

## **TITLE 14**

### **ZONING**

**Chapter:**

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### **CHAPTER 14.04**

#### **PURPOSE AND AUTHORITY**

**Sections:**

- 14.04.01 Purpose
- 14.04.02 Authority

**14.04.01 Purpose**

- A. A Zoning Code, consisting of a Technical Code, and Zoning Map is hereby adopted as the official Zoning Code of and for the city of Green Forest, Arkansas, pursuant to A.C.A. 14-55-207.
- B. The City Clerk is directed to maintain the official copy of the Zoning Map in the Green Forest City Hall. Copies of the Zoning Code may be distributed to the public as a convenience, however, the Code maintained by the Green Forest City Clerk in City Hall shall be the one and only official Zoning Code, consisting of a Technical Code and Zoning Map. (Ord. No. 2009-604, Secs. 1-2.)

**14.04.02 Authority** Act 186 enacted by the General Assembly of the state of Arkansas in 1957, provides the city, under guidance of the Planning Commission, with the authority to adopt, administer, enforce and amend these regulations. These regulations are in effect within the entire city limits.

**CHAPTER 14.08****DEFINITIONS****Section:****14.08.01 Definitions**

**14.08.01 Definitions** Whenever used in this ordinance, the hereinafter listed words and phrases shall have the following definitions:

**Accessory structure** A subordinate structure located on the same lot with the principal structure. Where an accessory structure is attached to the principal structure in a substantial manner, as by a roof, such accessory structure shall be considered as a part of the principal structure.

**Accessory use** A use which is customarily incidental to the principal use, as a garage for the storage of an automobile by occupant of a residence.

**Alley** A minor public way not over twenty (20) feet in width.

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

**Area requirements** The yard, lot area, width of lot, height of structure, and parking requirements, as set forth for a specific zone in this ordinance.

**Dwelling** A unit intended to be occupied as a housekeeping unit.

**Family** One or more persons occupying premises and living as a single, nonprofit housekeeping unit.

**Lot** Land occupied or to be occupied by a structure or use and its accessory structures and uses, and including such open spaces as are required under this ordinance.

**Mobile home** A transportable single-family dwelling unit suitable for year-round occupancy and containing the same water supply, waste disposal, and electrical convenience as in immobile housing.

**Mobile home park** A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use.

**Mobile home space** That part of an individual lot which has been reserved for the placement of a mobile home.

**Non-conforming use** Any legal use of property (land or structure) existing at the time of passage of this ordinance that does not conform to the regulations prescribed in this ordinance.

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

**Parking space** Two hundred (200) square feet of usable and accessible space, excluding the area necessary for access.

**Places of public assembly** A meeting place for more than thirty-five (35) persons to which the public or membership groups are assembled regularly or occasionally, including but not limited to schools, churches, theaters, auditoriums, funeral homes, stadiums, or similar places of assembly. Classrooms within a school or schools without auditoriums or gymnasiums are not, for the purpose of this ordinance, considered places of public assembly.

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

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

**Service building** A structure housing toilet, lavatory, and such other facilities as are necessary to adequately serve the occupants of the mobile home park.

**Sanitary station** A facility used for removing and disposing of wastes from trailer holding tanks.

**Sewer connection** The connection consisting of all pipes, fittings and appurtenances from the drain outlet of the trailer or mobile home to the inlet of the corresponding sewer riser pipe of the sewage system serving the mobile home space.

**Sewer riser pipe** That portion of the sewer lateral which extends vertically to the ground elevation and terminates at each trailer or mobile home space.

**Street** A public way of more than twenty (20) feet established by or maintained under public authority, a private way open for public use, and a private way plotted or laid out for ultimate public use, whether or not constructed.

**Structure** Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Structures include, but are not limited to, buildings, billboards, poster panels, porches and carports.

**Trailer, dependent** A trailer dependent upon a service building for a toilet and lavatory facilities.

**Trailer, self-contained** A trailer which can operate independent of connections to sewer, water, and electrical systems, containing a waterflushed toilet, lavatory, shower, and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the trailer.

**Trailer** Any structure, either dependent or self-contained, which may include the following categories:

**Travel trailer** A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified Travel Trailer by the manufacturer of the trailer and, when factory equipped for the road, it shall have a body width not exceeding eight (8) feet, and a body length not exceeding thirty-two (32) feet.

**Pick-up coach** A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.

**Motor home** A portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle.

**Camping trailer** A folding or collapsible structure mounted on wheels and designed for travel, recreation and vacation use.

**Trailer space** A parcel of land in a travel trailer parking area for the placement of a single trailer and the exclusive use of its occupants.

**Trailer space** That part of an individual trailer park which has been reserved for the placement of a single trailer and its accessory structures.

**Travel trailer park** A parcel of land in which two (2) or more spaces are occupied or intended to be occupied by trailers for transient dwelling purposes.

**Use of land** The unoccupied portion of a lot shall be considered to have the same use as has the principal structure located on the lot unless such land is utilized for open storage, agriculture or a more intensive use outside the structure; then the use of such unoccupied area shall be classified according to the nature of its use.

**Water connection** The connection of all pipes, fittings and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the trailer or mobile home.

**Water riser pipe** That portion of the water supply system serving the mobile home space or travel trailer space which extends vertically to the ground elevation and terminates at a designated point at each trailer or mobile home space.

**Watering station** A facility for supplying trailers' water storage tanks with water.

**Yard** The horizontal distance from a lot line to a parallel designated line. A yard is an open and unoccupied space extending the full distance of the lot. (Ord. No. 378, Sec. A)

## **CHAPTER 14.12**

### **ZONING MAP**

#### **Sections:**

14.12.01      Official zoning map

14.12.01 Official zoning map.

- A.      A Zoning Code, consisting of a Technical Code, and Zoning Map is hereby adopted as the official Zoning Code of and for the city of Green Forest, Arkansas, pursuant to A.C.A. 14-55-207.
- B.      The City Clerk is directed to maintain the official copy of the Zoning Map in the Green Forest City Hall. Copies of the Zoning Code may be distributed to the public as a convenience, however, the Code maintained by the Green Forest City Clerk in City Hall shall be the one and only official Zoning Code, consisting of a Technical Code and Zoning Map. (Ord. No. 2009-604, Secs. 1-2.)

- D. The official zoning map shall be located in the office of the City Recorder and shall be the final authority as to the current zoning status of land, buildings, and other structures in the City.

## **CHAPTER 14.16**

### **USE ZONES**

**Sections:**

- |          |                               |
|----------|-------------------------------|
| 14.16.01 | Zones - generally             |
| 14.16.02 | Residential R-1               |
| 14.16.03 | Residential R-1               |
| 14.16.04 | Residential R-2               |
| 14.16.05 | Central business district C-1 |
| 14.16.06 | Highway commercial C-2        |
| 14.16.07 | Neighborhood commercial C-3   |
| 14.16.08 | Light industrial I-1          |
| 14.16.09 | Heavy industrial I-2          |

**14.16.01 Zones - generally.** The city is divided into the following use zones as indicated on the zoning map:

- A. Residential use zones. The residential use zone is intended primarily as areas of residence with certain permitted related uses such as churches, schools and recreational facilities. However, two-family structures and multi-family structures will be allowed by conditional use only. All persons applying for a conditional use permit will submit with their application the signatures of all property owners within three hundred (300) feet of the involved property. A public hearing will be held on the application and the Planning Commission will act on the same.  
Trailers or mobile homes will be permitted in residential R-1 for a period of one (1) year only, by conditional use permit, in those instances where a bona fide hardship case has been demonstrated. (Ord. No. 466, Sec. 4)
- B. Commercial use zones. commercial use zones are intended for the conduct of business and provision of services and the processing and manufacturing of goods which by the nature of the operation do not constitute a nuisance or a danger to the community.

C-1 - Central business district commercial

C-2 - Highway commercial

C-3 - Neighborhood commercial

- C. Industrial use zones. Industrial use zones are intended for general manufacturing and industrial activities, and for the bulk storage of goods.

I-I - Light industrial

I-2 - Heavy industrial

14.16.02 Residential R-1. This area is intended primarily for residential neighborhoods characterized by large lots for single-family dwellings.

A. PERMITTED USES:

1. One-family structures
2. Public schools, parks, churches and religious educational buildings
3. municipal recreational uses and public utilities and structures except general offices, warehouses, and open storage yards
4. Accessory structures or uses incidental to the permitted principal use
5. Two-family dwellings
6. Multi-dwellings (with Council approval)
7. Single-family manufactured homes  
(Ord. No. 555, Sec. 1.)

B. AREA REQUIREMENTS, RESIDENTIAL

1. Minimum lot area
  - a. Single-family 8,500 square feet
  - b. Two-family dwellings 10,000 sq. ft.
  - c. Multi-family 10,000 sq. ft. for the first two-family units plus 2,000 sq. ft. for each additional unit. (Ord. No. 555, Sec. 2.)
2. Minimum lot width (front yard building line)
  - (A) Single-family . . 70 feet
3. Front yard. Minimum thirty (30) feet or fifty-five (55) feet from center of street, whichever is greater.
4. Rear yard. Minimum ten (10) feet from rear lot line or center of alley if one exists.

5. Side yard (each). Minimum twelve (12) feet from each property line  
Side yard street, Same as front yard
6. Off-street parking. Refer to Section  
14.20.04.

C. AREA REQUIREMENTS, PLACES OF PUBLIC ASSEMBLY

1. Height  
(A)Maximum height shall be two (2) stories and not to exceed  
thirty-five (35) feet for that portion of the structure used for  
assembly or offices.
2. Yard requirement  
(A)Minimum of twenty-five (25) feet from all property lines. on  
property abutting a street, thirty (30) feet from property line or  
fifty-five (55) feet from center of street, whichever is greater.
3. Off-street parking. Refer to Section  
14.20.04.

D. EXTERIOR APPEARANCE STANDARDS

1. Have more than five hundred seventy-six (576) sq. ft of occupied  
space;
2. Have a minimum width and length of at least twenty-four (24) feet;
3. Be placed onto a permanent foundation system in accordance with  
the manufacturer's specifications or the regulations of the Arkansas  
Manufactured Home Commission, which is more restrictive;
4. Be anchored to the permanent foundation system in accordance  
with the manufacturer's specifications or the regulations of the  
Arkansas Manufactured Home Commission, which is more  
restrictive;
5. Set onto an excavated area with permanent perimeter walls  
constructed of block, brick or stone with foundations, footings or  
crawl space or basement walls constructed in accordance with the  
Building Code that's adopted. The space between the floor joists  
of the home and the excavated area shall be completely enclosed  
with the permanent enclosure (except for required openings);

6. Have wheels, axles and hitch mechanism removed;
7. Have utilities connected in accordance with applicable HUD or manufacturer's specifications, whichever is more restrictive;
8. Have siding material of type customarily used on site-constructed residences, excluding smooth, ribbed or corrugated metal or plastic panels;
9. Have pitched roofs and roofing material of type customarily used on site-constructed residences;
10. Meet all setbacks requirement for R-1.  
(Ord. No. 555, Sec. 3.)

14.16.03 Residential R-2. (Repealed)

14.16.04 Residential R-3. (Repealed)

14.16.04 Residential R-3 This area is intended for single-family, two-family, and multi-family dwellings with a suitable lot area.

A. PERMITTED USES

1. All uses permitted in residential R-1
2. Two-family structures and multi-family structures containing not more than 0 family units
3. Mobile homes
4. Medical and dental clinics

B. AREA REQUIREMENTS, RESIDENTIAL

1. Minimum lot area
  - a. Single-family . . . . . 7,000 square feet
  - b. Two-family . . . . . 8,400 square feet
  - c. Multi-family . . . . . 8,400 square feet for the first two-family unit plus 2,000 square feet for each additional family unit
2. Minimum lot width (at front yard building line)
  - a. Single-family . . . . . 50 feet
  - b. Two-family . . . . . 60 feet
  - c. Multi-family . . . . . 60 feet for the first two-family unit plus 15 feet for each additional family unit
3. Front yard. Minimum of 25 feet or 50 feet from center of street
4. Side yard (each). Minimum 7 ½ feet from each property line  
Exception: Open attached carport may be constructed to within five feet of one side of yard boundary  
Side yard street. Same as front yard
5. Rear yard. Minimum 10 feet from rear lot line or center of alley if one exists
6. Off-street parking. Refer to Sec. 14.20.04

C. AREA REQUIREMENT, PLACES OF PUBLIC ASSEMBLY

1. Height
  - a. Maximum height shall be two stories and not to exceed 35 feet for that portion of the structure used for assembly or offices
2. Yard requirement
  - a. Minimum of 25 feet from all property lines
3. Off-street parking. Refer to Sec. 14.20.09.

14.16.05 Central business district-C-1 The central business district represents the area of intensive commercial uses, including retail stores, banks, offices and the like. It is the retail core of the city. Due to the permanency of the existing structures and the nature of this district, structures may be built to the front and in most cases, side property lines.

A. PERMITTED USES

1. Retail establishments selling goods as grocery, drug, hardware, variety, dry goods, automotive parts, etc.

Eating establishments as cafes and restaurants

3. Banks and offices for professional and service people
4. Motion picture theaters and places of amusement unless otherwise prohibited.
5. Hotels, barber shops, and beauty shops
6. Printing offices
7. Commercial billboards and signs
8. Service stations, provided they have underground tanks; pump shall be twenty (20) feet from property line; there shall be a minimum frontage of one hundred (100) feet

B. AREA REQUIREMENTS

1. Rear yard Minimum of ten (10) feet from property line or center of alley where one exists

C. LOADING AND UNLOADING

1. Loading and unloading facilities shall be provided so as not to block any public way.

## D. OFF-STREET PARKING

1. There are no parking requirements in this district

14.16.06 Highway Commercial C-2. The highway commercial district is intended for those businesses which cater to the highway traffic, such as service stations, drive-in restaurants, motels, supermarkets and similar businesses.

## A. PERMITTED USES.

1. Any retail or personal.. service business, motels, service stations, restaurants and office buildings
2. Hospitals, funeral homes
3. Commercial warehousing and wholesaling
4. Commercial billboards and signs
5. Dry-cleaning and laundry establishments (attended or unattended)
6. Automotive repairs and sales (new and used)
7. Mobile home parks, if approved by a majority vote of the City Council.
8. Places of public assembly
9. Farm implement sales and storage

## B. AREA REQUIREMENTS.

1. Front yard. Minimum of thirty (30) feet from street property line
2. Side yard. When side yard face a street such as a corner lot, there shall be a minimum of ten (10) feet from street property line or thirty-five (35) feet from center of street, whichever is greater, provided, however, there is no parking between the building line and the building
3. Rear yard. Ten (10) feet measured from rear lot line or center of alley if one exists
4. Lot coverage. No structure shall cover more than fifty percent (50%) of the lot area.

## C. OFF-STREET LOADING AND UNLOADING.

1. Loading and unloading facilities shall be provided so as not to block any public right-of-way

## D. OFF-STREET PARKING.

1. Refer to Section 14.20.04.

## E. MOBILE HOME PARK.

A mobile home park shall conform to the following requirements:

1. The park shall be located in a Retail Service Commercial C-2 zoning area.

2. The park shall be located on a well drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
3. Each mobile home space shall be clearly defined to provide a minimum of twenty-five (25) feet of open space between mobile homes when parked in front of each other and at least twenty (20) feet of open space between mobile homes when parked end-to-end.
4. No mobile home shall be placed closer than twenty (20) feet to any structure located within the mobile home park or to any property line bounding such park.
5. Each mobile home space shall be provided with devices to anchor the mobile home to prevent overturning or uplifting, such anchors to be of a type and installed in a manner set forth in the latest edition of PROTECTING MOBILE HOMES FROM HIGH WINDS by the Defense Civil Preparedness Agency.
6. Each mobile home space shall be provided with all available utility hookups, including but not limited to electric, water, sewer, and natural gas.
7. Each mobile home space shall be provided with a graded and hard-surfaced or dust-free surfaced driveway not less than twenty (20) feet in width with an unobstructed access to a public street or highway. Auxiliary parking shall be provided within the mobile home park when required by the city.
8. The mobile home park shall contain streets interconnecting the public street or highway with the parking area on the individual mobile home spaces, to be not less than twenty (20) feet in width and graded and covered with an all-weather dustfree surface, and all such streets shall contain such common lighting facilities as shall be required by the city.
9. All additions, including but not limited to carports, storage sheds, and porches, shall for all purposes be considered as integral part of the mobile home.
10. Each mobile home shall, within sixty (60) days after placement on a mobile home space, install suitable under-skirting around such mobile home.
11. No dependent or self-contained trailer shall be located on any mobile home park approved pursuant to this ordinance, nor shall any such trailer be utilized for temporary dwelling purposes in excess of one (1) week in any month. No parcel of land within a mobile home park shall be used hereunder as a travel trailer parking area or for a trailer space.
12. Each mobile home park shall be equipped at all times with fire extinguishing equipment in good working order, of a type, size, and number and so located within the mobile home park as to satisfy applicable, reasonable regulations of the fire department. No open fire

shall be permitted within the mobile home park which may endanger life or property.

13. The owner or manager of a mobile home park shall be responsible for assuring compliance with all rules, regulations and requirements set forth in this ordinance which relate to such mobile home park.
14. All mobile home parks and all mobile homes placed in any approved mobile home park shall comply with all rules and regulations promulgated by the Arkansas State Board of Health under the authority of Act 96 of 1913 (Ark. Stat. Ann. Sec. 82-110), and all amendments thereto. (Ord. No. 378, Sec. B.)

F. NEW CONSTRUCTION REQUIREMENT

Before any person or firm can obtain a building permit for any new construction commercial in nature, and the new construction adjoins a residence, that person or firm must construct a privacy fence between the two properties unless the adjoining landowner shall agree, in writing, that a privacy fence is not necessary and that agreement is presented to the Building Inspector at the time the building permit is requested.

The person or firm seeking the building permit must provide the Building Inspector with a copy of the plans detailing the location of the privacy fence to be constructed. The fence will begin forty feet from center of highway with a four foot wood fence, for an additional ten feet, then to the back property line with a six foot wooden fence. Said fence will be maintained in good repair by the firm or person requesting the Building Permit. The Building Inspector must approve of the location and materials. The fence must be constructed of material that will minimize noise and light from the business property extending unto the adjoining residential property. (Ord. No. 508, Sec. 1.)

G. REZONING HIGHWAY

The area 400 feet on each side of the center line of U.S. Highway 62 is declared to be a commercial use zone - C-2 Highway commercial. (Ord. No. 502, Sec. 1.) For funeral homes, the C-2 Highway Commercial Zone is extended to 650 feet on each side of the center line of US Highway 62. (Ord. No. 547, Sec. 1.)

**14.16.07 Neighborhood Commercial C-3**

This zone is primarily for convenience shopping and services, such as grocery stores, barber and beauty shops, laundromats, drug stores, taverns, professional offices and similar uses. They provide convenient shopping for the surrounding area.

**(a) PERMITTED USES**

- (1) All uses permitted in the residential district
- (2) Grocery stores, barber shops, beauty shops and drugstores
- (3) Laundromats, service stations and taverns

**(b) AREA REQUIREMENTS**

- (1) Front yard. Minimum of 25 feet, or 50 feet from center of street, whichever is greater.
- (2) Side yard. A minimum of 10 feet on property abutting a residential use zone.  
Side yard street. Same as front yard.
- (3) Rear yard. Minimum of 10 feet from rear lot line or center of alley if one exists.
- (4) Lot coverage. No structure shall cover more than two-thirds (2/3) of the lot area.

**(c) OFF-STREET LOADING AND UNLOADING**

- (1) Loading and unloading facilities shall be provided so as not to block any public right-of-way

**(d) OFF-STREET PARKING**

- (1) Refer to Sec. 14.20.04

**14.16.08 Light industrial I-1** this zone will provide space for light manufacturing activities. It is also intended for the storage and sale of bulk materials which are prohibited in the commercial zones.

**(a) PERMITTED USES**

- (1) Commercial warehousing and wholesaling
- (2) Commercial billboards, and signs
- (3) Farm implement sales, service and storage
- (4) Storage and sale of bulk materials when it is found by the enforcement officer that the specific location and safeguards provided are satisfactory
- (5) Any trade, industry, or use that is not noxious or offensive by reason of the emission of odor, dust, lint, smoke, gas, or noise.
- (6) Automotive repair and salvage yards, provided they are enclosed by fencing sufficient in height to

- render them compatible to abutting uses within and adjacent to this district
7. Any similar buildings and uses approved by the enforcement officer

B. RESIDENTIAL USE PROHIBITED

1. No structure may be constructed or altered for residential use

C. AREA REQUIREMENTS

1. Lot coverage No structure may cover more than 33-1/3 per cent of the lot area
2. All structures shall be built at least 25 feet from-all property lines
3. Where property abuts a railroad where siding facilities are utilized, structures may be built up to the railroad property line

D. HEIGHT

1. Maximum height of a structure shall be two stories and not to exceed 30 feet
2. The board of adjustment may waive the height requirements when it is demonstrated that the equipment and the structure to house the operation requires greater height

E. OFF-STREET PARKING

1. Refer to Sec. 14.20.04

F. ON-LOT LOADING AND UNLOADING FACILITIES

1. Each structure or use shall provide on-lot loading and unloading facilities which will not block a street, alley, or public way

14.16.09 Heavy industrial I-2 This industrial zone is intended for normal industrial activities including bulk storage of goods in the open.

A. PERMITTED USES

1. The manufacturing compounding, processing, packaging or assembling of such products when it is found by the enforcement officer that the location and the safeguards taken will so reduce the noise, dust,

odor, or vibration as not to be detrimental or dangerous to the health, safety, or general welfare of the people

2. Storage of bulk material when it is found by the enforcement officer that the specific location and safeguards taken will so reduce the danger of fire or explosion as not to be dangerous to the health, safety, or general welfare of the people

**B. RESIDENTIAL USES PROHIBITED**

1. No structure may be constructed or altered for residential use

**C. AREA REQUIREMENTS**

1. All structures shall be built at least twenty-five (25) feet from all property lines
2. Where property abuts a railroad where siding facilities are utilized, structures may be built up to the railroad property line
3. Maximum lot coverage shall not exceed 50 per cent of the lot area

**D. HEIGHT**

1. Maximum height of a structure shall be two stories and not to exceed 30 feet
2. The Board of Adjustment may waive the height requirements when it is demonstrated that the equipment and structure to house the operation requires greater height

**E. OFF-STREET PARKING**

1. Refer to Sec. 14.20.04

**F. OFF-STREET LOADING AND UNLOADING FACILITIES**

1. Each structure or use shall provide off-street loading and unloading facilities which will not block a street, alley, or other public way

**CHAPTER 14.20****GENERAL REGULATIONS****Sections:**

- 14.20.01      Annexed area
- 14.20.02      Completion of existing building
- 14.20.03      Existing lots and lot area
- 14.20.04      Off-street parking
- 14.20.05      General requirements of residential district development

**14.20.01 Annexed area.**

- A.      Territory annexed to the city after adoption of this ordinance shall be given us designations within ninety (90) days after the effective date of annexation in accordance with the amendment procedures of this ordinance.
- B.      Before official use designation is made after annexation, all requests for building permits shall be referred to the city Planning Commission or a committee thereof. The Planning Commission or its designated committee may recommend issuance of the permit if said use conforms to the land use plan and the structure meets the requirements of the zone in which it is to be located.

**14.20.02 Completion of existing buildings**

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

**14.20.03 Existing lots and lot area**

- A.      On any lot in a residential use district which is on a plat of record at the time of passage of this ordinance, a one-family structure may be erected even though the lot be of less area or width than required by the regulations of the residential use area in which the lot is located, provided all other area requirements are met.

- B. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

14.20.04 Off-street parking. The following is a list of minimum requirements that are permitted within the terms of this ordinance. This list is to be used by the enforcement officer in evaluating each building erected, enlarged, or altered for use, for any of the following purposes:

- A. Dwelling. At least one parking space for each dwelling unit in the building.
- B. Place of public assembly. At least one parking space for each six persons accommodated in the assembly hall.
- C. School. At least one parking space for each employee.
- D. Hospital and nursing home. At least one parking space for each four beds.
- E. Retail stores providing goods and service, offices, restaurants and taverns. At least one parking space for each 200 square feet of floor space.
- F. Warehousing and wholesaling. At least one parking space for each 500 square feet of floor area or for each 2 employees, whichever is greater.
- G. Industrial manufacturing. At least one parking space for each 2 employees.

14.20.05 General requirements of residential district development

- A. All residential dwelling units shall have the front door oriented towards the street.
- B. All single-family residential dwelling units that do not have a built-in porch as part of the structure, shall have a front landing accessible by stairs and handrails if necessary. The landing shall be at least six feet by six feet, and shall be oriented towards the street. (Ord. No. 555, Sec. 4.)

**CHAPTER 14.24**

**NONCONFORMING**

**Sections:**

- 14.24.01 Intent
- 14.24.02 Nonconforming use of land
- 14.24.03 Nonconforming structure
- 14.24.04 Nonconforming use of structure and land
- 14.24.05 Repairs and maintenance

**14.24.01 Intent.**

- A. Within the districts established by this ordinance or amendments that may later be adopted, there exist structures, and use of land and structures which were lawful before this ordinance was passed, but which would be prohibited, regulated, or restricted under the terms of this ordinance.
- B. Such uses are declared to be incompatible with permitted uses in the districts involved.
- C. It is the intent of this ordinance to permit these nonconformities to continue until they are removed, abandoned, or destroyed.

- D. It is the further intent that existing nonconformities shall not be used as the basis for adding elsewhere other structures or uses prohibited in the same district.

**14.24.02 Nonconforming use of land** Where, at the effective date of this ordinance, a lawful use of land exists that is no longer permissible after the enactment of this ordinance, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions of this section.

- A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.
- B. If any such nonconforming use of land ceases for any reason for a period of more than three (3) months, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.
- C. In a residential zone no such nonconforming use of land shall be continued for more than one (1) year from date of adoption of this ordinance or after effective date of annexation.

**14.24.03 Nonconforming structure** When a lawful structure exists at the effective date of this ordinance that could not be built under the requirements of this ordinance by reason of restrictions on the area, lot coverage, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions of this section.

- A. Should such structure be destroyed by any means to an extent of more than fifty (50) per cent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.
- B. Such structure, upon the approval of the board of zoning adjustment, may be added to if said addition meets the area requirements of the zone district in which the structure is located, provided said use of structure is in conformance with this ordinance.
- C. No such structure may be enlarged or altered in a way which increases its nonconformity.

**14.24.04 Nonconforming use of structure and land** If a lawful use of a structure, or of structure and land in combination, exists at the effective date of this ordinance, that would not be allowed in the district under the requirements of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions of this section.

- A. Any nonconforming use may be extended to any portion of a structure arranged or designed for such nonconforming use at the time of adoption or amendment of this ordinance,

but no such use shall be extended to occupy any land outside such building.

- B. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use provided that the board of adjustment shall determine that the proposed use is equally appropriate to the district as the existing nonconforming use.
- C. Any nonconforming use, once changed to a conforming use, shall thereafter conform to the regulations for the district in which such structure is located, and all new uses shall be conforming uses.
- D. When a nonconforming use of a structure, or structure and premises in combination, is destroyed by any means to an extent of more than fifty (50) per cent, or discontinued for six (6) consecutive months, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.

#### 14.24.05 Repairs and maintenance

- A. Any building devoted in whole or in part to any nonconforming use may have ordinary repairs, or repair and replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not to exceed ten (10) per cent of the replacement value of the building in any twelve (12) month period, provided that the size of the building is not increased.
- B. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

### **CHAPTER 14.28**

#### **BOARD OF ZONING ADJUSTMENT**

##### Sections:

- 14.28.01 Organization
- 14.28.02 Meetings
- 14.28.03 Appeals from decision of enforcement officer
- 14.28.04 Variance
- 14.28.05 Other functions of board
- 14.28.06 Appeals from decisions of the board
- 14.28.07 Notice and fees

##### 14.28.01 Organization

- A. The Board of Zoning Adjustment shall consist of the entire membership of the Planning Commission and a quorum thereof shall be necessary in order to act officially on any matter. Appointment to the planning commission by the Mayor and City Council shall also be appointment

to the Board of Zoning Adjustment and for the same time period.

- B. Upon appointment and annually thereafter, the Board shall meet, organize, and elect its own chairman who shall serve for one (1) year or until the successor is duly qualified. The chairman may appoint a secretary who is not a member of the board for the purpose of taking minutes at the meetings.
- C. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant in the same manner as the original appointments,

#### 14.28.02 Meetings

- A. Meetings of the Board shall be held at such time and at such place within the city as the Board may designate, and may meet at any time on call of the chairman or on request of two (2) members.
- B. The Board shall keep minutes of its proceedings which shall contain as a minimum:
  - 1. Time, date, and place of meeting
  - 2. Names of members present
  - 3. Citation, by number and description of appeal or application
  - 4. Pertinent facts of the case
  - 5. Names of persons appearing and their interest in the case
  - 6. Record of vote by name
  - 7. Authority for decision (cite ordinance or statute) and reasons for conditions imposed
- C. The minutes of the meeting shall be filed by the secretary of the board in the office of the city recorder and shall be public record.

14.28.03 Appeals from decision of enforcement officer The Board shall hear appeals from an administrative decision of the enforcement officer, such appeals to be concerned with whether the interpretation of the enforcement officer was in error or not.

#### 14.28.04 Variance

- A. The Board shall hear requests for variances from the stated provisions of the zoning ordinance in instances where strict compliance to the provisions of the ordinance would cause undue hardship due to the circumstances unique to the individual property under consideration.
- B. The Board may grant variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the zoning ordinance.
- C. The Board shall not permit as a variance any use in a zone that is not permitted under this ordinance in conformance with Act 186 of 1957 as amended.
- D. The Board may impose conditions in the granting of the variance to insure compliance and to protect adjacent property.

14.28.05 Other functions of Board The Board may hear applications and take such action as permitted on matters specifically referred to it under this ordinance.

14.28.06 Appeals from decisions of the Board. Appeal from the decision of the Board shall be to a court of record within thirty (30) days from the decision of the Board in accordance with Act 186 of 1957 as amended.

14.28.07 Notice and fees

- A. Whenever an appeal or application for a variance is made to the Board, the Board shall cause to have published at the expense of the appellant or applicant a notice of the time and place of the public hearing upon such appeal or application, which notice shall be published at least once not less than seven (7) days preceding the date of such hearing in an official paper or a paper of general circulation in the city, said notice to designate the particular location with which the appeal or application is concerned, and a brief statement as to what the appeal or application consists of. The Board shall also give or cause to be given such additional notice of such hearing to interested persons and organizations as it shall deem feasible and practicable.
- B. The appellant or applicant shall be required to pay to the city recorder a filing fee of Five Dollars (\$5.00) to cover such other costs as may be incurred in connection with such appeal or application.

**CHAPTER 14.32**

**AMENDING ZONING ORDINANCE**

Sections:

- 14.32.01 Amendments by public body
- 14.32.02 Amendments by individual property owner

14.32.01 Amendments by public body

- A. The City Council may suggest that the Planning Commission amend the text of this ordinance, or the Planning Commission itself may desire to initiate an amendment.
- B. Amendment to the text proposed by the Planning Commission shall be advertised in a paper of general circulation at least fifteen (15) days in advance of a public hearing to be conducted by the Planning Commission. After the public hearing, the Planning Commission shall make a report and recommendation to the city council pertaining to the proposed amendment to the text. The City Council action on the report and recommendation shall be final.

14.32.02 Amendments by individual property owner

- A. A petition, giving the legal description of the property involved

and the zoning classification requested for the property, or indicating the proposed amendment, shall be submitted to the Planning Commission by the property owner or his legally designated agent. The petition shall also include a statement and diagram explaining the proposed changes.

B. Upon receipt of the petition, the Planning Commission, in accordance with Act 186 of the 1957 General Assembly as subsequently amended, shall proceed as follows:

1. The Planning Commission shall hold a public hearing on a proposed amendment. Notice of the public hearing shall be published in a newspaper of general circulation in the city, at least one (1) time fifteen (15) days prior to the hearing.
2. Following the public hearing, the proposed amendment may be approved as presented or in modified form by a majority vote of the Planning Commission and recommended to the city council.
3. If the Planning Commission disapproves a proposed amendment, the reasons for such disapproval shall be given in writing to the petitioner within fifteen (15) days from the date of the decision.
4. The City Council, by majority vote, may by ordinance adopt the recommended amendment submitted by the Planning Commission or may return the proposed change to the Planning Commission for further study and recommendation.

If the City Council does not concur with the recommendation of the Planning Commission, either as first submitted or as submitted after restudy, the city council may, by a majority vote, amend this ordinance by granting the request for the proposed change in the zoning classification in full or in modified form.

5. Following disapproval of a proposed amendment by the Planning Commission, the petitioner may appeal such disapproval to the City Council, provided that the petitioner states specifically in writing to the city recorder why he considers the Planning

Commission's findings and decisions are in error. Such appeal shall be filed with the city recorder within fifteen (15) days from mailing date of notice to petitioner of Planning Commission.

- C. No application for a change in zoning classification will be reconsidered by the Planning Commission within twelve (12) months from date of final disapproval unless the commission finds that a substantial reason exists for waiving this limitation.
- D. Before any action shall be taken as provided in this section, any person or persons proposing a change in the zoning classification of his property shall deposit with the city recorder the sum of Fifty Dollars (\$50.00) to cover the approximate cost of this procedure, and under no condition shall said sum or any part thereof be refunded for failure of said change to be approved by the Planning Commission and adopted by the City Council. (Ord. No. 360)

## **CHAPTER 14.36**

### **ENFORCEMENT AND ADMINISTRATION**

#### **Sections:**

- 14.36.01      Responsibility
- 14.36.02      Building permits
- 14.36.03      Violations
- 14.36.04      Certificate of occupancy

**14.36.01 Responsibility** The Code Enforcement Officer or other designated official shall be responsible for the administration and enforcement of this ordinance.

#### **14.36.02 Building permits**

- A. No structure shall be erected, moved, added to, or structurally altered without a building permit. No building permit shall be issued except in conformity with the provisions of this ordinance, except after written order by the board of adjustment.
- B. All applications for building permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of structures already existing, if any, and the location and dimensions of the proposed structure or alteration. The application shall include such other information as lawfully may be required, including existing or proposed structural alteration; existing or proposed uses of structure and land; the number of families, housekeeping units, or rental units the structure is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this ordinance.

- C. One (1) copy of the plans shall be returned to the applicant after the Enforcement Officer shall have marked such copy either as approved or disapproved and attested to same by his signature. The second copy of the plans, similarly marked, shall be retained by the Building Inspector in the files of the City.

#### 14.36.03 Violations

- A. If the Enforcement Officer shall find that the provisions of this ordinance are being violated, he shall notify, in writing, the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it.
- B. Should the person responsible for such violations fail to take the necessary action to correct it, the Enforcement Officer shall notify the City Council of the violation, said City Council shall certify the violation to the City Attorney and said City Attorney shall thereafter apply to Chancery Court for an injunction mandamus or other process to prevent, enjoin, abate or remove said violation to this ordinance.

#### 14.36.04 Certifying of occupancy

- A. It shall be unlawful to use or occupy or permit the use or occupancy of any structure or land or both, hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued by the Enforcement Officer stating that the proposed use of structure or land conforms to the requirements of this ordinance.
- B. The Enforcement Officer shall maintain a record of all certificates of zoning compliance and copies shall be furnished upon request to any person.
- STATE LAW REFERENCE - Municipal zoning, See A.C.A. 14-56-401, et seq.

### **CHAPTER 14.40**

#### **AFFORDABLE HOUSING**

##### Sections:

- |          |                                         |
|----------|-----------------------------------------|
| 14.40.01 | Creation of district                    |
| 14.40.02 | Suspension of certain ordinances        |
| 14.40.03 | Affordable Housing Demonstration Permit |
| 14.40.04 | Requirements                            |
| 14.40.05 | Amendment to Zoning Code                |
| 14.40.06 | Creation of district                    |
| 14.40.07 | Suspension of certain ordinances        |
| 14.40.08 | Affordable Housing Demonstration Permit |
| 14.40.09 | Requirements                            |
| 14.40.10 | Amendment to Zoning Code                |

14.40.01 Creation of district There is hereby established an "Affordable Housing" Residential Demonstration District, the boundaries of which will be as follows:

The N ½ of the W ½ of Lot 3, Block 7, Blasingames First Addition to Green Forest, being 75.00 feet East and West and 75.00 feet North and South.

The S ½ of the W ½ of Lot 3, Block 7, Blasingames First Addition to Green Forest, being 75.00 feet East and West and 75.00 feet North and South, all in the City of Green Forest, Eastern District, Carroll County, Arkansas.

The District is established for the sole purpose of participating in the "Affordable Housing" Demonstration Program. (Ord. No. 418, Sec. 1)

14.40.02 Suspension of certain ordinances The provisions of the Zoning Code and sections of the Municipal Code shall be suspended for all use, site development and construction located within the boundaries of this "Affordable Housing" Residential Demonstration District, except as provided herein. (Ord. No. 418, Sec. 2)

14.40.03 Affordable Housing Demonstration Permit

- A. Prior to any site preparation, site development or construction, the owner, authorized agent, or contractor shall obtain one (1) consolidated "Affordable Housing" Demonstration Permit.
- B. Prior to approving any plat hereunder, the Planning Commission shall require proof by the developer that all owners of property adjacent to and across streets from the proposed development have been notified of the petition for plat approval.
- C. The permit shall be issued by the Planning Commission with the approval of the City Council upon a review of proposed site plans, building plans, drawings, specifications and other materials deemed appropriate and necessary and may impose reasonable conditions and requirements upon such permit holder.
- D. Application for the Demonstration Permit shall be evaluated pursuant to generally accepted engineering and design criteria with the objective of achieving safe, affordable and attractive housing. To the extent feasible, the Planning Commission shall seek to satisfy those goals and requirements of the suspended Zoning Code and the Municipal Code which are consistent with the goals of the Demonstration Program.
- E. From time to time, the Planning Commission may make or cause to be made inspections necessary to assure conformity with any requirements and conditions of the Demonstration Permit. (Ord. No. 418, Sec. 3)

14.40.04 Requirements

- A. The district authorized to be established herein must be approved by the U.S. Department of Housing and Urban Development.
- B. Minimum building lot size shall be three thousand (3,000) square feet. All streets to be bounded by at least twenty-five (25) feet building setback. All side and rear setbacks are to be at least ten (10) feet.
- C. Municipal water and sewer shall be available to all building lots.
- D. Minimum widths shall be thirty (30) feet. (Ord. No. 418, Sec. 4)

14.40.05 Amendment to Zoning Code The city of Green Forest, Arkansas, Municipal Code (Chapters 9.04, 9.08, 11.04, 11.12, 11.16, 11.20, 11.24, 40.04, 14.08, 14.12, 14.16, 14.20, 14.24, 14.28, 14.32, 14.36, 15.04, 15.08, 15.12, 15.16, 15.20, 15.24, and 15.28) are hereby amended by adding this ordinance. (Ord. No. 418, Sec. 5)

14.40.06 Creation of district There is hereby established an "Affordable Housing" Residential Demonstration district, the boundaries of which will be as follows:

Part of the NW 1/4 of the SE 1/4 of Section 4, T-19-N, R-23-W, Carroll County, Arkansas. Beginning at the NW corner of the said NW 1/4 of the SE 1/4: Thence S 89° 17' 31" E 413.821'; Thence S 00° 12' 55" W 266.271' to the TRUE POINT OF BEGINNING: Thence S 00° 12' 55" W 400.331'; Thence S 89° 17' 31" E 132.001'; Thence N 00° 05' 14" E 400.351'; Thence N 89° 17' 31" W 131.001' to the point of beginning, Being subject to a 301 wide easement across the West side thereof.

The district is established for the sole purpose of participation in the "Affordable Housing" Demonstration Program. (Ord. No. 440, Sec. 1)

14.40.07 Suspension of certain ordinance The provision of the Zoning Code and sections of Municipal Code shall be suspended for all use, site development and construction located within the boundaries of this "Affordable Housing" Residential Demonstration district, except as provided herein. (Ord. No. 440, Sec. 2)

14.40.08 Affordable Housing Demonstration Permit

- A. Prior to approving any plat hereunder, the Planning Commission shall require proof by the developer that all owners of property adjacent to and across streets from the proposed development have been notified of the petition for plat approval.

- B. The permit shall be issued by the Planning Commission with the approval of the City Council, upon a review of proposed site plans, building plans, drawing specifications and other materials deemed appropriate and necessary and may impose reasonable conditions and requirements upon permit holders.
- C. Application for the Demonstration Permit shall be evaluated pursuant to generally accepted engineering and design criteria with the objective of achieving safe, affordable and attractive housing. To the extent feasible, the Planning Commission shall seek to satisfy those goals and requirements of the suspended Zoning Code and Municipal Code which are consistent with the goal of the Demonstration Program.
- D. From time to time, the Planning Commission may make or cause to be made inspections necessary to assure conformity with any requirements and conditions of the Demonstration Permit. (Ord. No. 440, Sec. 3)

#### 14.40.09 Requirements

- A. Minimum building lot size shall be five thousand (5,000) square feet. All streets to be bounded by at least twenty-five (25) feet building setback. All side and rear setbacks are to be at least thirteen (13) feet.
- B. Municipal water and sewer shall be available to all building lots.
- C. Minimum street widths shall be thirty (30) feet. (Ord. No. 440, Sec. 4)

14.40.10 Amendment to Zoning Code The city of Green Forest, Arkansas, Municipal Code (Chapters 9.04, 9.08, 11.04, 11.12, 11.16, 11.20, 11.24, 14.04, 14.08, 14.12, 14.16, 14.20, 14.24, 14.28, 14.32, 14.36, 15.04, 15.08, 15.12, 15.16, 15.20, 15.24, and 15.28, are hereby amended by adding this ordinance. (Ord. No. 440, Sec. 6)

## **CHAPTER 14.44**

### **MOBILE AND MANUFACTURED HOMES**

#### Sections:

#### 14.44.01 Placement

14.44.01 Placement No person may place a mobile or manufactured home which has a manufacture date in excess of fifteen (15) years old within the city of Green Forest, Arkansas. Any person found in violation of this ordinance shall be punished by a fine of up to Two Hundred Fifty Dollars (\$250.00) for each day of such violation. Further, any unpaid fine for such violation shall result in a lien being placed upon the offending structure until such time as payment is made. (Ord. No. 641, Sec. 1.)

