

ORDINANCE NO. 86

AN ORDINANCE TO AMEND BETHEL HEIGHTS ZONING ORDINANCE NO. 53,
FOR THE INCOPORATED TOWN OF BETHEL HEIGHTS, ARKANSAS.

WHEREAS, The Town of Bethel Heights, Arkansas has previously enacted Ordinance No. 53, NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE MAYOR AND THE CITY COUNCIL OF THE INCOPORTED TOWN OF BETHEL HEIGHTS, ARKANSAS.

ARTICLE 1: From and after the effective date of this ordinance, Ordinance No. 53 shall be amended to change or add the following:

Section 3: Zoning Districts - Character, Permitted Uses
and Area Requirements

(5) I - Industrial Intended to provide for the full range of industrial activities.

- a. **Permitted Uses:** The following uses are the permitted uses in the I - District, however, it is not intended that the District be limited to just these uses (See Section 2, (2), c): Assembling Plant, Clothing Manufacturing, Cold Storage Plants, Hauling and Storage Company, and Ice Plant.
- b. **Uses by Appeal to the Planning Commission:** Public Facilities, and Salvage Yards, conditioned upon appropriate screening and buffering from neighboring uses. Any other use the Planning Commission deems appropriate in the Industrial District.
- d. **Height Requirements:**
 1. Any structure which exceeds 30 feet in height shall be required to setback one foot for each foot of height in excess of 30 feet.
 2. The Board of Adjustment may waive the height requirements when it is demonstrated that the equipment and the structure to house the operation requires greater height.
- f. **Other Requirements:**
 1. The maximum lot size for I - Industrial is five acres.
 2. All activities must be carried on within buildings, with no outside storage of raw materials.
 3. Shall employ a maximum of thirty people.
 4. Shall have a maximum of one hundred vehicle trips per peak hour.
 5. Shall have no discernible odor or vibration beyond the building walls.
 6. Shall have no discernible noise beyond lot lines.

7. A continuous visual buffer, such as landscaping, berms, fencing, walls, etc. shall be located no less than ten feet from the lot lines.
 8. No toxic gases or chemicals shall be used or produced.
 9. Any business or industry that cannot meet the above stated requirements must appeal to the Planning Commission for a Conditional Use permit.
- g. Off - Street Parking, Loading and Unloading Facilities:
One parking space per two employees; each structure or use shall provide off street loading and unloading facilities which will not block a street, alley, or public way.

Section 5: General Regulations

(7) Fees:

- a. The applicant for a change in zoning shall pay to the Town Recorder a filing fee of \$125.00 to cover such cost as may be incurred in connection with such application. Such fee is to be deposited in the General Fund of the Town of Bethel Heights.

Section 6: Board of Adjustment

(4) Fees:

- a. The Applicant to the Board of Adjustment shall pay to the Town recorder a filing fee of \$50.00 to cover such other costs as may be incurred in connection with such appeal. Such fee is to be deposited in the General Fund of the Town of Bethel Heights.

Changes:

Section 8: Definitions

b. Buffer. Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

b.1. Open Space: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space or for the buffering of one use or property from another.

b.2. Landscape: (1) An expanse of natural scenery; (2) lawns, trees, plants, and other natural materials, such as rock and wood chips, and decorative features, including sculpture, patterned walks, fountains, and pools.

b.3. Fences, Hedges, Walls: For commercial and industrial areas adjacent to residential areas fences, hedges and walls will be a minimum of five (5) feet in height.

Fences and walls are not to be considered accessory structures or uses.

b.4. Berm: A mound of earth or the act of pushing earth into a mound. (Comment: Berms are usually two to six feet high and are used to shield, screen, and buffer undesirable views and to separate incompatible land uses. They also provide visual interest, decrease noise, control the direction of water flow, and act as dams.)

The following will change to:

- b. to c. Building Area.
- c. to d. Dwelling, Single - Family.
- d. to e. Dwelling, Mobile Home, House-car, or Trailer-house (including double-wide).
- e. to f. Dwelling, Manufactured Home.
- f. to g. Dwelling, Two - Family.
- g. to h. Dwelling, Multiple- Family.
- h. to i. Dwelling Unit.
- i. to j. Lot.
- j. to k. Lot Measurement.
- k. to l. Lots of Record.
- l. to m. Mobile Home Park/Trailer - house Court.
- m. to n. Parking Space, Off - Street.

Terms Added:

0.1. Sight Triangle. An area of land, at an intersection or on a curve for which a clear visibility zone (see 0.2. below) must be maintained, described as follows: beginning at the property corner and measuring no less than twenty five (25) feet along the right-of-way in both directions.

0.2. Clear Visibility Zone. An area of safe traffic visibility bordered by a sight triangle that is devoid of visual obstructions, both natural and man made, temporary or permanent (except traffic control devices), beginning at a point that is no greater than two and a half (2 1/2) feet above the top of curb or edge of payment, and terminates at a point that is no less than seven and a half (7 1/2) feet higher (a total of ten (10) feet high).

- n. to p. Sign.
- o. to q. Sign, On - Site.
- p. to r. Sign, Off - Site.
- q. to s. Street Line.
- r.1. to t.1. Storage Facility.
- r.2. to t.2. Structure or Building.

Added:

- u. Swimming Pool Fences and Gates. Are required to have a minimum height

of six feet and a maximum height of eight feet. Additionally, gates must have child-resistant latches.

s. to v. Town Recorder / Treasurer.

Added:

w. Transition Zone. A zoning district that permits uses compatible with uses permitted in two adjacent zones that, without the transition zone, could be considered incompatible to each other. (Comment: examples of transition zones are low density, multi-family zones between commercial and single family zones. Transition zones may serve as buffers).

x. Wall. In a residential area, any device forming a physical barrier which is constructed so that the majority of the vertical surface is closed, thus preventing the passage of light, air and vision in a horizontal plane. The material of which a wall is constructed may be masonry, brick, concrete, metal, wood, or other similar materials. Walls may be located anywhere in the front, side or rear yards. In the side and rear yard, walls are limited to a maximum height of eight (8) feet, and in front yards to a maximum height of four (4) feet.

t. to y. Yard.

Page numbers change from page 23 to page 28. One page added.

ARTICLE 2: THEREFORE, That the remainder of Ordinance No. 53 shall remain in full force and effect.

ARTICLE 3: This ordinance is necessary for the preservation of the health, safety, and welfare of the citizens of Bethel Heights, Arkansas and shall take effect and be in force from and after the date of its passage and approval.

PASSED THIS 18 DAY OF November 1997.

APPROVED:

Bonnie K. Ramsey
MAYOR

ATTEST:

J. L. Lee
CLERK/ RECORDED/ TREASURER