

ORDINANCE NO. 53

TOWN OF BETHEL HEIGHTS, ARKANSAS

AN ORDINANCE RELATING TO THE ZONING REGULATIONS FOR THE TOWN OF BETHEL HEIGHTS INCLUDING: GENERAL PROVISIONS; PROVISIONS GOVERNING ZONING DISTRICTS, EXCEPTIONS AND MODIFICATIONS; ENFORCEMENT; BOARD OF ADJUSTMENT, AMENDMENTS AND LEGAL STATUS PROVISIONS.

PURPOSE AND INTENT

The zoning regulations set forth herein are enacted to enable the Town of Bethel Heights to effectuate their adopted Land Use, Master Street and Community Facilities Plans thereby promoting the health, safety and general welfare of the citizens, while maintaining the rural nature of the community. The provisions set forth in these regulations have been prepared in accordance with the authority for zoning, granted by the Legislature of the State of Arkansas as provided by Act 186 of 1957, as amended.

JURISDICTION

The jurisdiction of these regulations shall include all land in the town limits of Bethel Heights. These regulations shall also apply to any land added to the town limits, for whatever reason, after the adoption of this ordinance. (See Section 4)

Section 1: Zoning Map

a. The Town is hereby divided into districts as shown on the official zoning map, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.

b. The official zoning map shall be identified by the signature of the Mayor, attested by the Town Recorder/Treasurer, and bearing the seal of the Town under the following words; "This is to certify that this is the official zoning map referred to in Section One of Ordinance Numbered 53 of the Town of Bethel Heights, Benton County, Arkansas", together with the date of the adoption of this ordinance.

c. If in accordance with the provisions of this Ordinance, changes are made in the district boundaries, such changes shall be entered on the zoning map with the date and ordinance number affecting such change.

d. The official zoning map shall be located in the office of the Town Recorder/Treasurer and shall be prima facie evidence as to the current zoning status of land, building and other structures in the Town. The Town Recorder/Treasurer shall cause to have corrected the zoning district boundaries on the official zoning map as need demands.

Section 2:

(1) Zoning Districts:

a. The following districts are hereby established: R-1 Low-Density Residential; R-2 Multi-Family Residential; R-MH Residential Manufactured Home; C-General Commercial; I-Industrial; A-Agricultural.

(2) Application of Zoning District Regulations:

a. The area requirements in each zoning district shall be applied uniformly within the zoning district except as may be varied by the Board of Adjustment.

b. The uses permitted or prohibited in each zoning district establishes the character of the zoning district and shall include, but shall not be limited to, those uses enumerated as being permitted or prohibited within a respective zoning district.

c. The permitted uses establishes the character of the zoning district. Any proposed use that is not specifically permitted in a district, the Planning Commission shall determine whether said use is compatible (ie., in character with other uses in the district); and, if it decides in favor of said use, it shall decide each application on its merits, taking into consideration such factors as existing uses, access, location, major streets, plans, etc. The Planning Commission may impose conditions under which a use may be permitted in order to insure compatibility.

d. All front, side and rear yard setbacks established by this ordinance shall be measured from the planned right-of-way as shown in the Master Street Plan. (All road rights-of-way are 50 feet wide and 25 feet should be added to all applicable measurements).

e. In all Districts any structure which exceeds 30 feet in height shall be required to setback 1 foot for each foot of height in excess of 30 feet.

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

(1) R-1 Low Family Density Residential Intended to provide for single-family residential development and public buildings and open space.

- a. Permitted Uses: See Section 4: Schedule of Uses for a list of permitted, conditional, and prohibited uses.
- b. Uses by Appeal to the Planning Commission: See Section 4: Schedule of Uses for a list of permitted, conditional, and prohibited uses.
- c. Minimum Area Requirements: (For uses on a municipal sewer system.)

USES R-1	MINIMUM LAND AREA SQ. FT. **	MINIMUM LAND AREA SQ. FT. PER D. U.	FRONT YARD	REAR YARD	SIDE YARD	SIDE YARD ON STREET	MINIMUM LOT FRONTAGE R-1
Single-Family	8,000	8,000	25	25	7	25	80
Church/School	43,560	-	30*	25	25	30	200
Public Facilities	-	-	30*	25	25	30	-

d. Minimum Area Requirements: (For uses on septic tank.)

USES R-1	MINIMUM LAND AREA SQ. FT. **	MINIMUM LAND AREA SQ. FT. PER D. U.	FRONT YARD	REAR YARD	SIDE YARD	SIDE YARD ON STREET	MINIMUM LOT FRONTAGE R-1
Single-Family	36,670	36,670	30	25	15	30	100
Church/School	43,560	-	30*	25	25	30	200
Public Facilities	-	-	30*	25	25	30	-

*Off-street parking may be allowed in the required front yard subject to review and approval of design by the Planning Commission.

**The lot sizes shown are minimum and may have to be increased for individual lots based upon State Health Department requirements for septic tank installation.

- e. Off-Street Parking-
 - 2 spaces per each dwelling unit;
 - 1 spaces per 40 square feet of chapel or sanctuary floor area;
 - 1 space per 1,200 square feet of floor area for elementary and junior high school;
 - 1 space per 800 square feet of floor area plus 1 space per each 4 stadium seats for senior high school.

(2) R-2 Medium Family Density Residential & R-3 Multi Family Density Residential

Intended to provide for a variety of residential development and public buildings and open space.

- a. Permitted Uses: See Section 4: Schedule of Uses for a list of permitted, conditional, and prohibited uses.
- b. Uses by Appeal to the Planning Commission: See Section 4: Schedule of Uses for a list of permitted, conditional, and prohibited uses.
- c. Minimum Area Requirements: (For uses on a municipal system.)

USES R-2	MINIMUM LAND AREA SQ. FT. **	MINIMUM LAND AREA SQ. FT. PER D. U.	FRONT YARD	REAR YARD	SIDE YARD	SIDE YARD ON STREET	MINIMUM LOT FRONTAGE R-2 & R-3
Single-Family	8,000	8,000	25	25	7	25	80
Duplex	12,000	12,000	25	25	8	25	80
Multi-Family – Not to exceed 12 units per acre			25	25	8	25	80
Church/School	43,560	-	30*	25	25	30	200
Public Facilities	-	-	30*	25	25	30	-

- d. Minimum Area Requirements: (For uses on septic tank.)

USES R-2	MINIMUM LAND AREA SQ. FT. **	MINIMUM LAND AREA SQ. FT. PER D. U.	FRONT YARD	REAR YARD	SIDE YARD	SIDE YARD ON STREET	MINIMUM LOT FRONTAGE R-2
Single-Family	36,670	36,670	30	25	15	30	100
Duplex	43,560	21,780	30	25	15	30	100
Church/School	43,560	-	30*	25	25	30	200
Public Facilities	-	-	30*	25	25	30	-

*Off-street parking may be allowed in the required front yard subject to review and approval of design by the Planning Commission.

**The lot sizes shown are minimum and may have to be increased for individual lots based upon State Department requirements for septic tank installation.

- e. Off-Street Parking-
 - 2 spaces per each dwelling unit;
 - 1 space per 40 square feet of chapel or sanctuary floor area;
 - 1 space per 1,200 square feet of floor area for elementary and junior high school;
 - 1 space per 800 square feet of floor area plus 1 space per each stadium seats for senior high school.

(3) R-MH Residential Mobile Homes Intended to provide for affordable family housing in Manufactured Homes to encourage a full range of housing opportunity.

a. Permitted Uses: See Section 4: Schedule of Uses for a list of permitted, conditional, and prohibited uses.

b. Uses by Appeal to the Planning Commission: See Section 4: Schedule of Uses for a list of permitted, conditional, and prohibited uses.

c. In addition, the following uses are Prohibited: It shall be unlawful for any person, firm, or corporation to camp, stand, place, park or locate any house-car, mobile home, trailer-house, or manufactured home, as defined in Section 7 (d) and (e), within the corporate limits of the Town of Bethel Heights, Arkansas, except within a qualified house-trailer court, mobile home park, or except as otherwise provided for hereinafter. Recreational vehicles, travel trailers and campers shall not be permitted as permanent living quarters for human beings.

d. Temporary Uses: A house-car, mobile home, trailer-house, or manufactured home may be parked outside a qualified house-trailer court or mobile home park temporarily, for a period not to exceed seventy-two (72) hours continuous time.

e. Minimum Area Requirements: (for uses on a municipal/private sewer system)

USES	MINIMUM LAND AREA SQ. FT.	MINIMUM LAND AREA SQ. FT. PER D. U.	FRONT YARD *****	REAR YARD	SIDE YARD	SIDE YARD ON STREET	MINIMUM LOT FRONTAGE R-MH
MOBILE HOME	130,680	130,680	50	30	30	50	150
MOBILE HOME PARK	217,800	5,000	75*	50	50	75	416
CHURCH OR SCHOOL	43,560	-	30*	25	25	30	200
PUBLIC FACILITIES	-	-	30*	25	25	30	--

F. Minimum Area Requirements: (for use on septic tank)

USES R-MH***	MINIMUM LAND AREA SQ. FT. **	MINIMUM LAND AREA SQ. FT. PER D. U.	FRONT YARD ****	REAR YARD	SIDE YARD	SIDE YARD ON STREET	MINIMUM LOT FRONTAGE R-MH
MOBILE HOME	130,680	130,680	50	30	30	50	150
MOBILE HOME PARK	217,800	5,000	75*	50	50	75	416
CHURCH OR SCHOOL	43,560	-	30*	25	25	30	200
PUBLIC FACILITIES	-	-	30*	15	15	30	--

*off-street parking may be allowed in the required front yard subject to review and approval of design by the Planning Commission.

**the lot sizes shown are minimum and may have to be increased for individual lots based upon State Health Department requirements for septic tank installation.

***distance from any building for single mobile homes is 15 feet and the distance between mobile homes in parks is 30 feet.

**** "Front" shall be deemed to include all sides facing upon a public right-of-way: front setback shall be measured from right-of-way line (25 feet from the center of the road).

f. Off-Street Parking -

- 2 spaces per each dwelling unit;
- 1 space per 40 square floor feet of chapel or sanctuary floor area;
- 1 space per 1,200 square feet of floor area for elementary and junior high school;
- 1 space per 800 square feet of floor area plus
- 1 space per each 4 stadium seats for senior high school.

(4) C - General Commercial Intended to provide for business and services, building area, off-street parking, drives and lot areas.

a. Permitted Uses: The uses listed in Section 4: Schedule of Uses are the permitted uses in the C-District, however, it is not intended that the District be limited to just these uses (See Section 2, (2), c).

b. Uses by Appeal to the Planning Commission: See Section 4: Schedule of Uses for a list of permitted, conditional, and prohibited uses.

c. Minimum Area Requirements:

USES	MIN. LAND AREA	FRONT YARD	SIDE YARD	REAR YARD
C				
All Commercial Uses	---	50'	15'	25'
Public Facilities	---	30'	15'	25'
Church	1 Acre	40'	20'	10'

d. The Planning Commission shall impose the minimum area requirement and parking requirements of the R-1 District for any residential use approved in the C-General Commercial District corresponding to the type of use requested and whether on sewer or septic tank.

e. Off-Street Parking - 1 space per 250 square feet of floor area with a minimum of 5 spaces for any one use.

f. All fuel storage tanks larger than 60 gallons will be underground.

(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.

c. Minimum Area Requirements:

USES	FRONT	SIDE	REAR
I	YARD	YARD	YARD
All Industrial Uses	50'	25'	25'
Public Facilities	50'	15'	25'

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.

e. Coverage Requirements: Lot coverage -- Structure or structures shall not cover more than 50% of the lot area.

f. Maximum Lot Size: The maximum lot size for I-Industrial is five acres.

g. Any business or industry that cannot meet the requirements stated in (5) d., e., and f. must appeal to the Board of Adjustments for a variance.

h. Other Requirements: Any business or industry that cannot meet the following stated requirements must appeal to the Planning Commission for a Conditional Use permit.

1. All activities must be carried on within buildings, with no outside storage of raw materials.

2. Shall employ a maximum of thirty people.

3. Shall have a maximum of one hundred vehicle trips per peak hour.

4. Shall have no discernable odor or vibration beyond the building walls.

5. Shall have no discernable noise beyond the lot lines.

6. A continuous visual buffer, such as landscaping, berms, fencing, walls, etc. shall be located no less than ten feet from the lot lines.

7. No toxic gases or chemicals shall be used or produced.

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.

(6) A - Agricultural Intended to provide for the full range of agricultural, open space and recreational activities and to protect flood areas from development or structures which would cause obstruction or create a hazard.

a. Permitted Uses: The growing of any crops, the raising of livestock, agricultural related buildings, single-family dwellings, and accessory buildings along with any uses indicated in Section 4: Schedule of Uses.

b. Uses on Appeal to Planning Commission: See Section 4: Schedule of Uses.

c. The Planning Commission after review of all materials submitted shall make its decision as to whether the proposed agricultural activity is appropriate in the location intended. The Planning Commission may as a part of its approval impose such conditions as it deems necessary to protect the health, safety, and general welfare of surrounding property owners.

d. Minimum Area Requirements:

USES	LAND AREA	FRONT YARD	SIDE YARD	REAR YARD	MINIMUM FRONTAGE
Agriculture with Dwelling and related Structures*	3 acres	30'	25'	25'	150'
Agriculture with No Structure	-	-	-	-	-
Churches and Related Facilities	2 acres	30'	25'	25'	200'
Public Facilities	-	30'	15'	25'	-

*All related structures such as barns, sheds, etc., shall be set back 100 feet from the planned right-of-way of a public road.

e. Accessory uses that are incidental to a permitted use and not harmful to adjacent property or the character of the zone, shall be permitted.

Section 4: Permitted Uses and Conditional Uses

Permitted uses are indicated by an "X" and conditional uses are indicated by a "C" on the following Schedule of Uses. The zoning districts are indicated by their abbreviations on the Schedule. A use indicated as a permitted use in a zoning district requires no additional approval. A use indicated as a conditional use in a district requires review and approval by the Planning Commission. A use listed on the Schedule and not indicated as either permitted or conditional in a particular zoning district is prohibited in that zoning district. A use not listed on the Schedule requires review and approval by the Planning Commission. Additionally, a prohibited use may be reviewed and revised at the Planning Commission's discretion.

Districts	R-1	R-2	R-MH	C	A
Advertising Agency				X	
Agricultural Products Processing					X
Air Conditioning & Heating Contractor & Retail Sales				X	
Animal Boarding Kennel (Commercial)				C	
Animal Farms for Show, Breeding, Raising and Training					X
Animal Kennel				X	X
Antique Shop with/out Refinishing				X	
Appliances, Sales & Service				X	
Arboretum	C	C			X
Artists Supplies				X	
Athletic Club	C	C		X	
Auction House				C	C
Auditorium				C	
Auto Auction				C	
Auto Glass, Muffler Shop, Upholstery				X	
Automobile Sales & Service				X	
Auto Paint or Body Rebuilding Shop				X	
Auto Parts & Accessories				X	
Auto Rental Agency				X	
Auto Repair Garage				X	
Bait Shop				X	
Bakery or Confectionary Shop				X	
Barber or Beauty Shop	C	C		X	C
Bed and Breakfast Facilities	C	C		X	C
Bicycle Shop	C	C		X	C
Billard & Pool Parlor				C	
Boats & Accessories				X	
Book & Stationery Store				X	C
Bowling Alley				X	
Broadcasting Studio				X	
Business Machines & Repair				X	
Cafe	C	C		X	C
Camera Shop				X	
Campground	C	C	C	C	C
Carnival, Circus & Tent Revival	C	C	C	C	C
Carpentry Contracting				X	
Carpeting Sales				X	
Car Wash				X	
Catering Service	C	C		X	C
Cemetery/Mausoleum	C	C	C	C	C

Districts	R-1	R-2	R-MH	C	A
China Shop				X	
Christmas Tree Stands	C	C	C	C	C
Church	C	C	C	C	C
City or County Jail	C	C	C	C	C
Clinic (Medical, Dental or Optical)	C	C		X	
Clothing Store				X	
Communication & Utility Transmission					
Line Right of Way	X	X	X	X	X
Community Center	C	C		C	C
Community Welfare or Health Center	C	C		C	C
Construction Facility/Maintenance Yard	C	C	C	C	C
Convent or Monastery	C	C		C	C
Convenience Food Store Dispensing Fuel	C	C		X	C
Copy Shop				X	
Cosmetics Sales				X	
Costume Rental				X	
Country Club, Private Membership	C	C		C	C
Courts of Law	C	C		C	C
Curtain Sales				X	
Cutlery Engraving				X	
Dance Hall				C	
Day Camp	C	C		C	C
Day Nursery or Child Care Center	C	C		C	C
Dental Supplies				X	
Department Store				X	
Detective Agency				X	
Detention Home	C	C		C	C
Disinfecting & Exterminating Service				X	
Drafting Agency				X	
Drug Store or Pharmacy				X	
Dry Cleaning/ Laundromat				X	
Duplexes		X		X	C
Egg Production					
Electrical Contracting & Retail Sales				X	
Electrical & Gas Appliances Sales				X	
Electric Regulating Station	C	C	C	C	C
Employment Agency				X	
Establishment of a Religious or Charitable Organization	C	C		X	C
Establishment for Care of Alcoholics, Narcotic, or Psychiatric Patients	C	C		C	C
Fairgrounds				C	C
Farm Crops					X

Districts	R-1	R-2	R-MH	C	A
Farms With Livestock					X
Feed Store				X	
Fencing Sales				X	
Financial Institution				X	
Fire Alarm Box	X	X	X	X	X
Fire Hydrant	X	X	X	X	X
Fire Station	C	C	C	C	C
Floor Covering Sales				X	
Florist Shop				X	
Food Specialties Store				X	
Frozen Food Locker				C	
Furnace/Chimney Cleaning Service				X	
Furniture Repair/Reupholstery				X	
Furniture Store				X	
Garden Supplies				X	
General Merchandise Store				X	
Golf Courses	C	C		C	C
Golf Range	C	C		C	C
Governmental Agencies & Offices				X	
Grocery Store				X	
Guest House/Servant's Quarters	C			C	C
Guns & Related Equipment Sales				C	
Gunsmith				C	
Hair Styling/ Hair Products Sales				X	
Handicraft, Ceramics, Sculpture or Similar Artwork				X	
Hardware or Sporting Goods Store				X	
Hay Baling					X
Health Food Store				X	
Health Studio or Spa				X	
Hearing Aids Sales				X	
Home Occupations	C	C	C	C	C
Hospital	C	C	C	C	C
Hotel or Motel				X	
Indoor Theater				X	
Interior Decorating				X	
Janitorial				X	
Jewelry Store or Repair				X	
Job Printing, Lithographer or Blueprinting				C	

Schedule of Uses

Districts	R-1	R-2	R-MH	C	A
Key Shop				X	
Leather Goods & Luggage Sales				X	
Library, Art Gallery, Museum or Other Similar Public Use	C	C		X	C
Livestock Raising					C
Livestock Sale Barn					C
Locksmith				X	
Machine or Welding Shop				X	
Machinery Sales and Service				X	
Masonry Contracting				X	
Medical Appliance Fittings & Sales				X	
Medical Supplies				X	
Metal Working Shop				C	
Millwork Products				C	
Miniature Golf	C	C		C	C
Mini Warehouse				C	
Mobile Home			X		
Mobile Home Parks			C		
Mobile Home Sales				C	
Monument Sales				C	
Mortuary or Funeral Home				C	C
Multi-Family		X			
Municipal Facilities/Utilities	X	X	X	X	X
Music Instruments				X	
News & Magazine Stands				X	
Nursing or Convalescent Home	C	C		C	C
Office Furnishings Sales				X	
Office (General or Professional)				X	
Optical Shop				X	
Optical Supplies				X	
Orphanage	C	C	X	C	C
Paint & Wallpaper Store				X	
Painting Contractor & Retail Sales				X	
Park	X	X	X	X	X
Parking, Commercial Lot or Garage				X	
Parkway	X	X	X	X	X
Pawn Shop				X	
Penny Arcade				C	
Pet Shop				X	
Photo Copying				X	
Photography Studio				X	

Districts	R-1	R-2	R-MH	C	A
Picture Framing				X	
Planned Unit Development	C	C	C	C	C
Plant Nursery				X	C
Playfield & Playground	C	C	C	C	C
Plumbing Contracting and Retail Sales				X	
Police Alarm Box	X	X	X	X	X
Police Station	C	C	C	C	C
Post Office				X	
Private Club or Lodge (No Bar Service)				C	
Private School, Kindergarten or Institution for Special Education	C	C	C	C	C
Public Facilities	C	C	C	C	C
Public Utility Maintenance Building				C	C
Radio Station				X	
Railroad Right of Way	C	C	C	C	C
Real Estate Sales Office (Located in Undeveloped or Partially Developed Subdivision Operated for Purpose of Developing Said Subdivision)	C	C		C	C
Record & Tape Shop				X	
Reservoir Open	C	C	C	C	C
Restaurant with Dancing				X	
Restaurant with Drive-In Service				X	
Restaurant without Dancing				X	
Restaurant without Drive-In Service				X	
Retail Stores				X	
Riding and Boarding Stables				C	X
Rifle Range				C	C
Rodeo Grounds				C	C
Roofing Sales and Service				X	
Rooming or Boarding	C	C	C	X	C
Rug Cleaning and Repair Service				X	
School, Commercial Trade or Craft				X	
School, Public or Demoninational	C	C		C	C
Scientific Instruments Sales				X	
Second-Hand Store, Used Furniture or Rummage Shop				X	
Septic Tank Cleaning/Installation Service				C	
Service Station				X	
Shipping of Livestock					C
Shoe Repair				X	
Shoe Store				X	
Sidewalk	X	X	X	X	X

Districts	R-1	R-2	R-MH	C	A
Single Family	X	X	X	C	X
Skating Rink				C	
Sporting Goods Sales				C	
Stable, Commercial				C	X
Street, Highway & Other Thoroughfare					
Street Signs, Traffic Signs & Signals	X	X	X	X	X
Studio (Art, Drama, Speech or Similar Skills)					
Studio, Broadcasting or Recording				X	
Swimming Pool	X	X	X	X	X
Swimming Pool Sales & Supply				X	
Tailor				X	
Taxidermist				X	
Television Station				X	
Tennis Courts	C	C	C	C	C
Theatre, Drive-In Type				C	
Tile Setting Service				C	
Tobacco Store				X	
Tool & Equipment Rental				X	
Toy Store				X	
Trailer-Camping, Hauling, Travel Sales				X	
Training of Horses				C	X
Transmitting Station or Tower for Radio, Telegraph, Telephone, or Commercial Television					
Travel Agency				X	
Truck Farming					X
Truck or Tractor Sales or Repair				C	
Truck Sales & Service				C	
Utility Main Line, Local Transformer & Station & Similar Facilities					
Customarily Located in Public ROW	X	X	X	X	X
Vacuum Cleaner Sales & Service				X	
Vending Machines Sales & Maintenance				C	
Veterinarians/Veterinary Clinic				X	C
Video Sales and Rental Store				X	
Watch Repair				X	
Water Pipeline Rights of Way	X	X	X	X	X
Water Treatment Plant/Storage Facility	C	C	C	C	C
Window Cleaning Service				X	
Zoo				C	

Section 5: General Regulations

(1) Annexed Area:

a. All territory which may hereafter be included within the zoning jurisdiction of Bethel Heights shall be annexed as A-Agricultural and shall be subject to the requirements of the Agricultural District unless the annexing ordinance accepts such annexed area in a district other than Agricultural.

(2) Rules of Interpretation of District Boundaries:

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

1. Boundaries indicated as approximately following the centerline of streets, highways or alleys shall be construed to follow such lines.

2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

3. Boundaries indicated as approximately following town limits shall be construed as following such town limits.

4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

5. Boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerline.

6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scaled measurement of the map.

7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Subsections 1 through 5 above, the Planning Commission shall interpret the district boundaries.

(3) Occupation Permitted in Residential Structures Utilized for Residential Purposes in a Residential District:

a. An occupation may be carried on in a residential structure in the Residential Districts only when it:

1. Does not require the use of more than two rooms otherwise normally considered as living space.

2. Does not require the use of an accessory building or yard space or an activity outside the main structure not normally associated with the residential uses.

3. Does not have a sign in excess of four square feet in area to denote the business, occupation, or profession, and such sign must be attached to the structure.

4. Does not involve the outside display of goods and services.

5. Does not employ more than two (2) people outside the immediate family.

(4) Lot Area:

a. Only on a lot of record in the R-1 Residential District may a single-family structure be erected after review and approval by the Planning Commission even though the lot be of less area or width than required by these regulations, provided all other requirements are met.

(5) Non-Conforming:

a. Non-conforming use of land and structures may be continued and improved but not expanded so long as it remains otherwise lawful.

b. Once a non-conforming use is changed to a permitted use in the district, or discontinued for a period of one (1) year, the non-conforming use shall not be re-established.

c. Any use of a structure not permitted, or any structure not intended for uses permitted may not be rebuilt or re-established if damaged in excess of two-thirds of its fair market value immediately prior to damage.

d. A non-conforming use can be changed to another non-conforming use, only if the use to which it is being changed has been determined by the Planning Commission to be a more appropriate use than the existing non-conforming use.

(6) House-cars, Mobile Homes, Trailer-houses, Manufactured Homes:

a. Regulation of Individual Structures All house-cars, mobile home units, trailer-houses, and manufactured homes shall meet the following criteria:

1. Be subject to all applicable provisions of the zoning ordinance, including having the land on which it is placed zoned R-MH;

2. A single mobile home, house-trailer, or manufactured home of metal or wood construction shall be permitted to be placed outside a house-trailer court or mobile home park so long as such house-trailer, mobile home, or manufactured home contains approved plumbing, utility, and water and sanitary disposal connections which meet all state, county and town code requirements; meets the setback requirements provided, and meets all other

requirements set out and established herein, and provided further, that no more than one such mobile home, trailer-house, or manufactured home shall be permitted on any one lot, tract, or parcel of land.

3. The placement of single mobile-home, trailer-house or manufactured home shall only be approved by the Town Council when they meet all requirements set out in Section 6 (a) and (b) 3 - 11.

b. Requirements for House-Trailer Courts/Mobile Home Parks
All house-trailer courts or mobile home parks within the corporate limits of the Town of Bethel Heights, Arkansas, shall conform with the following:

1. All such house-trailer courts or mobile home parks shall be subject to the provisions of the zoning ordinance of the Town and shall be at least five (5) acres in area, a minimum of 416 feet of road frontage and a minimum depth of 400 feet.

2. All such courts or parks shall have adequate roadways, which shall be constructed in accordance with town street standards now in effect. The trailer parking areas shall be divided into spaces, each of which shall contain a minimum of 5,000 square feet and shall have a width of at least 50 feet and a length of at least 100 feet. House-trailers shall be parked on the spaces so that there will be a minimum distance of 30 feet between house-trailers, measured from the exterior wall of the original mobile home or exterior wall of any addition, garage, covered porch or deck if one is attached thereto. Only one (1) house-trailer or mobile home shall be parked or situated on each such space.

3. All electrical wiring and sewerage facilities for the use of house-trailers shall be constructed underground. Each trailer-house shall have a UL approved 5 lb. A, B, C, or dry powder fire extinguisher and smoke detector installed.

4. All house-trailers or mobile homes shall be equipped with modern plumbing connected to individual septic tanks or municipal sewage lines with water, under pressure, furnished to the inside of said mobile home or house-trailer.

5. Every trailer-house, mobile home, or manufactured home parked within the corporate limits of the Town of Bethel Heights, Arkansas, shall be of metal or comparable construction.

6. Every trailer-house or mobile home shall be equipped with a sanitary garbage storage area, and no garbage shall be permitted to collect in said court or park.

7. No more than one family shall be permitted to reside in any trailer-house or mobile home situated within the corporate limits of the Town of Bethel Heights, Arkansas.

8. No weeds or tall grass shall be permitted to exist in any court or park or around such mobile home.

9. Any person or firm desiring to operate a house-trailer court or mobile home park shall first submit detailed plans for the proposed park or court to the Planning Commission, and upon the receipt of such plans, the Planning Commission shall schedule a public hearing within 30 days, and shall advertise such public hearing by one insertion in a newspaper of general circulation in Bethel Heights, Arkansas, at least seven (7) days prior to such hearing. After such public hearing, the Town Council shall either approve or disapprove such plans. If such plans are approved, the Town Recorder shall issue to the person or firm desiring to operate such court or park an annual permit upon receipt of a fee to be paid by said person or firm as provided in Section 4 (6) c (1b) hereof.

10. All mobile homes, trailer-houses, or manufactured homes must be permanently attached to a concrete foundation or have acceptable skirting and acceptable tie-downs. Acceptable skirting may consist of wood, fiberglass, metal, or rock, but in no case shall it consist of any fibrous material consisting of fiber board, sheetrock, etc.

11. No house-car, mobile home, trailer-house or manufactured home shall be permitted which was built prior to 1975 and which has less than 720 square feet of living space.

c. Permits

1. No house-car, mobile home, trailer-house, or manufactured home otherwise meeting the definition of Section 7 (d) or (e) hereof, whether or not being used as living quarters for human beings, and no house-trailer court or mobile home park, shall be located within the Town unless a valid, unexpired permit specifying the location of the structure or court shall have been duly issued only upon the applicant's payment to the Town Recorder of a fee as follows:

a. One-time fee for each structure or vehicle not located in a house-trailer court or mobile home park -- \$25.00.

b. Persons or corporations desiring to place a house-car, mobile home, trailer-house, or manufactured home within the corporate limits, shall make application to the Town Recorder prior to placing the trailer on the promises for a temporary permit. Upon completion of the application and payment of the fee for the temporary

permit, the Applicant shall receive a temporary permit which will be issued for ninety (90) days. The applicant shall have that time to make all repairs and/or improvements necessary to bring the trailer/manufactured home into compliance with the Ordinance.

2. Applicants must petition for a permanent permit within seventy-two (72) hours of moving into the home and residing therein. The permanent permit may be obtained in the same manner as the temporary permit.

3. Upon proof of compliance by the Applicant of all requirements, at a subsequent meeting of the Town Council, the Council shall issue a permanent permit for the Applicant.

4. Failure to apply for the temporary permit when required and failure to petition for approval of the final permit within seventy two (72) hours as required herein will result in citation for violation of this Ordinance and will subject Applicant(s) to the penalties set out hereinafter.

5. Annual fee for each house-trailer court or mobile home park -- \$50.00.

Except as hereinafter provided, the permit shall be valid for a period of 12 calendar months, or may annually be renewed upon payment of the fee.

6. Any permit issued pursuant to this Section shall expire and be of no further force or effect:

a. Upon removal of the mobile home or house-trailer from the permitted site for a period of more than (30) consecutive days, or

b. Upon removal of all mobile homes or trailer cars from a house-trailer court for a period of more than (30) consecutive days.

(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 costs 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.

(8) Amendments:

a. The zoning regulations, when amended, shall be amended in conformance with the requirements of Act 186 as amended by the 1957 General Assembly as required for the initial adoption of this ordinance.

b. The Planning Commission shall establish the procedures for processing requests for revisions in the zoning regulations.

In the case of a request for a change of zoning for a given piece of property, the applicant shall notify all persons who are known or are reasonably discoverable and whose whereabouts are known or are reasonably ascertainable and who lease or own property adjacent to the property proposed to be rezoned. The notice shall be on a form developed by the Planning Commission with appropriate blanks, and the blanks shall be filled in with information stating the nature of the proposed zoning change, the time and place of the public hearing on the proposed zoning change, the street address of the property to be rezoned, and the legal description of the property to be rezoned. The applicant shall send such notice by certified or registered mail with a return receipt. At or before the public hearing, the applicant shall present the return receipts to the Planning Commission to prove that the notice was properly given. A 4 x 4 inch column notice shall also be placed in the paper of most circulation within Bethel Heights by the person seeking the zoning change. In addition, the applicant for a zoning change shall obtain from the town a sign to be placed on the property at least fifteen (15) days before the public hearing, which sign shall give notice of the public hearing.

c. No application for change of zoning for a given property may be resubmitted within twelve (12) months from the date of action by the Planning Commission or Town Council, whichever is later, unless the Planning Commission or Town Council finds that a substantial reason exists for waiving this limitation.

d. An applicant for a change of zoning or the applicant to the Board of Adjustment shall be required to reimburse the Town of Bethel Heights for costs of public notices and the conducting of a public hearing.

e. Appeal by petition to Town Council -- Following disapproval of a proposed amendment by the Planning Commission, the petitioner may appeal such disapproval to the Town Council, provided that the petitioner states specifically in writing to the Town Recorder/Treasurer why he considers the Planning Commission's findings and decisions are in error. Such Appeal shall be filed with the Town Recorder/Treasurer within fifteen (15) days from the date of the Planning Commission action.

(9) Signs:

a. Commercial and Industrial advertising signs, billboards, free standing and off site signs shall not be permitted inside the town limits of Bethel Heights. Commercial and Industrial on site signs greater than one (1) square foot but not to exceed twelve (12) square feet, shall not create a visual hazard and must be reviewed and approved or denied by the Planning Commission. Signs - information signs, temporary real estate signs, signs advertising agriculture products for sale in the A-District shall be exempt from this ordinance.

Section 6: Board of Adjustment

(1) Designation, Organization, Meetings of the Board:

a. The Board of Adjustment, hereinafter referred to as "The Board", shall consist of the members of the Planning Commission.

b. The Board shall establish regular meeting dates, adopt rules for the conduct of its business, establish a quorum and procedures, and keep a public record of all findings and decisions.

c. Each session of the Board shall be a public meeting with public notice of said meeting and business to be carried out and published in a newspaper of general circulation in the Town one time at least seven days prior to the meeting.

(2) Appeals of a Decision of the Enforcement Officer:

a. Decisions with respect to enforcement and administration of these regulations may be appealed to the Board. The Board may affirm or reverse, in whole or part, the decision of the enforcement officer.

(3) Variances:

a. The Board may hear requests for variances from the literal provisions of the zoning ordinance in instances where strict enforcement of the zoning ordinance would cause undue hardship due to circumstances unique to the individual property under consideration, and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning ordinance. The Board shall not permit, as a variance, any use in a zone that is not permitted under the regulations. The Board may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

(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 may be incurred in connection with such appeal. Such fee is to be deposited in the General Fund of the Town of Bethel Heights.

(5) Appeals from the Decision of the Board:

a. The decision of the Board in respect to appeals from the decision of the enforcement officer and to request for variances shall be subject to appeal only to a court of record having jurisdiction.

Section 7: Enforcement

(1) Enforcement:

a. The provisions of this ordinance shall be administered by an enforcement officer designated by the Town Council.

b. No structure shall be erected, moved, added to, or structurally altered without a Building Permit. All applications for building permits shall provide such information as is necessary to determine conformance with these regulations. The Applicant for a Building Permit shall pay to the Town Recorder a filing fee as adopted in the Southern Building Code which shall be deposited in the General Fund of the Town of Bethel Heights.

c. House-cars, mobile homes, trailer-houses, and manufactured homes -- The Town's health officer or code enforcement officer, or if there be no such designated officer, the Mayor or his designated agent, is hereby authorized and directed to make inspections to determine the condition of house-trailer courts or mobile home parks located within the Town in order that he may perform his duty of safeguarding the health and safety of occupants thereof and of the general public. He or she shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of the ordinance.

(2) Penalty for a Violation:

a. If the enforcement officer finds that the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action to correct it. Should the person, firm, corporation, or agent responsible for said violation fail to take the necessary action to correct it, the enforcement officer shall notify the Town Council, which shall certify the violation to the Town Attorney. The Town Attorney shall, within seven days, apply to a court having jurisdiction to remove the violation. Each day a violation exists, after notification by the enforcement officer, is a separate offense. The violator may be charged with a misdemeanor and shall be subject to a fine of no less than \$25.00 per day, nor more than \$250.00.

Section 8: Definitions

a. Accessory Use or Structure. A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use of structure.

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.)

c. Building Area. The portion of a lot remaining after required yards (setbacks) have been reserved.

d. Dwelling, Single-Family. A detached residential dwelling unit, not to include mobile housing, designed for and occupied by one family only and being securely attached to a permanent foundation.

e. Dwelling, Mobile Home, House-car, or Trailer-house (including double-wide). Shall be and include any house or structure being used as living quarters for human beings which is vehicular in design, and which may be driven, towed, or propelled from one location to another without change in structure or design, and whether or not the same be supported by wheels, but not including recreational vehicles, travel trailers, and campers stored for occasional recreational use.

f. Dwelling, Manufactured Home. Means a structure, transportable in one (1) or more sections, which in the traveling mode, is eight (8) body feet or more in width, or forty (40) body feet or more in length, or when erected on sight, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. This term shall include any structure which meets all of the requirements of this subdivision except the size requirements and with respect to which the manufacture voluntarily files a certification required by the Secretary of the Department of Housing and Urban Development and complies with the Federal Standards.

g. Dwelling, Two-Family. A detached residential building or buildings designed for or occupied by two (2) families, with the number of families in residence not exceeding the number of dwelling units provided.

h. Dwelling, Multiple-Family. A residential building or buildings designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

i. Dwelling Unit. One room or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

j. Lot. For purposes of this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots of record;
4. A parcel of land described by metes and bounds;

provided that in no case of division or combinations shall any residual lot or parcel be created which does not meet the requirements of this ordinance.

k. Lot Measurement.

1. Depth of the lot shall be the average distance between the front lot line and the rear lot line measured at the furthest most points.

2. Width of a lot shall be the average distance between the side lot lines measured at the furthest most points. The width between side lot lines where they intersect with the street line shall not be less than 80 percent of the required lot width except in the case of lots on the turning circle of culs-de-sac, or curved streets, where the 80 percent requirement may be measured at the building line.

1. Lots of Record. A lot which is part of a subdivision recorded in the office of the County Recorder (Circuit Clerk), or a lot or parcel described by metes and bounds, the description of which has been so recorded.

m. Mobile Home Park/Trailer-house Court. A parcel of land on which two (2) or more mobile homes, house-cars, trailer-houses, or manufactured homes are occupied as residences.

n. Parking Space, Off-Street. For the purpose of this ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room.

o.1. Sight Triangle. An area of land, at an intersection or on a curve for which a *clear visibility zone* (see o.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.

o.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 (2½) feet above the top of curb or edge of pavement, and terminates at a point that is no less than seven and a half (7½) feet higher (a total of ten (10) feet high).

p. Sign. Any device designed to inform or attract the attention of persons not on the premises on which the sign is located provided, however, that the following shall not be included in the application of the regulations herein:

1. Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, names of occupants, or premises, or other identification of premises not having commercial connotations;

2. Flags and insignia of any government except when displayed in connection with commercial promotion;

3. Legal notices, identification, informational or directional signs erected or required by governmental bodies;

4. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.

5. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

q. Sign, On-Site. A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

r. Sign, Off-Site. A sign other than an on-site sign.

s. Street Line. The right-of-way line of a street.

t.1. Storage Facility. Any structure that is subordinate to a dwelling and has not been used for another purpose in the past, and not exceeding 192 square feet.

t.2. Structure or Building. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground.

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.

v. Town Recorder/Treasurer. Town Recorder/Treasurer includes Town Clerk.

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 yards, walls are limited to a maximum height of eight (8) feet, and in front yards to a maximum height of four (4) feet.

y. Yard. A required open space other than a court, unoccupied and unobstructed by any structure or portion of a structure from thirty (30) inches above the general ground level of the graded lot upward, provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

Section 9: Severability

The provisions of this ordinance are hereby declared to be severable. If any section, paragraph, sentence or clause of this ordinance shall be held invalid, the invalidity of such section, paragraph, sentence, or clause shall not effect the validity of the remaining portion of this ordinance.

Section 10: Legal Status

All ordinances or parts of ordinances of the Town of Bethel Heights in conflict herewith are hereby repealed.

Section 11: Effective Date

It has been found and is hereby declared by the Town Council, that this ordinance is immediately required in order: to lesson congestion in the streets; to secure safety from fire and other dangers; to promote healthful living conditions; to provide adequate light and air; to prevent the overcrowding of land and undue concentration of population; to facilitate the adequate provision of transportation, water, sewer, schools, parks, and other public facilities; to stabilize property values and to insure the orderly development of the community for the general welfare of the citizens.

Therefore an emergency is hereby declared to exist and this ordinance being necessary for the preservation of the public health, safety, and welfare shall be in full force and effect from the date of its approval.

PASSED AND APPROVED THIS 21 DAY OF March, 1995

APPROVED BY _____ MAYOR

ATTEST _____ RECORDER

Amended:

Ordinance No. 86, November 18, 1997

Ordinance No. 104, May 18, 1999