



City of Vilonia

# Zoning Ordinance

## Vilonia, Arkansas

Initially Adopted  
February 23, 1999

This Revision  
Adopted by the  
Vilonia City Council  
November 20, 2012

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## ARTICLE I INTENT

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### SECTION 1.1 TITLE

These regulations shall be known as the City of Vilonia, Arkansas Zoning Ordinance and shall consist of both this written document and a zoning districts map which shall be designated as the City of Vilonia Zoning Map.

### SECTION 1.2 AUTHORITY

This zoning ordinance has been prepared and adopted in accordance with the State of Arkansas Act 186 of 1957, as amended. The General Assembly has granted the City of Vilonia the power to regulate land use.

### SECTION 1.3 JURISDICTION

The jurisdiction of this zoning ordinance shall encompass all lands within incorporated boundaries of the City of Vilonia, Arkansas at the effective date of this zoning ordinance. Subsequently, these regulations shall cover annexations by the city.

### SECTION 1.4 PURPOSE

These regulations are adopted for the benefit of the current and future residents of the City of Vilonia, Arkansas. This zoning ordinance is intended to protect the health and safety and to promote the general welfare of the citizens of the city. Through these municipal documents, the orderly growth and development of the city will be managed; the efficient and adequate provision of public services will be guided; the value of property will be protected; the potential for overcrowding, congestion, and dangers such as fires and floods will be lessened; and the land will be preserved from undue harm caused by nature or human influences.

## ARTICLE II DEFINITIONS

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### SECTION 2.1 GENERAL

For the purposes of these regulations, certain words used herein shall be interpreted as follows:

The word "City" means the City of Vilonia.

The words "City Council" refer to the Vilonia City Council.

The words "Planning Commission" are in reference to the Vilonia Planning Commission.

The words "Master Street Plan" mean the City of Vilonia Master Street Plan.  
The word "Board" denotes the Vilonia Board of Zoning Adjustment.  
The words "Control of Development and Subdivision of Land Regulations." Refers to the City of Vilonia Control of Development and Subdivision of Land Regulations.  
The word "shall" is mandatory, while the word "may" is permissive.  
The word "should" suggests that a provision is encouraged but not required.  
The words "parcel", "tract", and "lot" may be used interchangeably.  
The words "building" and "structure" are synonymous.  
The word "person" shall embody individuals, firms, corporations, associations, and other entities.  
The word "permitted" and the words "permitted by right" imply that a use is allowed in a zoning district. The enforcement officer may issue a building permit for such uses without referral to the planning commission.  
The word "he" or any variation of the word or similar words implies either gender.  
The words "occupied" and "used", as applied to any building, shall be construed as though followed by the words "or intended, arranged, or designed to be occupied or used".  
Words used in the present tense shall include the future tenses.  
Words in the singular sense include the plural sense and vice versa.

## SECTION 2.2 SPECIFIC

For the purposes of these regulations, the following terms or words are defined as follows:

**Abutting:** Having property or district lines in common. Since zoning district lines fall to the center line of a street, alley, or waterway, and for purposes of notifying abutting property owners in the case of a proposed zoning change, lots which appear physically separated by a street actually abut at said street center line.

**Access:** The way or means by which a piece of property is approached or entered.

**Accessory Building or Use:** A building or use which is subordinate to and serves a principal building or use; which is subordinate in area, extent, or purpose to the principal building or use; and which is located on the same lot of record as the principal building or use.

**Addition:** Any new construction which includes but is not limited to a porch, a garage, or a room which increases the size or height of a structure.

**Affordable Housing:** Housing which a family of four with an income at or below the median income for Faulkner County can afford without spending more than thirty percent of its income on monthly housing costs. Renters' housing costs include rents and utilities, and owners' housing costs comprise mortgage

payments, insurance payments, and real property taxes. In order to qualify as affordable housing, the long term economic viability and affordability of the units must be clearly demonstrated.

**Alley:** A minor roadway serving the rears of abutting properties as a secondary means of access.

**Alteration:** A change or rearrangement in the structural parts of a building, or an enlargement through extension of a side or increase in the height of a building.

**Apartment:** A residential use consisting of a building containing three or more dwelling units. For purposes of this definition, a building includes all dwelling units and service rooms that are enclosed within that building or attached to it by a common floor or wall. Dwelling units within an apartment may be located entirely above the ground floor of the building.

**Apartment Complex:** A development consisting of residential apartments, multi family dwellings, and/or more than one two family dwelling on a single parcel. All buildings may or may not be attached.

**Area:** This term refers to the amount of land surface in a lot, parcel, or tract.

**Area Requirements:** The yard, lot area, lot width, lot coverage, and parking requirements as set forth in a specific zoning district.

**Authorized Agent:** A person authorized by the legal property owner to act in his behalf.

**Banner:** Any sign, not including flags, of lightweight fabric or similar flexible material, on which copy and/or graphics could be placed.

**Base Flood:** The flood having a one percent chance of being equaled or exceeded in any given year (also referred to as a 100-year flood).

**Basement:** That portion of a building below the first floor joists, that may be enclosed for occupancy, with at least half the ceiling height below the mean level of the ground on which the building lies.

**Bed and Breakfast:** A home or portion thereof where short term lodging rooms and meals are provided. The operator of the home shall live on the premises or in an adjacent premises.

**Billboard:** Any structure attached or detached from any building and bearing a sign that is not appurtenant to any building conducted on the property where the sign is located.

**Buffer:** A strip of land established to protect one type of land use from another either visually or audibly. It is landscaped and kept in open space.

**Buffer Zone:** A zoning district, usually meant to be transitional, that is different from and separates two unlike zoning districts.

**Buildable Area:** The space remaining for construction on a parcel after easement restrictions and the minimum area requirements such as yards, setbacks, and coverage have been met.

**Building:** Any structure constructed for the support, shelter, enclosure, and/or use of persons, animals, or property of any kind.

**Building, Attached:** A building which shares a wall, roof, floor, and/or other structural element with another adjoining building.

**Building, Detached:** A building having no wall, roof, floor, and/or other structural element in common with another building.

**Building Height:** The vertical distance measured from the mean elevation of the finished grade to the highest level between the eaves and ridge for other types of roofs such as gable, hip, or gambrel.

**Building Line:** A line fixed at a certain distance from the front and/or sides of a parcel, beyond which a structure may not project.

**Building, Nonconforming:** A existing structure which fails to comply with the applicable regulations, for the zoning district where it lies, set forth within the zoning ordinance.

**Building, Principal:** A structure in which is conducted the main use of the parcel on which said structure is situated.

**Certificate of Occupancy:** Official certification that a premises conforms to provisions of the zoning ordinance and applicable building codes, and it may be used or occupied. Such a certificate is granted for new construction or additions to existing structures. Unless a certificate is issued, a building cannot be occupied.

**Cluster Development:** The subdivision of a parcel of land in a manner which groups detached houses closer together than normal area requirements for the zoning district with the intention of leaving usable open spaces for common activities.



**Conditional Use:** A use, not specifically permitted within a particular zoning district and which because of public necessity and its effect upon the community, may be permitted but only approval of the Planning Commission.  
Such uses are subject to special conditions found in this regulation.

**Convenience Store:** Retail outlet that offer products generally used or consumed on a day by day basis by the purchaser. A variety of such products may be sold on the premises ranging from food to household accessories to gasoline.

**Coverage:** The lot area covered by all buildings located thereon, including the area covered by roof overhangs.

**Day Care Facility:** Any place operated as a business or service on a daily or regular basis, whereas the primary function is protection, care, and supervision of more than three individuals which may include children, handicapped persons, or elderly individuals.

**Development:** Statutory title for subdivision regulation is "Control of Development and Subdivision of Land Regulation". The "development" aspect is often over looked. If a developer of property sets out to improve drainage, provide utilities, streets, relocation, excavation, even on a single lot, it is subject to review under the subdivision regulations, even if no lot is divided into two or more parts.

**Duplex:** (See Dwelling, Two Family)

**Dwelling, Combination:** A two story building with ground floor retail businesses or offices with residences on the second floor.

**Dwelling, Single Family:** A detached residential building containing only one dwelling unit.

**Dwelling, Multi Family:** A building or portion thereof containing three or more dwelling units.

**Dwelling, Two Family:** A residential building containing two attached dwelling units.

**Dwelling Unit:** A room or group of rooms located within a building forming a single habitable unit with facilities which are used for living, sleeping, cooking, eating, and/or sanitation by one household.

**Easement:** The right, privilege, or interest that one party has in the land or another for such purposes as utility lines, ingress/egress, and transmission lines.

**Eave:** The weather protective overhanging lower edge of a roof.

**Enforcement Officer:** A person employed by the City of Vilonia designated to review site plans, interpret the City of Vilonia Zoning Map, issue building permits and certificates of occupancy, perform zoning and building code inspections, and other duties as may be specified by the City Council.

**Facade:** The exterior walls of a building exposed to public view.

**Family:** An individual; two or more persons related by blood, marriage, or legal adoption; or a group of not more than five unrelated individuals living in one dwelling unit.

**Flag:** Any fabric or bunting containing distinctive colors, patterns, or symbols used as a symbol of a government, political subdivision, or other entity.

**Flood Insurance Rate Map (FIRM):** An official map of a community on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zone applicable to the community.

**Floodway:** The channel of a river or other watercourses and the adjacent land areas which must be reserved in order to discharge the base flood.

**Floor Area:** The total area of all floors of a building measured to the outside surfaces of exterior walls and including halls, stairways, elevator shafts, attached garages, porches, and balconies.

**Garage Apartment:** A dwelling unit for one family located on the second floor above a private, non-commercial, vehicular garage.

**Garden Apartment:** A apartment complex with all units having direct ground level access to the outside with extra attention given to landscaped grounds.

**Gasoline Station:** A business consisting of at least one gasoline pump for the primary purpose of the retail sale of automobile fuel.

**Group Home:** A building or group of buildings on a parcel of land intended for occupancy by special groups of people who require special needs or assistance. Such groups include elderly persons, handicapped individuals, youth, or parolees.

**Home Occupation:** A trade or profession which meets all State of Arkansas regulatory measures for the occupation and which could be carried out within the confines of a dwelling unit within a residential zoning district without major alteration of the appearance or functions of the property, and does not create vehicular

congestion or negative impacts such as noise, odors, glare, fumes, vibration, or electrical interference for the surrounding residences.

**Hotel/Motel:** A facility, other than a bed and breakfast, offering secondary lodging accommodations at a daily, weekly, or monthly rate to the general public. Facilities may include restaurants, meeting rooms, and recreational amenities.

**Household:** All the occupants of a single dwelling unit. (See "Residence" in these definitions.)

**Kennel:** A business where domesticated animals are housed, groomed, bred, boarded, trained, and/or sold, all for fee or compensation.

**Landscaping:** The arrangement of grass, trees, shrubs, rocks, mulch, and /or grading, and manmade objects such as fences, fountains, and/or paving materials for the purpose of improving the appearance and/or screening of the property.

**Loading Space (Off-Street):** An unobstructed, hard surface area of which no part is located in any street or public right of way and principal use of which is for the standing, loading, or unloading of trucks and trailers.

**Lot:** A portion of a subdivision, or any parcel of land, intended as a unit for transfer of ownership or for development.

**Lot Area:** The total horizontal area included within legally defined lines enclosing the lot.

**Lot, Corner:** A lot located at the intersection of two streets with frontage on both streets.

**Lot Coverage:** The percentage of lot area covered with buildings and/or improvements.

**Lot Depth:** The mean horizontal distance between the front lot line and the rear lot line.

**Lot, Double Frontage:** A lot having frontage on two non-intersecting streets.

**Lot, Interior:** A lot other than a corner lot which is flanked by other lots and has only one street frontage.

**Lot, Flag:** An interior lot which has only driveway access to the street due to lack of substantial street frontage.

**Lot Line:** A property boundary line.

**Lot Line, Front:** The property boundary line that runs common with and adjacent to any street frontage or right of way separating the lot from such street. In the case of a double frontage lot or corner lot, each line separating such lot from the street shall be considered a front lot line.

**Lot Line, Rear:** The property boundary line which is generally parallel to and most distant from the front lot line.

**Lot Line, Side:** A lot line other than either the front lot line or the rear lot line.

**Lot Width:** The horizontal distance between the side lot lines along the front building line.

**Manufactured Home:** A detached single family dwelling unit fabricated on or after June 15, 1976, in an off-site manufacturing facility for installation or assembly on a lot. Each unit shall bear a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code mandated by the federal government and administered by the United States Department of Housing and Safety Standards code mandated by the federal government and administered by the United States Department of Housing and Urban Development. The manufactured home may be constructed as a singlewide unit or comprised of two or more units assembled at the site of occupancy into a single unit (commonly called "doublewide").

**Manufactured Home Park:** A residential land-lease subdivision occupied by two or more manufactured homes. The land-lease subdivision is normally owned by an entity which charges rent for the space occupied by a manufactured home. (See "Subdivision, Land-lease" in these definitions).

**Marquee:** Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

**Mobile Home:** A detached single family dwelling unit which was fabricated in an off-site manufacturing facility for installation or assembly on a lot as a permanent structure, and was either manufactured in noncompliance with the Federal Manufactured Housing Construction and Safety Standards Code mandated by the federal government and administered by the United States Department of Housing and Urban Development or fabricated prior to June 15, 1976. These types of homes are not permitted to be placed or moved within the City of Vilonia. All mobile homes within the city on the effective date of this ordinance or on land annexed by the city in the future shall be a nonconforming building.

**Net Density:** The number of dwelling units per acre, excluding public and privately owned rights of way and bodies of water.

**Nonconforming Building:** Any building lawfully existing on the effective date of this zoning ordinance, as amended, which does not comply with all the regulations of this zoning ordinance or those governing requirements for Federal Safety Standards Code or fabricated prior to June 15, 1976; provided, however, any building containing more than one dwelling unit in addition to the number permitted by the regulations in the zoning district where it is located shall be deemed to be a nonconforming use rather than a nonconforming building.

**Opaque Barrier:** A type of fence or screen that blocks vision to make things on the opposite side of such from the viewer indiscernible to the extent of obstruction by the fence or screen.

**Overlay Zone:** A geographic area, identified on the zoning map, which includes parts or the whole of an underlying basic zoning district or districts. The overlay zone further focuses on a special topic or purpose that is uniquely related to the geographic area. For example, historic preservation, landscaping, building designs, driveway management.

**Parking Lot:** An area located off the street right of way designated for the temporary parking of motorized vehicles including motorcycles, automobiles, trucks, buses, and tractor trailers within defined parking spaces where size is determined by the type of vehicle. Access is provided within the area and to the street.

**Permitted Use:** A use of a property which meets all regulations of the zoning district in which it is located.

**Plan, Development:** The complete site plan, or any of its parts, for the development of land, including the provision of utilities, driveways, and the construction of buildings when all or part of the land falls within the city. This plan is prepared and signed by a registered land surveyor, architect, or engineer, appropriately certified and contains a fully dimensioned detailed drawing showing all elements of the development proposed (including, but not limited to, property lines, street rights-of-way, easements, structural elements, and landscaping).

**Plan, Final:** A plan with elements from the preliminary plan but further contains proper certification for accuracy and deletes the symbolization of natural land features. Natural land features and elements such as walls, ditches, and other drainage facilities intended to alter landforms.

**Planned Residential Development (PRD):** An area of land controlled by a landowner to be developed as a single entity for residential purposes. The PRD may not

conform in lot sizes, bulk or type of dwellings, densities, lot coverages, and required open spaces to the zoning requirements for the zoning district in which the development is located.

**Planned Unit Development (PUD):** An area of land controlled by a landowner to be developed as a single entity for a number of commercial or combined commercial and residential uses. PUD may not conform in lot size, bulk or type of dwellings, commercial uses, densities, lot coverages and required open spaces to the zoning requirements for the zoning district in which the development is located.

**Plan, Preliminary:** A development plan which includes all development phases and provides construction states, topography, drainage, and other natural land features.

**Plan, Site:** A development plan. (See Plan, Development)

**Plat:** A fully dimensioned drawing which illustrates in detail all elements of the subdivision of property including, but not limited to, property lines, street rights of way, easements, drainage facilities, utilities, legal notations, and the like. The plat is suitable for filing for record with Circuit Clerk of Faulkner County.

**Pre-Fabricated Home:** A detached single family dwelling unit that is constructed on-site using component sections such as walls, trusses, and joists which are assembled at another site and transported to the final site to be erected. These homes shall meet or exceed the same city building codes as site-built homes.

**Property Line:** The recorded boundary defined by a legal description of a plot of land.

**Reclassification:** An amendment to or change in the zoning ordinance reflecting a change, modification, or revision of the zoning districts map.

**Residence:** A dwelling unit used as the primary home for a family.

**Resource Extraction:** The removal of dirt, sand, gravel ore, oil or other materials on or beneath the surface of the earth for transport and commercial or industrial use off the parcel of land from which they came. This term does not refer to excavation needed for the development of the land or the construction of roadways.

**Right of Way:** An area of land deeded, reserved by plat, or dedicated to and accepted by a government for use as a street, a road, or other access to or across land.

**Setback:** The distance from the street right-of-way line to the building line on a lot or parcel where a building or structure shall not be placed.

**Sign:** Any word letterings, figures, numerals, phrases, sentences, devices, designs, pictures, symbols, or trademarks, mounted on any type of base, designation a firm, an association, a corporation, a business, a service, a product, an event, a person, or any type of publicity and placed on buildings, fences, walls, poles, vehicles, or trailers.

**Sign, Canopy:** Any sign or advertising device erected on a project site prior to or during a construction project, indicating the names of the project, architect, engineer, contractor, and similar persons or firms having a role or interest with respect to the structure or project.

**Sign, Directional:** A sign designed and erected to provide direction and/or orientation for pedestrian or vehicular traffic including signs marking entrances, exits, parking, one-way drives, service areas, pickup and delivery, or similar information wording.

**Sign, Directory:** Any sign erected at an entrance to one property or multiple properties served by a common curb-cut and listing the names of those businesses, organizations, or entities at that location.

**Sign, Freestanding:** Any sign principally supported by one or more columns, poles, or braces placed on or anchored into the ground and that are independent from any building or other structure.

**Sign, Incidental:** A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking", "entrance", "loading only", and "telephone".

**Sign, Nonconforming:** Any sign that does not conform to the signage requirements within these zoning provisions.

**Sign, Political:** Means a temporary sign used in connection with local, state, or national election or referendum..

**Sign, Projecting:** Any sign affixed to a building or wall in such manner that its leading edge extends more than six inches beyond the surface of such structure.

**Sign, Roof Mounted:** Any sign erected and constructed wholly on the roof of a building and supported by the roof structure.

**Sign, Wall Mounted:** Any sign that is in any manner affixed to any exterior wall of a building or structure, including signs affixed to architectural projections that project from a building provided the copy area of such signs remain on a parallel plane to the face of the building façade or to the face or faces of the architectural projection to which it is affixed.

**Sign, Window:** A sign attached to, painted on, or erected against a window with its message intended to be visible to the exterior environment.

**Site Plan Review:** The process whereby the Planning Commission reviews the site or development plans of a developer to assure that they meet the stated purposes and standards of this zoning ordinance.

**Stealth Telecommunication Facility:** Clock towers, sculptures, bell steeples, light poles, inorganic trees, false walls, lettering, and other similar alternative structures that conceal the presence of antennas, towers, and/or supporting equipment.

**Storm Cellar:** An accessory structure designed and used for the purpose of taking refuge from inclement weather or other pending disasters. These structures are usually made of concrete and situated either wholly or mostly below the surface of the ground.

**Street:** Any vehicular roadway, either public or private, plus the right of way.

**Street Line:** The line which divides a lot and a street.

**Structure:** Anything constructed, erected, or installed by man, the use of which has a permanent location on the ground or attached to something having a permanent location on the ground, including but not limited to buildings, towers, fences, or signs.

**Subdivision:** Any division of a lot, tract, or parcel of land, either by platting or by metes and bounds, into two or more lots or parcels for purpose of transfer of ownership or development including the combination of two (2) or more previously platted lots. The term subdivision shall apply also to any division of land involving the dedication of a street to the public, provided, however, that any division of land into lots or parcels of five (5) acres or more shall not be deemed a subdivision unless street dedication or the installation of utilities are involved. The terms, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

**Subdivision, Land-Lease:** Any type of development (residential, commercial, industrial, etc.) typified by single ownership of the land where sites and/or primary structures are leased to individuals or entities, with the landowner retaining the



rights of ownership. The landowner may be an individual, corporation, groups, or group of individuals. Lots or sites within the subdivision must be defined and numbered like other subdivisions.

**Substantial Improvement:** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure has been damaged and is being restored. This term does not apply to any improvements related to complying with state or local code specifications or to any alterations of structures either listed on the National Register of Historic Places or listed by the Arkansas Historic Preservation Program, a division of the Department of Arkansas Heritage.

**Subdivision, Minor:** Any division of a lot, tract, or parcel of land either by platting or by metes and bounds into two (2) or more lots or parcels for purpose of transfer of ownership or development including the combination of two (2) or more previously platted lots. The "minor subdivision" shall neither include the establishment of any streets nor create the need to dedicate additional right-of-way or widen pavement on an existing road as shown on the "Vilonia Master Street Plan".

**Subdivision, Primary:** Any division of a lot, tract, or parcel of land either by platting or by metes and bounds into two (2) or more previously platted lots. The "Primary Subdivision" ordinarily applies to any division of land involving the dedication of a street to the public, the dedication of additional right-of-way and improvements to an existing road as shown on the "Vilonia Master Street Plan" and, in general, any subdivision of land resulting in the need to produce engineering drawings and data in order to meet the improvement requirements of this ordinance.

**Telecommunication Tower:** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers. The term includes radio and television transmission towers, personal communications service (PCS) towers, alternative tower structures, and the like. This definition does not include any structure erected solely for a residential, non-commercial individual use, such as television antennas, satellite dishes, or amateur radio antennas.

**Town House:** A row of up to six individual residential dwelling units connected by common walls. Each unit may be one or two stories but not just second story only. Also, each unit has a direct ground floor access to the outside.

**Use:** A purpose to which land is allocated.

Variance: A departure from the literal provisions of the zoning ordinance in instances where strict enforcement of the zoning ordinance would cause undue hardship due to circumstance unique to the individual property under consideration. To be a variance it must be demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning ordinance. (All requests for variance shall be submitted to the Zoning Board of Adjustment). Decision of the Board in respect to a variance shall be subject to appeal only to a court of record having jurisdiction.

Yard, Front: The required area of open space extending across the full width of the lot, the depth of which shall be least distance between the front lot line and the nearest point of the principal building including attachments. (See also, Lot Line, Front.)

Yard, Rear: The required area of open space extending across the full width of which shall be the least distance between the side lot line and the nearest point of the principal building including attachments.

Yard, Side: The required area of open space between the principal building and the side lot line, extending from the front yard to the rear yard, the width of which shall be the least distance between the side lot line and the nearest point of the principal building including attachments.

Zoning District: An area of land designated in the zoning ordinance in which requirements for the use of land, building, and development standards are prescribed.

Zoning District Boundary: The line which separates unlikely zoning districts. Conversely, the line which encloses a zoning district.

## ARTICLE III ADMINISTRATION

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### SECTION 3.1 ENFORCEMENT

#### 3.1.1 Enforcement Officer

Provisions of the zoning ordinance shall be administered by the Enforcement Officer, who shall be hired by the City Council. The Enforcement Officer will approve or deny applications for building permits, enforce the provisions of the zoning ordinance, and perform other duties as specified by the City Council. This office shall administer the zoning ordinance literally and shall not have the power to permit any land development or building activity which is not in conformance with these regulations.

- (1) The Enforcement Officer or an authorized agent, upon reasonable notice, may enter upon any premises at any reasonable time for the purpose of making inspections in fulfilling the administration and enforcement of this zoning ordinance.
- (2) The Enforcement Officer shall keep an accurate record of applications received, permits issued, and violations committed. The record shall be filed in the City Hall of Vilonia.
- (3) Whenever the Enforcement Officer, or his duly authorized agent or representative, determines that there are reasonable grounds to believe there has been a violation of any provisions of this code, he shall give notice to the person responsible. Notice shall be put in written form, include a statement of the reasons why it is being issued, and sections of the code that are alleged to be in violation. A minimum of seven days will be allowed for performance of any action required. Notice shall further state that if the violations are not voluntarily corrected within the stated time the Code Enforcement Officer shall institute legal proceeding charging the person or persons with a violation of this code. The person responsible for the violation shall be notified by one or more of the following methods:
  - By delivery of the notice to the owner or responsible party personally.
  - By leaving the notice at the home or business of the owner or responsible party, with a person of suitable age and discretion.
  - By mailing the notice in the U.S. Mail by Certified Mail.
  - By posting and keeping posted for at least twenty-four (24) hours, a copy of the notice in a conspicuous place on the premises alleged to be in violation.

### 3.1.2 Building Permit

After the effective date of zoning ordinance, a building permit issued by the Enforcement Officer shall be required before work may be commenced on the construction or the excavation for the construction of any building or structure, or the moving onto a site or the alteration of any building or structure within the city limits of Vilonia. The building permit requirements apply also to manufactured homes, mobile homes and pre fabricated homes and buildings.

### 3.1.3 Application for Permit

An application for a building permit shall include a development plan or a plat drawn to scale. The scaled development plan has two options:

- (1) If the development proposal is for a Conditional Use, Planned Unit Development or a Multiple Building Development, the plan shall be prepared by an engineer, architect, or surveyor registered in the State of Arkansas.
- (2) If the development is for a permitted use, at the discretion of the Enforcement Officer, the plan may be drafted by a nonprofessional.
- (3) The plan or plat should include a north arrow and bar scale and show the following in clear and sufficient detail:
  - The actual shape, proportion, and dimensions of the affected parcel of land on which work is to be commenced, and satisfactory evidence that actual corners of the parcel are known and are established on the ground,
  - The shape, size, and location of all buildings or structures to be erected, altered, or moved on the parcel, including unaffected existing ones,
  - The location and dimensions of easements, driveways, flood plain boundaries, and streets and the owners and land uses of adjacent properties,
  - The existing and intended uses of the land and all the buildings or structures thereon, on
  - Any additional information relating to the proposed improvement needed to determine compliance with the zoning ordinance.

The application fee for a building permit shall be set by the City Council. This fee shall be submitted via check or money order made payable to the City of Vilonia along with the application to the City Clerk. No part of this fee is refundable.

### 3.1.4 Certificate of Occupancy

A certificate of occupancy shall be issued by the Enforcement Officer prior to the occupation of a new or altered building or structure, or change in use of the building

or structure. The Enforcement Officer shall inspect the property in question within a reasonable time and shall issue a certificate of occupancy if the premises of the property comply in all respects with the applicable development regulations in effect for the city. If the premises does not so comply, then the Enforcement Officer shall specify the provisions which have been violated.

A temporary certificate of occupancy may be issued upon request by the property owner for a portion or portions of a building or structure provided all fire safety requirements are met and it may safely be occupied prior to final completion of the building. This temporary certificate of occupancy shall be valid for a period not to exceed six months.

### 3.1.5 Enforcement

The City Council may enjoin any individual or property owner who is in violation of a planning ordinance to prevent or correct such violation. Any individual aggrieved by a violation of a planning ordinance may request an injunction against any individual or property owner in violation of a planning ordinance, or may mandamus any official to enforce the provision of a planning ordinance. (Acts of 1957, No. 186, Section 5; Act 1965, No. 134).

### 3.1.6 Penalties

A violation of this Ordinance shall be deemed a misdemeanor and shall be punishable by fine. Any person, firm, or corporation who violates or refused to comply with any provision of this Ordinance shall be fined not less than twenty (\$20) dollars nor more than one-hundred (\$100) dollars for each offense. The City may institute appropriate legal action or other measures to prevent actions in violation of this Ordinance.

## SECTION 3.2 BOARD OF ZONING ADJUSTMENT

### 3.2.1 Creation

The Board of Zoning Adjustment is hereby created and will be composed of five (5) members (including two (2) or three (3) members of the planning commission) to be named by the Mayor and confirmed by the City Council. The board of zoning adjustment shall have the following functions:

- (1) Hear appeals from the decision of the enforcement officer in respect to the enforcement and application of said ordinance; and may affirm or reverse, in whole or part, said decision of the enforcement officer.
- (2) 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 circumstance 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 of zoning adjustment shall not permit, as a variance, any use on a zone that is not permitted under the ordinance. The board of zoning adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

### 3.2.2 Appeal

Decisions of the board of zoning adjustment in respect to the above shall be subject to appeal only to a court of record having jurisdiction. The general organization and administration of the board shall be as follows:

- (1) The board of zoning adjustment shall adopt by-laws (which must be approved by the City Council) that establish regular meeting dates, the terms of membership and reappointment procedures, adopt rules for the conduct of its business, establish a quorum and procedure, elect a chairman and vice chairman and keep a public record of all findings and decisions. Each session of the board of zoning adjustment shall be a public meeting with public notice of said meeting and business to be carried on published in a newspaper of general circulation in the city, at least one (1) time seven (7) days prior to the meeting.
- (2) Appeals may be taken to the board by any person, also known as the applicant in this section, affected by a decision made by the Enforcement Officer concerning these zoning regulations. All appeals shall be submitted in writing by the applicant and filed with the City Clerk at least two weeks prior to the next scheduled board meeting.
- (3) Written appeals to the board shall consist of the specific provision of the zoning ordinance involved and one of the following; the interpretation claimed by the applicant, the use sought by the applicant, or the details of the variance applied for and the grounds for which the variance is claimed by the applicant. Also, the written appeal shall include a scale drawing showing the requested variance along with all relevant information.
- (4) At the next meeting, the board shall fix a reasonable date for a public hearing on the appeal. A public notice shall be published at the applicant's expense at least once not less than seven days preceding the date of such public hearing, in a newspaper of general circulation in Vilonia. The public notice shall give the particular location of the property on which the appeal is requested including a legal description and an address, as well as a brief statement of the reason for the appeal. If no address is available, then a legal description plus the direction and distance from the nearest street intersection including the names of the streets shall suffice.

- (5) The applicant may appear in person at the public hearing or the applicant may send an agent or a lawyer instead.
- (6) The fee for any appeal to the board shall be an amount set by the City Council. This fee amount shall be made payable by check or money order to the City of Vilonia and delivered to the City Clerk along with the written appeal.

## SECTION 3.3 AMENDMENTS

### 3.3.1 Application

These regulations may be amended by changing the boundaries of the zoning districts, annexations, or by changing any other provision thereof whenever the public necessity and general welfare require such amendment.

An application for amendment may be initiated by the City Council, the Planning Commission or by one or more property owners or lessees of land affected by the proposed amendment. Such application must be filed with the City Clerk two weeks prior to the Planning Commission meeting date that the consideration of the amendment is requested, in order to be placed on their meeting agenda.

### 3.3.2 Procedure

Upon filing an application for amendment, these regulations may be amended by the following procedure:

- (1) The Planning Commission shall hold a public hearing on the proposed amendment not less than fifteen days after notice of such hearing has been published in a newspaper of general circulation in Vilonia. This notice shall be published at the applicant's expense and shall give the time and place of the public hearing, set by the Planning Commission, and the proposed change,
- (2) The amendment, as presented or modified by the action following the public hearing, shall be voted on by the Planning Commission,
- (3) Following such vote, the Planning Commission shall certify its recommendations to the City Council,
- (4) The City Council may return the proposed amendment to the Planning Commission for further study, or by majority vote adopt by ordinance the proposal as submitted by the Planning Commission,
- (5) If the Planning Commission disapproves the proposed amendment, the proposed may appeal to the City Council. Such appeal shall be made via the City Clerk, who shall transmit a report to the City Council, stating why the proposed amendment was disapproved. The City Council, shall review the action and may approve the proposed amendment only by not less than two-thirds vote of all members, and / or

- (6) Should the proposal be adopted by the City Council, the amendment ordinance shall be filed with the City Clerk, and the Planning Commission shall be directed to change the City of Vilonia Zoning Map.

### 3.3.3 Fee

The application fee for an amendment to these regulations shall be set by the City Council and submitted via check or money order made payable to the City of Vilonia along with the application to the City Clerk. It shall be for each piece of property under separate ownership submitted in the application, none of which is refundable. This application fee is required of property owners and leasers of land who file the application only. No fee is due when the application is initiated by either the City Council or the Planning Commission.

### 3.3.4 Resubmission

No resubmission of a zoning amendment application will be allowed within twelve months after the date of final action by either the Planning Commission or the City Council, unless the City Council or the Planning Commission deems a substantial reason for waiving this limitation.

## SECTION 3.4 VALIDITY AND CONFLICT

### 3.4.1 Validity

Should any article, section, subsection, paragraph, clause, or provision of these zoning regulations be declared by a court of competent jurisdiction to be invalid or unconstitutional, the same shall not affect the validity of these zoning regulations as a whole or any part thereof, other than the part so declared invalid.

### 3.4.2 Conflict

Any portion of prior ordinances, in effect prior to the effective date of the zoning ordinance to the extent such ordinances conflict with this zoning ordinance, is hereby repealed.



## ARTICLE IV ESTABLISHMENT OF ZONING DISTRICTS

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### SECTION 4.1 ZONING MAP

The zoning districts are hereby established as shown on the map entitled: City of Vilonia Zoning Map, which is part of these written regulations and which is on file in the Vilonia City Hall. Said map and all notations, references, and dates as well as other information shown thereon shall be and are hereby adopted and made part of these regulations. This map may be revised from time to time. Copies of the ordinances revising the map and these regulations will be on file in the Vilonia City Hall.

The City of Vilonia Zoning Map shall be identified by the signature of the Mayor, attested to by the City Recorder, and bearing the seal of the city under the following words: "This is to certify that this is the official City of Vilonia Zoning Map referred to in Article 1 of Ordinance Number \_\_\_ of the City of Vilonia, Arkansas dated \_\_\_\_\_. " Any update to the official City of Vilonia Zoning Map will include notation on the map indicating the revising Ordinance Number and date of City Council approval.

### SECTION 4.2 DISTRICT CLASSIFICATIONS

These regulations classify and control the use of land and structures within the incorporated area of Vilonia, Arkansas. For the purpose of promoting the health, safety, convenience, and welfare of the residents of the city, the city is divided into zoning districts, where each classified district will be regulated differently from another in the following: the use of the land and buildings, the coverage of the land, the size, height, and location of buildings, the size of yards and open spaces, and the population density. Within the city the following zoning classifications shall be utilized:

#### **Residential Districts**

LDR Low Density Residential  
MDR Medium Density Residential  
LER Large Estate Residential  
MHP Manufactured Home Park

#### **Industrial Districts**

I Industrial  
M Mining

#### **Mixed Use Districts**

TC Town Center  
HMU Highway Mixed Use

#### **Overlay Districts**

FP Flood Plain  
HC Highway Corridor  
NC Neighborhood  
Commercial

## SECTION 4.3 DISTRICT BOUNDARY INTERPRETATIONS

Any uncertainties as to the boundaries of a zoning district shall be resolved by the Zoning Board of Adjustments in accordance with the following:

- (1) Distances not shown on the zoning map or specified in the boundary descriptions shall be scaled from the map,
- (2) Boundaries indicated as on or approximately following the centerlines of streets, roads, or highways shall be perceived as on said centerlines at the distances indicated on the zoning map,
- (3) Boundaries signified as more or less following platted lot lines shall be interpreted as following such lot lines,
- (4) Boundaries marked as on or roughly following the centerlines of streams or drainage ways shall be inferred as on such centerlines in the event the stream or drainage way is changed by natural causes,
- (5) Boundaries implied as following contour lines shall be construed to follow the line of elevation as determined on the ground, on
- (6) Boundaries denoted as on or very nearly following extensions of roadways or platted lot lines shall be so defined.

## ARTICLE V-ZONING DISTRICT DESCRIPTIONS

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### SECTION 5.1 RESIDENTIAL DISTRICTS

5.1.1 Reserved for future use

5.1.2 Low Density Residential Districts -

The purpose of these districts is to provide for areas of low density residential development on separate and distinct platted lots of record. All improved lots within the LDR Districts within three hundred (300) feet of an existing sewer line, if elevation permits, shall be connected to the Vilonia sewerage system.

### 5.1.2.1 Low Density Residential, Site Built - LDR-SB

The purpose of this district is to provide for areas of low density residential development that are intended for the building of a site built home or prefabricated home on a separate and distinct platted lot of record. All improved lots within the LDR-SB District within (300) feet of an existing sewer line, if elevation permits, shall be connected to the Vilonia sewerage system.

- (1) Permitted uses within the LDR - SB District are limited to one principal structure on a lot and may include the following:

Site Built Homes - single family dwelling,  
Prefabricated homes - single family dwelling  
Passive parks,  
Home occupation as allowed by these regulations  
Accessory uses

- (2) Conditional uses for the LDR-SB District include the following:

Planned residential developments, (see Section 7.6)  
Duplexes,  
Other outdoor recreational facilities,  
Elementary schools,  
Religious institutions,  
Public utilities and telecommunication facilities,  
Daycare facilities, and  
Other public and community facilities.

- (3) The dimensional requirements within LDR-SB include minimum lot sizes, minimum lot width, lot coverage, maximum building heights, and minimum setbacks.

- (a) Minimum lot size requirements, when served by the Vilonia Sewerage System, are the following:

- Planned residential developments - (see Section 7.6),
- Other residential lots - 12,000 square feet, per dwelling unit
- Non-residential tracts - 12,000 square feet.
- Minimum lot width shall be ninety feet.
- Lot coverage by all buildings on a lot shall not exceed forty percent of the total lot area.
- The maximum building height shall not exceed thirty five feet or be more than two and half stories.

- Side minimum setbacks shall be ten (10) per cent of lot width or 10 feet, whichever is less, for each side.
- Rear and front yard minimum setbacks shall be twenty five (25) feet.

(b) Minimum lot size when served by an “on lot” septic tank system:

- All uses shall have a minimum lot size based on the results of a testing method approved by the County or State Health Department for a private septic tank system appropriate for the intended use of the lot.

### **5.1.2.2 Low Density Residential – LDR**

The purpose of this district is to provide for areas of low density residential development that are intended for the building of a site built home, prefabricated home, or placement of a manufactured home on a separate and distinct platted lot of record. All improved lots within the LDR District when within three hundred (300) feet of an existing sewer line, if elevation permits, shall be connected to the Vilonia sewerage system.

(1) Permitted uses within the LDR District are limited to one principal structure on a lot and may include the following:

- Site Built Homes – single family dwelling,
- Prefabricated homes – single family dwelling,
- Manufactured Homes – single family dwelling,
- Passive parks,
- Home occupations as allowed by these regulations
- Accessory uses.

(2) Conditional uses for the LDR District include the following:

- Planned residential developments, (see Section 7.6)
- Duplexes,
- Other outdoor recreational facilities,
- Elementary schools,
- Religious institutions,
- Public utilities and telecommunication facilities,
- Day care facilities, and
- Other public and community facilities.

(3) The dimensional requirements within the LDR District shall include minimum lot sizes, minimum lot width, lot coverage, maximum building heights, and minimum setbacks.

(a) Minimum lot sizes requirements, when served by the Vilonia Sewerage System, are the following:

- Planned residential developments – (see Section 7.6),
- Other residential lots – 12,000 square feet, per dwelling unit
- Non-residential tracts – 12, 000 square feet.
- Minimum lot width shall be ninety feet.
- Lot coverage by all buildings on a lot shall not exceed forty percent of the total lot area.
- The maximum building height shall not exceed thirty-five feet or be more than two and a half stories.
- Side minimum setbacks shall be ten (10) per cent of lot width or 10 feet, whichever is less, for each side.
- Rear and front yard minimum setbacks shall be twenty-five (25) feet.

(b) Minimum lot size when served by an “on lot” septic tank system:

- All uses, residential and all others, shall have a minimum lot size based on the results of a testing method approved by the County or State Health Department for a private septic tank system appropriate for the intended use of the lot.

(4) All manufactured homes placed in this district must meet the following requirements:

- Have been built in last five (5) years,
- Have a minimum floor area of 800 square feet,
- Maximum building height shall not exceed fifteen (15) feet or be ore than one story,
- Have all removable running gear, tongues, axles and wheels removed at the time of installation,
- Have exterior siding which consists of materials customarily used on dwellings in the City of Vilonia;
- Be installed in accordance with the manufacturer’s installation specifications, the State of Arkansas Rules and Regulations for manufactured homes or the Southern Standard Building Code, whichever is most restrictive,
- Be placed on a foundation which consists of concrete pads or runners under each frame member,
- Have permanent curtain walls of concrete, brick, masonry or materials consistent with siding materials of the home, with ventilation and a crawl space door installed, and
- Have a porch or landing with steps and hand rails installed for each exit door.

### 5.1.3 Medium Density Residential

The purpose of this district is to create areas of medium density residential development that act as transitional areas between the mixed use areas and the low density areas.

#### **5.1.3.1 Medium Density Residential, Site Built – MDR-SB**

The purpose of this district is to create areas of medium density residential development that act as transitional areas between the mixed use areas and the low density areas. This district encourages a mixture of single family and certain multi-family dwellings at a density of not more than twelve dwelling units per gross acre. All improved lots within the MDR-SB District shall be connected to the City of Vilonia sewer system.

(1) The permitted uses within the MDR District shall include the following:

Site Built Homes- single family dwelling,  
Pre-Fabricated Homes – single family dwelling,  
Duplexes and triplexes,  
Townhouses,  
Passive Parks,  
Home occupations as allowed by these regulations  
Accessory uses.

(2) Conditional uses for the MDR District include the following:

Planned residential developments,  
Accessory dwelling unit,  
Other outdoor recreational facilities,  
Educational institutions,  
Religious institutions,  
Day care facilities,  
Public utilities and telecommunication facilities, and  
Other public and community facilities.

(3) The dimensional requirements within the MDR-SB District shall include minimum lot sizes, minimum lot width, lot coverage, maximum building heights, and minimum setbacks. Minimum lot size requirements are the following:

- Planned residential developments – (see Section 7.6),
- Duplex lots – (see Section 7.6),
- Multi-family lots – (see Section 7.6),

- Non-residential tracts – 6,000 square feet,
- Single family residential lots- 6,000 square feet.
- Minimum lot width shall be sixty (60) feet
- Maximum lot coverage by building is fifty (50) percent
- Maximum building height is three (3) stories or forty (40) feet.
- Minimum rear yard setback is fifteen (15) feet.
- Minimum front yard setback is forty (40) feet abutting principal arterials or twenty-five (25) feet on other streets.
- Minimum side lot building setback lines shall be ten (10) percent of lot width or 10 feet, whichever is less, for each side.

### **5.1.3.2 Medium Density Residential – MDR**

The purpose of this district is to create areas of medium density residential development that act as transitional areas between the mixed use areas and the low density areas. This district encourages a mixture of single family and certain multi-family dwellings at a density of not more than twelve dwelling units per gross acre. All improved lots within the MDR District shall be connected to the City of Vilonia sewer system.

(1) The permitted uses within the MDR District shall include the following:

Site Built Homes- single family dwelling,  
 Pre-Fabricated Homes – single family dwelling,  
 Manufactured Homes – single family dwelling,  
 Duplexes and triplexes,  
 Townhouses,  
 Passive Parks,  
 Home occupations as allowed by these regulations  
 Accessory uses.

(2) Conditional uses for the MDR District include the following:

Planned residential developments,  
 Accessory dwelling unit,  
 Other outdoor recreational facilities,  
 Educational institutions,  
 Religious institutions,  
 Day care facilities,  
 Public utilities and telecommunication facilities, and  
 Other public and community facilities.

(3) The dimensional requirements within the MDR District shall include minimum lot sizes, minimum lot width, lot coverage, maximum building heights, and minimum setbacks. Minimum lot size requirements are the following:

- Planned residential developments – (see Section 7.6),
- Duplex lots – (see Section 7.6),
- Multi-family lots – (see Section 7.6),
- Non-residential tracts – 6,000 square feet,
- Single family residential lots- 6,000 square feet.
- Minimum lot width shall be sixty (60) feet
- Maximum lot coverage by building is fifty (50) percent
- Maximum building height is three (3) stories or forty (40) feet.
- Minimum rear yard setback is fifteen (15) feet.
- Minimum front yard setback is forty (40) feet abutting principal arterials or twenty-five (25) on other streets.
- Minimum side lot building setback lines shall be ten (10) percent of lot width or 10 feet, whichever is less, for each side.

(4) All manufactured homes placed in this district must meet the following requirements:

- Have been built in last five (5) years,
- Have a minimum floor area of 800 square feet,
- Maximum building height shall not exceed fifteen (15) feet or be ore than one story,
- Have all removable running gear, tongues, axles and wheels removed at the time of installation,
- Have exterior siding which consists of materials customarily used on dwellings in the City of Vilonia;
- Be installed in accordance with the manufacturer’s installation specifications, the State of Arkansas Rules and Regulations for manufactured homes or the Southern Standard Building Code, whichever is most restrictive,
- Be placed on a foundation which consists of concrete pads or runners under each frame member,
- Have permanent curtain walls of concrete, brick, masonry or materials consistent with siding materials of the home, with ventilation and a crawl space door installed, and
- Have a porch or landing with steps and hand rails installed for each exit door.



#### 5.1.4 Large Estate Residential

The purpose of this district is to provide for areas of large lot residential development that are intended for the building of site built homes on separate and distinct platted lots. All improved lots within the LER District within three hundred (300) feet of an existing sewer line shall be connected to the Vilonia sewer system, if elevations permit.

- (1) Permitted uses within the LER District are limited to one principal structure on a lot and may include the following:

- Site Built Homes – Single Family Dwelling
- Passive Parks
- Home occupations as allowed by these regulations
- Accessory uses

- (2) Conditional uses for the LER District may include the following:

- Outdoor recreational facilities
- Accessory Dwelling Unit
- Other Public and Community Facilities

- (3) The dimensional requirements within the LER District shall include minimum lot sizes, maximum building heights, and minimum setbacks.

- (a) Minimum lot size requirements when served by the Vilonia Sewer system are as follows:

- Single Family Residential Lots – 1 acre
- Front Yard Setback shall be seventy-five (75) feet
- Rear setbacks shall be twenty-five (25) feet
- The maximum building height shall not exceed thirty (30) feet or be more than two and one-half stories
- Side minimum setbacks shall be twenty (20) feet for each side

- (b) Minimum lot size when served by an “on lot” septic system

- All uses, residential and other, shall have a minimum lot size based on the results of a testing method approved by the County or State Health Department for a private septic system appropriate for the intended use of the lot.
- Setback requirements apply.

### 5.1.5 Manufactured Home Park – MHP

The purpose of this district is to provide areas of affordable housing. This district consists of a different type of subdivision known as a land lease subdivision, where spaces are normally rented but the homes may be either rented or owned. Recreational vehicles shall not be set-up for residential use in the MPH district. All improved lots within the MPH District shall be connected to the City of Vilonia sewer system. No district less than two acres shall be established unless such new district is appended to an existing MPH district under the same ownership.

(1) Permitted uses within the MHP District shall include the following:

Manufactured Homes – single family,  
Community Center,  
Recreational facilities,  
Home occupations as allowed by these regulations, and  
Accessory uses.

(2) Conditional uses for the MHP District include the following:

Planned residential developments (see Section 7.6).

(3) The dimensional requirements within the MHP District shall include:

- Minimum manufactured home park size of two acres,
- Minimum manufactured home space area of 4000 square feet,
- Minimum setbacks for the side, rear, and front yards of the development shall be twenty five feet.
- Manufactured homes shall be separated from each other by a minimum distance of fifteen feet.
- No manufactured home shall be located more than 300 feet away from a fire hydrant.
- Landscape screening shall be required around the perimeter of the manufactured home park between the property and setback lines. This landscaping shall include trees, shrubs, other ground cover, berms, and / or a treated wood fence or masonry wall. Landscaping materials and fencing shall be maintained at a minimum of six (6) feet above ground level.

(4) All manufactured homes in this district must meet the following requirements:

- Have been built in last five (5) years,
- Have a minimum floor area of 800 square feet,
- Maximum building height shall not exceed fifteen (15) feet or be more than one story,
- Have all removable running gear, tongues, axles and wheels removed at the time of installation,

- Have exterior siding which consists of materials customarily used on dwellings in the City of Vilonia;
  - Be installed in accordance with the manufacturer's installation specifications, the State of Arkansas Rules and Regulations for manufactured homes or the Southern Standard Building Code, whichever is most restrictive,
  - Be placed on a foundation which of concrete, brick, masonry or materials consist with siding materials of the home, with ventilation and a crawl space door installed, and
  - Have a porch or landing with steps hand rails installed for each exit door.
- (5) Recreation Space: Common recreation space in a manufactured home subdivision shall be provided at the rate of five hundred (500) square feet per mobile home space. The minimum size of any recreation space shall be five thousand (5,000) square feet. No required recreation areas shall be located in the perimeter set back (25 feet) for the development.
- (6) Internal drives shall be privately paved and maintained, and shall be accessible to all manufactured home spaces. Such drives shall be at least twenty feet from all such drives, and the manufactured home shall be oriented so that the front door or main entry of the home is facing the driveway or parking area serving that particular space. Each manufactured home shall be oriented so that the front door or main entry of the home is facing the driveway or parking area serving that particular space. Each manufactured home space shall have two (2) automobile parking spaces as per all other residences. (See parking requirements in this regulation).
- (7) Relocation Installation: When a mobile home is relocated in Vilonia from its original site the above installation requirements shall also apply. A building permit is required whether the siting is the original or a subsequent installation.
- (8) Sanitation Building: Each manufactured home park shall have sanitation building and meet other requirements in accord with State Health Department directives.
- (9) Storage Facilities: A paved storage area shall be provided at a central location within a manufactured home subdivision at a rate of fifty (50) square feet per manufactured home for the outdoor storage of boats, campers, and similar vehicles. No part of the perimeter set back for the development shall be used for storage area.

## SECTION 5.2 MIXED USED DISTRICTS

### 5.2.1 Town Center – TC

The Town Center (TC) district is designed to serve as the major business, service and civic center for Vilonia and the traveling public passing through the area on its highways. In addition to the business, service and civic functions the TC district design may also accommodate multi-family housing and mixed commercial-residential buildings.

- (1) The Land Use Plan, Vilonia, should be referred to for policies which detail aspects of design and intended development such as pedestrian accessibility, management of driveways, grid street system, landscaping and parking arrangements.
- (2) To assist in access management in the TC district, the two principal highways are included in the Highway Corridor Overlay (HCO) district. See Section 5.4.2 in this regulation for details.

### 5.2.2 General TC District Restrictions

- (1) Lighting shall be placed to reflect away from residential development. No excessive or unusual noise, odor or vibration shall be emitted so that it constitutes a nuisance or which substantially exceeds the general level of noise, odor or vibration emitted by uses adjacent to or immediately surrounding the subject site. Such comparison shall be made at the boundary of the site.
- (2) All trash and garbage receptacles shall be located away from the street side of the property and screened from view.
- (3) All signage shall be in conformance with the Vilonia sign regulations as outlined in Section 6.5.

### 5.2.3 TC District Development Criteria (Non-Residential)

- (1) Loading or service areas shall be physically separated from all streets but shall provide motor vehicle access, preferably by alleys.
- (2) Property not located in the Highway Corridor Overlay (HCO) district and gaining access to local streets in the TC district may have the following front yard options:
  - Parking in front of principal structure – front yard shall be a minimum of 50 feet but greater if space is needed to accommodate required parking.

- When parking is provided at the rear or side of the principal building the building may abut the sidewalk.

- (3) Sidewalks, at least 5' wide, shall be provided on both sides of local (non-highway) streets. Sidewalks shall be separated from the street right-of-way if no curb exists, or from back of curb by a minimum distance of 3 feet.
- (4) Alleys at mid block required: Right-of-way 20 feet; paving width 12 feet.

#### 5.2.4 Town Center – TC District Use Regulation

The lists which follow suggest the kinds of establishments and land uses intended for the district. The uses listed range from retail, service and wholesale commercial to civic buildings, banking, business offices and residential. Other uses, not named, when deemed by the Planning Commission to be of similar character may be added in single product or service businesses or a single business may offer many of the product and services. In general, the outdoor display of products such as lumber, farm machinery, etc., should be prohibited.

##### (1) Permitted Uses

Antique Shops  
 Automobile service station (all repair work shall be performed within a building. Tools parts, and dismantled vehicles shall be stored within a building or screened from view from public streets)  
 Baker or confectioner (provided that goods are baked on the premises shall be offered for sale only on the premises and at retail)  
 Bank or trust company, savings and loan  
 Barbershop  
 Beauty Shop  
 Book, newspaper and magazine store  
 Business office  
 Churches  
 Dairy products store  
 Delicatessen  
 Drugstore  
 Duplexes and Triplexes  
 Electronics, computers, videotape shops  
 Florists  
 Fruit store  
 Gift shop  
 Grocery store  
 Hardware store  
 Horticultural nursery products store

Household appliance store  
Jewelry store  
Laundromat  
Laundry and cleaning pick-up station  
Market, produce  
Medical and dental clinics  
Offices of professional services  
Photographic supply store  
Restaurant, café or tea room  
Shoe repair shop  
Site built single family dwelling  
Tailor, pressing, laundry and cleaning shop  
Taxicab stand  
Telegraph or messenger service  
Theatre, cinema  
Townhouse apartments  
Upholstery shop  
Variety and dry goods store  
Wearing apparel store

(2) Conditional Uses

Automobile Sales and Services  
Communications tower  
Funeral home  
Hotel / Motel  
Lumber and building supply  
Manufactured home  
Pet shops  
Planned Unit Development  
Planned Residential Development  
Public utility buildings  
Veterinarian facility  
Wholesale establishments

#### 5.2.5 TC District Bulk and Area Regulations (Non-Residential)

- (1) Lot area, minimum typical: 140 feet by 60 feet equals 8,400 feet. This is based on the dimensions of a 300 block with an alley of 20 foot right-of-way.
- Lot width: 60 feet, at front building line.
  - Lot depth: 140 feet (may be altered to fit block size variation).
- (2) Yard dimensions:
- Front-see preceding 5.2.3 (TC District Development Criteria);

- Side lot building setback lines shall be a minimum of ten (10) percent of lot width or 10 feet, whichever is less, on each side;
- Rear – 3 feet from alley right-of-way. Rear yard set back applies to the building or the parking surface.
- Height: Three stories, finished first floor must be level with the sidewalk maximum height of forty-five (45) feet.
- Building coverage of buildable area on lot: Building and required parking may occupy 100 percent of lot.
- Multiple lot building coverage or large single lot building coverage shall be subject to the yard, height and building coverage requirements of the TC district Bulk and Area Regulations. See Section 8.6 (Multiple Building Sites) in the Vilonia Control of Development and Subdivision of Land Regulations.

#### 5.2.6 TC District Bulk and Area Regulations (Residential)

- (1) See Section 6.10 (Lots) and Section 6.11 (Platted Building Line and Buffers) in the Vilonia Control of Development and Subdivision of Land Regulations for minimum requirements for duplex, triplex and townhouse and PRD.
- (2) The aggregate of multi-family housing shall not exceed ten (10) percent of the gross acreage of the TC district.
- (3) Single family detached dwellings that are site built shall be subject to the dimensional requirements set forth in Section 5.1.3 (Medium Density Residential) of this regulation.

#### 5.2.7 Highway Mixed Use – HMU

The purpose of the Highway Mixed Use district (HMU) is to provide a mixed use area extending along the principal arterials, Highways 64B and 107, outward from the Town Center district. The HMU district is coincident with the Highway Corridor Overlay district (HCO) and all street intersection, driveway, building setback, parking and landscaping regulation shall apply to the HMU district. The Highway Mixed Use district is characterized by a medium to high density mixture of residential and commercial uses. Overall it is less than the Town Center district in that a strip configuration of development is expected as opposed to a more in-depth development pattern created in the Town Center based on a grid system of local streets.

- (1) General HMU District Restrictions

- Lighting shall be placed to reflect away from residential development. No excessive or unusual noise, odor, or vibration shall be emitted which would constitute a nuisance.
- All signage shall be in conformance with the Vilonia sign regulations as outlined in Section 6.7.

(2) HMU District Development Criteria

- Loading or service areas shall be located at the side or rear of buildings and shall be screened from view when the observer is on the highway.
- Residential densities shall not exceed twelve dwelling units per acre.
- Commercial areas may be developed as “shopping centers” on large single lots or an aggregate of lots.
- Design standards for access points to property in this district shall be in accord with the street and driveway spacing requirement of the Highway Corridor Overlay district.

5.2.8 Highway Mixed Use – HMU District Use Regulation

The lists which follow in subparagraphs 1 and 2 suggest the kinds of establishments and land uses intended for the district. The uses listed range from retail, service and wholesale commercial to civic buildings, banking, business office, and residential. Other uses, not named, when deemed by the planning commission to be of similar character may be considered for placement in the district. The retail uses listed may be accommodated in single product or service businesses or a single business may offer a combination of the products and services. In general, in contrast to the Town Center district, the outdoor display of products such as lumber, farm machinery, boats, mobile homes, etc., is permitted.

(1) Permitted Uses

- Residential including single family, duplex, triplex and Town house apartments
- Retail commercial
- Professional and personal services
- Business offices
- Banking
- Wholesale sales
- Public buildings and offices
- Automotive sales and services
- Churches
- Funeral homes
- Mini-storage buildings
- Automotive service stations
- Repair shops



## (2) Conditional Uses

Manufactured homes  
Veterinarian clinics  
Outdoor amusement parks  
Recreational vehicle parks  
Day care facilities

### 5.2.9 HMU District Bulk and Area Regulations (Non-Residential)

Yard, height and building coverage requirements shall apply to both minimum single lot and multiple lots or large single (lot or parcel) development. See Section 8.6 (Multiple Building Sites) in the Vilonia Control of Development and Subdivision of Land Regulations.

- (1) Lot area, minimum typical: 200 feet by 60 feet equals 12,000 square feet. This is based on the width of the Highway Corridor Overlay district of 200 feet extending from the highway right-of-way on each side. Lots that may exceed 200 feet in depth in its entirety shall be included in the HCO district.
- (2) Yard dimensions minimum: See setback requirements in Section 5.4.2 HCO of this ordinance.
  - Height: Three stories of 45 feet.
  - Building coverage of buildable area on lot 50 percent provided parking and landscaping requirements are met.

### 5.2.10 HMU District Bulk and Area Regulations (Residential)

- (1) See Section 6.10 (Lots) and Section 6.11 (Platted Building Line and Buffers) in the Vilonia Control of Development and Subdivision of Land Regulation for minimum requirements for various types of residential development.
- (2) Single family detached dwellings that are site built shall be subject to the dimensional requirements set forth in Section 5.1.3 (Medium Density Residential) of this regulation.

## SECTION 5.3 INDUSTRIAL DISTRICTS

### 5.3.1 Industrial – I

The purpose of this district is to provide areas that can be used for manufacturing, distribution, production, and other industrial uses. It is the intent of this regulation to protect the public health and safety of the city and thus, prevent land or buildings from being used or occupied in any manner to create any dangerous, injurious,

noxious, or otherwise objectionable condition related to fire, explosion, radioactivity, noise, vibration, smoke, dust, odor electrical disturbance, glare, heat, or hazardous wastes in a manner or amount to adversely affect the surrounding area. The dumping or disposal or storage of hazardous waste shall not be permitted.

- (1) All uses and accessory activities shall be confined within completely enclosed buildings with the exception of off-street parking spaces, off-street loading berths, accessory fuel storage, and employee recreational facilities. In addition, no goods, equipment, supplies, or other materials shall be stored in the open except on the rear two-thirds of any lot, and then only when such open storage is no higher than a screening fence erected on the industrial lot.
- (2) All proposals for development and uses of land and buildings are subject to site plan review submitted to and approved by the Planning Commission. In addition, the applicant shall submit a description of the proposed operation including machinery, processes, and products. The applicant will include specifications for the mechanisms, techniques, and operations in sufficient detail so that the Planning Commission can determine or have determined whether the industrial pursuit meets the above intent.
- (3) All uses within the Industrial District shall be conditional and are subject to conditional use review.
- (4) No principal or accessory building, parking lot, loading area, or maneuvering area shall be located less than fifteen feet from any lot line, or less than fifty feet from the property line of any residential area or from the boundary of any parcel used for an educational institution. Also, the above mentioned buildings and areas shall not be sited less than seventy five feet from an existing or proposed principal or minor arterial according to the Master Street Plan, or less than fifty feet from an existing or proposed collector or local road. These setback areas shall be landscaped with a combination of grass, shrubs, trees, and / or other ground cover and shall be maintained at all times.
- (5) Each lot shall have a minimum frontage of on hundred feet on a roadway, provided however, that the Planning Commission may approve a lesser frontage to a minimum of sixty feet for lots located on cul-de-sacs or on roadway curves or lots having other extraordinary characteristics. Curb cuts on arterial streets shall be located at least three hundred feet apart and no closer than one hundred feet to the right of the way of any intersecting street.
- (6) No building or other standing structure shall exceed a height of fifty feet. Not more than fifty percent of the area of the lot or parcel may be covered by

buildings including accessory buildings. Also, no buildings other than accessory buildings shall be located closer to any other building than a distance equal to the height of the higher building, and in no event less than thirty feet apart. The maximum distance of any fire hydrant to a primary building in an industrial District shall be three hundred (300) feet.

### 5.3.2 Mining – M

The intent of this section is to allow the most efficient utilization of extracted or quarried resources while minimizing detrimental impact on adjacent properties; minimize the conflict between urban land uses, extractive land uses, and rural land uses by protecting areas suitable and desirable for mining uses from the intrusion of incompatible uses; and protect non-mining uses within or near mining areas from the undesirable effects of mining operations.

(1) Permitted uses within the M District are:

- Resource extraction,
- Agricultural activities, and
- Forestry.

(2) Conditional uses within the M District are:

- Landfills,
- Telecommunication facilities, and
- Other industrial activities.

(3) Dumping of trash, waste, or other offensive materials of any kind is prohibited unless officially approved as a governmental or private landfill. The emission of vibration, noise, odor, smoke, dust, or particulate matter outside the boundaries of the site which adversely affects the health, safety, or general welfare of the surrounding properties or the city and off-premises outdoor advertising are prohibited as well.

(4) Any resource extraction must comply with the permitting provisions of The Arkansas Open-Cut Land Reclamation Act of 1977 and subsequent revisions or amendments.

(5) No principal or accessory building, parking lot, loading area, or maneuvering area shall be located less than thirty-five feet from any lot line, or less than fifty feet for the property line of any residential area or from the boundary of any parcel used for an educational institution. Also, the above mentioned buildings and areas shall not be sited less than seventy five feet from an existing or proposed principal or minor arterial according to the Master Street Plan, or less than fifty feet from an existing or proposed collector or local road.

- (6) A security fence of at least eight feet in height shall be erected around the property, and trees shall be planted in the setback areas for screening purposes.

## SECTION 5.4 OVERLAY DISTRICTS

### 5.4.1 Flood Plain Overlay – FPO

This district's purpose is to protect the lives and property of persons living in areas subject to the effects of floods. The Flood Plain Overlay District designates land where special flood hazard areas exist as identified from the Federal Insurance Administration Flood Insurance Rate Maps. Since floodways can be extremely hazardous areas due to the velocity of floodwaters which carry debris that become potential projectiles and since erosion is prominent, it is intended to keep the area free of land uses which are endangered by floods or which increase the danger from floods to other property.

- (1) Encroachments are prohibited, including fill, new constriction, alteration of stream beds, substantial improvements, manufactured homes, and other developments unless certification by a registered professional engineer is provided demonstration that encroachments will not result in any increase in flood depth of the one hundred (100) year flood of more than one (1) foot and provided that hazardous velocities are not produced.
- (2) Permitted uses within a FPO District are the following:
  - Agricultural activities,
  - Forestry,
  - Ball fields,
  - Golf courses, and
  - Passive parks.

### 5.4.2 Highway Corridor Overlay – HCO

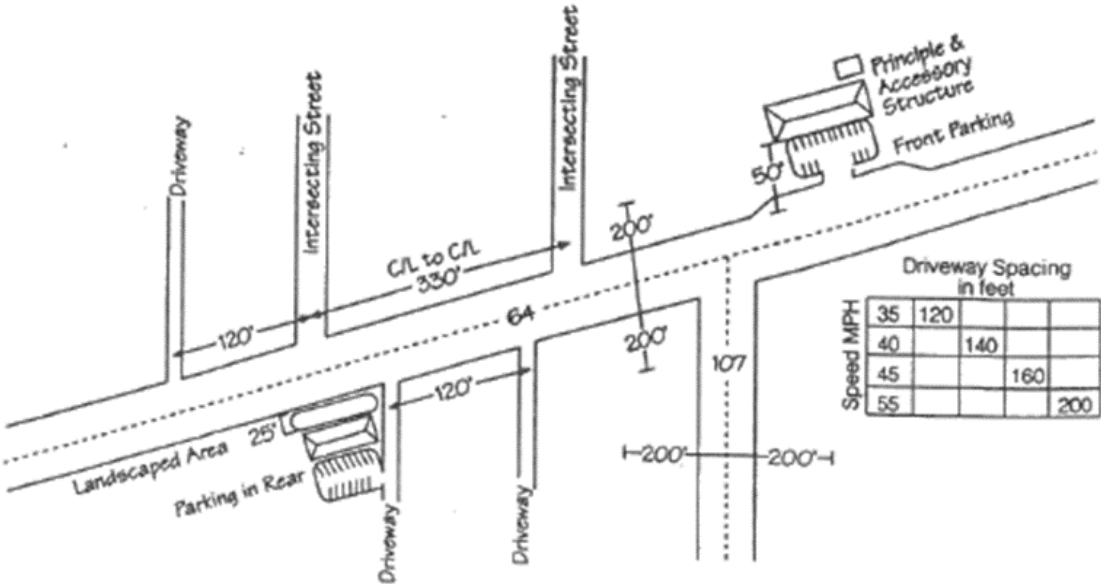
The purpose of this district is to assure a safe and efficient traffic flow along the principal arterials within the city such as Highway 64 and State Highway 107 and to preserve and enhance the economic value and viability of the property within the district. Due to the high traffic flow along such roadways, certain restrictions are needed to reduce vehicle accidents, promote safety around educational and community facilities, preserve roadway capacity, decrease congestion, improve access to adjoining properties, and maintain economic prosperity.

- (1) The HC District is defined as a buffer along Highway 64 and State Highway 107. This overlay district shall include all the area measured in cross-section within

two hundred feet of the centerlines of the two highways and extending along them as depicted on the Vilonia Zoning Map.

- (2) Where streets and roads intersect with the principal arterials within this corridor, regardless of functional classification according to the Master Street Plan, they shall be spaced no closer than 330 feet apart from centerline to centerline. The minimum spacing between driveways intersecting the principal arterial shall be 120 feet, centerline to centerline. This is based on the principal arterial having a speed limit of 35 miles per hour; however, higher traffic speed requires greater driveway separation. Where the speed limit is 45 miles per hour, the minimum spacing shall be 160 feet, centerline to centerline. Both roadways and driveways shall intersect principal arterials as nearly as possible at ninety-degree angles. See diagram below.

**Diagram of Highway Corridor District**



- (3) All principal and accessory structures shall have a fifty foot building set back from the principal arterial right of way as determined in the Master Street Plan. However, this setback may be reduced to twenty-five feet if off-street parking is not located between the structures and the principal arterial right of way.
- (4) There shall be a minimum of twenty-five feet of landscaping between the structures and the principal arterial right of way, and no off-street parking shall encroach into this landscaped area. Landscaping shall include trees, shrubs, other ground cover, and / or berms.

### 5.4.3 Neighborhood Commercial Overlay – NCO

The Neighborhood Commercial Overlay District is established for the purpose of accommodating the location of low impact commercial activity that normally will not attract more than a small number of customers or users drawn from the surrounding neighborhood trade are during the course of the daytime business day. Certain home occupations that do not meet the provisions of such within this ordinance may be accommodated within this district.

- (1) Dimensional requirements for property within this zoning district shall be the same as the base zoning district requirements.
- (2) The establishment of this zoning district constitutes an amendment to this ordinance and the provisions concerning amendments within these regulations shall be followed as well as the following additional requirements:
  - The person having a contractual or proprietary interest in the affected land and making application for amendment to create a Neighborhood Commercial Overlay District shall, in addition, submit a petition with the application;
  - The petition shall clearly describe the property to be contained in the Neighborhood Commercial Overlay District by metes and bounds or by lot number, if in a recorded subdivision, and including subdivision name. A plan showing the physical location of the property relative to existing streets and surrounding uses, and its dimensions shall be attached to the petition. This petition shall state whether an existing or new building will be utilized or if rehabilitated building shall be included;
  - The petition shall state the use intended for the property and that the proposed commercial use is in keeping with the purpose of the district and compatible with and will not adversely affect other property in the area where it is proposed to be located; the driveway access and off-street parking is in conformance with city requirements; and landscaping and screening will be provided if needed to protect adjacent property and to limit emissions such as lighting, glare, noise, dust or odor;
  - The petition shall contain the names and addresses of the owners of record of all property situated wholly or partially within five hundred (500) feet of the property lines of the parcel of land described on the petition for change; and
  - The names of the property of owners so affected shall be arranged on the petition with properly lined blanks for signatures and a choice of blocks to check “For “ or “Against” the proposed amendment. Also, the petition shall be valid for “application for amendment” purposes provided at least eighty percent of the eligible property owners have signed the petition.

## ARTICLE VI GENERAL PROVISIONS

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### SECTION 6.1 SITE PLAN REVIEW

The purpose of this section is to set forth processing site plans and establish standards for development within those districts which require regulation.

#### 6.1.1 Development Review

Site plan review is a development review process that provides for case by case consideration of project particulars including the provision of parking and landscaping, drainage, siting of buildings, and the compatibility of the proposed development with adjacent uses. All development shall be designed in such a way as to minimize any potential deleterious impact on the surrounding area. Design of the internal street system, ingress and egress, off-street parking and loading, drainage and pedestrian ways shall be sensitive to such conditions as safety, convenience, separation, vehicular and pedestrian traffic, general attractiveness, and the proper relationship of different land uses. Landscaped areas shall be provided to reduce erosion, heat, and glare, and said areas shall be maintained in an attractive condition. Existing trees on a development site shall be retained where possible. Screening, open space, or other buffers may be required to give adequate separation between uses which are not compatible and shall also be provided for the beautification and enhancement of the property.

- (1) The site plan review process shall apply to all applications for building permits for any of the following:
  - Conditional uses,
  - Rezonings,
  - Developments in all overlay districts (FPO, HCO, and NCO),
  - Developments in the MHP, TC, HMU, I and M districts,
  - Planned Unit or Residential Developments,
  - Telecommunication facilities, and
  - Industrial, Business, and Office Parks.
- (2) The Planning Commission shall review site plans to the issuance of a building permit. Site plans will be assessed for compatibility with standards and criteria provided herein.
- (3) Public Hearing of a site plan proposal shall take place at scheduled meetings at which time interested persons may appear and offer information in support of or against the proposed site plan. Following said public hearing, the Planning Commission will then take one of the following steps:

- Approve the site plan as submitted,
  - Approve the site plan for future review, or
  - Deny the site plan.
- (4) In addition to the special requirements of this section, the Planning Commission may impose on a site plan such additional requirements as are necessary to safeguard the public health, safety, and general welfare. The Planning Commission may require the applicant to submit a revised site plan incorporating the imposed requirements and modifications or may elect to approve a site plan on the contingency the requirements and modifications will be made.
- (5) The application for a rezoning classification or building permit without rezoning which involves site plan review shall be initiated by the owner or other person having a contractual interest in the property, or by the authorized agent of such owner or person.
- (6) The submission requirements for the review of a site plan, preceding the receipt of the building permit, shall be uniform for all applications and shall include the following:
- Eleven (11) copies of site plan submitted on white paper no longer than twenty-four inches by thirty-six inches, and no smaller than eleven inches by seventeen inches (11x7), and including the following:
    - Graphic scale and north arrow;
    - Proposed lot lines, if applicable;
    - Existing and proposed vehicular and pedestrian circulation systems including streets, alleys, sidewalks, and service and loading areas, and the location and arrangement of off-street parking areas and all points of vehicular ingress and egress;
    - Proposed perimeter treatment of the property, indicating screening materials to be used including fences, walls, berms, and plant materials;
    - Schematic landscape plan showing proposed treatment of the areas designated as open space;
    - Location and dimension of all existing and proposed utility drainage, and street easements and all existing and public improvements within the site;
    - Proposed location of structures including signage and structural dimensions, dimension of distances between buildings, and distances from structures to property lines;
    - Topographical cross sections of the site and the location of the 100 year flood plain if involved on the parcel;
    - A land survey showing the exact property or boundary lines, including a legal description of the total site proposed for development, including a statement of ownership;



- Engineering drawings with pertinent location , dimensions, and capacity of surface drainage in conformance with at least the minimum requirements of the Control of Development and Subdivision of Land Regulations; and
- Statement of proposed use of land and structures;
- Ten copies of a report showing quantitative data including the following:
  - Parcel size in acreage and square feet;
  - Proposed building coverage of structures;
  - Proposed floor area of buildings;
  - Proposed number of parking spaces; and
  - Percent of parcel covered by impervious surfaces.

(7) A finding by the Planning Commission of lack of compliance with the following standards may result in disapproval:

- The proposed site plan is incomplete, or contains or reveals violations of applicable zoning regulations which the applicant has, after written request, failed or refused to supply or correct;
- The proposed site plan does not comply with the minimum height and bulk and area or density regulations applicable to the zoning classification for which the site plan has been requested;
- The proposed site plan does not comply with the minimum screening and landscaping requirements of the city as determined by the Planning Commission;
- The proposed site plan interferes unnecessarily with easements, roadways, utilities, or other rights of way;
- The proposed pedestrian and vehicular circulation systems incorporated in the site plan subsequently create hazards to safety on or off the site;
- The proposed site plan does not conform to the minimum drainage requirements found in the Control of Development and Subdivision of Land Regulations; and
- The proposed site plan violates the basic intent of this regulation or does not comply with those conditions which were stipulated at the time of zoning designation.

#### 6.1.2 Approval is Binding

An approved site plan shall be binding on the applicants and their successors and assignees. No building permit shall be issued for any building not in conformance with the site plan. The construction, location, use, or operation of all land and structures within the site shall be in accordance with all conditions and limitations set forth in the site plan.

- (1) Unless an amendment is approved in accordance with this section, no structure, use, or other element of an approved site plan shall be eliminated, altered, or provided in another manner, provided however, that the Enforcement Officer may approve such minor changes in the site plan as will not cause any of the following circumstances to occur:
  - Any change in the allowable use of the development;
  - An increase in the number of dwelling units allowable in the respective zoning classification;
  - Any modification compounding the problems of vehicular circulation, safety, and provision of public utilities;
  - Any modification having an adverse impact on adjacent property;
  - Any reduction of the off-street parking and loading below those specified in these regulations;
  - Any appreciable reduction of the approved building setback lines; and;
  - Any change in the allowable size, lighting, or orientation of signs.
- (2) Whenever the Enforcement Officer finds that any proposed construction or occupancy will not comply with the approved site plan, the question shall be referred to the Planning Commission for review.
- (3) The holder of an approved site plan may request modification of the site plan or the conditions of approval by submitting an amended site plan which shall be filed and processed in the same manner as the original application.
- (4) Any applicant aggrieved by a decision of the Planning Commission as it relates to the site plan review process shall have the right to appeal to the City Council.

## SECTION 6.2 ACCESSORY BUILDINGS

An accessory building may be erected either detached from the principal building or connected as an integral part of the principal building. No accessory building shall be greater than twenty-five percent of the principal building in square footage of floor area. If an accessory building is attached to the principal building, it shall be made structurally a part of and have a common wall with the principal building and shall comply in all respects with the requirements of these regulations applicable to the principal building. A detached accessory building shall be located within the rear yard of the lot at a distance not less than ten feet from the principal building on said lot and shall not extend beyond the building line set for that particular district. No mobile home or travel trailer shall be used as an accessory building.

## SECTION 6.3 PRINCIPAL BUILDINGS

A lot or parcel of record shall be occupied by no more than one principal building or structure. Exceptions may occur provided this regulation specifically permits more than one principal building on a lot of record. For example: Duplex, or townhouse residential, planned unit development or multiple building development in commercial districts.

## SECTION 6.4 TEMPORARY HARDSHIP PERMIT

In residential zoning districts that permit manufactured housing, the Planning Commission may, on application by owner, permit the parking of one manufactured home in the rear yard of lot, provided the commission makes a finding to the effect that there is a medical hardship. Medical hardship shall most likely be related to “financial” reasons solely. The permit if issued will be subject to the following conditions:

- (1) That the manufactured home be located not less than ten (10) feet from any lot line or any other residential structure.
- (2) That no rent or other compensation be paid for the privilege of parking the manufactured home on said lot.
- (3) The permit if issued shall be for a period of one year. For continuance the permit shall be reviewed on the anniversary date of the original permit provided a finding of medical hardship remains valid.
- (4) A statement by a medical doctor confirming the condition of “medical hardship” shall be required and submitted with the application.
- (5) When a temporary medical hardship is not renewed the manufactured home shall be removed from the recipient lot within a three (3) month period.

## SECTION 6.5 OFF-STREET PARKING

### 6.5.1 Required Spaces

Improved parcels in all zoning districts are required to have, depending on use and / or square footage, adequate off-street parking which is provided year round. Off-street parking used in connection with an existing use or building prior to the effective date of this zoning ordinances may be continued without change/ however, new developments, and improvements or alterations to existing parcels or buildings on or after the effective date of this zoning ordinance shall meet the off-

street parking requirements of these regulations. The parking spaces required for any use shall be located on the same parcel as the principal building or use, or on land adjacent thereto, provided that the zoning district allows parking as permitted land use and either long term or permanent leasing arrangements have been made or other provisions have been ensured such as shared parking with other surrounding parcels. Such off-street parking shall not be greater than two hundred feet from the principal building, and each parking space shall be used exclusively for parking and not as an off-street loading space.

#### 6.5.2 Residential Requirements

Each single family residential lot or each dwelling unit of a duplex requires an off-street parking area of at least four hundred square feet with perpendicular access to a street. This area is in addition to any carport or garage that may or may not be attached to the principal building.

- (1) Driveways serving either single family residential lots or duplexes located on principal arterials identified on the Master Street Plan shall be so arranged that vehicles are not required to back into such roadways on exiting the properties.
- (2) Driveways serving the same types of uses as previously mentioned located on minor arterials or collectors according to the Master Street Plan shall be so arranged that vehicles are not required to back into such roadways on existing and expected traffic levels are such that no unsafe conditions will result.

#### 6.5.3 Nonresidential Requirements

Off-street parking areas serving other uses shall include perpendicular access to at least one street, and an efficient and safe circulation pattern for both vehicles and pedestrians including handicapped persons.

- (1) For these other uses, driveways shall be so arranged that vehicles are not required to back into any roadway upon leaving the property.
- (2) Parking lots shall be designed with either perpendicular or diagonal parking, not interfere with fire lanes or loading areas.
- (3) Off-street parking spaces for non-residential uses shall not occupy more than sixty percent of any required yard space.
- (4) The following five parking angles are allowed, each with its respective width and depth space dimensions in feet and maneuvering area, which is the minimum

width in feet of the driveway or aisle not including parking space area required for a vehicle to safely enter or exit a space:

Angle	Width	Depth	Maneuvering Area
Parallel	22	9	11
Perpendicular (90")	10	20	20
Perpendicular (handicapped)	13	20	20
Diagonal (60")	10	18	18
Diagonal (45")	10	18	12

- (5) All off-street parking areas that handle five or more vehicles shall be paved with a sealed surface pavement and maintained over time. These parking areas shall be so arranged, signed, and marked as to provide for orderly and safe parking of vehicles. Signage and markings shall be visible during the night hours and times of rain. Such parking areas shall be graded and properly drained in order to dispose of all accumulated surface water.
- (6) Lights used to illuminate off-street parking areas shall be so arranged and designed as to deflect light downward and away from adjoining properties or roadways. Such lights shall be of a 'down shield luminary' type where the light source is not visible from any adjoining properties or roadways. Only fixtures which are shielded, do not expose a light source, and do not allow light to flood the property are permitted to be attached to buildings. All lighting must be approved by the Planning Commission in site plan review procedures.

6.5.4 Parking Space Per Use

The minimum number of parking spaces per uses, not including accessible spaces for the disabled, is described in the following table. However, the Planning Commission may require additional off-street parking as a condition to site plan approval if it finds that the maximum required number of parking spaces is inadequate due to unusual conditions or use. On the other hand, the Planning Commission may reduce the requirements of the number of parking spaces per use if it determines that shared off-street parking or other operating conditions will result in lowered parking demand. Also, parking spaces provided for one use may not be considered to provide parking for another use unless specifically approved by the Planning Commission when it is demonstrated that the needs for parking of the two uses do not occur at the same time.

<u>Use</u>	<u>Minimum Number of Parking Spaces</u>
Residential	Two spaces per dwelling unit;
Hotel/Motel	One space per guest room;
Bed and Breakfast	One space per guest room plus one space for the owner;
Hospital/Nursing Home	One space per three regular beds, One space per employee, and One space per Ambulance;
Medical Clinic/Office	One space per employee plus for spaces per Professional;
Auditorium, Theater, Gym	One space per four seats;
Religious Worship Facility	One space per four seats in the main assembly room;
Lodge/Exhibition Hall	One space per 100 square feet of gross floor area;
Day Care Center	One space per employee, and One space per ten cared persons;
Nursery/Kindergarten	One space per employee plus one space per ten children;
Elementary School	One space per employee plus one space per classroom;
Middle/Junior School	One space per employee plus one space per classroom;
Senior High School	One space per employee plus one space per six students, and One space per classroom;
Restaurant	One space per fifty square feet of gross floor area;
Retail Store	One space per 250 square feet of gross floor area;
Office Building	One space per 250 square feet of gross floor area;
Shopping Center	One space per 250 square feet of gross floor leasable area;
Industrial	Two spaces per employee on the maximum shift;
Mining	One space per employee;
Telecommunication Facility	One space per equipment building;
Public Building	One space per employee or elected official, and One space per four seats in the main assembly room;
Park	One space per picnic table or bench; Twenty four spaces per ball field, and Two spaces per tennis court, basketball goal, or golf hole.

The design of off-street parking shall include provisions for persons with disabilities. Such design shall follow the guidelines written in the Americans with Disabilities Act of 1990, as amended. For every twenty-five off-street parking spaces, there shall be at least one accessible parking space, there shall be at least

one accessible parking space, and for every eight accessible parking spaces, at least one such space, designated by a 'Van Accessible' sign' shall be served by an access aisle with a width of ninety six inches that is part of an accessible route into a principal building or use area. Two accessible spaces may share an access aisle. These spaces shall be located the shortest distance from the entrance to a principal building or use area. Also, the accessible spaces and access aisles shall not be located on grades greater than two percent.

#### 6.5.5 Landscaping Required

Landscaping shall be required within all off-street parking areas where the total area of the parking lot is equal to or greater than 7000 square feet.

- (1) All areas within the parking lot are counted in order to calculate the square footage, including planting islands, curbed areas, parking spaces, and all interior driveways and aisles except those drives with no parking spaces located on both sides.
- (2) Loading spaces and exclusive driveways leading to loading spaces are excluded from the total area of the parking lot, and landscaped areas outside the parking lot shall not be used to meet the interior planting requirement.
- (3) If the total parking lot area is less than 150,000square feet, then five percent of the total parking lot area shall be designated an interior planting area. Areas equal to 50,000 square feet and less than 150,000 square feet shall have an interior planting area of eight percent, while areas equal to or greater than 150,000 square feet shall have at least ten percent of that total area landscaped.
- (4) For every three hundred square feet of interior planting, there shall be planted a deciduous shade tree with a clear trunk clear of limbs up to at least six (6) feet above the finished grade with ground cover, low evergreen shrubs, and /or low dense deciduous shrubs. Plants that restrict visibility such as tall shrubs or low-branching trees shall be avoided.
- (5) Planting islands shall be parallel to the parking spaces and shall have widths of nine feet. These islands shall be distributed approximately once every ten spaces for residential, public, or quasi-public developments and once every fifteen spaces for commercial, office, or industrial developments.
- (6) To prevent cars from hitting trees or shrubs, curbs or wheelstops must be provided.

## SECTION 6.6 OFF-STREET LOADING

### 6.6.1 Off-Street Loading Required

Every building hereafter constructed in any zoning district for non-residential purposes, requiring the receipt or distribution by vehicles of material or merchandise shall provide and maintain on the same lot with such building at least one off-street loading space for:

- (1) the first 5000 square feet, or fraction thereof, of gross floor area, and one additional such space for each 10,000 square feet or major fraction thereof of gross floor area in excess of 5000 square feet.
- (2) The Planning Commission may require more or less off-street loading spaces if it determines that unique or special conditions exist. This space shall be adequate to allow standing, loading, and unloading thus avoiding interference with the efficient flow of traffic.

### 6.6.2 Paving Required

Each loading space shall be paved and shall not be:

- (1) Less than twelve feet in width, thirty-five feet in length, and fourteen feet in clearance.
- (2) Such space shall be clearly marked and signed as a loading zone.
- (3) The space may occupy all or any part of any required yard space, but no loading space may be within either fifty feet for industrial properties or forty feet for commercial /office properties of residential developments.
- (4) For commercial /office properties, loading spaces may not be within fifteen feet of residential developments unless the space is wholly within a closed building, or enclosed on all sides abutting or facing such residential developments by a completely opaque six foot high wall or fence made of treated wood, masonry, or bricks. Selective landscaping including six foot high evergreen trees in a double staggered row or six foot berms may be substituted for the fence or wall if the Planning Commission approves such a request for alternative screening.



## SECTION 6.7 SIGNAGE

In order to make our town more visually appealing, The City of Vilonia wants to deter signs that compete with each other for attention, and to be certain that signs clearly and properly convey their message. The City also wants to maintain and improve the visual appearance of Vilonia by requiring future signs to be:

- Imaginative and Attractive
- Harmonious with what surrounds them
- Proper in the message they wish to convey
- Sized Proportionally

### 6.7.1 Permits Shall be Required

For all signs that are not categorized below in the Section 6.7.2.

### 6.7.2 Permits Shall not be Required

For the following types of signs: (Other requirements of this ordinance apply)

- (1) On premise directional or informational signs.
- (2) Political signs.
- (3) Window signs.
- (4) Incidental signs.
- (5) Historical markers.
- (6) Real Estate signs.
- (7) Construction signs.
- (8) Public signs such as safety, danger, traffic, or emergency signs.
- (9) Nameplates.
- (10) Signs made by shrubbery or landscaping.
- (11) Community service signs.
- (12) Sign face changes that do not modify the structure.
- (13) Garage/ Yard Sale signs.
- (14) Temporary banners.
- (15) Directional/informational signs as required for public facilities.

### 6.7.3 Permit Fees

Permit fees shall be \$25.00. Applications may be made at the Vilonia City Hall.

#### 6.7.4 General Regulations

Signs shall be designed to reflect the nature of the business or activity being signed. They shall be designed to provide clear identity for the purposes which they serve. The display of each sign will be limited to the premises that it describes. No off-premises signs will be allowed, except signs directing the way to public and municipal facilities. These shall not exceed 16 square feet.

- (1) The overall design of, and the materials used for, the sign and structure, must be compatible with the character of the area in which it is placed. A sign's design should complement the visual character of its context.
- (2) Landscaping surrounding signs is encouraged where appropriate. The landscaped strip shall be covered with grass, shrubs, stone, or other suitable materials. Curbing, railroad ties, or other similar types of materials should be used as vehicle barriers.
- (3) The top of a sign structure shall not exceed the maximum allowable sign height of 30ft. The total width of a sign structure shall not be more than one and one half the width of the sign itself. (ex. If the sign is 8 feet wide, the sign structure cannot be more than 12 feet wide) a decorative wall, fence, or planter that is not more than three feet high is not subject to this restriction.
- (4) Sign lighting is to be designed so as not to create glaring, degrading, or dangerous effects on adjacent properties, into the sky, or onto adjoining roads or highways.
- (5) All external light sources shall be shielded to prevent glare or lights from shining into motorists or pedestrians eyes. Shielding and glare elimination shall be accomplished with architectural elements, landscaping, or shields.
- (6) All signs with internal and external lighting types must be installed by a licensed electrician or sign specialist.
- (7) Signs shall be designed to maximize clarity and visibility of message.
- (8) Where applicable, signs shall conform to the provisions of the Americans with Disabilities Act of 1990, as amended. The international symbols for accessibility should be employed, and the guidelines concerning placement and height for parking and access signs shall be followed.
- (9) Sign locations should be determined in regard to existing signs in order to allow maximum visibility for all signage in that area. An applicant for placement of a sign shall consider safety, aesthetics, and visibility issues.

- (10) A clear zone of visibility shall be required on all corner lots. The clear view zone shall be formed by an isosceles triangle. It shall be formed by the right of way lines at points which are thirty feet from the intersection of these lines. The remaining side of the triangle connects to these two points. The sign must be placed outside of this triangle.

### 6.7.5 Specific Regulations

Businesses, industries, offices, apartment complexes, public facilities, and other facilities are allowed one freestanding or directory sign. A sign may be single sided or double faced. Where necessary due to site and/or visibility issues, such as frontage on two rights of way, a second sign may be permitted. Specific regulations pertaining to these signs are as follows:

- (1) **Freestanding signs** shall be designed as part of an overall structure which relates in design to the property or project for which it is used. Signs may include planters, support structures, or posts, and an area above the signs for pediments, caps or lighting.
- (2) The **maximum allowable sign areas and heights** for free standing signs are:
- Non-residential shall be 120 sq. feet of surface and 30 feet high.
  - Any single dimension of width or height shall not be more than five times its other dimension.
  - Setbacks and allowable areas for free standing signs:

<u>Height</u>	<u>Allowable Area</u>	<u>Setback</u>
30 feet	120 square feet	10 feet
25 feet	100 square feet	9 feet
20 feet	80 square feet	8 feet
15 feet	60 square feet	7 feet
10 feet	40 square feet	6 feet
5 feet	20 square feet	5 feet

- (3) When **multiple businesses share a site or building**, a free standing sign of one structure with one name or designation is required. A directory of businesses may be placed upon this sign. This special category shall be approved by the Planning Commission on a case by case basis.
- (4) **Wall or building mounted signs** (including canopy or projecting) are available to businesses and establishments that have their own individual building entrance. Such signs are available on a one sign per occupant basis.

Exceptions:

- When different building facades are visible from opposite directions one wall mounted sign per occupant may be permitted for each side.
  - When total allowable sign area exceeds 100 square feet, two signs per occupant may be permitted; or
  - When total allowable sign area exceeds 200 square feet, three signs per occupant shall be allowed.
- (5) **Canopy, awning, or marquee signs** shall be included within the maximum allowable area for wall mounted signs. Projecting or perpendicular signs shall be held away from the wall upon which they are mounted by four feet from the wall or one third the width of the sidewalk that directly abuts the building.
- (6) **Roof mounted signs** shall not exceed 75 percent of the height from the top of the building's exterior wall to the top of the peak of the roof where they are to be installed. Such signs cannot extend beyond the front wall of the building. On flat roofed buildings, signs shall be located within a defined sign band and shall not extend above the parapet wall. The sign area for roof mounted signs shall be the same as the maximum allowable area for building mounted signs
- (7) **Store window signs** shall not exceed more than 25% of the total window square footage. They shall be calculated as part of the total allowable sign area for building or wall mounted signs.
- (8) **A home occupation sign** shall be permitted one non-illuminated identification sign. It shall not exceed two square feet. This sign shall be placed in the window or flat against a wall or door of the principal building. No advertising signs will be allowed.
- (9) **A banner** (quantity of one) is allowed for a business for temporary advertising. It is allowed for only three months per year. Banners must be affixed to building walls, existing freestanding signs, or with their own support system.
- (10) **Construction signs** showing the project title, contractor, architect, engineer and other like information shall be non-illuminated. The sign shall be placed upon the property or project to which it relates. Signs shall not exceed thirty two square feet per face and shall not have more than two faces. Such signs shall be removed either within the first month of complete occupancy of the site or building, or after the erection of a permanent sign, whichever comes first.
- (11) **Signs advertising the sale of real estate** may be displayed on site, subject to the following:

- Non-Residential areas: Signs must be no larger than twelve square feet. This includes structure elements, frames or panels.
  - Signs in all zoning districts: Are permitted up to four square feet.
  - Removal of signs: Shall be within one week after the sale or lease of the property.
  - Signs placed in windows: That advertise the sale or lease of real estate are limited in size to a maximum of three square feet.
- (12) **Signs announcing an auction, sale, specified product or special event** shall adhere to the following:
- Be located on the premises where the event is taking place.
  - Not exceed sixteen square feet in area.
  - Not be displayed for more than thirty consecutive days.
- (13) **Flags** used for advertising shall be considered signage under this ordinance. No portion of any flag, when fully unfurled, shall extend into the road right of way.
- (14) **Political signs** shall not be erected more than 60 days prior to election or referendum date, and must be removed by 10 days following the election. When possible they should be placed on private property and only with the property owner's approval. Under no condition will any political sign be allowed to be placed within eight feet of the curb or edge of pavement on any public street. They may be flush mounted on the face of a permanent building, but must never interfere with safe sight distance for vehicles in movement.
- (15) **Portable signs** may be used by businesses or establishments to advertise special events, but only on a temporary basis of thirty consecutive days or less.
- (16) **Signs for subdivisions** shall be allowed on the property that they represent. They may be placed at each entrance to the subdivision. A scale drawing of said sign shall be presented to the Planning Commission for approval.
- (17) **Signs that are exempt** from the provisions within this section; and that do not require permits are the following:
- Signs located on common carriers provided that carrier is not regularly parked near a highway, whereby it becomes the equivalent of a prohibited non-conforming sign.
  - Signs on registered motor vehicles except those determined by The Enforcement Officer to be circumventing, the intent of these provisions.
  - Street and directional signs indicating street names, block numbers, and public facility locations.
  - Traffic and safety signs.

- Small on-premises incidental signs without advertising, no more than two square feet in size, displayed for the direction, instruction, or convenience of the public. This includes signs which identify rest rooms, freight entrances, parking areas, or the like.
- Memorial signs or tablets, which include the names of buildings and dates of erection that are either cut into stones or masonry surfaces or constructed of bronze or other materials, that are permanently affixed to the building and do not exceed six square feet in total area.
- A sign not exceeding one square foot in surface size is permitted which announces the name and/or address of the occupant of the premises on which the sign is located.
- Sponsorship banners at athletic facilities and ballparks.

(18) **Non conforming signs** must be removed at owner's expense or brought into conformance if the following occurs:

- The sign size or height is altered or if it is relocated.
- The sign is over 50% damaged or destroyed.
- The sign does not advertise a bonafide business, lessor, owner, product, activity conducted, or product available for a period of ninety days or more on the premises where such sign is displayed. This is considered an abandoned sign.
- The use of the property where the sign resides changes, or the property is rezoned.
- The sign is in disrepair. This includes, but is not limited to: chipped and peeling paint on the sign or sign support; letters that are peeling off or are no longer legible; when sign repair equals or exceeds 50% of the value of the sign.
- Owners of signs that are judged to be in disrepair will have 90 days, from the time of notification, to make the necessary adjustments before a fine will be levied. That fine will be \$50.00 per day until the repairs are made.

(19) **Involuntary relocation** (any relocation caused by street widening or other city, state, federal, or utility company activity) does not require a sign to be brought into conformance.

(20) **Garage/Yard Sale Signs**

- Shall be no larger than 6 square feet.
- Allowed (1) sign on the property where the sale occurs.
- Plus (1) pointer sign at an intersection.
- Signs must be staked.
- Signs cannot be attached to utility poles, street signs, fences or trees.
- Must be removed by 7:00 PM the day of the sale.

## ARTICLE VII SPECIAL PROVISIONS

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### SECTION 7.1 NONCONFORMING USES

#### 7.1.1 Existing Conditions

Any building, structure, or use of land existing at the effective date of this ordinance may be continued even though such a building, structure, or use may not conform with the provisions of these regulations for the zoning district in which it is located. However, a nonconforming building, structure, or use of land shall not be changed, extended, reconstructed, enlarged, or structurally altered without conforming to the appropriate regulations within this ordinance, unless authority is granted by the Board of Zoning Adjustment and at least one of the following is true:

- (1) The change is required by law or order,
- (2) A waiver from conformance will not negatively impact that zoning district,
- (3) Conformance would impose an undue hardship on the use of the property, or
- (4) Repairs are needed to keep the building structurally sound ..

#### 7.1.2 Nonuse or Discontinuance of Structure

A nonconforming building or structure which has not been used or a nonconforming use of land that has been discontinued, for a period of twelve consecutive months, shall not thereafter be used or resumed.

- (1) Any nonconforming building or structure damaged by fire, flood, explosion, wind, or other disaster may be restored or reconstructed and used as before such damage as long as such work is completed within one year of the disaster.
- (2) Nothing in these provisions shall permit the use of any portions of a building or structure declared unsafe by a proper authority nor the continuation of a condition declared to be a health hazard by an appropriate authority. Also, normal maintenance and repairs to any building or structure that is considered to be in nonconformance are allowed.

## SECTION 7.2 HOME OCCUPATIONS

### 7.1.1 Dwelling Part

A portion of a dwelling may be used in order to carry on a home occupation provided it does not negatively affect the surrounding area. Any permitted home occupation shall be conducted wholly within the principal dwelling structure, and shall be carried on by members of the residential family. No more than two non-family employees shall be utilized.

### 7.2.2 Development Criteria

The home occupation activity shall not utilize more than twenty five percent of the total area of the dwelling including attached garage and other attached structures. Parking shall be permitted in off-street parking areas and along roadways as allowed by law, but not allowed in yards off pavement surfaces. There shall be no excessive traffic generated by the home occupation, and the home occupation shall not produce objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare.

### 7.2.3 Existing Continuance

Business occupations or professions conducted at the time of the effective date of these regulations in a residential structure or is abandoned provided that this shall not be construed to approve the continuation of an activity constituting a common law nuisance or any activity prohibited by statutes, ordinances, or restrictive covenants applicable to the area.

## SECTION 7.3 CONDITIONAL USE REVIEW

### 7.3.1 Required Review

The Planning Commission shall hear and recommend, in accordance with provisions of this ordinance, each individual request for conditional use permits. Those uses which are specifically listed as "conditional uses" in the respective zoning classifications may be requested for conditional use authorization, as well as ones deemed by the Planning Commission to be substantially equal with the listed ones. After detailed review of its compatibility with the area and the specific treatment of screening, landscaping, and other amenities provided to protect the integrity of the district, the Planning Commission shall forward its recommendation to the City Council for final action.



- (1) Application for conditional use approval shall be made by the property owner or authorized agent for the owner. Each application shall include a site plan. Said application may accompany a rezoning request or may be applied for on its own merit as long as the use is recognized as a conditional use in the existing zoning classification. The application shall be submitted, fifteen days prior to the next scheduled Planning Commission meeting, to the Enforcement Officer, who will collect the filing fee and process all applicable surveys, site plans, and other supporting information pertinent to this review process. also, the submission requirements for a conditional use shall be the same as for the rezoning of any tract of land, in that a public hearing is required.
- (2) The Planning Commission shall review conditional use applications at a scheduled public hearing, at which time interested persons may appear and offer information in support of or against the proposed conditional use. Then, the Planning Commission shall make one of the following recommendations to the City Council:
  - Approve the conditional use as submitted,
  - Approve the conditional use with modifications or conditions,
  - Defer the conditional use, or
  - Defer the conditional use.

### 7.3.2 Conditions and Restrictions

The Planning Commission and the City Council may impose conditions and restrictions upon the premises benefited by a conditional use permit as may be necessary to reduce or minimize the injurious effects of the conditional use. In order to better carry out the general intent of these regulations, the conditional use must insure compatibility with the surrounding property.

- (1) In on case shall the Planning Commission or the City Council authorize reduction from minimum requirements of these regulations relating to area, parking, landscaping, or screening.
- (2) The following development standards and design specifications shall be applicable to the conditional use review and approval, and the appropriateness of these standards shall be determined at the discretion of the Planning Commission and the City Council for each specific conditional use location:
  - The proposed use is so designated, located, and proposed to be operated that the public health, safety, and welfare will be protected,
  - The proposed land use is compatible with and will not adversely affect other property in the area where it is proposed to be located,

- The proposed use conforms to all applicable provisions for the zoning district in which it is to be located, and the use facilitates public convenience at that location,
  - The size and shape of the site, including the size shape, and arrangement of the proposed structures in keeping with the intent of these regulations,
  - The internal street system, ingress and egress, proposed off-street parking and loading, and pedestrian ways are adequate and in compliance with city regulations,
  - Safeguards proposed to limit noxious or offensive emissions, including lighting, noise, glare, dust, and odor are addressed, and
  - Proposed landscaping and screening is in accordance with the judgement of the Planning Commission and the City Council to accomplish the desired protective and aesthetic effect.
- (3) Once any portion of the conditional use authorization is utilized, all such conditions pertaining to such authorization shall become immediately operative. The violation of any condition so imposed shall constitute grounds for revocation of the conditional use authorization; otherwise, any exercise of such authorization must commence within sixty days. No conditional use authorized by the Planning Commission or the City Council shall be subsequently submitted to the Board for variances. Amendments or changes to a conditional use authorization must follow the same process as the original conditional use, and no building permit shall be issued except in conformance with the provisions of this section.
- (4) Any petitioner who is aggrieved by the final decision of the City Council shall have the right to appeal to a court of record.

## SECTION 7.4 SPECIFIC CONDITIONAL USE REGULATIONS

### 7.4.1 Telecommunication Facility Site

The purpose of this section is to establish guidelines for the siting of towers, antennas, and equipment buildings; promote the location of towers in non-residential area; minimize the total number of towers place within the city; increase the collocation of telecommunication facilities and other appropriate means.

- (1) Each applicant for approval of a telecommunication facility shall follow the conditional use review process and additionally provide to the Planning Commission an inventory of:

- Its existing telecommunication facilities that are both within the city and within a one mile radius of the Vilonia city limits.
- Specific information such as latitude / longitude, height, and design of each telecommunication facility.
- The number of carriers using each telecommunication facility.
- Applicants are encourage to submit an inventory of potential future tower sites within the city to the Planning Commission.

(2) The Planning Commission may share such information with other applicants applying for conditional use permits or other organizations seeking to locate telecommunication facilities within the city; however, the Planning Commission is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

(3) At least twenty-five percent of the telecommunication facilities within the city shall be either stealth telecommunication facilities and / or facilities not requiring the construction of towers.

(4) The applicant shall investigate the possibilities for locating the proposed facilities on an existing tower. Copies of certified letter sent to owners of all existing towers within a one-mile radius of the proposed site, requesting the following information:

- Tower height;
- Existing and planned tower users;
- Whether the existing tower can support additional antennas without causing instability or radio frequency interference.

(5) If the proposed antenna cannot be accommodated on the existing tower then the applicant shall submit to the Planning Commission:

- An assessment of whether the existing tower could be structurally strengthened;
- Whether the existing antennas and related equipment could be protected from electromagnetic interference;
- A general description of the means and projected cost of shared use of the existing tower;
- Copies of all responses from each certified letter within forty-five days from the receipt date of such letter;
- A summary explanation of why the applicant believes the proposed telecommunication facility cannot be located on an existing tower;

- Provision of sound engineering evidence demonstrating that the proposed location is necessary in the interest of public safety or is a practical necessity; and / or
  - Evidence that the telecommunication tower is structurally designed to support at least one additional telecommunication user, and the conditional use permit application includes a statement that the owner of tower is willing to permit other users to attach telecommunication facilities, on a commercially reasonable basis,
  - which do not interfere with the primary purpose of the tower.
- (6) The tower owner may require that such other users agree to negotiate regarding reasonable compensation to the owner from any liability which may result from such attachment. The site plan shall indicate a location for at least one equipment building in addition to that proposed for use by the applicant. Priority for co-location on the proposed tower shall be given to antennas that will serve a public safety need for the community.

#### 7.4.2 Development Standards

- (1) The telecommunications tower shall meet all applicable Federal Aviation Administration standards and shall not restrict or interfere with air traffic or air travel from or to any existing or proposed airport. Any lighting shall not project onto surrounding residential property or roadways.
- (2) No telecommunications tower shall exceed one hundred and fifty feet when proposed for location within the TC and HMU districts or one hundred feet in the LDR and MDR districts.
- (3) In order to protect the public from unnecessary exposure to electromagnetic radiation, the tower owner shall provide documentation, such as a signed affidavit, indicating that the power density levels do not exceed levels permitted by the Federal Communications Commission.
- (4) Setback of the base of a proposed guyed or lattice tower from all adjacent property lines shall be two feet for every foot of tower height. To encourage shared use of guyed or lattice towers, setback of the base of the proposed tower, designed to accommodate at least one additional telecommunications user, from all adjacent property lines shall be one and a half feet for every foot of tower height. Also, to encourage the construction of monopole towers, setback of the base of a proposed monopole tower from all adjacent property lines shall be one foot for every foot of tower height. The setbacks of non-tower structures and equipment buildings shall be at least fifty feet from the property lines.

- (5) In order to provide spatial separation and create visual block from adjacent properties and streets, a buffer consisting of trees, shrubs, and / or berms shall be installed around the outside of all buildings or equipment, and security fencing.
- (6) Ground buildings located in a residential district may be located outside the buffered area if they are constructed so the exterior appearance of the building has the appearance of a residential dwelling, including pitched roof and frame or brick veneer construction.
- (7) The base of the tower and each guy anchor shall be surrounded by a security fence or wall at least eight feet in height unless the tower and all guy anchors are mounted entirely on a building over eight feet in height.
- (8) No outside storage shall be allowed on any telecommunication facility site.
- (9) Associated buildings located in any residential district shall not be used as an employment center for any worker. This provision does not prohibit the periodic maintenance or periodic monitoring of equipment and instruments.
- (10) The color of non-stealth telecommunication towers shall be neutral, except to the extent required by Federal law, so as to minimize visual impacts. No commercial advertising shall be allowed on the tower or its related facilities.
- (11) Notice shall be provided to the Planning Commission when the tower is placed out of service. Towers which are not used for a period of six months shall be removed by the owner within 120 days of receipt of notification to that effect.

## SECTION 7.5 PLANNED UNIT DEVELOPMENT

Planned unit development shall be allowed in the TC and HMU zoning districts, also such developments shall be permitted in the I zoning district. All development in PUD shall be non-residential. The below listed standards, both general and specific, shall be followed concerning planned unit development.

### 7.5.1 Site Plan and Preliminary Plat

A site plan shall be submitted to the Planning Commission with a preliminary subdivision plat application showing the location, height, and spacing of buildings, open spaces and landscaping, streets, driveways, off-street parking, other physical features, and other information listed in Section 6.1 of these regulations.

### 7.5.2 Statement of Changes

The site plan and plat application shall be accompanied by a statement setting forth the nature of all proposed zoning modifications, changes, or supplementations of area and dimensional requirements of the applicable zoning regulations. Such statement shall also include a description of the overall design concept of the planned unit development, the objectives of the development, and justification for the modifications to the dimensional requirements.

### 7.5.3 Unified Treatment

The proposal must be an effective and unified treatment of the development possibilities of the project site, and the proposed development plan must make appropriate provision for the preservation of streams and stream banks, steep slopes, wetlands, soils unsuitable for development, forested areas, and unique, natural, and manmade features.

(1) It shall be consistent with all standards set forth in the existing Control of Development and Subdivision of Land Regulations and shall be compatible with adjacent properties.

- Projects may be phased,
- The proposal shall provide for connection to the local water system, which must be capable of accommodating the increased use projected for the proposed development,
- The proposal shall provide for connection to either the municipal sewer system or an approved private community sewer system for the entire development, either of which must have sufficient capacity to accommodate the entire proposed development,
- The proposal shall provide for the economy and efficiency of road and utility installation, construction, and maintenance.

(2) For planned unit developments in the Town Center District:

- The minimum total area of development shall be five acres.
- The minimum lot size shall be 5,000 square feet.
- The minimum frontage for total development shall be three hundred feet.
- All setbacks and off-street parking requirements shall follow applicable ones set within these regulations.

(3) For planned unit developments in the Highway Mixed Use District;

- The minimum total area of development shall be five acres.

- The minimum lot size shall be 5,000 square feet.
- The minimum frontage for total development shall be three hundred feet.
- All setbacks and off-street parking requirements shall follow applicable one set within these regulations.

(4) For planned unit developments in the Industrial District;

- The minimum total area of development shall be twenty acres.
- The minimum lot size shall be 20,000 square feet.
- The minimum frontage for total development shall be three hundred feet.
- All setbacks and off-street parking requirements shall follow applicable one set within these regulations.

(5) Permitted and conditional uses, except residential, within planned unit developments shall be identical to those set forth for the respective districts in which the developments are to be located.

## SECTION 7.6 PLANNED RESIDENTIAL DEVELOPMENT

Planned residential development is a conditional use in the LDR, MDR, MHP, TC, and HMU zoning districts. Standards, both general and specific, shall be followed concerning planned residential development.

### 7.6.1 Site Plan and Preliminary Plat

A site plan shall be submitted to the Planning Commission with a preliminary subdivision plat application showing the location, height, and spacing of buildings, open spaces and landscaping, streets, driveways, off-street parking, other physical feature, and any other information listed in Section 6.1 of these regulations.

### 7.6.2 Statement of Changes

The site plan and plat application shall be accompanied by a statement setting forth the nature of all proposed zoning modifications, changes, or supplementation of area and dimensional requirements of the applicable zoning regulations. Such statement shall also include a description of the overall design concept of the planned residential development, the objectives of the development, and justification for the modifications to the dimensional requirements.

### 7.6.3 Unified Treatment

The proposal must be an effective and unified treatment of the development possibilities of the project site, and the proposed development plan must make appropriate provision for the preservation of streams and streambanks, steep slopes, wetlands, soils unsuitable for development, forested areas, and unique, natural, and manmade features.

- (1) It shall be consistent with all standards set forth in the existing Control of Development and Subdivision of Land Regulations.
  - Projects may be phased.
  - The proposal shall provide for connection to the local water system, which must be capable of accommodating the increased use projected for the proposed development.
  - The proposal shall provide for connection to either the municipal sewer system or an approved private community sewer system for the entire development, either of which must have sufficient capacity to accommodate the entire proposed development.
  - The proposal shall provide for road and utility installation, construction, and maintenance.
  - Lot width and depth for various types of residential development shall conform to Section 6.10 (Lots).
  - Building lines (setback) and buffers for various types of residential development shall conform to Section 6.11.
  
- (2) The proposed planned residential development shall safeguard the value and appropriate use of adjacent properties and shall provide for safe and efficient pedestrian and vehicular circulation, parking, and service areas. Also, the proposed planned residential development shall include access from existing roadways in a way which does not cause undue congestion nor interference with normal traffic flow.

Where the character of development on adjacent properties demands, the Planning Commission may require provision of a buffer zone, up to fifty feet in depth, which must be kept free of buildings or structures and which may be required to be landscaped, screened, or protected by natural features in order to minimize adverse effects on surrounding areas