

TITLE 14

ZONING

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CHAPTER 14.04

ZONING ORDINANCE ADOPTED

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14.04.01 Amended Zoning Ordinance (Ord. No. 722)

Sections:

1. Title
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5. Nature and Application

1. **Title:** This article shall constitute the zoning regulations of the City of Pea Ridge. It may be cited as the "zoning ordinance" or the "zoning code," and consists of the text, which follows, as well the zoning district boundary map, entitled "Official Zoning Map of the City of Pea Ridge, Arkansas," which is on file in the Office of the City Clerk.
2. **Authority:** These regulations are adopted pursuant to authority granted by the Arkansas General Assembly in Title 14, Chapter 56, Subchapter 4 of the Arkansas Code of 1987 Annotated, as amended.
3. **Purpose:** The zoning regulations set forth herein are enacted to aid in the implementation of the land use portion of the City of Pea Ridge Comprehensive Plan, and to promote, in accordance with present and future needs, the safety, order, convenience, prosperity, and general welfare of the citizens of Pea Ridge. The regulations are intended to provide for orderly growth and development; for protection of the character and stability of residential, commercial, industrial, recreational, and environmentally sensitive areas of the city; for protection of property from blight and undue depreciation; for efficiency and economy in the process of development for the appropriate and best use of land; for the use and occupancy of buildings; for healthful and convenient distribution of population; for good civic design and arrangement; and for adequate public utilities and facilities.
4. **Jurisdiction:** The provisions of these regulations shall apply to all land, buildings, and structures within the corporate limits of Pea Ridge as they now or may hereafter exist.
5. **Nature and Application**
 - a. For the purposes stated above, the city has been divided into zoning districts in which the regulations contained herein will govern lot coverage; the height, area, bulk, location, and size of buildings; open space; and the uses of land, buildings, and structures. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, order, convenience, prosperity, and general welfare. Whenever these requirements are at variance with the requirements of any other lawfully adopted rules or regulations, the most restrictive, or that imposing the higher standards, shall govern; provided however, that the City of Pea Ridge shall not be responsible for enforcing deed restrictions or restrictive covenants.
 - b. No land shall be used or occupied, no structure shall be erected, moved, converted, altered, enlarged, used, or occupied, and no use shall be operated,

unless it is in conformity with the regulations herein prescribed for the district in which such structure or land is located. This provision shall not be construed to affect any lawful uses of land or structures that exist, or for which a lawfully issued permit has been issued, at the effective date of these regulations.

- c. No proposed plat of any new subdivision of land shall hereafter be considered for approval unless the lots within such plat equal or exceed the minimum size and area requirements specified in the applicable zoning district in which the land is located.
- d. No open space required by these regulations for a particular structure or use shall be claimed at the same time as open space for another structure or use.
- e. Dedication to public use of land shall not be a condition for any zoning or conditional use approval.
- f. All structures constructed or occupied in conformance with these regulations shall also conform to all other codes and regulations of the city.
- g. The provisions of these regulations are severable. If any section, paragraph, sentence, or clause shall be declared invalid, the remainder of the regulations shall not be affected.

6.

14.04.02 Rules of Construction and Definitions

Sections:

- 1. Rules of Construction**
- 2. Definitions of Terms and Uses**

1. Rules of Construction: For the purpose of these regulations, the following rules of construction shall apply:

- (a) Words, phrases, and terms defined herein shall be given the defined meaning.
- (b) Words, phrases, and terms not defined herein but in the building code of the city shall be construed as defined in such code.
- (c) Words, phrases, and terms neither defined herein nor in the building code, shall be given their usual and customary meanings except where the context clearly indicates a different meaning.
- (d) In case of any difference of meaning or implication between the text and any heading, drawing, table or figure, the text shall control.

- (e) The particular shall control the general.
- (f) The word "shall" be always mandatory and not discretionary. The word "may" be permissive and not mandatory.
- (g) Words used in the present tense include the future tense, and words used in the future tense include the present tense.
- (h) Words used in the singular include the plural, and words used in the plural include the singular.
- (i) The words "building" and "structure" are synonymous and include any part thereof.
- (j) The word "person" includes individuals, firms, corporations, associations and any other similar entities.
- (k) The words "lot," "parcel," "site," "tract," or other unit of ownership are synonymous and may be used interchangeably.
- (l) The word "used" shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used.
- (m) All public officials, bodies, and agencies to which reference is made are those of the City of Pea Ridge, unless otherwise indicated.
- (n) Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such resolution, ordinance, statute, regulation, or document, unless otherwise expressly stated.
- (o) Whenever a provision appears requiring the head of a department or another officer or employee to perform an act or duty, that provision shall be construed as authorizing the department head or officer or employee to delegate the responsibility to subordinates, unless the terms of the provision specify otherwise.
- (p) Unless the context clearly suggests the contrary, the conjunction "and" indicates that all connected items, conditions, provisions, or events shall apply, and the conjunction "or" indicates that one or more of the connected items, conditions, provisions, or events shall apply. (Ord. No. 722)

2. Definitions of Terms and Uses

This section contains definitions of general terms used throughout the text. It also contains definitions for the uses identified in the text. The use definitions are intended to be mutually exclusive, which means that uses that are specifically defined shall not also be considered a part of a more general definition of that use. The use "retail/service," for example, does not include the more specific use "convenience store."

Access easement: A right-of-way or parcel of land specified or set aside as the way or means by which a piece of property is approached or entered, given by the owner of land to another party.

Accessory buildings and uses: A subordinate building or a portion of the principal building, the use of which is customarily incidental to that of the dominant use of the principal building or land. An accessory use is one that is customarily incidental, appropriate, and subordinate to the principal use of land and buildings. Accessory buildings and uses are located on the same lot and in the same zoning district as the principal use.

Adult entertainment: Any adult cabaret, adult theater, adult bookstore, adult massage establishment, model studio, or sexual encounter or meditation center which depicts or describes matters or activities relating to specified sexual activities or specified anatomical areas.

Agriculture, crop: The use of any land for the purpose of growing plants, crops, trees and other agricultural or forestry products.

Agriculture, animal: The use of any land for the purpose of raising livestock.

Agriculture, product sales: The retail sale of agricultural products produced on the same site.

Alley: A narrow public way, not in excess of twenty (20') feet in width, which affords a secondary means of access to abutting properties, and not intended for general traffic circulation.

Animal care, general: A use providing animal care, veterinary services, or boarding
Animal care limited: A use providing small animal (household pet) boarding or veterinary services, with no outside runs.

Apartment: A room or suite of rooms within a building with separate cooking, bathing, and sleeping facilities and intended as a single dwelling unit. Structures containing three or more dwelling units are considered apartments.

Area: The amount of land surface in a lot or parcel of land.

As-built drawing: A document showing how a particular building and/or site have been constructed.

Asphalt or concrete plant: An establishment engaged in the manufacture, mixing, batching or recycling of asphalt, asphaltic cement, cement, or concrete products. (Ord. No. 722)

Auditorium or stadium: An open, partially enclosed, or fully enclosed facility used or intended to be used primarily for spectator sports, entertainment events, expositions, and other public gatherings.

Auto wrecking or salvage yard: A lot, land or structure, or part thereof, used primarily for the collecting, dismantling, storage and salvaging of machinery or vehicles that are not in operating condition, or for the sale of parts therefrom; or for the collecting, storage, and salvage of wastepaper, scrap metal, or other discard material.

Bank or financial institution: Establishments engaged in deposit banking; typically, commercial banks, savings and loans, and credit unions.

Basic industry: The first operation or operations that transform a material from its raw state to a form suitable for fabrication.

Bed and breakfast: The use of an owner-occupied or manager-occupied residential structure to provide temporary lodging, or lodging and meals, with no more than twelve (12) guest rooms.

Building: Any structure including a roof supported by walls, designed, or intended for the support, enclosure, shelter or protection of persons, animals, chattels, or property and forming a construction that is safe and stable.

Building coverage: The land area covered by all buildings on a lot, excluding eaves.

Building height: The vertical distance measured from the average elevation of the finished lot grade at the front of the building to the highest point of the structure, exclusive of chimneys, ventilators, or other extension above the roof line.

Building setback lines: The lines that are parallel to the front, side, or rear lot lines of a lot at a distance equal to the minimum setback requirements, and beyond which the vertical wall of a building or structure shall not be located closer to said lot lines.

Building, principal: A building in which is conducted the principal use of the plot on which it is situated. In any residential district, any structure containing a dwelling unit shall be deemed to be the principal building on the plot on which the same is situated.

Carport: Space for the housing or storage of motor vehicles and enclosed on not more than two (2) sides by walls.

Cemetery: Land used, or intended to be used, for burial of the dead, whether human or animal, including a mausoleum, columbarium, or cinerarium.

Certificate of occupancy: Permission to occupy a building and/or property.

Church: A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, including day cares, is maintained, and controlled by a religious body organized to sustain public worship.

Club or lodge: An association of persons for the promotion of some nonprofit common purpose, such as charity, literature, science, politics, fellowship, etc., meeting periodically, and limited to members.

College or university: An institution of higher education offering undergraduate or graduate degrees.

Comprehensive plan: The City of Pea Ridge Comprehensive Plan as supplied by Pea Ridge Planning Department.

Construction sales and service: An establishment engaged in the retail or wholesale sale of materials used in the construction of buildings or other structures, as well as the outdoor storage of construction equipment or materials on lots other than construction sites. Typical uses include lumberyards, home improvement centers, lawn, and garden supply stores, electrical, plumbing, air conditioning and heating supply stores, swimming pool sales, and construction and trade contractor storage yards.

Convenience store: An establishment, not exceeding three thousand five hundred (3,500) square feet of gross floor area, serving a limited market area, and engaged in the retail sale of food, beverages, gasoline and other frequently or recurrently needed merchandise for household or automotive use, and which may specifically include a car wash as an accessory use.

Cottage housing unit: A detached single-family housing unit fabricated in an off-site manufacturing facility for installation or assembly at the building site as a permanent structure with transport features removed.

Cottage housing development: A tract of land in one ownership that is used or intended to be used by two (2) or more manufactured housing units, and which has public sanitary sewer facilities, public water, electricity, and other utilities available.

Country club: A chartered, nonprofit membership club catering primarily to its membership, providing one or more of the following social and recreational activities: golf,

tennis, swimming, riding, or outdoor recreation. Such clubs typically include dining facilities, clubhouses, locker rooms, and pro shops.

Day care, general (day care center): A commercial establishment where adult day care services are provided, or where child day care services are provided for more than eight (8) children; with both such services to be provided pursuant to state laws and fire codes, and in accordance with, and licensed by appropriate state agencies.

Day care limited (day care family home): A home where day care services are provided to a maximum of eight (8) children, with a maximum of two (2) adults in attendance. The operator shall reside in the structure, and the facility must conform to all codes and regulations, both state and local, applicable thereto, with the most restrictive regulations prevailing. The babysitting of not more than four (4) children shall not be subject to provisions of these regulations.

Detached structure: A structure having no party or common wall with another structure except an accessory structure.

Development: The act of changing the state of a tract of land after its function has been purposefully changed by man; including, but not limited to, structures on the land and alterations to the land.

Development or site plan: A dimensioned presentation of the proposed development of a specified parcel of land that reflects thereon the location of buildings, easements, parking arrangements, public access, and other similar and pertinent features.

District, zoning: Any portion or section of the city within which uniform zoning regulations apply. (Ord. No. 722)

Drive-in establishments: A facility where services or products are delivered to persons in vehicles by means of a drive-up window or carhop.

Dwelling: A building or portion thereof which is designed or used as living quarters for one or more families; but not including motels, boarding houses, tourist homes, convalescent homes, travel trailers, mobile homes, or manufactured housing.

Dwelling attached: A dwelling that is joined to another dwelling at one (1) or more sides by a wall or walls.

Dwelling detached: A dwelling that is entirely surrounded by open space on the same lot.

Dwelling, multi-family: A dwelling designed for or occupied by three (3) or more families living independently of each other, exclusive of auto or trailer courts or camps, hotels, or motels.

Dwelling, single-family: A dwelling designed for or occupied by one family only and being on a permanent foundation.

Dwelling, two-family (duplex): A dwelling designed for or occupied by not more than two (2) families living independently of each other.

Dwelling, townhouse, or row house: Two (2) or more dwelling units attached at the side or sides, each unit of which has a separate outdoor entrance and is designed to be occupied and owned by one family.

Dwelling, zero lot line: A single detached dwelling unit that is constructed on a side property line of said lot; such that the wall located on the side property line should be "blank" with no openings of any type allowed.

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

Efficiency unit: A dwelling unit that contains living, sanitation, sleeping, and cooking facilities, but not a separate bedroom for sleeping, for not more than two (2) adults.

Emergency housing unit: A manufactured housing unit or residential design manufactured housing unit that is located on the same lot as a principal single-family dwelling to be used solely for the purpose of providing temporary accommodations for a family member in need of daily assistance due to health reasons. Such reasons shall be certified by a licensed physician.

Family: One or more persons related by blood, marriage or adoption, or a group of not more than three (3) unrelated persons living together and subsisting in common as a single, non-profit housekeeping unit utilizing only one kitchen. A family may include domestic servants employed by said family.

Farm: A parcel of land used for the growing or raising of agricultural products including related structures thereon.

Fence: A barrier constructed to provide privacy or separation, visually or otherwise, between one ownership and another.

Floodplain regulations: Provisions of the City of Pea Ridge Flood Damage Prevention Code.

Floor area: The sum of the gross horizontal areas of all of the floors of a principal building or buildings, excluding garages and covered parking areas, measured from the exterior faces of exterior walls, or from the centerline of walls separating two (2) buildings. (Ord. No. 722)

Freight terminal: A building or area in which freight, brought by motor trucks or rail, is assembled and/or stored for routing in intrastate or interstate shipment by motor truck or rail.

Frontage: That edge of a lot bordering a street.

Garage, private: An accessory building or a part of a main building used for storage purposes only for automobiles, vans, pick-up trucks, and the like, used solely by the occupants and their guests of the building to which it is accessory.

Golf course: A facility providing private or public golf recreation services and support facilities, excluding miniature golf facilities.

Government services: Buildings or facilities owned or operated by government entities and providing services for the public, excluding utilities and recreational services. Typical uses include administrative offices of government agencies and utility billing offices.

Greenhouse or nursery: An establishment primarily engaged in the raising and retail sale of horticultural specialties such as flowers, shrubs, and trees, intended for ornamental or landscaping purposes.

Group residential: The use of a site for occupancy by groups of more than three (3) persons, not defined as a family. Typical uses include residence halls and boarding or lodging houses.

Hazardous waste: Any solid, liquid, semisolid, or gaseous waste, whether alone or in combination, whether used, reused, or reclaimed, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to an increase in mortality, or an increase in serious irreversible, or incapacitating reversible, illness, or which may pose a substantial present or potential hazard to human health or the environment.

Home occupation: Any occupation or profession carried on by the inhabitants which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, which is conducted entirely within the main building, and which meets all other applicable standards and use limitations as described herein.

Hospital: An institution providing health services primarily for human inpatient or medical or surgical care for the sick or injured, and including related facilities such as laboratories, outpatient departments, training and research facilities, central service facilities, pharmacies, and staff offices which are an integral part of the facilities.

Hotel or motel: An establishment where overnight accommodations are supplied for transient guests. Typical accessory uses include dining, swimming, and meeting facilities.

Kennel: The use of land or buildings for the purpose of selling, breeding, boarding, or training dogs or cats or both, or the keeping of more than five (5) dogs and cats. The word "selling" as herein used shall not be construed to include the sale of animals three (3) months of age or younger which are the natural increase of animals kept by persons not operating a kennel as herein defined; nor shall selling be determined to include isolated sales of animals over three (3) months old by persons not operating a kennel as herein described.

Library: A publicly operated facility that houses a collection of books, magazines, audio and video tapes, or other material for borrowing and use by the general public.

Loft apartment: One or more dwelling units located on the upper floor(s) of a building utilized principally for commercial or office purposes.

Lot: Land occupied or intended for occupancy by a use permitted in these regulations, including one main building together with its accessory building, and the open spaces and parking spaces required herein, and having its principal frontage upon a street.

Lot, area: The total horizontal area of a lot lying within the lot lines. *Lot, corner:* A lot abutting two (2) or more streets at their intersection.

Lot, double frontage: A lot that is an interior lot extending from one street to another and abutting a street on two (2) ends.

Lot, interior: Any lot which is not a corner lot. *Lot lines:* The boundary lines of a lot.

Lot line, front: In the case of an interior lot, the line separating said lot from that street which is designed as the front street in the request for a building permit.

Lot line, rear: The lot boundary opposite and most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line.

Lot line, side: Any lot line other than a front or rear lot line as defined herein.

Lot of record: A lot that is a part of a subdivision, the plat of which has been recorded in the office of the Benton County Circuit Clerk.

Lot width: The width of a lot measured at the front building setback line.

Manufactured housing unit: A detached single-family housing unit fabricated in an off-site manufacturing facility for installation or assembly at the building site as a permanent structure with transport features removed, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code.

Manufactured housing development: A tract of land in one ownership that is used or intended to be used by two (2) or more manufactured housing units, and which has public sanitary sewer facilities, public water, electricity, and other utilities available.

Manufacturing, general: An establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding "basic industry."

Manufacturing limited: An establishment primarily engaged in the on-site production of goods by hand manufacturing which generally involves only the use of hand tools or other equipment not exceeding two (2) horsepower, which may include assembly and packaging, as well as incidental, direct sales to consumers of those goods produced on-site.

Medical service: An establishment providing therapeutic, preventive, or corrective personal treatment services on an outpatient basis by physicians, dentists, and other licensed practitioners, as well as the provision of medical testing and analysis services.

Mining or quarrying: The extraction of metallic and nonmetallic minerals, including stone, sand, and gravel operations.

Mobile home: A transportable, factory-built housing unit, fabricated prior to June 15, 1976, the effective date for the Federal Mobile Home Construction and Safety Act of 1974. (Ord. No. 722)

Nonconforming structure: A structure, or portion thereof, lawfully existing at the time these regulations became effective, or as amended, which does not comply with the setback, height, or other development standards applicable in the district in which the structure is located.

Nonconforming use: Any structure or land lawfully occupied by a use at the time these regulations, or any amendment thereto, became effective, which does not conform to the use or area regulations of the district within which it is located.

Nursing home: Any premises where more than three (3) persons are housed and furnished with meals and continuing nursing services.

Office, general: An establishment providing executive, management, administrative or professional services, but not involving medical or dental services or the sale of merchandise, except as incidental to a permitted use. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting, and similar offices.

Open space, common: The area of land that is designed to be accessible for the use and enjoyment of all owners and/or tenants. This space may contain complementary structures, recreational areas, and other such improvements, but shall not include parking lots or streets.

Open space, private: An area of land owned or occupied by a property owner or tenant and available for their private use and enjoyment.

Owner: The property owner of record, according to the office of the Benton County Circuit Clerk.

Parking, commercial: A paved area for off-street parking of operable motor vehicles on a temporary basis, other than as accessory parking to a principal use.

Parks and recreation: A park, playground, open space, or facility, open to the general public and reserved for active or passive recreational activities.

Pedestrian way: A separate right-of-way dedicated to or reserved for public use by pedestrians, which crosses blocks or other tracts of land to facilitate pedestrian access to adjacent streets and properties.

Principal building: The building on a lot in which the principal use of the lot is conducted. *Principal use:* The chief or main recognized use of a structure or of land.

Recreation and entertainment, indoor: An establishment offering recreation, entertainment, or games of skill to the general public for a fee or charge, and that is wholly enclosed in a building. Typical uses include bowling alleys, indoor theaters, pool halls and video game arcades.

Recreation and entertainment, outdoor: An establishment offering recreation, entertainment, or games of skill to the general public for a fee or charge, wherein any portion of the activity takes place in the open. Typical uses include archery ranges, batting cages, golf driving ranges, and miniature golf courses.

Recreational vehicle park: The use of a site providing individual spaces for towed or self-propelled camping vehicles on a daily fee or short-term rental basis.

Research service: An establishment engaged in conducting basic and applied research, including production of prototype products when limited to the minimum scale necessary for full investigation of the merits of a product, excluding production of products used primarily or customarily for sale or for use in non-prototype production operations.

Restaurant, fast-food: An establishment where the principal business is the sale of food and non-alcoholic beverages in a ready-to-consume state, and where the design or principal method of operation is that of a fast-food or drive-in-style restaurant offering quick food service, where orders are generally not taken at the customer's table, where food is generally served in disposable wrapping or containers, and where food and beverages may be served directly to the customer in an automobile.

Restaurant, general: An establishment, other than "fast-food restaurant," where the principal business is the sale of food and beverages in a ready-to-consume state, where there is no service to a customer in an automobile, and where the design or principal method of operation consists of one or more of the following: (1) a sit-down restaurant where customers, normally provided with an individual menu, are generally served food and beverages in non-disposable containers by a restaurant employee at the same table or counter at which the food and beverage items are consumed; or (2) a cafeteria or cafeteria-type operation where food and beverages generally are served in non-disposable containers and consumed within the restaurant.

Retail/service: The sale or rental of commonly used goods and merchandise for personal or household use or the provision of services to consumers, excluding those retail and service uses classified more specifically herein. Typical uses include grocery stores, department stores, furniture stores, clothing stores and establishments providing the following products or services: household electronic equipment, sporting goods, bicycles, office supplies, home furnishings, electronics repair, shoe repair, household appliances, wallpaper, carpeting and floor-covering, art supplies, kitchen utensils, jewelry, drugs, laundromats, dry cleaners, cosmetics, books, antiques, or automotive parts and accessories.

Safety services: A facility for conduct of public safety and emergency services, including fire and police protection services and emergency medical and ambulance services.

School, elementary, middle, or high: The use of a site for instructional purposes on a primary or secondary level.

Service station: An establishment primarily engaged in the retail sale of gasoline or other motor fuels that may include accessory activities, such as the sale of lubricants, automotive accessories, or supplies, the lubrication or washing of motor vehicles, or the minor adjustment or minor repair of motor vehicles.

Sign: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, pictures, trade names, or trademarks by which anything is made known, such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, a service or a commodity or product, which are visible from any public street or right-of-way and designed to attract attention. A sign shall not include such devices

located within a building except for illuminated signs within show windows. A sign includes any billboard, but does not include the flag, pennant, or insignia of any state, city, or other political unit, or any political, charitable, educational, philanthropic, civic, professional, religious, or like campaign, drive, movement, or event. (Ord. No. 722)

Sign, bulletin: A sign erected by a church, school, institution, or public agency on its premises for announcements.

Sign, commercial: A sign which directs attention to a service, product, profession, business, or entertainment conducted, sold, or offered on the same lot.

Sign, nameplate: A sign bearing the name and/or address, occupation, and phone number of persons or uses occupying the premises.

Sign, official: Signs on public property for informing the public.

Sign, off-premises: A sign that directs attention to a business, profession, event, entertainment, product, or service that is located, offered, or sold somewhere other than on the premises.

Sign, real estate: Temporary signs advertising the premises for lease, rent or sale.

Story: The horizontal segment of a building between the floor surface and the ceiling next above it, and wholly above grade.

Use: Any functional, social, or technological activity, which is imposed or applied to land or to structures on the land.

Utility, major: Generating plants, electrical switching facilities and primary substations; water and wastewater treatment plants; water tanks; and radio, television, and microwave transmission towers; and similar facilities of agencies that are under public franchise or ownership to provide the general public with electricity, gas, heat, communication, rail transportation, water, sewage collection or other similar service. The term “utility” shall not be construed to include corporate or general offices; gas or oil processing; manufacturing facilities; postal facilities; or other uses defined herein.

Utility, minor: Services and facilities of agencies that are under public franchise or ownership to provide services that are essential to support development and that involve only minor structures, such as poles and lines.

Vehicle and equipment sales: An establishment engaged in the retail sale or rental, from the premises, of motorized vehicles, along with incidental service or maintenance. Typical uses include auto, truck, and tractor sales or rentals, boat sales, and motorcycle sales.

Vehicle repair, general: An establishment primarily engaged in painting of, or bodywork to, motor vehicles or heavy equipment. Typical uses include paint and body shops.

Vehicle repair, limited: An establishment primarily engaged in automotive repair other than paint and body shops.

Vocational school: A use providing education or training in business, commercial trades, language, arts, or other similar activity or occupational pursuit, and not otherwise defined as a "college or university" or "primary or secondary school."

Warehouse, residential storage (mini warehouse): An enclosed storage facility containing independent, separate units or cubicles that are intended to be leased to persons exclusively for dead storage of their household goods or personal property. The active utilization of any storage space or cubicle within such a storage area for a retail or wholesale business operation is expressly prohibited.

Warehousing: The storage of materials, equipment, or products within a building for manufacturing use or for distribution to wholesalers or retailers, as well as activities involving significant movement and storage of products or equipment. Typical uses include truck terminals, major mail distribution centers, frozen food lockers, motor freight terminals, and moving and storage firms, but excluding "residential storage warehouses."

Welding or machine shop: A workshop where machines, machine parts, or other metal products are fabricated. Typical uses include machine, welding, and sheet metal shops.

Yard: An open space on the same lot with a building, unobstructed from the ground upward, and measured as the minimum horizontal distance between the lot line and the main building.

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

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

Yard, side: A yard between the main building and the sideline of the lot and extending from the front lot line to the rear yard and being the minimum horizontal distance between a side lot line and the side of the main building or any projection thereof. (Ord. No. 722)

14.04.03 Nonconforming Structures and Uses

Sections:

- 1. Continuance of Use**
- 2. Discontinuance of Use**
- 3. Change of Use**
- 4. Repairs and Alterations**
- 5. Accessories to Primary Nonconforming**
- 6. Damage and Destruction**
- 7. District Changes**

1. Continuance of Use

- (a) Any lawfully established use of a structure or land, on the effective date of these regulations or of amendments hereto, that does not conform to the use regulations for the district in which it is located, shall be deemed to be a legal nonconforming use, and may be continued, except as otherwise provided herein.
- (b) Any legal nonconforming structure may be continued in use provided there is no physical change other than necessary maintenance and repair, except as otherwise permitted herein.
- (c) Any structure for which a building permit has been lawfully granted prior to the effective date of these regulations, or of amendments hereto, may be completed in accordance with the approved plans. Such building shall thereafter be deemed a lawfully established building. (Ord. No. 722)

2. Discontinuance of Use

- (a) Whenever any part of a structure or land occupied by a nonconforming use is changed to, or replaced by, a use conforming to the provisions of these regulations, such premises shall not thereafter be used or occupied by a nonconforming use, even though the structure may have been originally designed and constructed for the prior nonconforming use.
- (b) Whenever a nonconforming use of a structure or part thereof, has been discontinued or abandoned for a period of one (1) year or more, such use shall not be re-established, and the use of the premises thereafter shall be in conformity with the regulations of the district.
- (c) Where no enclosed structure is involved, discontinuance of a nonconforming use for a period of six (6) months shall constitute abandonment and shall not thereafter be used in a nonconforming manner.

3. Change of Use

- (a) The nonconforming use of any structure or portion thereof, may be occupied by a similar or less intense nonconforming use as may be determined by the zoning official, subject to appeal to the board of zoning adjustment. No building in which a nonconforming use has been changed to a more restricted use shall again be devoted to a less restricted use.
- (b) A nonconforming use of land without substantial buildings or structures may not be extended or expanded, nor shall it occupy more area than was in use on the effective date of these regulations. If such nonconforming use or portion thereof is discontinued for a period of six (6) months, or changed, any future use of such land or change of use shall be in conformity with the provisions of the district in which such land is located.

4. Repairs and Alterations

- (a) Normal maintenance of a nonconforming structure or of a conforming structure containing a nonconforming use is permitted.
- (b) Alterations may be made when required by law, or when such alterations will actually result in eliminating the nonconformity.
- (c) No structure occupied, or partially occupied, by a nonconforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such nonconforming use.
- (d) A structure that is nonconforming with respect to yards, height, or any other element of bulk regulated by these regulations, shall not be altered, or expanded in any manner that would increase the degree or extent of its nonconformity with respect to the bulk regulations for the district in which it is located.

5. Accessories to Primary Nonconforming Addition of, or enlargement, alteration, or relocation of, accessories which are incidental to and accommodate the primary nonconforming use may be permitted if, after notices and public hearing and recommendation by the planning commission, the city council finds that the accessory promotes the public health, safety, and welfare and does not expand or enlarge the primary nonconforming use.

The procedures for application and review shall be the same as those for a conditional use, with the exception that all notifications must refer to a request for "alteration, enlargement or relocation of use" instead of a request for a conditional use.

6. Damage and Destruction If a nonconforming structure or a structure containing a nonconforming use is damaged or destroyed by natural disaster, fire, or other casualty, the

structure may be repaired or reconstructed and used for the same purpose as it was before the occurrence; provided such repair or reconstruction is commenced and completed within one (1) year of the date of such damage or destruction. Failure to exercise this option within the time specified, shall be considered a voluntary abandonment and the structure may be rebuilt and used thereafter only for a conforming use, and in compliance with provisions of the district in which it is located.

7. District Changes Whenever the boundaries of a zoning district are changed, so as to transfer an area from one district to another, the foregoing provisions shall also apply to any newly created nonconforming uses therein. (Ord. No. 722)

14.04.04 Establishment of Zoning districts and Boundaries

Sections

1. **Zoning Districts Established**
2. **Zoning District Hierarchy**
3. **Zoning District Boundary Map**
4. **Interpretation of District Boundaries**
5. **Classification of Annexed Lands**
6. **Vacation of Public Rights-of-Ways**

1. Zoning Districts Established The following zoning districts, which may be referred to by their abbreviations, are hereby established:

(a) Base Zoning Districts:

A	Agriculture
RE	Residential Estate
R-1	Low Density Residential
R-2	Medium Density Residential
R-3	High Density Residential
R-4	Multi-Family Residential
C-1	Neighborhood Commercial
C-2	General Commercial
I	Industrial

2. Zoning District Hierarchy References to less restrictive, more restrictive, less intensive, and more intensive zoning districts refer to the base zoning districts established above; and represent a progression from the A district as the most restrictive (or least intensive) base district to the I district as the least restrictive (or most intensive) base district. Overlay and special purpose districts are not included in the zoning district hierarchy. (Ord. No. 722)

3. Zoning District Boundary Map The location and boundaries of the zoning districts established herein are defined as shown on a map entitled "Official Zoning Map of the City of Pea Ridge, Arkansas," which is on file in the office of the City Clerk. This map, together with all explanatory data thereon, is hereby adopted by reference, and declared to be a part of these regulations. The official zoning map shall be certified as such by signature of the mayor, attested by the City Clerk.

If, in accordance with the provisions of these regulations, changes are made in district boundaries or other data portrayed on the official zoning map, such changes shall be made on said map within thirty (30) days after the amendment ordinance has been approved by the City Council.

No changes of any nature shall be made on the official zoning map or information shown thereon, except in conformity with the procedures set forth in these regulations. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of these regulations, and punishable pursuant to misdemeanor provisions contained in the city code.

Regardless of the existence of purported copies of the official zoning map, which may from time to time be made or published, the official zoning map located in the office of the City Clerk shall be the final authority as to the current zoning status of property in the city.

4. Interpretation of District Boundaries Where uncertainty exists as to the boundaries of districts shown on the official zoning map, the zoning official shall employ the following rules in interpretations thereof. Decisions of the zoning official are subject to appeal to the Board of Zoning Adjustment.

- (a) Boundaries indicated as approximately following the centerlines of streets or alleys shall be construed to follow such centerlines.
- (b) Boundaries indicated as approximately following city limits shall be construed as following city limits.
- (c) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (d) Boundaries indicated as following waterways shall be construed to be following the thread of the stream.
- (e) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- (f) Boundaries indicated as parallel to, or extensions of features mentioned in the preceding rules, shall be so construed.

- (g) Where distance is not specifically indicated on the official zoning map, as is typically the case with un-subdivided property, distance shall be determined by the scale of the map.

5. Classification of Annexed Lands All lands annexed into the city shall initially be assigned a A zoning district classification. Consideration of a more appropriate classification may subsequently be considered. If initiated within six (6) months after the annexation becomes final, application fees shall be waived.

6. Vacation of Public Rights-of-Ways Whenever any street, alley, or other public way is vacated or abandoned by action of the city council pursuant to law, the zoning district classification of the property to which the vacated portions of land accrue, shall become the classification of the vacated land. (Ord. No. 722)

14.04.05 District Regulations

Sections

- 1. Agriculture and Residential Districts**
- 2. Commercial Districts**
- 3. Industrial Districts**
- 4. Commercial and Industrial Uses Permitted**
- 5. Nonresidential Lot, Yard, and Height Regulations**
- 6. Overlay and Special Purpose District**

Agriculture and Residential Districts

- (a) General Description. Counting the agriculture district, which is considered to be a very low-density single-family district and acts to serve as a "holding" zone for subsequent higher density consideration, there are six (6) residential districts designed to meet present and future housing needs; to protect the character of, and property values in, residential areas; to encourage a suitable environment for family life; and to provide choice in density, as well as in type of housing. Four (4) of the districts are for single-family uses and are intended to be defined and protected from the encroachment of uses not performing a function necessary to the single-family residential environment. The R-3 district permits varying densities of residential development, multi-family; while R-4 district is largely restricted to multi-family (apartments) and manufactured housing developments (parks). More specific descriptions of the residential districts are as follows.
- (1) A, Agriculture District. The purpose of this district is to provide for a very low-density single-family district, while helping preserve existing agricultural resources, and to guide the conversion of these lands to higher

density residential use when appropriate. Agricultural areas should be protected for development by appropriate standards until they are well served by public facilities and services that will permit higher density residential development.

- (2) RE, Residential Estate. The purpose of this district is to accommodate single-family residential development on very low density, large estate type lots of at least 1 acre. This zone is intended to help establish and preserve rural/estate character in certain areas.
 - (3) R-1, Low Density Residential. The purpose of this district is to accommodate single-family residential uses on generously sized residential lots of at least 12,000 square feet. This zone is generally applied on the built-up areas of the city, where public sanitary sewer is available, and may act as a buffer to RE and R-2 zones.
 - (4) R-2, Medium Density Residential. This district is intended to accommodate single-family residential uses on moderately sized, medium density lots of at least 8000 square feet. This is the smallest lot size for areas that are exclusively for single-family purposes, and the availability of public sanitary sewer shall be a requirement for R-2 zoning.
 - (5) R-3, Multi-Family Residential, Varying Densities. This district is to provide for higher density mixes of residential uses including, duplex, triplex, 4-plex and multi-family development complexes. Congregate housing for the elderly is also anticipated in this zone. Areas so classified must have all municipal services available. The maximum density in this district is twelve (12) dwelling units to the acre.
 - (6) R-4, Multi-family Family Residential, Apartments. This district is to provide exclusively for high density apartments development and manufactured housing parks.
- (b) Uses Permitted. Uses permitted in the residential districts are set forth in the following table. Where the letter "P" appears opposite a listed use and underneath a residential district, the use is permitted in that district "by right" subject to: (1) providing off-street parking and loading facilities where the letter "C" appears instead of "P", the use is permitted subject to acquiring a conditional use permit. Where neither "P" nor "C" appears similarly within the table, the use is not permitted. (Ord. No. 722)

USE TABLE RESIDENTIAL DISTRICTS						
ZONING DISTRICTS						
RESIDENTIAL USES	A	RE	R-1	R-2	R-3	R-4
Single-family detached	P	P	P	P		
Single-family attached						
Duplex					P	
Emergency housing unit	C	C	C	C	C	C
Multi-family					P	P
Manufactured housing unit	P				P	P
Manufactured housing development					C	P
Group residential					P	P
CIVIC AND COMMERCIAL USES						
Airport or airstrip	C	C				
Animal care, general	C					
Animal care, limited	C					
Automated teller machine					P	
Bed and breakfast	C	C				
Cemetery	C	C	C	C	C	C
Church	P	C	C	C	C	C
College or university	C					
Communication tower	C	C	C	C	C	C
Convenience store					C	
Day care, limited (family home)	C	C	C	C	C	C
Day care, general					C	C
CIVIC AND COMMERCIAL						
Golf course	C	C	C	C	C	C
Government service	C	C	C	C	C	C
Hospital					C	C
Library	C	C	C	C	P	C
Medical services					C	C
Museum					C	C
Nursing home					C	C
Parks and recreation	P	C	C	C	P	C
Post office					C	C
Recreation/entertainment, indoor	C					C

USE TABLE (CONTINUED)						
RESIDENTIAL DISTRICTS						
ZONING DISTRICTS						
RESIDENTIAL USES	A	RE	R-1	R-2	R-3	R-4
Recreation/entertainment, outdoor	C					C
Safety services	C	C	C	C	P	C
School, elementary/middle & high	C	C	C	C	P	C
Utility, major	C	C	C	C	C	C
Utility, minor	P	P	P	P	P	P
Vocational school	C				C	
MANUFACTURING & EXTRACTIVE USES						
Asphalt or concrete plant	C					
Mining or quarrying	C					
Sod farm	C					
Topsoil	C					
AGRICULTURAL USES						
Agriculture, animal	P	C	C	C	C	C
Agriculture, crop	P	P	P	P	C	C
Agriculture, product sales	P	C	C	C	C	C

ACCESSORY USES: PERMITTED SUBJECT TO PROVISIONS OF CHAPTER ON ACCESSORY USES.

- (c) Lot, yard, and height regulations. Except as otherwise provided herein, no lot or yard shall be established or reduced in dimension or area in any residential district that does not meet the minimum requirements in the following table: nor shall any building or structure be erected or enlarged that will cause the maximum lot coverage or maximum height regulations to be exceeded for such district as set forth in said table. A listing of supplements and exceptions to these regulations follow the table. (Ord. No. 722)

MINIMUM DIMENSION REQUIREMENTS RESIDENTIAL DISTRICTS						
ZONING DISTRICTS						
DIMENSION	A	RE	R-1	R-2	R-3	R-4
Lot size						
Single-family (sq. ft.)	5 ac	1 ac	12,000	8,000	NP	NP
Duplex, Triplex & Four Plex (sq. ft.)	NP	NP	NP	NP	12,000	NP
Nonresidential uses (sq. ft.)	5 ac	1 ac	½ ac	12,000	12,000	12,000
Multi-family (units/acre)	NP	NP	NP	NP	12	1 Story-10 2 Story-18 3 Story- 27
Lot width (all uses)	240'	120'	100'	60'	100'	1 Story- 150' 2 Story-150' 3 Story- 150'
Front setback (all uses)	30'	30'	25'	25'	25'	50'
Side setback (all uses)	15'	15'	8'	8'	8'	1 Story-20' 2 Story-20' 3 Story-25'
Street side setback (all uses)	25'	25'	25'	25'	25'	50'
Rear setback (all uses)	30'	30'	25'	25'	25'	45'
NP = not permitted						

- (1) Maximum lot coverage (all buildings) in all residential districts shall not exceed thirty-five percent (35%).
- (2) When an existing lot is reduced because of conveyance to a federal, state, or local government for a public purpose, and the remaining area is at least seventy-five percent (75%) of the required minimum lot size for the district in which it is located, then that remaining lot shall be deemed to comply with minimum lot size requirements.
- (3) Utility facilities, using land or an unoccupied building requiring less than one thousand (1,000) square feet of site area, are exempt from minimum lot size requirements of all districts.
- (4) Minimum lot size requirements shall not be interpreted as prohibiting the construction of a single-family residential dwelling unit on a lot that was legally platted and recorded before the adoption of these regulations. For such lots that are rendered nonconforming, the necessity of obtaining a variance from such created nonconformity shall not be required as a condition of issuance of a building permit, provided all setback and other requirements can be met.

- (5) Certain architectural features may project into required yards as follows:
- (a) Cornices, canopies, eaves, or other architectural features may project a distance not to exceed thirty inches (30").
 - (b) Fire escapes may project a distance not exceeding four and one-half feet from the exterior wall of the building.
 - (c) An uncovered stair and necessary landings may project a distance not to exceed five feet (5'), provided such stair and landing shall not extend above the entrance floor of the building except for a railing not exceeding 42" in height.
 - (d) Bay windows, balconies, and chimneys may project a distance not exceeding thirty inches (30"), provided that such features do not occupy, in the aggregate, more than one-third of the length of the building wall on which they are located.
- (6) Setback averaging. When a majority of the lots have existing principal structures on them and the street setbacks of said principal structures are on lots within the same block, with the same zoning classification and fronting on the same side of the street, and are less than the required street setback, applicants shall be allowed to use the "average" street setback on that block. In such cases, the "average setback" shall be the mean (average) setback of all developed lots on the same side of the street within the same block as the subject property and with the same zoning classifications; provided that in no case shall more than six (6) lots on either side of the subject property be included in the calculation.
- (7) When adjacent to RE, R-1, or R-2 districts, multi-family residential and nonresidential structures over one (1) story or fifteen feet (15') in height shall have an additional eight foot (8') side and rear setback for every additional story or fifteen feet (15') in building height. Exception. This section shall not apply to two story, multi-family residential structures that contain a one story, rear, exterior wall plane below twelve feet (12'), measured from the ground surface to the rear eave, and have no rear facing, second story windows within the required rear setback plus an additional eight feet (8'). (Ord. No. 722, Sec. 1, p. 24; Ord. No. 777, Sec. 1).
- (8) Single-family attached uses shall be exempt from interior side setback requirements, provided that end units within a single-family attached development shall comply with applicable side setback requirements. Such uses may also be exempted from lot width requirements.
- (9) In R-3 districts, and other districts in which such developments may be permitted, dwelling units within a zero-lot line development may be placed on or near one interior side lot line, and therefore be exempt from that interior side setback requirement. Zero lot line setbacks may not be used on street side lot lines or on

interior side lot lines adjacent to lots that are not part of the zero-lot line development. Zero lot line houses shall be subject to applicable fire codes and the following additional standards:

- (a) The minimum distance between all buildings in the development must be equal to twice the required side setback required by the underlying zoning district. A deed restriction must be recorded on the deed of each applicable lot to ensure continued compliance with this setback.
 - (b) An easement to allow for maintenance or repair is required when the eaves or sidewall of a house are within four feet (4') of the adjacent property line. The easement on the adjacent property must provide at least five feet (5') of unobstructed space between the furthestmost projection of the structure and be wide enough to allow five feet (5') between the eaves or side wall and the edge of the easement.
 - (c) If the sidewall of the house is on the property line, or within three feet (3 ') of the property line, windows or other openings that allow for visibility into the side yard of the adjacent lot are not allowed. Windows that do not allow visibility into the side yard of the adjacent lot, such as a clerestory window or a translucent window, are allowed.
- (10) Maximum height limitation is thirty-five feet (35') in all residential zones with the exception of the A and R-3, R-4 districts, where the limitation is forty-five feet (45'). Chimneys, smokestacks, ventilators, cooling and water towers, bulkheads, grain elevators and silos, utility and flagpoles, belfries, spires and steeples, and monuments and ornamental towers, may be erected to any height not in conflict with other city ordinances or federal regulations. Communication towers are exempt only to the extent authorized through conditional use approval. (Ord. No. 722)

2. Commercial Districts

- (a) General description, commercial districts. Commercial districts are principally intended for the provision of services and the conduct of business and retail trade essential to support residents within the city and the surrounding area. Two (2) such districts are established herein to provide for the diversity of uses and appropriate locations required for the range of goods and services needed in Pea Ridge.
- (1) C-1, Neighborhood Commercial. This district is intended to accommodate administrative, executive, and professional offices and associated uses, as well as limited retail trade and services

designed to serve adjacent residential neighborhoods, usually of a high or medium density character. Such districts should generally be limited to collector or arterial street locations, or other carefully selected areas. Buildings should be of residential character if practicable regarding outward appearance.

- (2) C-2, General Commercial. This purpose of this district is to provide appropriate locations for commercial and retail uses that are convenient and serve the needs of the public. This district also provides locations for limited amounts of merchandise, equipment, and material being offered for retail sale that are more suitable for storage and display outside the confines of an enclosed structure. Appropriate locations for this district are generally along heavily traveled arterial streets, where convenient access and high visibility exist. However, development of groupings of facilities shall be encouraged in the future, as opposed to less desirable strip commercial. (Ord. No. 722)

3. Industrial Districts The industrial zoning district is intended to provide for the development of light to medium intensity industrial uses and their related facilities. Certain commercial and other complementary uses are also permitted. Appropriate standards for the district are designed to assure compatibility with other similar uses and to minimize any conflicts with non-industrial uses located in close proximity to industrial uses. Suitable uses in this district include freight terminals, warehousing, wholesaling, packaging, storage, fabrication, display and such limited manufacturing as does not create a nuisance for residential and commercial neighbors. Adequate and suitable transportation facilities are a necessity to this district.

4. Commercial and Industrial Uses Permitted Uses permitted in the foregoing districts are set forth in the following table. Where the letter "P" appears opposite a listed use and underneath a district, the use is permitted in that district "by right" subject to: (1) providing off-street parking and loading facilities as required; (2) providing landscaping and screening as required; and (3), conformance with special conditions applying to certain uses as set forth in city code.

Where the letter "C" appears instead of "P", the use is permitted subject to acquiring a conditional use permit. Where neither "P" nor "C" appears similarly within the table, the use is not permitted. (Ord. No. 722)

USE TABLE COMMERCIAL & INDUSTRIAL DISTRICTS <u>ZONING DISTRICTS</u>			
RESIDENTIAL USES	C-1	C-2	I
Single-family detached	P	C	C
Single-family attached	P	C	
Duplex, triplex, 4-plex	P	P	C
Loft apartment		C	
Multi-family	C	C	C

CIVIC AND COMMERCIAL USES	C-1	C-2	I
Airport or airstrip			C
Alcoholic Beverages & Controlled Substances		C	
Animal care, general	C	P	C
Animal care, limited	P	P	
Auditorium or stadium		C	C
Automated teller machine	P	P	P
Bank or financial institution	P	P	P
Bed and breakfast	P	P	
Car wash	C	P	P
Cemetery	P	P	P
Church	P	P	P
College or university	P	P	P
Communication tower	C	C	P
Construction sales and service		P	P
Convenience store	P	P	C
Day care, limited (family home)	P	P	C
Day care, general	P	P	C
Entertainment, adult		C	C
Funeral home	C	P	
Golf course	P	P	
Government service	P	P	P
Hospital	P	P	
Hotel or motel		P	
Library	P	P	P
Medical service/office	P	P	P
Museum	P	P	C

USE TABLE (CONTINUED) COMMERCIAL & INDUSTRIAL DISTRICTS <u>ZONING DISTRICTS</u>			
CIVIC AND COMMERCIAL USES	C-1	C-2	I
Nursing home	P	P	
Office, general	P	P	C
Parking lot, commercial		P	C
Parks and recreation	P	P	C
Pawn shops		P	C
Post office	C	P	C
Recreation/entertainment, indoor	C	P	C
Recreation/entertainment, outdoor	C	P	C
Recreational vehicle park		P	P
Restaurant, fast-food	C	P	P
Restaurant, general	P	P	P
Retail/service	C	P	C
Safety services	P	P	P
School, elementary/middle & high	P	P	P
Signs	*	*	*
Utility, major	C	C	C
Utility, minor	P	P	P
Vehicle and equipment sales		P	P
Vehicle repair, general		P	P
Vehicle repair, limited	C	P	P
Vocational school	C	P	P
Warehouse, residential (mini) storage		P	P
INDUSTRIAL, MANUFACTURING			
Asphalt or concrete plant			C
Auto wrecking or salvage yard			P
Basic industry			P
Freight terminal		C	P
Manufacturing, general			P
Manufacturing, limited			P
Mining or quarrying			C
Research services	C	C	P
Warehousing			P
Welding or machine shop		C	P

USE TABLE (CONTINUED) COMMERCIAL & INDUSTRIAL DISTRICTS <u>ZONING DISTRICTS</u>			
AGRICULTURAL USES	C-1	C-2	I
Agriculture, animal		C	P
Agriculture, crop	P	P	P
Agriculture, farmers market	C	P	P
Agriculture, product sales		C	P

ACCESSORY USES: PERMITTED SUBJECT TO
PROVISIONS OF CHAPTER ON ACCESSORY USES.

5. Nonresidential Lot, Yard, and Height Regulations No lot or yard shall be established or reduced in dimension or area in any nonresidential district that does not meet the minimum requirements in the table that follows; nor shall any building or structure be erected or enlarged that will cause the maximum lot coverage or maximum height regulations to be exceeded for such district as set forth in said table. A listing of supplements and exceptions to these regulations follow the table. (Ord. No. 722)

MINIMUM DIMENSION REQUIREMENTS NONRESIDENTIAL DISTRICTS
ZONING DISTRICTS

DIMENSION	C-1	C-2	I
Minimum lot size			
Single-family (sq. ft.)	12,000	12,000	12,000
Duplex (sq. ft.)	12,000	12,000	NP
Multi-family (units/acre)	12/ac	12/ac	12/ac
Nonresidential uses (sq. ft.)	12,000	12,000	12,000
Minimum lot width (all uses)	100'	100'	100'
Minimum lot depth (all uses)	100'	100'	100'
Front setback			
Residential uses	25'	25'	100'
Nonresidential uses	25'	25'	100'
Street side setback (all)	25'	25'	25'
Interior side setback			
Residential uses	10'	10'	25'
Nonresidential uses	10'	10'	25'
Rear setback			
Residential uses	25'	25'	25'
Nonresidential uses	20'	20'	20'

Maximum height	35'	35'	45'
Maximum lot coverage (all uses)	60%	60%	60%
Maximum floor area (sq. ft.)	NS	NS	NS

NP = Not Permitted

NS = No Standard

- (a) Size reduced for public purpose. When an existing lot is reduced because of conveyance to a federal, state, or local government for a public purpose, and the remaining area is at least seventy-five percent (75%) of the required minimum lot size for the district in which it is located, then that remaining lot shall be deemed to comply with minimum lot size requirements.
- (b) Utility exemption. Utility facilities, using land or an unoccupied building requiring less than one thousand (1,000) square feet of site area, are exempt from minimum lot size requirements.
- (c) Setback reduced for public purpose. When an existing setback is reduced because of conveyance to a federal, state, or local government for a public purpose, and the remaining setback is at least seventy-five percent (75%) of the required minimum setback for the district in which it is located, then that remaining setback shall be deemed to satisfy minimum setback requirements.
- (d) Setback averaging. When a majority of the lots have existing principal structures on them and the street setbacks of said principal structures are on lots within the same block, with the same zoning classification and fronting on the same side of the street and are less than the required street setback, applicants shall be allowed to use the "average" street setback on that block. In such cases, the "average setback" shall be the mean (average) setback of all developed lots on the same side of the street within the same block as the subject property and with the same zoning classifications, and in no case shall more than six (6) lots on either side of the subject property be included in the calculation.
- (e) Setbacks increased by height. When adjacent to single-family districts, multi-family residential and nonresidential structures over one (1) story or fifteen feet (15') in height shall have an additional eight foot (8') side and rear setback for every additional story or fifteen feet (15') in building height.
- (f) Maximum height exclusions. Chimneys, smokestacks, ventilators, cooling and water towers, bulkheads, grain elevators and silos, utility and flag poles, belfries, spires and steeples, and monuments and ornamental towers, may be erected to any height not in conflict with the other city ordinances or federal regulations.

Communication towers are exempt only to the extent authorized through conditional use approval, if such use is not a use permitted by right.

- (g) When a nonresidential zone abuts a residential zone, setbacks for both shall be the greater of the nonresidential district or the setback for the abutting residential zone.

6. Overlay and Special Purpose District The purpose of overlay and special purpose districts are to provide for enhanced standards to protect and enhance the unique characteristics of specific areas and/or corridors, such as natural scenic beauty or manmade features, while providing for development opportunities. Examples of such purposes include: Promoting the safe and efficient use of specific roadways by controlling access and other traffic measures; encouraging the redevelopment of an area consistent with a particular design theme; Giving special attention to landscaping, buffering, signage, lighting and building setbacks in those districts identified as needing special attention; Giving special attention to the existing architectural style or to the style which is planned, so as to create an easily identifiable area in those areas identified as architecturally or historically significant.

The city council, upon recommendation from the planning commission, may adopt overlay and special purpose districts as the needs are identified in order to implement specific purposes, intents, and design standards generally consistent with the City of Pea Ridge Comprehensive Plan provisions for the area being regulated, which shall be applied as additional standards to other city regulations. The development criteria for each district shall be those standards as set out in each respective district that is adopted. Such districts shall be made a part of the zoning regulations through the standard amendment procedures; and upon adoption, the boundaries of such districts, shall be delineated on the official zoning map. (Ord. No. 722)

14.04.06 Conditional Uses

Sections

1. **Nature and Description**
2. **Development Standards and Review Guidelines**
3. **Procedure for Authorizing**
4. **Effect of Approval**

1. **Nature and Description** Certain uses may or may not be appropriately located within various districts due to their unusual or unique characteristics of operation and external effects. Given their unusual character, analysis, and judgment of the consequences of each development and use must be given so as to provide for such reasonable conditions and protective restrictions as are deemed necessary to protect the character and integrity of the area in which uses are proposed to be located. Such uses are listed under the various districts herein as "conditional uses," and may be located in the district or districts so designated only in accordance with the procedure described herein.

2. Development Standards and Review Guidelines All development shall be designed in such a way as to minimize any potential negative impact on the surrounding area. Special attention shall be given to buffering commercial developments from adjacent single-family areas. Design of the internal traffic circulation system, ingress and egress, off-street parking, loading and pedestrian-ways shall be sensitive to such conditions as safety, convenience, separation of vehicular and pedestrian traffic, general attractiveness, and the proper relationship of different land uses. Landscaped areas shall be provided to protect water quality, and reduce erosion, heat, and glare. Such areas shall be maintained in an attractive condition. Existing trees on a development site shall be retained where possible. Screening, open space, or other buffer may be required to give adequate separation between uses which are marginally compatible and shall also be provided for the beautification and enhancement of the property. In carrying out the purpose of this section, the following development standards, and design specifics shall be subject to review and approval. The appropriateness of these standards shall be determined for each specific conditional use location.

- (a) The proposed use is within the provision of "conditional uses," as set out in these regulations.
- (b) The proposed use conforms to all applicable provisions herein set out for the district in which it is to be located.
- (c) The proposed use is so designated, located, and proposed to be operated, that the public health, safety, and welfare will be protected.
- (d) The proposed land use is compatible with and will not adversely affect other property in the area where it is proposed to be located.
- (e) The size and shape of the site, including the size, shape, and arrangement of proposed structures, as well as signage related thereto, is in keeping with the intent of these regulations.
- (f) The proposed ingress and egress, internal circulation system, location, and amount of off-street parking, loading and pedestrian-ways are sufficiently adequate, and not inconsistent with requirements of these regulations.
- (g) The proposed landscaping and screening of the proposed use are in accordance with provisions of these regulations.
- (h) Safeguards proposed to limit noxious or offensive emissions, including lighting, noise, glare, dust and odor are addressed.

3. Procedure for Authorizing The following procedure is established to integrate properly, the conditional use with other land uses located in the district. These uses shall be reviewed and authorized or rejected under the following procedure:

- (a) **Application.** An application shall be made by the property owner and filed with the zoning official, upon forms prescribed for that purpose, accompanied with the appropriate fee established by the city council to defray processing costs. The application shall be accompanied by a graphic representation showing the location and proposed use of the site, along with such other descriptive material necessary for decision-making. Such may include but is not limited to: preliminary site plans showing proposed uses and structures; proposed ingress and egress to the site, including adjacent streets; proposed off-street parking and landscaping; lighting and signage; a preliminary plan for provision of sanitation and drainage facilities; and proximity of adjacent uses and buildings.

Each application shall be verified by at least one of the owners of the property proposed to be changed, attesting to the truth and correctness of all facts and information presented with the application.

The filing deadline for inclusion on the planning commission agenda shall be per the submission schedule posted by the City. (Ord. No. 722)

- (b) **Notice.** Upon determining that an application is proper and complete, the zoning official shall ensure that the matter is set for public hearing before the planning commission. The zoning official shall be responsible for ensuring that, pursuant to law, at least fifteen (15) days' notice of the time, place, and subject of such hearing is published in a newspaper of general circulation in the city.

The applicant shall present evidence to the zoning official, at least fifteen (15) days prior to the required public hearing, that all property owners within three hundred feet (300') of the exterior boundaries of the subject property have been notified of the proposed use, and of the time, date, and place of the hearing. Such evidence shall consist of postmarked, certified receipts and/or return receipts and/or dated, signed acknowledgement of receipt of notification; and shall be accompanied by a parcel map showing the location of those properties, the owners of which the application certifies have been so notified.

- (b) **Planning Commission Review and Action.** The planning commission shall review conditional use permit applications at its regularly scheduled monthly meeting, at which time interested persons may appear at the required public hearing and offer information in support of or against the proposed conditional use. Following the public hearing, the commission may approve the application as presented, approve it with conditions, table it with cause for not to exceed one (1) month,

deny the application or refer it to the city council for final disposition. Approval shall require an affirmative vote of a majority of the authorized membership of the commission.

In approving such conditional uses, the planning commission shall impose such conditions and restrictions upon the premises as it deems necessary to reduce or minimize the adverse effects of the use. Compatibility with surrounding property shall be insured to the maximum extent practicable. If the planning commission disapproves or denies a conditional use application, the reasons for such action shall be given to the applicant with fifteen (15) days from the date of the decision. If denied, no application for such use or similar use shall be permitted involving part of the same property for a period of six (6) months.

The planning commission shall have final authority except that petitioners or record objectors aggrieved by an action, including any condition(s) placed upon application approval, by the commission shall file appeals to the city council with the city clerk. The content of the appeal filing shall consist of: (1) A cover letter addressed to the mayor and city council setting forth the request; and (2) a copy of the planning commission application indicating the action and properly executed by the staff. This filing shall occur within fifteen (15) calendar days of the action by the planning commission. Certified mail notice of the appeal hearing shall be provided not less than fifteen (15) days prior to the date of the hearing, and the affidavit and other supporting evidence of notice shall be filed not less than five (5) days prior to the date of review. This notice shall be given to all record parties in interest whether for or against the request. The cost of this notice shall be borne by the appellant.

In no case shall the planning commission or city council authorize reduction from minimum requirements of these regulations relating to height, area, setbacks, parking, or landscaping.

In addition, no conditional use authorized by the planning commission or city council shall be subsequently considered in connection with a variance request to the board of zoning adjustment.

4. Effect of Approval No building permit shall be issued for any building or structure not in conformance with the site plan and all other conditions imposed in granting a conditional use permit. 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 approval. No structure, use or other element of any approved site plan shall be eliminated, significantly altered, or provided in another manner unless an amendment to the conditional use is approved. The procedure for amending a conditional use permit shall be the same as required for the original approval.

Substantial work or construction under a conditional use permit must be commenced within one (1) year, or the permit shall terminate. Conditional use permits shall run with the property and shall be valid for an unlimited period unless a lesser period shall be provided in a particular permit. Upon the expiration of the time limit specified in the particular permit, the property

owner may request that the permit be reviewed by the planning commission, which may extend it for an unlimited period or for an additional period of years.

Once any portion of the conditional use permit authorization is utilized, all such conditions pertaining to such authorization shall become immediately operative. All conditions relating to or limiting the use, status, or operation of the development, after issuance of an occupancy permit, shall be complied with by the applicant or his successors or assigns. Failure to do so shall constitute a violation of these regulations, and cause for revocation of the conditional use authorization.

Provided sufficient site information is submitted with the approved development plan, the planning commission may waive otherwise mandated site plan review requirements.

14.04.07 Accessory Uses

Sections:

- 1. General Description**
- 2. Location Requirements and Standards**
- 3. Residential Accessory Uses**
- 4. Nonresidential Accessory Uses**

1. General Description An accessory building is a subordinate building or a portion of the principal building, the use of which is customarily incidental to that of the dominant use of the principal building or land. An accessory use is one that is customarily incidental, appropriate, and subordinate to the principal use of land and buildings and located upon the same lot therewith. Subject to limitations herein, accessory buildings and uses are permitted in all zones.

2. Location Requirements and Standards An accessory building shall not be located within a required street (front or street side) setback; shall be subject to the side setback standards of the underlying zoning district; shall be set back at least seven and one-half feet (7.5') from a rear lot line; shall not be located within any public easement or over any known utilities or septic system lines; and shall not occupy more than ten percent (10%) of the lot area, or more of the lot than is covered by the principal use, whichever results in less lot coverage. Accessory buildings, in all zones except A zones, shall not exceed the floor area of the principal use. Unless otherwise provided herein, and provided site visibility is not obstructed, signs, fences and walls shall be allowed within setbacks.

An accessory building attached to a main building shall be made structurally a part and have a common wall with the main building and shall comply in all respects with the requirements applicable to the principal building. Provided detached, open-sided carports may be located in the side yard, no closer to the front lot line than the front building line of the principal building and provided required side setbacks are met. Unless attached to the principal structure, accessory buildings shall be located at least ten feet (10') from any other structure.

With regard to height limitations, accessory structures in residential districts shall not exceed twelve feet (12') in height, measured from the eave; and in commercial and industrial districts, such structures shall not exceed twenty-five feet (25') in height or the height of the principal structure on the lot. (Ord. No. 722)

3. Residential Accessory Uses Residential accessory uses shall include the following accessory uses, activities, facilities, and structures: emergency housing units (subject to limitations outlined in (a) below); fences and walls; garages, carports, and off-street parking and loading areas; gardens; gates and guard houses; home occupations (subject to limitations and requirements of (b) below); playhouses, patios, cabanas, porches, gazebos and household storage buildings; radio and television receiving antennas; recreational and play facilities for residents; storm and fallout shelters; and other necessary and customary uses determined to be appropriate, incidental, and subordinate to the principal use on the lot.

A nameplate sign, that is, a sign bearing the name and/or address, occupation, and communication number of a person or use occupying the premises, shall be permitted as a residential accessory use. Such sign shall be unanimated and non-illuminated, not over two (2) square feet in area and placed flat against a wall or door of the principal building. In addition, a real estate sign, that is, a temporary sign advertising the premises for lease, rent, or sale, is also permitted as an accessory use. Such sign shall be unanimated and non-illuminated, shall not exceed six and one-fourth (6 1/4) square feet in area, and shall not be placed on public right-of-way. (Ord. No. 722)

- (a) **Emergency Housing Unit.** Emergency housing units may be allowed as a conditional use in A, RE, R-1, and R-2 districts, provided they are on the same lot as the principal single-family dwelling and are used for the purpose of providing temporary accommodations for a family member in need of daily assistance due to health reasons, as certified by a licensed physician. Emergency housing units shall not be used for general rental purposes.
- (b) **Home Occupations Permitted.** A home occupation shall be allowed as an accessory use in residential districts subject to Planning Commission approval and compliance with the following requirements, which are intended to balance protection of residential character, with enabling residents to work from home:
 - (1) The home office or business is clearly secondary to the use of the dwelling as a residence and does not change the residential character or appearance of the dwelling or lot in any visible manner; provided a nameplate sign, as described above shall be permitted.
 - (2) The work done in the home office or business creates no objectionable odor, noticeable vibration, or offensive noise that increases a level of ambient sound at the property lines.

- (3) The home office or business does not involve the external display of goods or services and does not cause unsightly conditions or waste visible from off the property.
 - (4) The home office or business does not cause interference with radio or television reception in the vicinity.
 - (5) Permitted home occupations shall not include the employment of more than two persons working at the residence.
 - (6) The home office or business sells no articles on the premises that are not produced on the premises.
 - (7) A home occupation shall be carried on wholly within the principle residential structure. No home occupations shall be allowed in accessory buildings or garages.
 - (8) The home office or business occupies no more than twenty-five percent (25%) of the total floor area of the residence.
 - (9) There shall be no external alteration of the dwelling, nor storage of supplies or equipment outside.
 - (10) Not more than one (1) truck of not more than one and one-half (1 1/2) ton capacity and no semi-trailers, incidental to the home occupation, shall be kept on the premises.
 - (11) Customers may visit the site only during the hours of 8 am to 8 pm, and no more than six (6) customers or clients may visit the site in any single day.
 - (12) Parking to serve a home occupation shall be provided off-street, and no such parking shall be permitted in a required setback, other than in a driveway. In no event shall yard areas be converted to off-street parking to serve a home occupation.
- (c) Home Occupations Prohibited. Prohibited home occupations include, but are not limited to the following:
- (1) Barber and beauty shops.
 - (2) Dispatch centers, where workers come to the site to be dispatched to other locations.

- (3) Commercial stables, kennels, and animal boarding and care facilities.
 - (4) Assembly or repair of large appliances.
 - (5) Repair or assembly of vehicles or equipment with internal combustion engines, or any other work related to motor vehicles and their parts.
- (d) **Garage Sales.** Garage sales, also commonly called rummage or yard sales, are permitted as accessory uses provided, they meet the following requirements:
- (1) Each property address and/or person shall be limited to no more than four (4) such sales per year.
 - (2) Sales shall not last longer than two (2) consecutive days.
 - (3) Sales are conducted on the owner's property. Multiple family sales are permitted if they are held on the property of one of the participants.
 - (4) No goods purchased for resale may be offered for sale.
 - (5) No consignment goods may be offered for sale.
 - (6) Directional and advertising signs, not larger than four (4) square feet, shall be freestanding – that is, they shall not be placed on traffic or official signs, utility poles or trees, and shall be removed promptly after completion of the sale.

4. Nonresidential Accessory Uses Nonresidential accessory uses are allowed only in association with permitted, nonresidential principal uses and shall include, but not be limited to, the accessory uses, activities, facilities, and structures enumerated below. Such uses shall not be allowed if such would cause or increase parking nonconformity for the principal use. Such use may also necessitate additional required parking because of its own nature or character. Accessory uses shall not occupy required parking areas, or off-street parking areas (spaces or isles) approved as part of a site plan. Nonresidential accessory uses include:

- (1) Cafeterias, dining halls and similar food services when operated primarily for the convenience of employees, residents, clients, or visitors to the principal use.
- (2) Dwelling units, other than mobile homes, when used or intended to be used for security or maintenance personnel.
- (3) Guard houses, gates, fences, and walls.

- (4) Offices for allowed business and industrial uses when the office is located on the same site as the principal use.
- (5) Parking garages, and off-street parking and loading facilities.
- (6) Radio and television receiving antennas.
- (7) Restaurants, newsstands, gift shops, swimming pools, tennis courts, workout rooms, club, and lounges when in a permitted hotel, motel, or office building.
- (8) Sale of goods produced as a part of allowed industrial activities when on the same site as the principal industrial use.
- (9) The storage of merchandise when located within the same building as the principal business.
- (10) On-premises commercial, bulletin, nameplate, and real estate signs provided such are non-flashing, and are in compliance with the Pea Ridge sign code.
- (11) Other necessary and customary uses determined to be appropriate, incidental and subordinate to the principal use on the lot. (Ord. No. 722)

14.04.08 Special Conditions Applicable to Certain Uses

Sections:

- 1. General**
 - 2. Adult Entertainment**
 - 3. Wrecker Service**
 - 4. Wrecking, Salvage, and Junkyards**
 - 5. Car Washes**
 - 6. Emergency Housing Units**
 - 7. Floodplain Development**
 - 8. Manufactured Housing Developments**
 - 9. Cluster Housing or Cottage Court**
- 1. **General** Uses permitted, or those permitted subject to conditional use approval, shall be subject to the requirements of the district provisions as supplemented or modified by this chapter.
 - 2. **Adult Entertainment** All adult entertainment uses shall be subject to the following standards:

- (1) Separation from Other Adult Entertainment Uses. The building housing an adult entertainment use shall not be located within two thousand six hundred forty feet (2,640') of any other adult entertainment use. This 2,640' area shall be defined by a radius of 2,640' measured from the exterior wall of the subject building.
- (2) Separation from Other Uses. The building housing an adult entertainment use shall be located at least one thousand three-hundred and twenty feet (1,320') from the following uses: church; library; day care center; elementary, middle, or high school; and single-family, duplex, or multi-family residential uses. This distance shall be defined by a radius of one thousand three hundred and twenty feet (1,320'), measured from the property line.
- (3) Prohibited Activities. An adult entertainment use shall not be conducted in any manner that provides the observation of any material depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," from any public right-of-way. This provision shall apply to any and all displays, decorations or show windows.

3. Wrecker Service A wrecker service is a business enterprise from which wrecker vehicles are dispatched to tow or haul inoperable or wrecked motor vehicles and may or may not include the temporary storage, for a period not to exceed thirty (30) days of such vehicles. All temporary storage of said wrecked or inoperable motor vehicles shall be screened entirely within an enclosed opaque fence or wall, except driveway areas, eight (8) feet in height, and containing no advertising thereon. Temporary storage between the street and such fence, or on street right-of-way, is expressly prohibited. (Ord. No. 722)

4. Wrecking, Salvage, and Junkyards Because of the nature and character of their operations, motor vehicle wrecking, and salvage yards, junkyards, and similar uses of land can have a serious detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic, and health hazards, and may adversely affect property values by their general appearance. For the purpose of evaluating whether the proposed utilization of land for a vehicular wrecking or junkyard properly minimizes its objectionable characteristics, the standards established below shall be used.

- (1) Location. Because of the tendency of wrecking and salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than three hundred feet (3 00') to any residential district.
- (2) Screening. The interior area of any existing salvage or wrecking operation shall be screened from view by an opaque fence or wall, not to exceed eight feet (8') in height. Such uses shall be so screened as a condition of approval. Such screening

shall be uniform, consistent, and neat in appearance, and shall be properly maintained during the life of the use. No advertising, with the exception of one (1) identification sign not exceeding twelve square feet, shall be placed on said screening. Storage between the street and such screening is expressly prohibited, as is the stacking of such vehicles above or beyond such screening.

5. **Car Washes** Car washes and similar such establishments shall provide paved parking for at least five (5) vehicles, plus fifty feet (50') of stacking space for vehicles. Where any such use is located on a lot abutting a residential district, and where any part shall be built along such line, any entrance or exit shall be by way of a major street. Wastewater from such establishments shall not be allowed to run into the street or storm sewer; rather, such discharge of wastewater shall be into a sanitary sewer. (Ord. No. 722)
6. **Emergency Housing Units** Emergency housing units may be approved as conditional uses in A, RE, R-1, and R-2 districts, for the purpose of providing temporary accommodations for family members in need of daily assistance due to health reasons. The following regulations shall apply to emergency housing units:
 - (1) **Hardship.** Before approving a conditional use for an emergency housing unit, the planning commission shall determine that the applicant has a special need to provide temporary, nearby living quarters for a relative who needs daily assistance due to health reasons. The applicant shall provide proof of such hardship, evidenced by a letter from a physician or other appropriate professional. The commission shall also determine that allowing an emergency housing unit would alleviate a social, economic, or physical hardship for the resident of the principal dwelling or the resident of the emergency unit. Consideration of the effect on adjoining property shall also be factored into the commission's decision. A permit granted for such purposes shall expire no later than one (1) year from the date of approval. The commission may annually approve a one-year extension of this temporary permit if the applicant applies for such extension within the original one-year time period.
 - (2) **Unit Type.** Only manufactured housing units that meet all current state and local building codes may be approved for emergency placement.
 - (3) **Removal.** Upon expiration of a conditional use permit for an emergency housing unit, the unit shall be promptly vacated, and within ninety (90) days of permit expiration, be removed from the premises.
7. **Floodplain Development** The designated floodplain area is inclusive of all land within the city subject to inundation by floodwater. The source of this delineation shall be the Federal Emergency Management Agency's scientific and engineering report entitled:

"The Flood Insurance Study for Benton County, Arkansas and Incorporated Areas," including the flood insurance rate maps for the City of Pea Ridge. The uses of and/or development of land within the designated floodplain area shall be only those uses, and structures permitted in the specific district regulations for the zone in which the proposed use and/or development is to be located. For the purposes of administration and review of applications for the use and/or development of land within designated floodplain areas, the City of Pea Ridge's Flood Damage Prevention Code is deemed the governing regulations. (Ord. No. 722)

8. Manufactured Housing Developments Manufactured housing developments may be permitted as conditional uses in R-3 districts and are permitted uses in the R-4 district. The following minimum standards apply to new developments, and expansions of existing developments:

- (1) Setbacks. Each manufactured housing unit space shall be set back at least thirty feet (30') from all street rights-of-way, and at least twenty feet (20') from all other lot lines.
- (2) Minimum Lot Size and Space Size. Manufactured housing developments shall contain at least four thousand three hundred fifty (4,350) square feet of gross site area for each manufactured housing unit space within the development. Each individual manufactured housing unit space shall be at least three thousand (3,000) square feet in area but shall not occupy more than fifty percent (50%) of the lot area.
- (3) Separation of Units. Each manufactured housing unit and accessory structure shall be separated by at least twenty feet (20') of horizontal distance from all other manufactured housing units and accessory structures.
- (4) Parking. At least two paved parking spaces, one hundred eighty (180) square feet in area in each space, shall be provided as a part of each manufactured housing unit space. To provide for guests, one additional paved parking space, at least one hundred eighty (180) square feet in area, shall be provided for each five (5) manufactured housing unit spaces. These guest parking spaces shall be centrally located within the development.
- (5) Roadways.
 - (a) Length and Design. Internal roadways or courts designed to have one end permanently closed, shall be no more than four hundred feet (400') long unless approved by the planning commission. A turn-around having an outside roadway diameter of at least eighty feet (80') shall be provided at the closed end of any roadway.

- (b) Paving. All internal roadways shall be paved with asphalt or concrete. The minimum requirements are six inches (6") of compacted SB2 gravel with three inches (3 ") of asphalt surface on firm sub grade. Concrete minimum requirements are six inches (6") of compacted SB2 gravel with five inches (5") of concrete surface on firm subgrade. Property owners shall be responsible for maintaining paving on all internal roadways.
- (c) Width. Drives shall have a minimum paved width of twenty-six feet (26'). One-way drives are specifically prohibited.
- (6) Signs. All signage shall comply with the city sign regulations.
- (7) Refuse Collection Facilities. Refuse collection facilities and/or provisions shall be indicated on the site plan and shall be provided in accordance with city standards. There shall be opaque screening on three (3) sides of dumpsters. Six-inch concrete apron extended fifteen feet (15') in front of the unit.
- (8) Fire Protection. Fire lines and fire hydrants shall be shown on the site plan and shall be provided in accordance with recommendations of the fire chief. No manufactured housing unit space shall be more than two hundred fifty feet (250') from a fire hydrant.
- (9) Water and Wastewater Service. Each manufactured housing unit shall be connected to a public sanitary sewer and a public water supply system.
- (10) Underground Utilities. All light, gas, water, telephone, and cable television distribution and service lines to each individual manufactured housing unit shall be placed underground and conform to all state and local codes and regulations.
- (11) Inspections. It shall be the duty of the building inspector to make an annual inspection of each approved manufactured housing development, and present to the development owner and unit owner, a written list of existing violations, should there be any.
- (12) Resident Managers. In manufactured housing development containing thirty (30) or more units, a manager must reside within the development area.
- (13) Storm Shelters. Adequate storm shelter space shall be provided to accommodate all residents.

9. Cluster Housing or Cottage Court Manufactured and Tiny housing units shall be considered permitted uses in R-3 zones, and in manufactured housing developments.

- (1) Setbacks. Each manufactured housing unit space shall be set back at least thirty feet (30') from all **public** street right- of-way, and at least twenty feet (20') from all other **adjacent** lot lines.
- (2) Minimum Lot Size and Space Size. **Cluster Housing or Cottage Court Housing** developments shall contain at least three thousand six hundred thirty (3,630) square feet of gross site area for each manufactured housing unit space within the development **for a** maximum density of 12 per acre. (Ord. No. 722)
- (3) Separation of Units. Each manufactured housing unit and accessory structure **greater than 200 sq ft.** shall be separated by at least twenty feet (20') of horizontal distance from all other manufactured housing units and accessory structures **greater than 200 sq ft.**
- (4) Parking. At least two paved parking spaces, one hundred eighty (180) square feet in area in each space, shall be provided as a part of each manufactured housing unit space. To provide for guests, one additional paved parking space, at least one hundred eighty (180) square feet in area, shall be provided for each five (5) manufactured housing unit spaces. These guest parking spaces shall be centrally located within the development.
- (5) Roadways.
 - (a) Length and Design. Internal roadways or courts designed to have one end permanently closed, shall be no more than four hundred feet (400') long unless approved by the planning commission. A tum-around having an outside roadway diameter of at least eighty feet (80') shall be provided at the closed end of any roadway.
 - (b) Paving. All internal roadways shall be paved with asphalt or concrete. The minimum requirements are six inches (6") of compacted SB2 gravel with three inches (3") of asphalt surface on firm subgrade. Concrete minimum requirements are six inches (6") of compacted SB2 gravel with five inches (5") of concrete surface on firm subgrade. Property owners shall be responsible for maintaining paving on all internal roadways.
 - (c) Width. Roadways shall have a minimum paved width of twenty feet (20'). One-way drives are specifically prohibited.
- (6) Signs. All signage shall comply with the city sign regulations.

- (7) Refuse Collection Facilities. Refuse collection facilities and/or provisions shall be indicated on the site plan and shall be provided in accordance with city standards. There shall be opaque screening on three (3) sides of dumpsters. Six-inch concrete apron extended fifteen (15") in front of the unit.
- (8) Fire Protection. Fire lines and fire hydrants shall be shown on the site plan and shall be provided in accordance with recommendations of the fire chief. No manufactured housing unit space shall be more than two hundred fifty feet (250') from a fire hydrant.
- (9) Water and Wastewater Service. Each manufactured housing unit shall be connected to a public sanitary sewer and a public water supply system.
- (10) Underground Utilities. All light, gas, water, telephone, and cable television distribution and service lines to each individual manufactured housing unit shall be placed underground and conform to all state and local codes and regulations.
- (11) Inspections. It shall be the duty of the building inspector to make an annual inspection of each approved manufactured housing park, and present to the park owner and unit owner, a written list of existing violations, should there be any.
- (12) Resident Managers. In manufactured housing parks containing thirty (30) or more units, a manager must reside within the park area.
- (13) **Home standards**
 - (a) Construction shall be compatible with and similar in appearance with surrounding site-constructed buildings.
 - (b) All homes will be no smaller than 240 sq. ft. and no larger than 800 sq ft of living space and are required to have a porch or awning.
 - (c) Homes will have pitched roofs and roofing material of a type customarily used on site-constructed houses. Homes are required to have residential siding (excluding vinyl siding).
 - (d) **Homes** must have their wheels, axles and hitch mechanisms removed; be placed on a concrete slab or concrete pillars or have brick skirting.
 - (e) All manufactured homes and tiny homes shall be installed in accordance with the recommended installation procedures of the manufacturer, and the standards established by the International Building Code, as adopted

by the State of Arkansas, as well as those established by the Arkansas Manufactured Home Commission. (Ord. No. 722)

Such developments can be presented as a large-scale development, thereby allowing for the differences in setbacks and lot sizes. Manufactured Housing Developments defines requirements for such a development.

No permit or other approval shall be granted for the placement of a mobile home (see definition) in the corporate limits.

Required Minimum Green Space.

- (a) Intent. The minimum green space requirements are intended to provide a sense of openness and visual relief in cottage housing developments.
- (b) Common open space shall:
 - (1) Provide a centrally located focal area for the cottage housing development.
 - (2) Be a minimum of 400 square feet per cottage.
 - (3) Be outside of wet stormwater ponds, wetlands, streams, lakes, and sensitive area buffers and on slopes of 10 percent or less and developed and maintained so it is usable for active or passive recreation activities.

Screening

- (a) Intent. To ensure that cottage housing developments do not create adverse visual impacts for residents of the cottage housing development and adjacent properties, and to maintain a single-family character along public streets. This subsection sets out requirements and guidelines for minimizing potential impacts resulting from the parking structures and other storage and waste facilities.
- (b) Screening Requirements.
 - (1) Boundaries between cottage dwellings and neighboring properties shall be screened with landscaping to reduce the appearance of bulk or intrusion onto adjacent properties, or otherwise treated (e.g., through setbacks or architectural techniques) to meet the intent of this section.
 - (2) Common waste and other storage receptacles shall not be placed in the front yard setback area. (Ord. No. 722)

Accessory Dwelling Units

- a. The number of accessory dwelling units (ADUs), either attached or detached, that are permitted in a cottage housing development shall be based on the underlying density calculation for standard-sized dwellings that would be attributed to that site. For example, if the density calculation for a site indicates that three standard size homes would be allowed, then three ADUs plus the number of cottages allowed would be the total number of dwelling units permitted on the site.
- b. The size of an accessory dwelling unit shall be subordinate to that of the primary, or cottage dwelling. For any ADU, the total square footage of the ADU shall not exceed 40 percent of the total square footage of the primary dwelling unit and the accessory dwelling unit combined. ADUs attached to a cottage shall count in the 800 square foot maximum floor area. ADUs in a detached structure do not count in the 800 square foot maximum floor area.

Storm Shelters. Adequate storm shelter space shall be provided to accommodate all residents.

14.04.09 General Standards

Sections:

1. **Off-Street Parking and Loading**
2. **Driveways and Access-Multi-Family and Nonresidential Uses**
3. **Landscaping and Screening**
4. **Corner Visibility**
5. **Residential Compatibility Standards**
6. **Fences**
7. **Sidewalks**
8. **Drainage and Stormwater Management**

1. Off-Street Parking and Loading

- (1) Applicability. Off-street parking and loading shall be provided in accordance with the regulations of this section for all new development, and for any existing development that is altered in a way that enlarges or increases capacity by adding or creating dwelling units, guest rooms, floor area or seats. Required off-street parking shall be located on the same lot as the use it is intended to serve. Off-street parking areas shall require the same or a more intensive zoning classification than that required for the use served.
- (2) Parking and Loading Schedules.

- (a) Off-Street Parking Schedule A. Off-street parking spaces shall be provided in accordance with the following off-street parking schedule ("Schedule A"). In some cases, the applicable off-street parking space requirement in Schedule A refers to Schedule B. (Ord. No. 722)

The number of parking spaces required for a use not listed herein shall be the same as for a similar use that is listed. When the required number of spaces cannot be ascertained by this method, or if the applicant and the city staff cannot agree, the matter shall be submitted for planning commission determination. Such determination shall be subject to appeal to the city council.

- (b) Off-Street Parking Schedule B. Off-street parking for "Schedule B" uses shall be provided in accordance with the following table:
- (c) Off-Street Loading Schedule. Off-street loading spaces shall be provided in accordance with the following minimum standards:

Schedule A	
Residential Uses	Number of Spaces Required
Single-family detached	2 per dwelling unit
Single-family attached	2 per dwelling unit
Duplex	2 per dwelling unit
Multi-family	1.25 per efficiency unit 1.75 per one-bedroom unit 2.25 per two-bedroom unit 3.00 per three-bedroom and larger units
Manufactured housing (all)	2 per dwelling unit
Manufactured housing development	2 per unit, plus 1 for each 10 units
Zero lot line single-family	1 per dwelling unit

Civic & Commercial Uses	Number of Spaces Required
Animal care, general	1 per 400 square feet
Animal care, limited	1 per 300 square feet
Auditorium, arena, theater	1 for each 4 seats, based on maximum capacity
Bank or financial institution	1 per 300 square feet
Bed and breakfast	2 per building, plus 1 per guest room
Church	1 for each 4 seats in the sanctuary (sharing possible)

Schedule A (continued)

Civic & Commercial Uses	Number of Spaces Required
College or university	1 per 300 square feet, or 1 for each 2 students, whichever is greater
Communication tower	1 space (plus office space, if on site)
Construction sales and service	Spaces to be provided pursuant to Schedule B
Convenience store	1 per 200 square feet
Day care, limited or general	1 per employee and/or attendant, plus 2 spaces
Funeral home	1 for each 4 chapel seats, plus 1 per employee
Government service	1 per 300 square feet
Hospital	1 for each 3 beds, plus 1 for each 3 employees
Hotel or motel	1 per guest room, plus 1 per 10 guest rooms
Library	1 per 500 square feet
Medical service	6 per doctor or dentist
Museum	1 per 500 square feet
Office, General	1 per 300 square feet
Recreation/entertainment, indoor	1 per 400 square feet
Recreational vehicle park	1 per camping space
Restaurant, fast food	1 per 75 square feet of customer service/dining area; 1 per 200 square feet if no such service/dining area
Restaurant, general	1 per 150 square feet for first 2,500 square feet. [is 1 per 100 square feet over 2,500 square feet
Retail/service, general	1 per 250 square feet
Retail/service, furniture & bulky items	Spaces to be provided pursuant to Schedule B
School, nursery, elementary & middle	1 per staff and employee, plus 1 space per classroom
School, high	1 for each 3 students, plus 1.5 per classroom
Service station	2 per service bay, plus 1 per pump
Vehicle & equipment sales	Spaces to be provided pursuant to Schedule B
Vehicle repair, general or limited	5 per service bay
Vocational school	1 per 3 students, plus 1 per faculty member
Warehouse, residential (mini) storage	1 for each 5 storage bays, or 1 per 1,000 square feet, whichever is greater

Industrial & Manufacturing Uses	Number of Spaces Required
Asphalt or concrete plant	Spaces to be provided pursuant to Schedule B
Auto wrecking or salvage yard	Spaces to be provided pursuant to Schedule B
Manufacturing, general	Spaces to be provided pursuant to Schedule B
Manufacturing, limited	Spaces to be provided pursuant to Schedule B
Research service	1 per 300 square feet
Warehousing	Spaces to be provided pursuant to Schedule B
Welding or machine shop	1 per 1,000 square feet or 1 per employee, whichever is greater

Schedule B	
Activity	Number of Spaces Required
Office or administrative area	1 per 300 square feet
Indoor sales, service, or display area	1 per 500 square feet
Outdoor sales, service, or display area	1 per 750 square feet
Manufacturing area	1 per 1,000 square feet
Indoor storage, warehousing, or equipment servicing	1 per 5,000 square feet unless number of employees and visitors requires greater

Off-Street Loading Schedule	
Retail and Service, Warehouse, Wholesale, & Manufacturing Uses	
Floor Area (Square Feet)	Minimum Off-Street Loading Requirement
3,000 to 25,000	1
25,001 to 85,000	2
85,001 to 155,000	3
155,001 to 235,000	4
235,001 to 325,000	5
325,001 to 425,000	6
425,001 to 535,000	7
535,001 to 655,000	8
655,001 to 775,000	9
775,001 to 925,000	10
925,001 or more	10, plus 1 per 200,000 square feet above 925,001

Office, Nursing Home, Hospital, Hotels & Institutions	
3,000 to 100,000	1
100,001 to 335,000	2
335,001 to 625,000	3
625,001 to 945,000	4
945,001 or more	5, plus 1 per 500,000 square feet above 945,001

(3) Computing Off-Street Parking and Loading Requirements.

- (a) Multiple Uses. Lots containing more than one use shall provide parking and loading in an amount equal to the total of the requirements for all uses.

- (b) Fractions. When measurements of the number of required spaces result in fractions, any fraction of one-half or less shall be disregarded and any fraction of more than one-half shall be rounded upward to the next highest whole number.
 - (c) Area. Unless otherwise noted in these provisions, all square footage-based parking and loading standards shall be computed on the basis of gross floor area.
 - (d) Employees, Students and Occupant-Based Standards. For the purpose of computing parking requirements based on the number of employees, students, residents, or occupants, calculations shall be based on the largest number of persons working on any single shift, the maximum enrollment, or the maximum fire-rated capacity, whichever is applicable and whichever results in the greater number of spaces.
 - (e) American's With Disability Act Requirements (ADA). Pursuant to federal ADA standards, a portion of the total number of required off-street parking spaces in each off-street parking area shall be specifically designated, located, and reserved for use by person with physical disabilities. Responsibility for compliance with ADA, in all respects, shall rest with the applicant. (Ord. No. 722)
- (4) Location and Design of Off-Street Parking and Loading Spaces.
- (a) On-Site. Except as otherwise specifically provided, required off-street parking, and loading spaces shall be located on the same lot as the principal use.
 - (b) Right-of-Way. Off-street parking spaces shall be prohibited within the public right-of-way; and no portion of the abutting street right-of-way shall, except for the driveway, be paved or used in any manner except as green area.
 - (c) Setbacks.
 - (1) In RE, R-1, and R-2 districts, required off-street parking shall not be located within a street (front or street side) setback. Parking in excess of the required number of spaces is allowed in the street setback, but not off the driveway, and not in a manner that obstructs sidewalks or visibility.

- (2) Where parking is to be provided in the street setback of a multi-family dwelling, there shall be established a parking setback line of ten feet (10'). The area between the parking setback line and the front lot line shall be prepared and planted with grass, shrubs, trees, or ground cover not inconsistent with other landscaping provisions contained herein and protected by interior curbing.
- (3) In all commercial and industrial districts, required parking is allowed within the street setback; however, public right-of-way except for the driveway, shall not be graveled or hard surfaced.
- (d) Ingress and Egress. Off-street parking and loading spaces shall be designed to permit exiting vehicles to enter the public right-of-way in a forward motion. No off-street parking or loading space shall be allowed that requires vehicles to "back" onto a public right-of-way, except single family and duplex residential development on local and collector streets.
- (e) Surfacing. All required off-street parking and loading spaces, and the driveways serving off-street parking and loading spaces, shall be paved with asphalt, concrete, or brick; provided driveways serving single-family dwellings shall only be required to be paved the first fifty feet (50'), as measured from the street. The area of a driveway located between the edge of the street and the property line, shall also be paved.
- (f) Drainage. All off-street parking and loading areas shall be designed with drainage facilities adequate to dispose of all stormwaters, and to not increase the stormwater runoff onto the surface of adjoining properties or streets.
- (g) Curbing. The perimeter of all off-street parking and loading areas and their access drives shall be curbed, with the exception of single-family and duplex residences. Landscape islands and other interior features within parking lots shall also be protected by curbs. In addition, the principal building on the lot shall be protected by curbs and/or raised walkways. Rollover curbs shall not be permitted, and wheel-stops are expressly prohibited as alternatives to meeting curbing requirements. The area between the curb and the property line, except for the driveway(s), shall be maintained as green space.
- (h) Striping. Off-street parking areas containing five (5) or more spaces shall have parking spaces delineated by pavement striping.

- (i) **Parking Space Dimensions.** Off-street parking spaces shall contain a minimum area of at least one hundred eighty (180) square feet, with a minimum width of nine feet (9') and a minimum length of eighteen feet (18').
- (j) **Loading Space Dimensions.** Off-street loading spaces shall be at least fourteen feet (14') by forty-five feet (45') in size, with a minimum height clearance of eighteen feet (18').
- (k) **Aisle Dimensions.** Drive aisles within off-street parking lots shall comply with the following minimum width requirements:

Parking Angle	One-Way Aisle	Two-Way Aisle
90°	24'	24'
60°	18'	24'
45°	16'	24'
30°	13'	24'

- (l) **Timing of Construction.** All required parking and loading spaces, driving aisles, and accessways shall be constructed prior to the issuance of a certificate of occupancy, provided that a temporary certificate of occupancy may be issued by the city's building department if it is determined, based on information provided by the applicant, that inclement weather or other factors beyond the control of the applicant have prevented compliance with this "timing" requirement. Before approval of a temporary certificate of occupancy, the parking area subgrade and (SB2) stone base shall be compacted in accordance with the city's construction standards. The temporary certificate of occupancy shall expire at the end of one hundred twenty (120) days or within such shorter timeframe specified by the building department at the time of approval of the certificate. Such determination is at the sole discretion of the planning department. **Use of Off-Street Parking and Loading Spaces.** Required off-street parking spaces shall be used solely for the parking of motor vehicles in operating condition and shall not be used for the storage of vehicles, boats, motor homes, campers, mobile homes, materials, tractor trailers or other temporary storage unless they are located in a designated staging area and are screened, fenced, or otherwise fully shielded from public view. (Ord. No. 722)
- (5) **Outdoor Parking/Storage of Boats, Trailers, and Recreational Vehicles.** One boat, trailer and/or recreational vehicle may be parked outdoors on a lot in a residential district provided that:

- (a) The boat, trailer or recreational vehicle is owned and used by a resident of the premises.
 - (b) The boat, trailer or recreational vehicle is not parked in the area between the front of the residence and the street or other area between the structure and the street, except for the purpose of loading or unloading during a period of less than eight (8) hours.
 - (c) The boat, trailer and/or recreational vehicle is located in the side or rear yard.
 - (d) The boat, trailer and/or recreational vehicle is not used for living, sleeping or housekeeping purposes; and
 - (e) The boat, trailer or recreational vehicle is currently registered and licensed.
- (6) Vehicle Stack Space for Drive-Thru Facilities. In addition to meeting the off-street parking requirements of the section, establishments with drive-thru facilities shall comply with the following minimum vehicle stack space standards.
- (a) Stack Space Schedule.
 - (1) Fast-food restaurants, one hundred ten feet (110'), as measured from the order station.
 - (2) Banks, seventy feet (70'), as measured from the teller drop.
 - (3) Automatic car washes, fifty feet (50'), as measured from the entrance.
 - (4) Other uses, thirty feet (30'), as measured from the pick-up window.
 - (b) Design and Layout. Vehicle stack spaces shall be subject to the following design and layout standards.
 - (1) Stack spaces shall be designed so as not to impede pedestrian access to the building, on and off-site traffic movements, or movements into or out of parking spaces.

- (2) Stack space lanes shall be a minimum of eight feet (8') wide and shall be separated from other internal driveways with painted lines or curbing.

2. Driveways and Access-Multi-Family and Nonresidential Uses

The following standards shall apply to all driveways providing access to multi-family and nonresidential uses.

(1) General Standards.

- (a) Access to property shall be allowed only by way of driveways, and no other portion of the lot frontage shall be used for ingress or egress. Continuous curb cuts are prohibited.
- (e) Driveway design shall be such that minimization of interference with through street traffic is achieved and shall be subject to site plan approval. The types of vehicles that a driveway is intended to serve shall be a prime factor in determining the acceptable radii of driveways.
- (c) Provisions for circulation between adjacent parcels should be provided through a coordinated or joint parking system.

(2) Driveway Spacing.

- (a) Arterial Streets. Direct access to any arterial street shall be limited to the following restrictions:
 - (1) Spacing from Signalized Intersections. All driveways providing access to arterial streets shall be constructed so that the point of tangency of the curb return radius closest to a signalized or stop sign-controlled intersection, is at least one hundred twenty feet (120') from the perpendicular curb face of the intersecting street. In the event that this standard cannot be met because of an unusually narrow or shallow lot size, a reduction in spacing may be approved as long as the reduction does not result in an unsafe traffic condition.
 - (2) Spacing from Other (Non-signalized) Access Points. All driveways providing access to arterial streets shall be constructed so that the point of tangency of the curb return radius closest to any non-signalized street or driveway intersection, is at least eighty feet (80') from the perpendicular curb face of the intersecting street or driveway. In the event that this

standard cannot be met because of an unusually narrow or shallow lot size, a reduction in spacing may be approved as long as the reduction does not result in an unsafe traffic condition.

(b) Collector Streets. Direct access to collector streets shall be regulated in accordance with the following standards:

- (1) Spacing from Signalized Intersections. All driveways providing access to collector streets shall be constructed so that the point of tangency of the curb return radius closest to a signalized or stop sign-controlled intersection, is at least one hundred twenty feet (100') from the perpendicular curb face of an intersecting arterial street and eighty feet (60') from the perpendicular curb face of an intersecting collector or local street. In the event that this standard cannot be met because of an unusually narrow or shallow lot size, a reduction in spacing may be approved as long as the reduction does not result in an unsafe traffic condition.
- (2) Spacing from Other (Non-Signalized) Access Points. All driveways providing access to collector streets shall be constructed so that the point of tangency of the curb return radius closest to a non-signalized street or driveway intersection, is at least eighty feet (60') from the perpendicular curb face of the intersecting street or driveway. In the event that this standard cannot be met because of an unusually narrow or shallow lot size, a reduction in spacing may be approved as long as the reduction does not result in an unsafe traffic condition.

(c) Driveways Per Parcel

- (1) At least one driveway shall be permitted for any lot. Shared driveways shall be recommended for lots that have less than one hundred twenty feet (120') of frontage.
- (2) Individual driveways shall be located a minimum of ten feet (10') from the side property lines. A separation of at least twenty feet (20') is required between the driveways on one lot and the driveways on the adjacent lots. Driveways on the same lot shall be no closer than fifty feet (50') to each other.

(d) Driveways on corner lots shall be located as far away from the intersection as possible. In no case shall a driveway be installed closer than five feet (5') to the beginning of the curb radius. Ingress/Egress Driveway Width. The width of the driveway throat shall not exceed forty feet (40') in width. Driveway lanes shall be a minimum of thirteen feet (13') in width and shall not have more than three (3) lanes in one entrance/exit. (Ord. No. 722)

3. Landscaping and Screening This section sets out the minimum landscaping and screening requirements for new development in the city. (Ord. No. 722)

- (1) **Applicability Exemptions.** The following shall be exempt from the standards of this section:
 - (a) **Residential.** The A, RE, R-1, and R-2 districts shall be exempt from all standards of this section; provided such standards shall apply to manufactured home parks.
 - (b) **Existing Development - Improvements or repairs to existing developments** that do not result in an increase in floor area, and changes in use that do not result in an increase in intensity, shall also be exempt from all standards of this section.
- (2) **General Landscaping Requirements.** In the absence of a landscape plan approved by the planning commission, the following general landscaping requirements shall apply to all non-exempt development:
 - (a) **Landscaping Required.** All multi-family development of five (5) units or more, and all commercial development shall be required to provide at least one
 1. tree or three (3), five (5) gallon shrubs per unit within the development.
 - (b) **Location.** Landscaping required pursuant to this section shall be installed between the property line and the required street setback areas.
- (3) **Parking Lot Landscaping.** In the absence of a landscape plan approved by the planning commission, the parking lot landscaping standards of this section shall apply to the interior of all off-street parking areas containing more than ten (10) off-street parking spaces. They shall not apply to vehicle and equipment sales lots or storage areas, multi-level parking structures, or areas devoted to drive-thru lanes.
 - (a) **Relationship to Other Landscaping Standards.** Trees provided to meet the above general landscaping requirements may be used to meet a development's parking lot landscaping requirements.
 - (b) **Required Landscaping.** In the absence of a landscape plan approved by the planning commission, at least one (1) tree or three (3), five (5) gallon shrubs shall be provided for each ten (10) parking spaces and :fraction thereof within an off-street parking area.

- (c) Location. Required landscaping shall be reasonably dispersed throughout off-street parking areas.
 - (d) Planting Areas. Planting areas that contain trees shall be at least seven feet (7') wide and protected by raised curbs to prevent damage by vehicles.
- (4) Dumpster Screening. Dumpsters located in any district shall be completely screened from view on three (3) sides by a fence or wall with a minimum height of six feet (6'), or one foot (L) taller than the dumpster, whichever is greater. The fence or wall shall provide complete visual screening of the dumpster from three (3) sides and be compatible in material and color with the principal structure on the lot. If the open side faces the street right of way, an opaque gate is required.
- (5) Landscape Material Standards. The following standards shall be considered the minimum required planting standards for all trees and landscape material:
 - (a) Plant Quality. Plants installed to satisfy the requirements of this section shall conform to or exceed plant quality standards employed by nurseries. All plants shall be nursery grown and adapted to the local area.
 - (b) Artificial Plants. No artificial plants or vegetation shall be used to meet any standards of this section, unless expressly approved by the planning commission.
 - (c) Trees.
 - (1) Types.
 - (a) Required. Where required or permitted, trees shall be of ornamental, evergreen, or of the large deciduous types.
 - (b) Prohibited. The following trees shall be prohibited and shall not be used to satisfy the landscaping or buffering standards of this section unless approved by the planning commission: box elder, soft maple, hackberry, or American elm.
 - (c) Species Mix. When more than ten (10) trees are required to be planted to meet the standards of this section, a mix of species shall be provided. For each ten (10), or fractions thereof, another differing species shall be used.
 - (2) Size.

(a) Medium and Large Deciduous Trees. Medium and large deciduous trees planted to satisfy the standards of this section shall have a minimum height of eight feet (8'), and a minimum diameter of three inches (3 "), measured at a point that is at least four feet (4') above existing grade level.

(b) Small Deciduous or Ornamental Trees. Small deciduous and ornamental trees planted to satisfy the standards of this section shall have a minimum height of four feet (4').

(c) Conifers or Evergreens. Conifers or upright evergreen trees planted to satisfy the standards of this section shall have a minimum height, after planting, of five feet (5').

(d) Use of Existing Plant Material. Trees that exist on a site, prior to its development, may be used to satisfy the landscaping standards of this section provided they meet the size, variety, and location requirements of this section.

(6) Installation, Maintenance and Replacement.

(a) Installation. All landscaping shall be installed according to sound nursery practices in a manner designed to encourage vigorous growth. All landscape material, both living and nonliving, shall be in place prior to issuance of a final certificate of occupancy. A temporary certificate of occupancy may be issued prior to installation of required landscaping if binding, written assurances are submitted, ensuring that planting will take place when planting season arrives.

(b) Maintenance and Replacement. Trees, shrubs, fences, walls and other landscape features (which includes screening) depicted on plans approved by the city shall be considered as elements of the project in the same manner as parking, building materials, and other details of the plan are considered elements. The landowner, or successors in interest, or agents, if any, shall be jointly and severally responsible for the following:

- (1) Regular maintenance of all landscaping in good condition, and in a way, that presents a healthy, neat, and orderly appearance. All landscaping shall be maintained free from disease, pests, weeds, and litter. This maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching or other maintenance, as needed and in accordance with acceptable horticultural practices.
- (2) The repair or replacement of required landscape structures (e.g., fences and walls) to a structurally sound condition.

- (3) The regular maintenance, repair, or replacement, where necessary, of any landscaping required by this section; and
- (4) Continuous maintenance of the site.
- (7) Alternative Compliance. Applicants shall be entitled to demonstrate that the intent of this section can be more effectively met, in whole or in part, through alternative means. If approved by the planning commission, an alternative compliance landscape plan may be substituted, in whole or in part, for landscaping requirements of this section.
 - (a) Procedure. Alternative compliance landscape plans shall be considered through the site plan review process.
 - (1) Review Criteria. In reviewing proposed alternative compliance landscape plans, favorable consideration shall be given to exceptional landscape designs that attempt to preserve and incorporate existing vegetation in excess of minimum standards and plans that demonstrate innovative design and use of plant materials. Alternative compliance landscape plans may be approved upon a finding that any of the following circumstances exist on the proposed building site or surrounding properties:
 - (a) Natural land characteristics or existing vegetation on the proposed development site would achieve the intent of this section.
 - (b) Innovative landscaping or architectural design is employed on the proposed development site to achieve a buffering effect that is equivalent to the buffering or screening standards of this section.
 - (c) The required landscaping or buffering would be ineffective at maturity due to topography, or the location of improvements on the site; or
 - (d) The proposed alternative represents a plan that is as good or better than a plan prepared in strict compliance with the other standards of this section.

4. Corner Visibility On corner lots at intersecting two-way streets, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two feet (2') and eight feet (8') above curb grade within the triangular area formed by an imaginary line that follows street side property lines, and a line connecting them, twenty-five feet (25') from their point of intersection. This sight triangle standard may be increased by the city in those instances deemed necessary for promoting traffic safety and may be lessened at intersections involving one-way streets. (Ord. No. 722)

5. Residential Compatibility Standards The compatibility standards of this section is intended to protect low density residential uses and neighborhoods from the adverse impacts sometimes associated with higher density residential uses and nonresidential development. The standards are intended to mitigate the effects of uses with operating and structural characteristics that are vastly different than those associated with single-family uses.

- (1) Applicability (Triggering Property). Compatibility standards shall apply to all development in the A, R-3, C-1, C-2, and I zoning districts when such development is adjacent to "triggering property," which shall include all property:

- (a) Occupied by a single-family dwelling unit that is a use permitted by-right in the zoning district in which it is located; or
 - (b) Zoned in an RE, R-1, or R-2 district.

- (2) Exemptions.

- (a) Notwithstanding the above applicability provisions, compatibility standards shall not be triggered by property that is public right-of-way, roadway, or utility easement.

- (b) The following uses and activities shall specifically be exempt from compliance with compatibility standards:

- (1) Construction of a use permitted by-right in an RE, R-1, or R-2 district.
 - (2) Structural alteration of an existing building when such alteration does not increase the building's square footage or height; and
 - (3) A change in use that does not increase the minimum number of off-street parking spaces required.

- (c) Setback Standards. The following setback standards shall apply to all development that is subject to compatibility standards:

- (1) Small Sites. On sites with one or more structures where any single structure exceeds eight thousand (8,000) square feet of area, and the site includes less than one hundred feet (100') of street frontage, structures shall be set back from the lot line of triggering property one and one-half times (1 ½) times the required setback.
 - (2) Large Sites. On sites with one or more structures where any single structure exceeds twenty thousand (20,000) square feet of area, and the site includes one hundred feet (100') of street frontage or more, structures shall be set back from the lot line of triggering property a minimum distance equal to twice the required setback for the zone in which the structure is to be located.

- (3) **Surface-Level Parking and Driveways.** Surface-level off-street parking areas and driveways shall not be subject to the above setback standards; however, such standards shall apply to parking structures. Surface-level parking areas shall be set back a minimum of ten feet (10') from the lot line of triggering property. (Ord. No. 722, Sec. 2, p. 62; Ord. No. 777, Sec. 2)
- (d) **Building Height.** No structure shall exceed thirty-five feet (35') in height within fifty feet (50') from the lot line of triggering property.
- (e) **Screening Standards.** Decorative walls, vegetative screening, fencing, or earthen berms shall be provided to completely screen off-street parking areas, mechanical equipment, storage areas, and refuse collection areas from view of triggering property.
- (f) **Site Design Standards.** The following additional site design standards shall apply to development that is subject to the compatibility standards of this section:
 - (1) No swimming pool, tennis court, ball field, or playground area (except those that are accessory to a single-family dwelling unit) shall be permitted within fifty feet (50') of the lot line of triggering property.
 - (2) Dumpsters and refuse receptacles shall be located a minimum of twenty-five feet (25') from the lot line of triggering property and screened as required herein.
 - (3) Exterior lighting shall be designed and located to minimize light spilling onto surrounding property.

6. Fences Except as otherwise specifically provided in other codes and regulations of the city, the following regulations shall apply to the construction of all fences.

- (1) **Maximum Height.** Fences shall not exceed eight feet (8') in height, unless approved by the planning commission. Fencing in I district, and around tennis courts and other recreational amenities, shall be exempt from this height limit.
- (2) **Corner Visibility.** Fences shall comply with the corner visibility standards of Corner Visibility, *supra*.
- (2) **Construction/Materials.** Fences in all residential zoning districts shall be constructed so that the horizontal and vertical support posts are inside the fenced area or hidden from view of those outside the fenced area. This requirement shall not apply to fences that abut nonresidential zoning districts or in situations where

the owner of the lot adjacent to the fence agrees to a plan for placing support posts on the "outside" of the fence. All exposed steel, except galvanized metal, shall have a color finish coat applied to them and be preserved against rust and corrosion.

- (4) Design and Maintenance. All fences shall be maintained in their original upright condition. Fences designed to be painted or have other surface finishes shall be maintained in their original condition as designed. Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.
- (5) Prohibited. Barbed wire and electrified fences shall be prohibited on all lots of less than one (1) acres in area.

7. Sidewalks

- (1) Multi-family and Commercial Development. Sidewalks shall be required for all multi-family developments. Sidewalks will be required through the site plan approval process for commercial developments.
- (2) Construction Standards. Sidewalks shall be constructed in accordance with all applicable city standards and specifications, and with all applicable ADA (Americans with Disabilities Act) requirements. If detached and set back at least three feet (3') from the back of the curb or pavement, whichever is more, such sidewalks shall have a minimum width of five feet (5'). This specification shall be the city's standard requirement. Provided, however, that under unique circumstances, exceptions may be made through site plan approval, for a sidewalk to be attached to the curb or be located closer than three feet (3 ') to the curb, provided such sidewalk shall have a minimum width of six feet (6'). (Ord. No. 722)
- (3) Timing of Installation. Required sidewalks shall be installed prior to occupancy of any structure.

8. Drainage and Stormwater Management. Our primary Drainage Code is contained in Pea Ridge Municipal Code Book

Adequate provisions for drainage of surface water and stormwater management shall be made for all development and redevelopment. Plans for such, including grading plans, for all commercial and industrial development, and all multi-family developments shall be submitted and considered as part of the site plan approval process. All such plans shall be prepared by a registered professional civil engineer, licensed in Arkansas, and submitted and considered as part

of the site plan approval process. Such plans shall contain adequate and properly designed measures to control erosion and sediment discharge from the construction site, and to prevent water pollution that may result from such discharges and runoff. The provisions of this section shall also be applicable to all development and redevelopment impacting one half (1/2) acre or more of property, regardless of the type of development or use.

14.04.10 Board of Zoning Adjustment

Sections:

- 1. Creation and Appointment**
- 2. Organization**
- 3. Powers and Duties**
- 4. Procedure for Application and Appeal**

1. Creation and Appointment The Board of Zoning Adjustment (BZA) is hereby established, which shall be composed of the Planning Commission as a whole.

2. Organization The Board of Zoning Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of these regulations. Meetings shall be held on a regular schedule and at such other times as the board may determine. All meetings shall be open to the public. The board of zoning adjustment shall keep minutes of its vote, indicating such fact, and it shall keep records of its examinations and other official actions, all of which shall be a public record. A quorum of the board shall be required to conduct business. The concurring vote of a majority of the total board members shall be necessary to revise any order or decision of the administrative officer, or to decide on any matter upon which it is required to pass. The administrative official shall attend each meeting of the board and shall bring with him all plans, specifications, plats, and papers relating to any case before the board for determination. (Ord. No. 722)

3. Powers and Duties The Board of Zoning Adjustment shall have all the powers and duties prescribed by law and by these regulations, which are more particularly described as follows:

(1) Administrative review. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the administrative official in the enforcement of these regulations. The board may affirm or reverse, in whole or in part, said decision of the administrative official.

(2) Variances. To authorize upon appeal, in specific cases, such variance from the terms of this zoning chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations would result in

unnecessary hardship that would deprive the owner of any reasonable use of the land or building involved. A variance from the terms of these zoning regulations, shall not be granted by the Board of Zoning Adjustment unless and until:

- (a) The applicant demonstrates that special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district; that literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these regulations; that special conditions and circumstances do not result from the actions of the applicant; and that granting the variance requested will not confer on the applicant any special privilege that is denied by the zoning regulations to other lands, structures, or buildings in the same district.
 - (b) No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
 - (c) The Board of Zoning Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of land, building, or structure.
 - (d) The Board of Zoning Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of these zoning regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
 - (e) In granting any variance, the Board of Zoning Adjustment may prescribe appropriate conditions and safeguards that it deems necessary or desirable. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these regulations.
 - (f) Under no circumstances shall the Board of Zoning Adjustment grant a variance to allow a use not permissible under the terms of these zoning regulations in the district involved, or any use expressly, or by implication, prohibited by the terms of these regulations in said district.
- (3) Special exceptions. In addition to the powers and duties specified above, the Board of Zoning Adjustment shall also have the following powers and duties to hold public hearings and decide the following special exceptions:

- (a) Interpret zoning district boundaries, upon appeal of the zoning official's determination and where uncertainty exists, as to the boundaries of the zoning districts, or when the street or property lines existing on the ground are at variance with those shown on the zoning district map.
- (b) Determine the amount of parking required for a use not listed herein.
- (c) Vary the parking regulations by not more than twenty-five percent (25%) where it is conclusively shown that the specific use of a building would make unnecessary the parking spaces otherwise required by these regulations.
- (d) Permit an addition to a nonconforming structure provided that said addition conforms to all building code requirements, and further provided that the current use of the structure conforms to the zoning district in which it is located. (Ord. No 722)

4. Procedure for Application and Appeal

(1) Application. Appeals to the Board of Zoning Adjustment may be taken by any person aggrieved, or by any officer, department, or board of the city affected by, any decision of the administrative official. All appeals and applications made to the board shall be made in writing within ten (10) business days after the decision has been rendered by the administrative official. Every appeal or application shall refer to the specific provision of the code involved and shall exactly set forth:

- (a) The interpretation that is claimed.
- (b) The use for which the permit is sought; or
- (c) The details of the variance that is applied for, and the grounds on which it is claimed that the variance should be granted, as the case may be.

The appeal or application shall be filed with the officer from whom appeal is taken and with the board. The officer from whom appeal is taken shall forthwith transmit to the board, all papers constituting the record upon which the action appealed from was taken.

(2) Public Hearing and Notice. The board shall fix a reasonable time for the public hearing of an application or appeal, give public notice of the time and place thereof, as well as due notice to the parties in interest, and decide same within a reasonable time. Said public notice shall be published at least once not less than seven (7) days preceding the date of such hearing, in a newspaper of general circulation in the city. The public notice shall give the particular location of the property on which the application or appeal is requested, as well as a brief statement of

what the application or appeal consists. Evidence of notification of all adjoining property owners shall accompany all applications for variances. Such notification shall include the above-described public notice information, as well as the time and place where the public hearing will be conducted. Public hearings may be adjourned from time to time, and, if the time and place of the adjourned meeting is publicly announced when the adjournment is made, no further notice of such adjourned meeting need be published. At a public hearing, any party may appear in person, by agent, or by attorney.

(3) **Effect of Appeal.** An appeal shall stay all proceedings of the action appealed from, unless the person affected by such appeal certifies to the board, that, by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board or a court of record on application and notice to the person from whom the appeal was taken.

(4) **Appeals from Board of Zoning Adjustment.** Any person or persons, or any board, taxpayer, department, board, or bureau of the city aggrieved by any decision of the Board of Zoning Adjustment may seek review by a court of record of such decision, in the manner provided by Arkansas law. (Ord. No. 722)

14.04.11 Administration and Enforcement

Sections:

- 1. Administrative Officer**
- 2. Zoning and Building Permits**
- 3. Certificate of Occupancy**
- 4. Penalty for Violation**
- 5. Amendments**
- 6. Fees**
- 7. Re-application**

1. Administrative Officer The provisions of these zoning regulations shall be administered by the building department under the direction of the building/zoning official, who shall act as an administrative official. The official may be provided with the assistance of such other persons as the mayor may direct. It shall be the duty of the administrative official to see that these regulations are enforced through the proper legal channels. Appeal from the decision of the administrative official may be made to the Board of Zoning Adjustment. The administrative official, and his designees, are generally empowered to carry out or conduct any activities essential to the proper administration and enforcement of these regulations; said activities to include, but not be limited to, the following:

(1) Permits. To issue a zoning permit, building permit, and certificate of occupancy when compliance is made with these regulations; to refuse to issue the same in the event of noncompliance, and to give written notice of such refusal and reason thereof to the applicant.

(2) Collections. To cause the collection of the designated fees as set forth in these regulations.

(3) Records. To make and to keep all records necessary and appropriate to the office, including records of the issuance and denial of all zoning and building permits, and certificates of occupancy, and the receipt of complaints of violation of these regulations and action taken on the same, and to file such for record.

(4) Inspections. To inspect any building or land to determine whether violations of these regulations have been committed or exist.

(5) Enforcement. To enforce these regulations and take all necessary steps to remedy any condition found in violation. The city may enjoin any individual or property owner who is in violation of these regulations to prevent or correct such violation. Any individual aggrieved by a violation of these regulations may request an injunction against any individual or property owner in violation of these regulations or may mandamus any official to enforce the provisions of these regulations.

(6) Advisements. To keep the mayor, city council, planning commission, and board of zoning adjustment advised of all matters other than routine that relate to the administration and enforcement of these regulations. (Ord. No. 722)

2. Zoning and Building It shall be unlawful to commence the construction, reconstruction, moving, demolition, or structural alteration of any building until a zoning permit and a building permit has been issued. No building permit shall be issued unless the proposed construction or use is in full conformity with all the provisions of these regulations and other applicable building codes, laws, or regulations. A zoning permit shall also be required for the use or reuse of property, buildings, or structures where building permits are not required. Compliance with paved parking and other site standards shall be achieved as a condition a change of use for commercial, industrial, and multi-family purposes. In addition, a zoning permit evidencing compliance with the provisions of these regulations shall be a prerequisite to the issuance of a city privilege or occupation license.

All applications for building permits shall be accompanied by a reproducible plan drawn to scale, showing the size of the building to be erected and its location on the zoning lot, the location of any existing buildings or structures, location and dimensions of all driveways and parking or loading areas, drainage and such other information as may be necessary to provide for the administration of these regulations. Site plans shall be required for all multi-family development

proposals of five (5) units or more, as well as for all new commercial and industrial development, and substantial redevelopment. Such plans shall be reviewed and approved by the Planning Commission. Site plan decisions by the planning commission shall be subject to appeal to the city council. Complete requirements for site plans are included in the appendices hereto.

3. Certificate of Occupancy

(1) Purpose and Authority. Certificates of occupancy are required to ensure that completed structures and the development of property of which such structures are a part, comply with the provisions of this chapter, as well as any site plans or conditional use approval for such structures and development. The building official shall have the authority and responsibility to issue and keep records of certificates of occupancy in accordance with the requirements set forth in these regulations, and the building code. A certificate of occupancy must be applied for, and issued by the building official prior to occupancy and use of a structure or premises for any of the following:

- (a) Any new commercial structure.
- (b) Any addition to an existing nonresidential structure.
- (c) Any change in occupancy or use of a building or premises that involves nonresidential occupancy.

(2) Procedure. A certificate of occupancy shall be applied for coincident with the application for a building permit and must be issued before occupancy.

The building official or his designated agent shall inspect the property that is the subject of an application within a reasonable time after a completed application has been filed and shall issue a certificate of occupancy if the premises and the property comply in all respects with the applicable development regulations in effect for the city. If the premises do not so comply, the building official shall deny the application in a written notice, mailed to the applicant within five (5) days, excluding weekends and holidays, after the inspection of the property, specifying the provisions of which regulation or code the structure or development does not comply. (Ord. No. 722)

A temporary certificate of occupancy may be issued for a portion or portions of a building that may safely be occupied prior to final completion of the building. A temporary certificate of occupancy shall be valid for a period not exceeding six (6) months. Such temporary certificate shall not be construed as, in any way, altering the respective rights, duties, or obligations of the owner or of the city relating to the use or occupancy or any other matter required by these regulations.

4. Penalty for Violation Any person, firm or corporation who shall violate any of the provisions of these zoning regulations, or fail to comply thereafter with any of the requirements thereof, or who shall build, alter, move, or occupy any building in violation of any detailed statement or plans submitted and approved hereunder, shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine not exceeding five hundred dollars (\$500.00) or double such sum for each repetition thereof. If the violation is, in its nature, continuous in respect to time, the penalty for allowing the continuance thereof is a fine not to exceed two hundred fifty dollars (\$250.00) for each day that the same is unlawfully continued. The owner or owners of any building or premises or part thereof where anything in violation of these regulations shall be placed, or shall exist, and any architect, builder, contractor, agent, engineer, person, firm or corporation employed in connection therewith, and who may have assisted in the commission of any such violation, shall be guilty of a separate offense, and upon conviction thereof shall be fined as hereinabove provided.

Violations of these regulations that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a penalty, however, does not prevent the simultaneous granting of equitable relief in appropriate cases. (Ord. No. 722)

5. Amendments Two (2) types of amendments to these zoning regulations are recognized; one being a revision in the text provisions, and the other being a change of boundary in a zoning district (a.k.a. a map amendment or rezoning).

(1) **Text Amendments.** Amendments to the text may be initiated by the planning commission, the city council, or by the mayor. Proposed amendments shall be processed in accordance with the procedures set forth in this section.

- (a) **Notice.** The building/zoning official shall be responsible for scheduling a public hearing before the planning commission. He shall prepare the content of a public notice and ensure that the notice is published in a newspaper of general circulation within the city at least fifteen (15) days before the public hearing.
- (b) **Hearing and Recommendation by the Planning Commission.** The planning commission shall conduct a public hearing on the proposed amendment, hearing both the proponents and opponents, if any. Following the public hearing, the commission shall determine its recommendation(s) regarding the proposed amendment and make such known to the city council.
- (c) **Action by the City Council.** After receiving the recommendation of the planning commission, the city council may approve the amendment as submitted; approve a revised version they deem appropriate; return it back to the planning commission for further study and reconsideration; table it; or deny it. If the city council action does not take place within six (6) months after the planning commission's public hearing, the amendment process must begin anew.

(2) Change in District Boundary. A change in a zoning district boundary, also referred to as a map amendment or rezoning, may be proposed by the city council, the planning commission, or by a property owner or his legal agent. Such amendments shall be considered in accordance with the procedures set forth in this section.

- (a) Application Submittal. A complete application for a change in a zoning district boundary (or map amendment), hereafter referred to as a rezoning, shall be submitted to the zoning official in a form established for that purpose, along with a non-refundable processing fee of two hundred fifty dollars (\$250.00). Applications shall be filed by and in accordance with submission deadline the 20th of the month in order to be placed on the planning commission agenda for the subsequent months' meeting, which is held on the first Tuesday thereof. No application shall be processed until the zoning official determines that the application is complete, and the required fee has been paid.
- (b) Notice. Promptly upon determining that the application is complete, the zoning official shall schedule a public hearing date before the planning commission, notify the applicant of the hearing date, and provide at least fifteen (15) days' notice of the hearing in a newspaper of general circulation in the city. The notice shall indicate the time and place of the public hearing; give the general location and description of the property, such as the street address and acreage involved; describe the nature, scope and purpose of the application; and indicate where additional information about the application can be obtained.

The zoning official shall (1) post notice on weatherproof signs; (2) place the signs on the property that is the subject of the application at least ten (10) days before the public hearing; and (3) ensure that the signs remain continuously posted until a final decision is made by the city council. One (1) sign shall be posted for each three hundred feet (300') of street frontage, up to a maximum of four (4) signs. Signs shall be placed along each abutting street in a manner that makes them clearly visible to neighboring residents, and passers-by. There shall be a minimum of one (1) sign along each abutting street.

Individual property owners applying for changes to the official zoning map shall present evidence or an affidavit, at least fifteen (15) days prior to the required public hearing, that all property owners within three hundred feet (300') have been notified of the proposed zoning change and of the time, date, and place of the public hearing.

- (c) Hearing and Recommendation by the Planning Commission. The planning commission shall hold a public hearing on the proposed rezoning. At the conclusion of the hearing, and after deliberation, the commission shall

recommend approval as submitted; may recommend approval of less area and/or of a lesser intense, but like classification than what was applied for; table with cause, not to exceed one time for consideration at the next meeting; or deny the application. The commission shall, regardless of the action taken, submit an accurate written summary of the proceedings to the city council.

- (d) Hearing and Action by the City Council. After the planning commission recommends approval of an application, the applicant shall be responsible for preparing the appropriate ordinance and requesting that the city clerk place it on the city council agenda. The zoning official shall review the proposed rezoning ordinance, prior to its placement on the city council agenda, to verify that the contents of the document, and the property description therein, accurately reflect the action taken by the planning commission.

If the planning commission does not recommend approval of an application, the city council may consider the matter, but only after a request is filed by the property owner with the city clerk, and a special public hearing is set and subsequently held. Applicant responsibility with regard to filing documents with the city clerk, as described above, is also applicable.

In considering an application for approval, whether on appeal or not, the city council may reduce the amount of land area included in the application, but not increase it; and may change the requested classification in whole or in part, to a less intense zoning district classification than was indicated in the planning commissions required public notice.

- (5) Approval Criteria. The criteria for approval of a rezoning are set out in this section. Not all of the criteria must be given equal consideration by the planning commission or city council in reaching a decision. The criteria to be considered shall include but not be limited to the following:

- (a) Consistency of the proposal with the comprehensive plan.
- (b) Consistency of the proposal with the purpose of these regulations.
- (c) Compatibility of the proposal with the zoning, uses and character of the surrounding area.
- (d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment.

- (e) Extent to which approval of the proposed rezoning will detrimentally affect nearby property including, but not limited to, any impact on property value, traffic, drainage, visual impairment, odor, noise, light, vibration, hours of use/operation, and any restriction to the normal and customary use of the affected property.
- (f) Length of time the subject property has remained vacant as zoned, as well as its zoning at the time of purchase by the applicant; and
- (g) Impact of the proposed development on community facilities and services, including those related to utilities, streets drainage, parks, open space, fire, police, and emergency medical services.

6. Fees Before any action shall be taken as provided in these regulations, the applicant shall submit a fee with the application in accordance with the city's schedule pertaining to the applicant's request. Under no condition shall fees paid, or any part thereof, be refunded for failure of the applicant's request to be approved by the city.

Rezoning	\$200.00
Conditional Use Permit	\$200.00
Board of Zoning Adjustment	\$ 50.00
Site Plan	\$250.00
Commercial Certificate of Occupancy	\$250.00
(Ord. No. 722; Ord. 742)	

7. Re-application Any or all of the property that was the subject of the original rezoning application that was denied or withdrawn, after public hearing, shall not be re-submitted for a period of six (6) months from the date of the last action taken for the same change in zoning. (Ord. No. 722; Ord. No. 742)

14.04.12 Validity and Repeal

Sections:

- 1. Validity**
- 2. Repeal**

1. Validity These zoning regulations and the various parts, sections, subsections, sentences, phrases, and clauses thereof are hereby declared to be severable. If any part, sentence, or paragraph, section or subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of these zoning regulations shall not be affected thereby. The city council hereby declares that all such remaining parts would have been passed irrespective of the validity or invalidity of any parts found to be invalid.

2. Repeal All ordinances, codes, or regulations, or parts of ordinances, codes, or regulations, in conflict with these zoning regulations, or inconsistent with provisions of these regulations are hereby repealed to the extent necessary to give these zoning regulations full force and effect upon their adoption by the city council. (Ord. No. 722)

14.04.14 Appendix A

Appendix A
Site Plan/Conditional Use Permit Checklist

At a minimum, site plans and/or conditional use permit applications shall be provided on a suitable medium. Site plan shall provide the following information and format:

- ____ 1. Name of the development and/or subdivision;
- ____ 2. Address and lot number of the property;
- ____ 3. Location map drawn to a minimum scale of one inch (1") equals one thousand feet (1,000') and including city limits and streets with one-half (1/2) mile radius of the site;
- ____ 4. Name, address, and telephone numbers of all owners and the applicant;
- ____ 5. North arrow;
- ____ 6. Drawn to a minimum scale of one inch (1") equals fifty feet (50'), and a graphic scale included;
- ____ 7. City, county and state;
- ____ 8. Date;
- ____ 9. Existing zoning;
- ____ 10. Name, address, and telephone number of all professional consultants;
- ____ 11. Seal of the appropriate professional registered in the State of Arkansas;
- ____ 12. Acreage and square footage of the site;

- _____ 13. Minimum required street, side, and rear setbacks (per city code), and by private requirements, if any exist, if more restrictive than the city code requirements;
- _____ 14. Floodway and floodplain boundaries with elevations referenced to, and showing the exact location of, the nearest benchmark;
- _____ 15. Existing and proposed land contours showing vertical intervals no greater than two feet (2');;
- _____ 16. Adjoining property owners;
- _____ 17. Length of site boundaries measured to the nearest one tenth (1/10) foot;
- _____ 18. Value of all true bearings and angles as dimensioned in degrees and minutes;
- _____ 19. Location, square footage, and exterior dimension, measured from outside walls of all existing and proposed buildings and structures;
- _____ 20. All proposed improvements in their exact relationship to existing contours and other topographic features;
- _____ 21. Easements indicating location, dimension, and type;
- _____ 22. Existing and proposed location, size and type of water lines, fire hydrants, sanitary sewers, storm sewers, culverts, street improvements and any other utilities and services affected by the site, including dumpster location and type of screening.
- _____ 23. Drainage plan (if required by the city engineer) indicating all existing and proposed drainage locations, size, and type, plus drainage calculations that meet the city's requirements, must be certified by a registered professional engineer licensed in the State of Arkansas. A stormwater management plan, and a grading plan, may also be required by the city engineer.
- _____ 24. Parking and traffic control plan indicating the location, dimension, and type of vehicle access, handicapped person vehicular and pedestrian access, parking spaces, loading provisions and traffic control devices;
- _____ 25. Sign location and type;
- _____ 26. Screening and buffering;
- _____ 27. Landscaping plan indicating location, size, and type of existing and proposed materials;

- _____ 28. Restrictive covenants, grants of easements, or other restrictions in a recordable form;
- _____ 29. Common open space plan, and proposed amenities (if applicable);
- _____ 30. Lighting plan indicating location, type, direction, and intensity measured in foot-candles; and
- _____ 31. Location and characteristics of any historical structures and sites. (Ord. No. 722)

That Pea Ridge Municipal Code §§ 14.08, 14.12, 14.16, 14.20 and 14.24 are not repealed by this ordinance. (Ord. No. 722, Sec. 2)

CHAPTER 14.08

REGULATING SIZE OF LOTS

Sections:

- | | |
|----------|-----------------------|
| 14.08.01 | Definitions |
| 14.08.02 | Area |
| 14.08.03 | Location |
| 14.08.04 | Proximity to dwelling |
| 14.08.05 | Fine |

14.08.01 Definitions In this ordinance the following definitions shall apply:

Dwelling house means any structure designed and intended for use as a residence for human habitation.

House Trailer and **Mobile Home** mean and include “automobile trailers,” “trailer coaches” and “trailers” so designed and constructed in such manner as will permit occupancy thereof as sleeping quarters for one or more persons, or the conduct of any business or profession, occupation or trade (or use as a selling or advertising device), and so designed that it is or may be mounted on wheels and used as a conveyance on highways or city streets, propelled or drawn by its own or other motive power. (Ord. No. 50, Sec. 1.)

14.08.02 Area Hereafter no dwelling house or mobile home or house trailer, as hereinabove defined, shall be constructed, or moved, or placed, or located upon any lot or tract of land containing less than 8000 square feet of area. (Ord. No. 50, Sec. 2.)

14.08.03 Location Hereafter no dwelling house or mobile home or house trailer, as hereinabove defined, shall be constructed, or moved, or placed, or located upon any lot or tract of

land on which there is presently standing a house, trailer or mobile home, unless the said lot or tract of land contains an area of not less than 16,000 square feet of area. (Ord. No. 50, Sec. 3.)

14.08.04 Proximity to dwelling Hereafter no dwelling house or mobile home or house trailer, as hereinabove defined, shall be constructed, or moved, or placed, or located upon any lot or tract of land nearer than 10 feet to any presently existing dwelling house, mobile home or house trailer as hereinabove defined. (Ord. No. 50, Sec. 4.)

14.08.05 Fine Any person found guilty of violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be fined not less than Twenty-Five Dollars (\$25.00) and not more than Twenty-Five Dollars (\$25.00) and every day such violations exists shall constitute a separate offense and be punishable as such. (Ord. No. 50, Sec. 5.)

CHAPTER 14.12

FLOOD DAMAGE PREVENTION PROGRAM

Sections:

14.12.01 Flood damage prevention program adopted by reference

14.12.01 Flood damage prevention program adopted by reference There is hereby adopted by reference a flood damage prevention regulatory code having been designed by the legislature of the state of Arkansas and set forth in A.C.A. 14-268-101, et seq. A copy of the referenced regulatory code shall be filed in the office of the City Clerk and shall be available for inspection and copying by any person during normal office hours. (Ord. No. 453, Sec. 7.)

CHAPTER 14.16

FINAL PLATS

Sections:

14.16.01 Final Plats

14.16.01 Final Plats

Ord. No. 403	Deer Meadows Subdivision
Ord. No. 415	Maple Glen Subdivision
Ord. No. 427	Shepherd Hills Subdivision
Ord. No. 428	Summit Meadows Subdivision
Ord. No. 441	Creekside Estates Subdivision
Ord. No. 493	Lee Town Estates Subdivision
Ord. No. 500	Part of NW ¼ of Sec. 28, Twp 21, N, Range 29 West
Ord. No. 576	Summit Meadows Phase III
Ord. No. 577	Elkhorn Ridge Subdivision, Phase 1
Ord. No. 753	Elkhorn Ridge Subdivision, Phase V

- Ord. No. 762 The Greens at Sugar Creek- Part of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$; Part of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$; Part of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$; Part of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$; and Part of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 7, Twp 20, N, Range 29 West
- Ord. No. 763 Avalon Subdivision, Phase 2- Part of the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of S35 and Part of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 34, Twp 21, N, Range 30 West
- Ord. No. 769 Walnut Hill Phase 1 Subdivision- Part of the N $\frac{1}{2}$ of the NW $\frac{1}{4}$ and Part of the called N 30 acres of the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Sec. 26, Twp 21, N, Range 30 West
- Ord. No. 770 Sedona Rose Phase 1 Subdivision- Part of the SW $\frac{1}{4}$ of Sec. 26, Twp 21, N, Range 30 West of the Principal Meridian, Benton, County, Arkansas
- Ord. No. 775 ARLINGTON PHASE 2 Subdivision- Part of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and a Part of Sec. 25, Twp 21, N, Range 30 West
- Ord. No. 779 Saratoga Subdivision- Part of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 35, Twp 21, N, Range 30 West

CHAPTER 14.20

VACATING, ANNEXING AND REZONING PROPERTY

Sections:

- | | |
|----------|----------|
| 14.20.01 | Vacating |
| 14.20.02 | Annexing |
| 14.20.03 | Rezoning |

14.20.01 Vacating

- | | |
|--------------|--|
| Ord. No. 318 | Alley between Lots 1 & 1, Block 1 of original town |
| Ord. No. 357 | Part of S ½ of Sec. 31, Twp 21 N, Range 29 West to Baker & Hays |
| Ord. No. 368 | 16' Alley located between lots 1 and 2, Block One of G.R. Fosters Orchard Add. |

14.20.02 Annexing

- | | |
|--------------|--|
| Ord. No. 348 | Final plat of Standing Oaks Subdivision, Block 1 |
| Ord. No. 349 | Final plat of Givens Place, Block four, Phase II |
| Ord. No. 332 | Final plat of Kayto Estates Subdivision |
| Ord. No. 358 | SE ¼ of Sec. 31, Twp 21 N, Range 29 West |
| Ord. No. 366 | Final plat of Battlefield Estates |
| Ord. No. 367 | Final plat of Windmill Estates |
| Ord. No. 368 | Part of W ½ of Sec. 31, Twp 21 N, Range 29 West |
| Ord. No. 381 | Part of NW ¼ of Sec. 36, Twp 21 N, Range 30 West |
| Ord. No. 382 | Part of NE ¼ of Sec. 35, Twp 21 N, Range 30 West |
| Ord. No. 384 | Final plat of Patterson Place Subdivision |
| Ord. No. 387 | SW ¼ of Sec. 36, Twp 21 N, Range 30 West |
| Ord. No. 388 | Final plat of Maple Leaf Heights Subdivision |
| Ord. No. 390 | Part of S ½ of Sec. 36, Twp 21 N, Range 30 West |
| Ord. No. 394 | SE ¼ of Sec. 22, Twp 21 N, Range 30 West |
| Ord. No. 395 | Final plat of Oaks Subdivision |
| Ord. No. 398 | Final plat of Creekwood Manor Subdivision |
| Ord. No. 399 | Final plat of Battlefield Estates, Phase II-A |
| Ord. No. 405 | Part of SE ¼ of Sec. 25, Twp 21 N, Range 30 West |
| Ord. No. 580 | Part of NW ¼ of Sec. 1, Twp 20 N, Range 30 West |
| Ord. No. 593 | W ½ SW ¼ SW ¼ of S36, Twp 21N, Range 30 West |
| Ord. No. 594 | E ¾ of the S ½ of SW ¼ of S36, Twp 21N, Range 30 West |
| Ord. No. 612 | Part of NW ¼ of NW ¼ of Sec. 1, Twp 20N, Range 30 West |
| Ord. No. 442 | Part of NW ¼ of Sec. 25, Twp 21 N, Range 30 West |
| Ord. No. 446 | Part of E ½ of Sec. 25, Twp 21 N, Range 30 West |

- Ord. No. 478 Part of SW ¼ of Sec. 1, Twp 20 N, Range 30 West
- Ord. No. 426 Part of SE ¼ of Sec. 25, Twp 21 N, Range 30 West
- Ord. No. 628 Part of SW ¼ of SE ¼ of Sec. 35, Twp 21N, Range 30 West
- Ord. No. 629 Beginning SW corner of SE ¼ of Sec. 35, Twp 21N, Range 30 West
- Ord. No. 651 All of E ½ of SW ¼ of SW ¼ of Sec. 6, Twp 20N, Range 29 West
- Ord. No. 653 Deed record 92-30642, 95-67244, 2000-126803, L201939713
- Ord. No. 666 Property N of the S ROW of AR Hwy 72 in the NE ¼ of the NW ¼ of S02T 20N R 30W
- All of K-D Ranch Estates Subdivision
 - SE Corner of the SE/4 if the SE/4 of the SE/4 Beginning at the SE Corner of the SE/4 if the SW/4 of S 35 R 21N T 30N; thence N 02° 31' E 4.5.47' thence N 84°30'52" W 1891.48
- the above described territory shall be annexed to and made a part of Ward #2 of the City of Pea Ridge
- Ord. No. 670 Part of the SE/4 of the SE/4 of Section 26, Township 21 N, Range 30 W
Made part of Ward #2
- Ord. No. 671 NW/4 of the SW/4 of Sec. 25, Twp 21 N, Rng 30W, lying along the City Limits of Pea Ridge on the N, E & S sides, all in Benton County,
LESS AND EXCEPT, The West 600 ft the NW/4 of the SW/4
Made part of Ward #2
- Ord. No. 675 E/2 of the SW/4 of the SW/4 of Sec. 6, Twp 20 N, Rng 29 W; Less & Except: All of parcels 18--07938-000 and 18-07938-006
Part of the SE/4 of the SE/4 of Sec. 26, Twp 21 N, Rng 30 W
Made part of Ward 2
- Ord. No. 676 E/2 of the SW/4 of the SW/4 of Sec. 6, Twp 20 N, Rng 29 Wt; Less & Except: Parcel 18-07917-000 Made part of Ward 2
- Ord. No. 696 All of the unincorporated area in the S/2 of the NE/4 of the NW/4 of S2-T20N-R30W; AND ALSO:
All of the SE/4 of the NW/4 of S2-T20N-R 30W;
- Ord. No. 696 Part of the SW/4 of the NW/4 of S2-T20N-R 30W, Made part of Ward 2
- Ord. No. 699 Part of the NE ¼ of The SE/4 of Sec.02, Twp 20 N, Range 30 West
- Ord. No. 702 Part of the SW/4 of S 26 T21N R 30West
- And Part of the SE/4 of the SW/4 of S 26 T 21 N R 30W
- Ord. No. 706 W ½ of the NW ¼ of the SW ¼ of S 25, T21 N R30W subject to the right of way of Hickman Dr. along the North side & other easements or right of ways
- And E ½ of the NE ¼ of SE ¼ of S26 T21N R 30W subject to the right of way of Hickman Dr. along the North side & other easements or right of ways
- Ord. No. 724 NW/4 of the NW/4 of S32 T21N Range 29, and all adjacent Right-of-way.
- Ord. No. 725 Part of the N ½ of the SE ¼ of the SW ¼ of S29, T21N, Range 29W
Benton County, Arkansas

Ord. No. 764

Parcels: 18-07941-001, 18-07941-000, 18-07938-004, 18-07938-008, 18-07938-005, 18-07938-001, 18-07938-002, 18-07943-000, 18-07942-001, 18-07942-000, and 18-07930-000

- The following schedule of services shall be extended to the area by the City of Pea Ridge within the statutorily required three (3) years after the date the annexation becomes final, as follows: Police Protection – Immediately; Fire Protection – Immediately; Solid Waste Collection – Immediately; Public Street Maintenance – Immediately; and Zoning and Code Enforcement – Immediately.
- The above described territory shall be annexed to and made a part of Ward 2 of the City of Pea Ridge, and the same shall henceforth be a part of said ward as fully as existing parts of said ward.

14.20.03 Re-zoning

Ord. No. 339	From A to R-1	Part of NW ¼ of Sec. 36, Twp 21 N, Range 30 West
Ord. No. 343	From A to C-1	Part of SE ¼ of Sec. 30, Twp 21 N, Range 29 West
Ord. No. 344	From A to R-2	Part of NE ¼ of Sec. 36, Twp 21 N, Range 30 West
Ord. No. 345	From A to R-1	Part of S ½ of Sec. 31, Twp 21 N, Range 29 West
Ord. No. 346	From A to R-1	Part of S ½ of Sec. 6, Twp 20 N, Range 29 West
Ord. No. 355	From R-1 to C-2	Part of NE ¼ of Sec. 1, Twp 20 N, Range 30 West
Ord. No. 338	From A to R-1	Part of SW ¼ of Sec. 30, Twp 21 N, Range 29 West
Ord. No. 359	From A to R-1	Part of SW ¼ of Sec. 30, Twp 21 N, Range 29 West
Ord. No. 361	From A to R-2	Part of W ½ of Sec. 36, Twp 21 N, Range 30 West
Ord. No. 363	From A to R-1	Area adjoining Hall Drive East and Ryan Road West
Ord. No. 364	From A to R-1	Part of S ½ of Sec. 36, Twp 21 N, Range 30 West
Ord. No. 369	From A to R-1	Part of SW ¼ of Sec. 1, Apr 20 N, Range 30 West
Ord. No. 370	To C-1	Part of SE ¼ of Sec. 36, Twp 21 N, Range 30 West
Ord. No. 378	From R-1 to C-1	Part of SW ¼ of Sec. 36, Twp 21 N, Range 30 West
Ord. No. 379	From A-1 to R-1	Part of NE ¼ of Sec. 1, Twp 20 N, Range 30 West
Ord. No. 380	From R-1 to R-2	Corner, east side of Sec. 36, Twp 21 N, Range 30 West
Ord. No. 385	From A-1 to R-2	W ½ of Sec. 36, Twp 21 N, Range 30 West
Ord. No. 386	From R-1 to C-2	Beg. 658.36ft. N. 290ft. W. qtr. SE/C.E. side W
Ord. No. 393	From A-1 to C-1	Part of Lot 16, Revised plat of Medlin Subdivision
Ord. No. 404	From R-1 to F-2	Part of NE ¼ of Sec. 36, Twp 21 N, Range 30 West
Ord. No. 406	From A-1 to C-1	Land belonging to Shiraz Development , LLC
Ord. No. 407	From A-1 to C-1	Land belonging to Moonhull, LLC
Ord. No. 409	From R-2 to C-1	Part of E ½ of Sec. 36, Twp 21 N, Range 30 West
Ord. No. 410	From A-1 to R-2	NW corner of NE ¼ of Northeast Quarter
Ord. No. 411	From A-1 to R-2	SW corner of SW /14 of Northeast Quarter
Ord. No. 412	From A-1 to R-1	Part of NW ¼ of Sec. 1, Twp 20 N, Range 30 West
Ord. No. 413	From R-1 to C-1	South 100' of Lot 1, Block 1 B.Z. Jefferson Addition
Ord. No. 414	From A-1 to C-1	Part of NW ¼ of Sec. 35, Two 21 N, Range 30 West
Ord. No. 420	From R-2 to C-1	North 100' of Lot 1, Block 1, B.A. Jefferson Addition
		Lots 1 & 2, block 2, G.R. Foster Addition
		Lot 27, Haskell-Walker Subdivision
Ord. No. 424	From R-1 to C-1	Part of NE ¼ of Sec. 36, Two 21 N, Range 30 West
Ord. No. 433	From R-2 to C-3	Part of SW ¼ of Sec. 36, Twp 21 N, Range 30 West
Ord. No. 434	From R-1 to C-1	Lot 10, Country Acres No. 1
Ord. No. 444	From A-1 to R-1	SE ¼ of Sec. 25, Twp 21 N, Range 30 West
Ord. No. 449	From A-1 to R-1	NW ¼ of Sec. 27, Twp 21 N, Range 30 West
Ord. No. 451	From R-1 to R-1A	SW ¼ of Sec. 24, Twp 21 N, Range 30 West
Ord. No. 454	From A-1 to R-1A	S ½ of Sec. 35, Twp 21 N, Range 30 West
Ord. No. 462	From R-1 to C-2	Lot 3, Young's Subdivision
Ord. No. 467	From R-1 to F-1A	NE Corner of SW ¼ of Sec. 36, Twp 21 N, Range 30 West

Ord. No. 468	From R-1 to R-2	NE Corner of SW ¼ of Sec. 36, Twp 21, N, Range 30 West
Ord. No. 469	From R-1 to R-2	Part of NE ¼ of Sec. 36, Twp. 21 N, Range 30 West
Ord. No. 472	From A-1 to R-1	Part of SW ¼ of Sec. 35, Twp 21 N, Range 30 West
Ord. No. 483	From A-1 to R-1A	Part of SW ¼ of Sec. 1, Twp 20 N, Range 30 West
Ord. No. 491	From A-1 to R-3	NE ¼ of Sec. 25, Twp 21, N, Range 30 West
Ord. No. 494	From PUD to A-1	Shiraz Development
Ord. No. 495	From PUD to A-1	Shiraz Development
Ord. No. 511	From A-1 to R-1	Part of NW ¼ of Sec. 31, Twp 21 N, Range 29 West
Ord. No. 548	From A-1 to R-2	Part of SW ¼ of Sec. 30, Twp 21 N, Range 29 West
Ord. No. 560	From C to R-1	S 100' of Lot 1, Block 1, B.A. Jefferson Addition
Ord. No. 553	From R-1 to A-1	Part of NE ¼ of Sec. 35, Twp 21 N, Range 30 West
Ord. No. 555	From A-1 to C-1	Part of NW ¼ of Sec. 35, Twp 21 N, Range 30 West
Ord. No. 566	From A-1 to C-2	Part of SW ¼ of Sec. 35, Twp 21 N, Range 30 West
Ord. No. 567	From R-2 to A-1	Part of SW ¼ of Sec. 36, Twp 21 N, Range 30 West
Ord. No. 569	From A-1 to R1-A	Part of NE ½ of Sec. 2, Twp 20 N, Range 30 West
Ord. No. 572	From A-1 to R-2	Part of NW ¼ of Sec. 1, Twp 20 N, Range 30 West
Ord. No. 573	From A-1 to R-1	Part of SW ¼ of Sec. 25, and Part of NW ¼ of the NE ¼ of Sec. 36, Twp 21 N, Range 30 W
Ord. No. 575	From A to R-1	Part of SE ¼ of SE ¼ of Fract. Sec. 30 and Part of NE ¼ of Fract. Sec. 31, Twp 21 N, Range 29 W
Ord. No. 590	From A-1 to R-2	Part of E ½ of SW ¼ of NW ¼ of Sec. 36, Twp 21 N, R. 30W
Ord. No. 604	From R-1 to A-1	N ½ of Lot 16, Lot 17, Lot 18, and Lot 19, Weston Rd. Add.
Ord. No. 605	From A-1 to R-2	14.57 acres cornering of Blue Jay Rd. and Ross Salvage Rd.
Ord. No. 606	From A-1 to R-2	Sugar Creek RV Park
Ord. No. 609	From R-1 to C-2	Part of W ½ of NW ¼ of SE ¼ of Sec. 36, Twp 21N R. 30W
Ord. No. 611	From C-3 to R-3	Part of E ½ of SE ¼ of Sec. 36, Twp 21N, R 30W
Ord. No. 613	From A-1 to R-2	Part of NW ¼ of NW ¼ of Sec. 1, Twp 21N, R 30W
Ord. No. 614	From R-1 to A-1	947 South Curtis Avenue
Ord. No. 616	From A-1 to R-1	1.71 acres on North and South of 1705 Clark St.
Ord. No. 620	From A-1 to R-2	East side Dove Road 1792', West side Elkhorn Subd.
Ord. No. 626	From A-1 to R-2	309 South Curtis Avenue
Ord. No. 627	From C-3 to R-2	135 North Davis Street
Ord. No. 633	To C-2	1978 Slack Street
Ord. No. 634	To C-1	1938 Slack Street
Ord. No. 636	To C-1	Parcel 13-00184-600
Ord. No. 637	From R-1 to R-2	10.40 Acres located on Hayden Road
Ord. No. 639	To R-2SF	55 ac located on Hazelton Road
Ord. No. 640	To R-3MF	5.8 ac located at 1850 Hazelton Road
Ord. No. 641	From R-1 to R-2	Parcels 13-00208-000 and 13-00179-001
Ord. No. 644	From A-1 to R-2	28.11 acres, Ryan Road and South Curtis Avenue
Ord. No. 645	From A-1 to R-2	9.5 acres, West Harris Street
Ord. No. 646	From A-1 to R-1	485 Lee Town Road

Ord. No. 649	From A to R-1	Part of NW ¼ SE ¼ of Sec. 35, Twp 21N, Range 30W
Ord. No. 654	To R-2	10257 Andy Buck Road
Ord. No. 655	To C-2	1.01 Acres N. Curtis
Ord. No. 657	To R-2	Area 1 at 10257 Andy Buck Road
Ord. No. 657	To R-1	Areas 2 and 3 at 10257 Andy Buck Road
Ord. No. 672	From A-1 to R-2	15493 N AR 94 HWY
Ord. No. 673	From A-1 to R-2	7 .86 acres across the old high school off of Pickens Road
Ord. No. 674	From A-1 to R-2	40.12 acres across the old high school off of Pickens Road
Ord. No. 679	From A-1 to C-3 & From A-1 to R-2	1800 Block of W. Pickens Rd (9.97 acres across from the new high school off of Pickens Road)
Ord. No. 680	From A-1 to R-2	part of the SE 1/4 of the SW 1/4 of Sec. 36, Twp. 21 N, Rng. 30 W of the 5 th principal meridian
Ord. No. 680	From A-1 to C-1	3.57 acres, more or less, located at 936 Slack Street,
Ord. No. 684	From C-3 to C-1	111 Lindsay Street, Pea Ridge, Arkansas
		(1) Any improvement placed on said property must be oriented to face Lindsay Street, and
		(2) The physical footprint of any building placed on the property must not exceed 1,560 square feet.
Ord. No. 685	From A-1 to R-1	403 S. Curtis Avenue; 1.32 acres on the west side of S. Curtis Avenue (HWY 94) just north of Cardin Road
Ord. No. 691	From R-1 to R-3	Part of tract 3 & 4 of plat record 1202033532, located in a part of the NW 1/4 of the NE 1/4 of fractional Sec. 1, Twp 20 N, Range 30 W
Ord. No. 691	From R-1 to C-3	Part of tract 3 of plat record 1202033532, located in a part of the NW 1/4 of the NE 1/4 of fractional Sec. 1, Twp. 20 N, Range 30 West
Ord. No. 691	From R-1 to C-3	Intersection of Slack Street and Ryan Road
Ord. No. 693	From C-3 to C-2	560 N. Curtis Avenue, Pea Ridge, Arkansas
Ord. No. 697	From A-1 to R-2	1993 Hayden Road (14.70 Acres North Of Belmont)
Ord. No. 712	From R-1 to C-2	Lot 14, Leetown Addition to the City of Pea Ridge, Benton County, Arkansas, as shown on plat record F at page 164
Ord. No. 713	From A-1 to C-3	509 Weston St., 577 Weston St., and 629 Weston St.
Ord. No. 714	From A to R-2	SW ¼ of SE ¼ and W ¼ of SE ¼ of SE ¼ of Sec. 31, T21N, R 29W
Ord. No. 715	From A to R-2	Part of NW ¼ of SE ¼ pf S 31. T21N, R29W
Ord. No. 716	From A-1 to R-1	1449 It'll Do Road, Parcel 13-00184-540
Ord. No. 717	From R-1 to R-2	SE corner of Pickens & Weston St in Pea Ridge #13-00244-000
Ord. No. 718	From R-1 to R-2	SE corner of Pickens & Weston St in Pea Ridge #13 00225-000

Ord. No. 727	From A-1 to R-1	Part pf the SE ¼ of the SE ¼ of the NW ¼ of S25, T21N, R30W, Benton County, Arkansas
Ord. No. 728	From A-1 to R-1	Part of the SE ¼ of the SE ¼ of S25, T21N, R30W, Benton County, Arkansas
Ord. No. 729	From A-1 to R-2	Part of SW ¼ of the NE ¼ S36, T21N, R30W, Benton County, Arkansas
Ord. No. 730	From R-2 to R-3	Part of the W ½ of the NW ¼ of the SE ¼ of S36, T21N, R30W
Ord. No. 731	From A to R-2	Part of the SW ¼ of SE ¼ and part of SE ¼ all in S31, T21N, R29W, Benton County, Arkansas
Ord. No. 732	From A to R-3	Part of SW ¼ of SE ¼ and part of the SE ¼ of the SE ¼ all in S31, T21N, R29W, Benton County, Arkansas
Ord. No. 734	From R-2SF to C-3	Part of the NE ¼ of the NW ¼ of S2, T20N, R30W, Benton County, Arkansas
Ord. No. 735	From A-1 to R-1	1451 It'll Do Road, parcel 35-21-30 Pea Ridge
Ord. No. 743	From A-1 to R-2	On the right side on Hazelton Road across from the Hazelton Heights Subdivision in Pea Ridge, Arkansas
Ord. No. 744	From A-1 to R-3	Approximately 325 feet Northwest of Pickens Road and Hayden Road
Ord. No. 749	From A-1 to R-3	Part of the NE ¼ of the SE ¼ of S35, T21N, R30W, Benton County, Arkansas <ul style="list-style-type: none"> • The owner of the property and the City of Pea Ridge agree that the property shall only be used for a residential use as allowed in the R-3 zoning classification and that the owner shall submit an architectural drawing and civil drawings to the City for approval prior to the start of construction.
Ord. No. 750	From A-1 to R-2	Part of the S ½ of the SE ¼ of S26, T21N, R30W, Benton County, Arkansas
Ord. No. 751	From R-1 to R-2	Part of the NW ¼ of the SE ¼ of S26, T21N, R30W, Benton County, Arkansas
Ord. No. 752	From R-1 to C-1	Part of the NE ¼ of the NW ¼ of S35, T21N, R30W, Benton County, Arkansas
Ord. No. 755	From A-1 to R-2	West Side of the NW ¼ of the NW ¼ of S32, T21N, R29W; East Side of the NW ¼ of the NW ¼ of S32, T21N, R29W; South ½ of the SW ¼ of the SW ¼ and the South ½ of the SE ¼ of the SW ¼, all in S29, T21N, R29W, Benton County, Arkansas <ul style="list-style-type: none"> • The owner of the property and the City of Pea Ridge agree that property shall only be used for a residential use as allowed in the

R-2 zoning classification and the owner shall submit an architectural drawings and civil drawings to the City for approval prior to the start of construction.

Ord. No. 756 From A-1 to R-2	E ½ of NE ¼ of the SE ¼ of S26, T21N, R30W; W ½ of the NW ¼ of the SW ¼ of S25, T21N, R30W; W ½ of the SW ¼ of the SW ¼ of S25, T21N, R30W, Benton County, Arkansas
Ord. No. 758 From A-1 to R-1	Part of the NE ¼ of the SW ¼ of S7, T20N, R29W, Benton County, Arkansas
Ord. No. 759 From A-1 to R-1	Part of the NE ¼ of the SW ¼ of S7, T20N, R29W, Benton County, Arkansas
Ord. No. 760 From A-1 to R-1	Part of the NE ¼ of the SW ¼ and Part of the NW ¼ of the SW ¼ of S7, T20N, R29W, Benton County, Arkansas
Ord. No. 761 From R-1 to C-2	Part of the NW ¼ of the NE ¼ of S35, T21N, R30W, Benton County, Arkansas
Ord. No. 768 From A to C-2	Part of the SW ¼ of the SW ¼ of S36, T21N, R30W, Benton County, Arkansas
Ord. No. 773 From A-1 to R-2	<p>Tract 2: NE ¼ of the NE ¼ of S31, T21N, R29W, except beginning SW corner of said NE ¼ of the NE ¼ of S31, Benton County, Arkansas</p> <ul style="list-style-type: none"> • The owners of the property and the City of Pea Ridge agree that property shall only be used for a residential use as allowed in the R-2 zoning classification and the owner shall submit an architectural drawings and civil drawings to the City for approval prior to the start of construction.
Ord. No. 774 From A-1 to R-3	Tract 1: Part of the SE ¼ of the SW ¼ of S25, T21N, R30W, Benton County, Arkansas
Ord. No. 778 From R-1 to C-2	Part of the NW ¼ of the NE ¼ of S2, T20N, R30W, Benton County, Arkansas

CHAPTER 14.24

SIGNS

Sections:

14.24.01	Purpose
14.24.02	Common signage plan
14.24.03	Applications for a sign permit
14.24.04	Review and approval
14.24.05	Interpretation of sign regulations
14.24.06	General regulations
14.24.07	Signs permitted on Private Property Without a Permit
14.24.08	Signs permitted in public right-of-way without a permit
14.24.09	Signs permitted with a sign permit
14.24.10	Signs Permitted In Public Right-Of-Way and on City Property Without A Permit
14.24.11	Signs Permitted In Public Right-Of-Way and on City Property with a Sign Permit
14.24.12	Enforcement
14.24.13	Prohibited Signs In Public Right-Of-Way and on City Property
14.24.14	Prohibited Signs
14.24.15	Enforcement
14.24.16	Severability
14.24.17	Repeal Clause
14.24.18	Definitions

14.24.01 Purpose Signs use private land and the sight lines created by public rights-of-way to inform and persuade the general public by publishing a message. This chapter provides standards for the erection and maintenance of signs. All signs shall be erected and maintained in accordance with these standards. The general purpose of these standards is to promote, preserve, and protect the health, safety, general welfare, convenience, and enjoyment of the public, to preserve and protect the aesthetic quality of Pea Ridge, and to achieve the following:

- A. Safety To promote the safety of persons and property by providing that signs:
1. Do not create a hazard due to collapse, fire, collision, decay, abandonment, or other safety considerations;
 2. Do not obstruct firefighting or police surveillance;
 3. Do not create traffic hazards by confusing or distracting motorists;
 4. Do not impair the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs and signals; and,

5. Do not otherwise interfere with or detract from the safety of persons or property. (Ord. No. 519; Ord. No. 669)

B. Communications efficiency To promote the efficient transfer of information in sign messages by providing that:

1. Customers and other persons may locate a business or service;
2. No person or group is arbitrarily denied the use of the sight lines from the public right-of-way for communication purposes; and,
3. The messages in signs may otherwise be communicated efficiently.

C. Landscape quality and preservation To protect the public welfare and to enhance the appearance and economy of the city, by providing that signs:

1. Do not interfere with scenic views;
2. Do not create a nuisance to persons using the public rights-of-way;
3. Do not constitute a nuisance to occupancy of adjacent property by their brightness, light glare and reflection, size, height, or movement;
4. Are not detrimental to land or property values;
5. Do not overwhelm people by the number of messages presented, and do not interfere with the exercise of freedom of choice to observe or ignore said messages, according to the observer's purpose;
6. Do not negatively affect the city's tourism industry;
7. Do not create or worsen visual clutter or visual blight;
8. Do contribute to the special character of particular areas or districts within the city, helping the observer to understand the city and be oriented within it;
9. Do not cover or blanket any prominent view of a structure or facade of historical or architectural significance;
10. Do not obstruct views of users of adjacent buildings to side yards, front yards or to open space;

11. Are compatible with building heights of the existing neighborhood and do not impose a foreign or inharmonious element to an existing skyline;
12. Do otherwise protect and preserve a quality landscape in the city; and
13. Do otherwise enhance the appearance and economy of the city (Ord. No. 669).

D. Authority to Act

The City Planning Official ("Director"), and/or his or her designee, is authorized and directed to administer and enforce this chapter. Code Enforcement Officers may remove or relocate signs if such signs are placed improperly thereby causing vehicle or pedestrian safety issues, ADA accessibility issues or other similar critical issues.

E. Interpretations

1. *Administrative interpretations* Interpretations of this chapter are to be made by the Director in consultation with the city attorney. Where a particular type of sign is proposed, and the type is neither expressly allowed nor prohibited by this chapter, or whenever a sign does not qualify as a "structure" as defined in the Building Code, as adopted by the City, then the Director, as applicable, shall approve, conditionally approve or disapprove the application based on the most similar sign type, using physical and structural similarity, that is expressly regulated by this chapter.
2. *Appeal of interpretation* All administrative interpretations of sign regulations may be appealed to the Board of Adjustment. Where necessary, the Board may consider not only the current or intended uses of a sign but also its past use, in light of the purposes of this chapter and applicable legal principles. It shall be the obligation of the sign owner or permit applicant to furnish records concerning the past use, if requested by the Board.
3. *Text vs. tables* In the event of inconsistency between text and tables, text shall prevail.

F. Responsibility for compliance

The responsibility for compliance with this chapter rests jointly and severally upon the sign owner, the permit holder, all parties holding the present right of

possession and control of the property whereon a sign is located, mounted or installed, and the legal owner of the lot or parcel, even if the sign was mounted, installed, erected or displayed without the consent or knowledge of the owner and / or other parties holding the legal right to immediate possession and control.

14.24.02 Common signage plan Prior to issuance of any sign permit in a development containing several buildings or businesses, a common signage plan for the development shall be approved and filed with the Building Inspection Department. Common Signage Plans require Planning Commission approval. In the case of any conflict between the signage plan and the zoning ordinance, this chapter shall govern.

- A. **Drawings** Drawings, sketches and/or photographs shall be submitted and kept on file to demonstrate the common signage plan. The common signage plan shall consist of three (3) elements:
 - 1. Location - Identification of sign locations on buildings or property.
 - 2. Materials - Description of the type of sign and sign materials including construction materials and proposed lighting, if any.
 - 3. Size - Itemization of sign size and/or area at identified locations.
- B. **Multiple signs** Where more than one (1) sign is located on a property, or where more than one (1) building or business is located in a single development project, such as a shopping center, the common signage plan will demonstrate that these elements create consistency and uniformity among signs within the project. The requirements of a common signage plan shall apply to all businesses within a related project, even if the properties have been subdivided.
- C. **Review Criteria** The Director shall use the purpose of this chapter as criteria to review and approve a common signage plan.
- D. **Amendments** Revisions or amendments to the common signage plan shall require approval from all tenants on the property prior to approval.
- E. **Minor alterations** Minor alterations in sign locations resulting from unexpected conditions on site may be approved by the Building Inspection Department. (Ord. No. 669, Sec. 2.)

14.24.03 Applications for a sign permit All signs within the city require a permit unless specifically stated otherwise in this chapter.

- A. **Application** Complete the Sign Permit Application provided by the Building Inspection Department.

- B. **Fee** The applicant shall pay the fee as adopted from time to time by City Council.
- C. **Drawings** A scaled drawing of the sign including sign height, area, design, content, and dimensions of the sign and the design and dimensions of any measures used to support the sign or used to affix the sign to a wall, window or the ground.
- D. **Site plan** A scaled site plan showing the location of the sign on the property or building, including street right-of-way and property lines. For wall signs, building face shall be dimensioned.
- E. **Materials List** A list of materials used to construct the sign.(Ord. No. 669, Sec. 3)

14.24.04 Review and approval

- A. **Approval** After a review of the application by the Building Inspection Department shows that the sign meets zoning, electrical, and ICC Building Code requirements, the applicant shall receive a permit to erect or install the approved sign.
- B. **Permanent Signs** The applicant shall request an inspection after installation of permanent signs.
 - 1. **Expiration of permit** - The sign permit shall be null and void if sign installation is not completed within six (6) months or the signs are not in conformance with the approved application: The Building Inspection Department may grant one thirty (30) day extension to the sign permit.
 - 2. **Successors** - Valid sign permits may be assignable to a successor of the business.
- C. **Temporary sign** Temporary sign permits shall be reviewed and issued in compliance with the regulations set forth in this chapter.
- D. **Revocation of permits** Revocation of Permits The Building Inspection Department may revoke a sign permit if a sign is found to be in violation of this chapter;
- E. **Minor alterations** Minor alterations in sign locations resulting from unexpected conditions on site may be approved by the Building Inspection Department. (Ord. No. 669, Sec. 4.)

14.24.05 Interpretation of sign regulations

- A. Street frontage Street frontages shall be considered separately for each street the lot fronts, measured by property lines.
- B. Maximum area Maximum area shall be the area of one side of the sign.
- C. Measurable area Measurable area is the area within the outer boundaries of standard geometrical shapes, primarily squares, rectangles, and circles, containing and defined by the extreme reaches of information or graphic parts of the signs.
- D. Maximum height Height is measured from the point at which the sign and supports are attached to the ground, measured to the highest point on the top of the sign.
- E. Appeal of interpretation All administrative interpretations of sign regulations may be appealed to the Board of Adjustment. Where necessary, the Board may consider not only the current or intended uses of a sign but also its past use. It shall be the obligation of the sign owner to furnish records concerning the past use, if requested by the board. (Ord. No. 669, Sec. 5.)

14.24.06 General regulations

A. Design and construction

- 1. Code Compliance All signs shall comply with applicable provisions of the ICC Building Code, the National Electrical Code, and requirements of the City, whether the sign is located in the public right of way or outside of the public right of way.
- 2. Materials Signs shall be constructed of permanent materials and permanently affixed to the ground or building except for the following signs:
 - a. Temporary signs meeting the regulations elsewhere in this chapter
 - b. Real estate signs
 - c. Construction signs
- 2. Signs shall be constructed of permanent materials and permanently affixed to the ground or building except for the following signs:
 - a. Temporary signs meeting the regulations elsewhere in this chapter.
 - b. Real estate signs.

- c. Construction signs.
- d. Window signs.
- e. Yard sale, political and election signs.
- d. Window signs
- e. Yard sale, political and election signs

- B. Sight triangle** No signs shall constitute a hazard to traffic including, but not limited to, signs located within the sight triangle of an intersection. The sight triangle is defined by a diagonal line connecting two (2) points on intersecting street rights-of-way measured twenty-five (25) feet along each right-of-way starting at the intersection point.
- C. Maintenance** All signs, to include permanent and temporary signs and signs that do and do not require a permit, shall be maintained in good condition, kept free of cracked or peeling paint, missing or damaged sign panels or supports, and weeds, grass or vegetation which obscures the view of the sign message. Sign landscaping shall be maintained so as not to interrupt the view of the sign.
- D. Obstructions** No sign shall block entrances or exits to buildings to include windows, doors, and fire escapes.
- E. Illumination**
1. Source Signs may be illuminated from within or from an external source, but such illumination shall be in a manner which avoids glare or reflection which in any way interferes with traffic safety. External illumination is preferred.
 2. Internal illumination Internally illuminated signs in all districts shall have an opaque background and translucent copy.
 3. External Illumination shall be selected, located, aimed and shielded so that direct illumination is focused solely on the sign face, away from adjoining properties and the public street right-of-way. Down-lighting is preferred.
 4. Strung Lights Signs shall not be illuminated by a string of lights placed around the sign.
 5. Temporary signs Temporary signs, whether allowed with or without a temporary sign permit, shall not be artificially illuminated.

F. Changeable copy signs Manual changeable copy signs and electronic message centers (EMC's) shall be allowed subject to the following:

1. **Maximum area** No more than 50% of the measurable area of a sign shall be devoted to changeable copy except for signs for land uses characterized by public assembly and periodically changing programs, such as theaters (live or film), convention centers, concert facilities, religious facilities, etc., which may devote up to 80% of a measurable area to changeable copy.
2. **Animation** Messages, images and slides shall be static. In no instance shall changeable copy signs produce fluctuating illumination or animation as prohibited in Sec. 11 C *Fluctuating Illumination*.
3. **Copy rotation** Each message, image or slide shall be displayed for at least five (5) seconds before alternating to the next message without violating Sec. 11 C *Fluctuating illumination*. Messages shall be permitted to scroll from one direction onto the message board so long as the message remains on the message board for at least five (5) seconds before scrolling off.
4. **EMC illumination** The illumination of electronic message centers or digital displays must meet the requirements below:
 - a. **Measurement criteria** The- illuminance of an EMC or digital display shall be measured with an illuminance meter set to measure foot-candles accurate to at least two decimals. Illuminance shall be measured with the EMC off and again with the EMC displaying a white image for a full color capable EMC or a solid message for a single color EMC. All measurements shall be taken perpendicular to the face of the EMC at the distance determined by the total square footage of the EMC in the table below.

Sign Area and Measurement Distance					
Sign Area	Measure Distance	Sign Area	Measure	Sign Area	Measure Distance
10	32	70	84	150	122
15	39	75	87	160	126
20	45	80	89	170	130
25	50	85	92	180	134
30	55	90	95	190	138
35	59	95	97	200	141
40	63	100	100	220	148

45	67	110	105	240	155
50	71	120	110	260	161
55	74	130	114	280	167
60	77	140	118	300	173
65	81	150	122		

For signs with an area in square feet other than those specifically listed in the table, the measurement distance may be calculated with the following formula: Measurement Dimensions= $\sqrt{\text{Area of Sign (sq. ft.)} \times 100}$

- b. *EMC illumination limits* The difference between the off and solid message measurements using the EMC measurement criteria above shall not exceed 0.3 foot-candles above ambient light. Documentation shall be provided at time of permit issuance certifying the EMC will not exceed this limit.
- c. *Dimming capabilities* EMC's and digital displays shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 foot-candle measurements. Upon the City's request, EMC devices shall be turned off during times of energy shortage or civil emergency.

G. Nonconforming signs Signs that were lawful at the time of their construction or placement but are not in conformance with current regulations shall be allowed to be maintained as nonconforming signs until such time that the sign meets any of the following conditions. At such time, the sign shall be removed or brought into compliance with this chapter. If only the sign face is being replaced, the nonconforming sign structure may remain.

- 1. 50% of the size of the sign and/or sign structure is damaged or in a state of disrepair;
- 2. The sign is proposed for replacement or major alteration, which includes but is not limited to, increasing the sign size or height, replacing the sign cabinet, changing or adding lighting, or any other alteration determined to be major as determined by the director
- 3. The primary structure on the site on which the sign is located is:
 - a. Damaged 50% or more of the structure's gross square footage;
 - b. Proposed for major alteration, renovation or replacement; or

c. Is or is proposed to be demolished.

4. Development on the site on which the sign is located requires large scale development approval, including both administrative and planning commission approvals.

H. Banners All banners allowed in this chapter shall be attached to a permanent sign or building. If no permanent sign or building is available, the Director may approve another method of installation that creates a frame around the banner. (Ord. No. 669, Sec. 6)

14.24.07 Signs permitted on Private Property Without a Permit The following signs shall be permitted in all zoning districts. No sign permit shall be required.

A. Sign types allowed The following signs may be installed, mounted and displayed in all zoning districts without a sign permit, subject to the rules and conditions applicable to each sign type and located in such a manner that meets the intent and purpose of this chapter.

1. Handheld signs Handheld signs are allowed to display any protected noncommercial message but may not be used for general advertising for hire.
2. Incidental or directional signs Incidental three (3) square foot signs are allowed to display any protected noncommercial message but may not be used for general advertising for hire.
3. Interior signs Non-legible interior signs are allowed.
4. Temporary signs
5. Residential uses Each legal dwelling unit may have a total display area (cumulative of all temporary signs on the lot) of 24 square feet at all times. Such signage may be used to display any protected noncommercial message but may not be used for general advertising for hire.
6. Non-residential uses Each non-residential establishment may have a total display area (cumulative of all temporary signs on the lot) of 36 square feet at all times. Such signage may be used to display any protected noncommercial message but may not be used for general advertising for hire.
7. Window and door signs Window and door signs are allowed subject to a maximum area that does not exceed 40% of the window or door area.

B. Additional signs Additional signs In addition to any other allowed sign, the following signs may be installed, mounted and displayed without a sign permit when the current condition of the property meets any of the conditions below, subject to the corresponding rules and conditions. Maximum area is measured per sign face. Maximum height applies to freestanding signs only.

Property Condition	Land Use Res	Land Use Non-res	Max. No.	Max Area (sf)	Max Height (ft)
Property Under Construction	●		1/Street frontage of the lot	16	6
		●	1/ street frontage of the neighborhood or subdivision	32	12
Subdivision Under Construction	●	●	1/street frontage of the lot or development	32	12
Property for Sale or Lease	●		1 freestanding/street frontage and 1 wall/dwelling unit	8	6
		●	1 freestanding/street frontage and 1 wall/lease space	32	8

C. Conformance with other regulations All signs allowed without a permit shall conform to the clearance and encroachment regulations for suspended signs, projecting signs or freestanding signs depending on the method of installation and support. (Ord. No. 669, Sec. 7)

14.24.08 Signs permitted on Private Property with a Temporary Sign Permit The following temporary signs, as defined in this chapter, may be installed, mounted, or placed on public display in all nonresidential districts only pursuant to a duly authorized and issued temporary sign permit, subject to the size, height and location regulations specified in this section. Erection of the following signs without a temporary sign permit is a violation of this section.

- *Sign types allowed* The following sign types are allowed as a temporary sign on nonresidential property: banners, wall signs, commercial mascots, yard signs, and projected images.
- *Maximum area.* 32 square feet, cumulative of all temporary signs on a lot, exclusive of noncommercial speech.

- *Display period* The temporary sign shall be displayed for not more than 15 consecutive calendar days.
- *Maximum number allowed per year* Each establishment may be issued only four (4) permits for a temporary sign within each calendar year.
- *Conformance with other regulations* The temporary sign shall conform to the clearance and encroachment regulations for suspended signs, projecting signs or freestanding signs depending on the method of installation and support. (Ord. No. 669, Sec. 8)

14.24.09 Signs permitted on Private Property with a Sign Permit The following signs are allowed with a sign permit, subject to the size, height and location regulations specified in this section. A common signage plan is required in accordance with Section. 2 Common Signage Plan. Erection of the following signs without a permit is a violation of this section.

Sign Type	ZONING	Use	No. Allowed	Max. Height	Max. Area (per sign face)
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Free standing	A		C	C	C	I	P				
	RE		1	2	3	I	U				
	RI					&	D				
	R2					I					
	R3					2					
	•							<i>Subdivision & Multi-family</i>	2/street entrance	6 ft.	32 sq. ft.
	•							<i>Non Residential</i>	1/street entrance	6 ft.	32 sq. ft.
			•					<i>All</i>	1/street frontage	8 ft.	32 sq. ft.
				•		•	•	<i>Single tenant</i>	1/street frontage	8 ft.	60 sq. ft.
				•		•	•	<i>Multiple tenant</i>	1/street frontage	12 ft.	100 sq. ft.
					•			<i>All</i>	1/street frontage	6 ft.	32 sq. ft.

Sign Type	ZONING	Use	No. Allowed	Max. Height	Max. Area (per sign face)
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Wall	A		C	C	C	I	P				
	RE		1	2	3	I	U				
	RI					&	D				
	R2					I					
	R3					2					
	•							<i>Residential</i>	1/building	1 ft. above roof peak	4 sq. ft., non-illuminated
	•							<i>Non residential</i>	1/building	1 ft. above roof peak	25 sq. ft.
			•	•	•	•	•	<i>All</i>	1/wall OR 1/wall of each suite	1 ft. above roof peak	15% of wall area* (includes awning canopy, projecting and roof signs) 25 sq. ft. min. allowed
Awning			•	•	•	•	•	<i>All</i>	1/awning face	1 ft. above highest roof peak	32 sq. ft.* <i>must be included as part of the maximum area allowed for wall signs</i>

Sign Type	ZONING	Use	No. Allowed	Max. Height	Max. Area (per sign face)
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Projecting	A		C	C	C	I	P				
	RE		1	2	3	I	U				
	RI					&	D				
	R2					I					
	R3					2					
			•	•	•	•	•	<i>All</i>	1/wall OR 1/wall of each suite	No Max	32 sq. ft.* <i>must be included as part of the maximum area allowed for wall signs</i>
Roof					•			<i>Buildings 3 or more stories</i>	1/building	Max height allowed in the district	32 sq. ft.* <i>must be included as part of the maximum area allowed for wall signs</i>
Canopy			•	•	•	•	•	<i>All</i>	1/canopy face	No. Max.	12 sq. ft.
Suspended			•	•	•	•	•	<i>All</i>	1/suite	No. Max.	4 sq. ft.
Marquee					•			<i>All</i>	1/building	8 ft.	100 ft.

B. Canopy Signs Signs on or attached to freestanding canopy structures shall be placed flat against the surface of the structure to which it is attached and shall not extend beyond the edges of structure to which it is attached.

C. Freestanding Signs -- Nonresidential Districts Freestanding signs allowed in non-residential districts are subject to the following regulations:

1. Monument style Freestanding signs shall be designed to meet the definition of a monument sign. No air space shall be visible within or between any portion of the sign display area and sign structure.
2. Setback Freestanding signs shall meet the setback requirements in the table below. Freestanding signs may be placed within buffer or landscaped areas required in the city's applicable landscaping regulations.

Condition	Min setback from property line
Sign area of 32 sq. ft. or less	5 ft.
Sign area of more than 32 sq. ft.	10 ft.
Sign adjacent to residential property	25 ft.

3. Landscaping All non-residential freestanding signs require:
 - a. A defined landscaped area at the base of the sign.
 - b. The required landscaped area shall be parallel to the face[s] of the sign.
 - c. The required landscaped area shall be at least 50 square feet in area.
 - d. For signs with multiple faces, the landscaped area shall be allocated so that a portion of the required landscaping is located in front of each sign face.
 - e. If the size of the site imposes practical difficulties on the placement of the plant materials, the Building Inspection Department may make adjustments in these regulations.
 - f. The required landscaped area shall contain materials such as, but not limited to lawn grass or herbaceous groundcovers such as juniper or lirioppe, etc., perennials, shrubs, and ornamental trees covering at least 50% of the defined landscaped area at maturity.
 - g. Paving and artificial plant materials shall not be included in fulfilling this requirement.

A plan of the landscaped area with the name, quantity, and spacing of plant materials shall be included as a part of the sign permit application.

D. Additional signs

1. Street frontage over 300 feet One (1) additional sign may be allowed by the Building Inspector for a street frontage that exceeds 300 feet. If two signs are placed on a single street frontage, no individual sign shall exceed 80 square feet in area and there shall be a minimum of 150 linear feet between the signs.
2. Considerations for approval of additional signs In making a determination to approve additional signs, the Director shall consider the following standards:
 - Each sign meets all other regulations for freestanding signs;
 - The signs comply with other applicable provisions of this chapter, including its purpose; and
 - The width of the street, the traffic volume, and the traffic speed warrant the proposed signage.

E. Materials The sign display area shall be completely enclosed with materials that match the facade of the principal use or similar quality, color and texture as the primary masonry materials used in the exterior finish of the primary structure on site.

F. Freestanding signs - residential districts Freestanding signs allowed in residential districts are subject to the following regulations:

1. Monument style Freestanding signs shall be designed to meet the definition of a monument sign. No air space shall be visible within or between any portion of the sign display area and sign structure.
2. Subject No commercial message shall be placed on subdivision or multifamily identification signs.
3. Permanent feature Identification signs may be incorporated into a permanent landscape feature such as a wall, fence, or masonry column, subject to maximum area requirements.

G. Marquee, projecting and suspended signs Marquee, projecting and suspended signs are subject to the following regulations:

1. Extending above wall The sign may not extend above the top of the wall to which it is attached, except that a sign 18 inches or less in width and

perpendicular to such wall may extend up to a maximum of two (2) feet beyond the top of the wall.

2. Clearance The sign shall maintain a vertical clearance over a public right-of-way, sidewalk or front yard of at least eight (8) feet.
3. Setback The sign may not extend into a required front yard more than six (6) feet and no closer than two (2) feet, measured in horizontal distance, from back of curb of any street.

H. Wall signs - nonresidential districts Wall signs are subject to the following regulations:

1. Extending beyond building The sign shall not extend more than 12 inches beyond the building, except in the case of a sign on the lower slope of a roof or a canopy roof, where the sign may extend the distance required to make the sign vertical.
2. Extending beyond wall The sign may not extend beyond the edges of the wall to which it is attached, except when the sign is contiguous on two (2) adjacent walls of the same building, the connecting portion may extend to but not beyond the face of the adjoining portion.
3. Calculating sign area The total sign area for wall signs shall be the sum of all signs on the wall including signs on the wall surface, signs affixed to the wall parallel and in the same plane as the wall, signs on awnings or canopies, window signs, door signs, projecting signs, signs on the lower slopes of roofs or canopy roofs, and signs on parapets above roofs.

14.24.10 Signs Permitted In Public Right-Of-Way and on City Property Without A Permit The following signs may be installed, mounted and displayed on or within public rights-of-way and city owned property without a sign permit, subject to the rules and conditions provided herein:

A. Official signs. Nothing in this Article limits in any way the use of the following signs, which may be erected and displayed on city property without a sign permit:

1. Traffic control and traffic directional signs erected or authorized by the City or another governmental unit;
2. Emergency and warning signs erected by a government agency, utility company, or a contractor doing work in a public right-of-way;

3. Official notices required or authorized by law;
4. Governmental messages erected by the city, county, state or federal government, in furtherance

B. Wayfinding signs erected or authorized by the City or another governmental unit.

C. Public events signs used in connection with a community event, parade, protest, march or demonstration and does not exceed 32 square feet.

D. Noncommercial messages that are within the protection of the First Amendment, subject to:

1. Handheld The signs must be personally held by a person, or personally attended by one or more persons;
2. Maximum are The maximum area of a single sign is 8 square feet, measured on one-side only;
3. Inflatables The sign may not be inflatable or air-activated.
4. Safety In order to serve the City's interests in traffic flow and safety, persons displaying signs pursuant to this section may not stand in any vehicular traffic lane when a roadway is open for use by vehicles. Persons displaying signs on public sidewalks must allow at least six (6)feet width clearance for pedestrians to pass by. Signs and persons holding signs may not block the free and clear vision of drivers, bicyclists and pedestrians;
5. Unattended Inanimate signs which are unattended may not be displayed under this section, regardless of the type of message they may display.

E. Subdivision Signs identifying a recognized community, subdivision or development provided that such signs were lawfully erected pursuant to an encroachment agreement, and are consistent with an approved overall sign plan, site plan or subdivision plat. Must be included in preliminary plat or large- scale development plan.

F. Sidewalk signs Moveable signs, including A-frame and T-frame signs, located on sidewalks within the street right-of-way in pedestrian-oriented commercial areas within the C-1, C-2, C-3, and PUD Districts, provided that all the following criteria are met:

1. Maximum area Six (6) square feet.
2. Maximum height Four (4) feet.

3. Illumination Such signs may not be artificially illuminated.
4. Detached The sidewalk sign shall be moveable, shall not be attached in any way to the sidewalk, and shall not be chained or attached in any way to street furniture, other signs, street trees, other landscaping, or other fixtures or appurtenances on or in the sidewalk.
5. Location Sidewalk signs shall also not be placed on any section of the sidewalk in a way that narrows the effective width of the sidewalk for pedestrian movement purposes at that point to less than six (6) feet.
6. Removal Each sidewalk sign permitted under this section shall be removed each day by the close of business, and be replaced or removed when the appearance or condition of the sign deteriorates through damage, weathering, etc.

14.24.11 Signs Permitted In Public Right-Of-Way and on City Property with a Sign Permit The following signs may be installed, mounted, or placed on public right-of-way and city owned property only pursuant to a duly authorized and issued sign permit, subject to the regulations specified herein:

A. Vertical Streetscape Banners Vertical streetscape banners placed along thoroughfares to enhance the visual aesthetics of the streetscape typically attached to a street light pole are permitted, subject to the following regulations:

1. Locations Vertical streetscape banners may be located along Curtis Avenue or other locations as approved by City Council.
2. Applicants Eligible applicants include non-profit organizations, charitable, or civic organizations, expressly made eligible by City Council.
3. Subject Such signs shall be solely decorative, noncommercial or promote a special public or non-profit event and shall not display a logo, message, statement or expression relating to commercial interests. The City's logo shall be incorporated into the banner display.
4. Size Each banner shall not exceed a maximum size of 2 ½' in width and 5' in length.
5. Attachment Each banner shall be individually attached to an existing pole, mast arm or other permanent structure. Any vertical streetscape banners

proposed to be attached to a city street light shall be installed by the Street Department, or by the fabricator of the sign if approved by the Director. No more than two banners, on opposing sides, may be mounted to each light pole.

6. Display period Banners for events shall not be placed earlier than two weeks prior to the event and shall be removed within 3 days after the event. All other banners may remain in place for up to six (6) months if they do not become torn, faded, loose or otherwise in disrepair.
7. Multiple banners An overall signage plan shall be approved when multiple vertical streetscape banners are placed on a lot or street section. All banners on the same street section shall have a standard visual theme, including graphic design elements (i.e. fonts) and color schemes. (Ord. No. 699, Sec. 11)

14.24.12 Enforcement Signs that are mounted on private property but that project over the public right-of-way, or otherwise extend into or over city property, are authorized only when all of the following conditions are satisfied:

A. Compliance The sign must comply with all applicable requirements for a sign permitted to be permitted on private property.

B. Encroachment agreement The sign owner must provide a fully-executed encroachment agreement to the Director. As part of the encroachment agreement approval, each individual merchant desiring to utilize such signs, or, alternatively, the merchants association or community development agency representing such merchants collectively, shall produce a form of surety (insurance) acceptable to the city Street Department for sidewalks in the city, which protects the city or state from any liability resulting from injury or property damage caused by any such sign. (Ord. No. 699, Sec. 12)

14.24.13 Prohibited Signs In Public Right-Of-Way and on City Property Unless otherwise allowed in this Article, no private party signs, to include commercial mascots, may be mounted, erected, maintained or displayed on city property or the public right-of-way. (Ord. No. 699, Sec. 13)

14.24.14 Prohibited Signs The following signs shall be prohibited, and may neither be erected nor maintained, unless otherwise specifically allowed within this chapter.

A. Generally prohibited The following signs and methods of drawing attention, as defined in this chapter, are prohibited:

1. Air-activated graphics;
2. Pole signs;
3. Rotating or revolving signs;
4. Commercial handheld signs; and,
5. Portable message center signs.

B. Signs in public right-of-way No sign, including supports, frames, and embellishments, shall be located within a public right-of-way and/or attached, affixed, or painted on any utility pole, light standard, utility box or pedestal, tree, rock, or other natural object located within the public right-of-way or on public property, except as specifically allowed in this chapter, Section 10: Signs Permitted In Public Right-Of-Way and on City property Without A Permit, and Section 11: Signs Permitted In Public Right-Of-Way and on City property with a sign permit.

C. Fluctuating illumination Signs, or any means of advertising, with the illusion of movement by means of a preprogrammed repetitious sequential switching of action in which illuminated elements of the sign are turned off or on to visually simulate the impression of motion characteristic of chasing, running, blinking, oscillating, twinkling, scintillating, or expanding and contracting light patterns. Illumination of attraction devices or signs that fluctuates in light intensity shall be prohibited. Signs that operate or employ any motion picture projection in conjunction with any advertisements shall be prohibited. Changeable copy shall be permitted so long as it is in compliance with Sec. 6.G.

D. Obsolete signs Obsolete signs or signs which have broken supports or are overgrown with vegetation.

E. Billboards Billboards are prohibited with the exception of the following:

1. Billboards that are located on property that is annexed into the city on or after July 1, 2020;
2. Billboards that are located along federal aid primary highways or interstate highways for which sign compensation is regulated by state and federal law;
3. Billboards that were erected and are allowed and maintained in compliance with state regulations and this ordinance; and

4. Billboards specifically permitted within this chapter.

F. Mobile billboards Mobile billboards which are parked on or otherwise utilizing a public right-of-way, public property or on private property so as to be intended to be viewed from a vehicular right of- way for the basic purpose of providing general advertising for hire and not used for normal business operations. This regulation is not to be construed to include those signs that identify a firm or its principal products on a vehicle or such advertising devices as may be attached to and within the normal unaltered lines of the vehicle of a licensed transit carrier, when and during that period of time said vehicle is regularly and customarily used to traverse the public highways during the normal course of business.

G. Others not exempt All other signs which are not expressly exempt from regulation and/or expressly allowed under this chapter.

14.24.15 Enforcement

A. Notice If the Code Enforcement Officer shall find that the provisions of this chapter are being violated, the Officer shall notify the party responsible for such violation and the owner of the property upon which the violation has or is occurring, in writing, indicating the nature of the violation, directing the action to be taken to correct it, and the time within which the correction shall be completed. Said time for correction shall not be less than 14 calendar days.

B. Penalty

1. Permit Cancellation If, after the expiration of the period set for correction provided in the notice required in subsection A above, the violation has not been corrected, the Code Enforcement Officer shall cancel the offending party's permit, if one has been previously been issued, and notify the offending party of said cancellation.
2. Injunction Any violation remaining uncorrected after the expiration of the period provided in the notice required in subsection B above shall be referred to the City Attorney, who may apply the to the appropriate court for an injunction to abate the violation.
3. Misdemeanor-Any person, who violates any of the provisions of this chapter, shall, upon conviction thereof, be guilty of a misdemeanor and shall be fined in the sum of not less than Fifty Dollars (\$50.00) and not more than Five Hundred Dollars (\$500.00), and each day that the violation continues shall be deemed a separate offense. (Ord. No. 669, Sec. 15)

14.24.16 Severability If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this chapter or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof. The City Council declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective. (Ord. No. 699, Sec. 16)

14.24.16 Repeal Clause All ordinances or parts of ordinances and all code sections or parts of code sections in conflict with the provisions of this ordinance are hereby repealed. (Ord. No. 669, Section 17).

14.24.18 Definitions For the purpose of this chapter, certain terms and words are to be used and interpreted as defined hereinafter. Where any words are not defined, the standard dictionary definition shall apply.

Applicant means any person, firm, group, organization or corporation applying for permits or other approvals required by this chapter.

Awning means an overhead protective structure that is attached to and/or projects from a wall or roof structure of the building that is constructed to allow pedestrians and/or vehicles to pass under or as a decorative embellishment. This definition does not include freestanding canopies.

Awning sign means a sign on or attached to an awning.

Artwork means all forms of original creations of visual art that does not identify a commercial business, establishment, product or service and is not thematically linked to a commercial business, establishment, product or service.

A-Frame sign (a.k.a., Sandwich Board Sign or Sidewalk Sign) means a freestanding sign that is ordinarily in the shape of an "A" or some variation thereof, which is readily moveable and is not permanently, attached to the ground or any structure.

Air-activated graphic means a sign, all or any part of, which is designed to be moved by action of wind or forced air so as to make the sign appear to be animated or otherwise have motion, including pennants, balloons, propeller discs, blade signs, banners not securely attached to a structure, or other objects.

Banner means a temporary sign constructed of a lightweight material, such as cloth, canvas, fabric, flexible plastic, or similar lightweight non-rigid material that can be mounted to a structure with cord, rope, cable, or a similar method or that may be enclosed in a frame supported by stakes in the ground.

Billboard means a permanent sign structure in a fixed location which meets any one or more of the following criteria: (1) it is used for the display of off-site commercial messages; (2) the message display area, or any part thereof, is made available to message sponsors other than the owner(s) or operator(s) of the sign, typically for a fee or other consideration, i.e., it is general advertising for hire; (3) the sign is a principal or secondary use of the land, rather than appurtenant or accessory to some other principal use of the land.

Blade sign (a.k.a. feather sign, quill sign, teardrop sign, and flag sign) means a sign that is constructed of cloth, canvas, plastic fabric or similar lightweight, non-rigid material and that is supported by a single vertical pole, mounted into the ground or on a portable structure.

Building means any structure intended for shelter, housing or enclosure of persons, animals, goods or equipment that includes walls and a roof. When separated by dividing walls without openings, each portion of such structure so separated, shall be deemed a separate structure.

Canopy means a permanent freestanding overhead protective structure that is constructed to allow pedestrians and vehicles to pass under, which is supported by columns extending to the ground. This definition does not include an awning.

Canopy sign means a sign on or attached to a canopy.

Changeable copy sign means a sign displaying a message that is changed by means of moveable letters, slats, lights, light emitting diodes, or moveable background material, or the functional equivalent of any of them. Electronic and manual changeable copy signs are included within this definition.

City means the City of Pea Ridge, Arkansas.

City property means real property over which the City (1) holds an interest, including without limitation, fee title ownership, easement, leasehold, and public street right-of-way; and (2) has the present right of possession and control.

Commercial mascot (a.k.a. living signs) means a person or animal attired or decorated with commercial insignia, images, costumes, masks or symbols, and/or holding signs displaying commercial messages, when a principal purpose is to draw attention to or advertise a commercial enterprise. This definition includes "sign twirlers," "sign clowns," "sign spinners," "sign twirlers" and "human" signs. Such person may or may not be holding a sign.

Commercial message means a message that proposes a commercial transaction or pertains primarily to the economic and commercial interests of the message sponsor and/or the sign audience.

Commission means the Pea Ridge Planning Commission.

Common signage plan means a plan for all signs associated with a development project. If the project consists of several buildings, businesses or establishments that are related in a single development, the signage plan shall include all signs within the development including out parcels. The signage plan elements shall include: colors, dominant lettering style, location, materials, and size.

Digital billboard or smartboard means a type of billboard utilizing digital display technology, capable of changing the static message or copy on the sign electronically that may be internally or externally illuminated.

Digital display means an electronic display method utilizing LED (light emitting diode), LCD (liquid crystal display), plasma display, projected images, or any functionally equivalent technology, and which is capable of automated, remote or computer control to change the image, either in a "slide show" manner (series of still images), or full motion animation, or any combination of them.

Director means the City of Pea Ridge Planning Official/Building Inspector or designee. Door sign is a sign which is attached to, painted on or etched onto or into a door. A sign in a window which is part of a door is considered a door sign.

Electronic message center (a.k.a. changeable electronic variable message sign CEVMS), digital signs, dynamic signs means a sign on which alphabetic, pictographic, or symbolic informational content and can be changed or altered on a fixed surface composed of electronically illuminated, mechanically driven or computer-generated changeable segments, or digital display. This definition does not include 'digital billboards', which is separately defined.

Establishment means any legal use of land, other than long-term residential, which involves the use of structures subject to the Building Code. By way of example and not limitation, this definition includes businesses, factories, farms, schools, hospitals, hotels and motels, · offices and libraries, but does not include single-family homes, mobile homes, residential apartments, residential care facilities, or residential condominiums. Multi-unit housing developments are considered establishments during the time of construction; individual units are not within the meaning of establishment once a certificate of occupancy has been issued or once a full-time residency begins.

Freestanding sign is a sign which is principally supported on the ground by one or more uprights, braces, poles, pylons or other similar structural components. This category includes both monument signs and pole signs.

General advertising, also known as "general advertising for hire," means the enterprise of advertising or promoting other businesses or causes using methods of advertising, in contrast to self-promotion or on-site advertising.

Handheld sign means a sign displaying a message that is held by a natural person, not including insignia on apparel or aspects of personal appearance.

Illuminated sign means a sign whose message is made readable by internal or external lights or light emitting diodes (or functionally equivalent technology), typically (but not necessarily) during hours of darkness.

Incidental sign means an onsite sign giving information or direction for the convenience and necessity of the public such as "entrance", "exit", "no admittance", "telephone", "parking", etc.

Install or installation includes but is not limited to the act by which a sign is constructed or placed on land or a structure, or the act of attaching, painting, printing, producing, or reproducing, or using any other method or process by which a visual message is presented or placed upon a surface.

Interior or non-legible signs are signs that are located within private property boundaries and are not readable from the public right-of-way.

Legible means readable for persons of ordinary visual acuity.

Lot means a parcel of land, legally defined in a recorded deed or a recorded plat, fronting on a public dedicated right-of-way or other approved private drive.

Manual changeable copy sign means signs on which alphabetic, pictographic, or symbolic informational content can be changed or altered by manual means only.

Marquee sign is a permanent sign commonly used by land uses characterized by human assembly periodically changing programs such as theaters (live or film), schools, convention centers, concert facilities, religious facilities, etc., extending from part of the wall of a building, but not supported by the ground, constructed of a durable material and designed to have changeable copy, either manually or electronically.

Mobile billboard means a sign on a wheeled conveyance (whether motorized or not) or

water craft, including those which carry, convey, pull or transport any sign used for general advertising for hire. The term does not include vehicles and vessels that display identification information concerning the usual business or regular work of the vehicle/vessel owner (not including general advertising for hire).

Monument sign means a low-profile, permanent, freestanding sign supported by a solid structural base, or other solid structural feature other than support poles.

Multiple tenant sign is a sign intended to provide identification to a multiple tenant commercial development of more than 25,000 square feet of gross building area.

Non-commercial message or speech means a constitutionally protected message that addresses topics of public concern or controversy such as, by way of example and not limitation, politics, religion, philosophy, science, art or social commentary. This definition shall be construed in light of relevant court decisions.

Obsolete sign a sign relating to or identifying a business, establishment or activity which has not been conducted on the premises for six (6) months or more, or to a transpired election or event, or to a political party or non-profit organization that no longer exists; in addition, the structure for a sign that is not allowed under this ordinance if such structure cannot be legally used or does not comply with the height, size, or other physical requirements of the ordinance, or a sign which has missing or broken panels, broken or damaged supports or frame, or otherwise displays inadequate maintenance, dilapidation, obsolescence or abandonment.

Offsite commercial message means a message that advertises commercial products, accommodations, services or activities not provided in or on the property or premises upon which it is located. The on- site/off-site distinction does not apply to non-commercial messages.

Onsite or on. premise commercial message means a message that advertises the commercial business, establishment, accommodation, services or activities provided on the premises on which the sign is located or is expected to be provided in the near future. In the case of developments subject to a common signage plan, all establishments subject to the plan are considered on-site whenever located within any location subject to the plan. All establishments within a shopping center are on-site as to any sign(s) also located within that shopping center. The onsite / offsite distinction does not apply to non-commercial messages.

Parcels (or property) or similar references or descriptions mean parcels defined or delineated by assessor parcel numbers maintained by the County tax assessor or as defined in the Definitions section of the Subdivision Code.

Pennant is a banner with three sides, or swallow-tail form, or a triangular or irregular piece of fabric or other material, whether or not containing a message of any kind, commonly attached in strings or strings or supported on small poles intended to flap in the wind.

Permanent sign means a sign that is solidly attached to a building, structure, or the ground by means of mounting brackets, bolts, welds, or other combination of attachment methods; thereby rendering the sign non-moveable or difficult to reposition without the use of machinery, cutting devices, or mechanical devices.

Pole sign means a permanently mounted, freestanding sign which is supported above the ground by one or more uprights, braces, poles, or other similar structural components.

Portable message center sign means a sign not permanently affixed to the ground, building or other structure, which may be moved from place to place, including but not limited to signs designed to be transported by means of wheel; A-frame or T-frame signs; menu and sandwich board signs. Such signs may include changeable copy.

Projected image sign means a sign which involves an image projected on the face of a wall, structure, sidewalk, or other surface, from a distant electronic devise, such that the image does not originate from the plane of the wall, structure, or other surface.

Projecting sign is any sign which projects beyond a building face and uses a wall or vertical element of a building as its main source of support. The term includes a double-faced sign that is installed more or less perpendicular to the face of a building so as to allow a message to be viewable from either side. The term does not include signs that are installed along the face of a building and that are completely attached to the face of a building.

Public events banners means a sign made of material similar to heavy canvas or reinforced plastic and used in connection with a community event, parade, protest march or demonstration.

Roof-mounted sign means a sign attached to any portion of the highest roof or fascia of a building.

Safety codes means the Building, Electrical, Plumbing, Grading and similar codes which ensure safe construction, to the extent they have been officially adopted by the City.

Shopping center shall mean a group of commercial buildings. Sign means any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, pictures, trade names or trademarks by which anything is made known such as

are used to designate an individual, an establishment, a commodity, a firm, an association, a corporation, a profession, a business, a service, or a product, which are visible from any public street or right-of-way and designed to attract attention. "For Sale" and "For Rent" signs shall be deemed signs within the meaning of this definition. Includes any cloth, card, paper, metal, painted, glass, wooden, plastic, plaster, stone sign or other sign, device or structure of any character whatsoever including billboards and statuary, placed for outdoor advertising purposes on the ground or any tree, wall, bush, rock, post, fence, building or structure. The term "placed" shall include erecting, constructing, posting, painting, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing, or making visible in any manner whatsoever. The area of an advertising structure other than a sign shall be determined as the area of the largest cross-section of such structure. Neither directional, warning or other signs posted by public officials in the course of their public duties, nor merchandise or materials being offered for sale shall be construed as advertising signs for the purpose of this chapter. Artwork that does not identify a commercial business, establishment, product or service and is not thematically linked to a commercial business, establishment, product or service, is not considered a sign under this definition.

Sign face means the area of a sign on which copy may be placed.

Sign height means the vertical distance from normal grade to the highest point of the sign. Any berming or filling or excavating solely for the purpose of locating the sign, shall be computed as part of the sign height.

Sign structure means the entire composition of the sign, including the sign face, framing, trim, molding and supporting structure.

Single tenant sign is a sign intended to provide identification to a building with a single tenant only.

Suspended sign is a sign which is attached to the underside of a horizontal plane or arm and is supported by the horizontal plane.

T-Frame sign is a freestanding sign which is ordinarily in the shape of an upside down "T" or some variation thereof, which is readily moveable and is not permanently attached to the ground or any structure.

Temporary sign means any sign which is intended for temporary use or which is not permanently mounted and intended for a designated period in time.

Traditional public forum areas means the surfaces of City-owned streets, City-owned parks during the hours that they are normally open to the public, sidewalks that are

connected to the City's main pedestrian circulation system. In consultation with the City Attorney, the Director shall interpret this phrase for compliance with court decisions.

Wall means one of the sides of a room or building connecting floor and ceiling or foundation and roof.

Wall sign means any sign, other than a projecting sign, or a temporary banner sign, which is permanently attached to or painted on any wall of any building and projects from the plane of the wall less than twelve (12) inches. This definition shall not include freestanding walls or fences. A sign attached to the lower slope of a mansard roof shall be considered a wall sign for purposes of this chapter, notwithstanding the fact that certain portions of such a sign may project more than twelve (12) inches. A "wall" shall include any permanent architectural extension of a wall, including parapets, even if such extension projects beyond or above the enclosed portions of the building.

Wayfinding sign means signs that are graphically and thematically similar in design that assist in helping people orient themselves and navigate from place to place.

Window sign means any sign, temporary or permanent, which is attached to, painted on or etched into a window or which is displayed within twelve (12) inches of the window and is legible from outside the window. (Ord. No. 669)