

Section 207.8. Highway Oriented Business (B-2)

Purpose:

The **B-2 District** is designed to provide ready access to a variety of retail and commercial establishments that provide goods and services for the residents of the entire City of Stuttgart and its visitors. It is intended to encourage the unified grouping, in one or more buildings, of retail shops and stores.

Uses Permitted by Right: *See Table 2.1, Zoning Use Matrix*

Conditional Uses: *See Table 2.1, Zoning Use Matrix*

Area Regulations:

Area regulations are designed to establish minimum and maximum requirements. Additional and separately enforced Bill of Assurances and deed restrictions may be established, but are not intended to be enforced by the City.

Lot Size: no minimum or maximum.

Lot Width: no minimum or maximum.

Lot Depth: no minimum or maximum

Yard\Building Setback Requirement

The following yard requirements establishes the building set back line

Front Yard (Minimum): twenty-five (25) feet.

Rear Yard (Minimum): Yard: thirty (30) feet.

Side Yard (Minimum): none, unless adjacent to residential and then it is fifteen (15) feet.

Lot Coverage (Maximum for Principal and accessory buildings): fifty percent (50%).

Height Regulations (Maximum): forty (40) feet in height, or two (2) stories.

Access to B-2 Sites: Generally, not more than two (2) entrance and exit drives per shall be permitted. The Planning Commission in consultation with the Code Enforcement Officer shall determine the appropriateness of the number of drives and their location.

Parking: Parking shall comply the parking regulations of the City as to number, size, location and orientation of spaces as defined in Article 4, Off-Street Parking and Loading. Parking lots that directly serve the permitted and conditional uses may be located within the parameters of the yard requirements stated in the above requirements. No parking is permitted in the side or rear yard when adjacent to a residential district.

Section 207.10. Industrial Park (I-1)

Purpose:

The **I-1 District** for manufacturing, fabrication, assembling, warehousing and wholesaling businesses carried on within the structure, and with adequate land area for parking and landscaping. The District may serve as a buffer between heavy industrial processes, other inharmonious activities and more restrictive land use activities. Because of its proximity to residential district, the land use activities and related operational characteristics of the I-1 District are regulated to a greater extent than those associated with the I-2 District.

Uses Permitted by Right: *See Table 2.1, Zoning Use Matrix*

Conditional Uses: *See Table 2.1, Zoning Use Matrix*

Area Regulations:

Area regulations are designed to establish minimum and maximum requirements. Additional and separately enforced Bill of Assurances and deed restrictions may be established, but are not intended to be enforced by the City.

Lot Size: no minimum or maximum.

Lot Width: no minimum or maximum.

Lot Depth: no minimum or maximum.

Yard\Building Setback Requirement

The following yard requirements establishes the building set back line

Front Yard (Minimum): seventy-five (75) feet.

Side Yard: twenty-five (25) feet, except that, where property abuts a railroad where siding facilities are used, structures may be built up to railroad property lines.

Rear Yard: twenty-five (25) feet, except that, where property abuts a railroad where siding facilities are used, structures may be built up to railroad property lines.

Lot Coverage (Maximum for Principal and accessory buildings): fifty percent (50%)

Height Regulations (Maximum): forty (40) feet in height, or two (2) stories.

Access to I-1 Sites: Generally, not more than two (2) entrance and exit drives per shall be permitted to minimize the impact on the surrounding uses and traffic. The Planning Commission in consultation with the Code Enforcement Officer shall determine the appropriateness of the number of drives and their location.

Display and Storage: All bulk storage shall be within the confines of structures.

Parking: Parking shall comply the parking regulations of the City as to number, size, location and orientation of spaces as defined in Article 4, Off-Street Parking and Loading. Parking lots that directly serve the permitted and conditional uses may be located within the parameters of the yards as stated in the above requirements. No parking is permitted in the side or rear yard when adjacent to a residential district.

Section 207.11. Heavy Industrial District (I-2)

Purpose:

The **I-2 Heavy Industrial District** is for the location of general industrial, manufacturing and processing activities, including outside bulk storage of goods.

Area Regulations:

Area regulations are designed to establish minimum and maximum requirements. Additional and separately enforced Bill of Assurances and deed restrictions may be established, but are not intended to be enforced by the City.

Lot Size: no minimum or maximum.

Lot Width: no minimum or maximum.

Lot Depth: no minimum or maximum.

Yard\Building Setback Requirement.

The following yard requirements establishes the building set back line

Front Yard (Minimum): fifty (50) feet.

Side Yard (Minimum): twenty-five (25) feet, except that, where property abuts a railroad where siding facilities are used, structures may be built to railroad property lines.

Rear Yard (Minimum): twenty-five (25) feet, except that, where property abuts a railroad where siding facilities are used, structures may be built to railroad property lines.

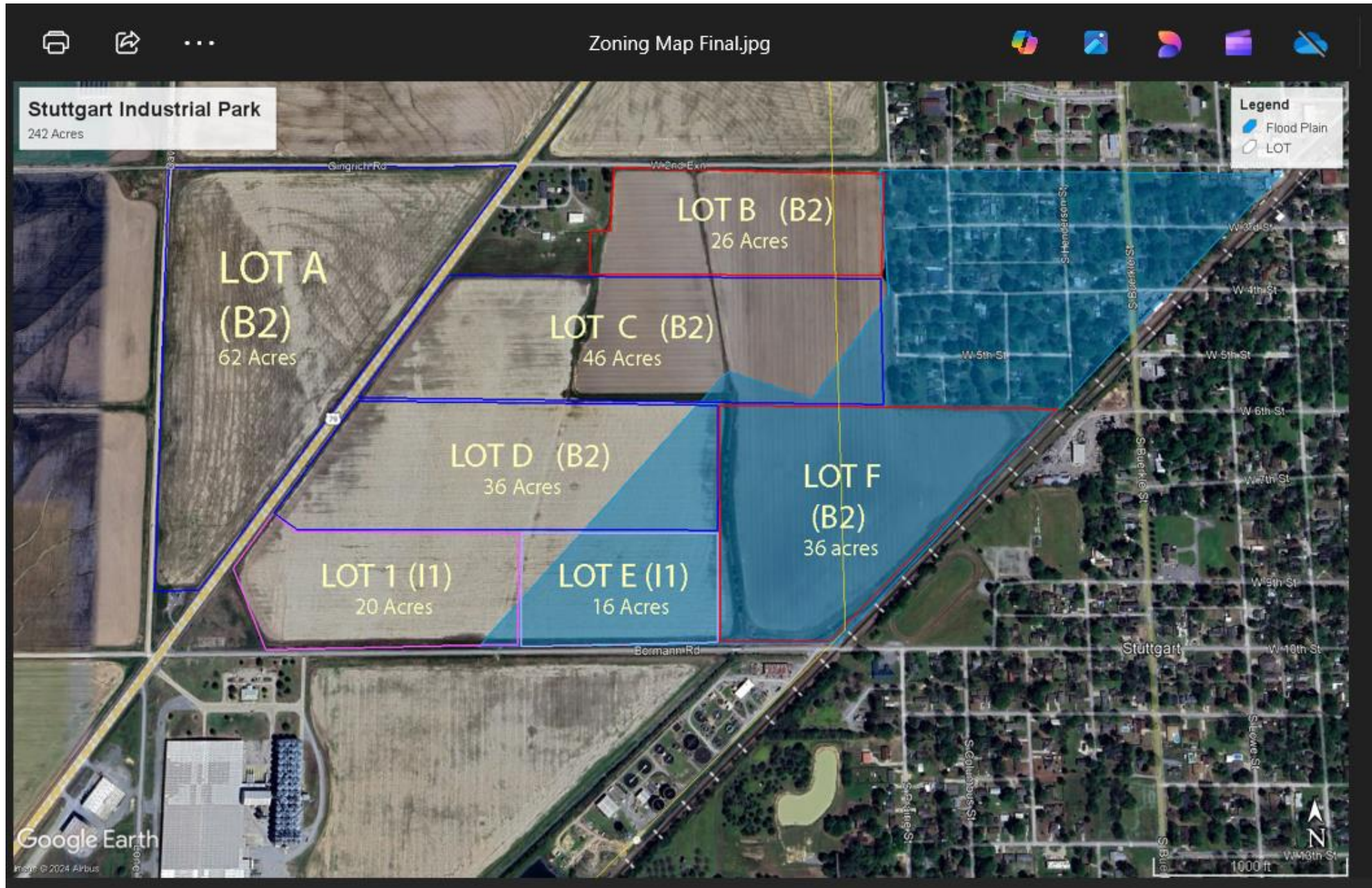
Lot Coverage (Maximum for Principal and accessory buildings): sixty-six and two thirds percent (66 2/3%).

Height Regulations (Maximum): forty (40) feet in height, or two (2) stories.

Display and Storage: Outside display is permitted in the front yard set back. All bulk storage shall be appropriately and safely located in the rear yard as to not cause any hazardous conditions.

Access to I-2 Sites: Generally, not more than three (3) entrance and exit drives per shall be permitted to minimize the impact on the surrounding residential uses. The Planning Commission in consultation with the Code Enforcement Officer shall determine the appropriateness of the number of drives and their location.

Parking: Parking shall comply the parking regulations of the City as to number, size, location and orientation of spaces as defined in Article 4, Off-Street Parking and Loading. Parking lots that directly serve the permitted and conditional uses may be located within the parameters of the yards as stated in the above requirements. No parking is permitted in the side or rear yard when adjacent to a residential district.



ARTICLE 2, ZONING ORDINANCE

Title, Purpose, Establishment of Districts and Uses and Application

Section 201. Title

Zoning Ordinance (of the Unified Development Code)

Section 202. Purpose

The purpose of this article of the **Unified Development Code** is the establishment of zoning districts with classifications and regulations for the uses of land and structures within the city limits of Stuttgart and in the designated territorial jurisdiction. Except as herein provided, no land may be used and no structure erected, constructed, moved, altered, enlarged, or rebuilt unless it shall be used and maintained in accordance with the requirements established for the district in which the structure is to be located, and in accordance with the provisions of this ordinance as they pertain to districts.

Section 203. Establishment of the Zoning Districts and Related Use Regulations

The City of Stuttgart is divided into zoning districts which are described in this Ordinance and the boundaries of which are shown on the Official Zoning Map.

Section 204. Official Zoning Map

The boundaries for the zoning districts established by this Zoning Ordinance shall be show on a map entitled "Official Zoning Map". A current copy shall be maintained by the City and shall be kept in the office of the City Clerk. It shall be signed by the Mayor and attested to by the City Clerk

The boundaries, as indicated, shall generally follow along street centerlines, property boundaries and platted lot lines, unless otherwise noted on the map.

Section 205. Uses

Uses are the purposes or activities for which the land and/or structures are designed, arranged or intended or for which the land and/or structures are occupied and maintained subject to the requirements set forth in this ordinance.

Permitted by Right: those uses that are allowed in the district and subject to the restrictions of the district.

Conditional Uses: those uses permitted in a particular district when it is show that such a use in a specific location shall comply with conditions and standards established for the location or operation.

Section 206. Table of Permitted and Conditional Uses

The permitted and conditional uses for each district are set forth in *Table 2.1 Zoning Use Matrix*. This table is organized with rows for the uses and columns for the zoning districts. The use is permitted by right where the letter "P" appears on the line of use and in the district column. Where a "C" appears the use is conditional subject to the requirements set out in Section 209. Where the space is blank, the use is **not** permitted.

Section 207. Application of District Regulations

In the application of the zoning requirements of this ordinance the internal stability, attractiveness, order, and efficiency of the uses and structures are encouraged to provide adequate light, air and open

space for dwellings and related facilities and through the consideration for the proper functional relationship and arrangement of each element.

- A. The regulations pertaining to each zoning district establish the character of the zoning district, and the regulations shall be applied uniformly within the zoning district.
- B. The uses in each zoning district shall be limited to those uses listed as permitted, conditional or prohibited within the respective zoning districts.
- C. No building or other structure shall hereafter be erected or altered to:
 - accommodate or house a greater number of families;
 - occupy a greater percentage of lot area; or
 - have narrower or smaller rear yards, fronts yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of these regulations.
- D. Area regulations are designed to establish minimum and maximum requirements. Additional separately enforced Bill of Assurances and/or deed restrictions may be established, but are not intended to be enforced by the City. Whichever is more restrictive, the zoning requirements of this ordinance or the bill of assurance/deed restrictions/restrictive covenants shall govern and shall be enforced by the respective party.
- E. When a use is proposed for a zoning district that is not explicitly permitted or prohibited within the zoning district, the Planning Commission, at a hearing, shall determine whether said use is compatible (i.e., in character) and shall make recommendations to the City Council. If the use is not specifically compatible, but is a new or desirable one, it shall be considered as an amendment to this ordinance. The City Council shall consider recommendations by the Planning Commission and the findings of the City Council shall be final.

Section 208. Zoning Districts

Zoning districts are specifically delineated areas where uniform regulations and requirements govern the use, placement, spacing, and size of land and buildings. The zoning districts in the City of Stuttgart are as follows:

- A: Agricultural District
- R-1: Single Family Residential District
- R-1A: Modified Low Density Single Family Residential District
- R-2: Medium Density Residential District
- R-3: High Density Residential District
- R-4: Manufactured Home District
- B-1: Central Business District
- B-2: Highway Oriented Business
- B-3: Neighborhood Business District
- I-1: Industrial Park District
- I-2: Heavy Industrial District

The specific regulations for each of the districts are as follows:

Section 207.1. Agricultural District (A)

Purpose:

The **Agricultural (A) District** provides for agricultural and residential land use activities in areas are generally located on the periphery of Stuttgart's boundaries. Land use activities permitted in this zoning district are appropriate for areas that may undergo a change to more urbanized use in the future, however preservation of agricultural land is essential to the long-term future of the city. The agricultural and residential activities permitted within the District are generally beneficial and compatible to each other.

Uses Permitted by Right: *See Table 2.1, Zoning Use Matrix.*

Conditional Uses: *See Table 2.1, Zoning Use Matrix.*

Area Regulations:

Area regulations are designed to establish minimum and maximum requirements. Additional and separately enforced Bill of Assurances and deed restrictions may be established, but are not to be enforced by the City.

Density: one (1) principal dwelling per lot.

Lot Size (Minimum): two (2) acres.

Lot Width (Minimum measured at the front building line):

Interior: two hundred (200) feet.

Corner: two hundred fifty (250) feet.

Cul-de-sac: two hundred (200) feet measured as the length of the shortest line that connects the side lot lines tangent to the required front yard/building setback requirement stated below.

Lot Depth (Minimum): two hundred fifty (250) feet.

Yard/Building Setback Requirements:

The following yard requirements establish the building set back line.

Front Yard (Minimum): fifty (50) feet from the street right-of-way.

When a lot fronts on two streets the front yard requirements shall be provided on both streets.

Rear Yard (Minimum): fifty (50) feet. An accessory buildings located in the rear yard shall not be located closer than five (5) feet from any property line or within any easement.

Accessory buildings shall be compatible with the principal building.

Side Yard (Minimum):

Interior: five (5) feet.

Corner lots: twenty-five (25) feet on side adjacent to a street unless the adjoining frontage is greater, then the setback shall match the greater adjoining setback.

Lot Coverage (Maximum for Principal and Accessory buildings):

Interior lots: twenty-five percent (25%).

Corner lots: thirty percent (30%).

Accessory buildings: twenty percent (20%) of the rear yard.

Height Regulations (Maximum): forty (40) feet measured to the peak of the roof.

Home Occupation: *See Section 208.*

Parking: Parking shall comply the parking regulations of the City as to number, size, location and orientation of spaces as defined in Article 4, Off-Street Parking and Loading.

Section 207.2. Single Family Residential District (R-1)

Purpose:

The **R-1, Single Family Residential District** is the where the primary use of land is for single-family detached residential dwellings, and under certain conditions religious, educational, and recreational facilities, normally required to provide the basic elements of a balance and attractive neighborhood. These areas are intended to be separated and protected from the encroachment of land use activities that do not perform a function necessary to sustain the residential environment. Accessory buildings shall be constructed to be in character with the Principal building.

Uses Permitted by Right: *See Table 2.1, Zoning Use Matrix.*

Conditional Uses: *See Table 2.1, Zoning Use Matrix.*

Area Regulations:

Area regulations are designed to establish minimum and maximum requirements. Additional and separately enforced Bill of Assurances and deed restrictions may be established, but are not intended to be enforced by the City.

Density: one (1) principal building per lot.

Lot Size (Minimum): nine thousand (9,000) square feet.

Lot Width (Minimum measured at the front building set back line):

Interior: seventy-five (75) feet.

Corner: eighty five (85) feet or ten (10) feet wider than the standard lot in the subdivision.

Cul-de-sac: seventy-five (75) feet measured as the length of the shortest line that connects the side lot lines tangent to the required front yard/building setback requirement stated below.

Lot Depth (Minimum): one hundred (100) feet.

Yard\Building Setback Requirements:

The following yard requirements establishes the building set back line.

Front Yard (Minimum): forty (40) feet from street right of way line.

Rear Yard (Minimum): twenty-five (25) feet. An accessory buildings shall be located in the rear yard no closer than five (5) feet to any property line or within any easement. Accessory buildings shall be compatible with the principal building.

Side Yard (Minimum):

Interior: ten (10) feet.

Corner lots: twenty (20) feet on side adjacent to a street.

Lot Coverage (Maximum for Principal and Accessory buildings):

Interior lots: twenty-five percent (25%).

Corner lots: thirty percent (30%).

Accessory buildings: twenty percent (20%) of the rear yard.

Height Regulations (Maximum): forty (40) feet in height measured to the peak of the roof.

Home Occupation: *See Section 208.*

Parking: Parking shall comply the parking regulations of the City as to number, size, location and orientation of spaces as defined in Article 4, Off-Street Parking and Loading.

Section 207.3. Modified Single-family Residential District (R-1A)

Purpose:

The **R-1A District** is a transitional district between R-1 and R-2 and is applicable only to existing subdivisions and additions having substantial single-family residential construction and only existing residential construction on the effective date of the adoption of this ordinance. Accessory buildings shall be constructed to be in character with the Principal building

Uses Permitted by Right: *See Table 2.1, Zoning Use Matrix.*

Conditional Uses: *See Table 2.1, Zoning Use Matrix.*

Area Regulations:

Area regulations are designed to establish minimum and maximum requirements. Additional and separately enforced Bill of Assurances and deed restrictions may be established, but are not intended to be enforced by the City.

Density: one (1) principal building per lot.

Lot Size (Minimum): seven thousand (7,000) square feet.

Lot Width (Minimum measured at the building setback line):

Interior: fifty (50) feet.

Corner: sixty (60) feet.

Cul-de-sac: fifty (50) feet measured as the length of the shortest line that connects the side lot lines tangent to the required front yard/building setback requirement stated below.

Lot Depth (Minimum): one hundred (100) feet.

Yard\Building Setback Requirements:

The following yard requirements establish the building set back line.

Front Yard (Minimum): twenty-five (25) feet from the street right-of-way lines front building line.

Rear Yard (Minimum): twenty (20) feet. An accessory buildings shall be located in the rear yard no closer than ten (10) feet to any property line or within any easement. Accessory buildings shall be compatible with the principal building.

Side Yard (Minimum):

Interior lots: six (6) feet.

Corner lots: twenty (20) feet on side adjacent to a street.

Lot Coverage (Maximum Principal and Accessory buildings):

Interior lots: thirty percent (30%).

Corner lots: forty percent (40%) on corner lots.

Accessory buildings: twenty percent (20%) of the rear yard.

Height Regulations (Maximum): forty (40) feet in height measured to the peak of the roof.

Home Occupation: *See Section 208.*

Parking: Parking shall comply the parking regulations of the City as to number, size, location and orientation of spaces as defined in Article 4, Off-Street Parking and Loading.

Section 207.4. Medium Density Residential (R-2)

Purpose:

The **R-2 District** provides for a higher population and housing unit density, but with the basic restrictions similar to the R-1 District. The principal uses for land in the R-2 District are for single-family (detached), patio home, townhome (single-family attached), duplex, triplex, and multi-family dwellings (apartments) along with related religious, educational and recreational facilities normally required for the provision of a balanced and attractive neighborhood. Accessory buildings shall be constructed to be in character with the Principal building.

Uses Permitted by Right: *See Table 2.1, Zoning Use Matrix.*

Conditional Uses: *See Table 2.1, Zoning Use Matrix.*

Area Regulations:

Area regulations are designed to establish minimum and maximum requirements. Additional and separately enforced Bill of Assurances and deed restrictions may be established, but are not intended to be enforced by the City.

Density:

Single family: one (1) principal building.

Patio home: one (1) principal building.

Townhome: one (1) principal building per lot.

Duplex: one (1) principal building containing two (2) units.

Triplex: one (1) principal building containing three (3) units.

Multifamily: ten (10) units per acre

Lot Size (Minimum):

Single-family: seven thousand (7,000) square feet.

Patio home: five thousand (5,000) square feet.

Townhome: three thousand (3,000) square feet.

Duplex: nine thousand (9,000) square feet.

Triplex: eleven thousand (11,000) square feet.

Multi-family: eleven thousand (11,000) square feet with an additional two thousand (2,000) square feet per each dwelling unit over three (3).

Lot Width (Minimum at the front building line):

Single-family detached: sixty (60) feet.

Patio home: fifty (50) feet.

Town home: thirty (30) feet.

Duplex (two-family): sixty (60) feet.

Triplex: sixty-five (65) feet.

Multi-family: seventy (70) feet.

Cul-de-sac: same as the requirements above measured as the length of the shortest line that connects the side lot lines tangent to the required front yard/building setback requirement stated below.

Lot Depth (Minimum): one hundred (100) feet.

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(R-2 continued)

Yard/Building Setback Requirement

The following yard requirements establishes the building set back line.

Front Yard/Building Line (Minimum): twenty-five (25) feet.

Rear Yard (Minimum):

Single family: twenty (20) feet.

Multi-family: twenty-five (25) feet.

Accessory buildings shall be located in the rear yard no closer than five (5) feet to any property line or within any easement. Accessory buildings shall be compatible with the principal building.

Side Yard Minimum:

Single-family: six (6) feet.

Patio home: zero (0) on one side and twelve (12) feet on the other.

Townhome: zero (0).

Multi-family: ten (10) feet.

Corner lots, twenty (20) feet on side adjacent to a street.

Lot Coverage (Maximum for Principal and Accessory buildings):

Interior: thirty percent (30%).

Corner: forty percent (40%) on corner lots.

Patio home: fifty percent (50%).

Townhome: sixty percent (60%).

Accessory buildings: twenty percent (20%) of the rear yard.

Height Regulations (Maximum): forty (40) feet measured to the peak of the roof.

Home Occupation: *See Section 208.*

Parking: Parking shall comply the parking regulations of the City as to number, size, location and orientation of spaces as defined in Article 4, Off-Street Parking and Loading.

Section 207.5. High Density Residential (R-3)

Purpose:

The **R-3 District** is a residential zoning district that provides higher density of population. The principal uses for land in the R-3 District are for multi-family dwellings, and apartments. Single family detached structures are permitted, but discouraged. Multi-family areas are intended to be separated and protected from the encroachment of land use activities that are incompatible with high-density residential development.

Uses Permitted by Right: *See Table 2.1, Zoning Use Matrix*

Conditional Uses: *See Table 2.1, Zoning Use Matrix*

Area Regulations:

Area regulations are designed to establish minimum and maximum requirements. Additional and separately enforced Bill of Assurances and deed restrictions may be established, but are not intended to be enforced by the City. Single family (attached and detached), duplex and triplex residences are subject to the requirements in the Medium Residential, R-2 District. For multi-family structures the following shall apply.

Density: sixteen (16) units per acre.

Lot Size (Minimum): eight thousand (8,000) square feet with an additional one thousand and five hundred (1,500) square feet per each dwelling unit over three (3).

Lot Width (Minimum at the front building line):

Interior: seventy (70) feet.

Corner: eighty (80) feet.

Cul-de-sac: measured as the length of the shortest line that connects the side lot lines tangent to the required front yard/building setback requirement stated below.

Lot Depth Size (Minimum): one hundred (100) feet.

Yard/Building Setback Requirement:

The following yard requirements establishes the building set back line.

Front Yard/Building Line (Minimum): twenty-five (25) feet.

Rear Yard (Minimum): twenty (20) feet. Accessory buildings shall be located in the rear yard no closer than five (5) feet to any property line or within any easement. Accessory buildings shall be compatible with the principal building.

Side Yard:

Interior: ten (10) feet.

Corner lots: twenty (20) feet on side adjacent to a street.

Lot Coverage (Maximum for Principal and Accessory buildings):

Interior: thirty percent (30%).

Corner lots: forty percent (40%).

Accessory buildings (Maximum): twenty percent (20%) of the rear yard.

Height Regulations: No building may exceed forty (40) feet in height.

Home Occupation: *See Section 208.*

Parking: Parking shall comply the parking regulations of the City as to number, size, location and orientation of spaces as defined in Article 4, Off-Street Parking and Loading.

Section 207.6 Manufactured Home District (R-4).

Purpose:

The **Manufactured Home District (R-4)** is intended to provide the appropriate location for manufactured homes as a specific housing type. A manufactured home is defined for the purposes of this ordinance as “a detached single-family dwelling unit fabricated on or after June 15, 1976, in an off-site manufacturing facility for installation or assembly at the building site as a permanent structure with transport features removed, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code. 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.”

Uses in this district are generally in keeping with other single-family residential districts in the City and are not intended to adversely affect established residential development patterns. In this district, the uses are intended to be separated and protected from land use activities that do not perform any function necessary to sustain the residential environment.

Uses Permitted by Right: *See Table 2.1, Zoning Use Matrix.*

Conditional Uses: *See Table 2.1, Zoning Use Matrix.*

Types of Development: There are two specific types of development that are compatible with the needs of manufactured homes.

- A. Manufactured Home Subdivision:** The division of a tract or parcel of land into two (2) or more lots for the placement of manufactured or modular homes.

A manufactured home subdivision shall meet the same development and subdivision requirements of this ordinance for a single-family subdivision in terms of streets and utilities.

Area Regulations:

Area regulations are designed to establish minimum and maximum requirements. Additional and separately enforced Bill of Assurances and deed restrictions may be established, but are not intended to be enforced by the City.

Density: one principal dwelling per lot/space/pad.

Lot/ Space/Pad Size (Minimum): five thousand (5,000) square feet.

Lot/ Space/Pad Width (Minimum at the front building line):

Interior: fifty (50) feet.

Corner: sixty (60) feet.

Cul-de-sac: measured as the length of the shortest line that connects the side lot lines tangent to the required front yard/building setback requirement stated as follows.

Yard\Building Setback Requirement:

The yard requirements establish the minimum building set back line.

Front Yard (Minimum): twenty (20) feet.

Rear Yard (Minimum): fifteen (15) feet. Accessory buildings shall be located in the rear yard no closer than five (5) feet to any property line or within any easement. Accessory buildings shall be compatible with the principal building.

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Side Yard (Minimum):

Interior: ten (10) feet.

Corner lots, twenty (20) feet on side adjacent to a street.

Lot Depth (Minimum): one hundred (100) feet.

Lot Coverage (Maximum for Principal and accessory buildings):

Interior: twenty-five percent (25%).

Corner: thirty percent (30%) on corner lots.

Accessory buildings cannot cover more than twenty percent (20%) of the rear yard.

Height Regulations (Maximum):

Traditional manufactured homes: fifteen (15) feet to the highest point on the unit.

Single family design specifications: 35 feet to the peak of the roof.

Anchoring and Skirting: All manufactured homes placed within the city limits shall be firmly anchored and blocked and shall, within 60 days of set, be skirted or underpinned with wheels covered. All manufactured homes that have been placed within the city limits prior to the date of passage of this Ordinance shall within 120 days of the passage of this Ordinance shall be brought into compliance with the minimum requirements stated herein. The home shall be anchoring to a permanent (concrete) foundation per manufacturer's specifications for the length of the building.

Exterior building and roofing materials: Manufactured and modular home shall be covered with exterior materials customarily used on site built homes.

Orientation: The home shall be located with the front entrance facing the street.

Home Occupation: *See Section 208.*

B. Manufactured Home Park: A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more lots for the placement thereon of manufactured homes, generally under single ownership where pad sites are leased. The manufactured homes may be individually owned or rented.

A manufactured home park shall meet the following requirements for Lot/ Space/Pad Sites.

Area Regulations Manufactured Home Parks:

Yard\Building Setback Requirements:

The yard requirements establish the minimum building set back line.

Front Yard (Minimum): twenty (20) feet measured the street right-of-way or driveway/fire lane.

Rear Yard (Minimum): ten (10) feet. An accessory buildings located in the rear yard shall not be located closer than five (5) feet from any property line or within any easement. Accessory buildings shall be compatible with the principal building.

Side Yard: ten (10) feet.

Lot/ Space/Pad Size (Minimum): For each manufactured home and secondary building there shall be not less than 4,000 square feet. Spaces may be irregular in shape but shall have a minimum width of 40 feet.

Lot/ Space/Pad Site Depth (Minimum): one hundred (100) feet.

Lot/ Space/Pad Site Coverage (Maximum for Principal and accessory buildings):

Interior: twenty-five percent (25%).

Corner: thirty percent (30%) on corner lots.

Accessory buildings: twenty percent (20%) of the rear yard.

Height Regulations (Maximum): fifteen (15), but those built to single family specifications may be up to thirty-five (35) feet.

Anchoring: The home shall be anchoring to a permanent (concrete) foundation per manufacturer's specifications for the length of the building.

All manufactured homes placed within the city limits shall be firmly anchored and blocked and shall, within 60 days of set-up, be skirted or underpinned with wheels covered. All manufactured homes that have been placed within the city limits prior to the date of passage of this Ordinance shall within 120 days of the passage of this Ordinance shall be brought into compliance with the minimum requirements stated herein. The home shall be anchoring to a permanent (concrete) foundation per manufacturer's specifications for the length of the building.

Skirting: the space between the finished floor and the ground shall be enclosed.

Lot/ Space/Pad Site Identification: Pad sites shall be designated numerically or alphabetically for identification and addressing purposes

An internal street/ driveway/fire lane of at least twenty (20) feet shall be maintained

Date plate: Each unit shall have specifying that the unit is designed to comply with Federal Construction and Safety Standards

Open Space: Manufactured Home Parks shall set aside, improve and maintain an area of five (5) percent for recreational purposes.

Home Occupation: *See Section 208.*

Parking: Two off street parking spaces shall be provided for each unit. Guest parking shall be provided at a ratio of .0.25:1. Otherwise, parking shall comply the parking regulations of the City as to number, size, location and orientation of spaces as defined in Article 4, Off-Street Parking and Loading.

Location and Relocation of Manufactured Homes with Respect to the Age of the Structure

No manufactured home shall be located or relocated in the City that is more than five (5) years old except where it can meet or exceed the Building Code requirements for condition and safety as determined by the Code Enforcement Officer prior to the moving of the structure.

Section 207.7. B-1 Central Business District

Purpose:

The Central Business District or B-1 is designed to encourage and facilitate the identification, redevelopment and continued maintenance of Stuttgart's central core. In this downtown portion of the City, a mix of retail, office, residential (on upper floors) and public uses are permitted and encouraged.

Uses Permitted by Right: *See Table 2.1, Zoning Use Matrix.*

Conditional Uses: *See Table 2.1, Zoning Use Matrix.*

Area Regulations:

Area regulations are designed to establish minimum and maximum requirements. Additional and separately enforced Bill of Assurances and deed restrictions may be established, but are not intended to be enforced by the City.

Lot Size: as existing at the time of the adoption of this ordinance.

Lot Width: as existing at the time of the adoption of this ordinance.

Lot Depth: as existing at the time of the adoption of this ordinance.

Yard\Building Setback Requirement

The following yard requirements establishes the building set back line

Front Yard: none.

Rear Yard: none.

Side Yard: none.

Lot Coverage: one hundred (100%).

Height Regulations: Maximum of fifty-five (55) feet in height, or five (5) stories. Screened architectural and mechanical feature may extend an additional ten (10) feet.

Home Occupation: *See Section 208.*

Parking: Parking shall comply the parking regulations of the City as to number, size, location and orientation of spaces as defined in Article 4, Off-Street Parking and Loading.

Section 207.8. Highway Oriented Business (B-2)

Purpose:

The **B-2 District** is designed to provide ready access to a variety of retail and commercial establishments that provide goods and services for the residents of the entire City of Stuttgart and its visitors. It is intended to encourage the unified grouping, in one or more buildings, of retail shops and stores.

Uses Permitted by Right: *See Table 2.1, Zoning Use Matrix*

Conditional Uses: *See Table 2.1, Zoning Use Matrix*

Area Regulations:

Area regulations are designed to establish minimum and maximum requirements. Additional and separately enforced Bill of Assurances and deed restrictions may be established, but are not intended to be enforced by the City.

Lot Size: no minimum or maximum.

Lot Width: no minimum or maximum.

Lot Depth: no minimum or maximum

Yard\Building Setback Requirement

The following yard requirements establishes the building set back line

Front Yard (Minimum): twenty-five (25) feet.

Rear Yard(Minimum): Yard: thirty (30) feet.

Side Yard(Minimum): none, unless adjacent to residential and then it is fifteen (15) feet.

Lot Coverage (Maximum for Principal and accessory buildings): fifty percent (50%).

Height Regulations (Maximum): forty (40) feet in height, or two (2) stories.

Access to B-2 Sites: Generally, not more than two (2) entrance and exit drives per shall be permitted. The Planning Commission in consultation with the Code Enforcement Officer shall determine the appropriateness of the number of drives and their location.

Parking: Parking shall comply the parking regulations of the City as to number, size, location and orientation of spaces as defined in Article 4, Off-Street Parking and Loading. Parking lots that directly serve the permitted and conditional uses may be located within the parameters of the yard requirements stated in the above requirements. No parking is permitted in the side or rear yard when adjacent to a residential district.

Section 207.9. Neighborhood Business District (B-3)

Purpose:

The **B-3 Neighborhood Business District** is designed to accommodate trade and personal services that meet everyday needs of the families residing in adjacent residential neighborhoods. Open space, and off-street parking are more restrictive in the B-3 District because the retail trade and services located within it are intended to be an integral part of the neighborhood operating in harmony with adjacent residential, educational, religious and recreational land use activities.

Area Regulations:

Area regulations are designed to establish minimum and maximum requirements. Additional and separately enforced Bill of Assurances and deed restrictions may be established, but are not intended to be enforced by the City.

Lot Size: no minimum or maximum.

Lot Width: no minimum or maximum.

Lot Depth: no greater than adjacent residential.

Yard/Building Setback Requirement

The following yard requirements establishes the building set back line

Front Yard (Minimum): thirty (30) feet or compatible with adjacent residential.

Rear Yard (Minimum): twenty (20) feet.

Side Yard (Minimum): ten (10) feet, unless adjacent to residential when it is fifteen (15) feet.

Lot Coverage (Maximum for Principal and accessory buildings): forty percent (40%).

Height Regulations (Maximum): fifty (50) feet in height, or two (2) stories.

Display and Storage: No outside display or storage.

Access to B-3 Sites: Generally, not more than one (1) entrance and exit drives per shall be permitted to minimize the impact on the surrounding residential uses. The Planning Commission in consultation with the Code Enforcement Officer shall determine the appropriateness of the number of drives and their location.

Parking: Parking shall comply the parking regulations of the City as to number, size, location and orientation of spaces as defined in Article 4, Off-Street Parking and Loading. Parking lots that directly serve the permitted and conditional uses may be located within the parameters of the yards as stated in the above requirements. No parking is permitted in the side or rear yard when adjacent to a residential district.

Section 207.10. Industrial Park (I-1)

Purpose:

The **I-1 District** for manufacturing, fabrication, assembling, warehousing and wholesaling businesses carried on within the structure, and with adequate land area for parking and landscaping. The District may serve as a buffer between heavy industrial processes, other inharmonious activities and more restrictive land use activities. Because of its proximity to residential district, the land use activities and related operational characteristics of the I-1 District are regulated to a greater extent than those associated with the I-2 District.

Uses Permitted by Right: *See Table 2.1, Zoning Use Matrix*

Conditional Uses: *See Table 2.1, Zoning Use Matrix*

Area Regulations:

Area regulations are designed to establish minimum and maximum requirements. Additional and separately enforced Bill of Assurances and deed restrictions may be established, but are not intended to be enforced by the City.

Lot Size: no minimum or maximum.

Lot Width: no minimum or maximum.

Lot Depth: no minimum or maximum.

Yard\Building Setback Requirement

The following yard requirements establishes the building set back line

Front Yard (Minimum): seventy-five (75) feet.

Side Yard: twenty-five (25) feet, except that, where property abuts a railroad where siding facilities are used, structures may be built up to railroad property lines.

Rear Yard: twenty-five (25) feet, except that, where property abuts a railroad where siding facilities are used, structures may be built up to railroad property lines.

Lot Coverage (Maximum for Principal and accessory buildings): fifty percent (50%)

Height Regulations (Maximum): forty (40) feet in height, or two (2) stories.

Access to I-1 Sites: Generally, not more than two (2) entrance and exit drives per shall be permitted to minimize the impact on the surrounding uses and traffic. The Planning Commission in consultation with the Code Enforcement Officer shall determine the appropriateness of the number of drives and their location.

Display and Storage: All bulk storage shall be within the confines of structures.

Parking: Parking shall comply the parking regulations of the City as to number, size, location and orientation of spaces as defined in Article 4, Off-Street Parking and Loading. Parking lots that directly serve the permitted and conditional uses may be located within the parameters of the yards as stated in the above requirements. No parking is permitted in the side or rear yard when adjacent to a residential district.

Section 207.11. Heavy Industrial District (I-2)

Purpose:

The **I-2 Heavy Industrial District** is for the location of general industrial, manufacturing and processing activities, including outside bulk storage of goods.

Area Regulations:

Area regulations are designed to establish minimum and maximum requirements. Additional and separately enforced Bill of Assurances and deed restrictions may be established, but are not intended to be enforced by the City.

Lot Size: no minimum or maximum.

Lot Width: no minimum or maximum.

Lot Depth: no minimum or maximum.

Yard/Building Setback Requirement.

The following yard requirements establishes the building set back line

Front Yard (Minimum): fifty (50) feet.

Side Yard (Minimum): twenty-five (25) feet, except that, where property abuts a railroad where siding facilities are used, structures may be built to railroad property lines.

Rear Yard (Minimum): twenty-five (25) feet, except that, where property abuts a railroad where siding facilities are used, structures may be built to railroad property lines.

Lot Coverage (Maximum for Principal and accessory buildings): sixty-six and two thirds percent (66 2/3%).

Height Regulations (Maximum): forty (40) feet in height, or two (2) stories.

Display and Storage: Outside display is permitted in the front yard set back. All bulk storage shall be appropriately and safely located in the rear yard as to not cause any hazardous conditions.

Access to I-2 Sites: Generally, not more than three (3) entrance and exit drives per shall be permitted to minimize the impact on the surrounding residential uses. The Planning Commission in consultation with the Code Enforcement Officer shall determine the appropriateness of the number of drives and their location.

Parking: Parking shall comply the parking regulations of the City as to number, size, location and orientation of spaces as defined in Article 4, Off-Street Parking and Loading. Parking lots that directly serve the permitted and conditional uses may be located within the parameters of the yards as stated in the above requirements. No parking is permitted in the side or rear yard when adjacent to a residential district.

Section 208. Home Occupations.

A business, occupation, or profession may be carried on in a residential structure in one of the preceding residential districts only if it complies with all of the following:

1. Does not require the employment of persons on the premises in addition to the residing family;
2. Does not require the sale of commodities on the premises that are not produced on the premises;
3. Does not involve the use of commercial vehicles;
4. Does not require the use of more than two rooms otherwise normally considered as living space;
5. Does not require the use of an accessory building or yard space or an activity outside the main structure not normally associated with residential use;
6. Has only one sign, which shall not be in excess of one square foot to denote the business, occupation, or profession; and
7. Does not involve the display of goods or services.

Existing home occupations in a residential structure in a residential district at the time of the passage of these regulations which do not comply with this ordinance are to be considered a nonconforming use as defined and regulated in Section 210.

Home occupations may **not** be located in accessory buildings.

Section 209. Conditional Use Permit

A Conditional Use Permit may be granted for a use in a particular zoning district when it is shown that such use in a specified location is beneficial and shall not negatively affect the surrounding uses. The conditional uses are identified in *Table 2.1 - Zoning Use Matrix*

In granting the Conditional Use Permit, the City has the ability to insure that the proposed use is appropriate and shall comply with all the conditions and standards for the location or operations as specified in the granting of a permit. The conditional use permit is specifically granted to the site, not to the owner/applicant.

Section 209.1. Criteria for Issuing a Conditional Use Permit

In determining the appropriateness of issuing or denying a Conditional Use Permit, the Planning Commission and the City Council shall consider the following factors:

- A. whether the proposed project or land use activity encourages a more efficient use of land in Stuttgart;
- B. whether there are conditions or requirements needed to address hours of operation, parking, separation from adjacent uses, lighting and similar concerns to reduce any potential impacts;
- C. whether the proposal reflects changes in the design or technology of land development;
- D. whether the proposed site plan lessens or increases traffic on the streets and highways of the City;
- E. whether the project design will facilitate land use patterns and create any positive or impact networks of streets and/or infrastructure, thereby resulting in any changes in development and maintenance costs;
- F. whether the proposed project will help to preserve the social stability as well as the property values in the City of Stuttgart; and
- G. whether the issuance of the conditional use permit for the proposed activity will permit the creation of a more desirable environment than would be possible through the application of other sections of this Ordinance.

Section 209.2. Conditional Use Permit Procedure

- A. **Application Form:** The Applicant shall contact the Code Enforcement Officer for a pre-submittal discussion. The Officer shall provide the Applicant with an application form and necessary information for the Applicant to proceed.
- B. **Filing the Application:** The Applicant shall submit an application form to the Code Enforcement Officer. Attached to the application form shall be an illustration of the proposed project/sketch plan, support materials including proposed use and conditions, and legal description of the site.
- C. **Preliminary Review:** The Code Enforcement Officer shall coordinate with the Applicant as to a date, time and place for the preliminary review of the application.

- D. Written Report: The Code Enforcement Officer shall conduct a preliminary review of the application within seven (7) days from the filing of the application.
- E. The Code Enforcement Officer shall submit a written recommendation(s) to the Planning Commission not less than seven (7) days prior to the next regularly scheduled meeting of the Commission.
- F. Public Hearing Required: As with any proposed zoning change the Planning Commission shall hold a Public Hearing for the purpose of hearing comments before recommending approval or denial of the Conditional Use Permit. The hearing shall follow the procedure outlined in Section 116.4 and 116.5 of this Ordinance.
- G. Notification to Specific Property Owners: All property owners within three hundred (300) feet of the property for which the application is sought shall be notified in writing. The notification must be given not less than ten (10) days prior to the regular public hearing on the application for the conditional use permit.
- H. A public notice shall be published at the applicant's expense at least once not less than seven (7) days preceding the date of such hearing in a newspaper of general circulation in Stuttgart.
- I. The Applicant shall be responsible for the notification process, which includes securing the names of the property owners of record and a printed notification letter approved as to form by the Code Enforcement Officer. The Applicant shall be responsible for the distribution of the notice either by mail or hand delivery.
- J. The notification form shall have such text as informs the property owners in the notification area as to the purpose and details of the request for the permit and spaces for indicating support or opposition and any comments. The forms shall be returned to the Planning Commission for inclusion in their consideration of the request.
- K. Planning Commission Report Required: Following the Public Hearing, the Planning Commission shall prepare and submit a formal report to the City Council documenting its review and consideration and recommendations.
- L. City Council Action: The City Council shall review the application and the recommendation of the Planning Commission for the conditional use permit as an item of business at a regular meeting of the City Council. The City Council shall either approve or deny the application for the conditional use permit.
- M. Record of Conditions Imposed: When the City Council approves the issuance of a conditional use permit, the conditions imposed on the Applicant must be cited on the application form and a copy of that form must be permanently filed in the office of the City Clerk.
- N. The Conditional Use Permit may be granted for a specific period of time (one year, 2 years or more) or as a permanent permit. The time shall be specified in the conditions of the permit.
- O. Renewal of the Conditional Use Permit: A conditional use permit may be renewed for the same period of time if requested in writing to the Code Enforcement thirty (30) prior to the expiration of the permit provided there have not been any violations

of the conditions of the permit or substantial complaints or problems affecting the surrounding area. If the Code Enforcement Officer has concerns about the renewal, he shall refer it to the Planning Commission and subsequently by the City Council and to be considered in the same process as a new permit.

- P. Noncompliance: Failure of the holder of the permit to honor and abide by the terms of a conditional use permit constitutes immediate and automatic termination of the permit. The Code Enforcement Office shall notify a said holder of such termination, and within thirty (30) days of such notification, the holder must terminate all land use activities relating to the conditional use permit. Thereafter, the site may be used only for activities listed as "uses permitted by right" within the appropriate zoning district.
- Q. A Conditional Use Permit certificate shall be issued to the applicant for display on the premises.

Section 210. Nonconforming Buildings, Structures and Uses of Land

A nonconforming building or structure is a use, activity or building that was in legally existing at the time of adoption of this Ordinance, but not in conformance with the adopted District requirements. The use, structure or lot rendered nonconforming by the provisions of this Ordinance may be continued and maintained except as otherwise provided in this Section.

A. Alteration, Enlargement or Relocation of Buildings and Structures

A building or structure that is conforming as to use, but is nonconforming as to yards or height or off-street parking space, may be structurally enlarged or added to provide that the enlargement or addition complies with the yard and height and off-street parking requirements of the district in which such building or structure is located.

No nonconforming structure or building shall be moved, in whole or in part, to another location unless every portion of such building or structure is made to conform to all the regulations of the district in which it is to be located.

Nothing in the provisions of these regulations shall in any manner prevent or prohibit normal maintenance of the premises.

B. Discontinuance of a Nonconforming Use

If a nonconforming use or a portion thereof is discontinued for a continuous period of six (6) months or changed to a conforming use, any future use of such building, structure or portion thereof shall be in conformity with the regulations of the district in which building or structure is located.

A building, structure or portion thereof or land used for a nonconforming use, which is or becomes vacant and remains unoccupied for a continuous period of six (6) months, shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located

C. Destruction of Nonconforming Buildings or Structures

Any structure developed prior to the passage of this ordinance that complied with former Ordinance standards but has been rendered substandard by the new Ordinance may be termed a preexisting nonconforming structure. In the event of damage or destruction, it may be rebuilt completion at the original site with construction commencing within one year following the destruction and completion within one (1) years. The reconstructed building or structure shall not exceed the original dimensions of the nonconforming building or structure.

D. Damage or Destruction of Buildings or Structures

If any structure that is devoted in whole or in part to a nonconforming use is destroyed by fire, explosion, or other casualty, such structure may be repaired and reconstructed and used for the same purposes as it was before the damage or destruction, provided such repair or reconstruction is commenced and completed within one (1) year of the date of such damage or destruction. In no event shall the structure be rebuilt, repaired or otherwise altered to increase the floor space or height of the original building in which the nonconforming use was conducted.

E. Change in Use

Any changes to the nonconforming use shall be one that shall bring it into conformance with the uses permitted in the District in which the use is located.

F. Land

A nonconforming use of land without substantial buildings or structures may not be extended or expanded, nor shall it occupy more area than was in use on the effective date of this Ordinance. If such nonconforming use or portion thereof is discontinued for a period of three (3) months, or changed, any future use of such land or change of use shall be in conformity with the provisions of the district in which such land is located.

G. District Changes as applied to Nonconforming Uses

Whenever boundaries of a zoning district are changed to transfer an area from one district to a different classification to another, these provisions shall also apply to any nonconforming uses.

H. Procedures for Application and Review

The procedures for application and review shall be the same as those for a Conditional Use Permit with the exception that all notifications and posted signs must make reference to a request for alteration, enlargement or relocation of the nonconforming use.

Section 211. Zoning Board of Adjustment

Section 211.1. Establishment

The Zoning Board of Adjustment was established by the City Council as a separate function of the Stuttgart Planning Commission. The principal duties of the Zoning Board of Adjustment are to hear appeals, and where appropriate, grant variances from the strict application of the Zoning Ordinance.

Section 211.2. Organization

A. Officers

A Chairperson and Vice Chairperson may be elected annually by the Zoning Board of Adjustment from among its membership. The Chairperson may, but not necessarily, be the Chair of the Planning Commission. In his/her absence, the Vice Chairperson, shall preside. The Chair shall decide all points of order or procedure, and, as necessary, shall administer oath and compel the attendance of witnesses.

The terms of office shall be the same as the Planning Commission.

B. Rules and Meetings

The Zoning Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Zoning Ordinance.

Meetings shall be held on an as needed basis and shall be noticed in the same manner as a public hearing.

If the meeting is held in conjunction with the regular meeting of the Planning Commission the Chairperson of the Planning Commission shall adjourn the Planning Commission meeting and prior to the Chair of the Zoning Board of Adjustment commencing the Zoning Board of Adjustment meeting.

All meetings shall be open to the public.

The Zoning Board of Adjustment shall keep separate minutes of its proceedings, showing the vote of each member upon each question, or if absent or if failing to vote, indicating such fact. It shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Zoning Board of Adjustment.

A quorum of the Zoning Board of Adjustment shall consist of five (5) members. The concurring vote of five (5) of the Zoning Board of Adjustment members shall be necessary to revise any order or decision of the enforcement officer or to decide on any matter upon which it is required to pass under this Ordinance.

Section 211.3. Powers and Duties

The Zoning Board of Adjustment shall have all the powers and duties prescribed by law and by this Ordinance, which are described as follows:

A. Administrative Review

To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the administrative official in the enforcement of this Zoning Ordinance. The Zoning Board of Adjustment may affirm or reverse, in whole or in part, said decision of the administrative official.

B. Variances

An appeal in specific cases such variance from the terms of this Zoning Ordinance as shall not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship that would deprive the owner of any reasonable use of the land or building involved.

The Zoning Board of Adjustment shall not grant a variance from the terms of this Zoning Ordinance unless and until the applicant demonstrates that special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structure or buildings in the same district:

1. that literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Zoning Ordinance;
2. that special conditions and circumstances do not result from the actions of the applicant; and
3. that granting the variance requested shall not confer on the applicant any special privilege that is denied by this Zoning Ordinance to other lands, structures, or buildings in the same district.

No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

The Zoning Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that shall make possible the reasonable use of land, building or structure.

The Zoning Board of Adjustment shall further make a finding that the granting of the variance shall be in harmony with the general purpose and intent of this Ordinance, and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare. In granting any variance, the Zoning Board of Adjustment may prescribe appropriate conditions and safeguards that it deems necessary or desirable. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.

Under no circumstances shall the Zoning Board of Adjustment grant a variance to allow a use not permitted under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

C. Special Exceptions

In addition to the powers and duties specified above, the Zoning Board of Adjustment shall also have the following powers and duties to hold public hearings and decide the following special exceptions:

1. Permit the extension of a zoning district boundary where the boundary divides a lot held in a single ownership at the time of adoption of this Ordinance.

2. Interpret zoning district boundaries where uncertainty exists as to the boundaries of the zoning districts or when the street or property lines existing on the ground are at variance with those shown on the Zoning District Map.

Section 211.4. Procedure for Appeals to the Zoning Board of Adjustment

Appeals to the Board may be taken by any person aggrieved or by any officer, department, or board of the City affected by any decision of the administrative official.

A. Appeals and Applications

Appeals to the Zoning Board of Adjustment shall be made in writing on the application form prescribed by the Zoning Board of Adjustment within ten (10) days after the administrative official has rendered the decision. Every appeal or application shall refer to the specific provision of the Zoning Ordinance of the Unified Development Code involved and shall exactly set forth as to:

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

The appeal or application shall be filed with the officer from whom appeal is taken who shall transmit it immediately to the Zoning Board of Adjustment. All documents constituting the record upon which the action appealed from was taken shall be included in the application.

A filing fee shall be submitted to the City Clerk with every application in accordance with the City's adopted fee schedule.

B. Public Notice and Hearing

The Zoning Board of Adjustment shall fix a reasonable time for the public hearing of an appeal, cause public notice to be given of the time and place thereof, as well as due notice to the parties in interest, and decide same within a reasonable time.

Said public notice shall be published at the applicant's expense at least once not less than seven (7) days preceding the date of such hearing in a newspaper of general circulation in Stuttgart. The public notice shall give the particular location of the property on which the appeal is requested, including a legal description and an address (if no address is available, a description which is clear to the average person will suffice), as well as a brief statement of what the appeal consists.

Each applicant for the variance shall be required to post a sign obtained from the City on the property for which the variance is being sought at least seven (7) days prior to the date of the public hearing. This sign shall be in plain view of and easily readable from a public street, state the variance being sought, and give the place, date, and time of the public hearing.

The applicant shall make a deposit of not less than the cost of replacing the sign, whichever is greater for said sign refundable if returned. The applicant shall obtain the sign from the City of Stuttgart and shall pay a fee as established by the City of Stuttgart for the sign. The fee is not refundable and the sign is not required to be

returned. In addition, the applicant shall be required to notify by certified letter with return receipt and/or petition, all property owners within three hundred (300) feet of his property of his intentions to seek a variance, not less than seven (7) days prior to the hearing. The applicant shall state the date and time and location of the public hearing and describe the requested variance with the certified letter and/or petition. The postmarked certified receipts and/or return receipts and/or petition shall be submitted to the City not less than five (5) days prior to the meeting of the Board of Zoning Adjustment along with a map showing the location of the property in question, as well as the owners within 300 feet of the property and a letter from the applicant certifying that the map shows a complete list of those property owners.

Each applicant must submit, at least ten (10) days prior to the public hearing, a scale drawing showing the requested variance along with all relevant information, including the exceptional condition or situation of the property which causes the exceptional practical difficulty or undue hardship for which relief is being sought. Public hearings may be adjourned from time to time, and, if the time and place of the adjourned meeting be publicly announced when the adjournment is made, no further notice of such adjourned meeting need be published. At a public hearing any party may appear in person, by agent, or by attorney.

C. Effect of Appeal

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

D. Decision Final

The decision of the Board of Adjustment is final. Any further action shall be the jurisdiction of the District Court of the County of Arkansas.

Section 212. Changes in District, Use Classification or Amendments

Any person, firm or corporation having a proprietary interest in any property within the corporate limits and the designated territorial jurisdiction of the City of Stuttgart, Arkansas may request a change or amendment to the zoning classification of such property or use. The applicant may file an application for such change or amendment with the Secretary of the Planning Commission not less than thirty (30) days prior to a regular monthly meeting upon receipt of all supporting documents.

A. Authority to Amend

The Stuttgart City Council may on its own motion, or on petition from a property owner, or on recommendation from the Planning Commission, amend the boundaries of the land use master plan, the zoning districts or the regulations established by this Ordinance. An amendment application submitted by private persons must be accompanied by an application and a filing fee to cover the costs of processing and review.

B. Application

The application shall clearly state the requested change or amendment and be accompanied by the following. Any zoning change request that is inconsistent with the Land Use Master Plan shall be preceded by or accompanied by an application for an amendment to the Land Use Master Plan.

1. A drawing, at a scale of not less than one inch (1") to two hundred feet (200'), indicating the following:
 - a. Existing zoning district classifications;
 - b. Proposed zoning district classifications in a format that identifies boundaries between different zoning districts;
 - c. Stuttgart Comprehensive Municipal Plan features, whether existing or proposed, from any or all of the following elements: Future Land Use Plan and Streets Master Plan;
 - d. The location of any high voltage electrical lines, transmission pipelines and associated easements.
2. A vicinity map indicating the general location of the subject property.
3. A metes and bounds description of the subject property printed on an 8 ½" x 11" sheet of paper. (sealed?)
4. An 8 ½" x 11" black and white film positive reduction of the above drawings and/or digital files of above drawings in a format acceptable to the City of Stuttgart.
5. A filing fee shall be submitted to the City Clerk with every application in accordance with the City's adopted fee schedule.

C. Determination

The Planning Commission shall determine whether the extent and boundaries of the area proposed to be changed are such as to constitute a new district or an extension of an existing district.

Based on the Planning Commission's determination of an area proposed to be changed, the Planning Commission shall schedule a public hearing before the Commission not more than thirty (30) days from date of filing. The applicant

shall publish a notice on a form provided by the city indicating the nature and location of the request, and stating the time and place of the public hearing on the proposed change in Zoning District classification. The notice shall be published at least once not less than fifteen (15) days preceding the date of such hearing, in an official paper or a paper of general circulation in Stuttgart; said notice shall contain description of property and change proposed. The Applicant shall pay for the cost of the publication of the notice. The Planning Commission shall give or cause to be given such additional notice of such hearing to interested persons and organizations, as it shall deem feasible and practicable.

If the Planning Commission officially recommends denial of the requested change or amendment, and the applicant desires no further action on the requested change or amendment beyond the disapproval of the Planning Commission, twenty five percent (25%) of the original filing fee and twenty five percent (25%) of the site plan review fee, if any, shall be refunded to the applicant.

D. Informational Zoning/Plan Change Signs

Upon the filing of a request for an application to change the zoning on a lot/tract of property, change Comprehensive Plan Future Land Use or for the issuance of a Conditional Use Permit, the applicant shall be required to place an informational sign on said lot/tract of property within five (5) days after the date that the application was filed as follows:

1. The size of the signs shall be two feet (2') by two feet (2') and be made out of aluminum or corrugated plastic material.
2. The signs shall be mounted on stakes/poles.
3. The signs shall be visible and legible from the street.
4. There shall be one (1) sign for each street frontage.
5. The sign shall have a white background, with the letters and borders being black in color. The sign shall state on the of the following, as applicable:
CITY OF STUTTGART, ARKANSAS – ZONING REQUEST IS
BEING MADE ON THIS PROPERTY. FOR INFORMATION,
CALL...” (The phone number of the City Inspection Office shall be placed on the sign.)

E. Public Hearings Required Prior to Amendments: The Planning Commission shall hold a public hearing before preparing and submitting a zoning amendment report to the City Council. A public hearing shall also be held by the City Council before it approves or rejects the reported recommendations of the Planning Commission.

Notice of the public hearing shall be published in a newspaper in general circulation in Stuttgart not less than fifteen (15) days prior to the hearing.

F. Notification to Specific Property Owners: When a proposal is made to amend the zoning map, all property owners with land lying within three-hundred (300) feet of the property for which the zoning classification change is sought must be

notified in writing. The notification shall be given not less than ten (10) days prior to the regular public hearing on the amendment proposal. The Applicant shall be responsible for the notification process.

G. Review by Planning Commission and City Council

Following the public hearing, the proposed change in zoning classification may be approved as presented or in modified form by a majority vote of the Planning Commission and recommended for adoption by the City Council, with reasons for such recommendation stated in writing.

1. The City Council may, by majority vote, accept, reject, or modify the recommendation pertaining to the proposed change in zoning classification. The City Council may also return the request to the Planning Commission for additional review and recommendations.
2. If the Planning Commission disapproves a proposed change in zoning classification, notice of disapproval with the reasons for such disapproval shall be given in writing to the applicant within fifteen (15) days from the date of the decision.
3. Following disapproval of a proposed change in zoning classification by the Planning Commission, the applicant may appeal such disapproval to the City Council, provided that the applicant states specifically in writing to the City Clerk why he considers the Planning Commission's findings and decisions to be in error. Such appeal shall be filed with the City Clerk within fifteen (15) days of receipt of notice of Planning Commission action.

H. Requirement of a Three-Fourths Majority Vote by the City Council

The City Council must approve a proposed map or text amendment by a three-fourths (3/4) majority vote where the proposed amendment is denied by the Planning Commission.

I. Limits on Zoning Amendment Reapplication

In order to insure the stability of land use within Stuttgart, no reapplication for a zoning amendment to the map or text of this Ordinance shall be accepted by the City within a period of one (1) year from the date of the City Council's denial of an initial application. Upon receipt of documentation from the applicant that conditions have materially and substantially changed in Stuttgart since the initial submission, and further evidence that such changes justify a rehearing of the matter; the City Council may waive the mandatory holding period and authorize the Planning Commission to accept the application.

J. Concurrent Applications

Zoning changes and amendments may occur concurrently with Annexation requests or Changes to the Comprehensive Municipal Plan.

Section 213. Penalties

Violation of the regulations contained in this Ordinance is a misdemeanor and is punishable by a fine of up to five hundred dollars (\$500.00) per offense, confinement, or both fine and confinement. Each day that a violation exists constitutes a separate offense.

Section 214. Invalidity and Saving Clause

Invalidity of a Part: In the event that any portion of this ordinance is found invalid or unconstitutional by a court of proper jurisdiction, the remainder of the ordinance shall not be invalidated, but shall remain in full force and effect.

Savings Clause: All rights or remedies are expressly saved as to any and all violations of any previous zoning ordinance or amendments to it that have accrued at the time of the effective date of this ordinance. All existing violations of the previous zoning ordinances that would otherwise become nonconforming uses of land and structures under this ordinance shall be considered as violations of this ordinance in the same manner that they were violations prior to its enactment.

Section 215. Fees

All fees shall be in accordance with the fees adopted by the City in a separate document.

Table 2.1, Zoning Use Matrix begins on the following page.

Exhibit 2.1 - Zoning Use Matrix

Use Type	Zoning District										
	A	R-1	R-1A	R-2	R-3	R-4	B-1	B-2	B-3	I-1	I-2
Agricultural											
Agricultural Activities	P										
Farms, truck gardens	P										
Horticulture and floriculture	P										
Agriculture research center	C										
Stables	P										
Residential											
Dwelling, single- family detached	P	P	P	P	P	P					
Dwelling, duplex				P	P						
Dwelling, manufactured home					P	P					
Dwelling, multi-family/apartment				C	P			C	C		
Dwelling, patio home (zero lot line)				P	P						
Dwelling, second floor residential unit							P				
Dwelling, single-family attached (townhome)			C	P	P		P				
Group home								C	C		
Group care facility					P			C	C		
Accessory uses (subject to District Regulations)	P	P	P	P	P	P	P	P	P		
Recreation facility, private	C	C	C	C	C	C					
Public and Institutional											
Airport or landing field	C										C
Ambulance service, headquarters post								P		P	P
Cemetery, mausoleum or crematoria	C										
Churches and related uses	C	C	P	P	P	C	P	P	P		
College dormitory				C	C		C	C			
College, university or seminary				C	C		C	C			
Community buildings or places of public assembly							P	P	C	C	
Country clubs and golf courses	C	C						P			
Fraternal lodge, service organization or clubhouse				C	C			P			
Government offices							P	P	P	P	P
Golf course (public)	C							P			
Library, art gallery, studio, museum				P	P		P	P			
Public parks and playgrounds		C	P	P	P	P	P				
School, public		C	P	P	P			P			
School, private or denominational		C	P	P	P			P			
School, trade or commercial							P	P			

Exhibit 2.1 - Zoning Use Matrix

Use Type	Zoning District										
	A	R-1	R-1A	R-2	R-3	R-4	B-1	B-2	B-3	I-1	I-2
Health Care											
Clinic (medical, dental, optical), health services							P	P	C		
Community welfare or health center							C	P	C		
Convalescent home						C		P	C		
Hospital								P			
Optician services and eyewear sales								P	P		
Personal Services											
Barber or beauty shop							P	P	P		
Childcare facility					C	C		P	P		
Health studio or spa								P	P		
Laundromat							P	P	P		
Laundry, dry cleaning							P	P	P	P	
Pharmacy or drugstore							P	P	P		
Massage therapy							P				
Tailoring and alteration service							P	P	P		
Office, Commercial and Retail											
Amusement, commercial (inside)							C	C			
Amusement, commercial (outside)								C			
Animal/veterinary clinic (enclosed)								P	C		
Animal pound or kennel	C							C			
Antique shop with repair							P	P	C		
Appliance sales, service, and rentals							P	P			
Auction, general merchandise							C	P		P	
Bakery or confectionery shop (retail)							P	P	P	P	P
Bank: branch or similar institutions							P	P	P	P	P
Bar, lounge or tavern								C			
Bed and breakfast house				C	C		P		C		
Beverage store								P			
Bowling alley								P			
Bus station and terminal							P	P		P	P
Butcher shop							C	P		P	P
Camera sales and service							P	P	P		
Catering services /home cooking								P	C	P	
Clothing store sales or rental							P	P			
Convenience food store w/ gas sales								P	C	P	P
Dairy product sales							P	P	P		
Delicatessen							P	P	P		
Department store								P			
Eating place with drive-in service								P	C	P	P

Exhibit 2.1 - Zoning Use Matrix

Use Type	Zoning District										
	A	R-1	R-1A	R-2	R-3	R-4	B-1	B-2	B-3	I-1	I-2
Eating place without drive-in service							P	P	C	P	P
Feed store	C							P		P	P
Florist, flower or plant shop							P	P	P		
Funeral or mortuary services							C	P	C		
Furniture rentals							P	P			
Furniture store (new)							P	P			
Upholstery shop							P	P	C	P	
Golf driving range	C							P			C
Grocery store							P	P	P	P	
Hardware or sporting goods store							P		P	P	
Hobby shop							P	P	P		
Home center								P		P	P
Hotel or motel							C	P			
Jewelry manufacturing							P	P		P	
Jewelry store							P	P	P		
Music and musical instrument shop							P	P	P		
Newsstand, book or stationery store							P	P	P		P
Office equipment sales and service							P	P			P
Office, general or professional							P	P	P		P
Office, showroom and warehouse								P			P
Office supply store							P	P	P		
Paint and home decorating store							P	P	P		P
Parking, commercial lot or garage							C	P		P	P
Pawnshop							C	P		P	P
Pet shop							C	P			
Photography studio or gallery								P			
Plant nursery, lawn and garden center	C							P			
Printing/graphic reproduction							P	P		P	P
Recreational vehicle storage						C				C	P
Seasonal and temporary sales, outside	C						C	P		P	P
Secondhand store, used furniture, resale or rummage shop							C	P		P	P
Shoe sales or repair							P	P			
Shopping center < 3,500 sq. ft.								P			
Shopping center > 3,500 sq. ft.								P			
Skating rink (ice or roller)									P		
Stereo/audio equipment sales/service							P	P	P		
Studio (art, music, speech, drama, dance or other artistic endeavors)							P	P	P		

Exhibit 2.1 - Zoning Use Matrix

Use Type	Zoning District										
	A	R-1	R-1A	R-2	R-3	R-4	B-1	B-2	B-3	I-1	I-2
Swimming pool, sales and supply								P		P	
Theatre, drive-in									p		
Theatre, not drive-in							P	P			
Tool and equipment rental (no outside display)								P		P	P
Travel bureau							P	P	P		
Video rental and sales							P	P	P		
Automotive											
Automotive auction								C		P	P
Auto glass or muffler shop								P		c	P
Auto or truck rental and leasing								P		P	P
Auto painting or body rebuilding shop								P		C	P
Auto parts and accessory sales								P		C	P
Auto parts, sales with limited parts installation								P		C	P
Auto or truck rental or leasing (no service, sales, or repair)								P		C	P
Auto repair								P		P	P
Auto service stations (fuel)							C	P		P	P
Automobile or motorcycle sales, service or rentals								P		P	P
Auto/car wash								P		C	P
Tire re-treading or recapping							C	P		C	P
Tool and equipment rental (with outside display)								P		C	P
Truck stop/travel plaza								P		C	P
Truck or tractor sales or repair										C	P
Industrial											
Agricultural products processing										P	P
Bookbinding											P
Bottling plant											P
Building material sales								P		P	P
Bulk storage of highly flammable and/or hazardous materials											C
Bus or truck storage or garage										P	P
Cabinet and woodwork shop								P		P	P
Contractor maintenance yard											P
Drilling for materials	C										C
Electronic manufacturing										P	P
Foundry or metal works										P	P

Exhibit 2.1 - Zoning Use Matrix

Use Type	Zoning District										
	A	R-1	R-1A	R-2	R-3	R-4	B-1	B-2	B-3	I-1	I-2
Fruit and vegetable packaging and distribution	C									P	P
Grain elevator or feed mill	C									C	P
Hauling and storage company								P			P
Junk or salvage yard											P
Laboratory, manufacturing										P	P
Landscape service								P			P
Laundry, industrial										P	P
Light fabrication/assembly process										P	P
Lumberyard										P	P
Machine or welding shop											P
Machinery sales and service											P
Manufacturing										P	P
Measuring Instruments/scales											P
Mini-warehouse								P		P	P
Mobile home sales								P			P
Motor freight terminal											P
Office, warehouse											P
Petroleum products, storage and wholesale											P
Plumbing, electrical, HVAC shops								P		P	P
Sand, gravel or earth sale and storage											P
Taxidermist								P			P
Warehouse and distribution facilities								C		P	P
Wholesale								C		P	P
Wood products manufacturing										P	P
Utilities											
Utility storage yard										P	P
Utility substation	C										P
Communication, receiving or transmitting towers, and facilities	C									C	C
Recreational vehicle camping area	C										

P = Permitted Use C = Conditional Use Permit required Blank = Not permitted