

# **CITY OF HOXIE**

# **ZONING REGULATIONS**

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**ZONING REGULATIONS  
HOXIE, ARKANSAS**

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## **ARTICLE I. CITATION, PURPOSE, JURISDICTION**

### ***Section 1.01.0. Citation***

This Code shall be known as the Zoning Code of the City of Hoxie and may be cited as such or, for the sake of brevity, as the "Zoning Code."

### ***Section 1.02.0. Purpose***

These zoning regulations are enacted to implement the Comprehensive Plan for the City of Hoxie and to promote the safety, order, convenience, prosperity, and general welfare of the citizens of Hoxie, Arkansas. They are also intended to provide for efficiency and economy in the process of development for the appropriate use of land, for the use and occupancy of building, for helpful and convenient distribution of population, for good civic design and arrangement, and for adequate public utilities and facilities.

### ***Section 1.03.0. Authority***

The provisions contained in the Zoning Code are adopted with the authority given to the city by the General Assembly of the State of Arkansas, A.C.A. §14-54-103, General Powers of Cities and Towns; A.C.A. §14-54-104; and A.C.A. Title 14, Chapter 56, Municipal Building and Zoning Regulations--Planning; as amended.

### ***Section 1.04.0. Jurisdiction***

These regulations apply within the corporate limits of the City of Hoxie.

### ***Section 1.05.0. Validity and Repeal***

#### ***1.05.1. Validity***

The following statements pertain to the validity of this code:

- A. This Zoning Code and the various parts, sections, subsections, sentences, phrases, and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section or subsection, phrase or clause is judged unconstitutional or invalid, it is hereby provided that the remainder of the Zoning Code shall not be affected thereby.
- B. The City Council of the City of Hoxie hereby declares that all such remaining parts would have been passed irrespective of the validity or invalidity of any parts found to be invalid.

#### ***1.05.2. Repeal***

All or parts of ordinances in conflict with this Zoning Code or inconsistent with provisions of this Code are hereby repealed to the extent necessary to give this Zoning Code full force and effect upon its adoption by ordinances of the City Council of the City of Hoxie, Arkansas.

## ARTICLE II. APPLICATIONS AND APPEALS

### **Section 2.01.0. Applications**

In order to obtain zoning changes and certain permits, an applicant must first submit an application to the Administrative Official. The process for filing specific kinds of applications may be found as listed below.

Rezoning	Section 13.02.0	Page 41
Variance	Section 15.05.0	Page 48
Conditional Use Permit	Section 14.02.0	Page 44
Temporary Storage Container	Section 9.11.0	Page 31

Applicants should obtain the forms and directions for all applications at City Hall. The Administrative Official will maintain a calendar showing the required date for all applications.

### **Section 2.02.0. Public Hearings**

#### **2.02.1. Public Hearing Requirements**

Public hearings shall be held for all rezoning requests, planning commission decision appeals conditional use permits, Board of Adjustment meetings, revisions to the Comprehensive Plan, and revisions to the Zoning Code.

#### **2.02.2. Amendments and Permits**

Comprehensive/Future Land Use Plan amendments, rezonings, and conditional use permits an advertised notice of public hearing to be placed in a public newspaper of general circulation at least fifteen (15) days prior to the meeting.

#### **2.02.3. Board of Adjustment**

Meetings of the Board of Adjustment shall be public hearings and require a notice of public hearing to be advertised seven (7) days prior to the hearing.

#### **2.02.4. Meetings**

The Planning Commission shall conduct all meetings in accordance with its most recently adopted by-laws. All meetings are open to the public.

### **Section 2.03.0. Appeals**

#### **2.03.1. Appeals from the decisions of the Planning Commission**

Any person aggrieved by a decision of the Planning Commission in interpreting any section of these zoning regulations may make an appeal to City Council.

- A. Notice of Appeal: Notice of an appeal to the City Council of a decision of the Planning Commission to approve, conditionally approve, or deny a request shall be filed by the applicant or any other interested party with the Administrative Official within thirty (30) days of the decision together with an appeal fee.

The Notice of Appeal shall be filed on forms and in a format prescribed by the City. As a minimum, however, the applicant shall provide the following information:

1. Summary of any reasons provided by the Planning Commission concerning the decision made in the case.
2. Reasons why the applicant of the appeal contends that the Planning Commission erred in its decision.
3. Reasons why the applicant of the appeal believes that the public health, safety, welfare, and morals would be better served if the Planning Commission's decision were reversed.
4. Any new and pertinent information bearing on the case which may have been overlooked by the Planning Commission or which may have come to light following the meeting at which the Planning Commission made its decision.

Upon receipt of the notice of appeal and appeal fee, the Administrative Official shall promptly forward the notice of appeal to the City Clerk together with any appropriate staff reports and the decision of the Planning Commission from which the appeal is made.

- B. Public Notice: Following receipt of the notice of appeal, the City Clerk shall set the matter for consideration on the City Council's next available agenda and give due notice to interested parties of the time and place of the public hearing.

The Administrative Official shall provide notice of the appeal in a publication of general circulation at least 15 days before the hearing.

Also, the City shall require the petitioner to place a sign in an eye-catching place on the site of the property in question, indicating the date, time, and place of the public hearing on the petition. Said sign should be placed on the site no fewer than 15 days prior to the date of the hearing.

- C. Appeal Hearing: At the time set for the appeal consideration, the City Council shall receive a written report from the Administrative Official on behalf of the Planning Commission setting forth the facts and circumstances of the case and the decision of Planning Commission. The applicant and any other interested party shall have an opportunity to present testimony orally and/or in writing.

If new information is presented to the City Council that was not presented at the public hearing held before the Planning Commission or otherwise considered by the Planning Commission or public, the City Council shall remand the case back to the Planning Commission for reconsideration. For rezoning requests and conditional use requests, such reconsideration shall require a new public hearing.

The City Council may affirm, reverse, or modify the decision of the Planning Commission. The decision of the City Council shall be final and shall be effective immediately upon pronouncement of the decision.

- D. Conditions: The City Council may only impose such conditions to its approval as may be necessary to conform to the City's Zoning Code and building regulations.

**2.03.2. Appeals from the decisions of the Board of Adjustment**

Appeals from the decision of the Board of Adjustment shall be made directly to the court of record having jurisdiction as prescribed by A.C.A. §14-56-416.

**2.03.3. Appeals from the decisions of the Administrative Official**

Appeals from the decisions of the Administrative Official shall be heard by the Board of Adjustment.

**Section 2.04.0. Expirations, Extensions, and Reinstatements**

Planning Commission and City Council approvals covered by the Zoning Code shall be subject to the following expiration requirements.

- A. Rezoning : No expiration.
- B. Conditional Use: No expiration unless placed as a condition of approval by the applicant, planning commission, or city council.
- C. Temporary Storage Container: Expiration varies, See Section 9.11.0.
- D. Building Permits: Building permits shall expire within 6 months if construction has not commenced and within 2 years if construction has not been completed.
- E. Variance: Where no building or construction is involved, approvals for the use of the property for which the Variance is issued shall expire within 6 months if not begun.

Where buildings or construction is involved, if a building permit for the construction tied to the Variance is not issued within six (6) months or completed within two (2) years, the approvals shall expire.

**Section 2.05.0. Fees**

The City of Hoxie shall impose fees for items covered by the Zoning Code according to a schedule adopted by the City Council.

## **ARTICLE III. ADMINISTRATION AND ENFORCEMENT**

### ***Section 3.01.0. Administrative Official***

The provisions of this Code shall be administered by the Administrative Official, which shall be a person or persons designated by the Mayor. The Administrative Official may be provided with the assistance of such other persons as directed by the Mayor.

The Administrative Official shall enforce the provisions of this Code, and in addition thereto shall:

- A. Examine and approve any application pertaining to the use of land, buildings, signs, or structures to determine if the application conforms to the provisions of this Code.
- B. Issue all zoning approvals and certificates of occupancy, and keep permanent records thereof.
- C. Conduct such inspections of buildings, structures, and use of land as are necessary to determine compliance with the regulations of this Code.
- D. Revoke approvals where provisions of this Code are being violated.

### ***Section 3.02.0. Building Code***

All fabrication, erection, construction, enlargement, alteration, repairs of buildings or structures shall meet the Arkansas Fire Prevention Code or other applicable state and city building codes.

### ***Section 3.03.0. Building Permit***

The City will issue a building permit for either the new construction or renovation of a building or structure within the corporate limits of the City of Hoxie only when the application has been approved by the Administrative Official as meeting the requirements of these regulations. No building permit shall be issued for the construction of any building or structure located on a lot or parcel subdivided or sold in violation of the provisions of these regulations, nor shall the municipality have any obligation to issue certificates of occupancy or to extend utility services to any parcel created in violation of these regulations.

All applications for building permits shall be accompanied by a plot plan, submitted in two copies, drawn to scale, showing the size and location of the building to be constructed, indicating the setbacks from perimeter property boundary lines, proposed off-street parking, and such other information as may be necessary to provide for the proper administration of these regulations. A record of such application and plot plan shall be filed with the Administrative Official.

### ***Section 3.04.0. Certificate of Occupancy***

No building hereinafter erected or structurally altered shall be used, occupied or changed in use until a Certificate of Occupancy shall have been issued by the Administrative Official, stating that the building or proposed use of a building or premises complies with the provisions of these regulations. The Administrative Official shall maintain a record of all Certificates of Occupancy.

A Certificate of Occupancy may be revoked by the Administrative Official when it is found that the building or land does not conform to the use or condition, if any, in the Certificate. Each day a use continues after revocation of the Certificate shall constitute a separate offence and shall be punished as provided herein.

It shall be unlawful for any public or private utility to connect utility service to a building hereinafter erected or structurally altered for which a Certificate of Occupancy has not been issued and evidence of such issuance delivered to the public or private utility.

### **Section 3.05.0. Violations**

#### **3.05.01. Enforcement Responsibilities**

- A. If the Administrative Official shall find that the provisions of these regulations are being violated, (s)he shall notify in writing the person responsible for such violations, 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 Administrative Official shall notify the City Attorney, and said City Attorney shall within ten (10) days thereafter apply to Chancery Court for an injunction, mandamus, or other process to prevent, enjoin, abate, or remove said violation to these regulations.

Whenever a violation of these regulations occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall fully state the causes and basis thereof and shall be filed with the Administrative Official. (S)he shall record properly such complaint, immediately investigate, and take action thereon as provided by these regulations.

#### **3.05.02. Penalty for Violation**

Any person or corporation who shall violate any of the provisions of these regulations or fail to comply thereafter with any of the requirements thereof, or who shall build or alter any building in violation of the detailed statement of plans submitted and approved hereunder shall be deemed guilty of a misdemeanor, and shall be liable to a fine of not more than one hundred dollars (\$100.00). Each day such violation is permitted to exist shall constitute a separate offense. 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 or other corporation employed in connection therewith and who may have assisted in the commission of any such violation, shall be deemed guilty of a separate offense and upon conviction thereof shall be fined as hereinabove provided.



## **ARTICLE IV. ZONING DISTRICTS AND BOUNDARIES**

### ***Section 4.01.0. Zoning Districts Established***

For the purpose of these regulations, the City is divided into the following zoning districts:

- A-1     Agricultural
- R-1     Low Density Residential
- R-2     Medium Density Residential
- R-3     Apartment Residential
- R-MH    Manufactured Home Residential
- C-1     General Commercial
- I-1     Industrial

### ***Section 4.02.0. Zoning Districts Map***

The location and boundaries of the zoning districts are shown on a separate map designated the "Official Zoning Districts Map." The map is part of these regulations and may be referred to variously as the Zoning District Map, Official Zoning Districts Map, or the Official Zoning Map. The Official Zoning Map shall be kept and maintained by the City Clerk and shall be available for inspection and examination during normal business hours.

### ***Section 4.03.0. Interpretation of District Boundaries***

Where uncertainty exists as to the boundaries of districts as shown on the zoning Map, the following rules shall apply:

- A.     Boundaries indicated as approximately following the centerlines of streets, highways and alleys shall be construed as following such centerlines.
- B.     Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C.     Boundaries indicated as approximately following city limits shall be construed as following city limits.
- D.     Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- E.     Boundaries indicated as parallel to or extensions of features mentioned in the preceding rules shall be interpreted as such.
- F.     In circumstances not covered by the preceding rules, the Board of Adjustment shall interpret the district boundaries.

#### ***Section 4.04.0. Relationship to Comprehensive/Land Use Plan***

Zoning designations changed after the adoption of these regulations shall conform to the city's adopted land use plan. If a proposed rezoning conflicts with the land use plan, the applicant must first request an amendment to the land use plan. The planning commission may allow the submission of a request for plan change simultaneously with a request for the rezoning of a parcel or parcels.

#### ***Section 4.05.0. Vacation of Public Easements***

Whenever any street, alley or other public easement is vacated, the district classification of the property to which the vacated portions of land accrue shall become the classification of the vacated land.

#### ***Section 4.06.0. Determination of Uses Not Listed***

When a use is not specifically listed as a permitted or conditional use within a particular zoning district, the Planning Commission shall determine if the use shall be allowed as a permitted or conditional use. In making such determination the Planning Commission shall consider the similarity of the use and its impacts to other permitted or conditional uses within the zoning district.

#### ***Section 4.07.0. Completion of Existing Buildings***

Nothing in these regulations shall require any change in plans, construction, or designated use of a building under construction at the time of the adoption of these regulations.

Nothing in these regulations shall require any change in plans, construction, or designated use of a building for which a building permit has been issued within 30 days prior to the adoption of these regulations, provided construction is started before the expiration of the building permit.

#### ***Section 4.08.0. Preservation of Minimum Lot Areas***

Unless by a variance, no lot or yard area, or other open space, or off-street parking or loading space required may be reduced in dimension or area below the minimum requirements of the Zoning Code. No lot or division of property shall be approved that will result in a lot size or yard area reduced below the minimum requirements of this Code.

#### ***Section 4.09.0. Principal Structure on Lots***

In residential districts only one principal structure and its customary accessory structures may be erected on any lot unless otherwise provided in this Code.

Accessory structures with sinks, cook stoves, other kitchen facilities, and bathroom facilities designed for the independent occupancy of a structure shall be considered evidence that the structure is not an accessory structure but a separate dwelling.

#### ***Section 4.10.0 Lots of Record***

Any single lot or platted parcel of land, which was of record at the time of adoption of this Code, that does not meet the requirements of minimum lot width or area specified for the zoning district in which it is located, or

which was built upon such that the building setback, yards, open space, building height, or location of parking or loading spaces, do not now comply with the requirements for the District in which it is located, may be utilized for a permitted use with the yards, courts, or usable open spaces reduced to not less than seventy-five (75) percent of the dimensions specified for the District in which it is located. This requirement excludes single-family homes which may be constructed on any existing lot of record within a district where single-family homes are a permitted use.

#### **Section 4.11.0. Annexed Lands**

##### **4.11.01. Boundaries**

The boundary line of a land area proposed for annexation to the City of Hoxie shall be drawn in such a manner as to include the entire width of any adjacent or contiguous public rights-of-way or easements, in contrast to a location of the centerline or along the interior side of the right-of-way or easement.

##### **4.11.02. Classification of Annexed Lands**

The zoning district classification(s) of any new additions and annexations of land to the City of Hoxie after adoption of these regulations shall be established in one of two ways;

- A. The petitioner(s) for annexation may request specific zoning classifications as a part of the petition for annexation. In this event, the City Council shall direct the Planning Commission to make such studies as it deems advisable and appropriate, and make recommendation regarding the proper zoning classification of such lands. The procedures governing amendments to the Zoning Districts Map at Section 13.04.0 shall be followed.
  
- B. In the event that no specific zoning classification has been requested in the petition for annexation, the annexed lands shall automatically be classified as R-1 Low Density Residential and subject to the requirements of that classification upon the effective date of said annexation. Unless the R-1 designation conforms with the projected land use for the property on the City's Land Use Plan, such classification shall only be valid for a period of time not to exceed one (1) year from the effective date of the ordinance annexing said addition. Within this one (1) year of time, the City Council shall instruct the Planning Commission to study and make recommendations concerning the use of land within said annexation to promote the general welfare and in accordance with any applicable plans adopted by the City of Hoxie. The procedures governing amendments to the Zoning Districts Map at Section 13.04.0 shall be followed.

## ARTICLE V. RESIDENTIAL DISTRICTS

### *Section 5.01.0. Purpose of Each District*

#### **5.01.01. Low Density Residential (R-1)**

The R-1 District is intended to provide for quiet, low density residential areas characterized by single-family homes and the supporting religious, recreational, educational, and institutional uses for an attractive, functional neighborhood.

#### **5.01.02. Medium Density Residential (R-2)**

This is a residential district of the same general type and character as that described above for the R-1 District, containing many of the same requirements and restrictions as applicable to the R-1 District, but allowing for a slightly higher population density than permitted in the R-1 District. The principal uses of land are for single-family and two-family homes, all supported by necessary religious, educational, institutional, and recreational facilities normally required to provide the basic elements of a balanced and attractive residential neighborhood.

#### **5.01.03 Apartment Residential (R-3)**

The R-3 District provides for quiet, medium to high density residential areas characterized by a diversity of housing types. This district includes development ranging in density from single-family homes to large scale apartment complexes. It is intended to allow and encourage affordable housing and housing choice through a diversity of housing options.

#### **5.01.04 Manufactured Home Residential (R-MH)**

This district encourages affordable housing of varied types in specified locations within the city. The district is characterized by site-built housing and manufactured homes placed on individual lots with uniform design guidelines imposed to maintain neighborhood harmony and consistency in appearance. This district is also intended to provide for manufactured home subdivisions as well as manufactured home parks.

### **Section 5.02.0. Permitted Uses**

The permitted uses in each of the residential districts are set forth in the following table. The following symbols, placed opposite a permitted use and underneath a residential zoning district, shall have these meanings:

“P” means that the listed use is permitted by right in that district.

“CU” means that the listed use is permitted subject to approval as a conditional use per the requirements of Article XIV.

“X” means that the use is prohibited.

**RESIDENTIAL DISTRICTS**

<b>Permitted Uses</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-MH</b>
<b>A. Residential</b>				
Single-Family Dwelling	P	P	P	P
Two-Family Dwelling	X	P	P	X
Three/Four-Family Dwelling	X	CU	P	X
Apartment Dwelling	X	X	P	X
Mobile Home	X	X	X	X
Manufactured Home	X	X	X	P
Manufactured Home Park	X	X	X	CU
Manufactured Home Subdivision	X	X	X	P
Townhouse	X	P	P	X
<b>B. Commercial</b>				
Bed & Breakfast	X	CU	CU	X
Home Day Care, Small Scale (less than 6)	P	P	P	P
Home Day Care, Medium Scale (6 or more, but less than 16)	X	CU	CU	X
Child Care Center/Adult Daycare	X	X	CU	X
Home Occupation	P	P	P	P
<b>C. Community Facilities and Public Utilities</b>				
Church or other place of worship	P	P	P	P
Club or lodge, private	CU	CU	CU	CU
Community building, public	CU	CU	CU	CU
Public Utilities	P	P	P	P
Establishment for care of alcoholic, drug or psychiatric patients	X	X	X	X
Half-way House	X	X	X	X
Hospital, health center, institution for aged or children, and extensions or additions to existing	X	CU	CU	X
Library	CU	P	P	CU
Nursing, convalescent or rest home and extensions or additions to existing	X	CU	CU	X

<b>Permitted Uses</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-MH</b>
Park or playground	P	P	P	P
School, public, parochial, or private non-profit	CU	CU	CU	CU
Wireless Communication Facility	CU	CU	CU	CU
<b>D. Agricultural</b>				
Animal husbandry, dairying, and pasturage	CU	X	X	CU
Field crops, floriculture, greenhouses, horticulture, nursery truck gardening or viticulture, but not including retail sales on the premises	CU	CU	CU	CU
<b>E. Other</b>				
Other similar uses, not specifically listed above	CU	CU	CU	CU

**Section 5.03.0. Lot, Yard and Height Requirements**

Every building and use hereafter erected or located in a residential district shall have the lot area and widths identified below. No buildings shall be erected or enlarged unless the following yard setbacks are provided and maintained in connection with such building, structure, or enlargement.

Yard (front, rear, and side) are identified in the definition section of this Code. Front, side, and rear yard setbacks shall be measured from the property line or, when greater, the projected edge of the proposed street right-of-way shown on the Master Street Plan. The projection of open balconies, bay windows, and uncovered porches (patios) into yard space is permissible.

Chimneys, cooling or water towers, elevators, bulkheads, fire towers, monuments, stacks, storage towers, tanks, spires, church steeples, radio towers or necessary mechanical apparatus shall not be subject to the height requirements.

**RESIDENTIAL LOT, YARD & HEIGHT REQUIREMENTS**

<b>Zoning District</b>	<b>Minimum Lot Area</b>	<b>Minimum Lot Width</b>	<b>Setback Requirements</b>				<b>Max. Height</b>
			<b>Front</b>	<b>Side</b>	<b>Side-Street</b>	<b>Rear</b>	<b>Feet</b>
R-1	Single-Family: 7,000 sq. ft.	Single-Family: 50 ft.	25 ft.	7 ft.	15 ft.	10 ft.	36 ft.
R-2	Single-Family: 7,000 sq. ft.; Two-Family: 8,000 sq. ft.; Multi-Family: 3,000 sq. ft. per family unit	Single-Family: 50 ft.; Two-Family: 60 ft.; Multi-Family: 60 ft.	25 ft.	7 ft.	15 ft.	10 ft.	36 ft.
R-3	Single-Family: 7,000 sq. ft.; Two-Family: 8,000 sq. ft.; Multi-Family: 3,000 sq. ft. per family unit	Single-Family: 50 ft.; Two-Family: 60 ft.; Multi-Family: 60 ft.	25 ft.	7 ft.	15 ft.	10 ft.	36 ft.

Zoning District	Minimum Lot Area	Minimum Lot Width	Setback Requirements				Max. Height
			Front	Side	Side-Street	Rear	Feet
R-MH	Single-Family: 5,000 sq. ft.	Single-Family: 50 ft.	25 ft.	7 ft.	15 ft.	10 ft.	36 ft.
All R Districts	Places of Public Assembly, Places of Worship, Educational Facilities: 15,000 sq. ft.	100 ft.	25 ft.	25 ft.	25 ft.	25 ft.	36 ft.

Notes: Existing platted lots of records that do not meet the above requirements may be used subject to Section 4.10.0.

**Section 5.04.0. Parking**

The parking regulations for this district are handled in Article XI.

**Section 5.05.0. Special Provisions in the R-MH District**

All manufactured homes in this district outside of a manufactured home park shall be subject to the following standards:

- A. Dwellings shall be multi-sectional.
- B. Dwellings shall be oriented such that the front door of the structure faces the street.
- C. Dwellings shall be constructed with a type of siding that is consistent with other homes in the general vicinity.
- D. Roofs shall be sloped and shingled/metal.
- E. Units shall be set up and anchored in accordance with regulations set forth by the Arkansas Manufactured Home Commission.
- F. Units shall have a continuous underpinning around the perimeter of the structure.
- G. The manufactured home will be the principal structure on the lot.
- H. Dwelling moved into this zoning district shall be new and under warranty or inspected by the city's Administrative Official prior to being moved on site to ensure the dwelling will be inhabitable in a safe manner.

## ARTICLE VI. COMMERCIAL DISTRICTS

### Section 6.01.0. Purpose of Each District

#### 6.01.01. General Commercial District (C-1)

This district is intended to serve the retail, office, and business needs of the community by providing for the compatible and convenient location of commercial establishments. The uses of this district are intended to serve both the needs of local residents and that of through highway traffic.

### Section 6.02.0. Permitted Uses

The permitted uses in each of the residential districts are set forth in the following table. The following symbols, placed opposite a permitted use and underneath a residential zoning district, shall have these meanings:

“P” means that the listed use is permitted by right in that district.

“CU” means that the listed use is permitted subject to approval as a conditional use per the requirements of Article XIV.

“X” means that the use is prohibited.

### COMMERCIAL USES

<i>PERMITTED USES</i>	<i>C-1</i>
Adult Day Care	P
Appliance sales and service	P
Automotive accessory and supply store	P
Automotive, boat, and truck sales, rental, and service	P
Automotive car wash, repair, or service station	P
Bank and other financial institutions	P
Building supplies, including sale of lumber	P
Carnival, circus or similar temporary amusement enterprise	P
Carting, crating, express hauling, moving or storage	P
Church or other Place of Worship	P
Child Care Center	P
Clinic, Medical or Dental	P
Club or lodge	P
Cold storage plant	CU
Convenience store	P
Drug store or pharmacy	P



<b>PERMITTED USES</b>	<b>C-1</b>
Dwelling – Multi-family	P
Establishment for care of alcoholic, drug or psychiatric patients/Half-way House	CU
Farm equipment sales, service, repair	P
Feed and fertilizer sales	P
Freight depot, railroad or truck	P
Funeral home, mortuary or undertaking establishment	P
Grocery, Hardware, or other retail store	P
Hotel/Motel	P
Hospital	P
Ice vending establishment – stand alone	CU
Junk Yards and/or Hazardous Materials use or storage	X
Kennel	P
Mini-storage	P
Manufactured home sales and service	P
Nursing Home	P
Offices	P
Open Display Commercial/Outdoor Display Commercial	P
Parks	P
Personal Service Shop – barber, dry cleaner, etc.	P
Place of Public Assembly	P
Public Utilities	P
Recreation or amusement center	P
Restaurant	P
Retail Stores	P
School	P
Sexually-oriented Business	CU
Storage Container Sales or Rental	CU
Veterinarian, animal clinic	P
Warehousing, packaged products	P
Wholesale establishment	P
Wireless Communication Facilities	P
Temporary structures for construction and/or sales operations	CU
Other similar uses, not specifically enumerated above, but determined by the Commission to be consistent with the character and requirements of the district.	CU

**Section 6.03.0. Lot, Yard and Height Requirements**

Every principal permitted use hereafter erected or located shall have the lot area and widths identified below. No buildings shall be erected or enlarged unless the following yard setbacks are provided and maintained in connection with such building, structure, or enlargement.

Yard (front, rear, and side) are identified in the definition section of this Code. Front, side, and rear yard setbacks shall be measured from the property line or, when greater, the projected edge of the proposed street right-of-way shown on the Master Street Plan. The projection of open balconies, bay windows, and uncovered porches (patios) into yard space is permissible.

Chimneys, cooling or water towers, elevators, bulkheads, fire towers, monuments, stacks, storage towers, tanks, spires, church steeples, wireless communication facilities or necessary mechanical apparatus shall not be subject to the height requirements.

Zoning District	Minimum Lot Area	Minimum Lot Width	Building Site Coverage	Setback Requirements				Max. Height
				Front	Side	Side-Street	Rear	
C-1	7,000 sq. ft.	50 ft.	50%	15 ft.	10 ft.*	15 ft.	10 ft.*	36 ft.
*C-1 Properties Adjacent to R Districts  Visual screening of at least 6 ft. in height is required for those portions of the commercial property adjacent to the residential district.				15 ft.	25 ft.	15 ft.	25 ft.	36 ft.
Auto Service Station, Car/Boat Sales, Heavy Equip. Sales, Storage Structure Sales	7,000 sq. ft.	100 ft. at street	50%	25 ft.	10 ft.*	25 ft.	15 ft.*	36 ft.

**Section 6.04.0. Parking**

The parking regulations for these districts are handled in Article XI.

## ARTICLE VII. INDUSTRIAL DISTRICTS

### Section 7.01.0. Purpose of Each District

#### 7.01.01. Industrial (I-1)

As this industrial district is often located in proximity to residential districts, its principal purpose is to permit the operation of industries, trades, and services that can be operated in a relatively clean and quiet manner and which will not be obnoxious to adjacent residential or business districts. Thus, it is intended primarily for the conduct of light manufacturing, assembling, and fabrication and for warehousing, wholesaling, and service uses, conducted by operations which are primarily carried on within enclosed buildings having adequate land area for parking and landscaping and with adequate safeguards for safety and aesthetics.

### Section 7.02.0. Permitted Uses

The permitted uses in each of the residential districts are set forth in the following table. The following symbols, placed opposite a permitted use and underneath a residential zoning district, shall have these meanings:

- “P” means that the listed use is permitted by right in that district.
- “CU” means that the listed use is permitted subject to approval as a conditional use as set forth in Article XIV.
- “X” means that the use is prohibited.

#### INDUSTRIAL USES

<i>PERMITTED USES</i>	<i>I-1</i>
Agricultural Products Processing	CU
Bulk Storage of Highly Flammable Materials	CU
Contractor or Utility Equipment Parking/Storage Yard	P
Dwellings – All Residential	X
Foundry and Metal Works	CU
Grain Elevator or Feed Mill	CU
Junk or Salvage Yard	CU
Lumber Yard	P
Machine or Welding Shop	P
Manufacturing	P
Places of Worship and Churches	P
Printing and Publishing	P
Processing and Assemblage	P
Public Utilities	P
Recycling and Reclamation	CU

<b>PERMITTED USES</b>	<b>I-1</b>
Sand, Gravel or Earth Sales and Storage	P
Sanitary Landfill	CU
Stone, Sand or Gravel Extraction	X
Storage Container Sales or Rental	CU
Taxidermy	P
Tool and Equipment Rental (Inside or Outside)	P
Water/Sewage Treatment Plant	P
Warehousing and Wholesaling	P
Wireless Communication Facilities	P
Temporary structures for construction	P
Other Industrial Uses not expressly provided for, unless otherwise prohibited by law	CU

**Section 7.03.0. Lot, Yard and Height Requirements**

No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure, or enlargement:

Yard (front, rear, and side) are identified in the definition section of this Code. Front, side, and rear yard setbacks shall be measured from the property line or, when greater, the projected edge of the proposed street right-of-way shown on the Master Street Plan.

Chimneys, cooling or water towers, elevators, bulkheads, fire towers, monuments, stacks, storage towers, tanks, spires, church steeples, radio towers or necessary mechanical apparatus shall not be subject to the height requirements.

<b>Zoning District</b>	<b>Minimum Lot Area</b>	<b>Minimum Lot Width</b>	<b>Building Site Coverage</b>	<b>Setback Requirements</b>				<b>Maximum Height</b>
				<b>Front</b>	<b>Side</b>	<b>Side-Street</b>	<b>Rear</b>	
I-1	10,000 sq. ft.	100 ft.	50%	50 ft.	20 ft.*	25 ft.	35 ft.*	45 Ft.
*I-1 Properties Adjacent to R Districts  Visual screening of at least 6 ft. in height is required for those portions of the industrial property adjacent to the residential district.				50 ft.	50 ft.	25 ft.	50 ft.	45 ft.

### **Section 7.04.0. Performance Standards**

Any industrial use established in the City of Hoxie after the effective date of these regulations shall conform to the performance standards as set forth hereunder:

#### **7.04.01 Physical appearance**

The outdoor display of merchandise or vehicles of resale is prohibited except when in operable condition. The outdoor storage of merchandise, vehicles, equipment shall be suitably screened by a fence at least six feet (6') in height through which said materials, equipment, merchandise, and vehicles cannot be seen from the street.

#### **7.04.02. Flammable or explosive materials**

Any operation which involves the storage or use of highly flammable gases, acid, liquids, grinding processes or other inherent fire or explosive hazards shall provide evidence that such storage or use is in conformance with all relevant regulations and requirements of the State Fire Marshall and/or relevant federal regulations.

All outdoor storage facilities for fuel, raw materials, and products used in the manufacturing process or stored as inventory shall be enclosed by a solid fence or wall adequate to conceal such facilities, fuel, raw materials and products from adjacent residential and business districts; provided, however, that such fence or wall need not exceed ten feet (10') in height.

#### **7.04.03. Sewage and Liquid Waste**

No operation shall be carried on which involves the discharge into a sewer, water course or on the ground of liquid wastes of any nature, which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations, or polluting to any water course above that level of pollution certified as acceptable by the Arkansas Department of Environmental Quality.

All materials or waste which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.

#### **7.04.04. Odor**

The emission of odors that are generally agreed to be obnoxious to any considerable number of persons, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking or the roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of this ordinance.

#### **7.04.05. Vibration**

All machines including punch presses and stamping machines shall be mounted as to minimize vibration and in no case shall such vibration exceed a displacement of three thousandths of an inch measured at the lot line. The use of steam or broad hammers shall not be permitted.

#### **7.04.06. Glare and Heat**

All glare, such as welding arcs and open furnaces shall be shielded so that they shall not be visible from the lot line. No heat from furnaces or processing equipment shall be sensed at the lot line to the extent of raising the temperature of air or materials more than 5 degrees Fahrenheit.

***Section 7.05.0. Parking***

The parking regulations for this district are handled in Article XI.

## ARTICLE VIII. AGRICULTURAL DISTRICTS

### Section 8.01.0. Purpose of Each District

#### 8.01.1. Agricultural (A-1)

The Agricultural District is created to prevent premature urban development of certain lands that eventually will be appropriate for urban use, until the installation of streets, utilities, and community facilities make orderly development possible. The Agricultural District is intended for agricultural uses with accompanying single-family residences as well as incidental accessory uses.

### Section 8.02.0. Permitted Uses

The permitted uses in each of the residential districts are set forth in the following table. The following symbols, placed opposite a permitted use and underneath a residential zoning district, shall have these meanings:

- “P” means that the listed use is permitted by right in that district.
- “CU” means that the listed use is permitted subject to approval as a conditional use as set forth in Article XIV.
- “X” means that the use is prohibited.

#### AGRICULTURAL DISTRICTS

<i>PERMITTED USES</i>	<b>A-1</b>
Agriculture	P
Aquaculture	CU
Automobile Wrecking or Salvage Yard	X
Bed and Breakfast	CU
Child Care Centers	X
Contractor or Utility Equipment Parking/Storage Yard	X
Dwelling – Manufactured Home	P*
Dwelling – Single-Family Home	P
Dwelling – Two, Three, Four, and Apartment Residential	X
Home Occupation	P
Junk Yards and/or Hazardous Materials Use or Storage	X
Place of Worship or Church	P

\*Such uses shall be subject to the same requirements placed on manufactured homes within the R-MH district. See Section 5.05.0

**Section 8.03.0. Lot, Yard, and Height Requirements**

Every principal permitted use hereafter erected or located shall have the lot area and widths identified below. No buildings shall be erected or enlarged unless the following yard setbacks are provided and maintained in connection with such building, structure, or enlargement.

Yard (front, rear, and side) are identified in the definition section of this Code. Front, side, and rear yard setbacks shall be measured from the property line or, when greater, the projected edge of the proposed street right-of-way shown on the Master Street Plan. The projection of open balconies, bay windows, and uncovered porches (patios) into yard space is permissible.

Chimneys, cooling or water towers, elevators, bulkheads, fire towers, monuments, silos, stacks, storage towers, tanks, spires, church steeples, radio towers or necessary mechanical apparatus shall not be subject to the height requirements.

Zoning District	Minimum Lot Area	Minimum Lot Width	Setback Requirements				Maximum Height
			Front	Side	Side-Street	Rear	
A-1	2 acre	N/A	25 ft	25 ft	25 ft	25 ft	36 ft.

**Section 8.04.0. Parking**

The parking regulations for this district are handled in Article XI.



**ARTICLE IX. USE STANDARDS**

**Section 9.01.0. Accessory Buildings**

Accessory buildings are subject to the following setbacks:

<b>Setback Requirements</b>			
<b>Front</b>	<b>Side</b>	<b>Side-Street</b>	<b>Rear</b>
Same as Zoning District	5 ft.	Same as Zoning District	5 ft.
Or Not Permitted in R and C Districts			

- A. In all Residential Districts, or in any Zoning District in which the property is used primarily for residential purposes, a detached accessory building shall be located more than ten (10) feet from the principal building on the property, except when the accessory building has a one hour fire rating wall on the side nearest the residentially used building.
- B. Accessory buildings shall be clearly incidental to the main building on the lot. Accessory buildings in excess of 800 square feet or forty (40) percent of the size of the main building shall require a Conditional Use Permit in accordance with the provisions of Article XIV.

**Section 9.02.0. Automobile Wrecking and Junk Yards**

**9.02.01. General**

Because of the nature of their operations and the noise, dust, traffic, and health hazards they may create, salvage yard shall adhere to the subsequent regulations:

**9.02.02. Standards**

- A. *Location:*  
Because of the tendency of salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than eight hundred (800) feet to any established residential zoning district.
- B. *Screening:*  
All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence or wall, except driveway areas, from not less than eight feet (8') to not more than twelve feet (12') in height. Storage between the street and such fence is expressly prohibited. Any fence or wall erected for screening purposes shall be properly painted or

otherwise maintained in good condition. The fence shall be installed around each junk yard at the time the use is established or within 6 months of annexation.

C. *Ingress and Egress:*

The number of vehicular access driveways for junk yards and automobile wrecking yards having frontage on a State or Federal highway shall be regulated by the Arkansas Highway & Transportation Department.

**Section 9.03.0. Child Care Centers**

Requirements applying to Child Care Centers are as follows:

- A. Child Care Centers are required to obtain a permit before beginning operations.
- B. Each permit issued for a Child Care Center shall be accompanied by a scaled site plan and shall include the following:
  - 1. Owners Name, address, and telephone number
  - 2. North Arrow
  - 3. Scale
  - 4. Accurate Shape and dimension of the lot or site
  - 5. Lengths of all property lines
  - 6. Roads and rights-of-ways-labeled, both public and private
  - 7. Parking areas, driveway location and any intersections with roads
  - 8. Label all existing structures
  - 9. Locations and dimension of all structures and distances of each to property lines
- C. All Child Care Centers shall be located on a lot large enough to meet city codes and state requirements, and all portions of said lot used for outdoor play space shall be fenced with a fence six feet in height.
- D. Child Care Centers shall meet all City, County and State Health Department requirements as to safety, design, facilities, equipment, and other features. The facility shall be operated in a manner that will not adversely affect other properties and uses in the area.
- E. Child Care Centers shall provide one paved parking space for each employee at the center at any one time, plus two additional paved parking spaces.
- F. Child Care Centers shall provide one off-street parking space for the loading and unloading of children.

**Section 9.04.0. Medium Scale Home Day Care**

Requirements applying to Medium Scale Home Day Care are as follows:

- A. Medium Scale Home Day Cares are required to obtain a permit before beginning operations.
- B. Each permit issued for a Medium Scale Home Day Care shall pertain to only one (1) building/ structure and each expansion thereof shall require a separated business permit.
- C. The application for a Medium Scale Home Day Care business permit shall be accompanied by a scaled site plan and shall include the following:
  - 1. Owners Name, address, and telephone number
  - 2. North Arrow
  - 3. Scale
  - 4. Accurate Shape and dimension of the lot or site
  - 5. Lengths of all property lines
  - 6. Roads and Rights-of-Ways-Labeled, both public and private
  - 7. Parking areas, driveway location and any intersections with roads
  - 8. Label all existing structures
  - 9. Locations and dimension of all structures and distances of each to property lines.
- D. All Medium Scale Home Day Cares shall be located in a single-family dwelling and shall be operated in a manner that will not change the character of the residence.
- E. All Medium Scale Home Day Cares shall be located on a lot large enough to meet city codes and street requirements, and all portions of said lot used for outdoor play space shall be fenced with a fence six (6) feet in height.
- F. All Medium Scale Home Day Cares shall meet all City, County and State Health Department requirements as to safety, design, facilities, equipment, and other features. The facility shall be operated in a manner that will not adversely affect other properties and uses in the area.
- G. All Medium Scale Home Day Cares shall provide one paved parking space for each employee at the home at any time plus two (2) additional paved parking spaces.
- H. Medium Scale Home Day Cares shall provide one off-street parking space for the loading and unloading of children.

**Section 9.05.0. Small Scale Home Day Cares**

Requirements applying to Small Scale Home Day Cares are as follows:

- A. Small Scale Home Day Care operations shall be operated by the resident of the structure.
- B. Small Scale Home Day Care operations shall be operated on a lot meeting city codes and State of Arkansas licensing regulations. All portions of the lot used for outdoor play space shall be fenced with a fence at least 6 feet in height.
- C. The dwelling shall meet all City, County, and State Health Department requirements as to safety, design, facilities, equipment, and other features and the facility shall be operated in such a manner that it will not adversely affect other properties in the area.

**Section 9.06.0. Flammable Liquids and Gases**

The storage of flammable liquids and gases shall comply with the State of Arkansas Fire Prevention Code and be approved in writing by the Hoxie Fire Marshal or Chief. Tanks for the storage of flammable liquids and gases in excess of 100 pounds shall be allowed only for Commercial and Industrial use.

**Section 9.07.0. Home Occupations**

An occupation may be carried on in a residential structure only if:

- A. It does not involve the use of commercial vehicles operating from the residence.
- B. It is clearly secondary to the dwelling purpose of the structure and does not involve a change in the residential character or appearance of the structure.
- C. It does not require the use of an accessory building or of yard space or an activity outside the main structure not normally associated with residential uses. When a State Statute or Regulation requires the operation of an occupation separate from the living quarters, an accessory structure may be utilized with the approval of the Board of Zoning Adjustment.
- D. The business, occupation, or profession does not occupy more than 25 percent of the gross floor area of one floor of the structure.
- E. It does not involve the external display of goods and services.
- F. The business, occupation, or profession shall be conducted by a person, or persons, residing in the structure.
- G. It meets the definition of "Home Occupation," as defined in Article XVI.

### **Section 9.08.0. Manufactured Home Parks**

All new manufactured home parks that are established or existing manufactured home parks which are expanded after the effective date of these regulations shall comply with all of the requirements and standards contained in this section.

#### **9.08.1. Permitted District Locations**

Manufactured Homes Parks shall be permitted only in the Manufactured Home Residential (R-MH) zone.

#### **9.08.2. Development Standards**

The Manufactured Home Park shall conform to the following standards:

- A. A manufactured home park shall contain a minimum of five (5) acres.
- B. There shall be a maximum of six (6) manufactured homes per gross acre.
- C. Only one (1) manufactured home may be located on a manufactured home site as designated by the required lot size and yard areas.
- D. A site development plan shall be submitted to the Planning Commission showing the area and dimensions of the tract of land; the number, locations and size of all manufactured home spaces; the location and width of roadways, walkways, and recreational areas; and the location of service buildings and other proposed structures. If approved, the development shall conform to the site development plan and violation of the plan shall nullify the permit. Existing facilities or rented spaces shall not be expanded without prior consent of the Planning Commission.
- E. Each manufactured home park shall be permitted to display on each street frontage, one identifying sign of a maximum size of 32 square feet.
- F. Any manufactured home located in this district shall be set up and anchored in accordance with the Rules and Regulations of the Arkansas Manufactured Housing Commission.

#### **9.08.3 Design**

- A. **Lot Size:**  
Each manufactured home space shall contain a minimum of 5,000 square feet of site area. Each manufactured home space shall have a minimum width of fifty (50) feet.

- B. **Yard Areas:**  
A manufactured home space shall have yard setbacks of not less than seven and one-half (7 ½) feet on all sides.

There shall be a minimum distance of twenty (20) feet between manufactured homes.

- C. **Parking and Streets:**  
A minimum of two (2) improved off-street parking spaces shall be provided per manufactured home space, each nine (9) feet by twenty (20) feet.

All manufactured home spaces shall abut a hard-surfaced driveway of not less than twenty (20) feet in width, which shall have unobstructed access to a public street. The driveways will consist of two inches of asphalt over a six-inch gravel base.

D. Utilities:

Each manufactured home space shall be provided with sanitary sewer and water service as required by the Codes of the City of Hoxie.

Utility services to each manufactured home space shall be in conformance with the subdivision regulations of the City of Hoxie.

A 200 amp electrical service shall be provided for each manufactured home space.

E. Screening:

Fencing and landscaping may be required by the Planning Commission as part of a Conditional Use Permit for a manufactured home park.

F. Accessory Structures:

The only accessory structure permitted shall be a storage building with a maximum size of ten (10) feet by ten (10) feet, and a garage for the storage of motor vehicles, both of which must meet the yard area requirements.

**9.08.4. Review Procedure**

The Commission shall review all proposals for Manufactured Home Park design using the Conditional Use procedures of Article XIV of these regulations.

**Section 9.09.0. Storage and Parking of Trailers and Commercial Vehicles**

**9.09.01. Parking or storage limitations.**

Commercial vehicles and trailers of all types including travel, camping and hauling shall not be parked or stored on any lot in any residential district, except in accordance with the following provisions:

- A. Not more than one (1) commercial vehicle which does not exceed one (1) ton rated capacity, per family dwelling unit on the premises, shall be permitted, but in no case shall such commercial vehicle be used for hauling explosives, gasoline, or liquefied petroleum products.
- B. Not more than one (1) camping or travel trailer or recreational hauling trailer per family dwelling unit on the premises shall be permitted and said trailer shall not exceed thirty-five feet (35') in length or eight feet (8') in width; and further provided that said trailer shall not be parked or stored for more than one (1) week in duration unless it is located behind the front yard building line.

**9.09.02. Occupancy Prohibited.**

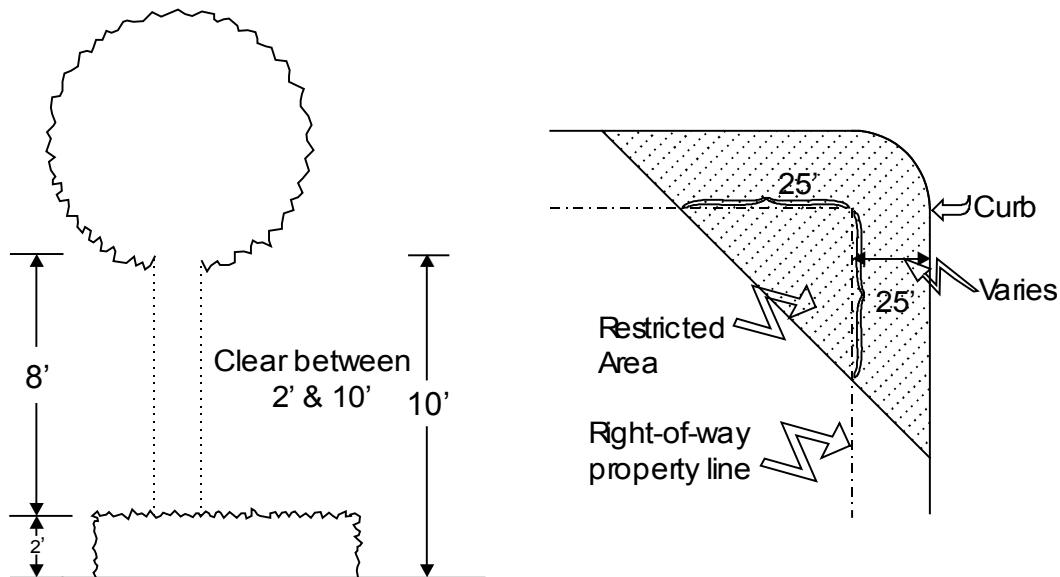
A camping or travel trailer shall not be occupied:

- A. permanently at any time while it is parked or stored in any area within the incorporated limits;

- B. or temporarily unless it is parked in a designated and permitted recreational vehicle travel park.

**Section 9.10.0. Visibility at Intersections in Residential Districts**

On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two feet (2') and ten feet (10') above the centerline grade of the intersecting street in the area bounded by the street right-of-way lines of such corner lot and a line joining points along said streets rights-of-way lines twenty-five feet (25') from the point of intersection. Graphic illustration of this requirement is provided below.



**Section 9.11.0. Storage Containers**

**9.11.1. Prohibition.**

Storage containers are prohibited at any location except where permitted for temporary use or when provided for sale or rent. See Section 9.12.0 regarding sales or rental of storage containers.

**9.11.2. Temporary Use.**

A storage container may be allowed as an accessory structure for temporary use in the following instances:

- A. Construction: A storage container may be utilized for the temporary storage of building materials and tools so long as there is active construction of a residential or commercial building on the tract of property upon which the container is to be placed. A permit is required and placement is allowed for up to 3 months after the permit is issued. The storage container must be moved once the permit expires. A permit may be extended to allow placement for a longer period. The permit may be extended by the administrative official to allow placement for up to 9 months. Extension beyond 9 months shall require city council approval. The permit shall expire on the date listed on the permit or 30 days after the construction on the site ceases, whichever is first. The permit must be displayed on the unit at all times.

- B. Commercial Inventory: A storage container may be utilized on commercial property for the temporary storage of inventory. A permit is required and placement is allowed for up to 2 months after the permit is issued. A permit may be extended to allow placement for a longer period. The permit may be extended by the administrative official to allow placement for up to 6 months. Extension beyond 6 months shall require city council approval. An applicant cannot apply for a permit more than 3 times in a year, and storage containers shall not be placed upon the property for a total period of more than 6 months in any calendar year. The permit must be displayed on the unit at all times. The permit shall expire on the date listed on the permit.

**9.11.3. Permit.**

- A. Application: The owner of the real estate upon which the storage container is to be placed must apply for a permit. The application shall be on a form supplied by the City of Hoxie and on file with the City Clerk. The application shall be completed and executed by the owner of the property returned to the City Clerk with the application fee. The application shall include the following information:
  - 1. Name, postal address, and telephone number of the owner of the real estate.
  - 2. Purpose for the storage container.
  - 3. A plan indicating the proposed location of the container and its distance from buildings or proposed buildings.
  - 4. Identification of adjoining property owners (including name, address, and telephone number).
  - 5. Location of fire hydrants, location of utilities, and an indication of setbacks or easements.
  - 6. A description of the container including its dimensions, style, color, and how it will be secured to the ground.
  - 7. Location and number of parking spaces for the site, if a business.
  - 8. Any additional information required by the administrative official.
- B. Review: The application will be reviewed by the administrative official. The administrative official may take into consideration the appearance of the container, visibility from the street, potential alternative locations for the storage unit on the lot, efforts to minimize disturbance adjoining properties, container size, safety, existence of any zoning violations, and other concerns related to health, safety, and welfare.
- C. Approval/Denial: The administrative official shall approve, deny, or request additional information from the applicant within 72 hours of receipt of the application. If additional



information is requested, the administrative official shall have 72 hours to approve or deny the application once the information is received.

**9.11.4. Toxic or Hazardous Materials.**

No storage container may be used to house any toxic or hazardous materials.

**9.11.5. Maintenance and Safety.**

All storage containers must be maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, and shall ensure that it does not pose any safety risk. In the event the storage container is determined to be a safety risk or present physical danger to persons or property, the storage container may be caused to be removed from the property.

**Section 9.12.0. Storage Container Sales or Rental**

The following govern the sites which sale or rent storage containers:

- A. Storage container sales and rental sites must be approved through the conditional use permit process.
- B. All storage containers must be placed within the side or rear yard of the lot and observe the building setbacks for the property.
- C. No storage container shall be allowed closer to the street frontage than the front edge of the principal structure on the lot.
- D. All storage containers must not be visible from any street frontage and be placed behind a wall or fencing at least eight (8) feet in height that provides visual screening.
- E. No storage container can be placed within the required parking area for a business.
- F. All storage containers must be locked and secured in a manner to prevent public access to the storage containers.

## **ARTICLE X. SIGNS**

### ***Section 10.01.0. Prohibited Signs***

The following signs are prohibited within the city limits:

- A. Unsafe signs.
- B. Signs that constitute a traffic hazard.
- C. Abandoned signs.
- D. Signs within the public right-of-way.
- E. Billboards.
- F. Signs on public property, such as light poles, except as authorized by the City of Hoxie or other governmental institution.
- G. Signs attached or affixed to a vehicle or object towed by vehicle that are parked in one location for greater than 48 hours.
- H. Signs affixed to storage containers.

## ARTICLE XI. OFF-STREET PARKING AND LOADING REQUIREMENTS

### Section 11.01.0. Off-Street Parking and Requirements

#### 11.01.01. Minimum Standards

In all districts there shall be provided at such time any building or structure is erected, enlarged, or increased in capacity, off-street parking spaces for vehicles in accordance with the following requirements:

<i>Use</i>	<i>Parking Standards</i>
1. Dwelling	Two (2) parking spaces for each dwelling unit.
2. Hotel or Motel	One (1) parking space for each rentable sleeping room., plus one (1) parking space per each employee on the largest shift.
3. Medical or Dental Clinics Offices and Hospitals	Four (4) spaces per doctor plus two (2) spaces for each three (3) employees in clinics and offices. For hospitals there shall be one (1) space per bed and one (1) space per employee on duty at any given time.
4. Nursing Homes	One (1) space for each six (6) patient beds plus one (1) space for each staff or visiting doctor plus one (1) space per employee on duty at any given time.
5. Community Center, Theater, Auditorium	One (1) parking space for each four (4) seats based on maximum seating capacity.
6. Convention Hall, Lodge, Club, Library, Museum, Place of Amusement or Recreation	One (1) parking space for each fifty (50) square feet of floor area used for assembly or recreation in the building.
7. Retail Shops	One (1) parking space for each one hundred fifty (150) square feet of floor area devoted to sales.
8. Office Building	One (1) parking space for each three hundred (300) square feet of floor area in the building, exclusive of the area used for storage, utilities, and service area.
9. Commercial Establishment Not Otherwise Classified	One (1) parking space for each four hundred (400) square feet of floor space in the building.
10. Industrial Establishments	Adequate area to park all employees' and customers' vehicles at all times and adequate space for loading, unloading, and storing all vehicles used incidental to or as a part of the primary operation of the establishment. Not fewer than one (1) parking space shall be provided for each four (4) employees present at any given time.
11. Church Sanctuary	One (1) parking space for each four (4) seats based on maximum seating capacity; provided, however, that churches may establish joint parking facilities not to exceed fifty percent (50%) of the required spaces, with public institutions and agencies that do not have a time conflict in parking demand. The joint parking facility shall be located not to exceed four hundred (400) feet from the church sanctuary.

<i>Use</i>	<i>Parking Standards</i>
12. All Others	For all other uses not covered in (1) through (11) above, the Planning Commission shall make a determination of the parking demand to be created by the proposed use, and the amount of parking thus determined shall be the off-street parking requirement for the permitted use.

**11.01.02. Application of Standards**

- A. Joint Parking Facilities: Off-street parking facilities for different buildings, structures, or uses, of for mixed uses may be provided collectively in any nonresidential zoning district, provided that the total number of spaces so located together shall not be less than 66% of the sum of the separate requirements for each use.
- B. Where a fractional space results, such fraction shall be counted as one (1) parking space.
- C. These standards shall apply fully to all uses and buildings established after the effective date of these regulations.
- D. Except for parcels of land devoted to single-family or duplex residences, all area devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.
- E. All parking spaces required herein shall be located on the same lot with the building or use served, with the exception of churches.
- F. No signs of any kind shall be erected except information signs used to guide traffic and to state the conditions and terms of the use of the lot. Only non-intermittent white lighting of signs shall be permitted.
- G. Adequate parking spaces shall be provided to meet ADA Accessibility requirements.
- H. The standards may be waived or modified by the Board of Adjustment.

**Section 11.02.0. Off-Street Loading and Unloading Requirements**

The following requirements shall apply to off-street loading and unloading facilities:

- A. A building whose principal use is handling and selling goods at retail shall provide one (1) off-street loading and unloading space for buildings up to and including ten thousand (10,000) square feet of floor area, plus one (1) additional space for each additional ten thousand (10,000) square feet of gross floor area.
- B. Manufacturing, repair, wholesale, and similar uses shall provide one (1) off-street loading and unloading space for buildings containing ten thousand (10,000) square feet of floor space, plus

one space for each forty thousand (40,000) square feet of floor area in excess of ten thousand (10,000) square feet of gross floor area.

- C. Where trailer trucks are involved, such loading and unloading space shall be an area twelve (12) by fifty (50) feet with a fourteen (14) foot height clearance and shall be designed with appropriate means of truck access to a street or alley, as well as having adequate maneuvering area.

### **Section 11.03.0. Other Requirements**

#### **11.03.01. Paving Surface Required**

The owner/ developer shall cover all portions of the site that are intended to be used for drives, parking, maneuvering and vehicular access to warehouse bays with a suitable hard surface material composed of gravel, asphalt, or concrete; and all other areas shall be improved with grass, ground cover and/or landscaping.

#### **11.03.02. Driveways**

Driveways used for ingress and egress shall not exceed twenty-five (25) feet in width, exclusive of curb returns, except that the width may be increased to forty (40) feet in the C-1, and I-1 zones.

#### **11.03.03. Buffer**

All interior sides of a parking lot abutting a residential use shall be enclosed with an opaque, ornamental fence or wall, having a height of not less than five feet (5') nor more than seven feet (7'). Such fence or wall shall be maintained in good condition.

#### **11.03.04. Size**

The size of a parking space for one (1) vehicle shall consist of a rectangular area having dimensions of not less than nine feet (9') by twenty feet (20') plus adequate area for ingress and egress.

## **ARTICLE XII. NONCONFORMING STRUCTURES AND USES**

### ***Section 12.01.0. Nonconformities Generally***

The purpose of this Section is to establish requirements, limitations, and exceptions for the continued existence of uses, lots and structures, established prior to annexation or the effective date of these regulations, which do not conform to the provisions of these regulations. Such nonconformities may continue, but the provisions of this Section are designed to curtail enlargement or expansion of such nonconformities and to encourage their eventual elimination in order to preserve the integrity of the districts and the requirements established by these regulations.

Any nonconforming use, structure, or use of structure which legally existed prior to the effective date of these regulations or any use, structure or use of structure which has been rendered nonconforming by the provisions of these regulations may continue to be utilized in the same fashion as existed prior to the adoption of these regulations in conformity with the following provisions.

### ***Section 12.02.0. Nonconforming Use of Land***

A lawful use of land that existed on the effective date of these regulations which was made nonconforming by the terms of these regulations may continue in such use so long as it remains otherwise lawful, subject to the following provisions:

- A. A nonconforming use shall not be enlarged or increased nor extended to occupy a greater area of land than was occupied on the effective date of adoption of these regulations.
- B. If no structural alterations are made, a nonconforming use of the land may be changed to another nonconforming use of the same or more restrictive classification. In no case shall the use of the land be transferred to a more intensive nonconforming use. For example, a nonconforming commercial use shall not be changed to an industrial nonconforming use.
- C. When a nonconforming use has been discontinued or abandoned for a period of more than six (6) months, the use may not be re-established or resumed. Any subsequent use or occupancy thereof shall comply with the permitted use requirements of the zoning district in which it is located.

### ***Section 12.03.0. Nonconforming Structure***

Where a lawful structure exists on the effective date of adoption or amendment of these regulations that could not be built under the terms of these regulations by reasons of restriction on area, lot coverage, height, setbacks, or other characteristics of the structure or its location on the lot, such structure may continue to be used so long as it remains otherwise lawful, subject to the following provisions:

- A. Upon approval of the Board of Adjustment, such structure may be remodeled or repaired to maintain the premises in a safe and usable condition.

- B. In the event that any structure that is devoted in whole or in part to a nonconforming use is destroyed by fire, explosion or other casualty to the extent of more than sixty-six percent (66%) of the current replacement value immediately prior to such damage or destruction, such structure shall not be restored unless such structure and use thereof shall thereafter conform to all requirements of the zoning district in which such structure and use are located. When such damage or destruction is less than sixty-six percent (66%) of the reasonable replacement value of the structure immediately prior to such damage, the structure may be repaired and reconstructed and used for the same purposes as it was before the damage or destruction; provided that such repair or reconstruction is commenced and completed within six (6) months of the date of such damage and destruction. If the damaged structure sits idle for six (6) months, it may not be restored; and the owner shall demolish it and clear the site.
- C. No nonconforming structure shall be relocated in whole or in part to any other location on the same or any other lot unless the entire structure will conform to the requirements of the zoning district in which it is being relocated.
- D. A nonconforming structure upon the approval of the Board of Adjustment may be added to and/or enlarged if said addition or enlargement meets the area requirements of the zoning district in which the structure is located, provided said use of the structure is then in conformance with these regulations.
- E. A nonconforming residential structure, upon approval of the Board of Adjustment, may be added to and enlarged if such action does not create any further non-conforming effect or element.
- F. A nonconforming mobile home or manufactured home, when removed, shall not be returned or replaced by another mobile home or manufactured home, except that a mobile home may be replaced with a manufactured home within a nonconforming mobile or manufactured home park.

***Section 12.04.0. Nonconforming Use of Structure***

If a lawful use of a structure or of structure and premises in combination exists on the effective date of adoption or amendment of these regulations that would not be allowed in the district under the terms of these regulations, said lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted in these regulations in the district in which it is located shall be structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. 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 these regulations, but no such use shall be extended to occupy any of the site outside such building.
- C. 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 and that it is not of greater intensity.

- D. Any nonconforming use, once changed to a conforming use, shall conform to the regulations for the district in which such structure is located and all new uses shall be conforming uses.
- E. When a nonconforming use of a structure or a structure and premises in combination is discontinued or abandoned for a period of six (6) consecutive months, the structure or structure and premises in combination shall not thereafter be used except in conformance with the requirements of the district in which it is located.



## **ARTICLE XIV. AMENDMENTS TO ZONING CODE AND MAP**

### ***Section 13.01.0. General***

This code may be amended by changing the text, the Official Zoning Map, or both in accordance with the procedures prescribed herein. All amendments to the Official Zoning Map must conform to the city's adopted Future Land Use Plan. (See Section 4.04.0)

### ***Section 13.02.0. Requests for amendments***

The following may initiate a request to amend this Code:

- A. A member or members of the City Council.
- B. A member or members of the Planning Commission.
- C. The owner of a property or his/her appointed agent.

### ***Section 13.03.0. Amendments initiated by the City Council***

Amendments by the City Council may be made in the following manner.

- A. The City Council may refer a request for amendment to the Planning Commission to be considered in accordance with the procedures outlined in Section 13.04.0, below.
- B. The City Council may amend this Code in accordance with the provisions of § 14-56-423 of the Arkansas Code, Annotated when an emergency exists which threatens the health, safety, welfare, or morals of the citizens of the City. An amendment may be made by ordinance with approval of a majority of the entire City Council.

### ***Section 13.04.0. Amendments initiated by the Planning Commission***

Amendments initiated by the Planning Commission may be made by the following procedures.

- A. The Planning Commission may consider amendments or additions to the Zoning Code.
- B. If the proposed amendments are not consistent with the comprehensive plan, the Planning Commission must first consider and adopt any necessary changes to the plan.
- C. The Planning Commission will hold a public hearing to consider amendments to the Zoning Code and amendments to the comprehensive plan, if required.
- D. Notice of such hearing shall be published at least one time not less than fifteen (15) days prior to the date of the public hearing in a newspaper of general circulation in the City of Hoxie.
- E. Changes in zoning classifications initiated by the Planning Commission shall be considered comprehensive changes affecting the entire city and notice to individual property owners shall be not be made unless by Planning Commission decision. The Planning Commission shall make

a map and/or documents indicating the proposed changes available in City Hall for review by interested citizens and property owners at least 15 days prior to the public hearing at which the changes will be considered.

- F. Following the public hearing, the proposed amendments may be recommended as presented, or in modified form, by a majority of the entire Planning Commission.
- G. Following its adoption of the amendments of the Zoning Code or adopted plans, the commission shall certify adopted plans or recommended ordinances and regulations to the City Council for its adoption. Approval shall require of a majority of the entire City Council.

**Section 13.05.0. Amendments Initiated by Property Owners**

Amendments by property owners may be made in the following manner.

- A. An application for amendment shall be filed at the main desk in City Hall.
- B. The application for a Zoning Map Amendment shall contain the following information:
  - 1. Name and address of applicant.
  - 2. Statement that the applicant is the owner or the authorized agent of the owner of the property for which the Zoning Map Amendment is proposed.
  - 3. Address and legal description of property.
  - 4. A map of the subject property, delineating:
    - a. the dimensions of property;
    - b. approximate location of buildings with appropriate dimensions;
    - c. land uses of adjacent properties.
    - d. A vicinity map of sufficient clarity to allow location of the property for which a re-zoning request is located.
    - e. The application shall be accompanied by the prescribed fee.
- C. Hearing on Application

Upon receiving the application, the Administrative Official shall set a date for a public hearing.

Notice of such hearing shall be published at least one time at least fifteen (15) days prior to the date of the public hearing in a newspaper of general circulation in the City of Hoxie. The applicant shall bear the cost of such advertising.

Notice of such hearing shall be given by posting a sign on the property involved by the applicant at least fifteen (15) days prior to the hearing. Posting of the sign by the prescribed time shall be the responsibility of the city.

At least seven (7) days prior to the public hearing, the applicant must provide proof of publication that the required public notice has appeared in a newspaper of general circulation at least fifteen (15) days prior to the public hearing.

The applicant shall then be placed on the Planning Commission agenda for the meeting on which the public hearing is to be held.

D. Finding of Fact

Within thirty (30) days following the public hearing, the Planning Commission shall make a specific finding as to whether or not the change is consistent with the objectives of the Zoning Code, and the Plans adopted by the Planning Commission. The Planning Commission shall approve or deny the amendment application. If denied by the Planning Commission, the application will not be heard by the City Council unless the decision is appealed by the applicant.

E. Authorization by City Council

Any amendment will require approval of a majority of the entire City Council.

F. Effect of Denial of Amendment

No application for an amendment which has been denied wholly or partly by the City Council shall be resubmitted for a period of one (1) year from the date of said denial, except upon decision by the Planning Commission if substantial changes in conditions have occurred. A change of ownership of the subject property will not be deemed a substantial change of conditions.

## **ARTICLE XIV. CONDITIONAL USES**

### ***Section 14.01.0. Purpose***

Certain uses may or may not be appropriately located within various districts throughout the City of Hoxie due to their unusual or unique characteristics of operation and external effects. Given their unusual character, special consideration must be given each application 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. The uses listed under the various districts herein as "conditional uses" are so classified because they more intensely dominate the area in which they are located than do other uses permitted in the district; however, the nature of such uses makes it desirable that they be permitted to locate within the district.

### ***Section 14.02.0. Application for Conditional Use Permit***

An application for a Conditional Use Permit shall be filed with the Planning Commission. The application shall contain the following information and include the following documents:

- A. Name and address of the applicant
- B. Statement that the applicant is the owner or the authorized agent of the owners of the property for which the Conditional Use is proposed.
- C. Address and legal description of the property.
- D. Maps of the property as follows:
  - 1. A vicinity map to scale showing property to be re-zoned clearly outlined in the center of a circle with a radius of one-quarter mile.
  - 2. A paper copy of the plot plan or site layout of the subject property to scale and clearly dimensioned, showing the zoning of adjacent properties and, if applicable, building locations along with provisions for parking, loading and unloading, circulation, access, landscaping and screening.
- E. The application shall be accompanied by the prescribed fee as indicated in Schedule of Fees, and the anticipated cost of publication of notice.

### ***Section 14.03.0. Hearing on Application and Notice Requirements***

- A. Upon receipt in proper form of the application, the Administrative Official shall fix a date for a public hearing on the proposed Conditional Use within thirty (30) days of the filing of the application.
- B. Notice of such hearing shall be published at least one time at least fifteen (15) days prior to the public hearing in a newspaper of general circulation in the City of Hoxie.
- C. The cost of the publication of the notice shall be paid by the Applicant.

- D. The city shall post a suitable and pertinent sign on the property involved giving notice of such hearing not less than fifteen (15) days prior to the hearing.

**Section 14.04.0. Finding of Fact**

For the Planning Commission to approve an application for a proposed Conditional Use, a majority of the Commission must find that each of the following facts exist with respect to the application.

- A. The establishment, maintenance, or operation of the proposed Conditional Use will not be detrimental to or endanger the public health, safety, comfort or general welfare;
- B. The proposed Conditional Use will not harm other property in the neighborhood;
- C. The establishment of the Conditional Use will not impede the normal or orderly development and improvement of the surrounding properties;
- D. The proposed land use is compatible with other area properties;
- E. The proposed Conditional Use is in conformance with all off-street parking and loading requirements; and ingress and egress, and pedestrian ways are adequate;
- F. Landscaping and screening of the proposed Conditional Use shall be in accordance with this Code;
- G. Proposed Conditional Use signs shall be in accordance with this Code;
- H. Open spaces located on the proposed Conditional Use shall be maintained by the owner/developer;
- I. The size and shape of the site, including size, shape and arrangement of proposed structures is in accordance with this Code;
- J. Safeguards limiting noxious or offensive emissions, including lighting, noise, glare, dust, and odor have been addressed in the proposed application.

**Section 14.05.0. Conditions of Conditional Use**

The Planning Commission may include such conditions or restrictions upon the construction may include such conditions or restrictions upon the construction, location, and operation of a Conditional Use, as deemed necessary to secure the general objectives of this Code.

- A. Violation of any condition imposed hereunder shall constitute grounds for revocation by the Planning Commission of the Conditional Use Permit.
- B. Changes to the use of property not covered by the original Conditional Use Permit shall require approval of a new Conditional Use Permit.

**Section 14.06.0. Deadline for Planning Commission Decision**

Within thirty (30) days after the close of a public hearing on a proposed conditional Use, the Planning Commission shall approve or deny the application.

**Section 14.07.0. Denial of a Conditional Use**

No application for a Conditional Use Permit which has been denied wholly or partly by the Planning Commission shall be resubmitted for a period of one (1) year from date of said denial, unless the Planning Commission finds that a substantial change in conditions has occurred.

**Section 14.08.0. Lapse of a Conditional Use Permit**

A Conditional Use Permit granted hereunder shall lapse and become void:

- A. The permit for any use that has been discontinued for a period of greater than 120 days shall be considered invalid and revoked. Future use of the property must comply with the provisions of the underlying zoning district until a new Conditional Use Permit is obtained.
  
- B. In the case where any of the specific terms and conditions of a conditional use permits are violated, ignored, or otherwise not observed the Administrative Official may revoke such permit. A 30-day written notice using certified mail shall be addressed to the applicant indicating the nature of the non-compliance and the applicant's right to file an appeal to the Board of Adjustment. If no appeal is filed within the 30-day period, and the non-compliance has not been corrected within 45 days of receipt of the written notice, the permit shall be revoked. Revocation shall be immediate and shall prevent use of the property in a general manner as specified within the original permit. The property shall revert to its use status prior to issuance of the conditional use permit.

## **ARTICLE XV. BOARD OF ADJUSTMENT**

### ***Section 15.01.0. Organization***

- A. A Board of Adjustment is hereby established to consist of the members of the Planning Commission.
- B. All members of the Board shall be residents of the City of Hoxie.
- C. No more than 1/3 of the members of the Board shall hold an elective office in the city government.
- D. The officers of the Planning Commission shall hold the same offices in the Board of Adjustment.

### ***Section 15.02.0. Meetings and Hearings***

The Board of Adjustment shall establish regular meeting dates, adopt rules for the conduct of its business, establish a quorum and procedure, and keep a public record of all findings and decisions. Each session of the Board of Adjustment is a public meeting and public notice of the meeting must be published in a newspaper of general circulation in the city, at least one (1) time seven (7) days prior to the meeting.

### ***Section 15.03.0. Powers and Duties***

- A. The Board shall hear appeals from the decision of the Administrative Official in respect to the enforcement and application of said Code; and may affirm or reverse, in whole or in part, any decision of the Administrative Official.
- B. The Board shall hear requests for Variances from the literal provisions of the Zoning Code in instances where strict enforcement of the Zoning Code would cause undue hardship due to circumstances unique to the individual property under consideration, and grant such Variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the Zoning Code.
- C. The Board of Adjustment shall not permit as a Variance, any use in a zone that is not permitted under the Code.
- D. The Board of Adjustment may impose conditions in granting of a Variance to insure compliance and to protect adjacent property.

### ***Section 15.04.0. Appeals***

A decision of the Board of Adjustment may be appealed to a court of record having jurisdiction in Lawrence County, Arkansas.

### **Section 15.05.0. Procedure for Variance Applications**

#### **A. Application for Variance**

An application for a Variance shall be filed with the Administrative Official. At the time of filing, the applicant shall provide the application fee and the anticipated cost of publication and notice. The application shall contain the following information and include the following documents:

1. Name and address of applicant.
2. Statement that the applicant is the owner or the authorized agent of the owner of the property for which the Variance is proposed.
3. Address or description of the property.
4. A list of the names and addresses of owners of all adjoining properties.
5. A map of the subject property, delineating:
  - a. the dimensions of property;
  - b. approximate location of buildings with appropriate dimensions;
  - c. land uses of adjacent properties.

#### **B. Hearing on Application**

1. Upon receiving the application, the Board of Adjustment shall hold a public hearing on the proposed Variance within 30 days.
2. Notice of such hearing shall be published by the City at least one time not less than seven (7) days prior to the public hearing.
3. The cost of the publication of the notice shall be paid by the applicant.

#### **C. Finding of Fact**

For the Board of Adjustment to approve an application for any proposed Variance, a majority of the entire Board must find that each of the following facts exist with respect to the application:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, the strict letter of this Zoning Code would result in an undue hardship to the owner, as distinguished from a mere inconvenience.
2. The conditions causing the need for a Variance are unique to the property and are not applicable, generally, to other property within the same zoning classification.
3. The alleged difficulty or hardship is caused by this Code and has not been created by any persons presently having an interest in the property or by any predecessor in title.



4. The granting of the Variance will not harm the public welfare, other property, or improvements in the neighborhood in which the property is located.
5. The proposed Variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood;
6. The proposed Variance complies with the spirit and intent of restrictions imposed by this Code.

D. Conditions of Variances

The Board of Adjustment may require such conditions or restrictions upon the construction, location, and operation of a Variance, as deemed necessary to secure the general objectives of this Code. Such conditions or restrictions may include, but shall not be limited to, provisions for the protection of adjacent property, the expiration of said Variance after a specified period of time, and off-street parking and loading requirements.

E. Deadline for Board of Adjustment Decision

Within thirty (30) days after the close of the public hearing, the Board of Zoning Adjustment shall make a written finding of fact and submit its decision to the Administrative Official.

F. Effect of Denial or a Variance

No application for a Variance that has been wholly or partly denied by the Board of Adjustment shall be resubmitted within a period of one (1) year from date of said denial.

G. Lapse of Variance

A Variance granted hereunder shall lapse and become void:

1. Where no building or construction is involved, approvals for the use of the property for which the Variance is issued shall expire within six (6) months if not begun.
2. Where buildings or construction is involved, if a building permit for the construction tied to the Variance is not issued within six (6) months or completed within two (2) years, the approvals shall expire.

## ARTICLE XVI. DEFINITIONS

For the purpose of interpreting these regulations, words used in the present tense shall include the future tense; words in the singular number include the plural; and words in the plural number include the singular, except where natural construction of the writing indicates otherwise.

The word "shall" is mandatory and not directory. The word "person" includes a firm, partnership, or corporation as well as an individual.

Where words have not been defined in these regulations, the Webster's Collegiate Dictionary definition shall prevail.

For the purpose of interpreting these regulations, certain terms and words are to be used and interpreted as defined hereinafter.

**Abutting:** Having property of district lines in common. Since zoning district lines fall to the centerline of a street, alley or waterway, lots which appear physically separated abut at said district line.

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

**Accessory Buildings  
And Uses:** An accessory building is a subordinate building or a portion of the main building, the use of which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in these regulation) located on the same lot as the use of the main building or principal use of the land. An accessory use is one which is clearly incidental to or customarily found in connection with and on the same lot as the main use of the premises. When "accessory" is used in the text, it shall have the same meaning as accessory use.

**Addition:** Any construction which increases the size of a building such as a porch, attached garage or carport, or a new room or wing.

**Administrative Official:** The person or person designated by the Mayor to administer the Zoning Code.

**Adult Day Care:** A profit or non-profit establishment that provides, on a regular basis, assistance or care for five or more unrelated adults for a period of less than 24 hours a day and which received payment, fee, or grant for the adults attending the facility.

**Agriculture:** The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, aquaculture, and animal poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided,

however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

- Alley:** A permanent public service way, which affords only a secondary means of access to abutting property.
- Apartment:** See "Dwelling, Apartment".
- Authorized Agent:** A person or persons authorized by the landowner to act in his behalf.
- Automobile Wrecking or Junk Yard:** An area outside of a building where motor vehicles are disassembled, dismantled, junked, or "wrecked", or where motor vehicles not in operable condition or used parts of motor vehicles are stored, or where scrap metal, cloth, wood, paper, or other materials are stored for either resale, recycling, or retention.
- Billboard:** An off-premise sign with an area larger than 250 square feet for use in outdoor advertising.
- Buffer:** A strip of land lying parallel to adjacent to a property line common to a dissimilar use of a more restrictive nature, upon which is placed some form of screening, such as fencing or vegetation. The purpose of a buffer is to minimize the adverse impacts of a more intense land use on a less intense land use.
- Buildable Area:** The space remaining for construction on a lot after the minimum area requirements (yards, setbacks, and coverage) have been met.
- Building:** Any structure including a roof supported by walls designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattel or property and forming a construction that is safe and stable; the word building shall include the word structure.
- Building, Attached:** A building that shares a continuous wall, roof, floor, or other structural element with another adjacent building.
- Building, Detached:** A building having no wall, roof, floor or other structural element in common with another building.
- Building, Coverage:** The percentage of the lot area covered by the building. The building area shall include all overhanging roofs.
- Building, Façade:** The area of a single building elevation which encompasses all of such elevation from ground or grade level to the top, and from one side to the other side of the building.
- Building, Height:** The vertical distance as measured through the central axis of the building from the elevation of the lowest finished floor to the highest

point of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof.

- Building, Line:** A line, usually fixed parallel to a lot line, beyond which a building cannot extend under the terms of the regulations. It is equivalent to the setback or yard line.
- Building, Nonconforming:** An existing building which fails to comply with the regulations (for height, size, area, yards and location) set forth in these regulations applicable to the district in which this building is located.
- Building, Principal:** A building in which is conducted the main or principal use of the lot on which said building is situated.
- Certificate of Occupancy:** Official certification that a premise conforms to provisions of the regulations (and Building Code) and may be used or occupied. Such a certificate is granted for new construction or for alteration or additions to existing structures. Unless a certificate is issued, a structure cannot be occupied.
- City:** The City of Hoxie, Arkansas.
- Child Care Facility or Day Care:** For the purposes of these regulations, a “child care facility” is any facility which provides training, education or supervision for any unrelated minor child for care apart from their natural parents, legal guardians, or custodians, when received for regular periods of time for compensation. Such a facility may or may not be licensed by the State. This definition shall not include:
1. public and private schools organized, operated or approved under the laws of this State;
  2. custody of children fixed by a court of competent jurisdiction;
  3. children related by blood or marriage within the third degree of the custodial persons; or,
  4. churches or other religious or public institutions caring for children within the institutional building while their parents or legal guardians are attending services or meetings or classes or engaged in church activities;
  5. businesses that set aside a portion of their facility for the care and supervision of the children of employees. Such a service shall be incidental to the primary operations of the business and be provided exclusively as a service and convenience to employees of the business.

Child Care Center:	A commercially designed and operated facility which receives six (6) or more children for care, training, education, or supervision for any unrelated minor child, whether or not the facility is operated for profit, and whether or not the facility makes a charge for the services offered by it. This also includes nurseries, nursery schools, day care centers and kindergartens. Such a facility is licensed by the State.
Clinic, Dental/Medical:	A facility for the examination and treatment of ill and afflicted human out patients; provided however, that patients are not kept overnight except under emergency conditions.
Commercial Vehicle:	Heavy machinery equipment, dump trucks, tractor and trailer rigs, either as one unit or separately, vehicles having more than two axles on the road and similar vehicles not ordinarily used for personal transportation.
Commission:	The Hoxie Planning Commission.
Conditional Use:	Uses permitted in zones where they are specifically listed as conditional uses and are subject to special conditions as determined by the Planning Commission and/or the City Council as outlined in Article III of these regulations.
Corner Lot:	A lot located at the intersection of two streets not sharing the common centerline.
CUP:	Conditional Use Permit
Day Care, Medium Scale Home:	A situation, arrangement or agreement by which one or more persons care for six (6) to sixteen (16) children from more than one family and are cared for in a caregiver's own family home or in some other suitable family type residence.
Day Care, Small Scale Home:	A situation in which the resident of a home cares for five (5) children or less.
District Zoning:	Any section, sections, or divisions of the City for which the regulations governing the use of land, density, bulk, height and coverage of buildings and other structures are uniform.
Drive In, Commercial Use:	Any retail commercial use providing considerable off street parking and catering primarily to vehicular trade such as drive in restaurants, drive in theaters, and similar uses.
Dwelling:	Any building, or portion thereof, which is designed or used as living quarters for one or more families, but not including house trailers,

mobile homes, or travel trailers. The “living quarters” must contain spaces for bathing, sleeping and meal preparation and eating.

- Dwelling, Apartment: A dwelling on a single lot designed to be occupied by more than four families, living independently of each other. Or, more than one dwelling structure on a single lot designed to be occupied by two or more families living independently of each other family.
- Dwelling, Single-Family: A dwelling on a single lot designed to be occupied by one family.
- Dwelling, Two-Family: A dwelling on a single lot designed to be occupied by two families living independently of each other.
- Dwelling, Three/Four-Family: A dwelling on a single lot designed for occupancy by three or four families living independently of each other, exclusive of auto or trailer courts or camps, hotels or resort type hotels.
- Dwelling, Townhouse/Row House: Two 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 may be owned by one family.
- Easement: A right of way or parcel of land specified or set aside for a specific use, normally used for access, utilities, and other public or private usage given by the owner of land to another party.
- Family: One or more persons related by blood or marriage, including adopted children, or a group of not to exceed four (4) persons not all related by blood or marriage, occupying premises and living as a single unit. A family may include domestic servants employed by said family.
- Federal Standards (Manu. Homes): The Federal Manufactured Home Construction and Safety Standards promulgated by the United States Department of Housing and Urban Development under the authority of 42 U.S.C. 5401 et seq. as it existed on January 1, 1976.
- Fence: A man made barrier constructed to provide privacy or visual separation between one ownership and another.
- Flammable or Explosive Material: Any material which from common knowledge is known to have flammable or explosive properties, or any material deemed by the city’s Fire Marshal to have flammable or explosive properties.
- Floor Area: The total area of all floors of a building measured to the outside surfaces of exterior walls and including halls, stairways, elevator shafts, attached garages, porches and balconies.

Garage, Private:	An accessory building or a part of a main building used for storage purposes only for automobiles used solely by the occupant and their guests of the building to which it is accessory.
Garage, Public or Repair:	A building in which are provided facilities for the dare, servicing, repair, or equipping of automobiles.
Gasoline or Service Stations:	Any building, structure, or land used primarily for the dispensing, sale of fuels, oils, accessories, or minor maintenance and repair services but not including painting, major repairs, or automatic washing facilities.
Half-way House:	A licensed home for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently. Such placement is pursuant to the authority of the State Department of Corrections.
Home Occupation:	Any use customarily conducted entirely within a dwelling and carried on principally by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and in connection with which there is no display, no stock in trade, no outside storage of equipment, no commodity sold upon the premises and not more than two persons are engaged in such occupation. Such uses as barbershop, beauty parlor, tearoom, tourist home, animal hospital, and dancing school shall not be deemed to be home occupations.
Hospital:	An institution providing health services primarily for human in patient or medical or surgical care for the sick or injured, including related facilities such as laboratories, out patient departments, training facilities, central service facilities and staff offices which are an integral part of the facilities.
Hotel:	A building or part thereof occupied as a more or less temporary abiding place for individuals in which the rooms are usually occupied singularly for hire and in which rooms no provisions for cooking is made, and in which building there is usually a kitchen and public dining room for the accommodation of the occupants and guests. This definition does not include an auto or trailer court or camp, sanatorium, hospital asylum, orphanage, or building where persons are housed under restraint.
Kennel:	Any lot or premises on which four (4) or more dogs, more than six (6) months of age are kept for personal use or boarding.

Landscaping:	A combination of living plants (such as grass, ground cover, shrubs, vines, hedges, or trees) and man-living materials (such as, rocks, pebbles, sand, mulch, walls, fences or decorative paving materials) arranged or preserved in such a way to produce a scenic setting.
Loading Space (Off Street):	Any unobstructed, hard-surface area no part of which is located in any street or public right of way and the principal use of which is for the standing, loading, or unloading of trucks and trailers.
Lot:	A parcel of land, legally defined in a recorded deed or recorded plat, fronting on a public dedicated right of way or other approved private drive. Said lot shall establish one building site.
Lot Area:	The total horizontal area included within the lot.
Lot Coverage:	The percentage of lot area occupied by the ground area of principal and accessory buildings on such lot.
Lot Depth:	The mean horizontal distance between the front line and the rear lot line, or the distance between the midpoint of the rear lot line.
Lot, Double Frontage:	A lot having frontage on two non-intersecting streets.
Lot, Interior:	A lot other than a corner lot.
Lot Line, Front:	The property boundary line that runs common with and adjacent to any street frontage or right of way separating such lot from such street; in the case of a double frontage lot or a corner lot, each line separating such lot from the street shall be considered a front lot line.
Lot Line, Rear:	That property boundary line which is generally parallel to and most distant from the front line of the lot.
Lot Line, Side:	A lot line other than a front or rear lot line.
Lot Line:	The property boundary lines.
Lot of Record:	A parcel of land that is a lot in a subdivision recorded on the records of the Lawrence County Recorder's Office, or that is described by a metes and bounds description.
Lot Width:	The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth; measurements shall be made at the front building line.
Manufactured Home:	A detached single family dwelling unit fabricated on or after June 15, 1976, in an off of 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. This Code means the standard for construction, design and performance of a manufactured home as set forth in the Code of Federal Regulations, Title 24, Part 3280, 3282, 3283, and 42 USC 5401, ET SEQ, as mandated in the United States of America and as administered by the United States Department of Housing and Urban Development.

- Mobile Home:** A movable or portable structure built prior to June 15, 1976, the effective date for the Federal Mobile Home Construction and Safety Act of 1974, which is larger than three hundred twenty (320) square feet, and is designed to be used as a year round residential dwelling unit, and/or which does not bear a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code.
- Modular Home:** A standardized unit other than a Manufactured Home, as defined above, which is manufactured off-site, assembled at the building site, and which meets the state building codes. In this code modular homes shall be considered the same as site-built homes which meet the state building codes.
- Motel:** A motel or motor court is a business comprised of a building or group of buildings so arranged as to furnish overnight accommodations for transient guests.
- Nonconforming Building/Structure:** Any building or structure lawfully existing on the effective date of these regulations, as amended, which does not comply with all of the requirements of these regulations for governing parking or bulk and area requirements for the zoning district in which such building or structure is located; provided, however, any building containing more than one (1) dwelling unit in addition to the number permitted by the district requirements in the district where it is located shall be deemed to be a nonconforming use rather than a nonconforming building. (See Article X.)
- Nonconforming Use:** Any use lawfully being made of any land, building or structure, on the effective date of these regulations, as amended, which does not comply with all the requirements of these regulations governing use for the zoning district in which such land, building or structure is located. (See Article X.)
- Nursing Home:** Any premises where more than three (3) persons are lodged and furnished with meals and nursing care.

Open Space:	Any unoccupied space open to the sky on the same lot with the building and occupied by no structure or portion of structure whatever.
Parking Lot:	An off street facility including parking spaces and drives and aisles for maneuvering, and providing access and for entrance and exit, developed in a way to accommodate the parking of vehicles.
Parking Space:	An off street space available for the parking of one (1) motor vehicle and having an area of not less than one hundred eighty (180) square feet exclusive of passageways and driveways, and having direct access to a street or alley. It shall measure not less than 9' X 20'.
Permitted Use:	Those uses specifically listed in these regulations as allowed without any further review by the planning commission or city council.
Pet Shop:	A commercial operation in which small domestic pets and supplies are sold. This does not include outside boarding of such animals. The operation shall meet all City, County and State Health Department requirements as to safety, design, facilities, equipment, and other features, and the business shall be operated in a manner that will not adversely affect other properties and uses in the area.
Plan:	A fully dimensioned drawing which provides for all data related to a development of land and certified as to accuracy by a land surveyor or engineer.
Place of Worship:	An institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The term "church" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.
Plat:	An engineering drawing which provides for all data related to a development of land and certified as to accuracy to a land surveyor or engineer.
Principal Use:	The use which fulfills the primary function of an establishment, institution, household, or other entity.
Public Assembly:	A space, room, or structure designed or used for occupancy by 20 or more persons who are gathered for a non-commercial purpose. Clubs, lodges, halls, and churches are places of public assembly.
Public Utility:	Any person, firm, corporation, municipal department, or board, duly authorized to furnish and furnishing under regulations to the public, electricity, gas, telephone, television cable, telegraph, transportation, drainage, water, or sanitary sewage.

Reclassification:	An amendment to or a change reflecting a modification of the zoning district boundary map.
Recreational Vehicle (RV):	Self propelled or towed temporary living quarters equipped with minimum of bed, sanitation, bath and cooking facilities.
Residence:	<p>A building or part of a building containing one or more dwelling units or rooming units. However, residences do not include:</p> <ul style="list-style-type: none"> <li>(a) Such transient accommodations as transient hotels, motels, tourist homes, or similar establishments, or</li> <li>(b) Dormitories, fraternity or sorority houses, monasteries, or convents, or similar establishments containing group living or sleeping accommodations, or</li> <li>(c) Nurses' residences, sanitariums, nursing homes, convalescent homes, rest homes, or other sleeping or living accommodations in community facility building or portions of buildings used for community facility uses.</li> </ul>
Right of Way, Public:	An area of land deeded, reserved by plat, or otherwise accepted and maintained by the City, the County or the State for public use.
School:	A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools.
Screening:	See Buffer.
Setback:	Distance between the lot line and the building line.
Sign:	A sign is a structure or part thereof, or any device attached to, painted on, or represented on a building or other structure, upon which is displayed or included any letter, work, model, banner, flag, pennant, insignia, decoration, device, or representation used as, or which is in the nature an announcement, direction, advertisement, or other attention directing device. A sign shall not include a similar structure or device 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.
Site Plan Review:	The process whereby the Planning Commission and staff review the site plans and maps of a developer to assure that they meet the stated purposes and standards of these regulations.

Storage Container:	Any portable, weather resistant receptacle, storage unit, shed-like container, box car, mobile trailer, steel shipping container, or portable on-demand storage structure (“PODs”), designed and used for the storage or shipment of goods, wares, building materials and other merchandise, used at construction sites or used to transport goods by rail, highway, or sea. This does not include pre-manufactured storage buildings, mobile homes, or manufactured homes.
Story:	That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, the space between the floor and ceiling next above it. A half story is a partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four (4) feet above the floor of each story.
Street:	Any public or private thoroughfare, which affords the principal means of access to abutting property.
Structure:	Anything constructed or erected, the use of which requires a fixed location on the ground or attached to something having a fixed location on the ground.
Structural Alterations:	Any change in the supporting members of a building, such as bearing wall or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.
Toxic or Hazardous Materials:	Any substance, solution, or mixture which because of its quality, quantity, concentration, physical, chemical, or infectious characteristics, or any combination of the foregoing presents or may present an actual or potential hazard to human health or the drinking water supply, if such substance, solution, mixture, or combination thereof, is discharged to the land or waters of the City of Hoxie.
Use:	A purpose to which land is committed.
Variance:	An exception from the strict application of the provisions of these regulations.
Yard, Front:	The required area of open space extending across the full width of the lot, the depth of which shall be the least distance between the front lot line and nearest point of the roof overhang of the main building or of any open, unenclosed porch or paved terrace as measured from the exterior face of the building foundation.
Yard, Rear:	The required area of open space extending across the full width of the lot between the rearmost main building and the rear lot line, the depth of which shall be the least distance between the rear lot line

and the rear of such building. The building shall be measured from the roof overhang.

- Yard, Side: The required area of open space between the main building and the side lot line, extending from the front yard or front lot line where no front yard is required, to the rear yard, the width of which shall be the least distance between the side lot line and the nearest point of the main building, measured from the roof overhang.
- Yard, Exterior: Any yard which is adjacent to or parallel to a public or private right of way.
- Yard, Interior: Any yard which does not run adjacent to or parallel with a public or private right of way.
- Zoning District: A section of the city designated in the text in which requirements for the use of land and building and development standards are prescribed.
- Zoning District Boundary: That boundary which separates unlike zoning districts.