 | C4 | C5 | M1 | M2 | PUD | CNS | |
| Personal Service | Pet Grooming | - | P | - | - | - | SP | - | - | P | P | P | P | P | P | - | - | - | - | |
| | Studio, Photographic or Musical | - | P | - | - | - | - | - | - | P | P | P | P | P | P | - | - | - | - | |
| | Tattoo / Body Piercing Establishment | - | - | - | - | - | - | - | - | SP | SP | P | - | - | P | - | - | - | - | |
| Restaurants | Catering Service | - | - | - | - | - | - | - | - | P | P | P | P | P | P | - | - | - | - | |
| | Restaurant | - | - | - | - | - | - | - | - | P | P | P | P | P | P | - | - | - | - | |
| | Restaurant, Drive-in or Through | - | - | - | - | - | - | - | - | P | P | P | P | P | P | - | - | - | - | |
| Retail Sales and Service | Air Conditioning and Heat Equipment - Sales and Service | - | - | - | - | - | - | - | - | - | - | P | P | - | P | P | P | - | - | |
| | Appliance Repair | - | - | - | - | - | - | - | P | SP | SP | P | P | P | P | P | P | - | - | |
| | Auction Room; Auctioneer | - | - | - | - | - | - | - | - | SP | SP | P | P | - | P | - | P | - | - | |
| | Bank, Drive-in | - | SP | - | - | - | - | - | - | P | P | P | P | P | P | SP | SP | - | - | |
| | Bank, Savings and Loan, or Similar Financial Institutions | - | - | - | - | - | - | - | - | P | P | P | P | P | P | SP | SP | - | - | |
| | Book Binding | - | - | - | - | - | - | - | - | P | P | P | P | - | P | P | P | - | - | |
| | Book or Stationary Store | - | SP | - | - | - | - | - | - | P | P | P | P | P | P | - | - | - | - | |
| | Building Materials and Supplies, including Sale of Lumber | - | - | - | - | - | - | - | - | - | - | P | P | - | P | P | P | - | - | |
| | Carpentry, Custom Woodworking or Furniture Making | - | - | - | - | - | - | - | - | SP | SP | SP | SP | SP | SP | SP | P | P | - | - |
| | Christmas Tree Sales, Temporary | - | - | - | - | - | - | - | - | P | P | P | P | P | P | P | P | - | - | |
| | Convenience Goods, Sale of | - | - | - | - | - | - | - | - | P | P | P | P | SP | P | - | - | - | - | |
| | Convenience Store, 3,500 square feet or less | - | - | - | - | - | - | - | - | P | P | P | SP | P | P | - | - | - | - | |
| | Convenience Store, greater than 3,500 square feet | - | - | - | - | - | - | - | - | - | - | P | P | - | P | - | - | - | - | |
| | Convenience Store with Fuel Sales | - | - | - | - | - | - | - | - | - | - | SP | SP | SP | SP | SP | SP | - | - | |
| | Drive-through Window Pick up-Pay | - | P | - | - | - | - | - | - | P | P | P | P | P | P | - | - | - | - | |
| | Drugstore or Pharmacy/Medical Marijuana Dispensary | - | - | - | - | - | - | - | - | SP | SP | SP | SP | SP | SP | SP | - | - | - | |
| | Duplication Shop | - | - | - | - | - | - | - | - | P | P | P | P | P | P | - | - | - | - | |
| | Electrical Appliances, Equip & Supplies | - | - | - | - | - | - | - | - | P | P | P | P | - | P | - | - | - | - | |
| | Exterminator, Pest | - | - | - | - | - | - | - | - | SP | SP | P | - | SP | P | P | P | - | - | |
| | Flea Market | - | - | - | - | - | - | - | - | SP | SP | SP | SP | SP | SP | SP | SP | - | - | |
| | Florist Shop | - | SP | - | - | - | - | - | - | P | P | P | P | P | P | - | - | - | - | |
| | Grocery Stores | - | - | - | - | - | - | - | - | P | P | P | P | P | P | - | - | - | - | |
| | Hardware, General Sales | - | - | - | - | - | - | - | - | P | P | P | P | P | P | - | - | - | - | |
| Hardware, Industrial Sales | - | - | - | - | - | - | - | - | P | P | P | P | - | P | P | P | - | - | | |

To Be Proposed by Applicant

“P” mean that use is permitted;

“SP” means that use requires a Special Use Permit Approval;

“-” means that use is Not Permitted

| USE CATEGORY | SPECIFIC USE | RESIDENTIAL DISTRICTS | | | | | | | NONRESIDENTIAL DISTRICTS | | | | | | | | | | |
|---|---|-----------------------|----|----|----|-----|----|----|--------------------------|----|-----|----|----|----|----|----|----|-----|-----|
| | | RE | RO | R1 | R2 | R2S | R3 | R4 | A1 | C1 | C1B | C2 | C3 | C4 | C5 | M1 | M2 | PUD | CNS |
| | Home Center | - | - | - | - | - | - | - | - | - | - | P | P | - | P | - | - | - | - |
| Retail Sales and Service | Interior Decorating Shop | - | SP | - | - | - | - | - | - | P | P | P | P | SP | P | - | - | - | - |
| | Jewelry Store | - | - | - | - | - | - | - | - | P | P | P | P | P | P | - | - | - | - |
| | Laundromat | - | - | - | - | - | SP | SP | - | P | P | P | P | P | P | P | P | - | - |
| | Manufactured Home Sales | - | - | - | - | - | - | - | - | - | - | P | P | - | P | P | P | - | - |
| | Monument Sales | - | - | - | - | - | - | - | - | - | - | P | P | - | P | P | - | - | - |
| | Monument Works | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | - | - |
| | Nursery, Plants and Stock, Outdoor Retail Sales | - | - | - | - | - | - | - | - | SP | SP | P | P | - | P | - | - | - | - |
| | Print Shop | - | - | - | - | - | - | - | - | SP | SP | P | P | - | P | - | - | - | - |
| | Printing and Publishing, including Engraving or Photoengraving | - | - | - | - | - | - | - | - | SP | SP | P | P | - | P | P | P | - | - |
| | Retail Establishments not listed with no outside sales or display | - | - | - | - | - | - | - | - | P | P | P | P | P | P | - | - | - | - |
| | Retail Establishments not listed with outside sales or display | - | - | - | - | - | - | - | - | P | P | P | P | SP | P | - | - | - | - |
| | Sexually Oriented Businesses | - | - | - | - | - | - | - | - | - | - | SP | - | - | SP | SP | SP | - | - |
| | Shoe Sales and Repair | - | - | - | - | - | - | - | - | P | P | P | P | P | P | - | - | - | - |
| | Shopping Center | - | - | - | - | - | - | - | - | - | - | P | P | - | P | - | - | - | - |
| | Small Tool and Equipment Rental | - | - | - | - | - | - | - | - | P | P | P | - | - | P | P | P | - | - |
| | Storage Building/Container Sale or Rental | - | - | - | - | - | - | - | - | - | - | SP | - | - | SP | SP | P | - | - |
| | Vending Machine – Outside | - | - | - | - | - | - | - | - | SP | SP | SP | SP | SP | SP | SP | SP | - | - |
| | Vending Machine – Inside Establishment | - | - | - | - | - | - | - | - | P | P | P | P | P | P | P | P | - | - |
| | Vending Machine – Ice | - | SP | - | - | - | - | - | SP | SP | SP | SP | SP | SP | SP | SP | SP | - | - |
| Storage | Hauling, Moving or Storage Company | - | - | - | - | - | - | - | - | - | - | SP | - | - | SP | P | - | - | |
| | Self-storage | - | - | - | - | - | - | - | - | - | - | SP | P | - | SP | P | P | - | |
| Vehicle Sales and Service | Auto Repair Garage | - | - | - | - | - | - | - | - | - | SP | SP | SP | - | SP | P | P | - | |
| | Auto Service Station | - | - | - | - | - | - | - | - | - | SP | SP | SP | SP | SP | SP | SP | - | |
| | Automobile Accessory and Supply Store | - | - | - | - | - | - | - | - | P | P | P | P | SP | P | P | P | - | |
| | Automobile Bus or Truck-Painting or Body Shop | - | - | - | - | - | - | - | - | - | - | SP | - | - | SP | P | P | - | |
| | Automobile Car Wash | - | - | - | - | - | - | - | - | SP | SP | P | P | P | P | P | - | - | |
| | Automobile/Truck Sales, New and Used | - | - | - | - | - | - | - | - | SP | SP | SP | SP | - | SP | P | P | - | |
| Automobiles, Trucks or Trailers, Manufacturing Of | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | - | | |

To Be Proposed by Applicant

“P” mean that use is permitted;

“SP” means that use requires a Special Use Permit Approval;

“-” means that use is Not Permitted

| USE CATEGORY | SPECIFIC USE | RESIDENTIAL DISTRICTS | | | | | | | NONRESIDENTIAL DISTRICTS | | | | | | | | | | | |
|---|---|-----------------------|----|----|----|-----|----|----|--------------------------|----|-----|----|----|----|----|----|----|-----------------------------|-----|---|
| | | RE | RO | R1 | R2 | R2S | R3 | R4 | A1 | C1 | C1B | C2 | C3 | C4 | C5 | M1 | M2 | PUD | CNS | |
| Vehicle Sales and Service | Automobile Wrecking, Salvage or Junkyard | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | SP | - | |
| | Auto Wrecker Service | - | - | - | - | - | - | - | - | - | - | SP | - | - | SP | P | P | To Be Proposed | - | |
| | Boats/Marine Rental or Sales | - | - | - | - | - | - | - | - | - | - | SP | P | - | SP | P | P | | - | |
| | Boats, Repair | - | - | - | - | - | - | - | - | - | - | SP | - | - | SP | - | - | | - | - |
| | Motorcycle Sales and Service | - | - | - | - | - | - | - | - | - | SP | SP | SP | P | - | SP | - | | - | - |
| INDUSTRIAL AND MANUFACTURING | | | | | | | | | | | | | | | | | | | | |
| Aviation Service | | - | - | - | - | - | - | - | - | - | - | P | - | - | - | P | P | To Be Proposed by Applicant | - | |
| Light Industrial Service | Advertising Displays, and Signs - Printing & Fabrication | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | | - | |
| | Bottling Works | - | - | - | - | - | - | - | - | - | - | P | - | - | P | P | P | | - | |
| | Chemicals, Compounding or Packaging | - | - | - | - | - | - | - | - | - | - | - | - | - | - | SP | P | | - | |
| | Clothing, Custom Manufacturing or Altering for Retail, including Tailoring | - | - | - | - | - | - | - | - | - | P | P | P | P | SP | P | - | | - | - |
| | Cold Storage | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | | - | |
| | Compounding or Packaging of Cosmetics, Toiletries, Drugs, and Pharmaceutical Products | - | - | - | - | - | - | - | - | - | - | - | - | - | - | SP | P | | - | |
| | Fabricator, Light – No trailer parking | - | - | - | - | - | - | - | - | - | - | SP | - | - | SP | P | P | | - | |
| | Gases or Liquids, Flammable, Bulk Storage of | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | | - | - |
| | Gas Regulator Station | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | | - | |
| | Industrial Uses Not Listed | - | - | - | - | - | - | - | - | - | - | - | - | - | - | SP | SP | | - | |
| | Laundry Plant | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | | - | |
| | Machines, Machine Tools | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | | - | |
| | Machine or Welding Shop | - | - | - | - | - | - | - | - | - | SP | SP | SP | SP | SP | SP | P | | P | - |
| | Mattresses, including Rebuilding or Renovating | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | | - | |
| | Petroleum Products Storage | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | | - | - |
| | Refrigerated Vehicle Storage & Operation | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | | - | |
| | Sheet Metal Shop | - | - | - | - | - | - | - | - | - | - | SP | - | - | SP | P | P | | - | |
| | Steel Products, Fabrication and Assembly | - | - | - | - | - | - | - | - | - | - | SP | - | - | SP | P | P | | - | |
| | Stone and Gravel Processing, or Products | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | | - | - |
| | Tire Recapping Shop | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | | - | |
| Heavy Tool and Equipment Rental / Sales | - | - | - | - | - | - | - | - | - | - | P | - | - | P | P | P | - | | | |
| Trailer Terminal and Distribution | - | - | - | - | - | - | - | - | - | - | SP | SP | - | SP | P | P | - | | | |

“P” mean that use is permitted;

“SP” means that use requires a Special Use Permit Approval;

“-” means that use is Not Permitted

| USE CATEGORY | SPECIFIC USE | RESIDENTIAL DISTRICTS | | | | | | | NONRESIDENTIAL DISTRICTS | | | | | | | | | | | |
|--|--|-----------------------|----|----|----|-----|----|----|--------------------------|----|-----|----|----|----|----|----|----|-----|-----|---|
| | | RE | RO | R1 | R2 | R2S | R3 | R4 | A1 | C1 | C1B | C2 | C3 | C4 | C5 | M1 | M2 | PUD | CNS | |
| | Warehousing, Inside Storage Only | - | - | - | - | - | - | - | - | - | - | - | SP | SP | - | SP | P | P | | - |
| Light Industrial Service | Warehousing, Inside & Outside Storage | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | | - |
| | Wholesale Establishment | - | - | - | - | - | - | - | - | - | - | - | P | - | - | P | P | P | | - |
| | Air Conditioning and Heat Equipment - Manufacture Of | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | | - |
| Manufacturing and Production | Apparel or Other Textile Products, Manufacturing Of | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | | - |
| | Baked Goods, Candy, Bread, Dairy, and Ice Cream Manufacturing | - | - | - | - | - | - | - | - | - | SP | SP | P | SP | - | P | P | P | | - |
| | Beverages, Non-Alcoholic, Manufacturing | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | | - |
| | Boats, Building | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | | - |
| | Cement, Lime or Plaster-of-Paris, Manufacturing Of | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | SP | | - |
| | Ceramic Products - Brick, Tile, Clay, Glass, Porcelain, Manufacture Of | - | - | - | - | - | - | - | - | - | - | - | SP | - | - | SP | SP | P | | - |
| | Fertilizers, Manufacturing of | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | SP | SP | | - |
| | Food Products, including Dairy Products, Bakery Products, Candy, Fruit and Vegetable Processing and Canning, Packing and Processing of Meat and Poultry, but not including Distilling of Beverages, Slaughtering of Animals or Poultry, or Manufacture of Vinegar or Pickles | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | | - |
| | Food Products, including Slaughtering of Animals or Poultry, or Manufacture of Vinegar or Pickles | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | SP | | - |
| | Grain, Milling or Processing | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | | - |
| | Ice, Dry or Natural, Manufacture of | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | | - |
| | Manufacturing, Compounding, Processing, Packaging & Assembly | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | | - |
| | Orthopedic or Medical Supplies, Manufacture of | - | - | - | - | - | - | - | - | - | - | - | P | P | - | P | P | P | | - |
| | Paint, Enamel Lacquer, Turpentine, Varnish Storage or Manufacture of | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | SP | | - |
| | Paper Manufacturing or Processing | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | SP | P | | - |
| | Plastic Products, including Luggage, Tableware, Buttons, or Similar products, Manufacturing Of | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | | - |
| | Rubber Products, Natural or Synthetic – Manufacture or Storage of | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | | - |
| | Tar or Tar Products, Creosoting, or Similar Process | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | SP | | - |
| Wood or Lumber Processing, including the Manufacture of Paper pulp, Furniture, or Similar Products | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | | - | |
| Resource Extraction | Asphalt or Asphalt Products | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | SP | | - | |
| | Batching or Mixing Plant, Asphaltic or Portland Cement, Concrete, Mortar or Plaster | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | SP | | - | |

To Be Proposed by Applicant

“P” mean that use is permitted;

“SP” means that use requires a Special Use Permit Approval;

“-” means that use is Not Permitted

| USE CATEGORY | SPECIFIC USE | RESIDENTIAL DISTRICTS | | | | | | | | NONRESIDENTIAL DISTRICTS | | | | | | | | | | |
|------------------------------|---|-----------------------|-----------|-----------|-----------|------------|-----------|-----------|-----------|--------------------------|------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------------------------|------------|----|
| | | <u>RE</u> | <u>RO</u> | <u>R1</u> | <u>R2</u> | <u>R2S</u> | <u>R3</u> | <u>R4</u> | <u>A1</u> | <u>C1</u> | <u>C1B</u> | <u>C2</u> | <u>C3</u> | <u>C4</u> | <u>C5</u> | <u>M1</u> | <u>M2</u> | <u>PUD</u> | <u>CNS</u> | |
| | Extraction of Clay, Gravel Quarrying of Rock | SP | SP | SP | SP | SP | SP | SP | SP | - | - | SP | SP | SP | SP | SP | P | | - | |
| Resource Extraction | Removal of Gravel, Topsoil, or similar Natural Material | SP | SP | SP | SP | SP | SP | SP | SP | - | - | SP | SP | SP | SP | SP | SP | To Be Proposed | P | |
| Waste Related Service | Re-cycle Collection | - | - | - | - | - | - | - | - | SP | SP | SP | SP | SP | SP | SP | SP | | | - |
| | Sanitary Landfill | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | | | - |
| | Trash Service - Office not landfill / re-cycle facility | - | - | - | - | - | - | - | - | - | - | P | - | - | P | P | P | | - | |
| AGRICULTURAL | | | | | | | | | | | | | | | | | | | | |
| Agriculture | Animal and Husbandry, Dairying or Pasturage | - | - | - | - | - | - | - | P | - | - | - | - | - | - | P | P | To Be Proposed by Applicant | P | |
| | Animal and Poultry Husbandry, Dairying or Pasturage; not the Keeping /Feeding of Swine or Poultry | - | - | - | - | - | - | - | P | - | - | - | - | - | - | - | - | | | - |
| | Farm Equip Sales, Service, Repairs | - | - | - | - | - | - | - | - | - | - | P | - | - | P | P | P | | | - |
| | Farm Buildings, barns, and stables | - | - | - | - | - | - | - | P | - | - | - | - | - | - | P | P | | | SP |
| | Feed and Fertilizer Sales and Storage | - | - | - | - | - | - | - | - | - | - | SP | - | - | SP | P | P | | | - |
| | Field Crops, Floriculture, Greenhouse, Horticulture, Nursery, Truck Gardening | P | P | P | P | P | P | P | P | SP | SP | P | P | SP | P | P | P | | | P |
| | Livestock Auction Sales, Barn & Pens | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | | | SP |