

## TITLE 14

### ZONING

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#### CHAPTER 14.04

### ZONING ORDINANCE

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#### 14.04.01 Purpose, authority and jurisdiction

**1-1 Purpose** This ordinance is enacted to ensure the coordinated, adjusted, and the harmonious development of the city of Clinton, Arkansas. It divides the city into zones and within these zones it prescribes the height, bulk, location, and use of buildings, and it prescribes the use and character of land. These regulations are designed to achieve the following results:

- A. To stabilize and conserve the value of property.
- B. To prevent the overloading of schools, streets, utilities, and other services by limiting population density.

- C. To provide locations for land uses that re properly related to utilities, transportation, and other land uses.
- D. To eliminate congestion by separating conflicting types of traffic and by requiring a parking and loading space off the streets.
- E. To improve living conditions, working conditions, and fire protection by requiring light, air, and open space around buildings.

The Clinton Planning/Zoning Commission, having made a comprehensive study of present conditions and future growth of the city and its neighboring territory and having prepared and adopted a *General Land Use Plan*, finds that these regulations would carry out the intent of the *General Land Use Plan* and would promote, in accordance with present and future needs, the safety, order, convenience, efficiency, and economy in the process of development, convenience in population distribution, for public utilities and other public improvements.

**1-2 Authority** The authority to enact these regulations is granted by Act 26 of the 1955 Acts of Arkansas as amended, and Act 186 of the 1957 Acts of Arkansas.

**1-3 Jurisdiction** This ordinance applies to all land within the corporate limits of Clinton, Arkansas, as now or hereafter set, as portrayed on the official Zoning Map. (Ord. No. 03-18, Art. 1.)

14.04.02 Definitions In the construction of this ordinance, the definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise. The interpretations shall be liberally construed.

The following word use shall apply in order to provide clarity of interpretation:

- A. Words used in the present tense shall include the past, the plural and the singular.
- B. The word "shall" is mandatory and not discretionary.
- C. The word "may" is permissive.
- D. The word "lot" shall include the words "lot" and "parcel." The word "building" includes all other structures of every kind regardless of similarity to buildings; and the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

**Person** The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

**Access** A permanently free and unobstructed means of entry and exit, at least 12 feet wide, from a piece of property to a public street.

**Accessory structure and use** A subordinate structure or a portion of the main structure located on the same lot with the main structure, or a subordinate use of land, either of which is customary incident to the main structure or to the principal use of the land.

**Alley** A public way not over 20 feet in width affording only secondary means of access to abutting property.

**Amusement parlor** A type of commercial recreation building or part of a building in which five or more pinball machines, video games, or other player-operated and coin-operated amusement devices are maintained.

**Bed and breakfast inn** A house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises or in adjacent premises.

**Board of Adjustment** Clinton Planning/Zoning Commission, as established and constituted herein.

**Boarding house, rooming house** A building other than a hotel or restaurant where meals, a sleeping room and one off-street parking space per guest have been provided for compensation to not more than three (3) guests who are not members of the keeper's family.

**Building** The vertical distance from the grade (elevation of the height of curb, sidewalk or average elevation of the ground around the structure) to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, or gambrel roofs.

**Building line, setback line** A line parallel to the street line at a distance therefrom equal to the depth of the front yard required for the zoning district in which the lot is located.

**Buffer area** The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, landscape strips, or other features.

**Child care center** Any child care facility conducted under public or private auspices on a profit or non-profit basis providing direct care and protection for 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 the provisions of the Child Care Licensing Act of Arkansas. Those facilities meeting the above

definitions but operating no more than three consecutive weeks are not required to comply with the licensing requirements, i.e.: summer Bible schools and day camps.

**Child care facility** Any facility that provides care, training, education, custody or supervision for any unrelated minor child, whether the facility is operated for profit, and whether or not the facility makes a charge for the service offered by it. For the purposes of the Child Care Licensing Act and this ordinance, related minor child means a minor child related by blood, marriage, or adoption to the owner or operator of the facility pursuant to a guardianship order issued by an Arkansas court of competent jurisdiction. This definition includes, but is not limited to, a nursery, a nursery school, kindergarten, a day-care center, or a family day-care center, foster home, group home, and custodial institution. In any case where a facility or the owner or operator thereof is appointed guardian of a total of ten (10) or more minors, it shall be presumed that the facility owner or operator is engaged in child care and shall be subject to child care facility licensure. This definition does not include schools.

**Church** An institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The term "church" shall not carry a secular connotation and shall include building in which the religious services of any denomination are held.

**Commission** The Clinton Planning/Zoning Commission.

**Conditional use** A use permitted in a zoning district only after review and approval by the Planning/Zoning Commission. Conditional uses are such that they may be compatible only on certain conditions in specific locations in a zoning district, or if the site is regulated in a certain manner.

**Convalescent home** An extended or intermediate care facility licensed or approved to provide full-time nursing or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves. Synonymous with extended care facility, intermediate care facility, long-term care facility, or nursing home. Does not include hospitals and sanitariums.

**Dwelling** Any building or portion thereof designed or used exclusively for residential purposes.

**Dwelling, single-family** A building designed for or occupied exclusively by one family.

**Dwelling, two-family** A building designed for or occupied exclusively for two families.

**Dwelling, multiple** A dwelling containing more than two dwelling units.

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

**Family** Either:

- A. One or more persons, related by blood, marriage, adoption, or guardianship order issued by a court of competent authority, occupying a dwelling and living as a single housekeeping unit and doing their cooking on the premises.
- B. Four (4) or less persons, not related as described in one (1) above, occupying a dwelling and living as a single housekeeping unit and doing their own cooking on the premises.

**Fence** An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

**Garage, private** An accessory building used only for the housing of motor vehicles, without their equipment for operation, repair, hire, or sale.

**Garage, public** A garage other than a private garage.

**Grade**

- A. The degree of rise or descent of a sloping surface.
- B. The final elevation of the ground surface.

**Grade, finished** The final elevation of the ground surface after development.

**Home occupation** Any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling and which is carried on wholly within the main structure of the building by a member of a family residing on the premises, in connection with which there is no advertising other than an identification sign of not more than four square feet in area, and no other display or storage of materials or exterior indication of the home occupation or variation from the residential character of the main building or accessory building, and in connection with which not more than one person outside the family is employed and no equipment used which creates offensive noise, vibration, smoke, dust, odors, heat, or glare.

**Hospital** An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, and licensed by state law to provide facilities and services in surgery, obstetrics, and general medical practice.

**Hotel** A facility offering transient lodging accommodations to the general public and providing additional services, such as restaurants, meeting rooms, and recreation facilities.

**Interior lot** A lot other than a corner lot.

**Land area, gross** Includes the entire site or that portion of it to be devoted to a land use.

**Land area, net** Includes the entire site less specified non-developable land.

**Loading/unloading space or berth, off-street** An obstructed, hard-surface area of land other than a street or a public way, the principal use of which is for the standing, loading, and unloading of motor vehicles, tractors and trailers, to avoid undue interference with public streets and alleys. Such space shall not be less than ten (10) feet in width, thirty-five (35) feet in length and fourteen (14) feet in height, exclusive of access aisles and maneuvering space.

**Lot** Land occupied or to be occupied by a structure or use and its accessory structures, and including such open spaces and parking as are required under these regulations and having its principal frontage upon a public street.

**Lot, corner** A lot abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees within the lot lines.

**Lot, coverage** That portion of a lot covered by building or structures.

**Lot, through** A lot that has both ends fronting a street. Either end may be considered the front.

**Manufactured home** A dwelling unit built in a factory after 1976 and bearing a seal of compliance to the HUD construction code.

**Mobile home** The mobile home is a transportable dwelling unit which satisfies HUD specifications and has a minimum of 840 sq. ft. of interior space and is not over ten (10) years old; built on a permanent chassis; originally having no foundation other than wheels, jacks, or skirting; and designed to be used as a year-round residential dwelling. Its roofing or siding is not of material customarily used for site-constructed homes.

**Modular home** A dwelling unit built in a factory meeting the standards of the HUD Code but also adheres to local building codes. The modular home is built without any foundation and is hauled on a trailer to a site where it is placed on a site-built foundation.

**Motel, tourist court** An establishment providing transient accommodations containing six or more rooms with at least 25% of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building. Tourist court is the same.

**Multi-family** See **Dwelling, multiple**.

**Non-conforming use** Any building or land lawfully occupied by a use at the time of passage of this ordinance, which does not conform with the use regulations of the district within which it is located.

**Office** A building, room, or series of rooms primarily used to house the personnel and equipment necessary to handle the affairs of a business, professional person, branch of government, etc., not retail sales.

**Open space** Any unoccupied space on the lot that is open and unobstructed to the sky and occupied by no structures or portion of structure whatever.

**Park, neighborhood** A track of land measuring a maximum of 8,000 sq. ft. designed and used by the public for active and passive outdoor recreation.

**Parking, off-street** A temporary storage area for a motor vehicle that is directly accessible to an access aisle, and which is not located on a dedicated street right-of-way.

**Parking lot** An off-street, ground-level area, usually surfaced and improved, for the temporary storage of motor vehicles. Parking lots in this definition are a principal use and structure which may be public and private, which may or may not be open for use to the public for a fee, and is not accessory to any other use or structure.

**Parking space** A surfaced area, enclosed or unenclosed, sufficient in size to store one automobile (not less than nine feet wide and twenty feet long) connected to a public street or alley by a surfaced driveway and permanently reserved for the parking and storage of one motor vehicle.

**Planned Unit Development** Planned Unit Development (PUD) is a residential development concept which permits departure from conventional siting setback and density requirements of other sections of this ordinance in the interest of achieving superior site development, creating open space, and encouraging imaginative design and permitting design flexibility. The city of Clinton makes no provisions for PUDs.

**Planning Commission** See **Commission**

**Plot, lot** A drawing of a lot showing its dimensions, the building arrangement thereon and such other information as may be needed for enforcement of this ordinance.

**Premises** A lot, together with all buildings and structures thereon.

**Principal use** The chief or main recognized use of a structure or of a land.

**Property line** The line bounding a lot as designed herein.

**Public buildings** Includes the following: police, fire, public utility, postal stations or substations and sewage pumping station, public library and branch facilities, and other similar uses. Includes local, county, state, and federal government administrative buildings.

**Recreation, commercial** A recreational facility operated as a business and open to the public for a fee.

**Recreational vehicle** A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping, and travel use and including but not limited to travel trailers, truck campers, camping trailers, and self-propelled motor homes.

**Recreational Vehicle (RV) Parks** Any lot of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

**Restaurants** An establishment where food and drink is prepared, served, and consumer primarily within the principal building.

**Row-house** One of a series of three (3) or more attached one family dwelling under a common roof with common exterior wall, and separated from one another by single partition walls, without openings, extending from basement to roof.

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

**Screening** A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

**Service station** Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels, and including as an accessory use the sale and installation of lubricants, tires, batteries, and other accessories.



**Self-service storage facility, mini-warehouse** A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors' supplies.

**Single-family, residential** See: **Dwelling, single family.**

**Story** That portion of a structure included between the upper surface of any floor and the upper surface of the floor next above. Also any portion of a structure used for human occupancy between the topmost floor and the roof. A basement shall not be counted as a story unless the height of the surface of the first floor above the average elevation of the finished lot grade at the structure exceeds four (4) feet.

**Street** A public way of thirty (30) feet or more in width, dedicated to, established by, or maintained by public authority.

**Structure** Anything constructed or erected, the use of which requires permanent attachment to the ground on foundation or pilings.

**Townhouse** Attached one of two family dwellings, having no side yard and sharing a common wall with adjacent dwelling units.

**Two family** See: **Dwelling, two family, residential.**

**Variance** A modification of regulations of this ordinance when authorized by the Planning/Zoning Commission after finding that the literal application of the provisions of this ordinance would cause undue and unnecessary hardship in view of certain facts and conditions applying to a specific parcel of property. Variances shall only relate to setbacks, side yards, frontage requirements, and lot size, but not involve the actual use or structure. The Commission shall not permit as a variance, any use in a zone that is not permitted under the ordinance.

**Visibility triangle** An area bounded by the property lines of a corner lot located adjacent to an intersection and a line joining points along said property lines twenty-five (25) feet from the point of the intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and a half (2 ½) and ten (10) feet above the centerline grades of the intersecting streets.

**Warehouse** A building used primarily for the storage of goods and materials, including mini-warehouse or storage.

**Warehouse, mini** A type of warehouse containing separate storage spaces of varying sizes leased or rented on an individual basis.

**Wholesale** Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise, to, such individuals or companies.

**Yard** An open and unoccupied space which is the horizontal distance from a lot line to a parallel main line of the structure.

**Yard, front** A yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street line and the main building or any projections thereof other than the projections of uncovered steps, uncovered balconies, terraces, or uncovered porches. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

**Yard, rear** A yard extending across the rear of the lot between the side lot lines and measured between the rear lot line and the rear of the main building or any projection other than steps, unenclosed porches, or entrance ways.

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

## **2-2 Zoning Map**

- A. The Planning Area is hereby divided into zoning districts as shown on the official area Zoning District Map which, together with explanatory information thereon, is hereby adopted by reference and declared to be part of these regulations. Boundary lines of the zoning districts, unless otherwise indicated by actual dimensions, are intended to follow lot lines, the center line of streets, alleys, corporate limits, the channels of waterways, or the boundaries of railroad right-of-way. The Planning/Zoning Commission shall interpret the district boundaries where said boundaries are not adequately described.
- B. The official area Zoning Districts Map shall be identified by the signature of the Mayor, attested by the City Clerk, bearing the seal of the city together with the date of adoption of the ordinance and indicating the adopting Ord. No. \_\_\_\_\_.  
(Ord. No. 03-18, Art. 2.)

### 14.04.03 Zoning districts

## **3-1 RESIDENTIAL ZONE R-1**

**Description:** This zone is primarily single-family residential, low-density areas for residential expansion in the city of Clinton. The predominant character of this zone is residential, protected from any commercial and industrial activities, except as herein provided.

**Restrictions:** Once a mobile/manufactured, travel trailer/recreational vehicle is moved from or destroyed in Residential Zone R-1, another cannot be placed on that lot or location. The Planning/Zoning Commission may grant an exception if the lot and home are occupied by the owner as his/her permanent residence when it is evident that a sit-built structure would cause an undue hardship. If an exception is granted, the replacement must meet the design standards set forth in 14.04.02 **Mobile homes**.

**Conditional uses:** The following uses are permitted, subject to review and conditions of the Planning/Zoning Commission:

- A. Neighborhood parkas and playgrounds
- B. Churches
- C. Libraries
- D. Public owned and maintained buildings (with off-street parking)
- E. Public and non-profit schools (with off-street parking and screening required)
- F. Utility substations (if no staff is required and screening is provided)
- G. Home occupations, as defined in 14.04.02 **Home occupations**, subject to the requirements of Section 5-6.
- H. Child nurseries (if off-street loading and unloading of children is provided and screening is provided.)

**Accessory uses:** Structures and uses deemed accessory and pertinent to the principal structure and use by the Planning/Zoning Commission, not detrimental to the character of the zone and subject to the provisions of this zone. Agricultural crops, including truck gardens and under accessory use farming, and orchards for seasonal sale of products on the premises. This does not include the raising for sale of fowls, birds, rabbits, or other animals and fish or other creatures.

**Minimum lot area:**

- A. Single-family – 15,000 sq. ft.

- B. Churches – one platted city block – three hundred (300) ft. sq. or three (3) acres if land is not platted.

**Maximum lot coverage:**

- A. Corner lots – 35%
- B. Interior lots - 40%
- C. Non-residential uses shall not cover more than fifteen (15) percent of the lot area

**Minimum lot width:**

- A. Single-family – seventy-five (75) feet at building line.
- B. Schools – one hundred fifty (150) feet at building line.

**Minimum front yard:** Twenty-five (25) feet from property line or fifty-five (55) feet from centerline of existing right-of-way, whichever is greater.

**Minimum side yard:**

- A. Ten (10) feet from each interior property line
- B. Corner lots shall have a minimum of twenty (20) feet from the side street property line or forty-five (45) feet from center line of existing side street right-of-way, whichever is greater.

**Minimum rear yard:** Twenty (20) feet from rear property line

**Maximum height of structures:** Two (2) stories and not to exceed thirty-six (36) feet.

**Off-street parking:** The off-street parking requirements of Article 4 shall apply.

**Loading and unloading:** The loading and unloading area requirements of Article 4 shall apply.

### 3-2 RESIDENTIAL ZONE R-2

**Description:** This zone is residential medium density in character and represents areas for residential expansion in the city of Clinton. The predominant character of this zone is residential, protected from any commercial and industrial activities, except as herein provided.

**Permitted uses:**

- A. All uses permitted in Residential Zone R-1
- B. Two-family structures
- C. Boarding and rooming houses
- D. Bed and Breakfast Inn
- E. Single family mobile home – provided it meets the standards of 14.04.02.

**Conditional uses:** The following uses are permitted, subject to review and conditions of the Planning/Zoning Commission:

- A. Neighborhood parkas and playgrounds
- B. Churches (with off-street parking and screening)
- C. Libraries (with off-street parking and screening)
- D. Public buildings (with off-street parking)
- E. Public and non-profit schools (with off-street parking and screening)
- F. Utility substations (if no staff is required and screening is provided)
- G. Home occupations, as defined in 14.04.02 **Home occupations**, subject to the requirements of Section 5-6.
- H. Hospitals and convalescent home (with off-street parking)
- I. Kindergartens and child nurseries (if off-street loading and unloading of children is provided)
- J. Row dwellings or townhouses provided that:

1. Land is platted for this purpose with such plat covering all land area having a continuous common street frontage and located on one side of a street, between intersecting streets and/or alleys; designating individual lots including the end-units for a given structure as well as any common ownership areas which may be provided or required.
2. Density does not exceed that provided in this residential zone.
3. Common areas, under control and jurisdiction of property owners association, one established for the purpose of complying with and maintaining density standards as set forth. At least sixty (60) percent of such common area shall be at all times devoted to landscaping, green areas, or recreation, and the balance may be used for off-street parking, common service facilities, and appropriate accessory uses.
4. No row dwelling or townhouse structure has less than three (3) dwelling units or an overall length exceeding two hundred fifty (250) feet.

**Accessory uses:** Structures and uses deemed accessory and pertinent to the principal structure and use by the Planning/Zoning Commission, not detrimental to the character of the zone and subject to the provisions of this zone. Agricultural crops, including truck gardens and accessory use farming, and orchards for growing or propagation of plants, trees, and shrubs, and temporary stands or structures for seasonal sale of products raised on the premises. This does not include the raising for sale of fowls, birds, rabbits, or other animals and fish or other creatures.

**Minimum lot area:**

- A. Single-family – 9,000 sq. ft.
- B. Two-family structure 10,000 sq. ft.
- C. Row dwelling or townhouse – 10,000 sq. ft. for the first two family units plus 1,800 sq. ft. for each additional family unit.
- B. Churches – one platted city block – three hundred (300) ft. sq. or three (3) acres if land is not platted.

**Maximum lot coverage:** The combined area of the principle building and any accessory building shall not cover more than forty (40) percent of the development lot area, except that row dwelling may cover up to sixty (60) percent of the individual lot.

**Minimum lot width:**

- A. Row dwelling: thirty (30) ft. at building line.
- B. All other permitted uses: fifty (50) feet at building line.

**Minimum front yard:**

- A. Row dwelling: fifteen (15) feet from property line, except where off-street parking or garage approach is provided in the front yard, in which case the building shall be set back a minimum of twenty-five (25) feet from the property line or fifty-five (55) feet from centerline of existing right-of-way, whichever is greater.
- B. All other permitted uses: twenty-five (25) feet from the property line or fifty-five (55) feet from centerline of existing right-of-way, whichever is greater.

**Minimum side yard:**

- A. Seven and one-half (7 ½ ) ft. from each interior property line.
- B. Corner lots shall have a minimum of fifteen (15) feet from the side street property line or forty (40) feet from center line of existing side street right-of-way, whichever is greater.

**Minimum rear yard:** Fifteen (15) feet from rear property line

**Maximum height of structures:** Two (2) stories and not to exceed thirty (30) feet.

**Off-street parking:** The off-street parking requirements of Article 4 shall apply.

**Loading and unloading:** The loading and unloading area requirements of Article 4 shall apply.

**3-3 MANUFACTURE/MOBILE HOME PARK, RESIDENTIAL ZONE R-3**

**Description:** A residential district which, subject to development standards listed herein, and upon approval of the Planning Commission, may be developed in certain areas within the district, as herein specified.

**Permitted uses:**

- A. All uses permitted in Residential Zone R-1 and R-2.
- B. One single-family mobile/manufactured home situated on a single lot subject to design standards set forth in 14.04.02 **Mobile home** and **Modular home**
- C. A mobile/manufactured home park shall be permitted in a R-3 district.

**Development standards:** The mobile/manufactured home park shall conform to the following requirements:

**Site characteristics**

- A. The mobile/manufactured home park shall be located on a well-drained site, properly graded to ensure rapid drainage and freedom from standing pools of water.
- B. No mobile/manufactured home park shall be permitted on a site whose slope averages more than 10%.

**Minimum park size** The minimum area for a mobile/manufactured home park shall be five (5) acres.

**Minimum lot area:** Mobile/manufactured home spaces shall be provided consisting of a minimum of four thousand (4000) sq. ft. for each space.

**Minimum lot width:** Each mobile/manufactured home space shall be at least forty (40) feet wide.

**Minimum side yard:** Mobile/manufactured homes shall be so harbored on each space that there shall be at least ten (10) feet between the mobile home and any mobile home space line.

**Access:** All mobile/manufactured home spaces shall abut on a driveway of not less than thirty (30) feet in width, which shall have unobstructed access to and be connected to at least one minor arterial or a collector street, as identified on the Master Street Plan.

**Off-street parking:** The off-street parking requirements of Article 4 shall apply.

**Utilities:** Each mobile/manufactured home space shall be provided water, sewer, and electrical service approved by the Arkansas State Public Health Service.



**Boundary screening:** A natural (trees or plants) or artificial (fence) barrier or screening shall be provided on all boundaries of the mobile/manufactured home park at least six (6) feet in height so that the site is completely shielded and hidden, subject to the provisions for a visibility triangle at street intersections.

**Minimum setback:** All structures, mobile or permanent, shall be set back a minimum of forty-five (45) feet from a mobile home park property line abutting any street in a residential district.

**Special regulations:** Any wheels on a unit must be removed, the unit must be underpinned and placed on a permanent foundation on the day of placement on a lot.

**Conditional use:** Recreational vehicle parks are allowed in R-3 subject to the same conditions set forth in this zone. However, under no circumstances shall a recreational vehicle be used as permanent living accommodations. The minimum recreation vehicle park size shall be three (3) acres.

### **3-4 DOWNTOWN COMMERCIAL DC**

**Description:** The central shopping district, focused on the County Square, for banking, offices, retail goods and services, government offices, places of amusement and recreation.

**Permitted uses:** The following uses are permitted outright:

- A. Retail establishment providing goods and services including: antique shops, art and crafts, amusement parlors, general merchandise and department stores, restaurants, barber and beauty shops, newsstands, pet shops, shoes and clothing, commercial recreation, theaters, drug stores, public utility offices, furniture stores, variety stores, gifts and souvenir stores, music stores, florists, appliance sales and service, and newspaper publishing.
- B. Office and bank building and uses.
- C. Hotels
- D. Places of public assembly
- E. Government offices

**Conditional uses:** The following uses are permitted, subject to review and conditions of the Planning/Zoning Commission.

- A. Wholesaling and warehousing which do not disturb the retail character of the area.
- B. Bulk storage of non-combustible materials which do not disturb the retail character of the area.
- C. Townhouses which do not disturb the character of the historic district.
- D. Manufactured or Mobile Homes to be used as an office or commercial structure. (Ord. No. 2007-07, Sec. 1.)

**Accessory uses:** Structures and uses deemed accessory and pertinent to the principal structure and use by the Planning/Zoning Commission, not detrimental to the character of the zone and subject to the provisions of this zone.

**Minimum lot area:** None

**Maximum lot coverage:** Eighty-five (85) percent.

**Minimum lot width:** None

**Minimum front yard:** None

**Minimum side yard:** None, except along the side of a lot abutting a lot in a residential district, in which case a side yard of five (5) feet shall be provided.

**Minimum rear yard:** Ten (10) feet from rear lot line or center of platted alley, except on a lot abutting a lot in a residential district, in which case a rear yard of twenty-five (25) feet shall be provided.

**Maximum height of structures:** Two stories and not to exceed thirty-six (36) feet.

**Off-street parking:** The off-street parking requirements of Article 4 shall apply.

**Special regulation:** The Planning/Zoning Commission may grant temporary permits for bazaars, carnivals, religious meetings, temporary recreation facilities, etc., provided that uses comply with regulations on parking, sanitation, safety, etc. for the area and does not constitute a nuisance for surrounding property.

### **3-5 HIGHWAY COMMERCIAL HC**

**Description:** The Highway Commercial District is established to serve highway traffic and to accommodate a greater variety of goods and services than permitted in the DC District, but subject to certain enumerated controls.

**Permitted uses:**

- A. All uses permitted in the Downtown Commercial DC District.
- B. Highway and automobile oriented retail establishments providing goods and services including, but not limited to: fruit and vegetable stands, service stations, mobile home sales, camper and trailer sales and service, drive-in restaurants, drive-in theaters, automobile and farm machinery service and sales.

**Conditional uses:**

- A. All uses permitted in the Downtown commercial DC, R-1 and R-2 districts on a conditional basis are permitted in the Highway Commercial DC District, subject to review and conditions of the Planning Commission.
- B. Recreational vehicle parks with the same conditions as set forth in R-3.
- C. Hospitals and convalescent homes (with off-street parking)
- D. A mobile/manufactured home park shall be permitted under the same conditions set forth in R-3, except that all structures, mobile or permanent, are set back seventy-five (75) feet from the front property line.
- E. Light manufacturing which does not disrupt the commercial character of the area.
- F. Manufactured or Mobile Homes to be used as an office or commercial structure. (Ord. No. 2007-07, Sec. 2.)

**Accessory uses:** Structures and uses deemed necessary and pertinent to the principle structure and use by the Planning/Zoning Commission, not detrimental to the character of the zone and subject to the provisions of this zone.

**Minimum lot area:** None

**Maximum lot coverage:** Sixty-five (65) percent

**Minimum lot width:** None

**Minimum front yard:**

- A. Twenty-five (25) feet from front property line or fifty-five (55) feet from centerline of existing right-of-way whichever is greater, for non-highway commercial establishments.
- B. Seventy-five (75) feet from front property line or ninety (90) feet from centerline of existing right-of-way, whichever is greater for on highway commercial, when parking is provided in front.

- C. Forty (40) feet from front property line or fifty-five (55) feet from centerline of existing right-of-way, whichever is greater for on highway commercial, when parking is not provided in front.

**Minimum side yard:** Ten (10) feet from side property line, except on corner lot in which case the minimum side yard shall be twenty-five (25) feet from the property line. For the purposes of this ordinance, the front yard on a corner lot in this district shall be construed to abut the street with the higher classification as indicated on the Master Street Plan. In the event that a corner lot abuts two streets of same classification, the side of the lot with a narrower dimension (width) shall be construed to be the front yard.

**Minimum rear yard:** Ten (10) feet from the property line, except on a lot abutting a lot in a residential district in which case a rear yard of twenty-five (25) feet shall be provided.

**Maximum height structures:** Two (2) stories and not to exceed thirty-six (36) feet.

**Off-street parking:** The off-street parking requirements of Article 4 shall apply.

**Loading and unloading:** The loading and unloading area requirements of Article 4 shall apply.

**Special regulations:**

**Access to property:**

- A. All access points or driveways to the property shall be approved by the Planning/Zoning Commission.
- B. The Planning/Zoning Commission may grant temporary permits for bazaars, carnivals, religious meetings, temporary recreation facilities, etc., provided that uses comply with regulations on parking, sanitation, safety, etc. for the area and does not constitute a nuisance for surrounding property.

**Property line screens:**

- A. A planting or landscaping strip fifteen (15) feet wide abutting the front property line, as herein defined, shall be provided on any lot or parcel which is to be developed, subject to requirements established for a "visibility triangle" in Section 3-8.
- B. A natural (trees or plants) or artificial (fence) barrier or screening shall be provided on rear and side property lines at least at eye level, subject to the provisions for a "visibility triangle" at street intersections in Section 3-8.

### 3-6 GENERAL INDUSTRIAL – I

**Description:** A district intended to provide space for manufacturing activities, wholesaling, warehousing, storage, assembling, packaging and industrial activities having unusual or potentially deleterious operational characteristics where special attention must be paid to location and site development.

**Permitted uses:** The manufacturing, compounding, processing, packaging, storage or assembling of such products when it is found by the enforcement officer that the uses are not likely to create hazards of fire, explosions, noise, vibration, dust, lint, or the emission of smoke, odor, or toxic gases.

**Conditional uses:** Industrial uses having by reason of their operation accompanying hazards, such as fire, explosion, noise, vibration, dust, lint, or the emission of smoke, odor or toxic gases, if not in conflict with any ordinance in the city of Clinton or with any law or statute of the state of Arkansas or the federal government. These uses may be permitted only if it has been approved by the City Council after a public hearing and a report by the Planning/Zoning Commission as provided in Section 8-1. The City Council shall review the plans and statements and shall not permit such buildings, structures, or uses until it has been shown that the public health, safety and general welfare will be properly protect and that necessary safeguards will be provided for the protection of surrounding property and person. The City Council, in reviewing the plans and statements, shall consult with other agencies created for the promotion of public health and safety.

Manufactured or Mobile Homes to be used as an office or commercial structure are allowable as a Conditional Use separate and apart from other conditional uses described in this Section. (Ord. No. 2007-07, Sec. 3.)

**Accessory uses:** Uses deemed by the Planning/Zoning Commission to be accessory to the permitted uses, but not detrimental to the character of the zone.

**Prohibited uses:** The following uses are prohibited in this district:

- A. Hospitals
- B. Nursing homes and convalescent institutions.
- C. School and educational institutions, including churches
- D. Hotels, motels, travel courts, dwellings, and other buildings used for permanent or temporary housing of persons, except for dwelling for resident watchmen and caretakers employed on the premises in which case such use will be considered an accessory use.

**Minimum lot area:** None

**Maximum lot coverage:** Forty (40) percent

**Minimum lot width:** None

**Minimum front yard:**

- A. Seventy-five (75) feet from front property line or ninety (90) feet from centerline of existing right-of-way whichever is greater, when parking is provided in front.
- B. Forty (40) feet from front property line or fifty-five (55) feet from centerline of existing right-of-way, whichever is greater, when parking is not provided in front.

**Minimum side yard:** Forty (40) feet

**Minimum rear yard:** Forty (40) feet

**Maximum height of structures:** Two (2) stories and not to exceed thirty-six (36) feet, except that the Planning/Zoning Commission may waive the height requirements when it is demonstrated that the equipment and operation of the principle use require a structure of greater height and proper precautions have been taken to guarantee the public safety, health, and welfare.

**Off-street parking:** The off-street parking requirements of Article 4 shall apply.

**Loading and unloading:** The loading and unloading area requirements of Article 4 shall apply.

**Special regulations:**

**Access to property:** All access points or driveways to the property shall be approved by the Planning/Zoning Commission.

**Property line:** A planting or landscaping strip fifteen (15) feet wide abutting the front property line and any property line abutting a different zoning district shall be provided. In addition, this buffer will also contain a fence at least six (6) feet high when it abuts a residential district.

### **3-7 PUBLIC USE ZONE – P**

**Description:** A district for the development and protection of natural areas, scenery, open space and for facilities for recreation and folk culture.

**Permitted uses:**

- A. Facilities for outdoor recreation and camping
- B. Forestry
- C. Nature trails
- D. Parks and playgrounds
- E. Public buildings

**Conditional uses:** The following structures and uses may be permitted, subject to review and conditions of the Planning/Zoning Commission and City Council:

- A. Exhibitions buildings and auditoriums
- B. Arts and crafts shops
- C. Rental cabins
- D. Transportation related facilities such as airplane runways and major municipal parking areas

**Accessory uses:** Structures and uses deemed accessory and pertinent to the principle structure or use by the Planning/Zoning Commission, and not detrimental to the character of the zone and subject to the provisions of this zone.

**Development standards:** All improvements, structures, signs, drives, picnic areas, trash containers, fireplaces, walks, etc. shall enhance and be in harmony with the scenery and natural areas, leaving them undisturbed where possible.

**Minimum lot area:** Five (5) acres

**Maximum lot coverage:** None

**Minimum lot width:** None

**Minimum front yard:** Twenty-five (25) feet

**Minimum side yard:** Ten (10) feet

**Minimum rear yard:** Ten (10) feet

**Maximum height of structures:** Two (2) stories and not to exceed thirty-six (36) feet.

**Off-street parking:** The off-street parking requirements of Article 4 shall apply.

**Loading and unloading:** The loading and unloading area requirements of Article 4 shall apply.

**Special regulations:**

**Required plans:**

- A. Prior to any new development in this district, occurring after the formal adoption of this ordinance, the Planning/Zoning Commission and City Council may require at least the following plans, as appropriate:
  - 1. Plot plan
  - 2. Architectural elevations
  - 3. Landscaping plans
  - 4. Exterior lighting, display and sign plans
  - 5. Driveways and parking
- B. The Planning/Zoning Commission and City Council shall evaluate these plans, as well as any other plans or reports which may be deemed necessary or appropriate, against the requirements established for activities in this district.

### **3-8 SUPPLEMENTARY DISTRICT REGULATIONS**

**Visibility triangle**

- A. On a corner lot in any district, except in the General Industrial –I, Highway Commercial HC nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2 ½ ) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the property lines of such corner lots and a line joining points along said property lines twenty-five (25) feet from the point of the intersection.



- B. On any corner lot in the General Industrial-I, Highway Commercial-HC districts, nothing shall be erected, placed, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2 ½) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the property lines of such corner lots and a line joining points along said property lines fifty (50) feet from the point of the intersection.

**Fences, walls, and hedges:** Notwithstanding other provisions of this ordinance, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any yard shall be over two and one-half (2 ½) feet in height.

**Exceptions to height regulations:** The height limitations contained in the Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

**Structures to have access:** Every building hereafter erected or moved shall be on a lot adjacent to a public street, and all structures shall be located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking. (Ord. No. 03-18, Art 3.)

#### 14.04.04 Off-street parking and loading requirements

**4-1 Purpose** It is the purpose of this chapter to specify the off-street parking and loading requirements for all uses permitted in this ordinance and to describe design standards and other required improvements. All new developments and alterations to, or expansion of, existing developments shall comply with the applicable requirements of this chapter.

**4-2 Category of uses and conditions of uses covered** New building and building additions:

- A. Buildings and uses built or enlarged after the effective date of this ordinance.
- B. Extensions of existing parking lots by fifty (50) percent or more of the number of existing stalls; all of the lot must be brought up to the standards of this ordinance.

#### **4-3 Location of off-street parking**

- A. Off-street parking shall not be located in front or side setbacks, unless allowed in a particular district.

B. Location shall be:

1. Single-family dwelling: on same lot with the building it is to serve.
2. Multi-family dwelling: may be on a contiguous lot if within five hundred (500) feet of dwelling units.
3. Other uses: may be in areas other than on the premises if a definite amount of parking area is set aside for a particular use in such a lot and such area is not located more than 500 feet from the premises.

**4-4 Parking standards**

**ACTIVITY**

**NUMBER OF PARKING SPACES**

**Living Activities:**

A. Dwellings:

- |                                      |   |
|--------------------------------------|---|
| 1. Single-family                     | One (1) parking space per single-family dwelling  |
| 2. Two-family                        | One (1) parking space per dwelling unit   |
| 3. Multi-family and apartment houses | Two (1) parking spaces for each dwelling unit; in addition, for developments in excess of fifty (50) dwelling units, one (1) screened space for each ten (10) dwelling units for recreation vehicles. |

B. Boarding & lodging houses      One (1) parking space for the proprietor plus one (1) space for each sleeping room for boarders and/or lodging use plus one (1) additional space for each four (4) persons employed on the premises.

C. Mobile homes on individual lots      One (1) parking space per single-family dwelling

D. Mobile homes in a Mobile Home Park      Two (2) parking spaces for each mobile home site plus one screened space for each ten (10) lots for recreation vehicles.

E. Travel trailers      One parking space for each trailer site.

F. Motels and cabins      One (1) parking space for each sleeping or dwelling unit plus two (2) parking spaces for each three (3) employees.

**Commercial Activities:**

- A. Banks Three (3) sq. ft. of parking area for each one (1) sq. ft. of gross floor area except when part of a shopping center.
- B. Professional offices & businesses One (1) parking space for each two hundred (200) sq. ft. of gross floor area except when part of a shopping center.
- C. Shopping centers Five and one-half (5 ½) parking spaces per one thousand (1,000) sq. ft. of gross leasable area.
- D. Restaurants One (1) parking space for each three (3) seats, plus one (1) space for each employee but not less than five (5) employee spaces.
- E. Retail stores, supermarkets, department stores, and personal service shops One (1) parking space for each one hundred (100) sq. ft. of gross floor area except when located in a shopping center.
- F. Other retail establishments: furniture, appliance, hardware stores, household equipment service shops, clothing, or shoe repair shops One (1) parking space for each three hundred fifty (350) sq. ft. of gross floor area except when located in a shopping center.
- G. Drive-in business One (1) parking space for each fifty (50) sq. ft. of gross floor area except when located in a shopping center.
- H. Uncovered commercial areas, new and used car lots, plant nursery One (1) parking space for each two thousand (2000) sq. ft. of retail sales area in addition to any parking requirements for buildings, except when located in a shopping center.
- I. Motor vehicle repair and service One (1) parking space for each four hundred (400) sq. ft. of gross floor area except when part of a shopping center.

**Industrial Activities**

- |  |   |
|--|---|
| A. Manufacturing, research and testing laboratories, creameries, bottling establishments, bakeries, canneries, printing, and engraving shops | One (1) parking space for each one thousand (1000) sq. ft. of gross floor area.               |
| B. Warehouses and storage buildings  | One (1) parking space for each one thousand five hundred (1,500) sq. ft. of gross floor area. |
| C. Uncovered storage area  | One (1) parking space for each two thousand (2,000) sq. ft. of area.                          |

**Recreation-Amusement Activities:**

- |  |   |
|--|---|
| A. Auditoriums, theaters, places of public assembly, stadiums and outdoor sports areas | One (1) parking space for each three fixed seats or one (1) parking space for each one hundred (100) sq. ft. of floor area of main auditorium or of principal place of assembly not containing fixed seats, whichever is greater. |
| B. Bowling alleys  | Five (5) spaces for each alley except when located in a shopping center.  |
| C. Golf driving ranges   | One (1) parking space for each driving station plus one (1) space for each employee   |
| D. Miniature golf courses  | One (1) parking space for each hole, plus one (1) space for each employee.  |

**Educational Activities:**

- |   |  |
|---|--|
| A. Senior high schools: public, parochial & private | One (1) space for each five (5) students and (1) space for each administrative and teaching personnel. In addition, if buses for the transportation of children are kept at the school, one off-street parking space shall be provided for each bus of a size sufficient to park each bus. |
|---|--|

- B. Elementary and junior high Two (2) parking spaces for each three (3) employees. In addition, if buses for transportation of students are kept at the school, one off-street parking space shall be provided for each bus of a size sufficient to park each bus.
- C. Libraries and museums One (1) parking space for each two hundred (200) sq. ft. in office and public use, plus one (1) space for each employee.
- D. Nursery schools and daycare centers One (1) parking space for each employee plus loading and unloading area.

**Medical Activities:**

- A. Medical & dental offices/clinics One (1) parking space for each two (2) hundred (200) sq. Ft. of gross floor area, plus one (1) space for each doctor and paramedical professional, except when located in a shopping center.
- B. Convalescent, nursing, & health institutions One (1) parking space for each two (2) employees plus one (1) parking space for each three beds.
- C. Hospitals Two (2) parking spaces for each bed.

**Religious Activities:**

- A. Churches One (1) parking space for each three (3) seating spaces.
- B. Mortuaries & funeral homes One (1) parking space for each one hundred (100) sq. ft. of floor area of assembly rooms.

**Other Uses:** For uses not specifically identified herein, parking shall be provided as specified for the use which, in the opinion of the Planning/Zoning Commission, is most similar to the use under consideration. In case of disagreement between the applicant and the Planning/Zoning Commission about such interpretation, the Zoning Board will make the final determination as provided in Section 6-3 of this ordinance.

**Mixed Occupancies:** In the case of two more uses in the same building, the total requirements for off-street parking facilities for the several uses computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use.

**Joint Use:** The joint use of parking facilities may be authorized only for:

- A. Those uses which have dissimilar peak-hour parking demands during the non-peak of the lessor, except in shopping centers in which the joint use of parking facilities is prohibited, or
- B. the parking facilities the lessor has in excess of parking requirements. To qualify as a joint-use parking facility, the facility must be located within a radius of five hundred (500) feet from the building or use areas it is intended to serve. A minimum of a five (5) year written joint-use contract shall be approved by the Planning/Zoning Commission and the City Attorney for such a parking arrangement to be allowed.

**4-5 Drive-in business** All banks, saving, and load associations, cleaning establishments, food dispensing establishments and other business which maintain drive-in facilities which are intended to serve customers who remain in their motor vehicles during the business transaction or are designed in such a manner that customers must leave their automobiles temporarily in a driving line located adjacent to the facility, shall provide stacking space for the stacking of motor vehicles. Such stacking space shall be separated from, and shall not be calculated as a part of the required off-street parking area. The stacking space, leading to the drive-up windows, shall be equal in length to four (4) car lengths per window.

#### **4-6 Loading and unloading**

- A. For all buildings hereafter erected, reconstructed, or enlarged, adequate permanent off-street loading space shall be provided if the activity carried on is such that the building requires deliveries to its or shipments from it of people or merchandise. Such buildings and uses may include: warehouses, supermarkets, department stores, office buildings, industrial or manufacturing establishments, freight terminals, mortuaries, schools, nursery or day-care centers and such other uses which, in the judgment of the Planning/Zoning Commission, are similar in nature in regard to loading space requirements.
- B. No portion of a vehicle taking part in loading or unloading activities shall project into a public street or alley.
- C. Loading space shall be in addition to required off-street parking spaces.
- D. Space for loading berths may occupy all or any part of any required setback as long as the loading berth is uncovered. A covered loading area shall comply with the minimum setback requirements of the district in which the use is located.

- E. The space designated for loading and unloading shall be sufficient to accommodate both the size of vehicles and number of vehicles, which can be expected for normal operational requirements.
- F. Where the loading and unloading of people and passengers is the normal loading activity, such activity shall be physically separated from traffic. (Ord. No. 03-18, Art. 4.)

#### 14.04.05 General regulations

**5-1 Application** Within the corporate limits of the city of Clinton, as herein defined, all land shall be used and all buildings shall be built, altered, extended, moved and used in conformance with these regulations.

**5-2 Annexed area** Territory annexed after adoption of these regulations shall be governed by the following temporary regulations until the Zoning Map is amended to include the annexed territory.

- A. All land annexed after the adoption of this ordinance shall be classified as R-1 until the Zoning Map has been amended, except for such land, which is in the Planning Area Boundary as established by the Clinton Planning/Zoning Commission. Such territory shall retain the zoning classification then in effect.
- B. No building or zoning permit shall be issued by the enforcement officer for a use not in conformance with the Land Use Plan. If an application is made to the enforcement officer for any other use, he shall accept the application and submit it to the Planning/Zoning Commission for consideration and recommendation of the Planning/Zoning Commission.
- C. All new uses of structures and land shall be in conformance with the Land Use Plan. Exceptions may be granted in conformance with the procedures set forth in B of this article.

**5-3 Fire chief approval** Plans, architectural drawings, or the Project Manual for buildings utilized for public assembly, to include, but not limited to, churches, theaters, public or private schools, and day care facilities must include specifications or requirements that allow the Fire Chief to determine that the structure will meet federal and state fire codes. (Ord. No. 04-3, Sec. 1.)

#### **5-4 Completion of existing buildings**

- A. Nothing herein contained shall require any change in the plans, construction or designated use of a building actually under construction at the time of the adoption of these regulations.
- B. 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 thirty (30) days prior to the adoption of these regulations, provided construction is started on said building within one hundred twenty (120) days after adoption of these regulations.

#### **5-5 Non-conforming uses**

- A. Non-conforming: That which does not meet the requirements of the use district in which it is located at the time of the effective date of these regulations.
- B. A non-conforming use of structure is that which does not conform to the permitted use of structures of the use district in which it is located and which non-conforming use is the principal use of the structure. A non-conforming use of structure:
  - 1. May be continued and is subject to such regulations as to the maintenance of premises and conditions of operation as may be required for the protection of adjacent property as approved by the Zoning Board.
  - 2. May be extended to any portion of a structure arranged or designated for such non-conforming use at the time of passage of these regulations.
  - 3. May be changed to a similar use if no structural changes are necessary.
  - 4. Once changes to a conforming use, cannot be changed to a non-conforming use.
- C. A non-conforming structure is that which does not conform to the area requirements of the use district in which it is located. A non-conforming structure:
  - 1. May, with approval of the Zoning Board, be remodeled to maintain the premises in a safe and usable condition.
  - 2. May, with approval of the Zoning Board, be added to if said addition meets the area requirements of the district in which the structure is located.



**5-6 Occupations permitted in residential structures utilized for residential purpose in residential districts**

- A. An occupation may be carried on in a residential structure in a residential use area only if the following are complied with:
1. It does not involve the use of commercial vehicles.
  2. It does not require the use of more than two (2) rooms otherwise normally considered as living space.
  3. It does not require the use of an accessory building or yard space or an activity outside the main structure not normally associated with residential uses. When a state statute or regulation requires the operation of an occupation separate from the living quarter, an accessory structure may be utilized, provided that it conforms to other regulations of the district in which it is located.
  4. It does not have a sign in excess of four (4) sq. ft. to denote the business, occupation, or profession, and such signs must be attached to the structure.
  5. It does not involve the external display of goods and services.
- B. A profession or service carried on in a residential structure or accessory building in a residential area at the time of the adoption of these regulations must comply with the regulations established in Section 5-6 within two (2) years of the date of the passage of these regulations or said business, occupation, or profession shall be deemed in violation of these regulations.

**5-7 Lot area** On any lot separately owned in a residential use area at the time of passage of these regulations and retained in continuous separate ownership, single-family structure may be erected even though the lot be of less width or area than required by the regulations of the residential use area in which the lot is located, provided all other requirements are met.

**5-8 Area not to be diminished** The lot or yard areas required by these regulations for a particular building or use at the time of passage of these regulations or later constructed or established shall not be diminished and shall not be included as a 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 these regulations 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 these regulations.

**5-9 Conditional use provisions not non-conforming uses** Any use, which is permitted as a conditional use in a district under the terms of this ordinance, other than a change through Zoning Commission action from a non-conforming use to another use not generally permitted in this district, shall not be deemed a non-conforming use in such district.

**5-10 Grandfather clause** This ordinance shall not require any change in the construction or use of a building existing at the time of the adoption of the first Clinton, Arkansas, Zoning Ordinance on April 11, 1991. (Ord. No. 03-18, Art. 5.)

14.04.06 Board of Adjustment

**6-1 Organization**

- A. The Planning/Zoning Commission shall serve as the Board of Adjustment.
- B. Terms of office shall be as follows:
  - 1. Two (2) members of the first board shall be appointed by the City Council for one (1) year.  
  
Two (2) members shall be appointed for two (2) years.  
One (1) member shall be appointed for three (3) years.
  - 2. Thereafter, all members shall be appointed for terms of five (5) years each.
  - 3. Vacancies shall be filled, for the expired and unexpired term of any member whose terms becomes vacant, in the same manner as the original appointments.
- C. Upon appointment and annually thereafter the Board shall meet, organize, and elect its own chairman who shall serve for one (1) year or until the successor duly qualifies. The chairman may appoint a secretary who is not a member of the Board, who shall hold office until relieved by the Board and who shall receive such compensation from the city of Clinton as may be affixed from time to time by the City Council.
- D. Members of the Board of Adjustment may be removed from office by the agency that appointed them for cause upon written charges and after public hearing. Vacancies shall be filled in the manner prescribed in B-3 above for the unexpired term of the member affected.

**6-2 Meetings**

- A. Meetings of the Board shall be held at such times and at such places within the city of Clinton as the Board may designate, and may meet at any time on call of the chairman.
- B. The Board shall keep minutes of its proceedings which shall contain as a minimum:
  - 1. Time, date, and place of meeting
  - 2. Names of members present
  - 3. Citation, by number and description, of appeal or application
  - 4. Pertinent facts of the case
  - 5. Names of persons appearing and their interest in the case
  - 6. Record of vote by name
  - 7. Authority for decision (cite ordinance or statute) and reasons for conditions imposed. The minutes of the meeting shall be filed by the Secretary of the Board in the offices of the City Clerk and shall be public record.
- C. The presence of four (4) members shall be necessary to constitute a quorum and the concurring vote of all members of the Board present shall be necessary to reverse any order, requirement, decision, or determination of an administrative officer, or to decide in favor of the applicant on any matter upon which it is required to pass under the zoning ordinance, or to authorize a variance from such regulations.
- D. The secretary of the Board shall notify each member of the Board of a scheduled or called meeting seven days in advance of the date of the meeting, by mail or in person.
- E. Any member of the Board who fails to be in attendance at three (3) consecutive scheduled meetings shall have their appointment declared vacant and a new member shall be selected as in Section 6-1 of this chapter.
- F. Meeting and hearing procedure: The Board shall establish procedures and by-laws for the conduct of meetings, hearings, public notices, etc., according to Section 5b of Act 186 of 1957.

- G. Stay of proceedings: An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative official from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the administrative official from whom the appeal is taken and on due cause shown.

### **6-3 Powers and duties**

- A. Appeals The Board of Adjustment shall hear appeals from the decision of the administrative officers in respect to the enforcement and application of this ordinance and may affirm or reverse, in whole or in part, said decision of the administrative officer.
- B. Variances When a property owner can show that a strict application of the terms of these regulations relating to construction or alteration of buildings or structures will impose upon him practical difficulties or particular hardship, the Board may grant variances from the regulations if the variance will not be materially detrimental to the public welfare or injurious to the property or improvement in such district in which the property is located. Variances may be granted in the following instances only:
1. Where, by reason of exceptional narrowness, shallowness, depth or shape of a specific piece of property of record on the date of the passage of these regulations, or where, by reason of exceptional topographic or physiographic conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any provision of these regulations would result in peculiar and exceptional practical difficulties and particular hardship upon the owner of such property so as to constitute virtual confiscation of such property as distinguished from mere inconvenience to such owner, provided such relief can be granted without substantial detriment to the public good and without substantially impairing the general purpose and intent of the comprehensive plan or this ordinance as established by the regulations and provisions contained hereon.
  2. In granting a variance, the Board of Adjustment may impose such conditions as are necessary to protect the public health, safety or welfare, in accordance with the purpose and intent of the zoning regulations.

3. No non-conforming use of neighboring lands, structures, or building 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.
4. Under no circumstances shall the Board of Adjustment grant a variance to allow a use expressly or by implication prohibited by the terms of this ordinance in the district involved.

#### **6-4 Notice and fees**

- A. Whenever an appeal or application for a variance is made on the Board, the Board shall cause to have published at the expense of the appellant or applicant a notice of the time and place of the public hearing upon such appeal or application, which notice shall be published at least once not less than seven (7) days preceding the date of such hearing in an official paper or a paper of general circulation in Clinton, said notice to designate the particular location with which the appeal or application is concerned, and a brief statement as to what the appeal or application consists of. The Board shall also give or cause to be given such additional notice of such hearing to interested persons and organizations as it shall deem feasible and practicable.
- B. The appellant or applicant shall be required to pay to the City Clerk a filing fee of Sixty Dollars (\$60.00) to cover such other costs as may be incurred in connection with such appeal or application. (Ord. No. 03-18, Art. 6.)

#### 14.04.07 Amendments

**7-1 Initiation of changes** The City Council or the Planning/Zoning Commission may initiate changes to the Zoning Regulations and the Zoning Map. Changes to the Zoning Map may be initiated by one or more persons who own property within the area of the proposed changes.

#### **7-2 Procedure for amendments**

- A. The Planning/Zoning Commission shall set hearings on all proposed changes to the Zoning Map at any of its regular meetings or at special meetings called by the Commission for that purpose. Applications for changes to the Zoning Map shall be submitted to the secretary of the Planning Commission at least fifteen (15) days prior to the meeting to set the hearing.

- B. The Planning/Zoning Commission shall cause all persons that lease or own property within two hundred (200) feet of the proposed zone changes to be notified of the nature of the proposed change and of the time and place of the public hearing on the proposed change or, in the alternative, the Planning/Zoning Commission may direct persons interested in the change to provide for such notification and to furnish evidence thereof. In either event, all expenses incident to any amendments initiated by property owners shall be paid for by petitioners.
- C. The Planning/Zoning Commission shall give fifteen (15) days notice of the public hearing in a newspaper of general circulation in the city.
- D. Within forty-five (45) days after receiving the application for a change in the Zoning Ordinance, the Planning/Zoning Commission shall hold a public hearing and make recommendations to the City Council stating reasons. A copy of these recommendations shall be submitted to the applicant at the same time.
- E. No application for a change of the Zoning Ordinance may be re-submitted within twelve (12) months from the date of action by the City Council unless the Planning/Zoning Commission finds that a substantial reason exists for waiving this limitation. (Ord. No. 03-18, Art. 7.)

#### 14.04.08 Administration and enforcement

##### **8-1 Administration**

- A. The provisions of this ordinance shall be administered and enforced by the Enforcement Officer, who shall be nominated by the Planning/Zoning Commission and approved by the City Council. He may be provided with the assistance of such other persons as the City Council may direct.
- B. Zoning permits required
  - 1. No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefore, issued by the Enforcement Officer. No zoning permit shall be issued by the Enforcement Officer except in conformity with the provisions of this ordinance, unless he receives a written order from the Board of Adjustment in the form of an administrative review or variance as provided by this ordinance.
  - 2. A building or zoning permit will be issued only when the application has been approved by the Enforcement Officer as meeting requirements of these regulations. All applications for building or zoning permits shall be

accompanied by a plan in duplicate drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building to be erected and its location on the lot, and such other information as may be necessary to provide for the enforcement of these regulations. A record of such application and plats shall be kept in the office of the City Clerk and submitted by the Enforcement Officer to the Planning/Zoning Commission at the next regular meeting for review.

3. Zoning and/or building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the Enforcement Officer, Planning/Zoning Commission, or City Council authorize only the use, arrangement, and construction. Use, arrangements, or construction at variance with that authorized shall be deemed in violation of this ordinance and punishable as provided herein.
4. That, notwithstanding any provision in the Comprehensive Zoning Ordinance to the contrary, all building permits issued by the Zoning Official for the City of Clinton will automatically expire one year following the date of issue unless within one year of the date of issuance the holder thereof commences construction with the demonstrated, clear and unambiguous intent of completing all work within a reasonable time period.
5. The City of Clinton shall have the right to cancel any building permit and condemn any property on which meaningful progress towards completion is not demonstrated in a clear and unambiguous manner.
6. Any party aggrieved by sub-section 5 herein may appeal the decision of the Zoning Commission to the full Clinton City Council.
7. Any person holding a properly issued permit that expires for failure to commence meaningful construction under the provisions of this Ordinance may re-apply for a new permit in which case the application will be heard a-new upon payment of all fees applicable. (Ord. No. 2008-13, Sec. 1.)

C. Conditional uses - procedures

1. The Planning/Zoning Commission shall hear and decide only such special exceptions as it is specifically authorized to pass on by the terms of this ordinance and to decide such questions as are involved in determining whether conditional use should be granted, and to grant conditional use with such conditions and safeguards as are appropriate under this ordinance, or to deny conditional use when not in harmony with the purpose and intent of this ordinance. A conditional use shall not be granted by the Planning/Zoning Commission unless and until:

- a. A written application for a conditional use is submitted indicating the section of this ordinance under which the conditional use is sought and stating the grounds on which it is requested.
- b. Notice shall be given at least seven (7) days in advance of public hearing in an official paper or a paper of general circulation in Clinton. The owner of the property for which conditional use is sought or his agent shall be notified by mail. Notice of such hearings shall be posted on the property for which conditional use is sought, at least seven (7) days prior to the public hearing.
- c. The public hearing shall be held. Any party may appear in person, or be agent or attorney.
- d. The Planning/Zoning Commission shall make a finding that it is empowered under the section of this ordinance described in the application to grant the conditional use, and that the granting of the conditional use will not adversely affect the public interest.
- e. Before any conditional use shall be approved, the Planning/Zoning Commission shall make written findings certifying compliance with the specific rules governing individual conditional uses and that satisfactory provision and arrangement has been made concerning the following, where applicable:
  - (1) The proposed use in the proposed location will not be detrimental to the other uses legally existing or permitted outright in the zoning district.
  - (2) The size of the site is adequate for the proposed use.
  - (3) The traffic generated by the proposed use will not unduly burden the traffic circulation system in this vicinity.
  - (4) The other performance characteristics of the proposed use are compatible with those of other uses in the neighborhood or vicinity.
  - (5) Adequate buffering devices such as fencing, landscaping, or topographic characteristics protect adjacent properties from adverse effects or the proposed use, including adverse visual or auditory effects.
  - (6) The other uses in the vicinity of the proposed site are such as to permit the proposed use to function effectively.
  - (7) The proposed use complies with the performance standards, parking requirements and other applicable provision of this ordinance.



2. The decision of the Planning/Zoning Commission, with respect to any application for a conditional exception, shall be final, unless an appeal is made to the City Council within ten (10) days after the Planning/zoning Commission's decision. Said appeal shall be in writing to the City Council and filed with the City Clerk.
3. Whenever an application for a conditional exception is made to the Planning/Zoning Commission, the Commission shall cause to have published at the expense of the applicant a notice of the public hearing as prescribed in C above. In addition, the applicant shall be required to pay to the City Clerk a filing fee of Sixty Dollars (\$60.00), no part of which is refundable, to cover such other costs as may be incurred in connection with such appeal or application.
4. Conditional Use Permits, when and if issued, shall run with the land to which the temporary use applies and shall not be portable, and shall expire automatically one year after issuance unless after proper application and payment of fees, it is renewed by the Zoning Official for good cause. A Conditional Use Permit is a privilege that may be withdrawn at any time for good cause and The Zoning Commission shall retain the right to review and to revoke any Conditional Use Permit. Continued use of such property affected by a temporary Conditional Use Permit shall be on a case-by-case basis, at the discretion of the Zoning Commission and shall be subject to any reasonable conditions imposed. The decision of the Zoning Commission is subject to review by the Clinton City Council. (Ord. No. 2008-13, Sec. 2.)

**8-2 Complaints regarding violations** Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall fully state the causes and basis thereof and shall be filed with the Enforcement Officer. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this ordinance.

**8-3 Penalty for violation** Any person or corporation who shall violate any of the provisions of these regulations or fail to comply therewith or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable to a fine of not more than One Hundred Dollars (\$100.00). Each day such violation is permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof where anything in violation of these regulations shall be placed, or shall exist, and any architect, builder, contractor, agent, person, or corporation employed in connection therewith and who may have assisted in the commission of such violation, shall be guilty of a separate offense and upon conviction thereof shall be fined as herein provided. (Ord. No. 03-18, Art. 8.)

**CHAPTER 14.08**

**ZONING COMMISSION**

**Sections:**

- 14.08.01      Salary
- 14.08.02      Previous payments

14.08.01 Salary Members of the Zoning Commission of the city of Clinton shall receive a salary for their service on said commission as follows:

- A.      Each Commissioner shall receive the sum of Seventy-Five Dollars (\$75.00) per month.

- B. Said amount shall only be due and payable if the Commissioner is in attendance at the regularly scheduled Zoning Commission meeting each month. No additional salary shall be paid for attendance at any special meetings of the Zoning Commission or at any committee or subcommittee meetings of the Zoning Commission. (Ord. No. 04-14, Sec. 1.)

14.08.02 Previous payments All payments for salaries of members of the Clinton zoning Commission paid prior to the adoption of this ordinance are hereby ratified and approved. (Ord. No. 04-14, Sec. 2.)

**CHAPTER 14.09**

**RECREATIONAL VEHICLE PARK**

Sections:

- 14.09.01 Salary
- 14.09.02 Previous payments

14.09.01 Definitions The following definitions shall apply as related to this ordinance:

Recreational Vehicle (RV) - Any vehicle, whether self propelled or pushed or towed, of any kind that is designed and manufactured or modified to allow for human occupancy or habitation including sleeping quarters but not necessarily including running water or sewer or electrical or gas connections.

Recreational Vehicle Park (RV Park) -Any tract of land designed to allow or accommodate two or more RV's at one time in exchange for the payment of rent, fees, costs or compensation or remuneration of any kind. (Ord. No. 2007-12, Sec. 1.)

14.09.02 Construction limited It shall be unlawful for any person, firm or entity of any kind to construct and or operate an RV Park within the City of Clinton without having first complied with the requirements of this Ordinance. This ordinance shall not apply to commercial locations that offer RVs for sale or lease and do not provide overnight sites for owners to occupy. (Ord. No. 2007-12, Sec. 2.)

14.09.03 Permit Required Prior to the construction of any RV Park within the City of Clinton, the applicant shall apply for a permit from the City of Clinton, through its Zoning Official. The application for said permit shall include the following:

1. The name, address and phone number of the applicant.
2. The location and legal description of the proposed RV Park.
3. A plat showing the proposed number of sites or spaces designed for accommodating RVs, proposed internal streets, drainage plans, electrical and plumbing hookups and site grading.
4. Plans for any and all building to be constructed on the property.
5. Copies of all licenses or permits required by the State of Arkansas.
6. The design plan showing compliance with the general requirements of this Ordinance.
7. The appropriate fee for site preparation, building permits, sign permits or other fees required by this or other City ordinances. (Ord. No. 2007-12, Sec. 3.)

#### 14.09.04 General Requirements

1. RV Parks are only allowed in areas that are zoned to allow such a use.
2. Underpinnings of RVs in extended stay sites must be constructed according to the manufacturers specifications or otherwise be approved by the Clinton Zoning Official as not constituting a nuisance or violating any of Clinton's land use or zoning regulations or ordinances.
3. Any and all RV parks must provide a minimum of fifteen (15) spaces available for lease or rent.
4. Each individual site in an RV Park must have individual hook ups for water, sewer and electricity. Gas hook ups are optional but if supplied they must be separate for each site.
5. Only one RV shall be allowed in any one space at any one time.
6. All individual sites must be numbered with the areas within the Park identified.
7. All RV Parks must have a contract for trash pickup for the entire park at the time of application for a permit. Any changes in the provider of trash pickup to the Park must be identified to the Clinton Zoning Official.
8. The RV Park must install and maintain adequate fire Hydrants according to the specifications of the Clinton Fire Chief so as to provide fire service equal to the city's ISO rating at the time of the application.

9. Fencing is required along any property line of the proposed RV Park that adjoins any residentially zoned property. Fences must be constructed according to Clinton requirements as provided in the zoning and land use Ordinances of the City of Clinton.
10. The planting of shrubbery as a barrier is allowable provided said plantings comply with the same requirements as fencing .
11. All plumbing and electrical connections must meet City of Clinton requirements and be inspected by the Clinton Zoning official prior to being covered in any manner.
12. All sites, internal streets and drainage must meet City of Clinton requirements and must be inspected by the Clinton Zoning official prior to and during construction.
13. All sites must be on a reasonably level grade of no more than two inch (2") of fall for each 12 feet (12') of length and must meet the state requirements of distance apart.
14. All signage for the Park shall meet City of Clinton specifications and shall be permitted separately.
15. All contractors working on the construction of the Park shall meet the licensing requirements of the State of Arkansas.
16. All designs, architectural drawings or other plans submitted for the design or plans of the proposed RV Park shall be done by a licensed engineer or architect. (Ord. No. 2007-12, Sec. 4.)
17. All sites must be on a reasonably level grade of no more than two inch (2") of fall for each twelve feet (12') of length, constructed of asphalt or four inches (4) of concrete, and must meet the state requirements of distance apart. (Ord. No. 2009-01, Sec. 1.)

14.09.05 Extended Rentals If any individual site is leased or rented for an extended stay of six (6) months or more without the movement of the RV from the site, the Clinton Zoning official must be informed and the site reinspected every six months for as long as the RV remains. Any extended stay site is subject to the provisions of Clinton Nuisance Ordinance. (Ord. No. 2007-12, Sec. 5.)

14.09.06 Inspections Each RV Park shall be inspected as follows:

1. When utilities are laid but prior to any covering of any kind.
2. Before the pouring of any foundation pad.
3. After framing of any building but prior to being covered in any manner.
4. Upon completion of project but prior to opening for business.

5. Every six (6) months for extended stay sites.

Final Inspections will include review and sign offs of the Clinton Zoning official as well as the Street Department, Fire Department and the Water and Sewer Department. (Ord. No. 2007-12, Sec. 6.)

#### 14.09.07 Fees

The following fees shall apply to the provisions of this Ordinance:

Plan Review \$350.00

Inspection fee (per Inspection) \$ 100.00

Building fees per building on property \$ 50.00 (1st 500 feet) Plus \$.05 per foot thereafter not to exceed \$150.00 per building)

14.09.08 Violations A violation of the requirements of this Ordinance shall subject the offender to a fine of up to \$250.00 per occurrence. For purposes of this Ordinance each day that a project proceeds without the proper permit and fee or each day a violation continues after the project is open for business shall constitute a separate occurrence.

## CHAPTER 14.12

### SIGNS

#### Sections:

- |          |                                     |
|----------|-------------------------------------|
| 14.12.01 | Purpose, authority and jurisdiction |
| 14.12.02 | Definitions                         |
| 14.12.03 | Application                         |
| 14.12.04 | Administration and enforcement      |
| 14.12.05 | Penalties                           |

#### 14.12.01 Purpose, authority and jurisdiction

- A. Purpose This ordinance is enacted to ensure the coordinated, adjusted, and the harmonious placement of signs within all Zoning Districts of the city of Clinton. No sign shall be erected or maintained unless in compliance with the regulations of this ordinance, except that a non-conforming sign which shall comply with the provisions set forth in 14.12.03 may be maintained, if in existence prior to the adoption of this ordinance.
- B. Authority The authority to enact these regulations is granted by Act 26 of the 1955 Acts of Arkansas, as amended, and Act 186 of the 1957 Acts of Arkansas.
- C. Jurisdiction This ordinance applies to all land within the corporate limits of Clinton, Arkansas, as now or hereafter set, as portrayed on the official Zoning Map. (Ord. No. 04-10, Sec. 1.)

14.12.02 Definitions In the construction of this ordinance, the definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise. The interpretations shall be liberally construed. The following word use shall apply in order to provide clarity of interpretation:

- A. Words used in the present tense shall include the past, the plural and the singular.
- B. The word "shall" is mandatory and not discretionary.
- C. The word "may" is permissive.
- D. The word "lot" shall include the words "lot" "parcel." The word "building" includes all other structures of every kind regardless of similarity to buildings.

**Highway Commercial – HC** A district established to serve highway traffic.

**General Industrial – 1** A district established to provide space for manufacturing related activities.

**Portable sign** A mobile sign that is mounted on a trailer-type frame or portable wood or metal frame not permanently attached to the ground.

**Residential zone – R-1** Primarily single-family, low-density residential.

**Residential Zone – R-2** R-1, plus medium density residential, to include duplex, rooming and boarding, bed and breakfast, and single family mobile home.

**Residential Zone – R-3** R-1, R-2, plus mobile/manufactured home park.  
(Ord. No. 04-10, Sec. 2.)

#### 14.12.03 Application

**General Provisions** The following regulations shall apply to all signs in the city of Clinton, Arkansas:

- A. A permit shall be required for the erection, alteration, or reconstruction of any sign intended for the view from the public right-of-way unless otherwise noted, and shall be issued by the Zoning Official in accordance with 14.12.04 of this ordinance.
- B. Signs must be constructed of durable materials, maintained in good condition, and not permitted to become dilapidated. Any sign that is not maintained and becomes dilapidated must be removed as provided by subsection 3 of this ordinance.
- C. If the use for which a sign is related ceases operation, the sign must be removed within sixty (60) days.



- D. Sign's face and structures must be comparable to professional grade quality. (More clearly defined as all graphics, lettering, structures or any other component of the sign and structure must be equal to or better than workmanship constructed by a licensed or professional sign shop.) Final approval must be given by City Official before permit is issued. (Ord. No. 2013-05, Sec. 2.)

**Prohibited signs** The following signs are prohibited in the city of Clinton, Arkansas.

- A. Signs imitating warning signals No sign shall display intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, or rescue vehicles, nor shall any sign use the words "stop," "danger," or any other word, phrase, symbol, or character in a manner that might mislead or confuse the driver of a vehicle.
- B. Signs within street or highway right-of-way Except as herein provided, no sign whatsoever, whether temporary or permanent, except traffic signs, signals, and information signs erected by a public agency, is permitted within any street or highway right-of-way.
- C. Certain attached and painted signs Signs painted on or attached to trees, fence posts, telephone or other utility poles, or signs painted on or attached to rocks or other natural features are prohibited. Sign may be painted on the roofs of buildings, only with approval of Zoning Commission.

**Signs for which a permit is not required** A permit is not required for the following types of signs in any zoning district.

- A. Traffic, directional, warning, or information signs authorized by any public agency.
- B. Official notices issued by any court, public agency, or office.
- C. Yard-sale signs, provided they are collected at the end of the last day of the sale. Non-collection will be grounds for citation.
- D. One non-illuminated FOR SALE, FOR RENT, or FOR LEASE sign, not exceeding six (6) square feet in area in residential districts, with the exception of property five (5) acres or larger. Residential, five (5) acres and larger, plus all non-residential districts may utilize a sign to twenty (20) square feet. Signs shall be located not less than ten (10) feet back from the street right-of-way line, unless attached to the front wall of a building.
- E. Entrance, exit and instructional signs, so long as they do not exceed four (4) square feet in area, and are no higher than three feet (3) above adjacent pavement or ground level and contain no advertisement.
- F. Identification signs indicating the name and street number or owner or occupant of a parcel so long as such signs do not exceed four (4) sq. ft. of copy area.

- G. Bulletin boards, which are defined as permanent signs that primarily display the name of a non-commercial place of public assembly and announce the upcoming events of that organization. In order to not require a permit, such a sign shall not exceed thirty-six (36) sq. ft. of copy area or five (5) feet in height. Signs of this type shall be restricted to one (1) per parcel.
- H. Signs identifying projects under construction which denote the name of the project, the architect, engineer, contractor, owner, etc., so long as such signs do not exceed twenty-five (25) sq. ft. in residential districts, or one hundred (100) sq. ft. in non-residential zones, are not illuminated, and are removed within seven (7) days of the completion of the project.
- I. Signs attached or integrated into a gasoline pump, automatic bank teller machine, or drive through component of a fast food restaurant, which give operational instructions to users, the price of the product, the brand name of the product, or descriptive information about the product.

#### **Regulations applied to specified types of signs**

- A. Wall signs Signs on the walls of a building (including signs attached flat against the wall, painted wall signs and projecting signs) shall meet the following requirements:
  1. Signs on the front surface of a building The total area of signs on the exterior front surface of a building shall not exceed twenty percent (20%) of the front surface of the building.
  2. Signs on the side and rear surface of a building The total area of signs on a side or rear surface of a building shall not exceed twenty-five percent (25%) of the exterior side or rear surface.
  3. Combined signs area The combined sign area on the front, side, and rear surface of a building must not exceed the total sign area permitted within the Zoning District in which the sign or signs are to be located.
  4. Projecting signs Wall signs attached flat against a wall may extend not more than twenty-four (24) inches passed the end of the wall. Signs projecting from a wall may extend outward from the wall not more than six and one-half (6 ½) feet and may be located not closer than eighteen (18) inches to a vertical plane at the street curb line. A projecting sign shall not extend above the roof line a distance greater than the height of the roof above the ground level. In no case shall signs project beyond property lines.

- B. Signs for projects under construction See Section 8-3, subsection 7 above.
- C. Subdivision entrance signs One (1) or two (2) signs shall be permitted at each entrance of a residential subdivision, provided that such signs do not exceed a total of one hundred twenty (120) sq. ft. of copy area at any subdivision entrance; provided further that such signs shall have a maximum height of six (6) feet. If illuminated, only indirect lighting shall be permitted. If such subdivision entrance sign is built into a decorative wall or fence, the maximum copy area and setback requirements shall comply with regulations for fences contained herein.
- D. Private directional signs Signs indicating the location and direction of premises available for sale or in the process of development, but not erected upon such premises, and having inscribed thereon the name of the owner, developer, builder, or agency, may be erected and maintained, provided:
1. the size of any such sign is not in excess of six (6) sq. ft., and not in excess of four (4) feet in length;
  2. no more than one (1) such sign is erected for each five hundred (500) feet of street frontage.
- E. Free-standing signs Free-standing signs shall meet building code structural provisions and UL (Underwriter's Laboratories) electrical requirements.
- F. Portable signs
1. Usage of portable signs shall conform to permitting requirements in 14.12.03, prohibited sign requirements, number of signs permitted stipulations and subsection of this ordinance, except as provided below.
  2. If a portable sign is to be illuminated, it shall be in compliance of all Arkansas Fire Prevention Codes and UL Regulations. Any electrical wiring, utilized for illumination extended from a building to a portable sign, shall be encased in a solid conduit pipe and shall be buried underground or beneath pavement. Utilization of an above ground electric extension cord is expressly prohibited.
  3. All portable signs in use at the time this ordinance passes, with one exception, must be removed or made to conform with this ordinance within six (6) months from the time of passage. The one exception, above ground power cords must be corrected immediately.

- G. Political campaign signs Political campaign signs shall be permitted in any Zoning District. Such signs shall not count in calculations for the number of signs permitted or calculations of sign area permitted included in 14.12.03 of this ordinance. Such signs shall conform with all other provisions of this and all other applicable ordinances of the city of Clinton. Specifically, no political or campaign may be erected within the right-of-way of any road or street or upon any easement owned by the city of Clinton. No such sign be placed in such a manner that it obscures, or interferes with, the ability of a driver of any motor vehicle to see other traffic, road signs or markings, traffic signals or signs or pedestrians on sidewalks or in cross walks.

**Sign illumination** Illumination devices shall be so placed and shielded so that rays therefrom or from the signs itself will not be directly cast into any residential dwelling unit, or in the eyes of a vehicle driver. All illumination devices and wiring shall be installed in a permanent and safe manner.

**Height limitations** No sign shall exceed (30) feet in height. All existing signs at the time of the approval of this amendment shall upon replacement be required to meet this height requirement. Height is measured from base at ground level to top of structure. Planning & Zoning Committee can consider increasing height to (40) feet only in locations where structures or property placement would require it. (Ord. No. 2013-05, Sec. 2.)

**Signs permitted in Residential District** The following types of signs are permitted in R-1 and R-2 zones:

- A. Signs for which permits are not required.
- B. Permitted use and conditional use structures allowed by zoning ordinance or approved by the Zoning Commission in compliance with the current Zoning Ordinance that traditionally require a sign or bulletin board. The single sign or bulletin board shall not exceed sixty (60) sq. ft. in area and be non-illuminated. Such sign or bulletin board shall be set back not less than ten (10) feet from any street right-of-way line.
- C. Home occupations within residential districts are limited to a sign not in excess of four (4) sq. ft. attached to the structure.
- D. Subdivision signs and private directional signs, under the provisions of 14.12.03.
- E. Political campaign signs, in accordance with 14.12.03.

**Signs permitted in Commercial and Industrial Districts** The following types of signs are permitted in HC and I Districts:

- A. All signs permitted in residential district are permitted in commercial and manufacturing districts.

- B. Commercial Billboards are not allowed within the City of Clinton. Existing Billboards at the time of the amending of this ordinance will be allowed until they are deemed unsightly or unsafe by the Zoning Official, at that time a new permit must be applied for and will be considered by the Planning and Zoning Commission. If a permit is granted to install a new structure it must be one (1) metal pylon that meets the current height and size specifications of this ordinance. A total sign area not to exceed 300 square feet and not to exceed a total height of 30 feet from base at ground level to top of sign. Design and structure must be approved prior to permit approval. Any sign face not currently rented must be covered with a white banner material within 60 days of expiration of rental agreement. (Ord. No. 2013-05, Sec. 2.)
- C. On any lot fronting on a state or federal highway in a HC, or I district on which no business enterprise is located, one off-premise, free-standing sign structure having a total sign area not to exceed three hundred (300) sq. ft. is permitted. Additional sign structures, each of which is not to exceed three hundred (300) sq. ft. in sign area, are permitted provided they are spaced not closer than five hundred (500) linear feet from any other sign structure of greater than one hundred fifty sq. ft. Any off-premise sign of greater than one hundred fifty (150) sq. ft. shall be required to be spaced a minimum of three hundred (300) feet from any residentially zoned parcel.
- D. LED signs are allowed on any lot fronting a state or federal highway in a HC, Industrial, or Commercial District . One is allowed per business and not to exceed 150 square feet of total sign copy area and must meet all state regulations and or requirements on LED signs, including being equipped with automatic dimming device as per state regulations.
- i. Minimum height to bottom of sign is 8 feet from ground . Total height from base at ground level to top of structure is 30 feet.
  - ii. Permit fee for this type of sign is \$300.00 for first 100 feet plus \$2.00 per foot up to a total of 150 square feet max total per sign.
  - iii. Any Local Business that has an LED permitted sign for that local business, located on the property where the business is operating, may promote or advertise for other business events or community events if they so choose.
  - iv. For rent or lease LED Commercial Billboards are not allowed, except in the case where an existing Commercial Billboard is now located. LED Commercial Billboards may be considered by the Planning & Zoning Committee, when the current Commercial Billboards that are in place at the time of adoption of this Ordinance, are considered for replacement . (Ord. No. 2013-05, Sec. 2.)

**Signs permitted in R-3 Districts** The following types of signs are permitted in R-3 Districts:

- A. One (1) non-illuminated professional or business name plate not exceeding four (4) sq. ft. in area mounted flat against the wall of a building in which there is conducted a permitted home occupation.
- B. Any sign or signs, illuminated or non-illuminated, not to exceed a combined total sign area of three hundred (300) sq. ft. per mobile home park.

**Non-conforming uses**

- A. Signs in use prior to the adoption of this ordinance that do not comply with this ordinance will be classified as a non-conforming use. These signs may remain in use until they become dilapidated, or are moved.
- B. Once a non-conforming sign has been move, it may not be placed back on the property until it becomes a conforming use.
- C. If a non-conforming sign becomes dilapidated, it must be removed within sixty (60) days from legal notification from the Zoning Official. (Ord No. 04-10, Sec. 3.)

14.12.04 Administration and enforcement

**Administration**

- A. The provisions of this ordinance shall be administered and enforced by the Zoning Official. He may be provided with the assistance of such other persons as the City council may direct.
- B. A permit shall be required for the erection, alteration, or reconstruction of any sign intended for view from the public right-of-way (unless otherwise noted).
- C. Permits may be obtained from the Zoning Department. The fees will be listed on the city of Clinton, Zoning Department Fee Schedule.
- D. Permits are not transferable. Must be in the name of current business owner.

**Permit Fees**

Local Business- Free Standing or Attached to Building Minimum fee to 50 square feet.....\$50.00  
 Each square foot over 50 square feet .....\$00.50  
 Maximum Fee not to exceed .....\$200.00

A \$25 .00 extra charge will be assessed if the Zoning Official has to visit a business that has installed a sign without a permit. This is in addition to any other cost or penalty.

**Commercial-For Lease.....NO COMMERCIAL BILLBOARDS ALLOWED**

Existing billboards (Grandfathered in as per Ordinance)  
Permit Fee....\$500.00 each separate sign face.

**LED Signs**

\$300.00 for first 100 Square feet, plus \$2 .00 per square foot up to a total of 150 Square feet per sign. (Ord. No. 2013-05, Sec. 2.)

**Enforcement** The Zoning Official may order the removal of any sign that is not in accordance with the provisions of this ordinance. Such removal shall be at the expense of the property owner or lessee. (Ord. No. 04-10, Sec. 5.)

4.12.05 Penalties In addition to the authority granted to the Zoning Official in Article 4 to Order the removal of any sign that is not in accordance with the provisions of this Ordinance, any person, corporation, partnership, LLC, proprietorship or other business entity of any kind that is the owner of any sign erected or maintained in violation of this ordinance, or is the owner of the land upon which such signs is erected shall be subject to a fine of double the current cost of a sign permit from the City of Clinton for said sign per each day that the sign is not in compliance with this Ordinance. Liability for said fines or penalties shall begin to accrue from after notice of a violation from the Zoning Official to the person or entity that is the owner of the sign or the land upon which it is placed.

Any person, corporation, partnership, LLC, proprietorship or other business entity of any kind that is the owner of any business that has closed and is no longer operating as a business and has a sign permitted under this Ordinance shall remove said sign within sixty (60) days of said closure. Failure to effect said removal shall subject the owner to a fine of double the current cost of a sign permit from the City of Clinton for said sign per each day that the sign is not in compliance with this Ordinance. Liability for said fines or penalties shall begin to accrue upon notice of a violation from the Zoning Official to the person or entity that is the owner of the sign or the land upon which it is placed.(Ord. No. 2005-20, Sec. 1.)

**CHAPTER 14.16**

**ANNEXING, VACATING AND RE-ZONING OF PROPERTY**

Sections:

- 14.16.01 Annexations adopted by reference
- 14.16.02 Vacating
- 14.16.03 Re-zoning

14.16.01 Annexations adopted by reference

Ord. No. 30-A of 1946	Part of Section 14 & 15, Twp 11 N., Range 14
Ord. No. 83 of 1968	Part of NE 1/4, NW 1/4 NE 1/4 Section 23, Twp 11 N, Range 14
Ord. No. 94 of 1972	NE 1/4 Section 26, Twp ww N, Range 14 West
Ord. No. 95 of 1972	NW corner Section 23, Twp. 11 N, Range 14 West
Ord. No. 103 or 1977	Part of S 1/2 , SE 1/4, Section 10
Ord. No. 119 of 1980	Part of W 1/2 SE 1/4, Section 26, Twp 11 N, Range 14 West
Ord. No. 124 of 1982	E 1/2 , Section 3, T-11-N, R-14-W; SE 1/4 and S 1/2 NE 1/4, Section 9, T-11-N, R-14-W; All Section 10 North of City Limits, T-11-N, R-14-W;
	All Section 11, T-11-N, R-14-W; SW 1/4, Section 12, T-11-N. R-14-W; W 1/2 , Section 13, T-11-N, R-14-W; All Section 14 not in City Limits, T-11-N, R-14-W; All Section 15 not in City Limits, T-11-N, R-14-W; E 1/2 , Section 16, T-11-N. R-14-W; NE 1/4, Section 22, T-11-N. R-14-W; All Section 23 not in City Limits, T-11-N, R-14-W; NW 1/4 and N 1/2 SW 1/4, Section 24, T-11-N, R-14-W; All Section 26 not in City Limits, T-11-N, R-14-W; SE 1/4 SE 1/4, Section 27, T-11-N, R-14-W; E 1/4, Section 34, T-11-N, R-14-W; Section 35, T-11-N, R-14-W; N- 3/4, Section 2, T-11-N, R-14-W; E 1/2 NE 1/4 and NE 1/4 SE 1/4, Section 3, T-10-N, R-14-W.
Ord. No. 130 of 1983	17.05 acres in SE 1/4 SE 1/4, Section 2 Part of SE 1/4 SE 1/4 Section 2 and NW 1/4 NE 1/4, Section 11 Part of NW 1/4 NE 1/4, Section 11, Twp 10 N, Range 14 West Part of N 1/2 NE 1/4, Section 11, Twp 10 N, Range 14 West Part of N 1/2 NW 1/4 NE 1/4 Section 11, Twp 10 N, Range 14
Ord. No. 131 of 1983	NW 1/4 of NW 1/4 containing 40 acres
Ord. No. 136 of 1985	NW 1/4 of NE 1/4, Section 2, Twp 10 N, Range 14 Lot 39 of Honey Hills Subdivision Part of NW 1/4 NW 1/4, Section 13, Twp 11 N, Range 14
Ord. No. 158 of 1987	Arkansas Power and Light Company easement
Ord. No. 158 of 1987	NW 1/4 SE 1/4, containing 40 acres All in Section 2, Twp 10 N, Range 14 West SE corner SW 1/4 SE 1/4 Section 2, Twp 10 N, Range 14
Ord. No. 88-173 of 1988	Lots 11 & 12 of Pine Tree Acres Subdivision
Ord. No. 88-175	SE 1/4 NW 1/4 of Section 16, Twp 11 N, Range 14



Ord. No. 89-187 of 1989	E ½ SE 1/4 of Section 22, Twp 11 N, Range 14 West
Ord. No. 89-188 of 1989	Lots 11 & 12 of Unit 1 of Pine Tree Acres Subdivision Part of NW 1/4 of Section 14, Twp 11 N, Range 14 West Part of W ½ SE 1/4, SE 1/4, Section 26, Twp 11 N, Range 14 W ½ NW 1/4 SE 1/4, Section 11, Twp 11 N, Range 14 Part NE 1/4 NE 1/4, Section 3 Twp 10 N, Range 14 West
Ord. No. 97-255	Gary St. abutting Lots 17-23 of Sim-Lock Subdivision
Ord. No. 00-283	Part of SE ¼, Sec. 2, Twp 10 N, Range 14 West Part of Lot 3, Block No. 2, New Choctaw Part of NE ¼, Sec. 2, Twp 10 N, Range 14 West Part of SE ¼ of Sec. 2, Twp 10 N, Range 14 West Part of SW ¼, Sec. 12, Twp 10 N, Range 14 West Part of NW ¼, Sec. 12, Twp 10 N, Range 14 West Part of NW ¼, Sec. 36, Twp 11 N, Range 4 West Part of SW ¼, Sec. 25, Twp 11 N, Range 14 West Part of NW ¼, Sec. 36, Twp 11 N, Range 14 West

Within the next three (3) years, after the date the annexation becomes final, the city will extend the following services to the annexed area above described:

- A. Fire Protection by the Clinton Volunteer Fire Department.
- B. Police Protection by the Clinton City Police Department.
- C. City Water System Lines to all those who are not currently on the city water system.
- D. City Water Rates to all those currently on the city water system.

The question of annexation of said lands shall be put to the qualified electors of the city, and of the area to be annexed, at a special election to be held on May 7, 1982. (Ord. No. 124, 1982.)

#### 14.16.02 Vacating

Ord. No. 97-254                      Tract #1 and Tract #2 in Exhibit A

#### 14.16.03 Rezoning

Ord. No. 97-245	From R-1 to C-1 From R-2 to C-2	Part of property along Hwy 65 S, .80 acres Lot, Block 19 shown in Workman Plat
Ord. No. 02-02	From R-2 to R-1	Con Agra Rd. & Hwy 65 to Hwy 95
Ord. No. 02-05	From R-1 to I-1	Part of Tract A, Lot 3 of Cannaday Subdivision
Ord. No. 02-07	Commercial	Part of W ½ of Sec. 36, Twp 11 N, Range 14 West

Ord. No. 05-6	From R-2 to R-1	SE ¼ of Sec. 10, Twp 11 N, Range 14 West SW ¼ of Sec. 10, Twp 11 N, Range 14 West SW ¼ of Sec. 3, Twp 11 N, Range 14 West All land in Sec. 10, Twp 11 N, Range 14 West SE ¼ of Sec. 10, Twp 11 N, Range 14 West NE ¼ of Sec. 10, Twp 11 N, Range 14 West SE ¼ of Sec. 10, Twp 11 N, Range 14 West Part of SW ¼ of Sec. 10, Twp 11 N, Range 14
Ord. No. 05-7	To Hwy Com.	Part of S ½ of Sec. 35, Twp 11 N, Range 14 Part of S ¼ of Sec. 14, Twp 11 N, Range 14 West Part of SE ¼ of Sec. 10, Twp 11 N, Range 14 West Part of N ½ of Sec. 10, Twp 11 N, Range 14 West SW ¼ of Sec. 10, Twp 11 N, Range 14 West NW ¼ of Sec. 10, Twp 11 N, Range 14 West
Ord. No. 2005-07	To Hwy Com.	Part of S1/2 NW ¼ E1/4, Sec. 35, Twp 11N R14N
Ord. No. 2005-11	To Hwy Com.	Part of SW1/4 NE1/4 Sec. 10, Twp 11N, R 14W
Ord. No. 2005-12	To Hwy Com.	Part of NE1/4 NW1/4 containing 5.79 acres
Ord. No. 2005-24	To Hwy Com.	Part of SE ¼ NW1/4 containing 1.36 acres
Ord. No. 2006-02	From R-1 to HC	Part of NW¼ NE¼, Sec. 2, Twp 10N, R 14W
Ord. No. 2006-06	From R to HC	95 East to Gage Chevrolet Ozark Health to Old Hwy 9 Main St., North Hwy 65 B to Hwy 95 West Main St. Hwy 65 B Old Bus Station
Ord. No. 2007-02	From Res. to HC	Part of SE ¼ SW ¼ Sec. 11, NE ¼ NW ¼ Sec. 14 Twp 11N, R. 14W
Ord. No. 2007-03	From Res. to HC	Part of SW ¼ NW 1/4 , Sec. 35, Twp. 11N, R. 14W
Ord. No. 2007-10	From Res. to HC	West side of highway 65 south East side of highway 65 south East side of highway 65 South Running North from factory road to the river
Ord. No. 2010-01	From R-3 to C-1	1098 Hwy. 95 West, Clinton, Ark.
Ord. No. 2010-02	From R-1 to C-1	Parcels: 1050-19006-0000; 1050-19008-0100; 1050-19010-0000; 1050-19010-0100; 1050-22005- 0200; 1050-22005-0300; 1050-22005-0500; 1050- 23004-0300; 1050-23010-0000; 1972-00002-0100