



# Zoning Code

**UPDATES:**

Ordinance 2443 adopted December 15, 2022, revising the Russellville Zoning Code repealing and replacing Ordinance 1966 and all updates to that ordinance.

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## **ARTICLE I: 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 Russellville Zoning Code (RZC) 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. To promote, in accordance with present and future needs, the safety, order, convenience, prosperity, and general welfare of the citizens of Russellville, Arkansas. 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. The intent of these regulations is to provide clear standards, predictable simplified processes, and where applicable, the intent is to allow administrative reviews and approvals.

### **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 purpose or in any manner except in accordance with the requirements established in the district in which such land, building, structure, or improvement is located, and in accordance with the provision of the articles contained herein relating to any or all districts.
- 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-1	Single-Family Residential
R-2S	Medium Density Single Family
R-2	Medium Density Residential
W-N	Walkable Neighborhood
R-3	Medium/High Density Residential
R-4	Mobile Home Park or Subdivision
R-O	Residential Office
MU-1	Mixed Use
CHZ	College Hill Zone
DCZ	Downtown Crossing Zone
PCZ	Prairie Creek Zone
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

## **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 and applicable State and Federal laws supplement the regulation of lands in the Runway Protection Zone of the Russellville Airport (RUE). See Section 2.19 for the regulations related to the 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:

- 1.7.1** Boundaries indicated as approximately following the centerlines of streets, highway and alleys shall be construed as following such centerlines.
- 1.7.2** Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- 1.7.3** Boundaries indicated as approximately following the city limits line shall be construed as following the city limits line.
- 1.7.4** Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks.
- 1.7.5** 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:

- 1.8.1** 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.
- 1.8.2** 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.

- 1.8.3** 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.
- 1.8.4** 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, fifteen (15) days prior to the hearing.
- 1.8.5** 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.

## **1.9 Vacation of Public Easements**

- 1.9.1** 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.
- 1.9.2** Abandoning a street or alley.
  - 1) Hereafter, all persons, firms or corporations desiring the City Council to vacate a street or alley, or a portion thereof, shall file a petition and associated fee, with Planning and Development.
  - 2) The petition shall designate the street or alley or a portion thereof, to be vacated and there shall be filed with the petition a copy of the portion of the plat filed in the office of the County Recorder which shows the street or alley to be vacated, together with the lot and block numbers of each lot which abuts upon the street or alley to be vacated.
    - A. At the next regular meeting, the Russellville Planning Commission will review said petition and make their recommendation to the City Council regarding the closing of the street or alley or portion hereof.
    - B. At the next regular or special meeting of the Council, such council shall fix a day for the hearing of such petition and shall direct the City Clerk to give notice of such meeting by publication once a week for two (2) consecutive weeks in a newspaper of general circulation.
      - (i) The notice shall
        - (a) state the name of the person or persons who sign the petition;
        - (b) state the name of the street or alley, or the portion thereof, to be vacated, and if such street or alley is not named on the plat,

the notice shall identify the same by the abutting lot or block numbers: and

(c) advise all persons that on a certain day named therein, the council will hear and determine whether the street or alley shall be vacated. Said publication will be at the expense of the petitioner.

- 3) If the Council shall find by a majority vote of the members thereof that the petition shall be granted, either in whole or in part, the decision of the Council shall be incorporated in an ordinance.

### **1.10 Public and Private Street Rename Process and Criteria**

**1.10.1 Purpose and Intent.** This establishes a process for consideration of a request by a member of the public to rename a public or private street located within the city limits. This does not alter the existing street naming policy system currently being used by the City. This also includes criteria to be used in consideration of requests to rename public or private streets.

**1.10.2 Prohibited Street Renaming Criteria.** A proposed street renaming request shall not be used if it falls into one (1) or more of these categories.

- 1) Cumbersome, corrupted, or modified names, profane, discriminatory or derogatory names relating to age, race, religion, creed, national origin, sex, color, marital status, disability, sexual orientation, political affiliation, or other similar categories.
- 2) The reuse of former street names because such reuse may cause confusion to the public and others, such as in the management of real property records.
- 3) The use of commercial names or organization names shall be considered on a case-by-case basis and shall be utilized in limited circumstances, such as the naming of a single-purpose street (i.e., a short street leading only to one business).
- 4) The names of companies whose business is substantially derived from the sale of alcohol, tobacco, firearms, pornography, or other activities would be deemed by the City Council to be unsuitable or inappropriate.
- 5) Names of appointed or elected local officials currently in office or current City employees.

**1.10.3 Procedure for a Permanent Street Renaming.** The permanent street renaming process for City public and private streets shall consist of two (2) steps; 1) submission to the Planning Commission for a public or

private street rename review; 2) followed by the final decision on the written request petition by the City Council.

- 1) Submission to the Planning Commission for a public or private permanent street rename review shall follow the procedure below:
  - A. A public or private street rename request shall be initiated in writing by an petitioner by obtaining a petition from the Planning & Development Department.
    - (i) A petition for a street renaming request shall be only be accepted by the Planning & Development Department if it contains the following:
      - (a) Full name and contact information of the petitioner;
      - (b) Current street name and proposed new name of the street, whether it affects a portion of, or the whole street;
      - (c) State the reason for the requested renaming of the street;
      - (d) Signature of the petitioner;
      - (e) A non-refundable petition processing fee.
  - B. The Planning & Development Department shall provide a street map with the petition showing the location of the proposed street name change once the petition is accepted by the Department.
  - C. The petition shall be submitted to the Planning and Development Department according to the submittal schedule approved by the Planning Commission. The Planning & Development Department shall place the petition on the next scheduled Planning Commission meeting to consider and review the proposed street renaming, and the Planning Commission shall hold a public hearing on the matter for the public to provide comment for or against the proposed renaming of the street.
    - (i) The Planning & Development Department shall prepare a staff report providing a brief analysis of the petition.
    - (ii) The Planning & Development Department shall give public notice of a public hearing of the requested street rename in a newspaper of general circulation within the City one (1) time at least fifteen (15) calendar days before the scheduled consideration of the street renaming review and public hearing.
    - (iii) The petitioner shall bear the cost of publication of the public notice in the newspaper and shall pay the cost of publication in advance to the City.
    - (iv) The petitioner shall send certified notification letters to all property owners on the street that the name is to be changed.

Said notification letters must be post marked at least fifteen (15) days day prior to the street renaming study and public hearing. Completed certificates of mailing are to be filed with the Planning & Development Department at least seven (7) days prior to the street renaming review and public hearing.

- (a) The Planning & Development Department shall provide a sample notification letter for the petitioner to use as an example.
  - (b) The petitioner shall bear the costs of mailing the notification letters to all of the potentially affected property of the proposed street renaming.
  - (v) The petitioner shall place six (6) signs provided by the Planning & Development in a conspicuous location along the portion of the street proposed to be renamed which shall notify the general public of the application and public hearing date. A sign fee is due for each sign required to be posted.
    - (a) Each sign shall be placed at least 75 feet part from the other signs.
    - (b) Three (3) of the six (6) signs shall be on one (1) side of the street and the other three (3) signs shall be on the opposite side of the street.
- 2) The Planning Commission shall review the petition for the street rename and vote on a recommendation to the City Council of an approval or denial of the street rename based on the criteria listed in Section 1.10.4.
  - 3) The Planning Commission shall forward its recommendation to the City Council within thirty (30) days of the public hearing unless postponed by the Planning Commission for good cause or lack of a quorum.
  - 4) The City Council shall review the Planning Commission's recommendation and Staff report and either given final approval by resolution or denial by motion of the street renaming request based on criteria as set forth in Section 1.10.4 of this Code within thirty (30) days of the written request being placed on the City Council agenda as a new business item unless postponed for good cause, lack of a quorum or referred back to the Planning Commission for further study and review.
  - 5) No petition requesting the same or similar name change to the same street or portion of street shall be reconsidered by the Planning Commission for a period of not less than six (6) months of elapsed time from the date of a final denial decision by the City Council on the petition unless the Planning Commission determines by a three-fourths ( $\frac{3}{4}$ ) 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.

**1.10.4 Criteria.** The criteria for the staff, Planning Commission and City Council to use when studying a written request for a permanent street renaming for approval or denial is as follows:

- 1) Number of Businesses/Residents Affected.
  - A. Directly affected: Consideration in this category would focus on the number of properties directly affected; the fewer properties the better.
  - B. Indirectly affected: Properties indirectly affected by the renaming of a street include those which take their address from a street that is accessed or served by the street under consideration. Consideration in this category would focus on the number of properties affected; however, the number of affected properties may be quite large due to the relationship of the street circulation grid.
- 2) Compatibility with Existing Street Naming System. Consideration of this criteria would include compatibility with the City's existing street naming system.
- 3) Appropriateness Given Types of Uses along Subject Street. Consideration of this criterion would insure reasonable compatibility between land use and street name.
- 4) Recognition of Community Diversity. Consideration of this criterion would endorse evolving community diversity.
- 5) Recognition of Historical Significance. Consideration of this criterion recognizes the historical significance of existing street names and the importance in recognizing the potential future historical importance to current events and developments.
- 6) Impacts on Emergency Services. Consideration of this criterion will ensure that replacement names for existing streets will not result in confusion related to efficient access for emergency purposes.
- 7) Costs. Consideration of this criterion involves minimizing the fiscal impacts on the City and affected landowners, business owners, and tenants by the name change(s).
- 8) Precedent. Consideration of this criteria will determine whether an action to rename a street might establish a desirable or undesirable precedent.

- 9) Continuity and Stability. Consideration of this criterion will evaluate the effect of a rename request on the public's general connection with the existing name.
- 10) Length of Street. Consideration of this criterion will review the alternative of renaming sections of the proposed street (as opposed to renaming the entire street) and how the length of such street sections may affect the continuity of the street.
- 11) Names of persons, groups, or organizations. Consideration of this criterion will evaluate having a longstanding affiliation with the City of not less than ten (10) or more years of significant community service, involvement, or contributions beyond the ordinary interest level whose efforts have:
  - A. Enhanced the quality of life and well-being of City residents;
  - B. Contributed to the preservation of the City's history or culture;
  - C. Made exemplary or meritorious contributions to the City or its residents; or,
  - D. Contributed to the acquisition, development, or conveyance of land, buildings, structures, or other amenities to the City or community.
- 12) Memorial to an Individual. Consideration of this criterion will evaluate the individual must have been deceased for at least three (3) years. Such individuals may include:
  - A. Historic persons;
  - B. National and/or local heroes. Those who have given outstanding service to mankind or who have worked over and above any ordinary interest level. A resident of Russellville who has attained local, state or national prominence or recognition for work in the areas of public safety or public health would be highly acceptable.

#### **1.10.5 Memorial Designations.**

- 1) A petitioner may submit a written request for a street or part of a street to be designated as a memorial for an individual or person. A memorial designation for a street or part of a street shall not change the physical address of any of the lots and buildings on the designated street or portion of the street. The same process and criteria for studying and approving or denying such a memorial designation written request shall be the same as street renaming written requests.
- 2) The memorial designation sign shall be of the following form. A green sign with white lettering using the format: "[Name of individual] Memorial [Street Type]". Two (2) signs shall be made and placed at the beginning

of the street marking the beginning of the memorial designation of the street with each sign affixed so that either side of the flow of traffic shall see at least one (1) of the two (2) memorial signs while traveling in either direction of travel on the street of two (2) or more lanes.

**1.10.6 Implementation.** The Department of Public Works shall implement all approved street rename requests or memorial designations as expeditiously as possible, including, but not limited to, the erection of new signs and notification to all residents, businesses and other entities located on the renamed street as well as Pope County 911, Office of Emergency Management, the U.S. Postal Service and any other governmental information system whose jurisdiction includes the City of Russellville. All costs associated with the replacement of the signs along the renamed street or the erection of new signs on the memorial designated street shall be paid in advance by the petitioner once the costs have been determined and invoiced by the Department of Public Works.

### **1.11 Lot of Record**

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

**1.11.1 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.

**1.11.2 Multiple Lots** The provision of Section 1.11.1 above does not apply in the case of multiple contiguous lots under the same ownership. In this case, a Property Boundary Verification may be completed, to form building lots that meet the size requirements of the zoning district in which they are located.

### **1.12 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.

### **1.13 Planning Commission and Staff Committees**

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

#### **1.13.1 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 :
  - a. City Planner, Planner I, II, and/or III,
  - b. City Engineer,
  - c. Building Official,
  - d. Fire Marshal,
  - e. Russellville City Corp Representative,
  - f. Planning Commission Liaison, to be appointed by the Planning Commission Chair, and
  - g. City Council Liaison to be appointed by the Mayor.
- 2) 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.
- 3) *Meeting* The Technical Review Committee shall meet monthly according to a schedule maintained by the Planning and Development Department.
- 4) *Purpose* The purpose of the Technical Review Committee shall be to review all applications presented before the Planning Commission and handle site plan reviews.
- 5) *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.
- 6) *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.

#### **1.13.2 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, Planner I, II, and/or III, and City Engineer.
- 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.

## **1.14 Fees**

This section includes fees for the Zoning Code and the Land Subdivision and Development Code.

The City's Planning Services ensure current development proposals align with the community's overall vision for Russellville. Planning staff engage and inform the community about planning projects, activities and assist applicants during the land use process. Planning Services fees apply to land use applications, annexations, zoning review of building permits and special requests.

The City of Russellville shall impose fees for items covered by the Zoning Code and Land Development Code. All fees shall be paid at the time of submittal and are non-refundable.

### **1.14.1 General**

The City of Russellville hereby adopts the following fee schedule for planning and land use services provided by the City:

### **1.14.2 Fee Schedule**

<b>Fee</b>	<b>Fee Amount</b>	<b>Unit</b>	<b>Notes</b>
Property Boundary Verification	\$25.00	Each	
Planning Plan Review - other than Single Family or Duplex	\$25.00	Each	
Public Notice Sign	\$10.00	Each	

<b>Fee</b>	<b>Fee Amount</b>	<b>Unit</b>	<b>Notes</b>
<b>Land Use Applications</b>			
Annexation - Owner Request no election required	\$50.00	Each	plus sign fee
Annexation - Owner Request Voter Approval Required	\$50.00	Each	By Petition through election \$500 Deposit
Special Use Permit	\$50.00	Each	plus sign fee
Large Scale Development	\$100.00	PER ACRE	Maximum \$500.00
Incidental Subdivision - Replat	\$200.00	Each	plus \$2.00 per lot
Incidental Subdivision - Lot Split	\$200.00	Each	plus \$2.00 per lot
Incidental Subdivision - Lot Recombination	\$200.00	Each	plus \$2.00 per lot
Incidental Subdivision - Minor Subdivision	\$200.00	Each	plus \$2.00 per lot
Incidental Subdivision - One lot Subdivision	\$200.00	Each	plus \$2.00 per lot
Preliminary Plat	\$200.00	Each	plus \$2.00 per lot
Final Plat	\$200.00	Each	plus \$2.00 per lot
Rezoning Request	\$50.00	Each	plus sign fee
Vacation of Right of Way	\$50.00	Each	
Variance	\$100.00	Each	plus sign fee
Appeal	\$100.00	Each	plus sign fee
Street Renaming	\$200.00	Each	plus sign fee
Special Exception	\$100.00	Each	plus sign fee
Small Wireless Co-Locate Application	\$100.00	Each	
Small Wireless New Location	\$250.00	Each	
Small Wireless co-locate each additional	\$75.00	Each facility	
Tower Use Permit	\$50.00		
<b>Zoning Verification</b>			
Residential Single Family/Duplex	No Charge		
All Others	\$30		
<b>Franchise- Small Wireless</b>			
Small Wireless Annual Fee	\$30	Each	Fee is per Location per Year
Authority Pole plus small wireless annual fee	\$240	Each	Fee is per Location per Year

<b>Fine (reference only see Article 10.4)</b>	<b>Amount</b>	<b>Unit</b>	<b>Notes</b>
<b>Zoning Enforcement</b>			
First zoning violation	\$1,000.00	Each	First Occurrence plus court costs
Second zoning violation	\$2000.00	Each	Second Occurrence plus court costs
Third zoning violations	\$4000.00	Each	Per Occurrence after 2nd plus court costs
Continuous Violation	\$500.00	Each Day	Unlawfully continued, plus court costs

## **1.15 Application Procedure Groups**

The City of Russellville has the following Application Groups to provide guidance for applicants on the proper procedure for different types of applications.

**1.15.1 Group 1** procedure is used when there are clear and objective standards and criteria that do not require interpretation or the exercise of policy or legal judgment in their application.

**1.15.2 Group 2** procedure is used when the standards and criteria require limited discretion or legal judgment in their application. Technical Review is required, and other reviewing agencies may be asked to provide review and comment.

**1.15.3 Group 3** procedure is used when the standards and criteria require discretion or legal judgment in their application. Technical Review is required, and other reviewing agencies may be asked to provide review and comment.

**1.15.4 Group 4** procedure is used for site-specific land use actions initiated by an applicant, the Planning Commission, or the City Council.

**1.15.5 Group 5** procedure is used when the standards and criteria require discretion or legal judgment in their application. Technical Review may be required, and other reviewing agencies may be asked to provide review and comment.

Group	Decision Process	Decision Type	Decision Body	Public Meeting	Public Hearing	Types of Projects in this Application Group
1	Staff Review - Approval	Permit	City Staff	No	No	Residential Building Permit, Sign Permits, Property Boundary Verification, Zoning Verification
2	Staff Review- Technical Review (utilities, etc.)- Approval	Subdivision and Development	City Staff	No	No	Incidental Subdivision, Commercial Development, Site Plan, Resubdivision, Administrative Tower Use Permit
3	Staff Review - Technical Review (utilities, etc.)- Planning Commission Review -Approval	Subdivision and Development	Planning Commission	Yes	No	Preliminary SD Plat, Final SD Plat, Large Scale Development, Resubdivision (when not meeting Incidental SD criteria), Variance from development code, Special Use Permit, Tower Use Permit
4	Staff Review - Technical Review (utilities, etc.)- Public Hearing- Planning Commission Review - City Council Review- Approval	Zoning and Vacation	Planning Commission- Recommendation City Council- Final Decision	Yes	Yes	Rezoning, Vacating a Street, Alley, or ROW, Street Renaming, Water and Sewer Connections outside City Limits, Annexation requests by property owner
5	Staff Review - Technical Review (utilities, etc., when appropriate)- Board of Adjustment Review- Approval	Variance	Board of Zoning Adjustment	Yes	No	Variance from Zoning Code, Appeal of Staff's decision

## **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 XV- 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 VIII.

**2.1.3 Site Plan Review** Applicable when subject to the rules and regulations of building permits, and/or the land subdivision and development codes. See Article VIII of the Land Subdivision and Development Code for Site Plan requirements.

**2.1.4 Area Regulations** Area regulations are shown in Article XIV - Area Regulations.

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

**2.1.6 Sign Regulations** Signs shall be permitted only in accordance with the provisions of article VII

### **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 R-O 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 XV- 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 VIII.

**Site Plan Review** Applicable when subject to the rules and regulations of building permits, and/or the Land Subdivision and Development Code.

- 1) 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 City Staff. See Article VIII of the Land Subdivision and Development Code for Site Plan requirements.

**2.2.3 Area Regulations** Area regulations are shown on Article XIV - Area Regulations.

**2.2.4 Parking Regulations** Off-street parking shall be provided in accordance with the provision of Article VI.

### **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 XV-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 VIII.
- 2.3.3 Site Plan Review** Applicable when subject to the rules and regulations of building permits, and/or the land subdivision and development codes. See Article VIII of the Land Subdivision and Development Code for Site Plan requirements.
- 2.3.4 Area Regulations** Area regulations are shown on Article XIV-Area Regulations.
- 2.3.5 Parking Regulations** Off-street parking shall be provided in accordance with the provisions of Article VI.
- 2.3.6 Sign Regulations** Signs shall be permitted only in accordance with the provisions of Article VII.
- 2.3.7 Manufactured Homes** Existing Manufactured Homes 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 with a manufactured home 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 multi-family uses. Off street parking and traffic flow are important issues in this district. Allowable density shall not exceed 12 dwelling units per acre.
- 2.4.2 Uses Permitted** Uses permitted in this district are included in Article XV-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 VIII.

- 2.4.3 Site Plan Review** Applicable when subject to the rules and regulations of building permits, and/or the land subdivision and development codes. Not applicable in this use zone. See Article VIII of the Land Subdivision and Development Code for Site Plan requirements.
- 2.4.4 Area Regulations** Area regulations are shown on Article XIV- Area Regulations.
- 2.4.5 Parking Regulations** Off-street parking shall be provided in accordance with the provisions of Article VI.
- 2.4.6 Sign Regulations** Signs shall be permitted only in accordance with the provisions of Article VII.
- 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 Marshal, in accordance with the Arkansas Fire Prevention Code.
- 2.4.8 Manufactured Homes** Existing Manufactured Homes 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 with a manufactured home within six months of removal.

## **2.5 Medium Density Residential (R-2S): Legacy Zoning District**

*This district has been replaced by R-2 and is not a rezoning option for any property in the city which is not already so designated. The description of this designation is preserved here so that that the public and the City staff and officials can reference the definition of the zone when reviewing the land use regulations of any parcels or areas which were so designated prior to this zone being removed as a rezoning option by the City Council (month, date, year, ordinance #). Instead of utilizing this zone further, the City has created zoning districts and use categories which comply with state and federal law and better serve the goal of harmonious, safe and efficient development in the city of Russellville.*

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 7 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 XV – Table of Permitted Uses.

**2.5.3 Manufactured Homes** Existing Manufactured Homes 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 with a manufactured home within six months of removal.

## **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 XV- 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 VIII.

**2.6.3 Site Plan Review** Applicable when subject to the rules and regulations of building permits, and/or the land subdivision and development codes. See Article VIII of the Land Subdivision and Development Code for Site Plan requirements.

**2.6.4 Area Regulations** Area regulations are shown in Article XIV, Area Regulations.

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

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

**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 Marshal, in accordance with the Arkansas Fire Prevention Code

## **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 XV- 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 VIII.

**2.7.3 Site Plan Review** Applicable when subject to the rules and regulations of building permits, and/or the land subdivision and development codes. See Article VIII of the Land Subdivision and Development Code for Site Plan requirements.

**2.7.4 Manufactured Homes and Manufactured Home Parks**

- 1) *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, with perimeter foundation enclosures constructed and ventilated in accordance with the home manufacturer's installation instructions composed of material approved by the city including brick, rock, vinyl, or other material approved by Planning and Development.
- 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 with perimeter foundation enclosures constructed and ventilated in accordance with the home manufacturer's installation instructions composed of material approved by the city including brick, rock, vinyl, or other material approved by Planning and Development.
- 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 XIV – Area Requirements.
- F. *Off-Street Parking* Off –street parking shall be provided in accordance with the provisions of Article VI.

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

## **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 XV- 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 VIII.

- 2.8.3 Site Plan Review** Applicable when subject to the rules and regulations of building permits, and/or the land subdivision and development codes. See Article VIII of the Land Subdivision and Development Code for Site Plan requirements.
- 2.8.4 Area Regulations Area Regulations** Area regulations are shown in Article XIV, Area Regulations.
- 2.8.5 Sign Regulations** Signs shall be permitted only in accordance with the provisions of Article VII.
- 2.8.6 Parking Regulations** Off-street parking is not required, however, if parking is provided it must be paved in accordance with Article VI, Section 6.1.1.
- 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, as declared to be within the adopted Russellville Fire District, shall conform to all regulations of the City's adopted fire district. New property erected or existing property increased in height or area, within the boundaries of the Russellville Fire District, shall be constructed in accordance with the Arkansas Fire Prevention Code - Appendix D and as referenced in the most currently adopted Russellville Fire District Ordinance.

## **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 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.
- 2.9.2 Uses Permitted** Uses permitted in this district are included in Article XV- 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 VIII.

**2.9.3 Site Plan Review** Applicable when subject to the rules and regulations of building permits, and/or the land subdivision and development codes. See Article VIII of the Land Subdivision and Development Code for Site Plan requirements.

**2.9.4 Area Regulations** Area regulations are shown in Article XIV, Area Regulations.

**2.9.5 Sign Regulations** Signs shall be permitted only in accordance with the provisions of Article VII.

- 1) 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.

**2.9.6 Parking Regulations** Off-street parking is not required, however, if parking is provided it must be paved in accordance with Article VI, Section 6.1.1.

- 1) **Design Standards** 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. Façade design should match the character and historical period of adjacent structures.

**2.9.7 Fire District** Property in the C-1B District, as declared to be within the adopted Russellville Fire District, shall conform to all regulations of the City's adopted fire district. New property erected or existing property increased in height or area, within the boundaries of the Russellville Fire District, shall be constructed in accordance with the Arkansas Fire Prevention Code - Appendix D and as referenced in the most currently adopted Russellville Fire District Ordinance.

## **2.10 Highway Commercial District (C-2) & 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 XV- 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 VIII.

**2.10.3 Site Plan Review** Applicable when subject to the rules and regulations of building permits, and/or the land subdivision and development codes. See Article VIII of the Land Subdivision and Development Code for Site Plan requirements.

**2.10.4** 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 City Staff. See Article VIII of the Land Subdivision and Development Code for Site Plan requirements.

**2.10.5 Area Regulations** Area regulations are shown on Article XIV- Area Regulations.

**2.10.6 Parking Regulations** Off-street parking shall be provided in accordance with the provisions of Article VI.

**2.10.7 Sign Regulations** Signs shall be permitted only in accordance with the provisions of Article VII.

## **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 XIV- 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 VIII.

**2.11.3 Site Plan Review** Applicable when subject to the rules and regulations of building permits, and/or the land subdivision and development codes.

- 1) 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 City Staff. See Article VIII of the Land Subdivision and Development Code for Site Plan requirements.

**2.11.4 Area Regulations** Area regulations are shown on Article XIV- Area Regulations.

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

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

## **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 XV- 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 VIII.

**2.12.3 Site Plan Review** Applicable when subject to the rules and regulations of building permits, and/or the land subdivision and development codes. See Article VIII of the Land Subdivision and Development Code for Site Plan requirements.

**2.12.4** 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 City Staff. See Article VIII of the Land Subdivision and Development Code for Site Plan requirements.

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

**2.12.6 Parking Regulations** Off-street parking shall be provided in accordance with the provisions of Article VI.

**2.12.7 Sign Regulations** Signs shall be permitted only in accordance with the provisions of Article VII.

### **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 XV- 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 VIII.

**2.13.3 Site Plan Review** Applicable when subject to the rules and regulations of building permits, and/or the land subdivision and development codes.

- 1) 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 City Staff. See Article VIII of the Land Subdivision and Development Code for Site Plan requirements.

**2.13.4 Area Regulations** Area regulations are shown on Article XIV- Area Regulations.

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

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

## **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 VIII.

**2.14.3 Site Plan Review** Applicable when subject to the rules and regulations of building permits, and/or the land subdivision and development codes.

- 1) 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 City Staff. See Article VIII of the Land Subdivision and Development Code for Site Plan requirements.

**2.14.4 Area Regulations** Area regulations are shown on Article XIV- Area Regulations.

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

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

## **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 XV- 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 VIII.

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

**2.15.3 Site Plan Review** Applicable when subject to the rules and regulations of building permits, and/or the land subdivision and development codes.

Site Plan review, including as needed for building permits, is required if 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.

See Article VIII of the Land Subdivision and Development Code for Site Plan requirements.

**2.15.4 Area Regulations** Area regulations are shown on Article XIV- Area Regulations.

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

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

**2.15.7 Minimum Distance Between Buildings** Detached buildings shall be separated by a minimum of 10 feet and shall 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.

PUDs may be residential, commercial, industrial or mixed-use in nature.

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 densities shall be determined on the basis of the following considerations:
    - (i) The densities of surrounding development;
    - (ii) The densities allowed under the current zoning;
    - (iii) The urban development goals and other policies of the city's Comprehensive Plan or other applicable Land Use Plan.
    - (iv) The topography and character of the natural environment; and
    - (v) The impact of a given density on the specific site and adjacent properties.
- 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, when there are two or more owners, 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**

The PUD approval process shall consist of two (2) forms of review procedure:

- 1) *Short Form PUD* Developments contained on one-lot that are not intended for re-subdivision into additional lots.
- 2) *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 Planner, Planner I, II, and/or III, City Engineer, Russellville Fire Marshal and/or Building Official, and Russellville City Corp Representative. 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.

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

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 10.5.6 shall govern the process for arranging the public hearing.

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.

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.

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.

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

- A. The PUD provides public benefits that would not be achievable through the normal zoning regulations.
  - B. 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.
  - C. Land use compatibility with surrounding developments.
  - D. Be compatible with the city's Comprehensive Plan or other adopted Land Use Plan.
  - E. 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.

The applicant shall provide the submittal requirements necessary for a Short Form PUD Final Development Plan. See Section 2.16.7.

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

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.

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.

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 City Planner, Planner I, II, and/or III, City Engineer, Fire Marshal/Building Official, and Russellville City Corp Representative. 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.

- 4) *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.

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 2.16.7 for submittal requirements for Long Form PUD Zoning Plan applications.

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 10.5.05 shall govern the process for arranging the public hearing.

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.

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.

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.

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

- A. The PUD provides public benefits that would not be achievable through the normal zoning regulations.
- B. 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.

- C. Land use compatibility with surrounding developments.
  - D. Be compatible with the city's Comprehensive Plan or other adopted Land Use Plan.
  - E. Not endanger the public health, welfare or safety.
  - F. 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.
  - G. 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.
- 2) *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.

The applicant shall provide the submittal requirements necessary for a Long Form PUD Final Development Plan. See Section 2.16.7. 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.

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.

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

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.

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.

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 submittal in the format as determined by City Staff, and hardcopies upon request only, of the scaled plans containing the following:

PUD APPLICATION REQUIREMENTS:  Type of submission	Short Form Zoning	Short Form Final	Long Form Zoning	Long Form Final
	Plan	Development Plan	Plan	Development Plan
<b>REQUIREMENTS</b>				
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.	✓	✓	✓	✓
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 2.16.3, 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.		✓		✓

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 Time limits:** A Final Development Plan shall be approved within two (2) years from the date of issuance. A one (1) year extension may be granted by staff after receiving a written request from the applicant.

In this event, 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) *Applicability:* The provisions of this article shall apply to all developments as provided below:

- a. Substantial improvements: Sites involving additions or alterations (excluding interior-only improvements) to a building or site which total 20 percent or more of the gross square footage of the existing building or site shall be subject to this article in its entirety.
- b. Less than Substantial improvements: Sites involving additions or alterations (excluding interior-only improvements) to a building or site which total less than 20 percent of the gross square footage of the existing building or site shall only be subject to the provisions of 2.18.11, Architectural Standards and Design Guidelines. Only the improved area, not the entire site or structure becomes subject to the applicable provisions.

4) 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.

- 5) *Designation of El Paso/University area:* This article shall only be applied towards parcels within the El Paso/University area, in accordance with the character area identified as the El Paso area on the zoning map. Properties outside of this area and/or disconnected from the area shall only be brought into this zoning district designated as College Hill Zone when at least 50% of the proposed property is located within 750 feet of the Arkansas Tech University Campus.

### **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.

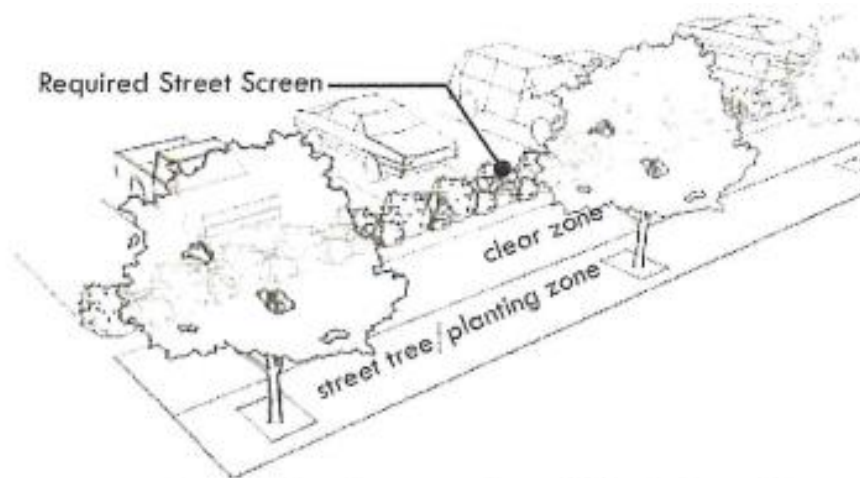
- 2.18.3 Uses Permitted.** Uses permitted in this district are included in Article XV- Table of Permitted Uses. Where a "P" appears in the table under the specific zone, that use is permitted by right, subject to the provisions contained in the Land Subdivision Code pertaining to Large Scale Developments. 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 VIII.

- 2.18.4 Site Plan Review.** Applicable when subject to the rules and regulations of building permits, and/or the land subdivision and development codes. See Article VIII of the Land Subdivision and Development Code for Site Plan requirements.

- 2.18.5 Area Regulations.** Area regulations are shown on Article XIV- Area Regulations.

**2.18.6 Parking Regulations.** Off-street parking shall be provided in accordance with Article VI. Additional parking requirements are as follows:

- 1) Parking shall only be located behind or to the side of buildings within the District. Shared parking and access is preferred.
- 2) 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.*

- 3) *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 Board of Adjustments. See Section 6.1.3 for Shared Parking regulations.
- 4) *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.
- 5) *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.

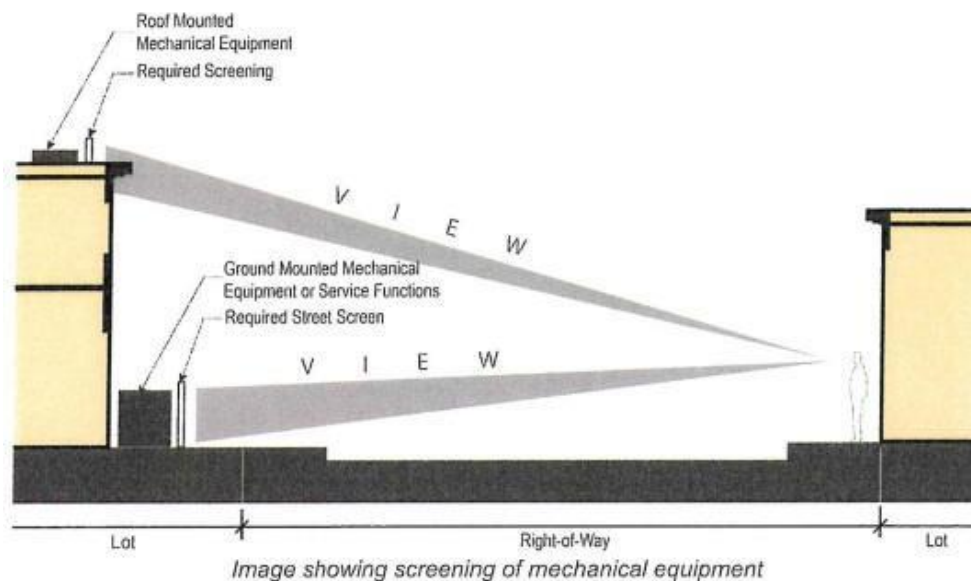
**2.18.7 Sign Regulations** Signs shall be permitted only in accordance with the provisions of Article VII.

### 2.18.8 Additional Criteria:

- 6) First floor height. Minimum of twelve (12) feet clear for non-residential or live/work units only. Minimum of nine (9) feet clear for residential uses.

### 2.18.9 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.



**2.18.10 Landscaping.** Landscape improvements shall be applied as provided within the Fencing and Landscape Code, Article V, Landscape, Screening, and Buffering Requirements.

### 2.18.11 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:

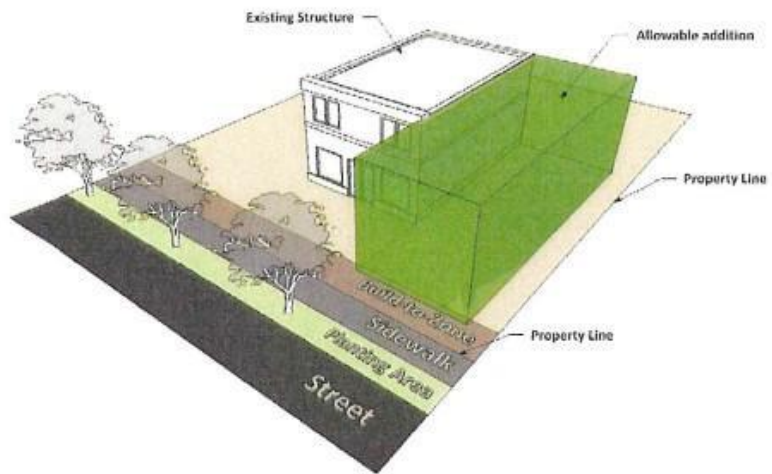
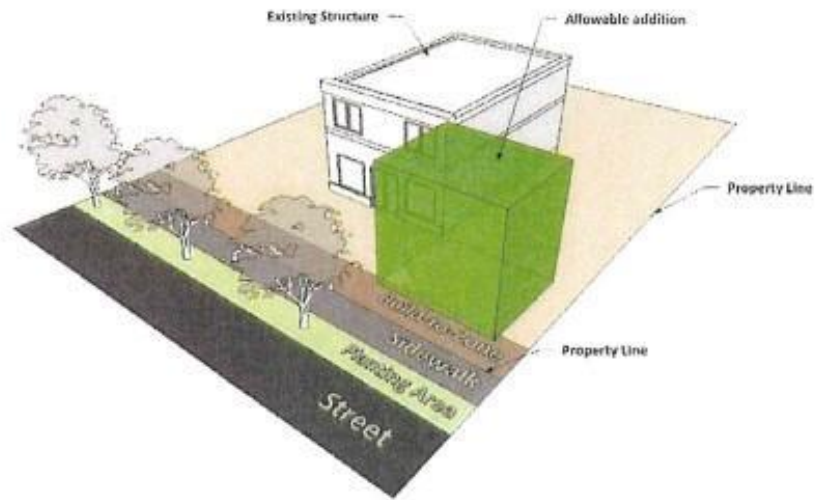
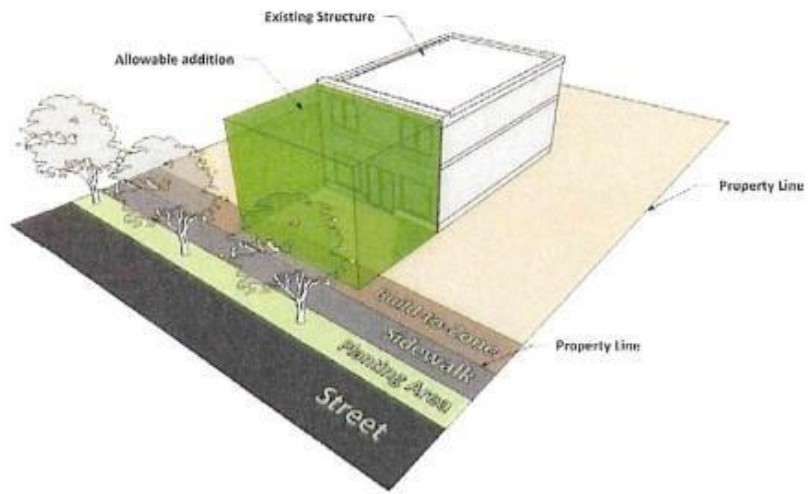
- A. New buildings/building facades shall utilize building elements and details to achieve compatibility with existing buildings in the District.
- B. Compatibility is not meant to be achieved through uniformity, but through the use of variations in building elements to achieve individual building identity.
- 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.

2) Changes to Non-complying Structures

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.

- A. *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.





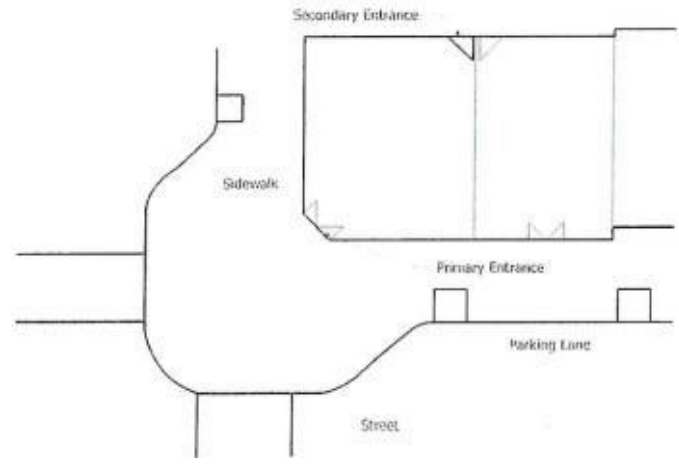
B. *Non-Allowable Additions:* The following illustrations show potential non-allowable additions to noncomplying structures and sites since the additions do not comply with the build-to-zone standards of the character zone.



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.

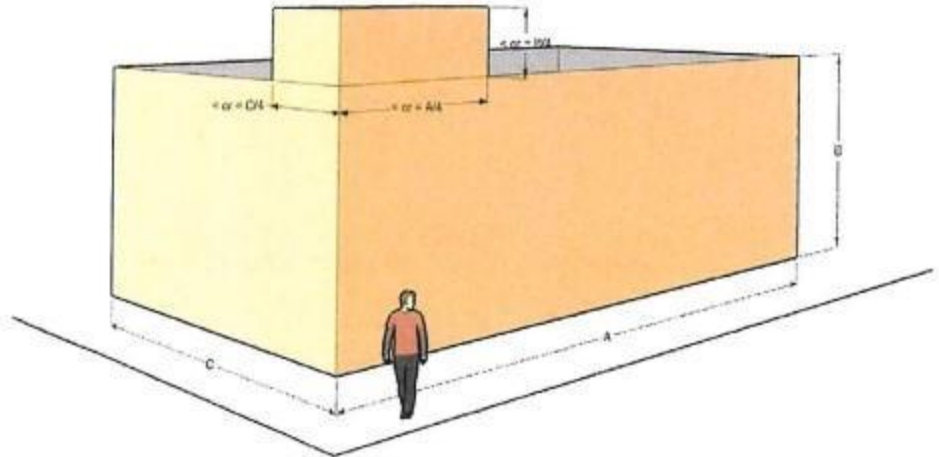
A. Location on the street:

(i) 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.*

- (ii) 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.*

- 4) *Pedestrian Friendly Massing, Scale, and Size:* A building's massing shall define and emphasize entry points to help orient pedestrians, through the following criteria.
- A. **Block scale.** Variations in the rhythms within individual building facades shall be achieved within any block of building facades through architectural elements such as bays, columns, doors, windows, materials, etc.--and via massing elements such as entrances, terminated vistas, or corner sites.
  - B. **Building scale.**
    - i. Building entrances shall 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 shall 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.
    - ii. Porches, stoops, eaves, awnings, blade signs, arcades, colonnades and balconies are encouraged along commercial storefronts provided that they do not inhibit

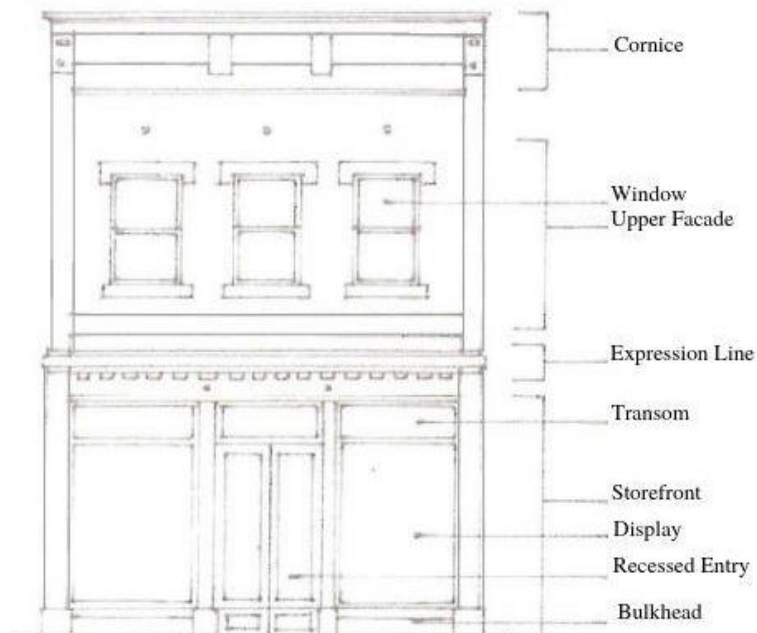
pedestrian movement within the public right-of-way.  
Balconies shall have external bottom supports.

C. **Additional features.** At least one additional feature, such as, porches, stoops, eaves, awnings, blade signs, arcades, colonnades and balconies shall be used along commercial storefronts provided that they do not inhibit pedestrian movement within the public right-of-way. Balconies shall have external bottom supports.

5) *Architectural Elements.* All buildings shall be designed to the appropriate scale and proportions of the selected architectural style, through the following criteria.

A. **Horizontal expression lines.** Except for detached single family residential structures, all street-facing facades shall incorporate horizontal expression lines in their architecture to delineate the ground story from any upper stories. Such expression lines shall be defined by either a change in materials or through use of a cornice and/or protrusion of at least 6" at the transition. A cornice and/or protrusion of at least 6" shall always be utilized to delineate the tops of facades that do not utilize a pitched roof.

B. **Vertical façade articulation.** The architecture of all street-facing facades shall have a vertical break at least every fifty feet with a minimum depth of one foot. The required vertical breaks shall extend over at least 75% of the height of the building.



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

- C. **Roofs.** Rooftop mechanical equipment shall be screened via parapets or via a sloped roof. Mansard roofs are prohibited, and any use of flat membrane-type roofs shall be non-visible from the street.
- D. **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.
- E. **Transparency.** Applying to all new non-residential and all 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.
- F. **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 façade treatments that span multiple tenants shall use architecturally compatible materials, colors, details, awnings, signage, and lighting fixtures.
- G. **Additional criteria.** All building elements shall be compatible with the architectural style, materials, colors, and details of the building as a whole.



*Retail storefronts with transparent windows*



*Vertically oriented windows with emphasis on corners and entrances.*

6) *Design of Structured Parking Facilities:*

- A. **Screening.** 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.

**B. Location Requirements**

(i) 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, the garage shall be set back to a minimum of 30 feet in order to allow for a future liner building along the garage frontage.

(ii) 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.

(iii) When parking structures are located at street intersections, corner emphasizing elements (such as towers, pedestrian entrances, signage, glazing, etc.) shall be incorporated.



*Illustrative Examples of Parking Garage Screening*

**B. Additional criteria.** façade treatment (building materials, windows, and architectural detailing) shall be continued to the second floor of a parking structure along all streets.

(i) 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*

- (ii) 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.



*Images showing appropriate design of Parking Structures*

7) *Building Material for Non-residential, Mixed-Use, and Multi-Family buildings*

- A. **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:
  - (i) Masonry (brick, stone, cast stone, rock, marble, granite, glass block and/or tile);
  - (ii) Cementitious-fiber clapboard (not sheet) with at least a fifty (50) year warranty;
  - (iii) Split face concrete block or poured-in-place concrete.
- B. **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:
  - (i) Architectural metal utilizing detailed finishes (not corrugated metal)
  - (ii) Exterior Insulating Finishing System (EIFS) on upper stories only.
  - (iii) Stucco applied through a three-step application process
- C. **Side facades and rear facades.** 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.

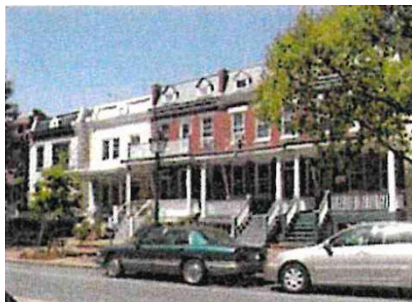
D. **Roofing materials.** Roofing materials visible from any public right-of-way) shall be: copper, factory finished painted metal, slate, synthetic slate, terra cotta, cement tile, glass fiber shingles or materials with similar durability.

8) *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 requirements.**

(i) All primary entrances shall address the primary street unless configured as a courtyard building or along a mews or other similar common space.

(ii) 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 Massing and Scale

A building's massing shall define and emphasize entry points and to help orient pedestrians, through the following criteria.

- (i) 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 build-to line, but not within public rights-of-way.
- (ii) 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.



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

## C. Architectural Elements:

- (i) 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.
- (ii) 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.
- (iii) Architectural embellishments that add visual interest to the roofs, such as dormers and masonry chimneys may be provided.
- (iv) An enclosed garage or carport shall be designed and constructed of the same material as the primary.

**D. Building Materials.**

- (i) **Primary materials.** 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.)
  
- (ii) **Secondary materials.** 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.
  
- (ii) **Side and rear facades.** 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.
  
- (iii) **Roofing materials.** 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.

**2.19 Russellville Municipal Airport Zoning**

**2.19.1 AIRPORT ZONES.**

- 1) There are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surface, and conical surface as they apply to the Russellville Airport. Such zones are shown on the Russellville Zoning Map, Airport Elevation Zone. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:
  - A. Utility Runway Visual Approach Zone — The inner edge of the approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

- B. Transitional Zones — The transitional zones are the areas beneath the transitional surfaces.
- C. Horizontal Zone — The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
- D. Conical Zone — The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outwardly therefrom a horizontal distance of 4,000 feet.

#### **2.19.2 AIRPORT ZONE HEIGHT LIMITATIONS.**

- 1) Except as otherwise provided in the Russellville Zoning Code, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any Airport zone to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:
  - A. Utility Runway Visual Approach Zone — Slopes thirty-four (34) feet horizontal for each one (1) foot vertical beginning at each end of and at the same elevation as the primary surface and extending a horizontal distance of 5,000 feet along the extended runway centerline, on both runway ends.
  - B. Transitional Zone — Slopes seven (7) feet horizontal for each one (1) foot vertical beginning at the sides of and at the same elevations as the primary surface and the approach surfaces and extending to an elevation of 557 feet above mean sea level, which is a height of 150 feet above the established airport elevation.
  - C. Horizontal Zone — Established at 150 feet above the established airport elevation or at an elevation of 557 feet above mean sea level.
  - D. Conical Zone — Slopes thirty-four (34) feet horizontal for each one (1) foot vertical beginning at the outer perimeter of the horizontal zone and extending to an elevation of 757 feet above mean sea level which is a height of 350 feet above the established airport elevation.
  - E. Excepted Height Limitations — Nothing in this Code shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree.

### **2.19.3 USE RESTRICTIONS.**

- 1) Notwithstanding any other provisions of the Russellville Zoning Code, no use may be made of land or water within any zone established in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport

### **2.19.4 NONCONFORMING USES**

- 1) Regulations Not Retroactive — The regulations prescribed by the Russellville Zoning Code shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to January 1, 2023, and is diligently prosecuted.
- 2) Marking and Lighting — Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Russellville Municipal Airport, to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall installed, operated, and maintained at the expenses of the Russellville Municipal Airport.

### **2.19.5 PERMITS**

- 1) Future Uses — Except as specifically provided in paragraphs (a) and (b) hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. Each permit shall have contained with it an OE/AAA determination from the FAA. If such determination is in the affirmative, the permit shall be granted.
  - A. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than

seventy-five feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

- B. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when such tree or structure would extend above the height prescribed for such approach zones.
- C. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by the Russellville Zoning Code except as set forth in Article 2.19.2 1) D.

- 2) Existing Uses — No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of the Russellville Zoning Code or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
- 3) Nonconforming Uses Abandoned or Destroyed — Whenever the Russellville Municipal Airport determines that a nonconforming tree or structure has been abandoned or more than eighty percent (80%) torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
- 4) Obstruction Marking And Lighting — Any permit granted may, if such action is deemed advisable to effectuate the purpose of the Russellville Zoning Code and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the City of Russellville, this condition may be modified to require the owner to permit the Russellville Municipal Airport, at its own expense, to install, operate, and maintain the necessary markings and lights.

#### **2.19.6 APPEALS.**

- 1) Any person may appeal a denial from the Russellville Municipal Airport of their permit application by submitting to the FAA under the OE/AAA for

a re-evaluation. If the FAA approves the Applicant's submission then the Russellville Municipal Airport shall grant the Applicant a permit.

**2.19.7 ENFORCEMENT.**

- 1) It shall be the duty of the City of Russellville, Arkansas, thru its department, the Russellville Municipal Airport to administer and enforce the regulations prescribed herein. Applications for permits shall be made to the Airport Department upon a form published for that purpose. Applications required by the Russellville Zoning Code to be submitted shall be promptly considered and granted or denied.

**2.19.8 JUDICIAL REVIEW.**

- 1) Any person aggrieved, or any taxpayer affected, by any decision may appeal to the Circuit Court of the appropriate jurisdiction.

**2.19.9 LIABILITY FOR DAMAGES.**

- 1) The degree of protection provided by this Code relative to aircraft operation, aircraft overflights, and compatible land uses is considered reasonable for regulatory purposes and is based on Federal Aviation Administration (FAA) Advisory Circular (AC) 150/5300-13, Airport Design Standards, Federal Aviation regulations (FAR) Part 77, Objects Affecting Navigable Airspace; FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports; FAA Advisory Circular 150/5190-4A, A Model Zoning Ordinance to Limit Height of Objects Around Airports; FAA Advisory Circular 150/5020-1 Noise Control and Compatibility Planning for Airports; and FAA Land Use Compatibility and Airports, A Guide for Effective Land Use Planning. Therefore, this does not apply that structures or land uses within the vicinity of the Russellville Municipal Airport will be totally free from aircraft noise impacts, aircraft operations, and aircraft overflights. Nor does this create liability on the part of, or a cause of action against, the Russellville Municipal Airport, City of Russellville, Arkansas, or any officer or employee thereof, for incidents that may result from reliance on the Russellville Zoning Code. This shall not be construed to hold City of Russellville or its authorized representatives responsible for any damage to persons or property by reason of the inspection or re-inspection authorized in the Russellville Zoning Code.

**2.19.10 CONFLICTING REGULATIONS.**

- 1) Where there exists a conflict between any of the regulations or limitations prescribed herein and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

**2.19.11** ADDITIONAL REQUIREMENTS AND REGULATIONS (See 49 CFR Part 77).

- A. Airport Design Dimensional Criteria and 49 CFR Part 77 Surfaces
- B. Runway End Sitting Criteria, In Feet
- C. Generalized Existing Zoning
- D. Existing Runway Protection Zones
- E. Runway 7 Threshold Sitting Surface Analysis
- F. Runway 25 Threshold Sitting Surface Analysis
- G. Runway 7 Departure Surface Analysis
- H. Expanded Runway 7 Departure Surface Analysis
- I. Runway 25 Departure Surface Analysis

**2.20 Walkable Neighborhood (WN)**

The regulations in effect for Walkable Neighborhood (WN) are as follows:

- 1) **General Description** The WN District is intended to focus on creation of safe, connected neighborhoods that allow multi-modal accessibility through small-scale urban form, supported by a smaller lot size requirement. The focus of this area is primarily residential, but institutional and some commercial uses will be incorporated and are anticipated to provide services to the surrounding residential uses. For non-residential uses, the structure is limited to a size that is compatible with the surrounding development and uses.
- 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.
- 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:
  - J. Vicinity Map.
  - K. Lot drawing with dimensions.
  - L. Location and dimension of all buildings.
  - M. Location of all drives and parking, including handicapped parking.
  - N. Sidewalks, including ramps for handicapped access.
  - O. Drainage, existing and proposed. Drainage improvements requiring the sizing of pipes, the construction of drainage structures, or the handling of water that cannot be disposed of overland must be

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

- 4) **Area Regulations** Area regulations are shown on Article XIV- Area Regulations.
- 5) **Parking Regulations** Off-street parking shall be provided in accordance with the provisions of Article VI.
- 6) **Sign Regulations** Signs shall be permitted only in accordance with the provisions of Article VII.

## **2.21 Mixed Use (MU1)**

The regulations in effect for Mixed Use (MU1) are as follows:

- 1) **General Description** The MU1 District is intended to recognize and build on the powerful economic and social benefits that are realized through accessible, mixed use development. The district is designed to accommodate neighborhoods where people can live, work, shop, and recreate in the same area, through a careful mix of residential and non-residential development. The applicable bulk and area requirements are established to accommodate traditional, new urban, and small-scale downtown development patterns conducive to pedestrian activity. For non-residential uses, the structure footprint size is limited to a size that is compatible with the surrounding uses.
- 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.
- 3) **Site Plan Review** Building permit requests for properties in this zone not otherwise eligible for Large Scale Review under the Russellville Land Subdivision and Development Code shall undergo Site Plan Review by the staff of the Office of Community Development. Submittals for Site Plan Review will consist of a scaled plan in 5 copies. The plan does not have to be prepared by a registered professional, but shall be professionally drawn and depict the following as a minimum:
  - A. Vicinity Map.
  - B. Lot drawing with dimensions.
  - C. Location and dimension of all buildings.
  - D. Location of all drives and parking, including handicapped parking.
  - E. Sidewalks, including ramps for handicapped access.
  - F. Drainage, existing and proposed. Drainage improvements requiring the sizing of pipes, the construction of drainage structures, or the handling of water that cannot be disposed of overland must be

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

- 4) **Area Regulations** Area regulations are shown on Article XIV- Area Regulations.
- 5) **Parking Regulations** Off-street parking shall be provided in accordance with the provisions of Article VI.
- 6) **Sign Regulations** Signs shall be permitted only in accordance with the provisions of Article VII.

## **ARTICLE III. ADDITIONAL DISTRICT PROVISIONS**

### **3.1 Accessory Structures in Residential Zones**

Accessory structures such as storage buildings, detached garages, pool houses, barns, workshops, freestanding residential solar panels, 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**

- 1) 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.
- 2) Accessory structures shall not exceed 18' eave height, or 24' total height. This section shall not apply to antennae or similar structures.
- 3) 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.
- 4) On corner lots, accessory structures shall comply with side yard on street setbacks.
- 5) Accessory structures shall be at least 10' from any portion of any other structure.
- 6) Accessory structures shall not be located within any recorded easement.
- 7) When calculating floor area of an accessory structure, all floors shall be included.
- 8) The combined floor area of all accessory structures on a lot shall not exceed 50% of the heated/cooled area of the primary structure.
  - A. Exception:
    - (i) The combined floor area of all accessory structures on a lot shall not exceed the heated/cooled area of the primary structure when the property is larger than two (2) acres.

### **3.1.3 Use**

- 1) 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.

## **3.2 ADA Provision**

All construction shall meet the requirements listed in the Federal guidelines for the Americans with Disabilities Act. Those structures, temporary or permanent, that may encroach into the setbacks of a property that are deemed necessary to comply with the intent of the Americans with Disabilities Act may be authorized with approval by the Planning and Development Department. Staff shall prepare a synopsis of circumstances considered in granting approval and place it in the permit file for the subject property. Upon any change of occupancy or circumstance that nullifies the original approval, the structure(s) shall be removed.

## **3.3 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.

## **3.4 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 VI.

### **3.5 Child Care Facilities**

Child Care Centers should adhere to the following regulations in addition to complying with all necessary city and state permits and licenses as required by law:

**3.5.1 General.** This Code classifies childcare facilities into five categories by level of use and location.

- 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, and shall be operated by the resident of the structure.
- 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. 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.
- 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.
- 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.
- 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.

**3.5.2 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.

**3.5.3 Operating Requirements:**

- 1) Operation shall meet all requirements as stated above in Article III Section 3.4.1 General and Section 3.4.2 Threshold Requirements.
- 2) 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.
- 3) The dwelling and or facility 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.
- 4) Business Permit required and shall pertain to only one (1) building/structure and each expansion thereof shall require a separated business permit.
  - A. The application for a business permit shall be accompanied by a scaled site plan and shall include the following:
    - (i) Owners Name, address, and telephone number.
    - (ii) North Arrow.
    - (iii) Scale.
    - (iv) Accurate Shape and dimension of the lot or site.
    - (v) Lengths of all property lines.
    - (vi) Roads and Rights-of-Ways-Labeled, both public and private.

- (vii) Parking areas, driveway location and any intersections with roads.
- (viii) Label all existing structures.
- (ix) Locations and dimension of all structures and distances of each to property lines.

### **3.6 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.

### **3.7 Flammable Liquids and Gases**

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

### **3.8 Height Requirements**

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

### **3.9 Manufactured Homes**

The placement of an individual manufactured home on a lot in any district except the A-1 District, R-3 District, 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.

When mobile/manufactured home lots and subdivisions are being developed, the following regulations are in addition to the requirements of this ordinance.

#### **3.9.1 Placement of Manufactured and Mobile Homes:**

- 1) A manufactured home shall be subject to the applicable utility connection, anchoring, or other inspections determined necessary for health, safety, and welfare by the City's Building Official. However, all inspections performed must be allowable under state and federal law. For any applicable inspections, Manufactured Homeowners shall be subject to the same respective inspection fees, and bond requirements and charges as owners of permanent structures.
- 2) No mobile home or manufactured home may be used as an "Accessory

Building.”

- 3) The manufactured home, when placed at a qualified location in the City, shall be oriented so that the entry to the dwelling faces the street along which the home is located (or addressed if it is situated on a corner lot). The entry shall include a covered front porch or stoop oriented toward the front yard.
- 4) Perimeter foundation enclosure shall be installed on manufactured homes. The perimeter foundation enclosure shall be constructed of the same or like exterior material covering the home or shall be constructed of rock, brick or concrete.
- 5) Not more than one (1) manufactured home may be placed on a lot or parcel of land unless it is located within the R-4 District and conforms to all applicable regulations within that district.
- 6) Setback requirements applicable to permanent structures in a residential zone shall have equal application to modular and manufactured homes.
- 7) Water and Sewer Service- Unit must have permanent water and sewer/septic connections.
  - A. All necessary permits must be acquired from the City
  - B. No occupancy can occur until all applicable inspections have been performed.
- 8) Electrical Service- All electrical service lines to manufactured homes lots shall comply with applicable local and state electrical codes and ordinances.
- 9) Fuel Source – All manufactured homes shall be supplied with an approved electric or natural gas fuel source.
- 10) Fire Protection – The manufactured home subdivision and/or individual structures shall be subject to the rules and regulations of existing Federal, State and City Fire Codes.
- 11) Manufactured home Standards – All manufactured homes shall meet requirements of the Standard Building Code or a Federally mandated construction code

### **3.9.2 Certificate of Occupancy Required:**

- 1) When a manufactured home is placed, permanent utility connections are required, and no person may occupy a mobile home or manufactured home until the City Inspector has issued a certificate of

occupancy for the structure.

### **3.9.3 Non-conforming use replacement.**

- 1) Notwithstanding any other provision, when a nonconforming situation is the result of a mobile home or manufactured home placed on a lot where such structure is nonconforming and that structure is destroyed, demolished, or removed, a new, manufactured home may be replaced on such lot if it is placed within six (6) months of the structure's removal. Mobile homes are prohibited and may not be replaced with a mobile home; however a mobile home may be replaced with a manufactured home.
- 2) The structure (or structure remains) shall be removed within three (3) months from the destruction or demolition (or other condition which makes the home uninhabitable) of the structure, or within three (3) months of the structure's release back to the owner in cases of fire, police, insurance, or other ongoing investigations.
- 3) The applicant may request one (1) three-month extension from the Planning and Development Department One (1) additional three-month extension may be requested from the Planning and Development Department.

### **3.10 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.

### **3.11 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:

#### **3.11.1 Provisions**

- 1) 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.
- 2) 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.
- 3) One commercial vehicle on a five-acre or larger parcel may be parked on a lot in a residential district.

- 4) Commercial vehicles used for routine deliveries by tradesmen, or commercial vehicles used for making service calls are permitted to temporarily park in residential districts.
- 5) 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.
- 6) The parking of any commercial vehicle owned by a public or private utility provider when used in the event of emergencies requiring immediate attention.
- 7) The parking of agricultural equipment and vehicles on private land used for bona fide agricultural purposes is permitted in residential districts.
- 8) 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.

### **3.11.2 Vehicle on Premises**

- 1) 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:
- 2) 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.
- 3) 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 3.8 and Section 2.7.

## **3.12 Swimming Pools**

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

**3.12.1 Setbacks and dimensional requirements:** Public/semi-public pools shall conform to Section 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.

**3.12.2 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:

- 4) Constructed so as to afford no external handholds or footholds.
- 5) A minimum height of 4' is provided entirely around the pool.
- 6) 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.
- 7) No opening at the bottom of the enclosure shall exceed a height of 4".
- 8) No opening in the enclosure shall be large enough for a 4" sphere to pass through.
- 9) All gates into the pool enclosure shall be self-closing, and shall be equipped on the inside with lockable, self latching mechanisms.
- 10) The Building Official can waive these requirements for above-ground pools if in his/her opinion the circumstances negate the need for enforcement.

**3.12.3 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.

### **3.13 Self-Storage Units**

**3.13.1 Self-storage units.** The following are prohibited uses of self-storage facilities or areas:

- 1) Storage of flammable or hazardous chemicals, petroleum products, or explosives;
- 2) Auctions, retail sales, commercial, wholesale, miscellaneous sales, or garage sales shall not take place from individual units or other areas

within the area surrounding the individual units with the exception of the commercial frontage or office buildings onsite;

- 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 by the renters of the units and/or renters of any outdoor storage space
- 5) The establishment of a transfer and storage business; and any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.
- 6) No individual storage unit may be used for the purposes of operating a business except for the purpose of providing storage for a business that is located off-site.
- 7) Any outside storage including boats, trailers, equipment, vehicles and/or vehicles/equipment for rental use shall be screened and shielded from view (in all seasons) of adjacent property or a public right-of-way.

**3.13.2 Self-storage uses located within or adjacent to any district other than M-1, Light Industrial, and M-2, Heavy Industrial shall provide the following:**

- 1) A six-foot-tall masonry wall or other opaque decorative fence (as approved by the city) on the sides and rear of the property.
- 2) The frontage of the property shall not contain any visible exterior roll up doors. Along with driveways and parking areas, the right-of-way frontage of the property shall consist of one or a mixture of the following structure types:
- 3) The facility office, manager's residence, retail or other mixed use type buildings (as allowable within the zoning category where the development is located).
- 4) Storage buildings with facades mimicking standard commercial/office development.
- 5) Any portion of the right-of-way frontage not containing buildings or entrance gates must be completely screened from the ROW by a six-foot-tall masonry wall/decorative fencing facing the street.
- 6) Entrance gates may not be chain link. The gates shall be an opaque material such as wood, decorative metal with screening, or other material.

- 7) Decorative non-opaque gates such as wrought iron or other similar type gates may be acceptable at the discretion of the Planning Commission.
- 8) All lighting shall not exceed twenty (20) feet in height and be full cut-off, shielded lighting as defined by the IES (Illuminating Engineering Society). Such lighting shall be directed to prevent the trespass of light onto the adjacent residential district or use.

### **3.14 Auto Repair Garage**

**3.14.1** New Auto Repair facilities located within or adjacent to any district other than M-1, Light Industrial, and M-2, Heavy Industrial shall provide the following:

- 1) A six-foot-tall masonry wall or other opaque decorative fence (as approved by the city) around all outdoor storage areas on the property. This includes, but is not limited to, the outdoor storage of vehicles awaiting repairs, parts, and other equipment.
- 2) The frontage of the property shall not contain any visible exterior roll up doors.
- 3) Heavy repairs and objectionable activities shall be conducted within a completely enclosed building or a work area which is fully screened from view from any public street or surrounding property.
- 4) Heavy repairs and objectionable activities are considered to include, but are not limited to, engine overhaul, replacement of transmission or drive train, steam cleaning, body and fender work, or incidental painting.
- 5) Incidental repairs and non-objectionable activities which would not impose hazards or a nuisance to adjacent or other properties may be conducted outside the building or screened area.
- 6) All appurtenances used for repair or servicing of vehicles which are not enclosed shall be located at least twelve (12) feet from the property line abutting a street and twenty-five (25) feet from any lot line of a residential district or use. Additional screening requirements are required when adjacent to residential districts or uses.
- 7) No more than (2) two vehicles may be actively repaired outdoors at any one time. All other repairs shall occur within a completely enclosed building or work area which is fully screened from view from any public street or surrounding property.
- 8) Although temporarily inoperable, motor vehicles shall have substantially all main component parts attached, and where subject to a license, shall be currently and validly licensed for operation upon public streets and highways.

- 9) Vehicles or trailers that are wrecked, or that have missing or damaged parts such that it cannot be maintained for driving, may not be stored outside longer than forty-five (45) days. If more time is needed for repairs, the vehicle or trailer shall be stored inside a building or removed from the property. All outdoor storage shall be screened as detailed above.
- 10) Abandoned vehicles shall not be stored on the premises.
- 11) All lighting shall not exceed twenty (20) feet in height and be full cut-off, shielded lighting as defined by the IES (Illuminating Engineering Society). Such lighting shall be directed to prevent the trespass of light onto the adjacent residential district or use.
- 12) On street vehicle loading and unloading shall be prohibited.

### **3.15 Entertainment Uses**

**3.15.1** Certain Entertainment Uses, including Archery or Axe Range, Buildings, Public, Semi-Public, Party or Club Rental, and Art Studios, within or adjacent to any district other than M-1, Light Industrial, and M-2, Heavy Industrial shall provide the following:

- 1) All entertainment activities are to be held indoors, or within a completely enclosed outdoor area screened by a six-foot-tall masonry wall or other opaque decorative fence (as approved by the city) on the sides and rear of the property.
- 2) When any portion of the activities are located outdoors, special standards shall apply when adjacent to residential zones or uses:
  - A. An undisturbed vegetative buffer of at least fifteen (15) feet in width adjacent to those areas bordering the residential district or use.
  - B. Where such buffer does not have dense pre-existing vegetation at least eight (8) feet in height, one (1) large species tree for each thirty (30) linear feet and one (1) shrub for each five linear feet shall be planted and maintained within the buffer. Grouping of plant material is allowed.
  - C. Fast growing species that provide dense evergreen foliage shall be used to meet these requirements. A proposal stating or depicting the species, spacing, and size at planting (ie. Tree caliper size or height, 2 gallon shrub, etc.) shall be submitted to the planning Official for review and is subject to the approval of the Planning Official.
  - D. All lighting shall not exceed twenty (20) feet in height and be full cut-off, shielded lighting as defined by the IES (Illuminating Engineering

Society). Such lighting shall be directed to prevent the trespass of light onto the adjacent residential district or use.

### **3.16 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.

### **3.17 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.

Buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of ½ inch (12.7 mm) and a minimum of 6 inches (152.4 mm) high with a minimum stroke width of ¾" (19.05 mm) for residential and commercial, respectively. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure.

### **3.18 Location of Sexually Oriented Businesses**

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

**3.18.1 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.

**3.18.2 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.

**3.18.3 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 place of worship 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 place of worship; 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.

**3.18.4 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).

**3.18.5 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.

**3.18.6 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.

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

### **3.19 Location of Commercial Communication Towers**

Commercial Communication Tower location should comply with the following guidelines:

**3.19.1 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).

**3.19.2 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 VIII.
- 2) The following applications are subject to acquisition of a Special Use Permit under the conditions set forth in Article VIII:
  - A. Facilities to be located in any residential use zoning district.
  - B. Facilities to be located in any commercial use zoning district
  - C. All TUP applications for new tower construction will be considered only after the applicant has demonstrated to the satisfaction of the Planning and Development Department that:
    - D. No existing towers or structures are located within the geographic area that would meet applicant's engineering requirements.
    - E. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

- F. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- G. 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.
- H. 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.
- I. Applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- J. The applicant has a binding lease agreement with at least one user of the proposed tower.
- K. All applications shall include, in addition to the other requirements specified in Article VIII, 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.

**3.19.3 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 the 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 adjacent to the residential property. 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 caliper, 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.

**3.19.4 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.

**3.19.5 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:
- 2) Facilities are located in officially designated wilderness or wildlife areas.
- 3) Facilities threaten endangered species or critical habitats.

- 4) Facilities affect historic sites or structures.
- 5) Facilities are to be located in floodplains.
- 6) Facilities will significantly change a surface area involving wetlands, deforestation, or water diversions.
- 7) 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.

**3.19.6 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.

**3.19.7 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.

### **3.20 Temporary Carnivals and Similar Temporary Enterprises**

A carnival, or similar temporary enterprise shall be permitted only upon the issuance of a Special Use Permit. If the temporary enterprise is located within the Public Street or Right-of-Way, approval shall be granted by the Public Works Director. This section does not include indoor events such as business expos or other events. The permit applicant must show:

- 3.20.1** That adequate measures will be taken to prevent odor, dust, noise, lights and traffic from becoming a nuisance to uses on other adjacent properties.
- 3.20.2** That adequate off-street parking is available for the enterprise.
- 3.20.3** That sufficient space is available for the accommodation of crowds.
- 3.20.4** That the enterprise will not interfere with the use of adjacent properties.

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

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

### **3.21 Multifamily Residential (two-family or more) Building and Site Design**

**3.21.1 Purpose:** The purpose of this section is to create a framework for ensuring that the design of multifamily residential buildings will either meet minimum design standards adopted by the community or be subject to public review by the Planning Commission.

The intent of this section is to improve the overall quality of multi-family residential developments, develop in a compatible manner with surrounding land uses and enhance pedestrian safety and walkability.

**3.21.2 Applicability:** The provisions of this section shall apply to all multifamily projects as defined:

- 1) Three or more residential units on one lot.
- 2) Does not apply to detached single-family residential structures.
- 3) Does not apply to townhomes that are constructed as attached single-family residential structures.

**3.21.3 Exemptions.** Reserved.

**3.21.4 Procedures for Obtaining Building Permits:** Applicants desiring to obtain a building permit for development of a new multifamily residential building or the expansion of an existing building, when the expansion is 20% or more of the building square footage, shall be required to meet all of the criteria listed in section 3.21.6 or 3.21.7..

**3.21.5 Design Standards for two-family, three-family and four-family residential structures:** Adherence to the following standards shall qualify a proposed structure as a Standard Multifamily Building.

- 1) Building design.
  - A. For all units with a garage or carport, the garage or carport shall be placed behind the front building façade. Garages and carports may be attached or detached.
  - B. Each entry, whether a combined entry serving multiple units or individual unit entries, shall be clearly visible on each building.
  - C. Each building façade shall have articulation; no façades containing only one plane shall be accepted.
  - D. The finished façade of any side of the building adjacent to public right-of-way or public access, which shall include 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, shall be composed of building materials selected from the list below of acceptable façade materials.

- (i) Acceptable Façade Materials. The primary material shall constitute at least 75% of the wall area, excluding glass. 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) Brick
  - (b) Architectural or split concrete blocks to the exclusion of the following types: precision concrete blocks/concrete masonry units (CMU), and smooth faced concrete blocks.
  - (c) Stucco
  - (d) Cement-based board or similar masonry product
  - (e) Wood
  - (f) Synthetic or natural stone.
  - (g) Advanced Composite Polymeric Siding or similar
  
- (ii) Alternative materials may be proposed for approval by Planning Staff unless the material is specifically prohibited in this section.
  - (a) Material sample board is required to be submitted when proposing any alternative materials.
  - (b) Physical samples of the proposed materials and colors (generally provided by architect upon request).
  - (c) The Planning Staff have the authority to deny any alternative materials if they are found to be in conflict with the intent of this code.
  
- (iii) Prohibited materials: No Masonite, asphaltic exterior wall or roof material, aluminum, or 'pre-engineered' metal buildings, corrugated metal, and ribbed metal paneling which includes, and but is not limited to "PBR-Panel" and "R-Panel" metal siding (other than approved architectural metal or composites), non-textured concrete block (ground-faced is allowed), vinyl or other similar materials shall constitute a portion of any building except trim.
  - (a) Trim is defined as an ornamental design feature, that when removed does not significantly alter the appearance of the building. This commonly consists of moldings, cornices, parapet, frieze, sills, lintels, stringcourse, quoining, and ledgment.

- 2) Site planning.
- A. All trash receptacle storage areas shall be screened. If the units are served by individual trash service, the two-family, three-family or four-family units shall be designed in a manner that provides access to residents to store trash receptacles out of sight.
  - B. Two-family, Three-family and four-family building facades shall be varied. There shall be a minimum of three (3) alternative building facades before a repeat design may be utilized. In no case shall two identical building facades be placed adjacent to one another. The proposed variations in building façade shall be reviewed and approved by Planning Staff. Variations may include, but are not limited to the following examples:
    - (i) Variation in paint color or façade materials
    - (ii) Variation in porch or stoop size or configuration
    - (iii) Façade articulation variation
    - (iv) Variation in window types
    - (v) Variations in rooflines or roof types
    - (vi) Use of a variety of architectural elements such as awnings, light fixtures, or eave details
  - C. Driveways and Parking shall be designed according to Section 6.1.
    - (i) If shared driveways or alleys are proposed with any development, they shall comply with the current fire, building, and planning codes. The width of any shared alley or driveway shall be approved by the City Fire Official, and additional width may be required at the Fire Official's discretion. Any shared private driveways or alley(s) must be maintained by individual owners or a property owners' association.
    - (ii) For rear or alley loaded units.
      - (a) Where rear or alley loaded, garage or carport may extend beyond rear façade.
      - (b) If the development is designed for rear trash pickup, additional width and structural requirements may be placed on the rear-loaded shared alleys or shared driveways.
      - (c) A maximum of two drives per building is allowable. Sharing drives between buildings is encouraged. All parking shall be to the side or rear of the structure and

per zoning code section 6.1.2 (4), no drive shall be designed in a way that backing out directly into the street is the only option.

**3.21.6 Design Standards for multifamily residential structures with five or more attached units:** Adherence to the following standards shall qualify a proposed structure as a Standard Multifamily Building.

1) Building design:

A. The finished façade of the front or visible side of the building shall be composed of building materials selected from the list below. 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.

(i) Acceptable Finished Façade Materials. The primary material shall constitute at least 75% of the wall area, excluding glass. 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) Brick
- (b) Architectural or split concrete blocks to the exclusion of the following types: precision concrete blocks/concrete masonry units (CMU), and smooth faced concrete blocks.
- (c) Stucco
- (d) Cement-based board or similar masonry product
- (e) Wood
- (f) Synthetic or natural stone.
- (g) Everlast Advanced Composite Polymeric Siding or similar

(ii) Alternative materials may be proposed for approval by Planning Staff unless the material is specifically prohibited in this section.

- (a) Elevation drawing that includes the percentage of each proposed material.
- (b) Material sample board is required to be submitted when proposing any alternative materials.
- (c) Physical samples of the proposed materials and colors (generally provided by architect upon request).

- (d) The Planning Staff have the authority to deny any alternative materials if they are found to be in conflict with the intent of this code.
- (iii) Prohibited materials: No Masonite, asphaltic exterior wall or roof material, aluminum, or 'pre-engineered' metal buildings, corrugated metal, and ribbed metal paneling which includes, and but is not limited to "PBR-Panel" and "R-Panel" metal siding. (other than approved architectural metal or composites), non-textured concrete block (ground-faced is allowed), vinyl or other similar materials shall constitute a portion of any building except trim.
  - (a) Trim is defined as an ornamental design feature, that when removed does not significantly alter the appearance of the building. This commonly consists of moldings, cornices, parapet, frieze, sills, lintels, stringcourse, quoining, and ledgment.
- (iv) Wall articulation.
  - (a) Buildings shall avoid long uninterrupted façade planes and/or blank walls.
  - (b) Buildings with facades greater than 40 feet in length shall incorporate wall plane projections or recesses that are at least two feet in depth.
  - (c) At least 25% of the length of the façade must be cumulatively composed of either projections or recesses. No uninterrupted length of a façade may exceed 40 feet in length.
- (v) Roofs.
  - (a) Roof lines and/or parapets shall be varied with a change in height every 100 linear feet in the building length.
  - (b) Parapets, gable roofs, high roofs, or dormers shall be used to conceal flat roofs and rooftop equipment from public view.
- (vi) Entrances.
  - (a) Each primary building on a site, regardless of size, shall have clearly defined, highly visible entrances featuring no less than two of the following:
    - 1. Canopies or porticos;
    - 2. Overhangs;
    - 3. Recesses/projections;

4. Arcades;
5. Raised corniced parapets over the door;
6. Peaked roof forms;
7. Arches;
8. Architectural detail such as tile work and moldings integrated into the building structure and design;
9. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting; or
10. Other architectural features as determined on a case-by-case basis.

(vii) Utility and mechanical equipment screening. Screening of service yards, banks of utility meters and hardware, mechanical equipment, outdoor storage areas, and/or other potentially unattractive places from public view, shall be accomplished by the use of walls, fencing, planting, or a combination of the measures that follow. Screening shall be equally effective in the winter and the summer seasons. For rooftop equipment, parapet walls or other screening methods approved by Planning Commission are required along street frontages and bordering residential areas.

- (a) Adjusting the architectural or landscape profile to screen those elements from view.
- (b) Placing those elements on service courts or other locations not generally visible to residents or viewed by the public.
- (c) Integrating those elements into the architecture or landscaping of the site.

## 2) Site planning

### A. Building placement.

- (i) Place as much of the building width at the front of the lot as possible to maximize front façade exposure to the public.
- (ii) The front façade shall generally be kept parallel with the street.
- (iii) On corner lots, place as much building mass near the intersection as possible to help anchor the lot and take advantage of high visibility.

### B. Parking placement.

- (i) Parking areas shall generally be kept to the interior of the site or sides of the buildings with the building façade along the street. Exceptions may be granted by the Planning Commission if the

parking lots are screened from view by additional landscape buffering.

- (ii) If a private interior street is required for connectivity, parking may be placed along this street, but must be clearly defined by landscaped curb bump outs between buildings, or every ten (10) parking spaces.

C. Pedestrian circulation.

- (i) Clearly defined pedestrian walkways or paths shall be provided from parking areas to primary building entrances.
- (ii) Walkways shall be designed so that pedestrians have to cross parking aisles and landscape islands no more than necessary to reach building entries.
- (iii) All internal walkways shall be distinguished from driving surfaces through the use of paint or durable, low maintenance surface materials such as colored concrete, pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

D. Dumpster Enclosures and Refuse Areas

- (i) Any dumpster or refuse areas must be screened completely from view and consist of a masonry enclosure and access gate made of durable opaque material.
  - (a) The design of the masonry enclosure shall include design/construction measures to assure that the sizing of the enclosure is adequate to accommodate the housing and servicing of the desired refuse container without damage of the enclosure.
  - (b) Any damage to the dumpster or refuse area enclosures must be repaired within thirty (30) days, or written documentation of repair plan within thirty (30) days of notice.
  - (c) All refuse must be contained within the enclosure area
- (ii) Any dumpster or refuse area shall be located no closer than five feet (5') from the fascia of any adjacent structure, and shall not be permitted within the setback areas.

E. Amenities

- (i) All multi-family developments with **over 50** proposed or potential units (within the development) shall provide at least one of the following amenities:

- (a) Pool – sized appropriately. Minimum of 1,000 SF in size.
  - (b) Club house;
  - (c) Private park with at least one substantial piece of children’s playground equipment, park benches, and landscaping sized appropriately. Substantial playground equipment should be able to accommodate children from two(2) years old to twelve (12) years old with a mix of activities (slides, climbing, balancing).
  - (d) Splash pad park;
  - (e) Dog park with appropriate facilities;
  - (f) Sports facility. Can include bocce court, volleyball court, basketball court, tennis court, soccer field, disk golf course, or other facility as proposed on a case by case basis.
  - (g) Hiking or biking trails; and/or
  - (h) An alternative amenity approved by the Planning Staff
- (ii) All multi-family developments with **over 100** units shall provide at least two amenities. All multi-family developments with over 200 units shall provide at least three amenities. For every 150 units over 200, an additional amenity shall be required.
- (a) These amenities shall be accessible to all residents, centrally located if possible, and accessible by internal walkways.
  - (b) All amenities shall be maintained by the apartment complex manager and/or owner.

### **3.22 Commercial Building and Site Design**

**3.22.1 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:

- 4) Are designed to be in visual harmony with buildings either in the same vicinity or along the same commercial corridor;
- 5) 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.
- 6) Are appropriate to the context in which they reside; and

- 7) Generally do not detract from the aesthetics of the location, area, and community as a whole.

**3.22.2 Applicability:** The provisions of this section shall apply to projects requiring a Commercial Building Permit, regardless of the underlying zoning category, with exceptions below:

- 1) Multifamily residential uses shall comply with the Multifamily Design Standards.
- 2) Industrial uses within Industrial zoning districts (M1 and M2) will not be required to comply with the Commercial Design Standards.

**3.22.3 Exemptions.** Reserved.

**3.22.4 Procedures for Obtaining Commercial Building Permits:** Applicants desiring to obtain a building permit for development of a new building or the expansion of an existing building, when the expansion is 20% or more of the building square footage, shall be required to meet the all of the criteria listed in Section 3.20.5.

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

- 1) Façade Material:
  - A. The finished façade of any side of the building adjacent to public right-of-way or public access, which shall include 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, shall be composed of building materials selected from the list below of acceptable façade materials.
  - B. Acceptable Façade Materials. 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:
    - (i) Exterior insulation finish systems (EIFS)/Dryvit
    - (ii) Brick.
    - (iii) Architectural or split concrete blocks to the exclusion of the following types:
      - (iv) precision concrete blocks/concrete masonry units (CMU)
      - (v) smooth faced concrete blocks.

- (vi) 'Architectural Metals' to the exclusion of all 'pre-engineered' metal buildings, corrugated metal, and ribbed metal paneling which includes, and but is not limited to "PBR-Panel" and "R-Panel" metal siding. For the purpose of this section. 'architectural metals' shall be comprised of the following materials:
    - (a) Aluminum composite panel (ACP)
    - (b) Brass
    - (c) Copper
    - (d) Flush metal paneling
    - (e) Iron (cast, malleable, etc.)
    - (f) Steel (cast, forged, pressed, stainless, stamped, textured)
  - (vii) Glass.
  - (viii) Pre-cast concrete.
  - (ix) Native stone or mortar.
  - (x) Wood.
  - (xi) Tile.
  - (xii) Stucco (3 step process)
  - (xiii) Fiber Cement siding / Cement Board siding
  - (xiv) Everlast Advanced Composite Polymeric Siding or similar
- C. Alternative materials may be proposed for approval by Planning Staff unless the material is specifically prohibited in this section.
- (i) Elevation drawing that includes the percentage of each proposed material.
  - (ii) Material sample board is required to be submitted when proposing any alternative materials.
  - (iii) Physical samples of the proposed materials and colors (generally provided by architect upon request).
  - (iv) The Planning Staff have the authority to deny any alternative materials if they are found to be in conflict with the intent of this code.

- D. 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 shall not be required to consist of the same façade materials listed above.
  - E. Accent trim on roofs, windows and doors may be of metal.
- 2) Wall articulation.
- A. Buildings shall avoid long uninterrupted façade planes and/or blank walls. All commercial buildings with facades greater than 50 feet in length shall incorporate wall plane projections or recess that are at least two feet deep. Projections/recess must be at least 25% of the length of the façade. No uninterrupted length of a façade may exceed 50 feet in length.
- 3) Roof Articulation.
- A. Roof lines and/or parapets shall be varied with a change in height every 100 linear feet in the building length. Parapets, gable roofs, high roofs, or dormers shall be used to conceal flat roofs and rooftop equipment from public view. Alternative lengths and designs may be acceptable and may be approved by Planning Commission.
- 4) Entrances. Each primary building on a site, regardless of size, shall have clearly defined, highly visible customer entrances featuring no less than two of the following:
- A. Canopies or porticos;
  - B. Overhangs;
  - C. Recesses/projections;
  - D. Arcades;
  - E. Raised corniced parapets over the door;
  - F. Peaked roof forms;
  - G. Arches;
  - H. Architectural detail such as tile work and moldings integrated into the building structure and design;
  - I. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting; or
  - J. Other architectural features as determined on a case-by-case basis.
- 5) Utility and mechanical equipment screening. Screening of service yards, utility meters and hardware, mechanical equipment, refuse areas, and/or other potentially unattractive places from public view, shall be accomplished by the use of walls, fencing, planting, or a combination of the measures that follow. Screening shall be equally effective in the winter and the summer seasons. For rooftop equipment, parapet walls or other screening methods approved by Planning Staff are required

along street frontages and bordering residential areas. Some potential screening measures that could be used include:

- A. Adjusting the architectural or landscape profile to screen those elements from view.
- B. Placing those elements on service courts or other locations usable by the general public.
- C. Integrating those elements into the architecture or landscaping of the site.

6) Parking Layout

- A. No more than 50% of the off-street parking area for the entire property shall be located between the front façade within the front yard of the principal building and the primary abutting street unless the principal building and/or parking lots are screened from view by out-lot development and additional tree plantings or berms.
- B. Adjacent parking lots shall be linked, or shared parking areas provided, which can serve neighboring buildings simultaneously.
- C. Shared drives and cross access between properties shall be required to adjacent undeveloped properties, and where applicable developed properties.
- D. Access easements shall be shown on the site plan to provide cross access to adjacent properties.
- E. The location of this cross access shall be approved by Planning Staff.
- F. Parking lots shall be designed in regular, rectangular shapes.

7) Pedestrian circulation.

- A. Clearly defined pedestrian walkways or paths shall be provided from parking areas to primary building entrances.
- B. Design walkways and parking lots so there is a clear pedestrian pathway to the building entrance.
- C. All internal walkways in parking lot areas shall be distinguished from driving surfaces through the use of paint or durable, low maintenance surface materials such as concrete, pavers, bricks, or stamped concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

- 8) Dumpster Enclosures and Refuse Areas
  - A. Any dumpster or refuse areas must be screened completely from view and consist of a masonry enclosure and access gate made of durable opaque material.
    - (i) The design of the masonry enclosure shall include design/construction measures to assure that the sizing of the enclosure is adequate to accommodate the housing and servicing of the desired refuse container without damage of the enclosure.
    - (ii) Any damage to the dumpster or refuse area enclosures must be repaired within thirty (30) days, or written documentation of repair plan within thirty (30) days of notice.
    - (iii) All refuse must be contained within the enclosure area
  - B. Any dumpster or refuse area shall be located no closer than five feet (5') from the fascia of any adjacent structure, and shall not be permitted within the setback areas.

### **3.23 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.

#### **3.23.1 Applicability**

- 1) Residential subdivisions approved through the Land Subdivision and Development Code follow the standards outlined in Article 3.22.2.
- 2) Whenever any new residential structure is proposed, then provision of a connecting or continuing four (4) foot wide sidewalk shall be a condition of the building permit issued for the proposed structure, unless:
  - A. In Residential areas, when only one single-family or two-family residence is to be constructed in an infill manner (this does not include newly proposed residential subdivisions, sidewalks shall be required for all new subdivisions), a sidewalk shall not be required if:
    - (i) There is no sidewalk connection within 300 feet of the property.
    - (ii) The existing sidewalk connection has been abandoned by the City or is in disrepair.

- (iii) The developer shall be responsible for showing that there is no connection within 300 feet if they are not proposing to place a sidewalk.
    - (iv) City Staff shall verify the condition of the sidewalk if the developer has determined a nearby sidewalk connection to be abandoned or in disrepair.
  - B. Sidewalks shall be a minimum of five (5) feet wide when installed adjacent to the curb line. The location of the sidewalk adjacent to the curb shall be allowed only by special approval from the City Engineer, and when there are restrictions that would prohibit the sidewalk being located a minimum of four (4) from the curbline.
- 3) New commercial structures or improvements that increase the value of the property by more than 50% shall provide sidewalks that are a minimum of five (5) feet in width, along all public street frontages.
- 4) In the Airport Industrial District Character Zone Sidewalks shall not be required except that they shall be required in the following areas:
  - A. Along the south side of Main Street
  - B. Along the south side of 2<sup>nd</sup> street
  - C. 8' sidewalks along the south side of Fairway west of Elmira
- 5) 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 3.22.1 3)
- 6) In the North City Spur Character Zone sidewalks shall not be required north of Shiloh Road except that the construction of the multi-use trail shall be required in accordance to the Russellville Trail Connect System Plan with any development meeting the requirements of 3.22.1 3)
- 7) In the El Paso Districts, College Hill Zone (CHZ), Prairie Creek Zone (PCZ), and the Downtown Crossing Zone (DCZ), sidewalks shall be required for any structures or improvements that increase the value of the property by more than 50% shall provide sidewalks that are a minimum of six (6) feet in width for the CHZ, DCZ and PCZ, along all public street frontages.

### **3.23.2 Standards**

- 1) Sidewalks required as part of a commercial development site plan approval shall be not less than (5) five feet in clear width. No obstruction (including, but not limited to, mailboxes, poles, signs, hydrants,

benches, etc.), shall reduce the actual functional clear width to less than five (5) feet.

- 2) Sidewalks within the El Paso Districts, College Hill Zone (CHZ), Prairie Creek Zone (PCZ), and the Downtown Crossing Zone (DCZ), shall not be less than six (6) feet in clear width, and shall be placed a minimum of five (5) feet back from the curblineline. No obstruction (including, but not limited to, mailboxes, poles, signs, hydrants, benches, etc.), shall reduce the actual functional clear width to less than six (6) feet.
  - A. Encroachments over sidewalks are allowed in these districts.
    - (i) Permitted only within the setback range
    - (ii) Other streets, no more than six (6) feet horizontal encroachment over the sidewalk/ROW with minimum vertical clearance over the sidewalk of eight (8) feet for signs or other overhead structures.
- 3) All sidewalks installed within City Limits shall comply with City Design Standards for construction material, finish, appearance, and structural quality.
- 4) Ramps and blended transitions shall be provided as necessary to comply with the Americans with Disabilities Act.
- 5) 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.

### **3.23.3 Payment in lieu of Construction**

- 1) The property owner may request this option if there are unusual circumstances.
- 2) 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.

### **3.23.4 Variances**

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

### **3.24 Dumping or Storage of Fill**

**3.24.1 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.

**3.24.2 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.

**3.24.3 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.

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

**3.24.5 Exempted Activities** This section shall not apply to:

- 1) Activities undertaken in conjunction with a valid building permit unless fill materials are moved offsite to another location within the City of Russellville.
- 2) Situations where the amount of fill is 16 cubic yards or less.
- 3) Public street, water, sewer or other infrastructure projects.

### **3.25 Campgrounds and RV Parks**

#### **3.25.1 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.

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

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

Occupancy of premises without Certificate of Occupancy is prohibited.

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.

**3.25.3 Location of Recreational Vehicle Parks** 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

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

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

**3.25.4 Park Dimensional Requirements**

- 1) Park Size – Minimum two (2) acres
- 2) Lot Frontage – 100' Minimum
- 3) Campsite area – No campsite shall comprise less than 1,200sf, with a minimum width of twenty feet and a minimum depth of forty feet.
- 4) Density – Gross density shall not exceed 30 units per acre.

**3.25.5 Park Development Standards**

- 1) 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 (11) feet and two-way streets shall have a minimum width of twenty (20) feet, with twenty-six (26) feet at hydrant locations. Street layout must be approved in writing by both the Public Works Director and the Fire Marshal.
- 2) 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 VI. Section 6.3.1.

- 3) Campsite separation – Campsite shall be laid out so that separation between RVs shall be not less than 15’ under any circumstances.
- 4) ROW Access – There shall be no direct access to campsites from public ROW.
- 5) 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.
- 6) 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.
- 7) 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.
- 8) There shall be no permanent electricity/water/sewer hook ups for each site/RV in an RV owners’ name.
- 9) 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.

**3.25.6 Utilities Underground** All public utilities within an RV Park shall be underground.

**3.25.7 Refuse Disposal** 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.

**3.25.8 Sewage/Sanitary Disposal Station** 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.

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

### **3.26 Free Standing Automated Ice Vending Machines**

**3.26.1 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.

### **3.27 Small Wireless Communication Facilities**

#### **3.27.1 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.

### 3.27.2 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:
    - (i) 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;
    - (ii) 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:
    - (i) Fifty feet (50') in height above ground level; or
    - (ii) 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:
    - (i) 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.
    - 1. 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.
- (ii) 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.
- (iii) 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.
- (iv) 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;
- (v) 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;
- (vi) 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;

- (vii) 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.
  - (viii) Other design elements which by industry standards are considered stealth technology deployment may also be used.
  - (ix) Within the Old Town Neighborhood, Downtown District, or the El Paso/ University District stealth concealment is required without exception.
  - (x) 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:
    - (i) Reasonable, in that they are technically feasible and reasonably directed to avoiding or remedying unsightly or out-of-character deployments;
    - (ii) No more burdensome than those applied to other types of utility and communications infrastructure deployments; and
    - (iii) Objective

- (iv) 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
  - (v) 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 VII.
  - 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.

### 3.27.3 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.
- 1) *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.
- 2) *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.
  - (i) 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.

### **3.27.4 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 3.26.5 and to charge a rate to collocate on authority poles as provided in Section 3.26.7.
  - A. An authority pole may be required to be replaced only if the collocation would make the authority pole structurally unsound.

- (ii) The replaced authority pole shall have the same functionality as the pole being replaced
  - (iii) 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.
- (i) A reservation of space shall not preclude placement of a pole or collocation of a small wireless facility.
  - (ii) 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.

### **3.27.5 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:
- (i) The Applicant's name, address, telephone number and e-mail address;
  - (ii) 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;
  - (iii) 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;
  - (iv) Authorization for any consultant acting on behalf of the Applicant to speak with the City, or a designee of the City;
  - (v) Verification from an appropriate professional that the small wireless facility shall comply with all applicable codes.

- (vi) Drawings and descriptions of the proposed facilities, non-tower support structures, and ancillary equipment;
  - (vii) Maps with the specific locations;
  - (viii) Geographic coordinates of the locations;
  - (ix) 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.
  - (x) 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;
  - (xi) 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.
- (i) 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.
  - (ii) 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 3.26 Small Wireless Communication Facility.
  - (iii) 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:
  - (i) Routine maintenance that does not expand the size or height of the small wireless facility; and
  - (ii) The replacement of a small wireless facility with another small wireless facility that is substantially similar or smaller in size, weight, and height;
  - (iii) 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:
  - (i) 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 3.26.5 2) A. 2;
  - (ii) 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;
    - (c) 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.

- (iii) 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.

- (i) 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.

- 1. If the Applicant believes the decision of the Administrative Official to be in error, an appeal may be made to the Board of Adjustment.
- 2. 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.

- 1. 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.
    - (i) 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:
    - (i) 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.
    - (ii) 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 3.26.5 4) 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.

### **3.27.6 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.

### **3.27.7 Fees and Rates**

- 1) Fees are by application type as shown in Article 1.14
- 2) Small Wireless Co-Locate fee is for a facility on an existing pole or structure:
- 3) Small Wireless New Location Fee is 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.
- 4) Small Wireless Co-Locate Additional is for multiple facilities, the first facility pays the Small Wireless Co-Locate fee and each additional facility submitted for review at the same time will be subject to this fee.
- 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.

### **3.27.8 Appeals**

- 1) The Board of Adjustments may:
  - A. Hear appeals of the decision of the administrative official 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;
    - (i) Decisions of the administrative officer shall be rendered to the Applicant in writing.
    - (ii) 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.

### **3.27.9 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.

### **3.27.10 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.

## **3.28 Mobile Food Vendors**

**3.28.1 Purpose** The purpose of this section is to establish reasonable rules and regulations regarding mobile food vendors and mobile food vendor courts to operate while ensuring such use is compatible with nearby properties,

fosters an aesthetically appealing streetscape and does not create a dangerous traffic condition.

### **3.28.2 General Limitations and Restrictions.**

- 1) All mobile food vendors shall obtain a permit and abide by the regulations specified.
- 2) Time / Duration of operation in Residential or Mixed Use Zones. Mobile food vendors shall be allowed to engage in the business of vending Sunday-Thursday between the hours of 6:00 a.m. – 10:00 p.m., and Friday-Saturday between the hours of 6:00 a.m. - 1:00 a.m.
- 3) Mobile Food Vendors within high-risk flood areas. For the purposes of this section, “high risk of flood areas” are those areas shown as Special Flood Hazard Areas (SFHA) on the effective Flood Insurance Rate Maps (FIRM) produced by the Federal Emergency Management Agency (FEMA), or other areas documented by the City to have a high risk of flooding. All mobile food vendor permits located in areas of high flood risk shall meet the following;
  - A. Food trucks or food trailers shall be fully licensed and ready for highway use, in that the food truck or food trailer is on wheels or jacking system, is attached to the site only by quick disconnect type utilities and has no permanently attached additions or apparatus.
  - B. No overnight parking, including overnight staging, storing, or siting of any apparatuses associated with the mobile food vendor permit.
    - (i) Exceptions:
      - (a) A Floodplain Development Permit is obtained; or
      - (b) Vendors setup for less than 72 hours.
  - C. All utility hook ups, connections, and attachments shall be above the Base Flood Elevation (BFE).

### **3.28.3 Mobile Food Vendor Permit Application.**

- 1) All applications for mobile food vendor permits shall contain the following:
  - A. Application fee. Each application for a permit to conduct a mobile food vendor business shall be accompanied by an application and appropriate Business permit fee. Mobile food vendor permits shall be issued to the owner of the mobile food vendor vehicle.

- B. Contact information. Name, address, contact information and signature of both the property owner and, if different than that of the owner, name of the person requesting to locate on the property.
- C. Multiple locations. Multiple physical locations may be issued under one business permit and fee per Mobile Food Unit.
- D. State & local permits. A valid copy of all necessary permits required by state and county health authorities, all of which shall be conspicuously displayed at all times during the operation of the business.
- E. City permits. A valid copy of current, city issued business license, which shall be conspicuously displayed at all times during the operation of the business.
- F. Property owner authorization. If located on private property, written authorization, signed by the property owner or legal representative of record, stating that the prospective mobile food vendor is authorized to operate on the subject property.
- G. Plan submittals. For major food vendor courts (5 or more mobile food vendor vehicles.), minor food vendor courts (2 - 4 mobile food vendor vehicles) and/or single mobile food vendor applications, a site plan shall accompany the application. Site plans must provide staff the general location of proposed mobile food vendor vehicle use areas, dining areas, trash receptacles, restroom facilities (can be shared use agreement), lighting, and any other items the city may require ensuring compliance with section 3.28.4 – Site Requirements.

### **3.28.4 Site Requirements.**

- 1) All Mobile Food Units:
  - A. Site Design. For all permit types, sites shall be improved with a barrier between vehicular and customer service areas, including ordering and dining areas. The barrier may be implied or physical and constructed with landscaping elements; gated fencing; changes in ground surface texture, material, or color; or similar treatments.
  - B. Off-Street Parking Areas. All mobile food vendor courts and single mobile food vendors shall apply asphalt, concrete, or other durable-semi permeable surface to its off-street parking area.
  - C. Grading. For all permit types, the entirety of the site shall be graded and drained to dispose of surface water into appropriate conveyance structures.

D. Utilities. Above ground utility connections shall not interfere with pedestrian or vehicular safety and shall not be located in customer service areas or customer parking areas.

E. Signage.

(i) Signage is allowed on mobile food vendor vehicles. Any signage outside the Mobile Food Vendor Vehicle is limited to sandwich board signs. Temporary signage is permitted for 30 days or less up to 16 sqft in size.

(ii) Minor and Major Mobile Food Truck Courts shall follow sign regulations for the zone in which they are located.

2) Minor Mobile Food Vendor Courts

A. Items 3.28.4 1) Apply

B. Pedestrian Circulation. Mobile food vendor courts shall not have continuous curb cuts or exacerbate a dangerous pedestrian condition. New courts may close continuous curb cuts or improve pedestrian conditions with temporary materials subject to approval of the City Planning Commission. Acceptable materials include planters, plinths, benches, pavers, and other furniture. Temporary improvements installed by mobile food vendor courts shall not reduce access for pedestrians with disabilities or otherwise be in non-compliance with the Americans with Disabilities Act (ADA).

3) Major Food Vendor Courts

A. Items 3.28.4 1) and 3.28.4 2) Apply

B. Sanitation. Adequate restroom facilities either on-site or through a shared use agreement with a neighboring business shall be provided. Portable toilets, if used, must be screened from view of the public.

C. Landscaping. With respect to landscaping requirements, Major mobile food vendor courts shall be required to adhere to the commercial frontage and perimeter buffer landscape standards.

### **3.28.5 General Mobile Food Vendor Requirements.**

1) All mobile food vendors are required to meet the following requirements.

A. The mobile food vendor has the responsibility to dispose of all waste in accordance with all applicable laws. Mobile food vendors are not permitted to dispose of their trash in public trash receptacles.

- B. The mobile food vendor permit issued shall not be transferable in any manner.
- C. Mobile food vendors, and the sites upon which they operate, shall comply with the Federal Americans with Disabilities Act (ADA) requirements if the public has access to the interior of any mobile vending unit.

**3.28.6 Mobile food vendor, non-fixed requirements.**

- 1) The following requirements apply to non-fixed mobile food vendors.
  - A. Equipment requirements and features:
    - (i) Convex mirror mounted on the front of the vehicle such that the driver in his normal seating position can see the area in front of the truck obscured by the hood.
    - (ii) "Slow Children Crossing" sign printed in six-inch black letters on yellow background on both the front and back of the vehicle.
    - (iii) Passenger side mirror.
    - (iv) Business name, address, and phone number printed in two-inch letters on each side of the vehicle.
    - (v) Trash receptacle.
    - (vi) "Slow" signal arm that can be extended horizontally from the left side of the truck. This arm shall be yellow with six-inch black lettering and two alternating flashing amber lights three to five inches in diameter. The bottom of the signal arm shall be approximately 42 inches above the roadway or street.
    - (vii) The vehicle shall be lawfully parked or stopped before vending can take place.
  - B. Operational requirements.
    - (i) "Slow" signal arm shall be deployed when vehicle is stopped for vending purposes.
    - (ii) The vehicle shall not be stopped for vending purposes when no customers are present.
    - (iii) Vending shall take place from the right side of the vehicle.

- (iv) Vending shall not occur with a customer standing on the passing side of the vehicle.
- (v) Vending shall only include prepackaged products.
- (vi) Vehicles shall not be operated in reverse to accommodate a customer.

**3.28.7 Permits on City Owned Property.**

- 1) City owned parks, public (off street) parking areas, or other publicly owned property.
  - A. The City Administration shall establish the criteria for the issuance of permits on City parks, public (off street) parking areas, or other publicly owned property.
- 2) Public Rights-of-Way, on-street parking areas.
  - A. Permitted food trucks and trailers may operate in the following locations for up to twelve (12) hours each day, after which they must move to a new location which is out-of-view of the original location.
    - (i) Marked parallel parking spaces, which are not reserved for residential use and provided the parking space is not in front of a business selling similar food. Service to customers shall be only on the sidewalk side of the vehicle to maintain public safety.
    - (ii) Marked parking spaces within parks.

**3.28.8 Exemptions.** The provisions of the Mobile Food Vendor ordinance do not apply to:

- 1) Special events authorized by the City of Russellville.
- 2) Private events held on private property not open to the general public.
- 3) Children's lemonade stands.
- 4) Non-profit organizations that prepare and donate or give away food for free.

**3.28.9 Prohibitions.** The following conduct is prohibited for mobile food vendors:

- 1) Obstruct vehicular traffic flow.
- 2) Obstruct pedestrian circulation or flow.

- 3) Obstruct traffic signals or regulatory signs.
- 4) Violation of City Noise Ordinance.
- 5) Conduct business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create a nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life or property, or obstruct adequate access to emergency and sanitation vehicles.

#### **3.28.10 Permit Issuance.**

- 1) The applicant shall be notified in writing of the city's decision to issue or deny the application for mobile food vendor permit not later than 10 days after the applicant has filed a completed application.
- 2) Any applicant may appeal a denied application to the Board of Adjustment within ten (10) days of the denial by sending written notice to the Planning and Development Department, to be heard at the next available Board of Adjustment meeting.
- 3) Each permit shall show the name and address of the mobile food vendor, permit type, the amount of the permit, the date of issuance, a permit number, an identifying description of any motor vehicle or conveyance used by the mobile food vendor plus, where applicable, the motor vehicle registration number and a photograph of the vendor not less than two inches square nor more than three inches square. Each permit shall also show the expiration date of the permit.
- 4) Any permit issued shall be carried with the vendor whenever they are engaged in vending. Certificate of health inspection from the Pope County Health Department shall also be properly and conspicuously displayed at all times during the operation of the vending business.

#### **3.28.11 Permit Expiration & Renewal.**

- 1) Except those permits issued for vendors on city owned property, the following regulations apply to all other types of mobile food vendor permits.
  - A. Expiration. Mobile food vendor permits are issued as a Specialize Business License, and shall be valid as established in the current business license ordinance for the City of Russellville.
  - B. Renewal. Mobile food vendor permits may be renewed provided an application for renewal and permit fees are received by the city no later than the expiration date of the current permit. Any permit renewal application received after that date shall be processed as a new application. The city shall review each application for renewal,

and upon determining that the applicant is in full compliance with the provision of these regulations, shall issue a new permit. As part of the renewal process, all vendors shall submit an updated copy of state and / or county health department permits, and a re-inspection by the City Fire Department where applicable. Failure to renew a permit will be cause for revocation by the City.

C. Submittal application. Provided there are no substantial or material changes to permit parameters, applications for renewal of the mobile food vendor permit need not entail resubmittal of plans, as required during the initial permit application.

**3.28.12 Administrative Approval.** Provided that all regulations have been met, the City has the authority to administratively approve mobile food vendor permit applications.

**3.28.13 Suspension and Revocation of Permit.** Any permit (and by association, business license) issued under these regulations may be suspended or revoked by the City, for any of the following reasons:

- 1) Fraud, misrepresentation, or knowingly false statement contained in the application for the permit or during presentations to the Planning Commission.
- 2) Operating the business of mobile vending in violation of the approved permit application and associated materials.
- 3) Operating the business in a manner that creates a public nuisance, disturbs the peace, constitutes a danger to the public health, safety, welfare or interferes with the rights of an abutting property owner(s).
- 4) Revocation of health department authorization for a food or beverage vending unit due to uncorrected health or sanitation violations, or;

**Notification of Suspension or Revocation.** The City shall provide written notice of the suspension or revocation in a brief statement setting forth the complaint, the grounds for suspension or revocation and notifying the vendor or the property owner of their right to appeal to the Planning Commission. Such notice shall be personally delivered, posted upon the mobile food vendors' premises, or mailed to both the address of the property owner and the address of the mobile food vendor shown on the permit holder's application by certified mail, return receipt requested.

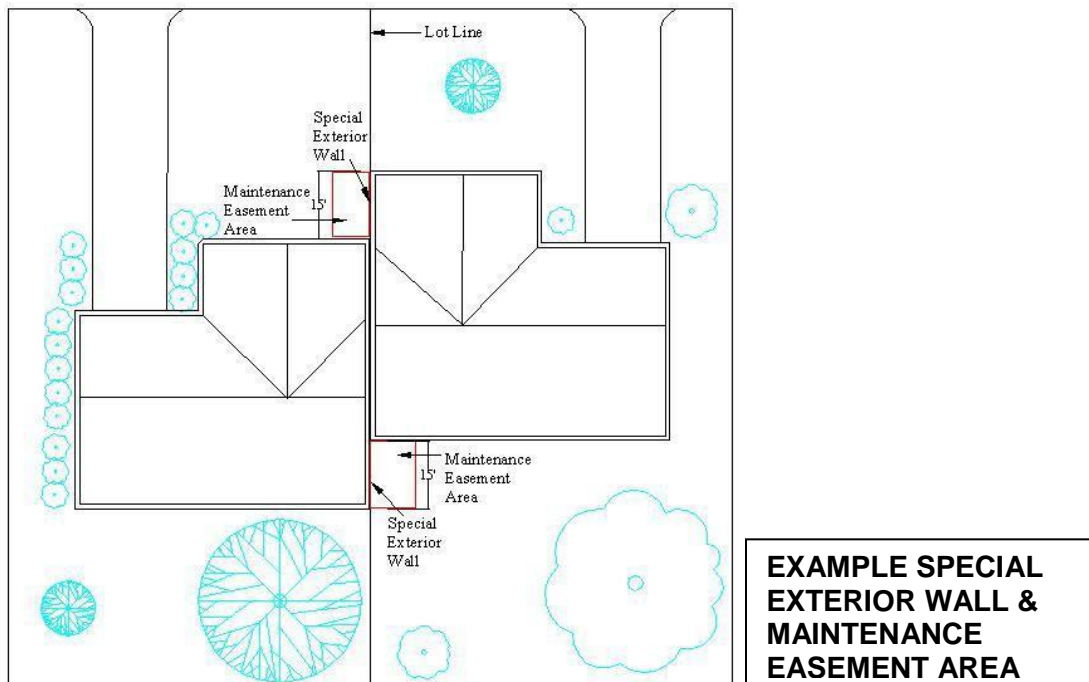
### **3.29 Zero-Lot Line**

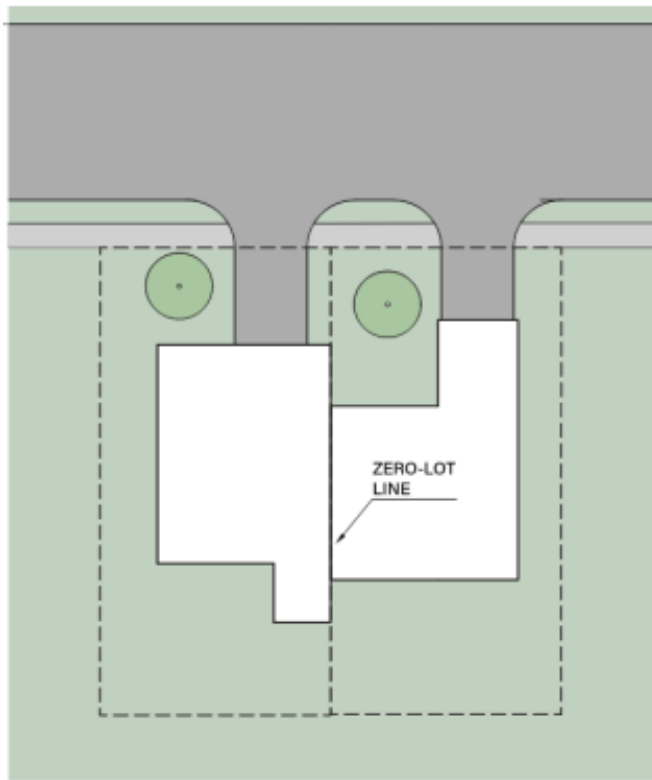
- 1) *Purpose* The purpose of this housing type is to provide an additional choice in building arrangement on the lot. The arrangement eliminates

one side yard thereby creating a more usable single-side yard on each lot. The units may be designed so that two or more units share a common structure wall that is contiguous with the interior lot line. When there is any offset laterally that produces an “independent structure” wall along the common property line, this wall shall be subject to requirements for a “Special Exterior Wall”. 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.

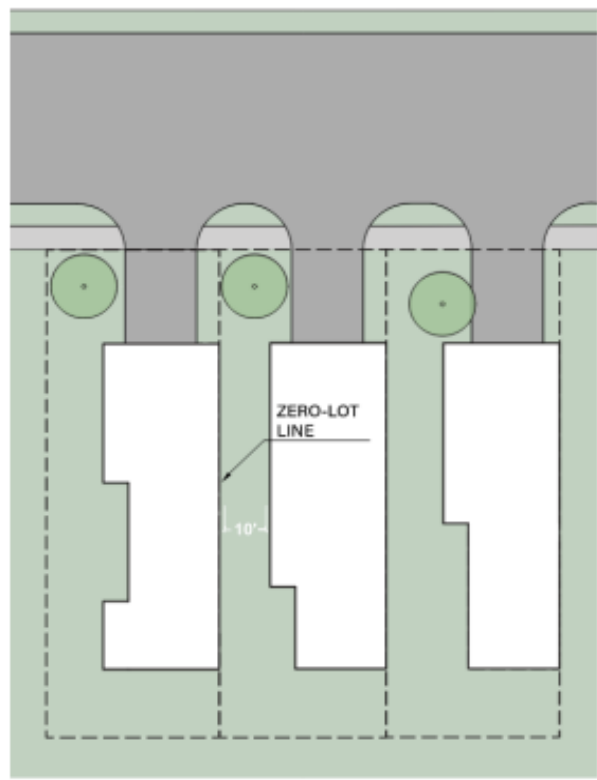
## 2) Wall Requirements

- A. Rights of Owner with respect to a Special Exterior Wall: The Owner of the residence containing a 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. A Maintenance Easement shall be filed with the property deed.





**ATTACHED  
SINGLE-FAMILY**



**DETACHED  
SINGLE-FAMILY**

- 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-resistant Construction: Construction, projections, openings and penetrations of exterior walls shall comply with the Arkansas Fire Prevention Code. The minimum fire-resistance rating of adjoining exterior walls shall be 1 hour - tested in accordance with ASTM E 119 or UL 263 with exposure from both sides.
  - D. 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.
- 3) *Existing Subdivision Regulations* Property Owners shall further comply with existing provisions of the Russellville Land Subdivision and Development Code.
- 4) *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 home, or combination of two or more single-section manufactured homes, shall have a minimum dimension on each side of at least 18 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.
- H. All roofing material shall be secure without gaps or damaged shingles.
- I. All windows shall be operative without broken panes or damaged trim or screening.
- J. All exterior siding shall be in place and undamaged. No dented, torn, burned, loose or mildewed siding shall be allowed.
- K. All kitchen and bathroom facilities shall be fully operational and all mechanical equipment shall be in good working order.
- L. Any attached gutters shall be secure and functional.
- M. All cornice materials shall be in place and undamaged.

- N. Paint shall be uniform and unblemished.
- O. Doors shall be plumb and fully operational. No damaged screening or door fixtures shall be allowed.
- P. 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.

## **ARTICLE IV. FENCES, WALLS, AND HEDGES**

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

### **4.1 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.

**4.1.1 “Wall”** in this section shall not include walls of a building or retaining walls.

**4.1.2 Swimming Pool** fencing shall comply with Section 3.11 of the Zoning Code.

**4.1.3 Retaining Walls** shall comply with Section 4.8 of the Zoning Code.

### **4.2 Variance**

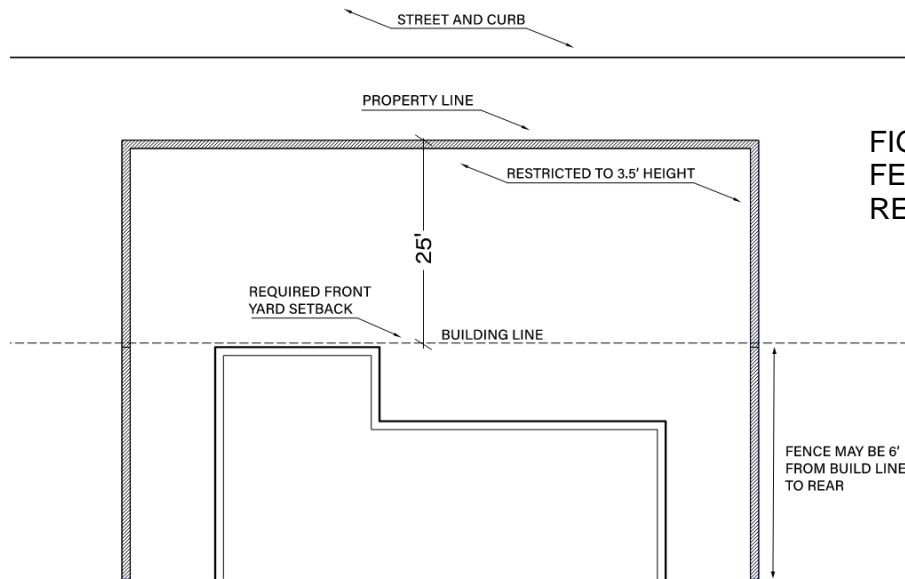
No fence may be higher than 6 feet unless a variance is obtained from the Board of Adjustment. The variance shall not be granted unless the application is made and approved prior to construction of the fence.

### **4.3 Privacy Fence**

Whenever a commercial or industrial zone or use abuts a residential zone or use, a physical barrier shall be required that shall be six (6) feet in height and may consist of wood or masonry fencing, rock or brick walls, berms, or a combination of these methods.

### **4.4 Maintenance and Installation**

**4.4.1** All fences shall be maintained in their original, upright conditions. Fences designed to be painted or have other surface finishes shall be maintained in the original condition. Missing board, pickets, or posts shall be replaced within 90 days, with material of the same type and quality.



**FIGURE TWO:  
FENCE HEIGHT  
REQUIREMENTS**

- 4.4.2** Finished surfaces shall face outward from the property when viewed from the public right-of-way. Posts and support beams shall be inside the finished surface or designed to be an integral part of the finished surface.
- 4.4.3** It shall be unlawful for any fence to restrict the flow of surface water. A fence in a storm water drainage path shall have a minimum clearance of two inches above finish grade to allow water to flow under the fence. No fence may be constructed within five feet of the top of the backslope of an open ditch.
- 4.4.4** All fences and walls shall be located on private property and shall be built with the consent of the property owner. The fence installer and/or property owner shall be responsible to correctly located property boundaries. Fences and wall may not encroach upon adjacent property lines.

## **4.5 Materials**

- 4.5.1** Acceptable fence or wall building materials include wood, masonry, wrought iron, chain link, vinyl and concrete block.
- 4.5.2** Razor wire, sheet metal, and pallets are prohibited as fence material.
- 4.5.3** Barbed wire is only permitted in areas zoned industrial (M-1 or M-2) or agricultural (A-1) and may not be placed within five (5) feet of any public right-of-way.
- 4.5.4** Electric fences are only permitted in areas zoned agricultural (A-1) and may not be placed within five (5) feet of any public sidewalk or right-of-way. Low power electric fences designed to keep pets in yards are exempt.

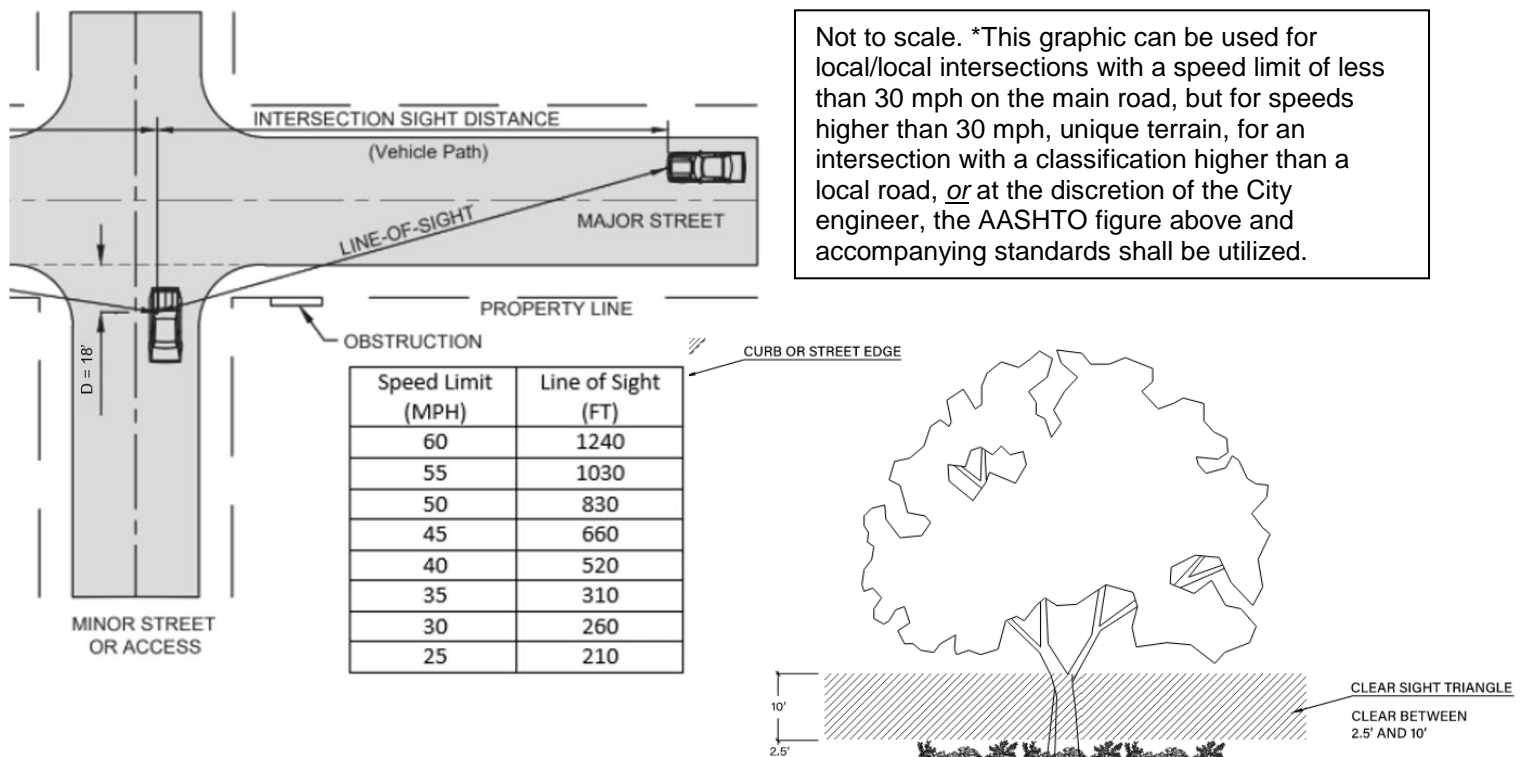
## 4.6 Easements

- 4.6.1** Walls used as fences and footing for retaining walls are prohibited in utility easement. Construction of all other fences in utility easement is permitted; but the property owner assumes the risk of doing so. Any fence enclosing a utility easement shall have a gate installed to permit access to the easement. Fencing in utility easements shall be required to sign an acknowledgement form provided by the Planning and Development Department.
- 4.6.2** Fences and walls shall not impede the flow of surface water and may not cross open drainage channels. No fence or wall shall be proposed within a surface water drainage easement.
- 4.6.3** Fences and walls shall not be constructed over or across any public or private access easement.

## 4.7 Visibility at Intersections

On a corner lots, intersections and driveway intersections, 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.

### INTERSECTION VISIBILITY



## **4.8 Retaining Walls**

### **4.8.1 Applicability.**

The requirements of this section shall apply to the construction, installation, extension and replacement of all retaining walls, of more than four (4) feet in height, measured from the final grade at lower-side of wall to the top of the wall, in all zoning districts, except as exempted in (2), Exemptions below.

- 1) Retaining walls may be constructed to the height necessary to protect a cut-fill grade but shall be a maximum of nine (9) inches above finished grade on the fill side of the wall.
- 2) Retaining walls that exceed eight (8) feet in height shall be reviewed for aesthetics, and must include articulation to help mitigate the bulk of the wall.

### **4.8.2 Exemptions.**

Retaining walls that meet the following requirements shall be exempt from these requirements:

- 1) Retaining walls less than four feet in height. Retaining walls of less than four (4) feet in height shall be noted on site plan/building permit application, but will not be required to apply for a separate retaining wall building permit.
- 2) Retaining walls designed as part of the primary structure.
- 3) Retaining walls designed as part of a public capital improvement project.

### **4.8.3 Permit required.**

A building permit for a retaining wall shall be obtained prior to beginning construction, extension or replacement of all applicable retaining walls.

### **4.8.4 Application.**

To obtain a retaining wall permit, a completed application form and a site plan must be submitted to the Planning Department. The site plan shall show:

- 1) Location of all property lines;
- 2) Location of all existing and proposed structures;

- 3) Location of existing retaining walls on or adjacent to the property that is to remain in place, if applicable;
- 4) Portions of existing retaining wall that will be replaced, if applicable;
- 5) Location of new retaining wall;
- 6) Location of utilities and utility easements; drainage easements and drainage ways;
- 7) Construction details to include, but not limited to, dimensions, cross section, and footing design; Limits of Excavation and for installation; topographic information including contours and spot elevations as necessary.
- 8) Elevations above and below the retaining wall;
- 9) A note indicating the height of the proposed retaining wall and the material;
- 10) Engineer's design certification; and
- 11) Additional information may be requested from staff after initial review.

#### **4.8.5 Review and approval.**

Once all the required information is submitted, it shall be reviewed by the City Engineer for compliance. If the application is approved, the applicant shall pay the building permit fee and the retaining wall permit will be issued.

#### **4.8.6 Compliance.**

All retaining walls shall be installed in compliance with the retaining wall regulations and with the information shown on the approved site plan and retaining wall permit application form.

#### **4.8.7 Inspection required.**

The applicant shall contact Building Department to request an inspection for phased construction of the retaining wall including pre-pour inspections for footing and wall sections, along with final backfill. Upon final inspection of the retaining walls, if the Building Inspector determines that the retaining wall is being constructed in accordance with the requirements of this chapter and the approved retaining wall permit, a certificate of compliance will be issued. If the retaining wall does not pass the inspection, the Building Inspector shall prepare an inspection report detailing the deficiencies.

#### **4.8.8 Engineer certification required.**

An engineer's design, design certification and construction observation shall be required for all retaining wall over four (4) feet in height. Engineer of Record shall provide a certification that the retaining wall and backfill was inspected by his staff and has been installed per approved design drawings. All engineering services shall be performed under the supervision of a professional engineer registered in the State of Arkansas.

#### **4.8.9 ArDOT State Standard design detail is acceptable without supporting calculations.**

#### **4.8.10 Private property.**

All retaining walls shall be located on private property and shall be built with the consent of the property owner. The retaining wall installer and/or property owner shall be responsible to correctly locate property boundaries. Retaining walls shall not encroach upon neighboring property lines. Limits of construction shall not encroach upon neighboring property lines without written permission from the adjacent property owner. Retaining walls shall not be installed in the Public Right of Way.

#### **4.8.11 Sight triangle.**

Retaining walls over 30 inches constructed near street intersections shall not be located in the "sight distance triangle," as detailed in Figure 3, in order to provide a reasonable degree of traffic visibility.

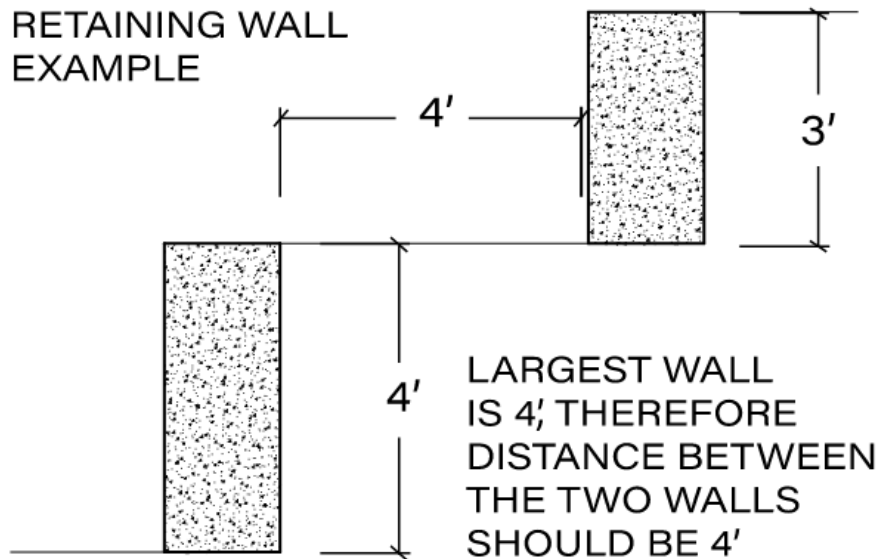
#### **4.8.12 Easements.**

- 1) *Utility easements.* Retaining walls shall not restrict access to utilities. Easements affected by the installation due to excavation or fill must be coordinated with the affected utility.
- 2) *Drainage easements.* Retaining walls shall not impede the normal flow of storm water and shall not cross an open drainage channel. Retaining walls shall not be allowed to be located within drainage easements. Unless used to convey drainage and approved by the City Engineer.
- 3) *Access easement.* Retaining walls shall not be constructed over a public or private access easement.

#### **4.8.13 Terraced retaining walls.**

If walls are terraced, the upper wall shall be located no closer to the lower wall than 1.0 times the height of the tallest wall.

Height of largest wall x 1.0 = Distance between walls. This type of system will be treated as a single wall system, unless the separation of wall is more than two (2) times the height of the wall.



#### 4.8.14 Slopes.

Slopes of 1:1 or steeper shall be required to comply with the retaining wall regulations above. Exposed slopes shall be vegetated.

#### 4.8.15 Segmental Retaining Wall Systems - Construction and installation.

The construction and installation of concrete segmental retaining wall systems shall comply with Concrete Segmental Retaining Walls System manufacturer's specifications. Walls over four (4) feet shall meet the requirements above.

#### 4.8.16

Where a retaining wall is located on a line separating lots, the retaining wall may be topped by a fence of the height permitted in the yard in which the wall is located. The allowable height of the fence shall be determined by measuring from the finished grade of the wall.

#### 4.8.17 Safety Railing

Retaining walls over four (4) feet on multifamily and commercial shall have a safety railing, handrail, or fencing for safety to the pedestrian public. Residential retaining walls over four (4) feet in height on common property lines will also require safety railing or fencing.

## **ARTICLE V. LANDSCAPE, SCREENING, AND BUFFERING REQUIREMENTS**

### **5.1 Purpose**

The purpose of this section is to ensure a minimum of open space and green area as an integral part of new development and to protect the health and welfare of its citizens through the regulation of landscaping of new residential, multifamily residential, commercial, and industrial developments.

- 5.1.1** Landscaping enhances the environmental and visual character of the community.
- 5.1.2** Green space requirements preserve and stabilize the area's ecological balance by establishing a healthier environment.
- 5.1.3** Green areas help to mitigate the negative effects of air and noise pollution by using plants as buffers, and slow and reduce storm water runoff.
- 5.1.4** Fencing and landscaping provides visual screening and buffering, and screens between incompatible land uses.
- 5.1.5** Landscaping enhances parking lots.
- 5.1.6** Greenspace requirements can help establish parks and other outdoor amenities for the citizens of the City.
- 5.1.7** Site preparation prior to development plans – sculpt earth in preparation for development, but establish grading plan to complement the surrounding property and establish vegetation.

### **5.2 Objectives**

Landscaping and screening should be an integral part of a development. This section is designed to promote high quality developments, protect property values and public investment in our community. Objectives of this section include, but are not limited to, the following:

- 5.2.1** To moderate the effects of the sun, wind, and temperature changes;
- 5.2.2** To filter pollutants from the air and release oxygen;
- 5.2.3** To stabilize soil and prevent erosion;
- 5.2.4** To encourage preservation of desirable trees; and
- 5.2.5** To provide buffering between different uses and developments.
- 5.2.6** Limit the amount of time soil is exposed without vegetation.

### 5.3 Applicability

The requirements of this section shall apply to:

- 5.3.1 New developments. All new multi-family, commercial, and industrial developments;
- 5.3.2 New parking lots or the expansion of existing parking lots in any zone which increases the parking to 30 or more spaces; and
- 5.3.3 Additions. All additions to existing buildings that trigger the Commercial or Multifamily Design standards.
- 5.3.4 Grading permit without development plans.

### 5.4 Exemptions

- 5.4.1 **Existing development; changes in use.** Improvements or repairs to existing developments that do not result in an increase in floor area, and changes in use that do not result in an increase in intensity, shall also be exempt from all standards of this section.

### 5.5 General provisions

- 5.5.1 **Sight distances.** Safe sight distances at intersections and points of access must be maintained. No landscaping shall constitute a hazard to traffic, including, but not limited to, landscaping located within the sight triangle of an intersection.
- 5.5.2 **Replacement.** Vegetation planted or preserved according to an approved plan shall remain alive for a minimum of three years from the date of certificate of occupancy. Vegetation that is planted or preserved that does not remain alive for three (3) years shall be replaced with equivalent vegetation. Preserved trees for which credit was awarded, but which subsequently die, shall be replaced according to the Tree Preservation Credits Table.
- 5.5.3 Site preparation in advance of development shall expire after 6 months. Slopes shall be no steeper than 4:1, dump piles must be spread and sloped to drain. Soil shall only be allowed for fill material, all concrete, wood debris, construction debris, etc. shall not be allowed. Topsoil and vegetation shall be required after 6 months issuance of the permit. A grading permit is required to perform earth moving operations.
- 5.5.4 **Irrigation.** Required landscaping shall be irrigated by one of the following methods:

- 1) Underground Sprinkler System; or

- 2) Automatic Drip System; or
- 3) For Commercial, Industrial, Small-Scale Multi-Family Residential, or Single Family Residential
  - A. A hose bib attachment within 100 feet of all landscaped areas is permitted.

**5.5.5 Artificial plants.** No artificial plants or vegetation shall be used to meet any standards of this section, unless expressly approved by the Planning Commission.

**5.5.6** Street trees are the only required landscaping that may be planted in the right-of-way.

**5.5.7 Planting areas.** Planting areas that contain trees shall comply with the minimum standards in the Master Street Plan along streets and be a minimum of four (4) feet wide and protected by raised curbs to prevent damage by vehicles when in or adjacent to parking or drive aisles.

## **5.6 Landscape plans**

**5.6.1** The landscaping plan is required to address the following requirements:

- 1) Street trees;
- 2) Landscape street frontage buffer;
- 3) Interior parking lot landscaping; and
- 4) Perimeter landscaping.

**5.6.2** The following information is required on landscape plans and shall be completed by a landscape architect or landscape design professional in order for staff to review for compliance:

- 1) Existing vegetation. Location, general type and quality of existing vegetation, including trees on site;
- 2) Preservation. Existing vegetation to be saved;
- 3) Protection. Methods and details for protecting existing vegetation during construction and approved sediment control plan;
- 4) Proposed plants. Location and labels for all proposed plants;
- 5) Landscape details. Plant list with botanical and common names, quantity, spacing, and size of all proposed landscape improvements such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, and courts or paved areas;

- 6) Installation details. Planning and installation details as necessary to ensure conformance with all required standards;
- 7) Sight triangle. The sight triangle shall be indicated on the plan with dimensioned shaded area;
- 8) Irrigation. The plans shall indicate the type of irrigation to be used. If a hose bib is proposed, the location shall be shown on the plan
- 9) Three-year guarantee. Guarantee from the Developer that all plant materials will be warranted for a period of three (3) years from the time of installation. If any material should fail to survive during that period, it would be replaced during the appropriate planting season.

## **5.7 Street trees**

Per the adopted street sections, street trees are required within the greenspace between the road and sidewalk, or behind the sidewalk but within the public right-of-way. Street trees are the only required landscaping that may be planted in the right-of-way.

### **5.7.1 Purpose.**

Street trees provide a key piece of complete streets along with sidewalks, trails, and appropriate pedestrian connections. They help shape and define street corridors.

### **5.7.2 Minimum trees required.**

One large tree (species suitable for street tree application) for every 50 linear feet of Right of Way frontage is required.

It is generally preferred that street trees be evenly spaced, however, adjustments in spacing may be allowed to accommodate driveways, accommodate areas of on-street parking, or other similar situations.

## **5.8 Landscaped street frontage buffer**

The street frontage buffer is the planting area parallel to the public street right-of-way.

### **5.8.1 Purpose.**

The landscaped street frontage buffer serves one primary purpose: it provides an aesthetically pleasing transition from the public right-of-way to private property.

### **5.8.2 Prohibitions.**

Parking, merchandise display, and off-street loading are prohibited in the landscaped street frontage buffer (sidewalks and driveways are allowed to cross the frontage buffer).

### **5.8.3 Exemptions.**

- 1) Small-scale multifamily developments are not required to provide a landscaped street frontage buffer.
- 2) Developments in C-1 and C-1B, Central Business District and Central Business District Buffer, DCZ, PCZ, MU1, and R-O areas are not required to provide a landscaped street frontage buffer.

### **5.8.4 Street Frontage Buffer options:**

Commercial, institutional, multifamily, industrial uses within commercial or residential zoning districts, and similar uses.

The site plan for any development, other than a development that is exempt, shall show a landscaped street frontage buffer along all public rights-of-way. The applicant may choose a combination of options below.

- 1) Buffer strip; Lot area 0 – 15,000 sqft minimum 5 feet wide, all others minimum 10 feet wide.
  - A. Minimum number of shrubs or small trees. Either five shrubs or five small trees per 50 linear feet of street frontage. Rather than equally spacing the required shrubs/small trees, the City prefers they be placed as groups of plants.
  - B. Sight visibility must be maintained.
  - C. If perimeter fencing is included in the design, the perimeter fencing should not block vehicular access provided for future connectivity. If preferred, the fencing can extend around the entire perimeter, as long as it is designed in such a manner that the fence can be modified in the future when adjacent properties are developed and the access is required to connect.
- 2) Earth berm.
  - A. Minimum height. Two and one-half feet higher than the finished elevation of the parking lot.
  - B. Minimum number of shrubs or small trees. Either five shrubs or five small trees per 50 linear feet of street frontage. Rather than equally

spacing the required shrubs/small trees, the City prefers they be placed as groups of plants.

C. Sight visibility must be maintained.

## **5.9 Interior parking lot landscaping**

**5.9.1 Purpose.** The interior parking lot landscaping:

- 1) Provides necessary green space to give relief to expansive parking areas made solely of pavement;
- 2) Trees provide shade and serve as windbreaks; and
- 3) Planting islands assist with vehicular circulation and enhance safety.

**5.9.2 Applicability.**

Interior parking lot landscaping requirements apply to all new parking lots or the expansion of existing parking lots in any zone which increases the total parking area to 30 or more spaces.

**5.9.3 Exemptions.**

Parking lot landscaping shall not apply to multi-level parking structures, or areas devoted to drive-thru lanes.

**5.9.4 Requirements.**

The site plan shall show interior parking lot landscaping. Planting islands are required for every sixteen (16) parking spaces.

- 1) Parking lot islands shall be the same dimension as a standard parking stall, double rows of parking provide parking lot islands that are the same dimensions as the double row. Islands shall be curbed and shall have a minimum of two small trees or one large tree.
- 2) *Groundcover.* All interior parking lot landscaped areas shall be landscaped with groundcover.
  - A. Groundcover can include grass, perennials, other live vegetation, mulch, or river rock materials. Landscape edging is required in order to reduce runoff of these materials.
  - B. Alternative materials may be approved if the parking lot landscaping area functions as a bioswale. Any adjustments shall be approved by city staff.

- 3) *Vehicle and equipment sales lots or storage areas.* Applicants shall select one of the following options for vehicular and equipment sales lots or storage areas.
  - A. Compliance with standard. Comply with the interior parking lot landscaping requirements and the required street frontage requirements.
  - B. *Increase street frontage buffer.* The applicant can request that the Planning and Development staff consider an increase of the street frontage buffer in lieu of the interior parking lot landscaping requirements. The required street frontage buffer shall be a minimum of twenty (20) feet wide and shall have installed the number of trees required for the interior landscape requirements along with the required landscaping required in the street frontage buffer.

### **5.10 Landscaped perimeter buffer**

Perimeter landscaping is a peripheral planting strip along rear and side lot lines that separates properties.

#### **5.10.1 Purpose.**

Perimeter landscaping:

- 1) Defines parking areas;
- 2) Prevents two adjacent lots from becoming one large expanse of pavement;
- 3) Provides protection for residential uses and other marginally compatible uses;
- 4) Provides vegetation in densely developed areas; and
- 5) Enhances the appearance of individual properties.

#### **5.10.2 Exemptions.**

- 1) Small-scale multifamily are not required to provide a landscaped perimeter buffer.
- 2) Developments in C-1 and C-1B, Central Business District and Central Business District Buffer, DCZ, PCZ, MU1, and R-O areas are not required to provide a landscaped perimeter buffer.

### 5.10.3 Requirements.

The site plan for any development shall show perimeter landscaping in addition to the landscaped street frontage buffer required. *See Special Standards when adjacent to residential.*

- 1) Width. A landscaped strip is required along the side and rear lots lines of a development. Lot area 0-15,000 sqft minimum 0 feet wide, all others minimum 5 feet wide.
- 2) Minimum number of trees. One large tree or two small trees per every 50 feet (of lot line not adjacent to a Right of Way).
- 3) *Groundcover.* All perimeter landscaped areas not dedicated to preservation of existing vegetation shall be landscaped with groundcover.
  - A. Groundcover can include grass, perennials, other live vegetation, mulch, or river rock materials. Landscape edging is required in order to reduce runoff of materials.
  - B. Alternative materials may be approved if the parking lot landscaping area functions as a bioswale. Any alternatives shall be approved by city staff.
- 4) Vehicular and pedestrian access. The perimeter landscaping requirement does not preclude the need for vehicular or pedestrian access to be provided between lots. Sidewalks, driveways, shared parking areas, shared driveways, and pedestrian ways may cross this area when needed.
- 5) Adjacent properties. The five-foot perimeter strip is required for each development regardless of whether one is already in place on the adjacent, developed lot.
- 6) Pavement. No pavement may extend within five feet of the property line on any lot unless it is included with an ingress/egress location as detailed in 4) above.

### 5.10.4 Special standards:

Commercial, institutional, multifamily (5 or more attached units), and industrial. When located adjacent to a single-family or two-family residential use or zone, increased landscaping standards shall be applied along the property line adjacent to the residential use or zone to reduce noise and light glare and to ensure residents' privacy.

- 1) Width. landscaped strip is required along the side and rear lots lines of a development. Increase the required landscape strip by five (5) feet for 0- 15,000 sqft lots and ten (10) feet all other lots
  - A. Trees and shrubs shall be placed in front of the required fencing (see Article V) (on the developing side) to reduce parking lot noise.
  - B. Trees and shrubs planted shall provide 60% coverage of the physical barrier within two years.
  - C. At least 50% of the trees and shrubs shall be evergreen.
  - D. Decorative walls, vegetative screening, fencing, or earthen berms shall be provided to completely screen off-street parking areas, mechanical equipment, storage areas, and refuse collection areas from view of adjacent residential uses.
  - E. No swimming pool, tennis court, ball field, or playground area (except those that are accessory to a single-family dwelling unit) shall be permitted within 30 feet of the property line.
  - F. Dumpsters and refuse receptacles shall not encroach the required building setback line.
  - G. Exterior lighting shall be designed and located to minimize light spilling onto surrounding property.

#### **5.10.5 Tree preservation.**

Existing healthy trees may be included as a portion of the landscaped screening.

- 5.10.6** If a large buffer is retained, these standards may be reduced based on expected reduction of impact. A plan for the protection and retention of existing trees throughout the construction process shall be submitted and approved by the City for reduction to be considered.

### **5.11 Landscape installation requirements**

All landscaping shall be installed according to sound nursery practices in a manner designed to encourage vigorous growth. All plants shall be nursery grown and adapted to the local area. All landscape material, both living and non-living, shall be in place prior to issuance of a final certificate of occupancy. A temporary certificate of occupancy may be issued prior to installation of required landscaping if binding, written assurances are submitted, that ensure planting will take place when planting season arrives.

#### **5.11.1 Location.**

- 1) Drainage. Trees shall not be placed where they interfere with site drainage.
- 2) Overhead utilities.
  - A. Large trees shall not be placed where they require frequent pruning in order to avoid interference with overhead power lines. In such locations, small ornamental trees are encouraged. Every effort shall be made to avoid placing trees directly under overhead utilities.
  - B. Substitution of large trees. Where large trees are required, and placement under or near overhead utilities is necessary to meet the landscaping requirements, two small trees may be used to substitute for one required large tree.
- 3) Underground utilities. Landscaping shall be installed at locations that avoid placement directly above water lines. Where possible, tree plantings shall be located a minimum of five feet from all underground utilities.
- 4) Public utilities. Landscaping shall not block access to public utilities, and any landscaping in easements may be removed while servicing said utilities.
- 5) Fire hydrants. Landscaping shall not be placed in a way that, at maturity, the vegetation will be within five feet of a fire hydrant.
- 6) Right-of-way. Trees may be placed in the right-of-way per the adopted street sections. Street trees are required within the greenspace between the road and sidewalk.
- 7) Minimum size. Upon planting, plant material shall meet the following minimum requirements.
  - A. Shrubs. Shrubs planted to satisfy the standards of this section shall be a minimum of three (3) gallons in size.
    - a. Each seven (7) perennials (minimum of one-gallon size each) planted shall count as one shrub.
    - b. Required buffering properties that would be offered by shrubs must still be provided if perennials are used in place of shrubs.
  - B. Small deciduous or ornamental trees. Small deciduous and ornamental trees planted to satisfy the standards of this section shall have a minimum height of four feet.

- C. Conifers or evergreens. Conifers or upright evergreen trees planted to satisfy the standards of this section shall have a minimum height, after planting, of five feet.
  - D. Medium and large deciduous trees. Medium and large deciduous trees planted to satisfy the standards of this section shall have a minimum height of eight feet, and a minimum caliper of two inches, measured at a point that is at least four feet above existing grade level.
  - E. Use of existing plant material. Trees that exist on a site, prior to its development, may be used in part to satisfy the landscaping standards of this section provided they meet the size, variety, and location requirements of this section. Proper protection of existing trees being preserved to meet this requirement shall be required. The dripline of the existing trees shall be marked with tree protection fencing, and care taken to avoid disturbance of the root system.
- 8) Species mix. When more than ten trees are required to be planted to meet the standards of this section, a mix of species shall be provided. For each ten, or fraction thereof, another differing species shall be used.

**5.12 Tree preservation credits**

Whenever possible, existing trees, especially those with an 8-inch or greater DBH (diameter at breast height), should be preserved. Established trees with existing canopy benefit the City and enhance the quality of life for citizens.

**5.12.1 Healthy trees.**

- 1) No tree preservation credits will be allowed for any dead tree, any tree in poor health, or any tree subjected to grade alterations. Trees shall be a minimum four-inch caliper to be counted towards tree preservation.
- 2) Protection during construction. Trees for which credit is given shall be protected during construction from:
  - A. Mechanical injuries to root, trunk, and branches;
  - B. Injuries by chemical poisoning;
  - C. Injuries by excavation; and
  - D. Injuries by paving.

**5.12.2 Credit options.**

If an applicant is preserving trees, he may use the existing trees as credit either toward a reduction in parking requirements or in a reduction of the number of trees required, as described below.

- 1) *Reduction of parking requirements.* To allow an existing or new development to preserve trees within or adjacent to a parking lot, the number or required off-street parking spaces may be reduced as described below.
  - A. Total diameter of all preserved trees from 4 to 7.9 inches allows the reduction of one required parking space;
  - B. Total diameter of all preserved trees from 8 to 22.9 inches allows the reduction of two required parking spaces;
  - C. Total diameter of all preserved trees from 23 to 29.9 inches allows the reduction of three required parking spaces; and
  - D. Total diameter of all preserved trees 30 inches and larger allows the reduction of four required parking spaces.
- 2) *Reduction of required trees.*
  - A. Not to include a reduction to required street trees.
  - B. Not to include a reduction to trees intended as a buffer for a residential use, or a marginally compatible use, unless the protected trees are existing within a preserved buffer area.
  - C. Preservation and protection of existing trees on the lot may be credited toward the tree planting requirements. Credit for preserved trees shall be permitted at the following rates:
    - (i) Total diameter of the preserved tree from 4 to 7.9 inches allows the reduction of one required large tree;
    - (ii) Total diameter of the preserved tree from 8 to 22.9 inches allows the reduction of two required large trees;
    - (iii) Total diameter of the preserved tree from 23 to 29.9 inches allows the reduction of three required large trees; and
    - (iv) Total diameter of the preserved tree 30 inches or greater allows the reduction of four required large trees.
- 3) *Additional development.* If a natural area is left undeveloped in order to fulfill these credit options, that is then to be developed, all credits

will be revoked; the Developer is responsible for adding trees to replace those for which credit was given.

### **5.12.3 Maintenance and replacement.**

- 1) Trees, shrubs, fences, walls, and other landscape features (which includes screening) depicted on plans approved by the City shall be considered as elements of the project in the same manner as parking, building materials, and other details of the plan are considered elements. The landowner or successors in interest, or agents, if any, shall be jointly and severally responsible for the following:
  - A. Regular maintenance of all landscaping in good condition, and in a way that presents a healthy, neat, and orderly appearance. All landscaping shall be maintained free from disease, pests, weeds, and litter. This maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching, or other maintenance, as needed and in accordance with acceptable horticultural practices;
  - B. The repair or replacement of required landscape structures (for example, fences and walls) to a structurally sound condition;
  - C. The regular maintenance, repair, or replacement, where necessary, of any landscaping required by this section; and
  - D. *Continuous maintenance of the site.* Three-year guarantee. Guarantee from the Developer that all plant materials will be warranted for a period of three years from the time of installation. If any material should fail to survive during that period, it would be replaced during the appropriate planting season.

### **5.12.4 Alternative methods of compliance.**

- 1) *Alternative compliance.* Applicants shall be entitled to demonstrate that the intent of this section can be more effectively met, in whole or in part, through alternative means.
- 2) *Procedure.*
  - A. Alternative compliance landscape plans shall be considered through the site plan review process.
- 3) *Review criteria.* In reviewing proposed alternative compliance landscape plans, favorable consideration shall be given to exceptional landscape designs that attempt to preserve and incorporate existing vegetation in excess of minimum standards and plans that demonstrate innovative design and use of plant materials.

Alternative compliance landscape plans may be approved upon a finding that any of the following circumstances exist on the proposed building site or surrounding properties:

- A. Natural land characteristics or existing vegetation on the proposed development site would achieve the intent of this section;
- B. Innovative landscaping or architectural design is employed on the proposed development site to achieve a buffering effect that is equivalent to the buffering or screening standards of this section;
- C. The required landscaping or buffering would be ineffective at maturity due to topography or the location of improvements on the site;
- D. The site involves unusually shaped parcels that make full compliance impossible or impractical;
- E. Due to a change of use of an existing site, the required landscaping exceeds the amount that can be approved;
- F. Safety considerations require a change; or
- G. The proposed alternative represents a plan that is as good or better than a plan prepared in strict compliance with the other standards of this section.

#### **5.12.5 Recommended trees and shrubs.**

- 1) The City Planning Office can provide a recommend trees and shrubs list to satisfy the requirements in this section.
- 2) Applicants are not required to use the recommended trees and shrubs list, other species will be considered unless specifically prohibited in other city documents or ordinances.
- 3) No known invasive species shall be allowed.
- 4) Criteria.
  - A. All plant materials should be spaced appropriately in accordance with mature plant size.
  - B. Plant materials intended for screening as required should be spaced appropriately to form the appropriate screen upon maturity.
  - C. Perennials and grasses. There are no restrictions, natives and drought tolerant species are preferred.

## **ARTICLE VI. OFF-STREET PARKING AND LOADING REQUIREMENTS**

### **6.1 Off-street Parking Requirements**

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

**6.1.1** Minimum Standards. 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) Exceptions.

- A. The Central Business District, Downtown Crossing Zone, and Prairie Creek Zone shall not be required to meet the provisions of this section.
- B. The College Hill Zone shall only be required to provide one half (1/2) of required parking for residential dwellings required by Article VI.

2) Residential

- A. Single Family Residential Detached – Two (2) parking spaces for each dwelling unit.
- B. Single Family Townhouse – Two (2) parking spaces per dwelling unit.
- C. Single Family Two-family and Three-family Dwelling – Two and one half (2.5) spaces per dwelling unit.
- D. Multi-Family – Two (2) spaces per dwelling unit.
  - (i) Reductions for Multifamily Residential Use. Residential uses may utilize the following reductions to the minimum number required off-street parking ratios when the following standards are met:
    - (a) Motorcycle and Scooter Spaces. Up to 5% of the required automobile parking spaces may be substituted with motorcycle/scooter parking at a rate of one (1) motorcycle/scooter space for one (1) automobile space.
    - (b) Bike Racks. Up to 5% of required automobile parking may be substituted with bicycle parking at a rate of one (1) additional bicycle rack (beyond the minimum racks required by this code) for one (1) automobile space. This reduction shall be allowed in addition to other variances, reductions, and shared parking agreements.

- (c) A shared parking agreement approved in conformance with the guidelines of this code.
  - (d) Motorcycle and Scooter Parking. One (1) Motorcycle and scooter parking. In parking lots containing twenty-five (25) parking spaces or more, one (1) space for every twenty-five (25) parking spaces of the required number of parking spaces for a use or combination of uses shall be striped as a motorcycle and scooter parking space.
  - (e) Reductions in excess of the minimum required parking numbers and allowable reductions identified herein shall be allowed only by the Planning Commission as a variance and shall be granted in accordance with the City of Russellville code.
  - (f) Refer to Section 5.13.2 for additional reduction methods per the Landscape section.
- 5) *Non-Residential Use.* There shall be no minimum number of spaces required for non-residential use. The applicant shall provide a statement or parking analysis indicating how they will provide adequate parking for the proposed non-residential use to succeed without negatively impacting adjacent properties or creating or compounding a dangerous traffic condition. A shared parking agreement approved in conformance with the guidelines of this code shall be allowed.
- A. The statement or parking analysis shall, at a minimum, provide:
- (i) The number of off-street parking spaces proposed on site.
  - (ii) Number of shared parking spaces or on-street parking spaces to be considered for the parking calculation.
  - (iii) The expected number of employees per each shift.
  - (iv) The expected maximum number of customers, clients, guests, visitors, or attendees.
  - (v) Any other information showing that the proposed parking will be sufficient for the use.

**6.1.2 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.

- 2) Where a fractional space results, any fraction more than one-half shall be counted as one parking space.
  - A. Rounded to the next higher whole number when the fraction is 0.5 or higher.
  - B. Rounded to the next lower whole number when the fraction is less than 0.5.
- 3) Each permitted on-street parking space adjacent to a project's street frontage may count toward the parking requirements for all development. The approval of on-street parking is subject to administrative approval.
- 4) These standards shall apply fully to all uses and buildings established after the effective date of this Code.
- 5) 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.
- 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.

### **6.1.3 Shared Parking.**

- 1) Parking requirements may be shared where it can be determined that the peak parking demand of the existing or proposed occupancy occur at different times (either daily or seasonally). Such arrangements are subject to the administrative approval.
- 2) Shared Parking Between Developments. Formal arrangements that share parking between intermittent uses with non-conflicting parking demands are encouraged as a means to reduce the amount of parking required.
- 3) Shared Parking Agreements. If a privately owned parking facility is to serve two (2) or more separate properties, then a "Shared Parking Agreement" is to be filed with the city for administrative review. Shared off-street parking spaces shall be located within a reasonable distance. Once approved, proof of recording of the agreement (as part of the development approval or with the Circuit Clerk) shall be presented prior to issuance of a building permit.

- 4) Shared Spaces. An acceptable parking study shall be submitted which clearly establishes that uses will make use of the shared spaces at different times of the day, week, month, or year. Individual spaces identified on a site plan for shared users shall not be shared by more than one (1) user at the same time.

#### **6.1.4 Off-street Loading and Unloading Requirements**

- 1) The following rules and regulations shall apply to off-street loading and unloading facilities:
  - A. Off-street loading spaces shall be adequate for the use. Substantiation for provided loading spaces may be required by the City to be reviewed administratively.
  - B. Loading shall occur solely within the subject property. Loading shall not occur in Rights-of-Way.
  - C. Loading Space size:
    - (i) A required off-street loading space shall be at least ten (10) feet in width by twenty-five (25) feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least fourteen (14) feet.
    - (ii) Where trailer trucks are involved, such loading and unloading space shall be an area twelve (12) feet in width by fifty (50) feet in length, and shall have a vertical clearance of at least fourteen (14) feet. The space shall be designed with appropriate means of truck access to a street or alley, as well as having adequate maneuvering area.
  - D. Off- street loading spaces may be located either within a building or in the parking lot area.

#### **6.1.5 Other Requirements**

- 1) The following other requirements shall apply to off-street loading and unloading facilities:
  - A. Paved Surface Required
    - (i) 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 shall be paved

and striped as required before a Certificate of Occupancy can be issued.

- (ii) Vehicle storage areas are not required to be paved, however, they shall meet the screening requirement outlined in Article 5 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.

#### **6.1.6 Driveways**

- 1) All driveways shall be paved with hard surface materials.
  - A. Residential driveways that exceed 40 feet in length shall only be required to pave the first 18 feet back from the street right-of-way, and pave 18 feet out from the garage, the entire width of the driveway; the remaining driveway area may be SB2 or comparable granular material, if requested.
- 2) Residential Single-Family Dwelling – Driveways for ingress and egress shall not exceed 30 feet in width, exclusive of curb returns.
- 3) Residential Two-family and Three-family 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 shall have approval of City Engineer.

#### **6.1.7 Screening- Off-street parking areas and vehicle storage areas shall be screened as follows:**

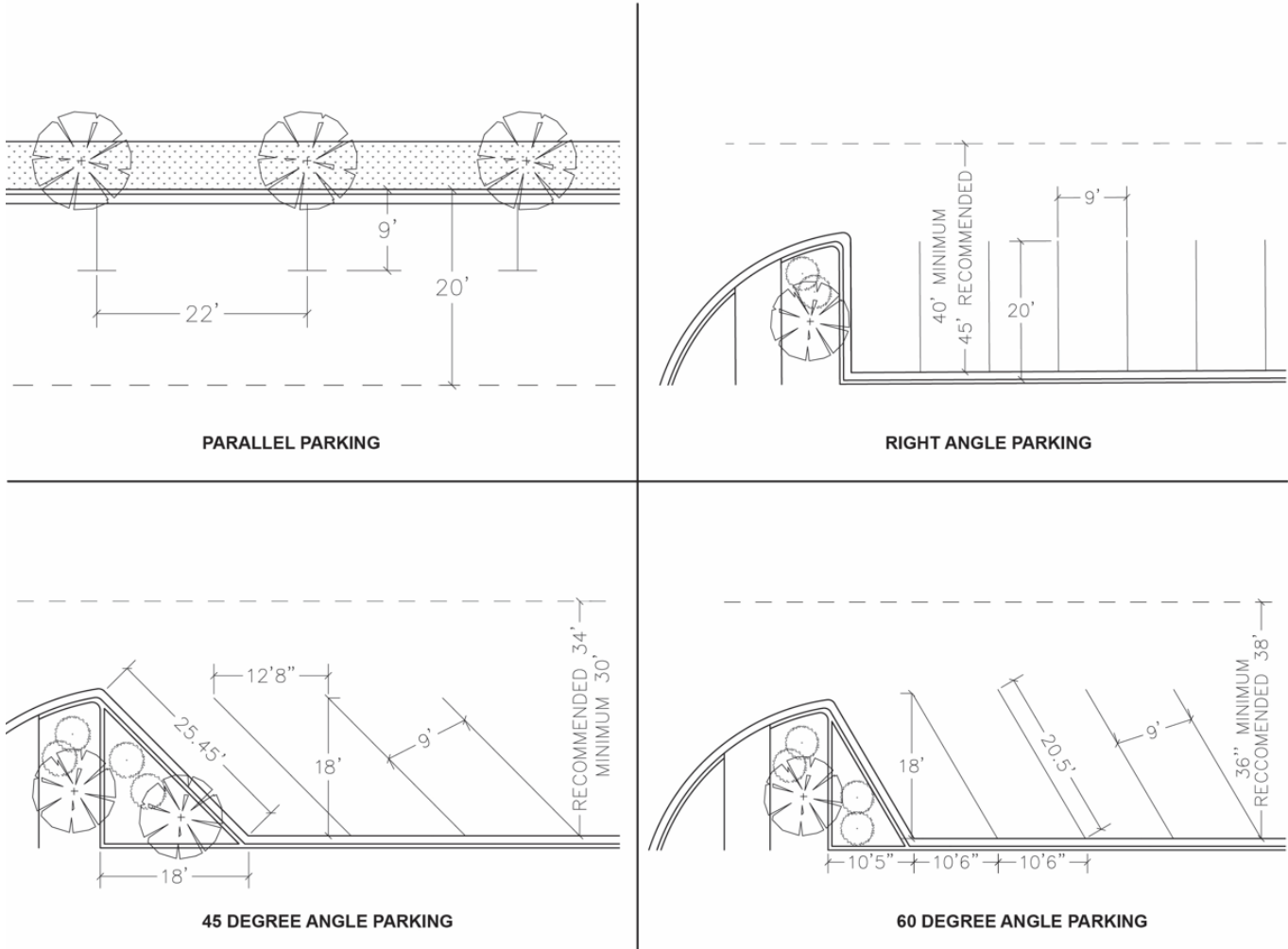
- 1) Off-street parking areas located within a garage or carport or on a driveway are not required to be screened. All other off-street parking areas shall be screened from all public areas, public streets, and abutting residential uses according to the provisions in the Landscape Section. If the applicant proposes to place an ornamental fence approved by the Planning and Development department along the street right of way, it shall not 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.

**6.1.8 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.

**PARKING AND MANEUVERING SPACE FOR VARIOUS PARKING AREAS**



**RUSSELLVILLE, ARKANSAS**

## **ARTICLE VII. SIGNS**

### **7.1 Purpose**

It is the intent of this code to limit the aesthetic impact of signs on properties in order to prevent unsightly clutter, protect streetscapes, preserve property values, and to promote traffic safety. The unregulated accumulation of signs adversely affects these goals, property values and public safety. Therefore, the regulations established herein are designed to regulate sign structures in order to ensure light, air, and open space; to reduce hazards at intersections; to prevent accumulation of trash; and to protect property values of the entire community.

### **7.2 General Regulations**

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

- 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.
- 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.
- 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.
- 4) Signs structure not in use. When a sign structure is not currently in use, but in good repair and not abandoned, a blank sign face shall be inserted into the sign housing. This can be plywood or other material. No exposed lights, or sign interior shall be allowed.
- 5) Portable Signs. Portable signs are permitted in accordance with the provisions outlined in Section 7.12 of this Article.

### **7.3 Prohibited Signs**

**7.3.1** Signs are prohibited in all zoning districts unless:

- 1) Constructed pursuant to a valid building permit when required by this code; and
- 2) Authorized under this code.

**7.3.2** Prohibited signs. The following signs shall be prohibited in the city:

- 1) Signs with fluctuating illumination, including any sign that flashes, blinks, fluctuates in light intensity or is animated, not to be confused with illuminated signs by incandescent or LED light bulbs;
- 2) Signs which revolve, rotate or move in whole or in part;
- 3) Windblown signs, except flags as provided herein;
- 4) Signs that constitute a traffic hazard are prohibited, and no sign or other material shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision;
- 5) Roof signs;
- 6) Signs on or affixed to trees or utility poles, except that signs may be placed on utility poles for utility identification purposes by the proper utility;
- 7) Reflective or mirrored signs; and
- 8) Signs placed or affixed within public rights-of-way or encroach upon a public right-of-way, except for government signs.
- 9) Vehicles. It shall be unlawful to use a vehicle or trailer as a sign in circumvention or violation of any part of this code.

#### **7.4 Signs allowed in all districts, and not requiring a permit**

**7.4.1** The following provisions sets forth signs that are authorized by in all districts.

- 1) Government signs. This code does not apply to signs erected, maintained or posted by the state, federal or this government, but the regulations in this code clarify that government signs are allowed in every zoning district of the city which form the expression of this government when erected and maintained and include the signs described herein below when erected and maintained pursuant to law.
  - A. Traffic control. Traffic control devices on private or public property are allowed to be erected and maintained in order to provide for public safety and in order to comply with the traffic control laws.
  - B. Public interest signs. Public interest signs, such as public notices, safety signs, danger signs, trespassing signs, traffic and street signs, memorial plaques and signs of historical, environmental or local interest.
  - C. Official notices. Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of official or directed duties; provided, that all such signs must be removed no more than ten days after their purpose has been accomplished.

- D. Construction signs. Government sign placards and other signs required by state and/or federal law to be displayed during construction or remodeling of buildings, or other site/infrastructure work.
  - E. Street numbers. Each property owner must mark their property using numerals that identify the address of the property so that public safety departments can easily identify the address from the public street. The size and location of the identifying numerals and letters if any must be proportional to the size of the building and the distance from the street to the building and in no case larger than four (4) square feet. In cases where the building is not located within view of the public street, the identifier must be located on the mailbox or other suitable device such that it is visible from the street.
  - F. Required postings by law. Where a federal, state or local law requires a property owner to post a sign on the owner's property to warn of a danger or to prohibit access to the property. The size of such signs should be no larger than 16 square feet or the minimum size required by law. No more than two such signs are allowed, or the minimum amount of signs that are required by law.
- 2) Flags. A flag may be displayed, if displayed on a permanently affixed flagpole the following provisions apply:
- A. Flags in residential zoning districts. Two flags and one flagpole shall be allowed per premises. The flagpole shall be a maximum of 25 feet in height and shall be setback 10 feet from adjacent property lines.
  - B. Flags in nonresidential zoning districts. One (1) flag per 25 feet of frontage on a right-of-way up to a maximum of six (6) flags and six (6) flagpoles per premises. Flag poles shall be a maximum of 80 feet in height and meet the minimum yard setback requirements for a principal building or a minimum of half the height of the flagpole whichever is more restrictive.
- 3) Temporary signs.
- A. Temporary signage. Temporary signs are allowed:
    - (i) A property owner may place signage with sign face square footage not to exceed 16 square feet on the property at any time.
    - (ii) A property owner may place one sign no larger than 16 square feet in one window on the property at any time.
    - (iii) Not to exceed thirty (30) days in duration with the following exceptions:

- (a) Temporary signs during elections. Temporary signs may be located on the owner's property for a period of 90 days prior to any federal, state or local election. All such temporary signs shall be removed within ten (10) days after the election has occurred.
  - (b) Temporary signs during times when a property is for sale, lease, or rent. Up to three (3) temporary signs may be located on a property not to exceed six (6) square feet for residential zoned properties and 40 square feet for commercial zoned properties and removed within 10 days of sale, lease, or rental.
  - (c) Temporary signs on a property at the time of yard /garage sale. No permit is required, property sold must be personal property, sale shall be a maximum of three (3) days, not exceed three (3) times per year, and no signs shall be placed on public property any earlier than six (6:00) P.M. the night before and must be picked up by seven (7:00) P.M. the day the sale is over.
- 4) Signs not in view. Signs not otherwise prohibited, and which are not exposed to view from a public street or public right-of-way, public place or other property, shall not be regulated by the code.
  - 5) Signs of two (2) square feet or less, non-illuminated, attached to building or structure, or supported by a post and arm structure, 1 per occupancy
  - 6) Window signs (limited to 25% of total window area)
  - 7) Incidental signs
  - 8) Markers located on designated historic sites: historical markers as recognized by local, state or federal authorities.
  - 9) Signs created by landscaping
  - 10) Sign face changes, not requiring any change to the structure of a sign
    - A. The owner of any sign which is allowed by this article may substitute non-commercial speech in lieu of any other commercial or non-commercial speech.
  - 11) A-Frame/Sandwich Sign as allowed.

## **7.5 Permit Required**

**7.5.1 General.** A sign permit is required prior to the display and erection of any sign except as provided in section 7.4

### 7.5.2 Application for permit.

- 1) An application for a sign permit must be filed with the permitting office on forms furnished by the city. The applicant must provide sufficient information to determine if the proposed sign is allowed under this code and other applicable laws, regulations, and ordinances.
  - 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 property line.
  - D. Sign Permit Fees: every applicant, before the granting of a permit, shall pay a permit fee to the City.
- 2) Review. The City must promptly process the sign permit application and approve the application, reject the application, or notify the applicant of deficiencies in the application within ten days after receipt. Any application that complies with all provisions of this code, the zoning ordinance, the building code, and other applicable laws, regulations, and ordinances shall be approved.
- 3) Rejection of application. If the sign permit application is rejected, the City shall provide a list of the reasons for the rejection in writing. An application must be rejected for non-compliance with the terms of this code, the zoning ordinance, building code, or other applicable law, regulation, or ordinance.

### 7.5.3 Duration and revocation of permit. If a sign is not installed within six months following the issuance of a sign permit, the permit shall be void.

- 1) The city may revoke a sign permit under any of the following circumstances and at any time:
  - A. Misleading. The city determines that information in the application was materially false or misleading;
  - B. Conformity to application. The sign as installed does not conform to the sign permit application;
  - C. Violation of code. The sign violates this code, the zoning ordinance, building code, or other applicable law, regulation, or ordinance; or
  - D. Maintenance and abandonment. The Code Official determines that the sign is not being properly maintained or has been abandoned.

## 7.6 Appeals

All decision and interpretations of the City under this code shall be considered final administrative actions for the purpose of appeals.

## 7.7 Sign Regulations by District

**7.7.1** The following signs shall be permitted to the zoning districts as indicated below. Specific requirements for each sign are shown on the following pages. All of the following sign types require a sign permit.

**7.7.2** Any sign type that is not listed in the table below shall only be considered with a Special Use Permit.

Sign Type	RE	R1	R2S	R2	WN	R3	R4	RO	MU1	CHZ	DCZ	PCZ	C1	C1B	C2	C3	C4	C5	M1	M2	A1	CNS
A-frame / Sandwich Board	-	-	-	-	P	-	-	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-
Awning	-	-	-	-	P	-	-	-	P	P	P	P	P	P	P	P	P	P	P	P	-	-
Billboards	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SP	SP	-	SP	SP	SP	-	-
Canopy	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	P	-	-
Digital	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	P	-	-
Light Pole Banner	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-
Monument	P	P	P	P	P	P	P	P	P	-	-	P	-	-	P	P	P	P	P	P	P	-
Projecting / Blade	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-	-	-	-
Pylon / Double Post	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-
Shingle	-	-	-	-	P	-	-	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-
Wall / Crown	-	-	-	-	P	-	-	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-
Window	-	-	-	-	P	-	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-

## 7.8 Sign Regulations

The following regulations for each sign type shall apply to any permitted use in a zoning district.

- 1) Awning sign.
  - A. Description. A sign where graphics or symbols are painted, sewn or otherwise adhered to the awning fabric or material that is soft or flexible as an integrated part of the awning itself.
  - B. Sign dimensions.
    - (i) Width (max): no greater than 75% of the width or depth of the awning.

- (ii) Area (max): no maximum.
  - C. Regulations.
    - (i) Shall not extend beyond the awning itself.
    - (ii) Only awnings over ground story windows may contain a sign.
  - D. Number of signs. In a single tenant situation, one awning sign permitted per awning. The awning sign can be placed on either the front or side valance. For multi-tenant awning signs, and a canopy that extends the length of several tenants, each tenant may have a maximum of nine square feet on the awning sign.
  - E. Total *sign area allocation*. The combined square footage of awning, canopy, crown, projection and wall signs shall not exceed ten (10) percent of the building façade.
- 2) *Billboard sign, conforming.*
- A. *Definition*. A freestanding sign, oriented to the interstate or exit ramps, and located within 200 feet of Interstate Highway 40 right-of-way (as measured from the nearest edge of the Right of Way).
  - B. *Sign dimensions*.
    - (i) Sign area: max 672 square feet.
    - (ii) Height: max 60 feet
  - C. *Number of signs*.
    - (i) More than one billboard sign structure may be placed on a property; however, the signs shall be placed no less than 1,000 linear feet from other billboard sign structures.
  - D. *Design standards*.
    - (i) At least 75% of the visible sign structure shall consist similar materials as the primary building on site. If standalone structure at least 75% of the sign structure shall consist of brick or stone veneer, or other exterior façade materials.
- 3) *Billboard sign, non-conforming.*
- A. *Definition*. A freestanding sign that exceeds the maximum size allowed, and/or location, for double-post signs, pylon signs, or other freestanding signs in this section and does not meet the definition of a “conforming billboard”
  - B. No new or additional signs meeting the definition of a non-conforming *billboard* sign shall be permitted; however, existing non-

conforming billboards are allowed to be modified or replaced using the following regulations:

- (i) Existing non-conforming billboard signs shall not be expanded, increase sign area, or increase height.
- (ii) Modification.
  - (a) If the requested modification falls under the definition of normal or routine maintenance, and shall not require the replacement of or modification of structural components of the sign, no permit is required.
  - (b) If the sign face is damaged or destroyed, the face may be replaced. The sign face supporting structure may be temporarily placed on the ground in order to immediately replace the sign face or service the structure.
  - (c) If the structural components of the sign including the face structure is damaged or destroyed, the structure and face may be replaced with a new face and structure in compliance with the current adopted standards of this ordinance.
- (iii) Replacement or modernization. If the non-conforming billboard sign is to be replaced or modernized, the replacement sign shall:
  - (a) Not exceed 50% of the original non-conforming sign area.
    - 1. If 50% of the original non-conforming sign area will be less than 385 square feet in size, the replacement sign shall be allowed to exceed 50% up to 385 square feet.
  - (b) Be located on the same property as the non-conforming sign.
  - (c) Meet the height requirements of the zoning district for a pylon sign, unless the existing, non-conforming sign was located on an elevated portion of a roadway. In the event that the existing, non-conforming sign is located on an elevated roadway, a modernized sign shall not exceed the height of the existing non-conforming sign, and shall be located not more than five (5) feet above the roadway.
  - (d) Remove the entirety of the non-conforming sign structure unless a portion of the structure is to be used for the replacement sign. If the existing, non-conforming sign structure is to be used for the replacement sign, it shall follow the design standards found in (v).

- (iv) Replacement of multiple non-conforming billboard signs. If multiple non-conforming billboard signs are to be replaced by one sign, the replacement sign shall:
  - (a) Not exceed 50% of the original non-conforming sign area total (up to a maximum of 672 sq ft).
  - (b) Be located on the same property as at least one of the non-conforming signs to be replaced.
  - (c) Meet the height requirements of the zoning district for a pylon sign, unless the existing, non-conforming sign was located on an elevated portion of a roadway. In the event that the existing, non-conforming sign is located on an elevated roadway, a modernized sign shall not exceed the height of the existing non-conforming sign, and shall be located not more than five (5) feet above the roadway.
  - (d) Remove the entirety of the non-conforming sign structures unless a portion of one of the signs is to be used for the replacement sign. If the existing, non-conforming sign structure is to be used for the replacement sign, it shall follow the design standards found in (v).
- (v) Design standards. When a non-conforming billboard sign is to be replaced, at least 75% of the visible replacement sign structure shall consist similar materials as the primary building on site when in conjunction with a building. If not in conjunction with a building, at least 75% of the replacement sign structure shall consist of brick or stone veneer, or other exterior façade materials. No replacement sign structure shall consist of only an exposed metal structure.

4) *Canopy sign.*

- A. *Description.* Any sign that is mounted, painted, or otherwise applied on or attached to an architectural canopy or structural protective cover over an outdoor area.
- B. *Sign dimensions.*
  - (i) Width: no greater than 75% of the width or depth of the canopy.
  - (ii) Height of text or graphics on the canopy: two feet.
  - (iii) Sign area (max): 24 square feet.
  - (iv) Sidewalk/driving surface clearance (min): ten feet.

5) *Regulations.*

- A. For *canopies* attached to a building:

- (i) The canopy sign shall not extend beyond the length or the width of the canopy, but it may extend either above or below the canopy.
  - B. For free standing canopies: the canopy sign shall not extend beyond the length or the width of the canopy, but it may extend either above or below the canopy.
- 6) *Number of signs.*
- A. For canopies attached to a building: one canopy sign permitted per each customer entrance. The canopy sign can be placed on either the front or side valance.
  - B. For free-standing canopies: one sign allowed per side for up to two sides maximum.
  - C. *Total sign area allocation.*
    - (i) *Total sign area allocation.* The combined square footage of awning, canopy, crown, projection and wall signs shall not exceed ten (10) percent of the building façade.
    - (ii) For free-standing canopies; no more than 24 square feet total of canopy signage allowed per free-standing awning.
- 7) *Monument sign.*
- A. *Description.* A free-standing and permanently affixed sign that is supported by a solid base (other than poles) and such that no air space is visible within or between any portion of the sign display area and sign structure.
  - B. Regulations for Non-residential zones.
    - (i) *Sign dimensions.*
      - (a) Sign area (max per sign):
        - 1. One tenant: 48 square feet.
        - 2. Two to three tenants: 72 square feet.
        - 3. Four to five tenants: 84 square feet.
        - 4. Six or more tenants: 108 square feet.
      - (b) Height (max): eight feet for one to three tenants, 12 feet for four or more tenants.
    - (ii) Regulations.
      - 1. Shall meet the setback regulations in the underlying zoning district.

2. May be allowed adjacent to the property line as long as it does not extend into the clearview zone.
3. The size of the monument sign for applicants which includes more than six tenants may be increased by special use permit approved by the Planning Commission.

(iii) *Number of signs.*

1. Only one freestanding sign structure is allowed per street frontage.
2. Where more than one freestanding sign structure\* is allowed on the same property, the signs shall be a minimum of 250 feet apart.

C. Regulations for Residential zones.

(i) *Sign dimensions*

- (a) Sign area (max per sign): 48 square feet
- (b) Height (max): six feet

(ii) *Regulations.*

- (a) May be allowed adjacent to the property line as long as it does not extend into the clearview zone.

(iii) *Number of signs.*

- (a) One (1) sign per external street frontage or entrance into any neighborhood, apartment complex, or condominium complex.
- (b) May be located no closer together than the entrance locations.

(iv) When a non-residential use is allowed in a residential zone, the following shall apply:

(a) *Sign dimensions*

1. Sign area (max per sign): 48 square feet
2. Height (max): six feet

(b) *Regulations.*

1. Shall meet the setback regulations in the underlying zoning district.
2. Only two (2) signs per nonresidential use shall be allowed, this may consist of one (1) wall sign, when

allowed, and one (1) monument sign. The wall sign shall not be permitted to be more than 10% of the building elevation on which the sign is installed.

D. *Special Provisions for the El Paso Zoning Categories: College Hill Zone, Prairie Creek Zone, Downtown Crossing, and Downtown Mixed-Use Zones.*

- (i) Prairie Creek Zone: One monument sign per lot regardless of street frontage limited to a maximum of thirty (30) square feet per sign face and five feet (5') in height.

8) *Pylon / Double Post sign.*

A. *Description.* A sign erected and maintained on a freestanding frame, mast, pole, or two (2) posts, not attached to any building, and not including signs mounted to the ground.

B. *Sign dimensions:*

- (i) Sign *area* (max): 150 square feet.

- (ii) Total structure height (max):

- (a) Thirty-five (35) *feet* in height or less.

- (b) *Sign dimensions may be increased when\*:*

- 1. The sign is located on property with a building that abuts Interstate 40;
    - 2. The sign is located within 300 feet of the interstate right-of-way; and
    - 3. The sign is set back a distance of fifteen (15) feet or more from the street right- of-way.”

- (iii) *Sign dimensions when meeting (iii) above:*

- (a) Sign *area* (max): 300 square feet.

- (b) Total structure height (max):

- 1. Fifty (50) feet in height or less.

C. *Number of signs.*

- (i) Only one free standing sign structure is allowed per street frontage of each lot.

- (ii) Where more than one freestanding structure\* is allowed on the same property, the signs shall be a minimum of 250 feet apart.

- (iii) Placement of the sign within the lot may be evaluated by the City to achieve appropriate spacing of signage between

adjoining lots (the goal is to keep signage evenly spaced along ROWS when possible).

*D. Special provisions for the C1B District.*

- (i) Only one free standing sign structure shall be allowed per lot in C1B.
- (ii) Sign area (max): 80 square feet.
- (iii) Total structure height (max): Twenty (20) feet in height or less.

9) *Projecting sign.*

A. *Description.* A sign, other than a wall sign, that is mounted to the wall or surface of a building or structure and which is supported by a wall of a building or structure and projects from the building by 12 inches or more.

B. *Sign dimensions.*

- (i) Height (max): four feet (mounted below second floor); eight feet (mounted between the second and third floor); twelve feet (mounted above the third floor).
- (ii) Spacing from building facade (max): one foot.
- (iii) Projection width (max): six feet.
- (iv) Depth (max): one foot.
- (v) Clear height above sidewalk (min): ten feet.

C. *Regulations.*

- (i) May be mounted on a building corner when the building is at the intersection of two streets.
- (ii) Top of the sign may be no higher than the top of the building.

D. *Number of signs.* A maximum of one projecting sign for each individual building or for each public/private street or parking area frontage side of an individual building.

- (i) Within the Historic District, projecting signs shall not obscure ornamentation or architectural features.

E. *Total sign area allocation.* The combined square footage of awning, canopy, crown, projection and wall signs shall not exceed ten (10) percent of the building façade.

10) *A Frame/Sandwich Board Sign.*

A. *Description.* A movable sign not secured or attached to the ground or surface upon which it is located.

B. *Sign dimensions.*

- (i) Sign area (max): nine square feet.
- (ii) Sign face height (max): three feet.
- (iii) Sign face width (max): three feet.

C. *Regulations.*

- (i) Shall be removed and placed indoors at the close of business each day.
- (ii) Cannot obstruct vehicular, bicycle or pedestrian traffic and shall comply with ADA clearance and accessibility.
- (iii) Shall not be illuminated.
- (iv) Shall be removed every day after the business is closed.

D. *Number of signs.* Each ground floor tenant can have one sidewalk sign located adjacent to the primary entrance on the sidewalk with the principal customer entrance or up to eight feet from the entrance.

E. *Special Provisions for the El Paso Zoning Categories: College Hill Zone, Prairie Creek Zone, Downtown Crossing, and Downtown Mixed-Use Zones.*

- (i) Permitted only for retail, service, or restaurant uses.
- (ii) Limited to eight (8) square feet per storefront;
- (iii) Sign may not exceed two (2) feet in width or four (4) feet in height.
- (iv) A minimum of four (4) feet of sidewalk shall remain clear.
- (v) Chalkboards may be used for daily changing of messages. Reader-boards (electronic and non-electronic) shall be prohibited.
- (vi) Sign shall be removed every day after the business is closed.

11) *Shingle sign.*

A. *Description.* A small projecting sign that hangs from a bracket or support and is located over or near a building entrance.

B. *Sign dimensions.*

- (i) Sign area (max): nine square feet.
- (ii) Height (max): three feet.

- (iii) Spacing from building I (max): one foot.
- (iv) Projection width (max): three feet.
- (v) Depth (max): six inches.
- (vi) Clear height above sidewalk (min): ten feet.

C. *Regulations.*

- (i) Shall be located within five feet of an accessible building entrance.
- (ii) Shall be located below the window sill of the second story on a multi-story building or below the roof line of a single story building.
- (iii) Within the Historic District, projecting signs shall not obscure ornamentation or architectural features.
- (iv) May not be illuminated.

D. *Number of signs.* A maximum of one projecting sign or shingle sign for each individual building or tenant of each individual building or for each public/private street or parking area frontage side of an individual building.

12) *Wall / Crown sign.*

A. *Description.* Means any attached sign other than a projecting sign or a banner sign, which is permanently attached to or painted on any wall of any building and projects from the plane of the wall less than two (2) feet.

B. *Sign dimensions.* Sign area: a maximum of 10% of the square footage of the building's wall area facing a public/private street, drive, or parking area.

C. *Regulations.*

- (i) Shall be no higher than the highest point of the uppermost floor of the building.
- (ii) Shall not extend above the roof line or above a parapet wall of a building with a flat roof.
- (iii) Shall not cover architectural detail or windows.
- (iv) Shall not extend above the lower eave line of a building with a pitched roof.

D. *Number of signs.*

- (i) While there is no set restriction on the maximum number of signs allowed, multi-tenancy buildings must consider that the percentage of wall area must be divided between multiple tenants (if a building has multi-tenancy occupancy).
  - (ii) In no event shall the sign area for available frontage used by multiple tenants exceed the maximum sign area set forth in this section.
- E. *Total sign area allocation.* The combined square footage of awning, canopy, crown, projection and wall signs shall not exceed ten (10) percent of the building façade.
- F. *Special Provisions for the El Paso Zoning Categories: College Hill Zone, Prairie Creek Zone, Downtown Crossing, and Downtown Mixed-Use Zones.*
- (i) One wall/crown sign per tenant space shall be allowed; area not to exceed 32 square feet along each public street frontage.
  - (ii) Second floor uses may also be permitted one second floor wall sign per tenant space per public street frontage; area not to exceed 32 square feet on the second-floor façade along that public street.
  - (iii) May encroach a maximum of 12-inches (12") on to a sidewalk while maintaining a vertical clearance of eight feet (8') from the finished sidewalk.
  - (iv) Wall signs may be internally or externally lit.

## **7.9 Additional Regulations**

### **7.9.1 Illumination:**

- 1) *Illumination.* No sign shall be erected or maintained which, by use of lights or illumination, creates a distracting or hazardous condition to a motorist, pedestrian or the general public. In addition:
  - A. Illumination is restricted to incandescent or LED light bulbs rated at 150 watts, or an amount not to exceed 2,700 lumens.
- 2) *Internal illumination.* Internally illuminated signs must be lit from a concealed source. No *exposed* lamps or tubes shall be permitted. The minimum depth for illuminated signs shall be four inches. Illuminated signs may be set out from the mounting surface in order to create a silhouette effect.
- 3) *External illumination.* Signs may be externally illuminated as provided herein, but external illumination must direct light at the sign only and avoid spill-over of light.

## **7.10 Digital Signs**

- 7.10.1** Billboard and non-conforming billboard sign messages shall be displayed for a period of no less than eight (8) seconds. All other digital sign types shall not exceed three (3) unique messages per day, and shall be displayed for a period of no less than fifteen (15) seconds.
- 7.10.2** No sign shall display animated messages, including flashing, blinking, fading, rolling, shading, dissolving, or any other effect that gives the appearance of movement.
- 7.10.3** No sign shall include any audio message.
- 7.10.4** Transition from one message to another message shall appear instantaneous as perceived by the human eye.
- 7.10.5** Each sign message shall be complete in itself and shall not continue on a subsequent sign message.
- 7.10.6** Signs shall utilize automatic dimming technology to adjust the brightness of the sign relative to ambient light so that at no time shall a sign exceed a brightness level of 0.3 foot candles above ambient light, as measured using a foot candle (Lux) meter.
- 7.10.7** All signs shall contain a default mechanism that will cause the sign to revert immediately to a black screen if the sign malfunctions.

## **7.11 Changeable copy signs**

Manual and electronic changeable copy on monument signs shall be permitted provided that the manual or changeable copy does not exceed 40% of the sign area and the copy rotation may not exceed three times per day.

## **7.12 Portable Signs**

**7.12.1** The following portable sign regulations apply to all districts:

- 1) The use of portable signs is prohibited in residential zoning districts.
- 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) 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.
- 4) All portable signs shall require a permit as set out in this ordinance.

- 5) Signs found to be in violation of these provisions (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.

### **7.13 Non-conformity and modification**

**7.13.1** A non-conforming sign cannot be replaced by another non-conforming sign, including face material, except that the substitution or interchange of poster panels or painted boards on a non-conforming signs is permitted. All non-conforming signs must be maintained in a safe manner and in good repair.

**7.13.2** Minor repairs and maintenance of non-conforming signs is permitted. However, no structural repairs, structural changes or changes in the size, shape or technology currently being used on the sign is permitted except to bring the sign out of its non-conforming condition and into compliance with the requirements of this code.

**7.13.3** Non-conforming signs may stay in place until one of the following conditions occurs:

- 1) The business advertised ceases at that location, except that the substitution or interchange of poster panels or painted boards is permitted;
- 2) The deterioration of the sign makes it a hazard; or
- 3) The sign has damage exceeding 50% of its replacement cost.

**7.13.4** Compliance. Any non-conforming sign which is altered, relocated, or replaced shall be brought immediately into compliance with all provisions of this code.

## ARTICLE VIII. SPECIAL PERMIT USES

### **8.1 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.

### **8.2 Uses**

Uses Restricted to Specific Districts.

**8.2.1 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 8.3 below.

### **8.3 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:

**8.3.1 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.

**8.3.2 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 Planning and Development Department 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 Planning and Development Department, which shall notify the general public of the proposed use and the public hearing date.

**8.3.3 Decision.** Following the public hearing, the Planning Commission may authorize or deny the special permit for the use of land or buildings as requested, based on a 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 and Development Department.

In granting any permit, the Planning Commission may prescribe appropriate conditions and safeguards as are deemed necessary.

- 1) 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.
- 2) 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.

#### **8.4 Fees**

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

#### **8.5 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 IX. NON-CONFORMING STRUCTURES AND USES OF LAND AND  
STRUCTURES**

**9.1 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:

- 9.1.1** 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, by more than 20% of the square footage of the site and/or building.
- 1) Improvements such as fencing, decks, and ancillary structures shall not be considered as an enlargement, increase, or extension for the purposes of this section.
- 9.1.2** 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.
- 9.1.3** 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.
- 9.1.4** 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.
- 9.1.5** 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.
- 9.1.6** 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.

**9.2 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:

- 9.2.1** Such structure, upon approval from the Planning and Development Department, is not increase by more than 20% of the square footage of the existing structure.
- 9.2.2** Such structure, upon approval from the Planning and Development Department, may be remodeled to maintain the premises in a safe and usable condition.
- 9.2.3** 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.
- 9.2.4** Such structure, upon approval from the Planning and Development Department, 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.

### **9.3 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:

- 9.3.1** 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 by more than 20% of the square footage, except in changing the use of the structure to use permitted in the district in which it is located.
- 9.3.2** 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.
- 9.3.3** 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 Planning and Development Department shall determine that the propose use is equally appropriate to the district as the existing non- conforming use.
- 9.3.4** 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.
- 9.3.5** When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) consecutive months,

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

## **ARTICLE X. ADMINISTRATION AND ENFORCEMENT**

### **10.1 Administrative Official**

An administrative official designated by the Mayor 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.

### **10.2 Building Permit**

No building permit shall be issued unless the application for development approval complies with the provisions of this Zoning Code, State codes, e.g., Arkansas Fire Prevention Code, and City codes (including, for example, provision for street and utility rights-of-way and easements), and specific prior approvals applicable to the proposed development, including approved site plans, conditional use permits, or Zoning Map amendments.

### **10.3 Certificate of Occupancy and Compliance**

No building or structure shall be occupied or used until the Building Official has issued a Certificate of Occupancy and has determined that the building has been constructed and all on- and off-site improvements have been developed in compliance with the provisions of this Zoning Code, in accordance with the Arkansas Fire Prevention Code and any other applicable City codes.

### **10.4 Penalty for Violation**

Violating any provisions of this Zoning Code shall incur the following penalties:

**10.4.1** 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 as established in the fee schedule

**10.4.2 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.

**10.4.3 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, is established below and is applicable for each day that it is unlawfully continued.

<u>Fine</u>	<u>Fine Amount</u>	<u>Unit</u>	<u>Notes</u>
<b>Zoning Enforcement</b>			
First zoning violation	\$1,000.00	Each	First Occurrence plus court costs
Second zoning violation	\$2000.00	Each	Second Occurrence plus court costs
Third zoning violations	\$4000.00	Each	Per Occurrence after 2nd plus court costs
Continuous Violation	\$500.00	Each Day	Unlawfully continued, plus court costs

## **10.5 Zoning Code/Zoning Map Amendments**

**10.5.1 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.

**10.5.2 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 their appointed agent

**10.5.3 Procedure for Amendments by the City Council:** Amendments generated by the City Council shall be made in one of the following methods:

- 1) *Method 1.* The City Council may refer any amendment request to the Planning Commission, which shall be considered in accordance with the procedures outlined in Section 10.5.4, below; or
- 2) *Method 2.* The City Council may act upon any amendment request in accordance with the provisions of § 14-56-423 of the Arkansas Code, which shall take action through the normal ordinance procedures, requiring a majority vote of the City Council for any amendment.

**10.5.4 Procedure for Amendments by the Planning Commission:** Amendments may be made only in accordance with the procedures outlined herein.

- 1) *Initiation.* 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) *Studies.* The Planning Commission shall prepare a work program and make studies, including the preparation of maps, to support its decisions regarding possible amendments.

- 3) *Revision.* 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) *Notification for map amendments:* The public shall be notified pursuant to *Section 10.6.1, Notice by Publication* as well as *Section 10.6.2, Notice by Sign*. In the case of multiple tracts of land, at least one sign required by *Section 10.6.2* shall be posted along each road adjoining the parcels under consideration and at least one sign shall be posted along any roads classified as collector, minor arterial, or major arterial.
- 5) *Notification for text amendments:* The public shall be notified pursuant to *Section 10.6.1, Notice by Publication*.
- 6) *Additional transparency.* 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 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 or on the City's official website for review by interested persons and property owners at least ten days prior to the public hearing at which the changes will be considered.
- 7) *Public Hearing.* The Planning Commission shall hold a public hearing to consider amendments to the Zoning Code and amendments to the Comprehensive Plan, if required.
- 8) *Planning Commission action.* Following the public hearing, the proposed plans may be recommended as presented, or in modified form, by a majority of the entire Planning Commission.
- 9) *City Council action.* Following its adoption of recommended plans or ordinances, the commission shall certify such to the City Council for its adoption.

**10.5.5 Procedure for Map Amendments by property owners.** Amendments by property owners may only be made in the following manner.

- 1) *Application.* An application submitted with the appropriate application fee for a zoning map amendment shall be filed with the Planning and Development Office. The application shall at a minimum include the following:
  - A. Name and address of applicant.

- B. Memorandum stating 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: the dimensions of property; approximate location of buildings with appropriate dimensions; land uses of adjacent properties.
  - F. A vicinity map clearly depicting the location and context of the subject rezone request
- 2) *Public notification and hearing.* Upon receipt in proper form of the application for a Zoning Map Amendment and receipt of documentation for notification, the Planning and Development Department shall assign a date for the public hearing according to the submittal schedule approved by the Planning Commission.
- 3) *Notification requirements.* The public shall be notified pursuant to *Section 10.6.1, Notice by Publication, Section 10.6.2, Notice by Sign, and Section 10.6.3, and Notice by Letter to Owners within 200 Feet of Subject Property.* In the case of multiple tracts of land, at least one sign required by Section 10.6.2 shall be posted along each road adjoining the parcels under consideration and at least one sign shall be posted along any roads classified as collector, minor arterial, or major arterial.

## 10.6 **Notice**

**10.6.1 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.

**10.6.2 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.

**10.6.3 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.

- 1) *Evidence of Compliance* 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 10.6.3.

**10.6.4 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.

**10.6.5 Fee** The application fee for any map amendment by property owners, is in no part, be refundable, and shall be paid to the Planning and Development Department.

- 1) In addition to the application fee, a sign fee is due for each sign required to be posted.

## **10.7 Additional Procedures and Clarification**

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

**10.7.1 Public Hearing.** The Planning Commission shall conduct the Public Hearing on the proposed amendment to the Zoning Code Text or Official Zoning Map.

**10.7.2 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.

**10.7.3 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.

**10.7.4 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.

**10.7.5 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.

**10.7.6 Withdrawal of Application; Effect of Withdrawal.** The Applicant may withdraw their 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 10.5.5*.

**10.7.7 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 the 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.

- 1) Nothing in subsection 10.7.7 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.

**10.7.8 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.

**10.7.9 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.

- 1) **Recall by City Council.** Nothing in subsection 10.3.9 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.

**10.7.10 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.

## **ARTICLE XI. BOARD OF ADJUSTMENT**

### **11.1 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.

### **11.2 Organizations**

The organization of The Board of Adjustment is as follows:

**11.2.1 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.

**11.2.2 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.

### **11.3 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:

**11.3.1 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.

**11.3.2 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.

**11.3.3 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) 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.

**11.3.4 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.

- 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.
- 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.

## **11.4 Procedure for Appeals**

The following procedure is necessary to make an appeal to the Board:

**11.4.1 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.

**11.4.2 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, 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) The Applicant shall 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.

**11.4.3 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 or a court of record on application, and notice to the person from whom the appeal was taken.

**11.4.4 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.

**11.4.5 Fee** The application fee for any Appeal, Variance or Special Exception to the Board shall, in no part, be refundable, and shall be paid to the Planning and Development Department.

- 1) In addition to the application fee, a sign fee is due for each sign required to be posted.

**11.4.6 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 11.4.6 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.

## **11.5 Standing**

Variances or Special Exceptions shall be filed by the Owner of Record of the property which is the subject of the relief sought, or the Owner's Appointed Representative, to be heard by the Board of Adjustment.

**11.5.1 Inapplicability** Section 11.5 shall not be applicable to the City.

## ARTICLE XII. DEFINITIONS

### 12.1 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.

### 12.2 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 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.

**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: 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 Instruments, devices, or paraphernalia which are designed for use in connection with SPECIFIED SEXUAL ACTIVITIES.

**Adult Cabaret.** A nightclub, bar, restaurant, 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 by SPECIFIED SEXUAL ACTIVITIES; or

- Films, motion pictures, video cassettes, slides or other photographic reproduction which are characterized by the depiction of SPECIFIED SEXUAL ACTIVITIES or SPECIFIED ANATOMICAL AREAS.

**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).

**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

**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 of items or devices, including a dildo or artificial vagina designed or marketed as useful primarily for the stimulation of human genital organs for anything of pecuniary value.

It is an affirmative defense under this Code section that dissemination of the material was restricted to: 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 A person whose receipt of such material was authorized in writing by a licensed medical practitioner or psychiatrist.

**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.

**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).

**Agriculture.** The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, and animal 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. Does not include poultry husbandry, or swine husbandry.

**Agricultural Building.** A structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated, or packaged, nor shall it be a place used by the public.

**Agricultural Land Use.** Shall include land used for farming; ranching; algaculture meaning the farming of algae; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; and the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production. Agricultural land uses shall not include commercial or industrial scale processing or manufacturing facilities, livestock or other agricultural auction facilities, fairs or shows where livestock or agricultural products are displayed or judged, or any other activity clearly commercial in scale, scope, or use. Does not include poultry husbandry, or swine husbandry.

**Airport** means Russellville Municipal Airport.

**Airport Approach Surface.** A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 2.19 of this Ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

**Airport Conical Surface.** A surface extending outward and upward from the outer perimeter of the horizontal surface at a slope of thirty-four (34) feet horizontal for each one (1) foot vertical for a horizontal distance of 4,000 feet.

**Airport Conical Zone.** The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outwardly therefrom a horizontal distance of 4,000 feet.

**Airport Elevation.** Established at 403.6 feet above mean sea level.

**Airport Reference Point.** The airport reference point is established at the midpoint of the centerline of the runway pavement and is more particularly described as follows: Beginning at the northeast corner of the northeast  $\frac{1}{4}$  of Section 14, T-7-N, R-20-W, thence west along the north boundary line of the said Section 14 a distance of 2,462.93 feet, thence south 1,572.05 feet to the midpoint of the centerline of the runway pavement, said midpoint also being the airport reference point.

**Airport Transitional Zone.** Established as a Slope seven (7) feet horizontal for each one (1) foot vertical beginning at the sides of and at the same elevations as the primary

surface and the approach surfaces and extending to an elevation of 557 feet above mean sea level, which is a height of 150 feet above the established airport elevation.

**Alignment.** The designated or optimally engineered location for the centerline of the street or roadway consistent with proper grade and curvature criteria.

**Alley.** A public passage or way not intended for general traffic circulation, affording a secondary means of vehicular and pedestrian access to an abutting property and associated vehicle parking areas, utility meters, and other forms of services to said property, often utilized for utility access and maintenance easements.

**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 omnidirectional antenna (rod), a directional antenna (panel) and a parabolic antenna (disc). The Antenna Array does not include the Support Structure defined in this section.

**Apartment.** A multiple family dwelling (see “Dwelling, Multiple).

**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, which address public health, safety, or welfare and are consistent with this subchapter;

**Arcade.** See ‘Colonnade’.

**Arcade (land use definition).** Any establishment focused on primarily offering devices and games as entertainment, amusement, test of skill, including but not limited to: arcade style game machines, pinball, pool and foosball tables, shuffleboard, including virtual reality experiences, or similar player-operated amusement devices, in any combination, for commercial use.

**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 Wrecking, 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.

**Automobile Wrecker/Towing Service / Vehicle Impound Lot.** Premises used primarily for the storage of operable or wrecked automobiles until they are placed back in control of the owner and/or insurance company, so long as no operable, inoperable, or wrecked automobile remains on site for more than 90 days.

**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.

**Awning / Canopy** means an awning that is a cantilevered, projected or suspended as a cover over the sidewalk portion of any public street. Awnings / canopies 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 / canopies shall have a minimum clear height of eight feet (8') from the finished sidewalk in front of it.

**Baked Goods, Candy, Bread, Dairy, and Ice Cream Manufacturing.** Means the processing or production of these listed food types. For the purposes of this definition, restaurants and retail establishments primarily focused on sales and service are not included within this use type.

**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 sign, conforming.** A freestanding sign, oriented to the interstate or exit ramps, and located within 200 feet of Interstate Highway 40 right-of-way (as measured from the nearest edge of the Right of Way).

**Billboard sign, non-conforming.** A freestanding sign that exceeds the maximum size allowed, and/or location, for double-post signs, pylon signs, or other freestanding signs in this section and does not meet the definition of a "conforming billboard"

**Block.** A parcel of land, comprised of lots, alleys, and tracts which are entirely surrounded by public streets, highways, railroad rights-of-way, public walks, parks, shorelines, waterways, drainage channels, or a combination thereof.

**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.

**Bond.** Security in the form of and limited to a cash deposit, surety bond underwritten by a bonding company licensed to do business in Arkansas, or instrument of irrevocable bank credit in an amount and form satisfactory to the city that can be unilaterally drawn upon by the city for the completion of proposed improvements by a developer.

**Boundary Street.** An existing street abutting on any side of a parcel of land being subdivided.

**Boundary Street Improvements.** All improvements and Right-of-Way Dedications necessary to meet the standards set forth in the city's Master Street Plan and the city's Storm Water Management Ordinance.

**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 Setback Line.** The line(s) within a property, which define the minimum horizontal distance between a building or other structure as regulated herein, and an adjacent property line. Building set-back requirements apply to all new construction both within and outside of recorded subdivisions.

**Build-to-Line** shall be the line to which a principal building's front façade shall be built.

**Build-to-Zone** shall be the area within which a principal building's front façade shall be built.

**Building, Principal.** A building that is constructed or intended to be constructed, as the primary 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.

**Business owner** means a person who owns a business that operates within the city limits of the City and the physical location of the business is within the city limits of the City.

**Campsite.** An area of land within a campground intended for exclusive occupancy by a camping unit such as a recreational vehicle, tent, temporary or lean-to structure, or an area of land which is not associated with a campground, but upon which open or dispersed camping takes place by the owner of the property.

**Camping Prohibited.** No person in a park shall set up or use tents, shacks, or any other temporary shelter for the purpose of overnight camping, nor shall any person bring in or leave in a city park after closing hours any structure or vehicle to be used or that could be used for such purpose, such as a house trailer, camp trailer, camp wagon or the like without a Camping Permit approved by the Parks and Recreation Director.

Boy Scouts and other groups who have served the Parks and Recreation Department through approved work programs in parks may be permitted to camp at designated park campsites with an approved Camping Permit authorized by the Parks and Recreation Director.

Tournament directors of park related sanctioned tournaments may be permitted to camp at designated tournament facility sites with an approved Camping Permit authorized by the Parks and Recreation Director. Special event and/or Race Directors and event participants may be permitted to camp at designated campsites with an approved Camping Permit authorized by the Parks and Recreation Director.

**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.

**Certificate of Occupancy** means an official certificate issued by the City through the *Building Permit* is an official document or certificate issued by the City of Russellville Building Official authorizing the performance of a specified activity including, but not limited to, the erection, construction, renovation, maintenance or changing the occupancy of a building or structure.

**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:

- Special schools or classes operated solely for religious instruction.
- Facilities operated in connection with a place of worship, 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.
- 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.
- Kindergartens operated as a part of the public schools of this state.
- 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.
- 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.
- 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.

**Child Care Center, School.** A Child Care Center operated on a school campus

**Child-Care, 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.

**Child Care, Place of Worship Center.** A Child Care Center operated in association with a Place of Worship campus.

**Child Care, Day Care, Residential Home.** A situation in which the resident of a home cares for five (5) children or less.

**Child Care, Residential Home Day Care.** A situation in which the resident of a home cares for five (5) children or less.

**City** means the City of Russellville, Arkansas, a municipal corporation organized under the laws of the State of Arkansas and is a city of the first class.

**City Attorney, City Clerk, Director of Public Works, etc.** means any office referred to in this chapter by title, i.e., City Attorney, City Clerk, Director of Public Works, etc.,

shall be the person so retained in this position by the city, or their duly authorized representative.

**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.

**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.

**Collocate or collocate on** means the placement, mounting, replacement, or modification of a small wireless facility on, or of ground-mounted wireless antenna equipment adjacent to, a structure.

**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);

**Collocation** has a corresponding meaning, 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.

**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.

**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.

**Commission.** The words Commission or Planning Commission shall mean the duly appointed Planning Commission for the city of Russellville, AR.

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

**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.

**Communications service** means a cable service, as defined in 47 U.S.C. § 522(6), as it existed on January 1, 2019; A telecommunications service, as defined in 47 U.S.C. § 153(53), as it existed on January 1, 2019; an information service, as defined in 47 U.S.C. § 153(24), as it existed on January 1, 2019; or Wireless service;

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

**Community and Relief Services.** A non-commercial and non-parochial use offering a benefit or service—including relief services--to the community. This land use includes but is not limited to: disaster preparedness and recovery services.

**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 adopted policy document reflecting the long-range objectives, development policies, and ambitions of the community regarding future 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.

**CNU.** Acronym meaning Congress for the New Urbanism.

**Controlled-access facility** means a highway or street described in Annotated Code of Arkansas (A.C.A.) § 27-68-102, or, any state or federal numbered highway, including interstate highway, within the City of Russellville, Arkansas.

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

**Convenience Store, Commercial.** 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 “Convenience Store, Truck Stop”.

**Convenience Store, 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, Commercial”.

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

**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.

**County Recorder.** The County Recorder of Pope County, Arkansas.

**Cul-de-sac.** A street having one end open to the traffic and being terminated at the other end by a vehicular turnaround.

**Corrupted or modified names** means original street names that have been altered to suit common pronunciation or usage at the expense of the street’s historical origins.

**Decorative pole** means a Wireless Authority Pole that is specifically designed and placed for aesthetic purposes, and on which limited appurtenances or attachments, such as a small wireless communication 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;

**Derrick Tower.** A structure constructed of lattice steel, and which is entirely self-supporting.

**Design Criteria.** Standards that set forth specific improvement requirements.

**Developer.** An individual, corporation, partnership, or entity who is improving a parcel of land and who may or may not be the owner of the property

**Development, Large-scale development.** The development of a tract, lot, or parcel developed as a single improvement for commercial, industrial or multi-family purposes.

**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, which 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 five (5) 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.

**Elected local officials** means a person elected to a city, county, school board position or state official in the State of Arkansas.

**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.

**FAA.** The Federal Aviation Administration. The Federal Aviation Administration. An agency of the United States Department of Transportation responsible for the regulation and oversight of civil aviation within the U.S. as well as operation and development of the National Airspace System. Its primary mission is to ensure safety of civil aviation.

**FCC.** The Federal Communication Commission.

**FTA.** The Federal Telecommunications Act of 1996.

**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)**

**Fee** means a one-time, nonrecurring charge;

**Fence.** A structure serving as an enclosure, barrier, or boundary and usually made of post boards, wire, stakes, or rails.

**Five Year Capital Improvement Plan.** A plan to be adopted by the City Council within 60 days of the adoption of this ordinance and thereafter in January of each year indicating those streets and street segments which are scheduled for construction or reconstruction within the stated five-year period.

**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.

**Floodplain.** Floodplain 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 Residence.** A residence where a number of unrelated people can live together. This may or may not include persons in need of care, support, or supervision. Can include, but is not limited to, the following:

- **Dormitory.** A building intended for or used principally for sleeping accommodations where such building is related to an educational or public institution.
- **Fraternity/Sorority.** A building used as group living quarters for students at a college, university, or seminary, where meals and lodging are provided.
- **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.
- **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.
- **Nursing Home.** Any premises where more than three persons are lodged and furnished with meals and nursing care.

**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.

**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.

**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.

**Highways, Roads, & Streets.** A dedicated public right-of-way which provides vehicular and pedestrian access to adjacent properties.

**Historic district** means a group of buildings, properties, or sites that are either: 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; A historic district designated under the Historic Districts Act, § 14-172-201 et seq.; or A historic district otherwise designated under a local ordinance.

**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 tearoom or restaurant, rest home, clinic, doctor or dentist office, childcare center, tourist home, or cabinet, metal, or auto repair shop shall not be deemed a home occupation.

**Horizontal Surface, Aviation** — A horizontal plane 150 feet above the established airport elevation. The outer perimeter of which in plan coincides with the outer perimeter of the horizontal zone.

**Horizontal Zone, Aviation** — The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

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

**Improvements** – Street grading and surfacing, curbs and gutters, water mains and lines, sanitary and storm sewers, culverts and bridges, and other utilities and related items.

**Incidental Subdivisions** – Lot splits, minor subdivisions, lot recombination, replats, or one-lot subdivisions that do not require submittal to the Planning Commission, but which may be approved by the Director of Public Works.

**In-lieu-of Contribution** – A cash contribution for required Boundary Street Improvements instead of immediate construction.

**ITE** – Institute of Traffic Engineers.

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

**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.

**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.

**Lot.** A distinct and separate undivided tract or parcel of land having access on a public street, which is, or in the future may be offered for sale, conveyance, transfer, or improvement as a building site..

**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 located at the intersection of and abutting on two (2) or more streets..

**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.) Access shall be from the lowest classification of street whenever possible.

**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, Pipe-stem.** Referred sometimes as a 'flag lot' or 'panhandle lot', a pipe stem lot is a lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip connecting the main building site with the frontage street

**Lot Split** – A subdivision which involves the dividing or re-dividing of a land area within any recorded subdivision, and which does not involve the dedicating, vacating, widening, narrowing or change of alignment of any thoroughfare, street, alley, or easement.

**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.

**Master Street Plan** – The most recently adopted street plan for the city.

**Memorial Designation** means an honorary designation of the proposed renaming of the street or portion of the street and that none of the addresses on the designated street shall be changed but signs shall be placed on the street and different locations to advertise and inform the traveling public of the memorial designation.

**Metes and Bounds Description** – A portion of land not in a platted subdivision which is described by bearings and distances and is used as a lot with or without improvements required by the Planning Commission.

**Minor Subdivision** – A subdivision or replat of a subdivision involving ten lots or less, and in which no streets or easements are required, no waivers are requested, and the subdivision is not part of a larger tract to be developed in phases

**Mobile food vendor.** Any person or persons that owns or operates a mobile food vendor vehicle for the purpose of mobile food vending as defined.

**Mobile food vendor vehicle.** A mobile food vendor that prepares and/or serves food and/or beverages from a self-contained vehicle either motorized, or, within a trailer that is readily movable without disassembling for transport to another location. Mobile food vendor vehicles may commence outdoor food vending from a fixed location or commence outdoor food vending from a non-fixed location.

**Mobile food vendor, fixed.** Exhibiting, displaying, selling, or offering for sale any food or beverage from a mobile food vendor vehicle at a fixed location on public or private property.

**Mobile food vendor, non-fixed.** Exhibiting, displaying, selling, or offering for sale any food or beverage from a mobile food vendor vehicle that is in operation, staged along one side of a public right-of-way, where said vehicle is temporarily parked and staged in a manner to safely engage in mobile food vending. Typical examples are ice-cream trucks or other types of entities that sell only pre-packaged and/or prepared items not requiring additional time for cooking or preparation prior to sale.

**Mobile food vendor, single.** An outdoor commercial venue, site, or parcel containing only one (1) mobile food vendor

**Mobile Food vendor court, minor.** An outdoor commercial venue, site, or parcel containing up to three (3) mobile food vendors in the same location.

**Mobile Food vendor court, major.** An outdoor commercial venue, site, or parcel containing four (4) or more mobile food vendors in the same location.

**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 accordance with the building standards adopted by the state of Arkansas and the City of Russellville. Included with Dwelling, Single Family Detached on the Table of Permitted Uses.

**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-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, used, or in existence at the time of passage of this Code which does not conform to the use, area, or other presently adopted regulations. Non-conforming use may extend to an object of natural growth, such as trees, limbs, or other vegetation when related to the airport regulations.

**Nudity or State of Nudity** – The following constitute examples of nudity: The appearance of the bare human buttock, anus, male genitals, female genitals, or female breasts. A state or dress which fails to opaquely cover a human buttock, anus, male genitals, female genitals, or areola or the female breasts.

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

**Obstruction** means a hazard to air navigation whereby said hazard is determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

**Obstruction Height Determination.** For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the vertical datum shall be mean sea level elevation unless otherwise specified.

**One-Half Street Section** – The area to the legal centerline of the required roadway. Where a clearly defined right-of-way does not exist, the Director of Public Works shall establish the centerline location.

**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, standard.** 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 access to a street or alley. It shall measure not less than nine (9) feet by twenty (20) feet.

**Parking Space, motorcycle.** An off-street space available for the parking of one motor vehicle designed to travel on not more than three wheels in contact with the ground, and having an area of not less than fifty (50) square feet exclusive of passageways and driveways and having access to a street or alley. It shall measure not less than five (5) feet by ten (10) feet, with a minimum of ten (10) feet of backup space provided.

**Pavement Width.** The portion of a street available for vehicular traffic; where curbs are laid, it is the distance from back of curb to back of curb.

**Permanent Street Renaming** means that the proposed renaming of the street or portion of the street shall be renamed and all addresses on the renamed street shall be changed to the new street and a new address given to all properties, lots and buildings on the renamed street.

**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;

**Person** means an individual, firm, corporation, limited liability company, proprietorship, partnership, co-partnership, association, trust, authority, joint stock association, homeowners association, other form of common ownership organization, or other legal entity or organization within the City;

**Personal Service, other.** Any establishment or place of business offering services of a personal nature not already listed in the Use Table. For the purposes of this definition, sexually oriented businesses and medical services are excluded. Can include, but is not limited to massage parlors, health studios, fitness gyms, tattoo and body piercing, photo studio, etc.

**Petition** means a written request on a form provided by the Planning & Development Department submitted to the City through its Planning & Development Department by petition requesting the renaming of a public or private street, in whole or in part, in the city limits of or on city property owned by the City of Russellville, Arkansas, either permanently or by memorial designation.

**Petitioner** means a resident, business owner or person who fills out a petition in writing to request that a public or private street be renamed, in whole or in part, either permanently or in a memorial capacity within the city limits of the City.

**Place of Worship.** An institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The term “place of worship” shall include buildings in which the religious services of any religion are held.

**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.

**Plat** – A map or drawing and accompanying material indicating the layout and design of a proposed subdivision or lot-split prepared by a developer for consideration and approval by the planning board. Such plats may be the sketch plat, the preliminary plat, or the final plat.

**Plat, Preliminary** – Any plat of lot, tract, or parcel of land that is not to be recorded, but is only a proposed division of and that is presented only for review and study by the city; to provide the basis for installing site improvements and utilities, and for dedicating and/or reserving land for public use; and the approval of which authorizes the developer to begin the construction of improvements.

**Plat, Final** – Any plat of any lot, tract, or parcel of land requested to be recorded in the deed and plat records of the County Recorder; which has been certified by a Professional Land Surveyor, and which is signed by the Planning Commission chairman, and which serves as an “as built” record of the subdivision.

**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.

**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.

**Pole.** A pole, or similar structure, typically within a right-of-way, often referred to as a ‘utility pole’, used in whole or in part for the purpose of carrying electric distribution lines, lines or cables for telecommunications, cable service, or for lighting, traffic control signage, collocation of small wireless facilities, or similar functions, regardless of ownership. The term does not include structures solely dedicated to supporting wireless facilities, nor does it include an electric transmission structure.

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

**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 Engineer** – A person who has been duly registered or licensed as a professional engineer by the State Board of Registration for Professional Engineers and Land Surveyors.

**Professional Land Surveyor** – Any person engaged in the practice of land surveying as defined in this section and who is licensed by the State Board of Registration for Professional Engineers and Land Surveyors.

**Professional Office.** Operations designed to attract and serve customers or clients on the premises with low-volume traffic such as lawyer, doctor, dentist, architect, engineer, realtor, accountant, travel agency, stock broker, insurance agency, computer processing services and the like.

**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 places of worship 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.

**Rate** means a recurring charge;

**Recreational 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.

**Replating** – The resubdivision of any part of previously platted subdivision, addition, lot, or tract.

**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.

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

**Resident** means a person whose principal place of residence is located in the City that is either owned or rented by such person.

**Residential District** – As it relates to Sexually Oriented Business regulations, any land within the City limits of Russellville zoned as R-E, R-O, R-1, R-2, R-2S, R-3, R-4, W-N, and any type of PUD with residential use as defined by this Ordinance and the current City of Russellville Zoning Code.

**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 curb 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.

**Right-of-Way Dedication** – The dedication to the city of sufficient right-of-way as required by the most recently adopted Master Street Plan. Right-of-Way Dedication for Boundary Streets shall apply to the One-Half Street Section abutting a proposed subdivision or development.

**Rural Estate Subdivision** – A subdivision consisting of lots of one half (1/2) acre or greater.

**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.

**School.** A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools.

**School, Business.** Any educational facility—when not public and not under the sponsorship of a religious organization—primarily serving as an enterprise offering

instruction on a variety of non-industrial skills, including but not limited to: accounting, the arts and sciences, health and beauty services, office and business skills, real estate, technology, and other similar curriculums.

**School, Commercial or Trade.** Any educational facility primarily focused on teaching industrial, construction, aviation and similar skills in which machinery is employed as a means of instruction.

**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.

**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.

**Service Building.** Any structure housing sanitary facilities, manager office, laundry room, convenience store, or any other camping related accessory uses relative to a recreational park.

**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.

**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: Devotes a portion of its stock-in-trade or interior floor space to or Receives a portion of its revenue from: or Devotes a portion of its advertising expenditures to the promotion of: The sale, rental, and viewing (for any form of consideration) of inventory, merchandise, or performances that are characterized by SPECIFIC SEXUAL ACTIVITIES or SPECIFIED ANATOMICAL AREAS. 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.

**Sexually Oriented Business Classification** Sexually oriented businesses are classified as follows:

- adult arcade;
- adult bookstore or adult video stores;
- adult cabarets;
- adult motion picture theaters;
- adult novelty shops.

**Sexually Oriented Business *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.

**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.** A name, identification, description, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building, or other outdoor surface which directs attention to or is designed or intended to direct attention to the Sign Face or to an object, product, place, activity, person, institution, organization or business. Signs located completely within an enclosed building, and not exposed to view from a street, must not be considered a sign. Each display surface of a Sign or Sign face must be considered to be a sign.

**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, 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.

**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, 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.

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

**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, and convey public information or to direct or regulate pedestrian or vehicular traffic.

**Sign, Sandwich Board or A-frame.** 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.

**Sign, Temporary.** Any sign that is used only temporarily and not for a period exceeding 30 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.

**Site Plan-** A detailed plan, drawn to scale, that shows the layout of a property or a site. Site Plans shall include the placement of proposed structures, parking areas, open space, landscaping, and other development features.

**Small-scale Manufacturing.** Low impact, small-scale, manufacturing uses that have minimal odor, noise, lighting, and traffic associated with the use. Examples include manufacture of small medical equipment, computer hardware, and hand-crafted products. May be associated with a retail space.

**Solar Facility-Utility-Scale Generation:** A private or public solar generation facility that sells the power generated directly into the electric grid. Often, utility-scale solar projects are described as being “in front of the meter” as opposed to distributed generation systems, which are “behind the meter” — i.e., a system that is paired with the energy load of a facility and supplies that facility directly with power.

**Solar Facility-Accessory:** A solar energy system that is accessory to the principal use of the property and is structurally mounted to the ground or the roof of a building. For the purposes of zoning, accessory ground mounted solar energy systems shall be considered accessory structures.

**Special Permit Use.** A use that may or may not be located within various districts depending upon review and approval by the Planning Commission.

**Specified Anatomical Areas** – The following are specified anatomical areas: 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 Human male genitals in a discernible turgid state, even if completely and opaquely covered.

**Speech, Commercial.** 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.

**Speech, Non-Commercial.** Non-commercial speech means dissemination of messages not classified as commercial speech, which include, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics.

**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.

**Staff** - City of Russellville staff members.

**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, Self.** 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 6.1 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, Public.** A dedicated, city owned, operated, and maintained right of way which provides vehicular and pedestrian access to adjacent properties.

**Street, Dead-end** – A street, similar to a cul-de-sac, but providing no turnaround at its closed end.

**Street Right-of-Way Width** – The shortest distance between the lines, which delineate the right-of-way of a street. It runs from abutting property line to abutting property line.

**Street, Collector** – A street, which is continuous through several residential and/or commercial areas and is intended as a connecting street between residential areas and arterial or business areas.

**Street, Local Commercial** – A street which is intended primarily to serve traffic within a limited commercial area, and which is not necessarily continuous through several commercial areas.

**Street, Local Residential** – A street which is intended primarily to serve traffic within a neighborhood or limited residential area, and which is not necessarily continuous through several residential areas.

**Street, Minor Arterial** – Minor arterial streets are of moderate length and connect collector streets within an area and function for movement of traffic as well as land access service. These streets also generally provide access to the minor traffic attractions in the area such as medical centers and recreational area. The minor arterial street system should interconnect with and augment the principal arterial system.

**Street, Principal Arterial** – The principal traffic thoroughfares continuous across the city, which are intended to connect distant parts of the city or those adjacent thereto, and act as principal connecting streets with State and Federal highways. Each principal arterial street shall be designated on the Master Street Plan of the city.

**Street, Private.** A privately owned or maintained right-of-way used primarily as a means of access, vehicular or pedestrian, to abutting properties, and is not generally open for use by the general public.

**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.

**Subdivision.** The division of a parcel of land into two (2) or more lots or parcels for the purpose of transfer of ownership or building development.

**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.

**Therapeutic Community, Level 1:** Is a secure facility / locked down facility and is the highest level of care.

**Therapeutic Community, Level 2:** 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)**

**Utility Runway Visual Approach Zone.** The inner edge of the approach zone coincides with the width of the primary surface and is 250 feet wide. The approach

zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

**Utility Runway Visual Approach Zone.** The inner edge of the approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

**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.** 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.** A vertical element used to enclose space, and may be made of masonry, concrete, wood, plaster, or other building materials.

**Wall, Retaining.** Retaining wall is a structure that is designed and constructed to withstand lateral pressure of soil or hold back soil materials. The lateral pressure could be also due to earth filling, liquid pressure, sand, and other granular materials behind the retaining wall structure.

**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 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 omnidirectional antenna (rod), a directional antenna (panel) and a parabolic antenna (disc). The Antenna Array does not include the Support Structure defined below.

**Wireless Applicant** means a person who submits an application as, or on behalf of, a wireless provider;

**Wireless Application** means a request submitted by an Applicant to an authority for a permit:

- To collocate small wireless facilities; or
- To install, modify, or replace a wireless monopole on which a small wireless facility is or will be collocated, in the right-of-way.

**Wireless Authority**, shall be referenced herein within the context of Small Wireless Communication Facility, and shall mean a county, a municipality, a subdivision, or instrumentality thereof, including without limitation:

- A public utility district;

- An irrigation district; or
- A municipal electric utility.

**Wireless Authority** does not include a state court having jurisdiction over an authority;

**Wireless Authority Pole**, referenced herein as an ‘Authority Pole’, and within the context of Small Wireless Communication Facilities, means a pole owned, managed, or operated by or on behalf of an authority;

**Wireless Communication Affiliate, Small** means an entity that directly or indirectly controls, is controlled by, or is under common control with another party as it relates to Small Wireless Communication Facilities and associated Wireless Communication;

**Wireless Communication Antenna, Small** means communications equipment that transmits or receives an electromagnetic radio frequency signal in the provision of wireless service;

**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 Equipment** means equipment, switches, wiring, cabling, power sources, shelters, or cabinets associated with a wireless antenna, located at the same fixed location as the wireless antenna, and when collocated on a wireless tower or wireless monopole is mounted or installed at the same time as the wireless antenna. Wireless antenna equipment does not include: The structure or improvements on, under, or within which the equipment is collocated; or 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;

**Wireless Communication 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.

**Wireless Communication Facility (WCF).** Any un-staffed facility covered under the Telecommunications Act of 1996 used for the transmission or reception of wireless communication, at a fixed location, usually consisting of a Wireless Antenna Array, connection cables, a Wireless Support Structure to achieve the necessary elevation, and other types of Wireless Communication Equipment. 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.

**Wireless Communications Facility, Attached (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.

**Wireless Communication Facility, 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.

**Wireless Communication Facility, Micro-** means a wireless facility that:

- Is not larger in dimension than twenty-four inches (24") in length, fifteen inches (15") in width, and twelve inches (12") in height;
- Has an exterior antenna that is no longer than eleven inches (11"); and
- Is not placed any farther than ten feet (10') down the span as measured from the side of the pole;

**Wireless Communication Facility (WCF) Permit.** 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.

**Wireless Communication Facility, Small-** means a wireless facility that meets all of the following specifications, whereas the facility:

- Is mounted on a structure fifty feet (50') or less in height, including the antennas;
- Is mounted on a structure no more than ten percent (10%) taller than other adjacent structures; or
- 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;
- Each antenna associated with the deployment, excluding associated antenna equipment, is no more than three cubic feet (3 cu. ft.) in volume;
- 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;
- The facility does not require antenna structure registration under 47 C.F.R. Part 17, as it existed on January 1, 2019;
- 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
- 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.

**Wireless Communication Facility, Small** does **not** include:

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

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;

**Wireless Communication Facility, Small - 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, and does not include;

- The structure or improvements on, under, or within which the equipment is collocated; or
- 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;

**Wireless Communication Facility, Small, Control** means the direct, or indirect, of the following scenarios regarding small wireless communication facilities:

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

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

**Wireless Monopole** - A structure consisting of a single pole, constructed without guy wires and ground anchors, to support a wireless antenna or wireless antenna array.

**Wireless provider** means a wireless infrastructure provider or a wireless service provider;

**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;

**Wireless service provider** means a person who provides wireless service;

**Wireless Support Structure.** A wireless communication structure designed and constructed specifically to support a Wireless Antenna Array, and may include a monopole, guy-wire support tower, wireless monopole, 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 Wireless Support Structures.

**Wireless Support Structure** means a structure, which includes the following:

- A wireless monopole;
- A tower, either guyed or self-supporting;
- A billboard;
- A building; or

- 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.

**Wireless Support Structure** does not include a utility pole

**Wireless Tower** - Any structure that is designed and constructed primarily for the purpose of supporting one or more antenna arrays. This shall include but not necessarily be limited to self-supporting lattice towers, monopole towers, towers supported by guy wires, and towers associated with a building or other permanent structure. The fact that one or more antenna arrays are placed on any structure that was not primarily intended for such purpose does not convert the structure into a tower. A telecommunications tower shall be considered part of a telecommunications facility (see also “wireless antenna facility”).

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

**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 XIII. VALIDITY AND REPEAL**

### **13.1 Validity**

The following statements pertain to the validity of this code:

**13.3.1** 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.

**13.3.2** 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.

### **13.4 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 XIV. AREA REQUIREMENT

### **KEY:**

\* Note that this zone does offer flexibility in that up to 10% of the residential lots within a single subdivision or development may be a minimum of 6,000 square feet.

\*\* Setbacks increased for structures that exceed 2 stories when adjacent to "triggering property".

\*\*\* Fire Code regulations may require greater setback distances or fewer allowable stories than those given in this chart.

† Larger sizes allowed with SUP approval

^ Setbacks may be varied by up to 10% with staff approval if demonstrated by the applicant that such action will not be harmful to the public health, safety, and welfare, or cause a violation of Fire Code.

NP = Not Permitted

A "story" is defined as the "story above grade plane" as defined in the IBC and IRC

Zoning Category	RE	R1	R2S	R2	WN
	Estate Residential	Single Family Residential	Medium Density Single Family Detached	Medium Density Residential	Walkable Neighborhood Zoning
Residential Density	2 units / acre	maximum 6 units / acre	maximum 7 units / acre	maximum 12 units / acre	maximum 18 units / acre
<b>Minimum Lot Size</b>					
Single Family Detached	0.5 acre	7,000 sf*	6,000 sf	5,000 sf	3,000 sf
Two Family units	NP	NP	NP	8,000 sf, (4,000 sf/dwelling unit)	6,000 sf, (3,000 sq ft/dwelling unit)
Three- Four Family units	NP	NP	NP	2,500 sf/dwelling unit	2,125 sf/dwelling unit
Townhomes (single-family attached)	NP	NP	maximum of three attached 3,500 sf/dwelling unit 2,000 sf/ dwelling unit interior lot	maximum of five attached 3,500 sf/dwelling unit 2,000 sf/ dwelling unit interior lot	maximum of ten attached 2,500 sf/dwelling unit exterior lot 1,000 sf/ dwelling unit interior lot
Zero lot line	NP	NP	3500 sf	3500 sf	2,500 sf/ dwelling unit exterior lot
Five Family units and greater	NP	NP	NP	up to 12 units per acre	1,000 sf/ dwelling unit interior lot
Nonresidential or Mixed-use allowable within the zone	1 acre	7,000 sf	6,000 sf	6,000 sf	3,000 sf
<b>Maximum Building Footprint Requirements for all non-single family residential (multiple structures allowed per lot)</b>					
Max Building Footprint Requirements (for all non-single family residential)	5,500 sqft ground floor building footprint all non-single family residential uses†	5,500 sqft ground floor building footprint all non-single family residential uses†	5,500 sqft ground floor building footprint all non-single family residential uses†	5,500 sqft ground floor building footprint all non-single family residential uses†	5,500 sqft ground floor building footprint all non-single family residential uses
<b>Height and Width Requirements</b>					
Max Building Height (Residential or Agricultural)	2 stories	2 stories	2 stories	2 stories * 3 stories allowed with SUP approval.	3 stories
Max Building Height (Non-Residential)	2 stories	2 stories	2 stories	2 stories	3 stories
Lot Width Minimum	100'	50'	50' Single Family	50' Single Family 70' Two Family 80' three and four family	30' Single Family 60' Two Family 65' three and four family
			35' zero lot line	35' zero lot line	30' zero lot line
			Townhome exterior lot 35' Townhome interior lot 18'	Townhome exterior lot 35' Townhome interior lot 18'	Townhome exterior lot 30' Townhome interior lot 18'
			60' non residential	70' non residential	50' non residential
<b>Setbacks from MSP ROW for 1 and 2 Story Structures**</b>					
Front Setback	50' ^	25' ^	25' ^	25' ^	Build to: 5'-25'
Side Setback	25' ^	5'	5'	5'	5'
Street Side Setback	25' ^	15' ^	15' ^	15' ^	Build to: 5'- 25'
Rear Setback	25' Single Frontage 50' Double Frontage ^	15' Single Frontage 25' Double Frontage^	15' Single Frontage 25' Double Frontage^	15' Single Frontage 25' Double Frontage^	15' Single Frontage 20' Double Frontage^
<b>Building Coverage Area (Structures)</b>					
Minimum Building Frontage	NA	NA	NA	NA	Pedestrian oriented streets: minimum 70% building front within build-to-zone, all other streets 30% building front within build-to-zone
Maximum Building Footprint Coverage Area	45%	50%	50%	55%	75%

Zoning Category	R3	R4	RO	MU1	CHZ
	Medium / High Density Residential	Mobile Home Park or Subdivision	Residential Office	Mixed Use	College Hill Zone
Residential Density	maximum 24 units per acre	maximum 10 units per acre	NA	NA	NA
<b>Minimum Lot Size</b>					
Single Family Detached	3,000 sf	4,000 sf MH Park 3 acres MH SD 5 acres	10,000 sf	ALLOWED, NO MINIMUM	ALLOWED, NO MINIMUM
Two Family units	6,000 sf, (3,000 sqft/dwelling unit)	NP	NP	NP	NP
Three- Four Family units	2,125 sf/dwelling unit	NP	NP	ALLOWED	ALLOWED
Townhomes (single-family attached)	maximum of ten attached 2,500 sf/ dwelling unit exterior lot 1,000 sf/ dwelling unit interior lot	NP	NP	ALLOWED	ALLOWED
Zero lot line	2500 sf/dwelling	NP	NP	ALLOWED	ALLOWED
Five Family units and greater	up to 24 units per acre	NP	NP	ALLOWED	ALLOWED
Nonresidential or Mixed-use allowable within the zone	5,000 sf	4,000 sf	10,000 sf	NO MINIMUM	NO MINIMUM
<b>Maximum Building Footprint Requirements for all non-single family residential (multiple structures allowed per lot)</b>					
Max Building Footprint Requirements (for all non-single family residential)	5,500 sqft ground floor building footprint all non-single family residential uses†	5,500 sqft ground floor building footprint all non-single family residential uses†	7,000 sqft ground floor building footprint †	NO MAXIMUM	NO MAXIMUM
<b>Height and Width Requirements</b>					
Max Building Height (Residential or Agricultural)	3 stories	1 story	2 stories	5 stories or 65' maximum	5 stories or 65' maximum
Max Building Height (Non-Residential)	2 stories	1 story	2 stories	5 stories or 65' maximum	5 stories or 65' maximum
Lot Width Minimum	30' Single Family 60' Two Family 65' three and four family 30' zero lot line Townhome exterior lot 30' Townhome interior lot 18' 50' non residential	40'	60'	20' Maximum 400'	20' Maximum 400'
<b>Setbacks from MSP ROW for 1 and 2 Story Structures**</b>					
Front Setback	20' ^	25'	25'	BUILD TO: 0'-20'	BUILD TO ZONE: 0'-15'. Corner lots: 35' along each frontage shall be within the build to zone.
Side Setback	5'	10'	5'	NA	NA
Street Side Setback	15' ^	15'	10'	BUILD TO: 0'-20'	BUILD TO ZONE: 0'-15'. Corner lots: 35' along each frontage shall be within the build to zone.
Rear Setback	15' Single Frontage 20' Double Frontage ^	15' Single Frontage 25' Double Frontage^	30'	NA	NA
<b>Building Coverage Area (Structures)</b>					
Minimum Building Frontage	NA	NA	NA	Pedestrian oriented streets: minimum 70% building front within build-to-zone, all other streets 30% building front within build-to-zone	Pedestrian oriented streets: minimum 70% building front within build-to-zone, all other streets 30% building front within build-to-zone
Maximum Building Footprint Coverage Area	60%	55%	60%	75%	80%

Zoning Category	PCZ	DCZ	C1	C1B
	Prairie Greek Zone	Downtown Crossing Zone	Central Business District	Central Business District Buffer
Residential Density	NA	NA	NA	NA
<b>Minimum Lot Size</b>				
Single Family Detached	ALLOWED, NO MINIMUM	NP	NP	NP
Two Family units	NP	NP	ALLOWED	ALLOWED
Three- Four Family units	ALLOWED	ALLOWED	ALLOWED	ALLOWED
Townhomes (single-family attached)	ALLOWED	ALLOWED	2,500 sf/ dwelling unit exterior lot 1,000 sf/ dwelling unit interior lot	2,500 sf/ dwelling unit exterior lot 1,000 sf/ dwelling unit interior lot
Zero lot line	ALLOWED	ALLOWED	ALLOWED	ALLOWED
Five Family units and greater	ALLOWED	ALLOWED	ALLOWED	ALLOWED
Nonresidential or Mixed-use allowable within the zone	NO MINIMUM	NO MINIMUM	No minimum – must comply with coverage, parking/loading, and yard requirements	No minimum – must comply with coverage, parking/loading, and yard requirements
<b>Maximum Building Footprint Requirements for all non-single family residential (multiple structures allowed per lot)</b>				
Max Building Footprint Requirements (for all non-single family residential)	NO MAXIMUM	NO MAXIMUM	NO MAXIMUM	NO MAXIMUM
<b>Height and Width Requirements</b>				
Max Building Height (Residential or Agricultural)	5 stories or 65' maximum	5 stories or 65' maximum	NA	NA
Max Building Height (Non-Residential)	5 stories or 65' maximum	5 stories or 65' maximum	NA	NA
Lot Width Minimum	20' Maximum 400'	20' Maximum 400'	Townhome exterior lot 40' Townhome interior lot 16'	Townhome exterior lot 40' Townhome interior lot 16'
<b>Setbacks from MSP ROW for 1 and 2 Story Structures**</b>				
Front Setback	BUILD TO: 0'-20'. Corner lots shall be built to the build-to-zone for a minimum of 25' from the corner along each street.	BUILD TO: 0'-20'	0' max-may be increased to a maximum of 10 feet with Planning Commission approval of a development plan/site plan.	0' max-may be increased to a maximum of 10 feet with Planning Commission approval of a development plan/site plan.
Side Setback	NA	NA	On the side of a lot adjoining a residential district - 10 feet or as otherwise established by the Fire Marshal.	On the side of a lot adjoining a residential district - 10 feet or as otherwise established by the Fire Marshal.
Street Side Setback	BUILD TO: 0'-20'. Corner lots shall be built to the build-to-zone for a minimum of 25' from the corner along each street.	BUILD TO: 0'-20'	Whenever the rear lot line of a corner lot abuts a residential district, the side yard setback shall be 15 feet in width.	Whenever the rear lot line of a corner lot abuts a residential district, the side yard setback shall be 15 feet in width.
Rear Setback	NA	NA	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.	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.
<b>Building Coverage Area (Structures)</b>				
Minimum Building Frontage	Pedestrian oriented streets: minimum 70% building front within build-to-zone, all other streets 30% building front within build-to-zone	Pedestrian oriented streets: minimum 70% building front within build-to-zone, all other streets 30% building front within build-to-zone	Pedestrian oriented streets: minimum 70% building front within build-to-zone, all other streets 30% building front within build-to-zone	Min. of 70% of the building facade along the public street serving as primary frontage for the structure/development shall be built within the built-to-zone.
Maximum Building Footprint Coverage Area	75%	90%	100%	75%

Zoning Category	C2	C3	C4	C5
	Highway Commercial	Large Scale and Shopping Center Commercial	Neighborhood and Quiet Business	Highway Commercial Casino District
Residential Density	NA	NA	NA	NA
<b>Minimum Lot Size</b>				
Single Family Detached	Only permitted to build one per existing lot. No new lots may be created solely for residential purposes.	Only permitted to build one per existing lot. No new lots may be created solely for residential purposes.	ALLOWED	Only permitted to build one per existing lot. No new lots may be created solely for residential purposes
Two Family units	NP	NP	ALLOWED	NP
Three- Four Family units	NP	NP	NP	NP
Townhomes (single-family attached)	2,500 sf/ dwelling unit exterior lot 1,000 sf/ dwelling unit interior lot	2,500 sf/ dwelling unit exterior lot 1,000 sf/ dwelling unit interior lot	maximum of five attached 2,500 sf/ dwelling unit exterior lot 1,000 sf/ dwelling unit interior lot	2,500 sf/ dwelling unit exterior lot 1,000 sf/ dwelling unit interior lot
Zero lot line	NP	NP	ALLOWED	NP
Five Family units and greater	NP	NP	NP	NP
Nonresidential or Mixed-use allowable within the zone	No minimum – must comply with coverage, parking/loading, and yard requirements	3 acres	No minimum – must comply with coverage, parking/loading, and yard requirements.	No minimum – must comply with coverage, parking/loading, and yard requirements
<b>Maximum Building Footprint Requirements for all non-single family residential (multiple structures allowed per lot)</b>				
Max Building Footprint Requirements (for all non-single family residential)	NO MAXIMUM	NO MAXIMUM	10,000 sf ground floor building footprint †	NO MAXIMUM
<b>Height and Width Requirements</b>				
Max Building Height (Residential or Agricultural)	NA	NA	NA	NA
Max Building Height (Non-Residential)	NA	NA	NA	NA
Lot Width Minimum	Townhome exterior lot 40' Townhome interior lot 16'	Townhome exterior lot 40' Townhome interior lot 16'	Townhome exterior lot 40' Townhome interior lot 16'	Townhome exterior lot 40' Townhome interior lot 16'
<b>Setbacks from MSP ROW for 1 and 2 Story Structures**</b>				
Front Setback	25'	25'	Non-residential - 25' Residential uses^ - 20'	50'
Side Setback	None- where commercial uses adjoin a residential district, or are serviced from the rear, setbacks are required. Refer to setbacks for adjacent district.	25'	Non-Residential - 10' Residential uses^ - 5'	25'
Street Side Setback	10'	25'	Non-Residential - 15' Residential uses ^ - 15'	50'
Rear Setback	Where commercial uses adjoin a residential district, or are serviced from the rear, setbacks are required. Refer to specific district regulations to determine condition.	25'	Non-Residential - 15' Residential uses ^: 15' Single Frontage 20' Double Frontage	25'
<b>Building Coverage Area (Structures)</b>				
Minimum Building Frontage	NA	NA	NA	NA
Maximum Building Footprint Coverage Area	65%	65%	60%	65%

Zoning Category	M1	M2	A1	CONS
	Light Industrial District	Heavy Industrial District	Agricultural	Conservation District
Residential Density	NA	NA	1 unit per acre	NA
<b>Minimum Lot Size</b>				
Single Family Detached	Only permitted to place one single family residential home per existing lot. No new lots may be created solely for residential purposes	Only permitted to place one single family residential home per existing lot. No new lots may be created solely for residential purposes	1 acre	By Special Use Permit only.
Two Family units	NP	NP	NP	NP
Three- Four Family units	NP	NP	NP	NP
Townhomes (single-family attached)	NP	NP	NP	NP
Zero lot line	NP	NP	NP	NP
Five Family units and greater	NP	NP	NP	NP
Nonresidential or Mixed-use allowable within the zone	No minimum – must comply with coverage, parking/loading, and yard requirements	No minimum – must comply with coverage, parking/loading, and yard requirements	1 acre	No minimum – must comply with coverage, parking/loading, and yard requirements
<b>Maximum Building Footprint Requirements for all non-single family residential (multiple structures allowed per lot)</b>				
Max Building Footprint Requirements (for all non-single family residential)	NO MAXIMUM	NO MAXIMUM	NO MAXIMUM	NA
<b>Height and Width Requirements</b>				
Max Building Height (Residential or Agricultural)	NA	NA	2 stories for residential buildings / 50' for agricultural buildings	NA
Max Building Height (Non-Residential)	NA	NA	2 stories	NA
Lot Width Minimum	NA	NA	150'	NA
<b>Setbacks from MSP ROW for 1 and 2 Story Structures**</b>				
Front Setback	25' - Industrial structures may be built to the side or rear property line where railroad siding facilities are utilized.	25'	50'	50'
Side Setback	25' - Industrial structures may be built to the side or rear property line where railroad siding facilities are utilized.	25' - Industrial structures may be built to the side or rear property line where railroad siding facilities are utilized.	25'	25'
Street Side Setback	25' - Industrial structures may be built to the side or rear property line where railroad siding facilities are utilized.	25' - Industrial structures may be built to the side or rear property line where railroad siding facilities are utilized.	25'	25'
Rear Setback	25' - Industrial structures may be built to the side or rear property line where railroad siding facilities are utilized.	25' - Industrial structures may be built to the side or rear property line where railroad siding facilities are utilized.	25'	50'
<b>Building Coverage Area (Structures)</b>				
Minimum Building Frontage	NA	NA	NA	NA
Maximum Building Footprint Coverage Area	65%	75%	35%	30%

## ARTICLE XV. TABLE OF PERMITTED USES

Any Permitted Uses not specifically listed on in this Table of Permitted Uses is NOT PERMITTED, unless staff determines that the use fits into a category use listed, 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.

KEY:

“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							Mixed Use Districts						Non-Residential Districts								
		RE	R1	R2S	R2	WN	R3	R4	RO	MU1	CHZ	DCZ	PCZ	C1	C1B	C2	C3	C4	C5	M1	M2	A1	CNS
<b>RESIDENTIAL</b>																							
Household Living	Dwelling - Condominium	-	-	-	P	P	P	-	-	P	P	P	P	SP	SP	SP	SP	SP	SP	-	-	-	-
	Dwelling - Manufactured Home, Subdivision and Park	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Dwelling - Multi-Family -Two-Family (Duplex)	-	-	-	P	P	P	-	-	-	-	-	-	P	P	-	-	P	-	-	-	-	-
	Dwelling -Multi-Family -Three and Four Family (triplex and quadplex)	-	-	-	P	P	P	-	-	-	-	-	-	P	P	-	P	-	-	-	-	-	-
	Dwelling - Multi-Family - Five-Family or More	-	-	-	-	-	P	-	-	P	P	P	P	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	P	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-
	Dwelling - Single-Family, Attached (Townhouses)	-	-	-	P	P	P	-	-	P	P	P	P	P	P	SP	SP	SP	SP	SP	-	-	-
Group Living	Dwelling for Resident Security Guard or Caretaker employed on the premises- No R.V. or Manufactured Home	SP	SP	SP	SP	SP	SP	-	-	P	P	P	P	SP	SP	P	P	-	P	P	P	SP	SP
	Group Residence	-	-	-	P	P	P	-	-	P	P	P	P	-	-	SP	-	SP	SP	SP	-	-	SP
<b>PUBLIC, CIVIC, AND INSTITUTIONAL</b>																							
Community & Service	Art Gallery or Museum; Community Theatre	-	-	-	-	SP	-	-	SP	P	P	P	P	P	P	P	P	-	P	-	-	P	-
	Auditorium	-	-	-	-	-	-	-	SP	P	P	P	P	P	P	P	P	-	P	-	-	-	-
	Community Services, Not Listed	-	-	-	-	-	-	-	SP	P	P	P	P	P	P	P	P	P	P	SP	-	-	-
	Community and Relief Services	-	-	-	-	-	SP	P	-	P	P	P	P	SP	SP	P	P	-	P	P	-	-	-
	Golf Course, including commercially operated Driving Range or Miniature Golf Course	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	-	-	SP	P
Educational Facilities	Lodge Hall, Veteran Organization, Service Organization	-	-	-	-	-	-	-	SP	P	P	P	P	P	P	P	P	P	P	-	-	SP	-
	Adult Daycare / Adult Development Day Treatment	-	-	-	-	-	SP	-	SP	P	P	P	P	P	P	P	P	P	P	-	-	-	-
	Child Care Center	SP	SP	SP	SP	SP	SP	SP	SP	P	P	P	P	P	P	P	P	P	P	-	-	SP	-
	Day Care Family Homes	-	-	P	P	P	P	P	-	P	P	P	P	-	-	-	-	-	-	-	-	-	-
	Residential Home Day Care	P	P	P	P	P	P	P	P	SP	-	-	P	-	-	-	-	P	-	-	-	P	-
	School, Business	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	SP	P	-	-	-	-
	School, Nursery or Child Care Center	-	-	P	P	P	P	P	-	P	P	P	P	P	P	P	P	P	P	-	-	P	-
School, Commercial or Trade	-	-	-	-	-	-	-	-	P	P	P	P	SP	SP	P	P	-	P	P	P	-	-	
School, Public or Parochial	P	P	P	P	P	P	P	P	P	P	P	P	-	-	P	P	P	P	-	-	-	-	

USE CATEGORY	SPECIFIC USE	Residential Districts							Mixed Use Districts							Non-Residential Districts							
		RE	R1	R2S	R2	WN	R3	R4	RO	MU1	CHZ	DCZ	PCZ	C1	C1B	C2	C3	C4	C5	M1	M2	A1	CNS
<b>PUBLIC, CIVIC, AND INSTITUTIONAL</b>																							
Funeral Home	Cemetery/Mausoleum	SP	SP	SP	SP	P	SP	SP	SP	P	P	P	P	P	P	P	P	P	P	P	P	P	-
	Funeral Home, Mortuary or Undertaking Establishment	-	-	-	-	-	-	-	P	P	P	P	P	-	-	P	P	P	P	P	-	-	-
	Funeral Home Service - Crematorium	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SP	SP	-	SP	P	P	P	-
Government Facilities	Public Buildings and Uses	SP	SP	SP	SP	SP	SP	SP	SP	P	P	P	P	P	P	P	P	SP	P	P	P	SP	P
	Park or Recreational Facility, Publicly Operated	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Health Care	Dental, Medical, Optometry, Ophthalmology, Osteopathic, or Chiropracist Clinics; Outpatient Surgical Clinics	-	-	-	-	SP	-	-	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-
	Laboratory, Research or Testing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P	P	SP	-
Institutions	Hospital, Health Center, Institution for Aged or Children, Assisted Care Facility	-	-	-	-	SP	-	-	SP	P	P	P	P	P	P	P	P	-	P	-	-	-	-
	Library	-	-	-	-	P	SP	-	P	P	P	P	P	P	P	P	P	P	P	-	-	SP	-
	Post Office	-	-	-	-	P	SP	-	SP	P	P	P	P	P	P	P	P	SP	P	P	-	SP	-
Passenger Terminal	Bus Station and other public transit facilities	SP	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	SP	P	P	P	P	P
	Freight Depot, Railroad, Truck or Barge	-	-	-	-	-	-	-	-	SP	SP	P	SP	SP	SP	SP	SP	-	SP	P	P	SP	-
	Truck Stop and Travel Center, or Truck Parking	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SP	P	-	SP	-	-	-	-
Religious	Place of Worship; Nursery or Day Child Care associated with a Place of Worship	P	SP	SP	SP	P	P	P	P	P	P	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	SP	SP	SP	SP
	Electrical Substation	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	P
	Radio or TV Studio and/or Communication Tower, Commercial. 1. licensed under FCC Act of 1996	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	P	P	P	SP
	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	SP	SP	SP	P	P	SP	P
	*Radio or Communication Tower, Private, including Ham Operators	P	P	P	P	P	P	P	P	P	P	P	P	SP	SP	P	P	P	P	P	P	P	P
	Utility Equipment, Storage and Repair	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-
	Utility Substation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Water Treatment Plant	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	-
	Waste Water Treatment Plant	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	-
<b>COMMERCIAL, OFFICE, AND RETAIL</b>																							
Animal Care	Animal Hospital, Boarding and Overnight Care, Kennel, Pound, Shelter, Veterinary, or similar service <b>with outdoor animal areas</b>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SP	SP	-	SP	P	P	SP	-
	Pet Grooming	-	-	-	-	P	SP	-	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-
	Veterinary, Animal Hospital/Clinic, or other Pet Care services - <b>with no</b> outdoor animal areas	-	-	-	-	SP	-	-	-	P	P	P	P	P	P	P	P	P	P	-	-	-	-
Entertainment	Entertainment Uses Not Listed	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SP	-	-	SP	SP	SP	-	-
	Arcade	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	-	-	-
	Archery or Axe Range	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	P	P	P	SP	-
	Art Studio	-	-	-	-	P	-	-	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-
	Bowling Alley and/or Skating Rink	-	-	-	-	-	-	-	-	P	P	P	P	-	-	P	P	-	P	P	-	-	-
	Party or Club Rental Facility	-	-	-	-	-	-	-	-	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	P	SP	-	-
	Carnival, Circus or Similar Temporary Amusement Enterprise	-	-	-	-	-	-	-	-	SP	-	-	-	SP	SP	P	P	-	P	SP	-	SP	-
	Casino / Casino Operator	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-
	Club or Lodge, Public or Private	-	-	-	-	-	-	-	SP	P	P	P	P	P	P	P	P	P	P	-	-	-	-
Indoor Playground	-	-	-	-	SP	-	-	SP	P	P	P	P	P	P	P	P	P	P	-	-	-	-	

USE CATEGORY	SPECIFIC USE	Residential Districts							Mixed Use Districts							Non-Residential Districts							
		RE	R1	R2S	R2	WN	R3	R4	RO	MU1	CHZ	DCZ	PCZ	C1	C1B	C2	C3	C4	C5	M1	M2	A1	CNS
<b>COMMERCIAL, OFFICE, AND RETAIL</b>																							
Entertainment	Commercial Recreation waterslide, race track, amusement park & related activities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SP	SP	-	P	SP	-	-	SP
	Stables, for Commercial Hire	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SP	-	-	SP	-	-	P	SP
	Stadium, Arena or Similar Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SP	SP	-	P	P	P	-	-
	Theatre, Indoor	-	-	-	-	SP	-	-	-	P	P	P	P	P	P	P	P	-	P	-	-	-	-
Miscellaneous	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	-	-
Office	Office, Construction-no equipment repair, sales, or storage yards	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	SP	-	P	P	P	-	-
	Office, General	-	-	-	-	P	-	-	P	P	-	-	-	P	P	P	P	P	P	P	P	-	-
	Offices, Home	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	SP	P	P	-	-	P	-
	Offices, Medical and Professional	-	-	-	-	P	-	-	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-
Overnight Accommodation	Office Warehouse	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	SP	-	P	P	P	-	-
	Bed & Breakfast	SP	-	-	-	P	P	-	SP	P	P	P	P	P	P	P	P	P	P	-	-	P	-
	Campground, R.V. Park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	SP	-	SP	SP
Parking, Commercial	Hotel or Motel	-	-	-	-	-	-	-	-	P	-	P	-	P	P	P	SP	-	P	-	-	-	-
	Parking Lot or Garage, Public	-	-	-	-	-	-	-	-	SP	P	P	P	P	P	P	P	-	P	SP	-	-	-
Personal Service	Barber or Beauty Shop	-	-	-	-	P	SP	-	P	P	P	P	P	P	P	P	P	P	P	SP	-	-	-
	Custom Sewing	-	-	-	-	P	-	-	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-
	Dry Cleaners, Laundry	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	SP	P	P	SP	-	-	-
	Locksmith	-	-	-	-	P	-	-	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-
Restaurants	Personal Service, other	-	-	-	-	P	-	-	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-
	Catering Service	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	SP	P	P	SP	-	-	-
	Restaurant, no drive-through	-	-	-	-	P	-	-	-	P	P	P	P	P	P	P	P	P	P	SP	-	-	-
Retail Sales and Service	Restaurant, Drive-in or Through	-	-	-	-	-	-	-	-	-	-	-	-	SP	SP	P	P	SP	P	SP	-	-	-
	Air Conditioning and Heating Equipment – Sales and Service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	SP	-	P	P	P	-	-
	Appliance Repair	-	-	-	-	-	-	-	-	-	-	-	-	SP	SP	P	SP	SP	P	P	P	P	-
	Auction Room; Auctioneer	-	-	-	-	-	-	-	-	-	-	-	-	SP	SP	P	SP	-	P	P	P	-	-
	Bank with Drive in	-	-	-	-	SP	-	-	SP	-	-	-	-	-	P	P	P	P	P	SP	SP	-	-
	Bank, Savings and Loan, or Similar Financial Institutions without Drive in	-	-	-	-	P	-	-	P	P	P	P	P	P	P	P	P	P	P	SP	SP	-	-
	Book Binding	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	SP	-	P	P	P	-	-
	Book or Stationary Store	-	-	-	-	P	-	-	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-
	Building Materials and Supplies, including Sale of Lumber	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	SP	-	P	P	P	-	-
	Carpentry, Custom Woodworking or Furniture Making	-	-	-	-	-	-	-	-	-	-	P	-	SP	SP	SP	SP	SP	SP	P	P	-	-
	Christmas Tree Sales, Temporary	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	P	P	-
	Convenience Store, 3,500 square feet or less	-	-	-	-	SP	-	-	-	P	P	P	P	P	P	P	P	P	P	-	-	-	-
	Convenience Store Truck Stop, greater than 3,500 square feet	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	SP	-	P	P	P	-	-
	Convenience Store with Fuel Sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	SP	SP	P	P	P	-	-
	Drive-through Retail/Service —not otherwise Listed	-	-	-	-	-	-	-	SP	-	-	-	-	P	P	P	SP	P	P	SP	SP	-	-
	Drugstore or Pharmacy/Medical Marijuana Dispensary	-	-	-	-	SP	-	-	-	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	-	-	-
Electrical Appliances, Equip & Supplies	-	-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	-	P	P	-	-	-	

USE CATEGORY	SPECIFIC USE	Residential Districts							Mixed Use Districts						Non-Residential Districts								
		RE	R1	R2S	R2	WN	R3	R4	RO	MU1	CHZ	DCZ	PCZ	C1	C1B	C2	C3	C4	C5	M1	M2	A1	CNS
<b>COMMERCIAL, OFFICE, AND RETAIL</b>																							
Retail Sales and Service	Exterminator, Pest	-	-	-	-	-	-	-	-	-	-	-	-	SP	SP	P	P	SP	P	P	P	-	-
	Flea Market	-	-	-	-	-	P	-	-	-	P	P	P	P	SP	SP	SP	P	SP	SP	SP	-	-
	Grocery Stores	-	-	-	-	SP	-	-	-	-	P	P	P	P	P	P	P	P	P	P	-	-	-
	Hardware, General Sales	-	-	-	-	SP	-	-	-	-	SP	SP	P	SP	P	P	P	P	P	SP	-	-	-
	Hardware, Industrial Sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	SP	-	P	P	P	-	-
	Interior Decorating Sales/Service	-	-	-	-	SP	-	-	SP	P	P	P	P	P	P	P	P	SP	P	-	-	-	-
	Laundromat	-	-	-	-	SP	SP	SP	-	P	SP	P	SP	P	P	P	SP	P	P	P	P	-	-
	Manufactured Home Sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	SP	-	P	P	P	-	-
	Monument Sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	SP	-	P	P	-	-	-
	Monument Works	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SP	-	-	-	P	-	-
	Nursery, Plants and Stock, Outdoor Retail Sales	-	-	-	-	-	-	-	-	SP	-	SP	SP	SP	SP	P	SP	-	P	SP	-	-	-
	Print Shop retail, and Publishing, including Engraving or Photoengraving	-	-	-	-	-	-	-	-	P	-	-	-	P	P	P	P	-	P	P	P	-	-
	Retail not listed - without outside sales or display	-	-	-	-	P	-	-	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-
	Retail not listed - with outside sales or display	-	-	-	-	-	-	-	-	SP	P	P	P	P	P	P	SP	SP	P	-	-	-	-
	Sexually Oriented Businesses	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SP	-	-	SP	SP	SP	-	-
	Shoe Sales and Repair	-	-	-	-	P	-	-	SP	P	P	P	P	P	P	P	P	P	P	-	-	-	-
	Shopping Center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-
	Small Tool and Equipment Rental	-	-	-	-	-	-	-	SP	SP	SP	SP	SP	P	P	P	SP	-	P	P	P	-	-
Storage Building/Container Sale or Rental	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SP	SP	-	SP	SP	P	-	-	
Vending Machine – Ice	-	-	-	-	-	-	-	SP	SP	-	-	-	SP	SP	SP	SP	SP	SP	SP	SP	SP	-	
Storage	Hauling, Moving or Storage Company	-	-	-	-	-	-	-	-	-	-	-	-	-	SP	SP	-	SP	P	P	-	-	
	Self-storage	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	P	-	-	
Vehicle Sales and Service	Auto Repair or Service Station	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P	-	-	
	Automobile Accessory and Supply Store	-	-	-	-	-	-	-	-	-	-	-	SP	SP	P	SP	-	P	P	P	-	-	
	Automobile Bus or Truck-Painting or Body Shop	-	-	-	-	-	-	-	-	-	-	-	-	-	P	SP	-	SP	P	P	-	-	
	Automobile Car Wash	-	-	-	-	-	-	-	-	-	-	-	SP	SP	P	SP	P	P	P	-	-	-	
	Automobile/Truck Sales, New and Used; Motorcycle Sales and Service	-	-	-	-	-	-	-	-	-	-	-	-	SP	SP	SP	SP	-	SP	P	P	-	-
	Automobiles, Trucks or Trailers, Manufacture Of	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-
	Automobile Wrecking, Salvage or Junkyard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SP	-	-
	Auto Wrecker / Towing Service, Vehicle Impound	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SP	-	-	SP	P	P	-	-
Boats/Marine - Repair, Rental or Sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SP	SP	-	SP	P	P	-	-	
<b>INDUSTRIAL AND MANUFACTURING</b>																							
Aviation Service		-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	P	P	-	-
Light Industrial Service	Printing & Fabrication wholesale	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-
	Small Scale manufacturing	-	-	-	-	P	-	-	-	P	P	P	P	P	P	P	P	P	P	P	P	-	-
	Bottling Works	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P	P	-	-
	Chemicals, Compounding or Packaging	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SP	P	-	-
	Clothing, Custom Manufacturing or Altering for Retail, including Tailoring	-	-	-	-	-	-	-	-	SP	-	-	-	P	P	P	P	SP	P	P	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	-	

USE CATEGORY	SPECIFIC USE	Residential Districts							Mixed Use Districts							Non-Residential Districts								
		RE	R1	R2S	R2	WN	R3	R4	RO	MU1	CHZ	DCZ	PCZ	C1	C1B	C2	C3	C4	C5	M1	M2	A1	CNS	
<b>INDUSTRIAL AND MANUFACTURING</b>																								
Light Industrial Service	Machine or Welding Shop	-	-	-	-	-	-	-	-	SP	-	-	-	SP	SP	SP	SP	SP	SP	P	P	-	-	
	Mattresses, including Rebuilding or Renovating	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	
	Petroleum Products Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	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	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	-	-	
	Warehousing, Inside Storage Only	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SP	SP	-	SP	P	P	-	-	
Warehousing, Inside & Outside Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-		
Wholesale Establishment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P	P	-	-		
Manufacturing and Production	Air Conditioning and Heat Equipment - Manufacture Of	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	
	Apparel or Other Textile Products, Manufacturing Of	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	
	Baked Goods, Candy, Bread, Dairy, and Ice Cream Manufacturing	-	-	-	-	-	-	-	-	SP	-	-	-	SP	SP	P	SP	-	P	P	P	-	-	
	Beverages, Non-Alcoholic, Manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	
	Boats, Building	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	
	Cement, Lime or Plaster-of-Paris, Manufacture Of	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SP	-	-	
	Ceramic Products - Brick, Tile, Clay, Glass, Porcelain, Manufacture Of	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SP	-	-	SP	SP	P	-	-	
	Fertilizers, Manufacture 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	SP	-	-	
	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	-	-	

USE CATEGORY	SPECIFIC USE	Residential Districts							Mixed Use Districts							Non-Residential Districts							
		RE	R1	R2S	R2	WN	R3	R4	RO	MU1	CHZ	DCZ	PCZ	C1	C1B	C2	C3	C4	C5	M1	M2	A1	CNS
<b>INDUSTRIAL AND MANUFACTURING</b>																							
Resource Extraction	Asphalt or Asphalt Products	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SP	-	-	
	Batching or Mixing Plant, Asphaltic or Portland Cement, Concrete, Mortar or Plaster	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SP	-	-	
	Extraction of Clay, Topsoil, or Gravel, and/or Quarrying of Rock and similar natural material	SP	SP	SP	SP	SP	SP	SP	SP	-	-	-	-	-	-	SP	SP	SP	SP	SP	P	SP	SP
Waste Related Service	Re-cycle Collection	-	-	-	-	-	-	-	-	SP	-	-	-	SP	SP	SP	SP	SP	SP	SP	SP	-	-
	Sanitary Landfill	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-
	Trash Service - Office not landfill / re-cycle facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P	P	-	-
<b>AGRICULTURAL</b>																							
Agriculture	Animal and Livestock Husbandry (Excluding Poultry and Swine)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P
	Farm Equip Sales, Service, Repairs	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P	P	-	-
	Feed and Fertilizer Sales and Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SP	-	-	SP	P	P	P	-
	Field Crops, Floriculture, Greenhouse, Horticulture, Nursery, Truck Gardening	P	P	P	P	P	P	P	P	P	P	P	P	SP	SP	P	P	SP	P	P	P	P	P
	Livestock Auction Sales, Barn & Pens	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-