

PROTECTIVE COVENANTS
NORTH INDUSTRIAL PARK
AKA MAY HOPE MOOSE INDUSTRIAL PARK
As Amended August 31, 2015
and filed at the Conway County Courthouse
September 3, 2015

1. The property herein conveyed shall be used only for industrial, manufacturing, warehousing, office park, light industrial or distribution purposes. It shall not be used for residential purposes, nor for the retail sale of any merchandise or services, except that any occupant of the property, either owner or tenant, may sell at retail those products which are manufactured or handled at wholesale by the occupant. The financing of the sale of such merchandise is expressly permitted, as it is the retail sale of food, beverage and other such convenience items to occupant's employees so long as these items are not offered for sale to the general public. The purpose of this restriction is to prohibit the operation on this property of any business devoted primarily to the retail sale of merchandise or the furnishing of services to the general public.
2. The Grantee shall not use any of the land or premises for the manufacture, storage, distribution or sale of any materials or products which shall increase the insurance rates of the adjoining property or for any purposes which constitute a nuisance in the generally accepted definition of that term, and the Grantee agrees that it will use said property in compliance with all laws of the State of Arkansas and of the United States.
3. Any building or other structures erected on the property shall be of masonry (brick and mortar) construction, steel construction, or its equivalent. Wooden or frame construction is prohibited insofar as its use in an exposed or visible position is concerned. Grantee shall submit detailed plans and specifications for initial construction and for any exterior alteration, modification or additional construction to Grantor prior to the commencement of construction and Grantor's written approval shall be proof of compliance with this restriction.
4. Buildings erected within the Conway County Economic Development North Industrial Park shall not be closer than seventy-five (75) feet from the right-of-way line of primary arterial streets, fifty (50) feet from other street rights-of-way, and twenty-five (25) feet from side property lines of individual tracts. Irrespective of compliance with these setback requirements, however, truck docks must be so situated that trucks, tractors, trailers or any combination thereof may not, while being either loaded or unloaded, project beyond the right-of-way of any street bordering the property.
5. Billboard posters and other advertising signs are prohibited except those signs which advertise the property owner's business or products located within the Conway County Economic Development North Industrial Park. This prohibition is hereby waived and not applicable to Lots 1, 2, and 3¹.
6. No goods, equipment, supplies, or other materials shall be stored in the open except on the rear two-thirds (2/3) of said property, and then only when such open storage is fenced with a screening fence at least six (6) feet in height or an adequate height to screen stored materials from public street view. For those lots having irregular depths, the open storage area boundary line shall parallel the front street and its location shall be determined, with Grantor approval, by using the depth of the shorter side property line. All fencing for screening, security or other purpose shall be attractive in appearance and shall be of an all-metal industrial type fence of galvanized or non-ferrous material.
7. It shall be the responsibility of the property owner to provide parking space for employees, customers and visitors, and the public street shall not be used for parking. The surface of all driveways and permanent parking areas shall be of concrete, asphalt or other bituminous material. It shall be Grantee's responsibility to extend driveways to existing or presently projected streets at no expense to Grantor, even though part of this construction is within the street right-of-way.
8. The owner of said property shall keep the premises, buildings and improvements in a safe, clean, healthful and presentable condition at all times and shall comply in all respects with all government, health and police requirements.

¹ As amended August 31, 2015, the last sentence in Item 5 was added.

9. Grantee agrees to landscape that portion of the property between the building or buildings and the curb line of any abutting streets, including any such property which may be in a street or utility right-of-way, and to remove undergrowth, weeds, debris, rubbish, trash, excess dirt and any other unsightly material from the remainder of the property, at no expense to Grantor.

10. No buildings or other structures shall be built or maintained which cover more than one-half (1/2) of the total land area in the above described plot.

11. The Grantee herein agrees to commence construction of a building covering at least _____ square feet within _____. However, until such time as buildings covering at least one-sixth (1/6) of the total ground area herein conveyed have been constructed, Grantee is prohibited from selling any of said land on which buildings have not been constructed without first offering said excess land to the Conway County Economic Development Corporation at the price paid by Grantee. After written notice of the intention of Grantee to sell has been received by Grantor, Grantor shall have a period of ninety (90) days in which to exercise the right of repurchase. Whenever buildings covering one-sixth (1/6) of the total ground area have been constructed by Grantee, this clause shall become null and void and Grantor then waives any further right as to the resale of the property. All other restrictions, however, shall remain in full force and effect as separately provided.

12. Grantor agrees to provide paved street(s), water, power, gas, telephone and sanitary sewer lines in the easement or right-of-way adjoining Grantee's property at no cost to Grantee.

13. Because of the difficulty in prescribing in advance the location of all utility, street and rail easements which may ultimately be required, Grantee herein agrees to offer every reasonable cooperation in providing such easements as may be required and as such may affect this property. Grantee agrees to acquire the property subject to any easements which may affect it, provided these easements have been clearly indicated on the engineer's survey of the property which has been furnished to Grantee. Grantee agrees to file jointly with other landowners in Conway County North Industrial Park a plat of record when all properties within Conway County North Industrial Park are sold.

14. The Grantor herein, its successors and assigns, may enforce these restrictions either by restraining order or may prosecute at law or in equity a suit for damages or any other remedy which the Grantor, its successors and assigns, may have.

15. Invalidation of any of the foregoing conditions, restrictions or covenants by a court of competent jurisdiction in no way affects any of the other provisions which shall remain in full force and effect.

16. Grantor affirms that there are no adverse occupants of said land; that there are no unrecorded options to purchase, sales contracts or lease agreements outstanding affecting said property; that there have been no improvements made thereon during the past 130 days for which a Mechanic's or Materialmen's lien may be filed; that there are no improvement district charges levied against the property; and that no roads or streets traverse the property.

17. Grantor agrees to invoke substantially similar restrictions in all subsequent conveyances.

18. These restrictions shall be covenants running with the land and shall be binding upon the Grantee, its successors and assigns, and shall be in full force and effect from the date of this Deed.

19. For future amendments to the original Bill of Assurance the Protective Covenants, a total of owners of 75% or more of the lots in the Industrial Park will be required to be in agreement and sign all future amendments in order for them to take effect.²

² Item 19 was added in amendments made August 31, 2015.

PROVISION

This provision allows for Lot 2 of the Industrial Park to be split, becoming Lots 2A and 2B; Lot 2B being a 0.03 tract used for a billboard sign. Along with a 25' ingress and egress easement created to access and maintain said sign. Survey of said Lot split and easement to be found in the records of the Circuit Clerk of Conway County at Survey Cabinet Cat Sleeve 155.³

³ This provision was added along with other amendments, August 31, 2015

An Ordinance superseding Ordinance No. 11 of 1978, as amended of the City of Morrilton, Arkansas, repealing all other amendments and ordinances in conflict.

WHEREAS, the present zoning Ordinance of the City of Morrilton was enacted in 1978 amended an Ordinance enacted in 1973 and contains inapplicable and outdated terminology which need to be remedied; and

WHEREAS, the existing zoning Ordinance has been amended a number of times since its enactment and it is in the best interest of the public that there be a comprehensive revision to incorporate all changes and to accurately reflect the current intent of the zoning regulation.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MORRILTON, ARKANSAS:

SECTION 1. The City of Morrilton, Arkansas hereby approves and adopts by reference the ZONING ORDINANCE for the City of Morrilton, Arkansas as approved by the Planning and Zoning Commission and dated May, 2006. After duly held public hearings and notice of such hearings the Ordinance consisting of the text, zoning district maps and all other attachments thereto now on file with the City Clerk of the City of Morrilton, Arkansas shall be in full force and effect from the date of enactment of this Ordinance.

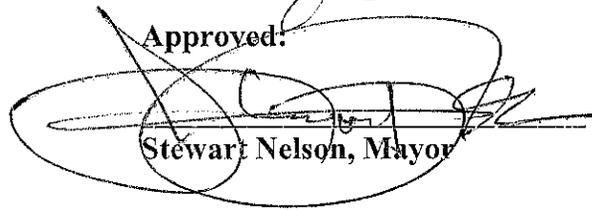
SECTION 2. This Ordinance in part incorporates Ordinance No. 1 of 1973, Ordinance No. 11 of 1978 and many amendments thereto, enacted since the date of their first passage. It is the expressed intention of the City Council of the City of Morrilton, Arkansas in adopting this Ordinance, that all those provisions and prior Ordinances as amended are encompassed in this Ordinance and superceded by same. It is further

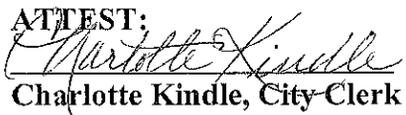
declared that the enactment of this Ordinance shall not affect any action, suit or proceeding now instituted or pending pursuant to prior Ordinances but those shall have full force and effect.

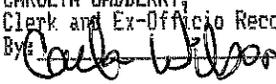
SECTION 3. All Ordinances and parts of Ordinances of a permit and general nature in effect at the time of adoption of this Ordinance, and not included herein, are hereby repealed where they are in conflict with this Ordinance.

IT IS SO ORDAINED.

PASSED AND APPROVED this 10th day of July, 2006.

Approved:

Stewart Nelson, Mayor

ATTEST:

Charlotte Kindle, City Clerk

CLERK'S CERTIFICATE OF RECORD
State of Arkansas, County of CONWAY COUNTY
I CAROLYN GADBERRY, Clerk of the Circuit Court
within and for the County and State aforesaid,
do hereby certify that this Ordinance # 6
was filed for record in my office on 07/11/2006
at 03:48:33 PM and is duly recorded in the
MORTGAGES Record Book # 415 pages 645 - 646
CAROLYN GADBERRY,
Clerk and Ex-Officio Recorder
By:  D.C.

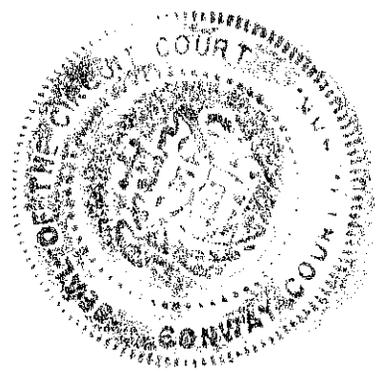


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ZONING CODE

CITY OF MORRILTON, ARKANSAS

SECTION:	10-18	ZONING PROVISIONS ESTABLISHED
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10-18.1 Purposes

These regulations divide that portion of the planning area boundary existing within the corporate limits into zones. Within these zones or districts, it regulates the location, height, bulk, number of stories, and size of buildings; open space; lot coverage; density and distribution of population; and the uses of land, buildings, and structures. It does so in order to achieve the following objectives:

- (a) Efficiency and economy in the process of development;
- (b) The appropriate and best use of land;
- (c) Convenience of traffic and circulation of people and goods;
- (d) Safety from fire and other dangers;
- (e) Adequate light and air in the use and occupancy of buildings;
- (f) Healthful and convenient distribution of population;
- (g) Good civic design and arrangement
- (h) Adequate public utilities and facilities; and
- (i) Wise and efficient expenditure of funds.

10-18.2 Authority

This Code, in pursuance of the Authority cited in Arkansas Code Annot. §14-56-401 et. seq., shall be known as the Zoning Code of the City of Morrilton and may be cited as such.

10-18.3 Jurisdiction

The provisions of this Code shall apply to all land and structures within the corporate limits of Morrilton, Arkansas as they now or may hereafter exist.

10-18.4 -Zoning classifications

Residential:

- R-1 One - Family Residential District
- R-2 Two Family Residential District
- R-3 Multiple-Family Residential District
- MHP Manufactured Home Park District

Business:

- B-1 Central Business District
- B-2 Neighborhood Business District
- B-3 Highway Service District
- B-4 Open Display Business District

Industrial:

- I-1 Restricted Industrial District
- I-2 Intermediate Industrial District
- I-3 Intensive Industrial District

Special:

- C Community District
- A-R Agricultural Residential District
- PUD Planned Unit Development
- BOD Bypass Overlay District

Except as hereinafter provided, no land shall be used, and no building, structure or improvement shall be made, erected, constructed, moved, altered, enlarged, or rebuilt which is designed, arranged or intended to be used or maintained for any purpose or in any manner except in accordance with the requirements established in the districts in which such land, building, structure or improvement is located and in accordance with the provisions of the chapter contained herein relating to such districts.

The original Zoning for the City of Morrilton, as amended, showing the various districts and their boundaries, shall be and is hereby amended so that this new Zoning shall show thereon the zoning districts and classifications as noted above, and is hereby declared to be a part of Sections 10-18 through 10-32.

10-18.5 Zoning District Boundaries

District boundary lines shall be as shown on the map entitled Morrilton, Arkansas Zoning Map, which is a part of this Code.

The following rules shall apply in determining the location of district boundaries:

- (a) Boundaries indicated as approximately following the center line of streets, highways, alleys, railways, or channelized waterways, or other natural features shall be construed as following such center lines.
- (b) Boundaries indicated as approximately following section lines, part section lines or city limits shall be construed as following these lines.
- (c) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (d) Boundaries indicated as following shore lines shall be construed to follow the shore line, and in the event of change in the shore line shall be construed as moving with the actual shore line.
- (e) Boundaries indicated as parallel to or extensions of features indicated above shall be so construed.
- (f) When distances are not specifically indicated on the map, they shall be determined by reference to the description contained in the ordinance adopting them and any accompanying maps used to indicate the intentions of the ordinance. Written dimensions shall take precedence over scaled measurements.
- (g) Where the street or property layout existing on the ground is at variance with that shown on the Official Zoning Map or where, for other reasons uncertainty exists as to the location of a district boundary, the Board of Zoning Adjustment shall interpret the location of the boundary.

For the purpose of these regulations, certain terms and words are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tenses; words used in the singular number include the plural, and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not directory.

Accessory. A use, building, structure, part of a building, or part of a structure which is subordinate to, and the use of which is incidental to, that of the main building, structure, or use on the same lot, including a private garage. If the building otherwise qualified as an accessory building is attached to the main building by a common wall, or roof, such building shall be considered a part of the main building.

Adult Daycare Center. An establishment that provides, on a regular basis, assistance or care for five or more unrelated adults for a period of less than twenty-four hours a day and which receives a payment, fee or grant for the adults attending the facility, whether or not operated at a profit.

Alley. A public passage or way affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

Basement. A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes by other than a janitor employed on the premises.

Bed and Breakfast Inn. An owner-occupied dwelling unit that contains no more than five guest rooms where lodging, with or without meals, is provided for compensation. The operator of the inn shall live on the premises or in adjacent premises.

Billboard. See Sign, Billboard.

Building. Any structure including a roof supported by walls or support structures, designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property; and forming a construction that is safe and stable; the word building is synonymous with the word structure.

Building Height. The vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or the declivity of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

Building, Main. A building in which is constructed the principal use of the lot on which it is situated. In any district, any dwelling shall be deemed a main building on the lot on which it is situated.

Child Care Center. Any place, home or institution which receives three or more children under the age of sixteen (16) years, and not of common parentage, for care apart from

their natural parents, legal guardians, or custodians, when received for regular periods of time for compensation, provided, however, this definition shall not include public and private schools organized, operated or approved under the laws of this state, custody of children fixed by a court of competent jurisdiction, children related by blood or marriage within the third degree to the custodial persons, or to 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.

Code. The Zoning Code, which includes both Zoning Map and the Zoning Regulations.

Conditional Use. A use permitted in one or more districts as defined by this Code but which use, because of characteristics particular to it, or because of size, technological processes, or type of equipment, or because of the exact location with reference to surroundings, streets and existing improvements or demands upon public facilities, requires a special degree of control to make such uses consistent with and compatible to other existing or permissible uses in the same district or districts, and to assure that such uses shall not harm the public interest.

Conditional Use Permit. The documented evidence or authority granted by the Planning Commission to locate a conditional use at a particular location.

Coverage. The lot area covered by the buildings including all overhanging roofs except where otherwise specifically designated.

District. Any section or sections of Morrilton for which regulations governing the use of buildings and premises, or the height and area of buildings are uniform.

Dwelling. Any building, or portion thereof, which is designated or used as living quarters for one or more families, including manufactured homes that are permanently installed on a foundation, but not including travel trailers.

Dwelling, One Family. A dwelling designed to be occupied by one family.

Dwelling, Two Family. A dwelling designed to be occupied by two families living independently of each other.

Dwelling, Multiple-Family. A dwelling designed for occupancy by three or more families living independently of each other, exclusive of camps, hotels or resort type hotels.

Family. One or more persons related by blood or marriage, including adopted children, occupying premises and living as a single nonprofit housekeeping unit as distinguished from a group occupying a boarding or lodging house, hotel, club or similar dwelling for group use. A family should be deemed to include domestic servants employed by said family.

Garage Apartment. A dwelling unit for one family erected above a private garage.

Garage, Private. An accessory building or part of a main building used for storage purposes only for not more than four (4) automobiles, or for a number of automobiles

which not exceed one and a half (1½) times the number of families occupying the dwelling unit to which such garage is accessory, whichever number is greater.

Garage, Public. Any garage other than a private garage, available to the public, used for the care, servicing, repair or equipping of automobiles of where such vehicles are parked or stored for remuneration, hire or sale.

Gasoline or Filling Station. Any area of land, including structures thereon that is used for the retail sale of gasoline or oil fuels, but not butane or propane fuels, or other automobile accessories, and which may or may not include facilities for lubricating, washing, cleaning or otherwise servicing automobiles, but not including the painting thereof.

Grade. The top surface elevation of lawns, walks, drives or other improved surface after completion of construction or grading operation.

Help-yourself Laundry. A laundry providing home type washing, drying, and ironing machines for hire to be used by the customers on the premises.

Home Occupation. Any occupation or profession carried on by the inhabitants which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, and which is conducted entirely within the main or accessory buildings; provided that no display of merchandise or sign other than one non-illuminated nameplate not more than two square feet in area attached to the main or accessory building, and no mechanical equipment is used or activity is conducted which creates noise, dust, odor, or electrical disturbance beyond the confines of the lot on which said occupation is conducted. The conducting of a tea room or restaurant, rest home, clinic, or cabinet, metal, medical or dentist office, or auto repair shop shall not be deemed a home occupation.

Hospital. An institution providing health services, primarily for inpatients, and medical or surgical care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

Hotel. A building or group of buildings under one ownership containing six or more sleeping rooms occupied, intended or designed to be occupied as the more or less temporary abiding place of persons who are lodges with or without meals for compensation, but not including an auto or trailer court or camp, sanatorium, hospital, asylum, orphanage, or building where persons are housed under restraint.

HUD Approved not current Manufactured Home. Factory built housing units designed and constructed to a version of the Manufactured Housing Construction and Safety Standards prior to October 25, 1994.

Junk Yard, including Automobile Wrecking. A lot or part thereof used for the storage, keeping or abandonment of junk, including scrap metal, scrap vehicles, scrap machinery or parts thereof or stowing or towing of inoperative vehicles.

Kennel. Any lot or premises on which four (4) or more dogs, more than six (6) months of age, are kept.

Laboratory. A building or part of a building devoted to the testing and analysis of any product or animal (including humans). No manufacturing is conducted on the premises except for experimental or testing purposes.

Laboratory, Dental or Medical. A laboratory which provides bacteriological, biological, medical, prosthetics, x-ray, pathological, and similar analytical or diagnostic services to doctors and dentists. No fabricating shall be conducted on the premises except the custom fabrication of dentures.

Lot. Any plot of land occupied or intended to be occupied by one building or a group of buildings, and its accessory buildings and uses, including such open spaces as required by this Code and other laws or ordinances, having its principal frontage on a street.

Lot, Area. The total area measured on a horizontal plane included within lot lines.

Lot, Corner. A lot which has an interior angle of less than 180 degrees at the intersection of two street lines. A lot abutting upon a curved street shall be considered a corner lot if the tangents of the curve at the points of intersection of the side lot lines intersect an interior angle of less than 135 degrees.

Lot, Coverage. That portion of a lot which, when viewed directed from above, would be covered by a building or any part of a building. However, for purposes of computing a height factor, any portion of such building covered by a roof which qualifies as an open space, or any terrace, balcony, breezeway or porch, or portion thereof not including in the floor area of a building, shall not be included in lot coverage.

Lot Depth. The horizontal length of a straight line drawn from the mid-point of the lot front line and at right angles to such line to its intersection with a line parallel to the lot front line and passing through the mid-point of the lot rear line. In the case of a lot having a curved front line, the lot front line, for purposes of this Code, shall be deemed to be a line tangent to the curve and parallel to a straight line connecting the point of intersection of the lot sides of the lot with the lot front line.

Lot, Frontage. That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

Lot, Interior. A lot other than a corner lot.

Lot Lines. The lines bounding a lot as defined herein.

Lot Width. The distance generally parallel to the front lot line, measured between side lot lines at the building line.

Manufactured Home. Manufactured housing units defined by and constructed in accordance with the National Manufacturing Housing Construction and Safety Standards Act (42 USC 5401 et seq.), conforming to the provisions set forth in the HUD

Manufactured Home Construction and Safety Standards (42 CFR Part 3280 – as amended October 25, 1994).

Manufactured Home Park. Land or property containing a minimum of 3 acres which is used or intended to be used or rented for occupancy by manufactured homes.

Manufactured Housing Construction and Safety Standards. The standards for construction, design and performance of the manufactured home as set forth in the Code of Federal Regulations, Title 24, Parts 3280, 3282 and 42 USC 5401, et seq., as mandated by the United States of America and as administered by the United States Department of Housing and Urban Development (HUD).

Manufacturing, Light. The assembly, packaging, or fabrication of merchandise, products, or goods in a low intensity, that are non-hazardous, and which are consistent with the description of the I-1 Restricted Industrial District.

Manufacturing, Intermediate. The assembly, transformation, or processing of raw materials into goods or products in a moderate intensity, that are non-toxic, and which are consistent with the description of the I-2 Intermediate Industrial District.

Manufacturing, Heavy. The production, creation, processing, or transformation of raw materials or the blending of materials such as oils, plastics, resins, or liquors, in a high intensity, that may be hazardous or toxic, and which are consistent with the description of the I-3 Intensive Industrial District.

Mobile Home. A dwelling unit constructed in a factory before the enactment of the federal standards.

Motel. A group of attached or detached buildings containing individual sleeping units where a majority of such units open individually and directly to the outside, and where a garage is attached to or a parking space is conveniently located to each unit all for the temporary use by automobile tourists.

Museum. A non-profit, non-commercial establishment operated as a repository or a collection of nature, scientific or literary curiosities or objects of interest or works of art, not including the regular sale or distribution of the objects collected.

Nonconforming use. A structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is situated.

Office, Professional. The office of a member of a recognized profession maintained for the conduct of that profession. The offices of an attorney, accountant, insurance company, abstractor, real estate firm, travel agency, or other professional associations are examples of professional offices. Professional offices do not include medical, dental or other health clinics.

Open Porch. A porch, which has no side or front walls, screens or other enclosures, except structural roof supports where a roof is provided.

Planning Commission. The Planning Commission of the City of Morrilton, Arkansas.

Plat. A map or chart indicating the subdivision or re-subdivision of land, intended to be filed for record.

Plat, Final. A finished map or chart showing completely and accurately all legal and engineering information and certification necessary for recording, and includes the Bill of Assurance.

Plat, Preliminary. A map or chart, which shows the proposed layout of a subdivision in sufficient detail to indicate its feasibility, but it is not in final form for recording and the details not completely computed.

Plat, Sketch. A plat of a proposed subdivision indicating, in general, the area to be subdivided, the street layout, lots and blocks, and the general nature of improvements.

Private Club. Any association, person, firm, partnership or corporation and or any other kind of club or association excluding the general public from its premises or place of meeting or congregating or operating or exercising control over any other place where persons are permitted to drink alcoholic beverages other than in private homes.

Recreational Vehicle. A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

Sign. The term "sign" shall mean and include every device, frame, letter, figure, character, mark, plane, point, design, picture, stroke, stripe, trademark, or reading matter which is used or intended to be used to attract attention or convey information when the same is placed out of doors in view of the general public. In addition, any of the above, which is not placed out of doors, but which is illuminated with artificial or reflected light placed near the inside surface of a window in such a way as to be in view of the general public and used or intended to be used to attract attention or convey information to motorists.

Sign Area. The area within a boundary that includes the outer extremities of all letters, figures, characters, and delineations, or within a boundary that includes the outer extremities of the framework or background of the sign, whichever line includes the larger area. The support for the sign background, whether it is columns, a pylon, or a building or part thereof, shall not be included in the sign area.

Sign, Area Identification. A sign which identifies a common area containing a group of structures, or a single structure, such as a residential subdivision, apartment complex, industrial park, manufactured home park, or shopping center, located at the entrance or entrances of the area.

Sign, Banner-style. Any sign printed or displayed upon cloth or other flexible material, with or without frames.

Sign, Billboard. Any sign that has at least one dimension of greater than 12 feet.

Sign, Building Marker. Any sign indicating the name of a building and date and incidental information about its construction, which sign is typically cut into a masonry surface or made of bronze or other permanent material.

Sign, Bulletin. A sign portraying a non-commercial message for the purpose of announcing an event to be held on the same premises upon which the sign is placed.

Sign, Flashing. An illuminated sign on which artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use.

Sign, Free Standing. A sign that is attached to or a part of a completely self-supporting structure. The supporting structure is set firmly in or below the ground surface and is not attached to any building or other structure whether portable or stationary.

Sign, Identification. A sign that serves as an identification for a person or business operating on the premises where the sign is located. Such sign may name the person, organization or business, but does not portray any other commercial or non-commercial message.

Sign, Illuminated. Any sign that has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper.

Sign, Incidental. A sign, generally informational, that has a purpose secondary to the use of the lot or property on which it is located, such as "no parking," "entrance," "loading only," "no trespassing," "beware of dog," "posted," "telephone," and other similar directives.

Sign, Joint Identification. A sign which serves as common or collective identification for a group of persons or businesses operating on the same lot (e.g., shopping center, office complex, etc.) and shall include a sign which identifies architects, engineers, contractors and other individuals or firms involved with the construction on the premises. Such sign may name the persons, organizations or businesses included but does not portray any other commercial or non-commercial message.

Sign, Non-conforming. A sign existing at the effective date of the adoption of this Code, which could not be built under the terms of this Code.

Sign, Off-Premise. A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

Sign, Portable. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, included, but not limited to, signs designed to be transported by means of wheels, signs converted to A-or T-frames, menu and sandwich board signs, balloons used as signs, umbrellas used for advertising, and signs attached to or painted on vehicles or trailers parked and visible from the public right-of-way in the normal day-to-day transportation operations of the business.

Sign, Projecting. Any sign that shall be affixed at an angle or perpendicular to the wall of any building in such a manner as to read perpendicular or at an angle to the wall on which it is mounted.

Sign, Public. A sign erected by or on behalf of a governmental body to post a legal notice, identify public property, convey public information or to direct or regulate pedestrian or vehicular traffic.

Sign, Residential. Any sign located in a district zoned for residential uses that contains no commercial message except such sign may contain a representation advertising the sale or lease of the residential premises.

Sign, Roof. A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof.

Sign, Temporary. Any sign that is used only temporarily and not for an extended period of time and which is not permanently mounted.

Sign, Wall. Any sign that shall be affixed parallel to the wall or printed on the wall of any building in such a manner as to read parallel to the wall on which it is mounted; provided, however, said wall sign shall not project above the top of the wall or beyond the end of the building. For the purpose of this Code, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign. Any sign that is affixed to the face of a building marquee, building awning, or a building canopy, shall be considered a wall sign.

Story. That portion of a building, other than a basement, including between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

Story, Half. A space under a sloping roof which has the line of intersection of roof decking and wall fact not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) for the floor area is finished off for use. A half-story containing independent apartment or living quarters shall be counted as a full story.

Street. Any public or private thoroughfare which affords the principal means of access to abutting property.

Street, Intersecting. Any street which joins another street at an angle, whether or not it crosses the other.

Structure. See Building.

Structural Alterations. Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

Town House. One of a series of from three to ten attached dwelling units separated from one another by continuous vertical party walls without openings from basement floor to roof. (Individual units – privately owned)

Town House Development. A tract of land on which there is built or is proposed to be built three or more town houses, including the sites of the town houses and all common spaces.

Yard. The open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward except where otherwise specifically provided in the Code. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard, or the depth of a rear yard, the least horizontal distance between the lot line and the main building shall be used.

Yard, Front. The yard located in front of the front elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the main building or any projection thereof, other than steps.

Yard, Rear. The yard extending across the rear of a lot measured between lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots, the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and the interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

Yard, Side. The yard between the building and the side lot line and extending from the front lot line to the rear lot line and being the minimum horizontal distance between the side lot line and the side of the main building or any projections other than steps.

SECTION: 10-20 ZONING REGULATIONS AND CLASSIFICATIONS

10-20.1 General

For the purpose of Sections 10-18 through 10-31, the City of Morrilton, Arkansas is hereby divided into zones, as follows:

Residential:

- R-1 One -Family Residential District
- R-2 Two Family Residential District
- R-3 Multiple-Family Residential District
- MHP Manufactured Home Park District

Business:

- B-1 Central Business District
- B-2 Neighborhood Business District
- B-3 Highway Service District
- B-4 Open Display Business District

Industrial:

- I-1 Restricted Industrial District
- I-2 Intermediate Industrial District
- I-3 Intensive Industrial District

Special:

- C Community District
- A-R Agricultural Residential District
- PUD Planned Unit Development
- BOD Bypass Overlay District

10-20.2 Table of Permitted Uses

The Table of Permitted Uses sets forth the uses which are permitted in each district. Where the letter "P" appears on the line of a permitted use and in column of a district, the listed use is permitted in that district subject to (a) provisions of required off-street parking and off-street loading as set forth in Section 10-27, and (b) conformance to the special conditions applying to certain uses as set forth in Section 10-29 where such reference is made.

Where the letter "C" appears instead of a "P", this use is permitted subject to acquiring a conditional use permit as set forth in Section 10-28 and Section 10-31.2. Where neither a "P" or "C" appears in a district column, the use is not permitted in that district.

10-20.3 Uses Not Listed in the Table of Permitted Uses

Applications for uses not listed in the Table of Permitted Uses shall be handled as a proposed amendment to the Zoning Code and shall be processed in accordance with Section 10-31.5.

TABLE OF PERMITTED USES

Permitted Uses:	R-1	R-2	R-3	MHP	B-1	B-2	B-3	B-4	I-1	I-2	I-3	C	PUD	A-R	Parking Group
Air conditioning, heating & plumbing, sales & service total indoor facility					P	P	P	P	P	P					M
-----with outdoor display									P	P	P				M
-----manufacturing															G
Adult Daycare Center	C	C	C	C	C	C	P	P				P		C	K
Ambulance service					C	C	P	P				C		C	N
Antique Store					P	P	P	P	P						I
total indoor display							C	P							I
-----with outdoor display															I
Appliance & Furniture store -- total indoor display					P	P	P	P	P						I
Appliance & Furniture store - with outdoor display							C	P	P	P					I
Arcades					C	C	P	P							I
Artist's or photographer's studio					P	P	P					C		C	J
Auditorium, arena -- public or private					C		P	P	P	P		C		C	F
Automobile or Vehicle					C	P	P	P	P					P	I
-----Accessory parts, tires, battery (total indoor)									P	P	P			C	J
-----Body, muffler, radiator shop									C	P					J
-----Car wash															
-----Junk or salvage yard (Sec. 10-28.19)															
-----Major Repair								C	P	P	P			C	J
-----Motorcycle -- sales & service					C	C	P	P	P	P	P	P		C	S
-----Parking lots or ramps															
-----Rental, with storage					C	C	P	P	P	P					G
-----Sales, service with light trucks					C	C	C	P	P	P	P				S
-----Service Stations					C	C	P	P	P	P	P			C	G

Uses to be proposed by the applicant.

Permitted Uses:	R-1	R-2	R-3	MHP	B-1	B-2	B-3	B-4	I-1	I-2	I-3	C	PUD	A-R	Parking Group
Storage (operable vehicles)							P	P	P	P				C	G
Tire & recapping -- total indoor					C		P	P	P	P				C	J
Tire & recapping -- outdoor mounting							P	P	P	P				C	J
Wrecking service, no storage					C	C	P	P	P	P					G
Bait Shop			C	C	C	C	P	P	P					P	I
Bakery, donut or candy shop			C	C	P	P	P								I
Wholesale							P	P	P						G
Banks, Financial Institution					P	P	P	P	P			C			I
Bar					P	C	P	P	P			C		C	I
Barber & Beauty Shop			C	C	P	P	P	P	P					C	H
Billiard or pool parlor					P	C	P	P						C	H
Blueprinting, photocopying, or similar reproduction					C	P	P	P	P	P					K
Boat rental or sales -- total indoor display					P	P	P	P						C	K
----- with outdoor display							P	P	P					C	K
Bowling Alley					C	C	P	P	P						I
Building material supply -- total indoor display					P	P	P	P	P						L
Building material supply - with outdoor display								P	P	P				C	L
-----manufacturing									P	P	P			C	G
Carnival or circus, temporary					C	C	P	P	P					C	P
Carpentry, cabinet shop					C	C	P	P	P	P				C	K
Cemetery, crematory, columbarium, or mausoleum					C	C	C	C				C		C	V
Child care --day nursery			C		C	C	P	P				P		C	H

Uses to be proposed by the applicant.

Permitted Uses:	R-1	R-2	R-3	MHP	B-1	B-2	B-3	B-4	I-1	I-2	I-3	C	PUD	A-R	Parking Group
-----church day program	C	C	C	C	P	P	P	P				P		P	H
Church, synagogue or temple, including Sunday School	C	C	C	C	P	P	P	P				P		P	F
Clinic, dental, medical, osteopathic, chiropractic or pharmacy					P	P	P	P						C	J
Clubs or lodges -- no liquor		C	C	C	P	P	P	P				P		P	H
-----liquor or beer served					P	C	P	P	P			C		C	H
College, professional school, public or equivalent private												P			F
Community center, public -- no alcoholic beverages	C	C	C	P	P	P	P	P				P		P	F
Contractor yard, general or heavy construction								C	P	P	P			C	G
Convalescent, Maternity, or Nursing Home			C	C	P	P						P		P	E
Department Store					P	P	P	P							I
Driving school					P	P	P	P				P		C	K
Dry cleaning pickup or self service						P	P	P							K
Dwellings -- Single family	P	P	P	P		C						P		P	D
-----Two family		P	P	P		C						P		P	C
-----Multiple family			P		C	C	C					P		P	C
-----Townhouse or condominium			C		C	P	P	P				P		P	C
-----Hotel					P	C	P	P				C		P	B
-----Bed & Breakfast		C	C		P	P	P	P						C	B
-----Apartment garage		C	P	P	P	P	P	P				C		P	C
-----Dormitory			P		C	C	C	C				P		P	C
-----Religious retreat												P		P	B
-----Motel or resort					P	C	P	P				C			B
-----Upstairs/Behind Apartment					P										See Sec. 10-28.27
-----Manufactured Homes -- (Sec. 10-28.20)			P	P											D
-----Park (Sec. 10-28.20B)				P											C

Uses to be proposed by the applicant.

Permitted Uses:	R-1	R-2	R-3	MHP	B-1	B-2	B-3	B-4	I-1	I-2	I-3	C	PUD	A-R	Parking Group
Electric, generating plant									P	P	P			P	G
-----regulating substation	C	C	C	C	C	C	C	C	P	P	P	P		P	G
Explosives or fireworks – retail sales														C	H
-----manufacture, storage or											C			C	G
warehousing														C	G
Farming, Agriculture – Light gardening	P	P	P	P		P	P	P	P	P	P	C		P	G
Farming, Animals - cattle or poultry,	C	C	C	C			C	C	C	C	P	C		P	G
horses and rabbits – low density														P	L
-----grain & feed store (see					C	C	P	P	P	P	P			P	L
warehousing) – total indoor display														P	G
Fire house, related facility	C	C	P	P	P	P	P	P	P	P	P	C		P	G
Food- Commercial canning, processing &								P	P	P				C	G
packing (no slaughtering)														C	I
Funeral home, mortuary					P	C	P							C	I
-----Chapel					P	C	P							C	I
Garbage or trash, assembly, incineration or															G
processing											C				G
Golf course – standard	P	P	P	P				P	P			P		P	V
-----driving range														P	T
-----miniature												P		C	P
Greenhouse, Commercial								P	P	P				P	G
Gunsmith														C	I
Home occupations (see Sec. 10-28.16)	P	P	P	P										P	See Sec.28-16
Hospitals (see Sec. 10-28.17 and Sec. 10-28.18) – General												P			E
Hospitals – Mental															E
-----Sanatorium												P		P	E

Uses to be proposed by the applicant.

Permitted Uses:	R-1	R-2	R-3	MHP	B-1	B-2	B-3	B-4	I-1	I-2	I-3	C	PUD	A-R	Parking Group
Animal – without boarding					P	P	P	P	P					P	J
Animal – with boarding								P	P	P				C	J
Kennels								P	P	P				C	K
Laboratory, research, development or testing							P	P	P	P				C	G
Laundry – self service or pick up station					P	P	P	P	P					C	J
Library – public or private	P	P	P	P	P	P	P	P				P		P	J
Livestock – Breeding & feeding								C	C	C	C			P	G
Sales or auction barn								C	C	C	C			C	F
Lumber – Sales – total indoor					P		P	P	P	P				C	N
Sales – with outdoor								P	P	P				C	N
Planing & shaping										P	P			C	G
Sawmill											C			C	G
Treating											C			C	G
Manufacturing – Light								P	P	P				C	G
Intermediate									P	P	P			C	G
Manufacturing, Heavy											C			C	G
Metal plating								P	P	P				C	G
Mining – coal, metal ores, minerals, stone, sand or gravel											C			C	G
Manufactured Home Sales & service				P			C	P	P	P				C	S
Monastery, convent												P		P	S
Motion picture – Theater					P	P	P	P						C	F
Museum or art gallery					P	P	P	P				P			M
Nursery – Products (sales only)					P	P	P	P	P					P	J

Uses to be proposed by the applicant.

Permitted Uses:	R-1	R-2	R-3	MHP	B-1	B-2	B-3	B-4	I-1	I-2	I-3	C	PUD	A-R	Parking Group
Offices, Professional					P	P	P	P	P					C	I
Optician, Optometrist, laboratory & goods					P	P	P							C	J
Park or playground	P	P	P	P	P	P	P	P	P	P	P	P		P	Q
Pet Shop							P	P						P	I
Police - Station & Jail	C	C	C	C	P	P	P	P	P	P	P	C		P	J
-----Training facility												P		P	L
-----Prison												C		C	M
Radio & Television - Transmitting station								C	C	C	C			P	G
-----Broadcasting studio					P	P	P	P	P	P	P	C		C	G
-----Relay tower								C	P	P	P			P	G
Retail Sales, 6,000 sq. ft. or less - total indoor display					P	P	P	P	P	P	P			C	I
-----, 6,000 sq. ft. or less - with outdoor display					C	C	P	P	P	P	P			C	I
Retail Sales, more than 6,000 sq. ft. - total indoor display					C	C	P	P	P	P	P			C	I
-----, more than 6,000 sq. ft. with outdoor display							C	P	P	P	P			C	I
Restaurants - Walk-in (no liquor or beer)					P	P	P	P	P	P	P			C	H
-----Drive-in					P	C	P	P	P					C	O
-----Catering service					P	P	P	P						C	G
-----with set ups & carry on liquor					P	C	P	P	P					C	I
-----with liquor & dancing					C	C	C	C	C	C	C			C	I
Schools - Grades kindergarten through 9	C	P	P									P		P	G
-----Grades 10-12		C	P									P		P	F
-----Vocational					P		P	P	P			P		P	F
Skating Rink					P	C	P	P	P			C		C	I
Sporting goods store					P	P	P	P						C	I

Uses to be proposed by the applicant.

Permitted Uses:	R-1	R-2	R-3	MHP	B-1	B-2	B-3	B-4	I-1	I-2	I-3	C	PUD	A-R	Parking Group
Stables (Sec. 10-28.21B) – Private	C	C	C	C			C	P	P	P		P		P	G
-----Public												C		P	J
-----Arena								P	P	P				P	H
Stadium or fairgrounds												C		P	O
Telephone Maintenance yard								P	P	P	C			C	G
Truck, heavy --Salvage (Sec. 10-28.9)														C	G
-----Storage – total indoor		P			P	C	P	P	P	P	P			C	G
-----Storage – with outdoor								P	P	P	P			C	G
-----Truck stop, restaurant & service							C	P	P	P				C	O
-----Repair, major								P	P	P				C	M
-----Terminal – total indoor					P		P	P	P	P	P			C	G
-----Terminal – with outdoor								P	P	P	P			C	G
Utility maintenance facility or equipment	C	C	C	C	C	C	C	P	P	P	P	P		C	G
Veterinarian office only (see Hospital, Animal - with boarding for overnight keeping of animals)					C	C	C	P	P	P				P	J
Warehousing (see City Fire Code) – total indoor, low volume with alley loading					C		P	P	P	P	P				G
-----High volume (indoor)								C	P	P	P				G
-----Outdoor storage, packing & crating									C	P	P	P			G
-----Produce, total indoor							P	P	P	P	P			P	N
Warehousing, Feed, grain, fertilizer							C	P	P	P	P			P	G
Warehousing, Mini storage							P	P	P	P	P				P

Uses to be proposed by the applicant.

SECTION 10-21 RESIDENTIAL DISTRICTS

10-21.1 General (Purpose)

The regulations for the residential zoning districts are designed to (1) carry out the provisions of the Comprehensive Plan, (2) protect the residential character of areas so designated from the noise, congestion and heavy traffic of commercial and industrial activities; and (3) encourage a suitable environment for living by provided for open space and permitting appropriate neighborhood facilities and compatible community facilities.

10-21.2 R-1 One-Family Residential District

The R-1 One-Family Residential District generally corresponds with the Low Density Single-Family Residential Future Land Use and as such, it is intended to provide areas for suburban density residential development, promote the proper transition of land from rural to urban areas, and is designed for uses such as single-family dwelling units and community facilities.

10-21.3 R-2 Two Family Residential District

The R-2 Two Family Residential District generally corresponds with the Medium Density Single-Family Residential Future Land Use and as such is intended for medium density residential development and two-family or duplex uses. The R-2 districts encourage similar basic restrictions for the R-1 districts and permit a quiet, slightly higher population density area for living protected from all commercial and industrial activity.

10-21.4 R-3 Multiple Family Residential District

The R-3 Multiple Family Residential District generally corresponds to the Multi-Family Residential Future Land Use designation. It is intended for a variety of residential uses such as single-family dwelling units, duplex units, multi-family units, group living facilities, and community facilities. Certain non-residential uses are also permitted in this district as accessory uses to permitted residential uses. See Section 10-28.30 for dwelling unit requirements in the R-3 district.

10-21.5 MHP Manufactured Home Park District

The MHP Manufactured Home Park District generally corresponds to the Multi-Family Residential Future Land Use designation. The purpose of the MHP district is to allow for manufactured dwelling units in a park setting. The MHP district encourages functional, well-planned manufactured home parks that provide a quality living environment.

10-21.6 General Permitted Uses

The permitted uses in the Residential Districts are set forth in the Table of Permitted Uses. Where the letter "P" appears on the line of a permitted use and in the column of a district, the listed use is permitted in that district subject to (a) the provision of off-street parking in the amount required by the "Parking Group" column, see Section 10-27, (b) conformance to the special conditions applying to certain uses as set forth in Section 10-28 where such reference is made, and (c) the provision of off-street loading in accordance with Section 10-27. Where the letter "C" appears instead of a "P" this use is permitted subject to acquiring a conditional use permit as set forth in Section 10-28.

10-21.7 Accessory Uses Permitted

Accessory uses that are incidental to permitted uses in the Residential Districts and not harmful to the adjacent property or character of the zone may include, but are not limited to, guest houses, employee's quarters, private garages, barns and sheds. Accessory uses may include the following accessory signs, subject to provisions of Section 10-28: Bulletin boards, home occupation signs, identification signs, name plates, real estate signs, and subdivision signs.

10-21.8 Lot, Yard and Height Regulations

No lot or yard shall be established or reduced in dimension or area in any residential district that does not meet the minimum requirements set forth in the following tables. No building or structure shall be erected or enlarged that will cause the maximum lot coverage or maximum height regulations to be exceeded for such district as set forth in the following table:

<u>Lot Regulations</u>	<u>Zoning Districts</u>			
	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>MHP</u>
Minimum lot area (sq. ft.)	10,000	8,000	8,000	3 acres
Minimum lot area per family unit (sq. ft.)	10,000	5,600	4,000	3,500
Maximum lot width at building line (ft.)	90	80	80	80
Maximum lot coverage (percentage) – Interior Lot (other than corner lot)	35%	35%	40%	N/A
Maximum lot coverage (percentage) – Exterior Lot (corner lot)	30%	30%	35%	N/A
<u>Yard Regulations</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>MHP</u> (From street inside park)
Minimum front yard (ft. from lot line)	25	25	25	5
Minimum rear yard (ft. from lot line)	25	20	20	7
Minimum side yard – Interior* (other than corner lot)	8	6	6	0
Minimum side yard –Exterior (corner lot)	15	15	10	15
<u>Height Regulations</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>MHP</u>
Maximum number of feet	35	35	None	None
Maximum number of stories	2.5	2.5	None	None

* Where a building or structure exceeds 35 feet in height, there shall be one foot of additional interior side yard required for each 2 feet of additional height.

SECTION: 10-22 BUSINESS DISTRICTS

10-22.1 General

The regulations for the Business Districts are designed to: (1) carry out the provisions of the Comprehensive Plan, (2) encourage stable and efficient business areas to meet the needs for business goods and services for the trade area; (3) minimize the adverse effects of business uses on other land uses and (4) provide opportunities for investment and development.

10-22.2 B-1 Central Business District

The B-1 Central Business District corresponds with the Central Business District future land use designation. It is the area within the city that is the primary business or downtown area. It accommodates non-residential uses such as business and personal services of all kinds, governmental, retail, financial and general offices to satisfy the needs of the community and surrounding trade area. Certain types of residential uses, such as second floor apartments, are also suited to the downtown environment. It is a unique area with development advantages and restrictions that are intended to preserve the area for the future.

10-22.3 B-2 Neighborhood Business District

The B-2 Neighborhood Business District generally corresponds with the Neighborhood Commercial future land use designation. The B-2 District provides use areas for retail trade and personal service enterprises, such as offices, grocery stores, drug stores, banks, and community facilities. It is designed to serve surrounding residential neighborhoods. Parking requirements and bulk regulations are more stringent in this area to insure compatibility with the residential districts that typically surround it.

10-22.4 B-3 Highway Service District

The B-3 Highway Service District generally corresponds with the General Commercial future land use designation. It is intended to provide for the shopping needs of residents living within the surrounding community. Offices, department stores, supermarkets, restaurants, and community facilities are typical non-residential uses in the B-3 Highway Service District. Certain types of residential development, such as large-scale apartment complexes, are also suited for the B-3 District.

10-22.5 B-4 Open Display Business District

The B-4 Open Display Business District generally corresponds with the General Commercial future land use designation. It is primarily located in areas away from the center portion of the city and near major transportation routes. It is intended for those uses that because of their tendency to have a large amount of outdoor display or storage of merchandise are not well suited for any of the other business zoning districts. Vehicle sales and retail uses with outside display or storage are typical uses in this district.

10-22.6 General Permitted Uses

The permitted uses in the Business Districts are set forth in the Table of Permitted Uses. Where the letter "P" appears on the line of a permitted use and in the column of a district, the listed use is permitted in that district subject to (a) the provision of off-street parking in the amount required by the "Parking Group" column (See Section 10-27), except for the B-1 Central Business District; (b) conformance to the special

conditions applying to certain uses as set forth in Section 10-28, where such reference is made; and (c) the provision of off-street loading in accordance with Section 10-27. Where the letter "C" appears instead of a "P", this use is permitted subject to acquiring a conditional use permit as set forth in Section 10-28.

10-22.7 Accessory Uses Permitted

Accessory uses that are incidental to permitted uses shall be permitted in the Business Districts subject to the provisions of Section 10-28.2, pertaining to accessory buildings and improvements. Accessory uses may include the following, but are not limited to, accessory signs subject to provisions of Section 10-28.

10-22.8 Lot, Yard and Height Regulations

No lot or yard shall be established or reduced in dimension or area in any business district that does not meet the minimum requirements set forth in the following tables. No building or structure shall be erected or enlarged that will cause the maximum lot coverage or maximum height regulations to be exceeded for such districts as set forth in the following table.

Lot Regulations	Zoning Districts			
	B-1	B-2	B-3	B-4
Minimum lot area (sq. ft.)	None	5,000	5,000	5,000
Maximum lot width at building line (ft.)	25	35	35	50
Maximum lot coverage (percentage)	90%	40%	40%	50%
Yard Regulations (in feet)				
	B-1	B-2	B-3	B-4
Minimum front yard	None	25	50	25
Minimum rear yard	None	10	10	30
Minimum side yard – Interior (when abutting property in a residential district)	**	12	12	12
Minimum side yard – Interior (when abutting property in a non-residential district)	None	None	None	None
Minimum side yard – Exterior	None	None	None	None
Height Regulations				
	B-1	B-2	B-3	B-4
Maximum number of feet	None	35	45	45
Maximum number of stories	None	2.5	3.5	3.5

Offstreet Loading

Off-street loading spaces shall be provided in all business zones in accordance with Section 10-27.13.

**No abutting of property in a residential district shall be allowed unless a site plan has been approved and permitted by the Planning Commission.

SECTION: 10-23 INDUSTRIAL DISTRICTS

- 10-23.1 General
- 10-23.2 I-1 Restricted Industrial District
- 10-23.3 I-2 Intermediate Industrial District
- 10-23.4 I-3 Intensive Industrial District
- 10-23.5 General Permitted Uses
- 10-23.6 Accessory Uses Permitted
- 10-23.7 Lot, Yard and Height Regulations

10-23.1 General

The I-1, I-2, and I-2 Industrial Districts generally correspond to the Industrial Future Land Use designation. The Industrial Future Land Use and Industrial Districts are designed to provide areas for the general manufacturing, processing, and distribution of goods. The Industrial districts also are designed to protect residences by separating them from manufacturing activities and by limiting the use of such space for new residential development.

10-23.2 Restricted Industrial District I-1

A restricted manufacturing zone for medium sized, clean and quiet industries that are in proximity to residential development. The regulations are intended to provide structures and operations that completely confine noise, odor, dust and glare of operation within an enclosed building. The uses in this zone do not create excessive demands for facilities for sewage, water, gas, electricity, and similar services.

10-23.3 Intermediate Industrial District I-2

The I-2 District is designed to provide a use area for wholesaling, storage, packaging, display, distribution and those retail uses that are accessory to the operations and for light manufacturing, assembling, and fabrication of non-nuisance nature, and limited residential use.

10-23.4 Intensive Industrial District I-3

The I-3 District is designed primarily to provide a zone for those manufacturing and other industrial activities objectionable to business and residential uses by reason of operational characteristics and insulated from these uses by strips of less objectionable industry or natural barriers. This zone is intended to provide a place for manufacturing products from raw materials.

10-23.5 General Permitted Uses

The permitted uses in Industrial Districts are set forth in the Table of Permitted Uses. Where the letter "P" appears on the line of permitted use and in the column of a district, the listed use is permitted in that district subject to (a) the provision of off-street parking in the amount required by the "Parking Group" column (See Section 10-27), (b) conformance to special conditions applying to certain uses as set forth in Section 10-28 where such reference is made; and (c) the provision of off-street loading in accordance with Section 10-27, where the letter "C" occurs instead of a "P", this use is permitted subject to acquiring a Conditional Use Permit (Sections 10-28 and 10-31.2).

10-23.6 Accessory Uses Permitted

Accessory uses that are incidental to permitted uses shall be permitted in the Industrial Districts subject to the provisions of Section 10-28.2 pertaining to accessory buildings and improvements. Accessory uses may include the following, but are not limited to, accessory signs, subject to provisions of Section 10-28.

10-23.6 Lot, Yard and Height Regulations

No lot or yard shall be established or reduced in dimension or area in any industrial district that does not meet the minimum requirements set forth in the following table. No building or structure shall be erected or enlarged that will cause the maximum lot coverage or maximum height regulations to be exceeded for such district as set forth below.

Lot Regulations	I-1	I-2	I-3
Minimum lot area (sq. ft.)	None*	None*	None*
Maximum lot width at building line (ft.)	None*	None*	None*
Maximum lot coverage (percentage)	50%	40%	30%
Yard Regulations (in feet)			
Minimum front yard	40	50	50
Minimum rear yard – Interior (when abutting property in a residential district)	**	50	50
Minimum rear yard – Interior (when abutting property in a non-residential district)	12	12	12
Minimum rear yard – Exterior	25	25	25
Height Regulations			
Maximum number of feet	35	35	50
Maximum number of stories	2.5	2.5	4

* While there are no specific lot area requirements, the lot must be adequate to provide all required yard area, off-street parking and loading area, and comply with coverage requirements.

**No abutting of property in a residential district shall be allowed unless a site plan has been approved and permitted by the Planning Commission.

SECTION: 10-24 AGRICULTURE DISTRICT

10-24.1 General

The regulations for the agricultural zoning district are designed to protect undeveloped areas from intensive uses until a use pattern is approved.

10-24.2 A-R Agricultural Residential Districts

The A-R Districts are designed to preserve and protect agricultural (or open) land on the fringe of the urban area pending development for general residential purposes. The A-R Districts generally correspond to the Rural Future Land Use designation.

10-24.3 General Permitted Uses

The permitted uses in the Agricultural District are set forth in The Table of Permitted Uses. Where the letter "P" appears on the line of a permitted use in the proper column of a district, the listed use is permitted in that district subject to (a) the provision of off-street parking in the amount required by the "Parking Group" column, see Section 10-27, (b) conformance to special conditions applying to certain uses as set forth in Section 10-28 where such reference is made. Where the letter "C" occurs instead of a "P", this use is permitted subject to acquiring a Conditional Use Permit as set forth in Section 10-28.

10-24.4 Accessory Uses Permitted

Accessory uses that are incidental to permitted uses in the Agricultural District and not harmful to the adjacent property or character of the zone may include guest houses, employee's quarters and agricultural buildings. Accessory uses may include the following, but is not limited to, accessory signs, subject to provisions of Section 10-28.

10-24.5 Lot, Yard and Height Regulations

Any zone lot established or structure erected or enlarged in the Agricultural District after the effective date of this Code shall be subject to the requirements set forth in the following table.

<u>Lot Regulations</u>	<u>A-R</u>
Minimum zoning lot area and width	(same as R-1)
<u>Yard Regulations</u>	
Minimum front yard	30
Minimum rear yard	25
Minimum side yard – Interior*	10
Minimum side yard –Exterior (corner lot)	20

Height Regulations	A-R
Maximum number of feet	35
Maximum number of stories	2.5

* Where a building or structure exceeds the maximum height regulations there shall be one foot of additional interior side yard required for each two feet of additional height.

Height Regulations	C
Maximum number of feet	None
Maximum number of stories	None

A. General Description.

The purposes of this zone are to promote flexibility and innovation in design and to encourage innovation in the design of large-scale developments and the development of vacant, in-fill parcels in the built up portion of the city. The zone also promotes the inclusion of open space into project design. The Planned Unit Development (PUD) is a superimposed description that provides wider latitude of design to achieve the goals stated above.

In concept, the PUD is a combination of zoning designation and site plan. A detailed site plan is required for permitting. Development must follow the site plan exactly. Failure in this respect will result in reversion of the property to the original zoning. Although design innovation is encouraged, and flexibility is allowed, the PUD may not be used simply as a method of avoiding zoning regulations. Once approved, the site plan becomes a zoning district by city ordinance in the same manner as any other zoning parcel.

The Planning Commission shall consider a PUD proposal only if it meets one of the following threshold criteria:

1. The PUD will allow the development of an infill parcel in the developed portion of the city that could not be made productive under normal zoning regulations.
2. The PUD would further the city's goal of providing housing for all economic segments of the city and its Planning Area Boundary.
3. The PUD involves a parcel in which flexibility would allow high quality or innovative urban design.
4. The PUD would aid in the elimination of slums and blight within the city and its Planning Area Boundary.
5. The PUD design results in a minimum of 30 percent of the total development being reserved as permanent open space

B. Application Process.

The applicant for a Planned Unit Development permit shall be the owner(s) of the property or the party designated to act as agent for the owners(s). The responsibilities of the applicant are as follows:

1. Pre-application Conference. Each prospective applicant shall confer with the City Staff in connection with the preparation of the application prior to the submission. At this conference, the following information and data shall be considered.
 - a. The boundaries of the property
 - b. Existing easements and covenants affecting the property

- c. Physical characteristics such as drainage, topography, vegetation and existing structures.
- d. Development characteristics such as surrounding land uses, existing streets and availability of utilities.
- e. Elements of the proposed layout such as land uses, open spaces, community facilities, densities, traffic flow and estimated impact on traffic and adjacent land uses.

2. Pre-Submission to the Planning Commission. The applicant may elect to present a sketch plat of the proposed PUD to the Morrilton Planning Commission. Pre-submission of the sketch plat to the Planning Commission is strictly to receive comments and/or suggestions from the Commission. Approval of the sketch plat by the Commission shall not be binding.

3. Site Plan submittal. No less than thirty days prior to the Planning Commission meeting at which the proposed Planned Unit Development is to be reviewed, the applicant shall submit ten (10) copies of the proposed site plan to the staff. The submittal shall include the following as a minimum. Any application that is incomplete in any respect, will be returned to the applicant for appropriate corrections. The Commission will not review an incomplete application.

- a. A site plan drawn to scale on vellum accompanied by an electronic version of the same in a format compatible with AutoCad® Release 2000 or higher. Survey information shall be prepared by a Professional Surveyor (P.S.) Drainage and utility calculations shall be prepared by a Professional Engineer (P.E.) The stamps of the individuals responsible for the various elements shall be affixed to the drawing; and,
- b. Building footprints for the individual buildings to be included in the PUD; and,
- c. Topographic contours at two foot intervals; and,
- d. All easements, existing or proposed; and,
- e. All drives, access-ways, alleys, parking lots and any streets proposed to be dedicated; and,
- f. Proposed landscaping; and,
- g. Open space and community facilities, if any, proposed as part of the PUD; and,
- h. Location of all existing and proposed private and public utilities; and,
- i. Name(s) of the owners of the proposed project and their agent, if any; and,
- j. Zoning classifications of adjoining properties; and,
- k. Site improvement drawings as necessary to support the proposals outlined in the site plan.

C. Uses Permitted.

The PUD submittal will include a listing of the proposed land uses and the amount of land devoted to each. This list will constitute part of the zoning component of the PUD. No other land uses will be allowed unless the PUD is revised through a rezoning process.

D. Regulations.

1. **Lot Size:** No minimum district sizes are established. Housing can be clustered or otherwise concentrated or arranged in planned locations on the site to take advantage of its natural features. The proposed lots and the type of development (i.e. housing, mixed use) for each shall be clearly depicted.
2. **Open Space Reservation:** Land not used by buildings, accessory structures, and yards, but required by the PUD shall be maintained as open space for the purpose of providing parks, recreational facilities, ways for pedestrian movement and circulation, and conserving visually pleasing elements of the environment. Prior to the sale of any lot, site, home or other structure, a performance guarantee of sufficient surety determined by the City shall be posted with the City for completion of said open space improvements. The site plan shall clearly depict the amount of land to be maintained as permanent open space.
3. **Development Density:** The site plan shall clearly depict the proposed density by land use category.
4. **Property Owners' Association:** The developer shall submit a set of covenants running with the land, providing for an automatic membership in the Property Owners' Association, to be an incorporated nonprofit organization, operating under recorded land agreements designed and intended to exist in perpetuity, through which each property owner in the Planned Unit Development is automatically subject to a charge for an appropriate proportionate share of the expenses for maintaining the common property, open space and/or other activities of the Association. Once established, the covenants shall continue and remain in force during the entire existence of the Planned Unit Development.
5. **Responsibility for Open Space:** Nothing in this Section of the Code shall be construed as assigning or assuming any responsibility or liability on the part of the City of Morrilton, for maintenance of any private open areas, parks, or recreational facilities. A hold harmless clause shall be incorporated in the covenants running with the land to this effect. It shall be provided further, however, that when an owner of a Planned Unit Development desires to dedicate certain land areas to the City for public parks and recreational facilities, and the City approves the nature and location of such lands, and accepts the dedicated areas, the City shall be responsible for the operation and maintenance of these lands and properties.
6. **Common Open Spaces:** The size, shape, dimension and location of the common open spaces shall be determined by the Planning Commission in conjunction with the developer or subdivider, with consideration being given to the size and extent of the proposed development and the physical characteristics of the land being developed. Consideration should also be given in providing parks, recreational facilities, both active and passive, and

pedestrian walkways.

Common open space shall be guaranteed by a restrictive covenant, describing the open space and its maintenance and improvement, running with the land for the benefit of the residents of the Planned Unit Development. The developer shall file, at the time the approved final plat is filed, legal documents that will produce the aforesaid guarantees and, in particular, will provide for restricting the use of common open spaces for the designated purpose.

7. **Preservation Plan:** In order to minimize the disturbance of the natural environment, a general preservation plan shall be required at the time of preliminary plat submission; this shall show the specific type, size and nature of the preservation area. The Planning Commission shall review the preservation plan in conjunction with the review of the preliminary plat.

The preservation of the natural amenities within the Planned Unit Development, including topography, trees, ground cover, natural bodies of water, and other significant natural features, shall be given due consideration. Existing trees shall be preserved wherever possible. The location of trees shall be considered when planning the common open space, location of buildings, underground services, walks, paved areas, playgrounds, parking areas, and finished grade levels. Excessive site clearing of topsoil, trees and natural features before the commencement of building operations shall be discouraged by the Planning Commission. The applicant shall provide evidence as how these objectives are to be met.

8. **Transportation:** The vehicular circulation system shall be designed so as to permit smooth traffic flow with minimum hazards to pedestrian traffic. Minor streets within Planned Unit Development shall not be connected to streets outside the development in such a way as to encourage their use by through traffic.

The pedestrian circulation system and its related walkways shall be insulated as reasonably as possible from the vehicular movement. This shall include, when deemed to be necessary by the Planning Commission, pedestrian underpass or overpass in the vicinity of schools, playgrounds, local shopping areas, and other neighborhood uses that generate a considerable amount of pedestrian traffic.

9. **Land Subdivision:** In the construction and installation of all subdivision improvements in the Planned Unit Development, said improvements shall conform to all requirements and standards as set forth in the City's Subdivision Regulations, unless exception to the requirements is recommended and approved by the Planning Commission.

If the owners in the future should request that the private streets be changed to public streets, the owners do fully agree that, before the acceptance of such streets by the City, the owners will bear full expense of reconstruction or any other action necessary to make the streets fully conform to the requirements applicable to public streets, prior to dedication and acceptance. The owners also shall agree that these streets shall be dedicated to public use without compensation to the owners.

E. Review Process.

The Planning Commission shall review the proposed PUD after proper submittal of all documents and review by the appropriate city staff. In reviewing any proposal, the Planning Commission shall determine that the PUD will:

- Provide public benefits that would not be achievable through the normal zoning regulations
- Not create undue or unmitigated negative traffic impacts.
- Be compatible with surrounding developments.
- Be compatible with the city's Future Land Use plan.
- Not endanger the public health, welfare or safety, nor shall it substantially diminish or impair property values in the neighborhood in which it is located.
- Be of a character and contain such uses that are needed in the area of the proposed project.

F. City Council Approval.

Planned Unit Developments represent zoning districts and must be approved by the City Council. Upon approval by the Planning Commission, all recommendations shall be submitted to the Morrilton City Council for approval. The City Council will not consider any revisions to the site plan or development proposal that have not been reviewed by the Planning Commission. The Planning Commission must approve any contemplated deviation from the approved site plan. Any dedications of streets or easements to the city must be included in the ordinance approving the PUD.

G. Amendments

Following Council, approval the staff may approve minor revisions to the site plan if:

1. No changes are made to either the access or the egress to the PUD.
2. Any changes to internal traffic arteries do not alter overall traffic patterns, size of streets, or functional classification of streets.
3. No new streets are proposed for dedication.
4. No new private streets are proposed.
5. Overall residential density is not increased.
6. Overall drainage patterns are not altered.
7. No additional loads are placed on municipal utilities.
8. Retail and office space is not increased by more than five percent.
9. No open space is dedicated for public maintenance.

If there is disagreement about the administration of the above, or if the staff is unsure of its authority, proposed revisions shall be submitted to the Planning Commission.

A. Purpose

The purpose of this overlay district is to carryout Policy 7.1.B.2. Arkansas Highway 9B to Arkansas Highway 95 Bypass Overlay of the City of Morrilton Future Land Use Plan. More specifically, the intent of the district is to:

1. Create a visually pleasing atmosphere in the new corridor in the City, especially as a means to promote a positive image of the City to visitors and residents alike.
2. Set standards for landscaping, signage, design, and development which are in keeping with the intent of this Overlay District.

B. Application of District Regulations

The regulations in this overlay district shall be in addition to and shall overlay all other zoning districts and other ordinance requirements regulating the development of land so that any parcel of land lying in the overlay district shall also lie within one or more of the other underlying zoning districts. Therefore, all property within this overlay district will have requirements of both the underlying and overlay zoning district in addition to other ordinance requirements regulating the development of land. In case of conflicting standards between the overlay district requirements and other city ordinances, the overlay requirements shall control.

C. District Name and Boundaries

The district shall be known as the Arkansas Highway 9B to Arkansas Highway 95 Bypass Overlay District and shall extend along the bypass corridor as depicted on the Future Land Use and Master Street Plans Map.

D. Development Standards

1. Setbacks from right-of-way.

Setbacks from the right-of-way in the Arkansas Highway 9B to Arkansas Highway 95 Bypass Overlay District shall be determined by the Planning Commission during the review process. The following items will be considered by the Planning Commission in determining the appropriate setback:

- 1) Anticipated street right-of-way needs;
- 2) Setbacks of adjacent properties;
- 3) Location of proposed parking;
- 4) Design and location of proposed landscaping;
- 5) Proposed building height;
- 6) Type of proposed building (i.e. fire walls, metal buildings, etc.); and
- 7) Any other special circumstances.

2. Driveways/Curb Cuts.

One (1) curb cut shall be allowed per two hundred feet (300') of frontage. No curb cuts shall be allowed within one hundred feet (200') of any intersection. Shared driveways may be required for adjacent properties that are under construction at the same time.

3. Green space.

A minimum of twenty (20) percent of landscaped green space exclusive of right-of-way shall be provided on each development site.

Parking lots shall not encroach into the green space and shall be screened with trees, bushes, or shrubs when abutting a required green space area. Trees shall be planted at the ratio of one tree per one hundred (100) square feet of green space area.

4. Landscaping treatment.

Landscaping shall be required in all development plans. Tree species planted within the overlay district should be consistent with other species present, preferably native. Trees shall be a minimum of two (2) inches DBH and six (6) feet in height at planting with an expected height of sixty (60) feet or more at maturity. Species selection shall be at the discretion of the developer but if root or branching habits of plant material should be a nuisance, plant materials shall be replaced at the owner's expense. Suggested tree species are below.

Suggested Tree Species

Red Oak	<i>Quercus rubra</i>
Sawtooth Oak	<i>Quercus accutissima</i>
Cherrybark Oak	<i>Quercus falcatta</i>
Red Maple	<i>Acer rubrum</i>
Southern Sugar Maple	<i>Acer barbadum</i>
American Beech	<i>Fagus grandifolia</i>
Yellow Poplar	<i>Liriodendron tulipifera</i>
Baldcypress	<i>Taxodium distichum</i>
Dawn Redwood	<i>Metasequoia glyptostroboides</i>
White Oak	<i>Quercus alba</i>
Green Ash	<i>Fraxinus pennsylvanica</i>
Black Walnut	<i>Juglans nigra</i>
Honey Locust	<i>Gleditsia tricanthus</i>
Redbud	<i>Cercis Canadensis</i>
Kentucky Coffee Tree	<i>Gymnocladus dioica</i>
Catalpa	<i>Catalpa bignonioides</i>
Japanese Maple	<i>Acer palmatum</i>
Dogwood	<i>Cornus florida</i>

5. Landscaping Maintenance.

All landscaping within the corridor overlay district shall be properly irrigated and maintained at the expense of the owner. Maintenance shall include the mowing and general maintenance of required yards, green space, and plants.

6. Parking lots.

All parking lots for development shall have one (1) tree per ten (10) parking spaces. Trees shall be placed uniformly within the parking lot or in islands within the lot providing a minimum of twenty-five (25) square feet of unpaved area per tree. Parking lots shall be set back a minimum of ten (10) feet from the front property line and five (5) feet from any other property line.

7. Lighting.

All parking and loading areas shall have lighting. Lighting facilities shall be designed so that there is no light trespass on adjacent properties, roadways, or other areas. Lighting shall not exceed twenty (20) feet in height.

8. Screening.

All mechanical and utility equipment and trash enclosures shall be screened in the following manner:

- i. All mechanical and utility equipment on side of the building and/or on the ground shall be screened by fencing and/or vegetation if visible from a roadway or adjacent property. Screening of roof-mounted utilities shall be incorporated into the structure, utilizing materials compatible with the supporting building.
- ii. Trash enclosures shall be screened by fencing and/or vegetation on three (3) sides with the access not visible from the roadway.

7. Building Consistency.

All buildings shall have a masonry façade on all sides or a façade specifically approved by the Planning Commission.

8. Utilities.

All utilities within the corridor overlay district shall be placed underground unless specifically approved by the Planning Commission.

9. Signage.

All signs shall be ground-mounted and shall be no more than eight feet in height. The following signs are prohibited:

1. Message center signs that provide moving digital copy are prohibited. Also prohibited are animated/flashing signs; signs that blink, flash or have copy that changes automatically, including, but not limited to electronic/message board signs.
2. Banners, streamers, pennants, strobe lights, balloons and revolving signs.
3. Neon lighting or mini-lights as an adornment on any building.

4. Portable signs, trailer signs, signs painted on vehicles parked adjoining public streets, sandwich board signs, signs painted upon benches or temporary promotional signs.
5. Any sign or collection of signs covering more than twenty-five (25) percent of a building window, including, but not limited to, storefront windows and display windows.
6. Billboards and pole signs, pylon signs, or other off-site signage.

10. Sidewalks

Sidewalks shall be a part of all development plans in the Arkansas Highway 9B to Arkansas Highway 95 Bypass Overlay District. Sidewalks shall be required on each side of the bypass or as determined by the Planning Commission.

E. Procedure.

All development within the corridor overlay district shall be developed through the planned unit development procedure set forth in the Morrilton Zoning Code.

F. Multiple Building Sites.

In the case of multiple building sites, whether one or more platted lots, the requirements of this section shall apply to the development as an entire tract rather than to each platted lot. If any part of the development lies within the corridor overlay district, the entire development shall be subject to the provisions of this section.

G. Permitted Land Uses

Planned Unit Developments

SECTION: 10-27 OFF-STREET PARKING AND LOADING

- 10-27.1 General Intent and Application
- 10-27.2 Required Open Space
- 10-27.3 Size of Off-Street Parking Space
- 10-27.4 Location
- 10-27.5 Ownership
- 10-27.6 Floor Area Defined for Off-Street Parking Purposes
- 10-27.7 Lot Area Defined
- 10-27.8 Number of Off-Street Parking Spaces Required
- 10-27.9 Surfacing of Parking Lots
- 10-27.10 Off-Street Parking Lots in Residential Districts
- 10-27.11 Size of Off-Street Loading Space
- 10-27.12 Location
- 10-27.13 Number of Off-Street Loading Spaces Required – Minimum

10-27.1 General Intent and Application

It is the intent of these requirements that adequate off-street parking be provided in all zoning districts (except the B-1 Central Business District) for each use of land within the city. There shall be provided at the time any building or structure is erected, enlarged or increased in capacity, or any other use established, off-street parking spaces for automobiles in accordance with the requirements in the "Parking Group" column in the Table of Permitted Uses in the zoning districts.

Parking spaces used in connection with an existing and continuing use or building on the effective date of this Code, up to the number required by this Code, shall be continued and may not be counted as serving a new structure or addition; nor may a parking space be substituted for a loading space, or a loading space substituted for a parking space.

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

10-27.2 Required Open Space

Off-street parking or loading space shall be a part of the required open space associated with the permitted use and shall not be reduced or encroached upon in any manner.

The area required for off-street parking shall be in addition to the yard areas herein required except for that front yard required in B-2 Neighborhood Business District or an I-1 Restricted Industrial District may be used for uncovered parking area, and the front yard of a residential district may be used for the uncovered parking area for four (4) or less vehicles associated with a residential use when the area is surfaced with a pavement adequate to prevent the occurrence of mud and dust with continued use, and may be used for uncovered parking area for more than four (4) vehicles in accordance with the provisions of the Table of Permitted Uses.

10-27.3 Size of Off-Street Parking Space

Each off-street parking space shall have an area of at least nine (9) feet wide and twenty (20) feet long, exclusive of access drives or aisles. Where the off-street parking space does not abut on a street, alley or easement of access, there shall be provided an access drive of at least ten (10) feet in width in case of a dwelling, and at least fifteen (15) feet in width in all other cases leading from the street to the parking space.

10-27.4 Location

The off-street parking space lot shall be located within two hundred (200) feet of the building which it serves except in B-1 District, and shall have direct access to a street or alley.

10-27.5 Ownership

The ownership of land upon which the off-street parking is provided shall be the same as the ownership of land on which the principal use is located except in B-1 District.

10-27.6 Floor Area Defined for Off-Street Parking Space

For the purpose of applying the requirements for off-street parking, the term "floor area" shall mean the gross floor area within the outside dimensions of a building, including each floor level, halls, lobbies, stairways. It shall not include floor space within the building reserved for parking or loading of vehicles, and basement space or separate space uses only for building maintenance and utilities.

10-27.7 Lot Area Defined

For the purpose of applying the requirements for off-street parking, the term "lot area" shall mean the area of the portion of the lot actually being used for that purpose.

10-27.8 Number of Off-Street Parking Spaces Required

The number of off-street parking spaces required for each use shall be determined by the reference to the following table of "Parking Groups." In the following table, the figure in the column headed "Parking Group" refers to the corresponding figures in the column headed "Parking Group" in the Table of Permitted Uses. If for any reason, the classification of any use for the purpose of determining the amount of off-street parking space to be provide by such use is not readily determinable in this Code, the classification of the use shall be fixed by the Planning Commission.

The Board of Zoning Adjustment may grant a variance to the off-street parking requirements when it is determined that the size and shape of the lot to be built on is such that off-street parking provisions could not be complied with and that the proposed use will not create undue traffic congestion in the adjacent street.

NUMBER OF OFF-STREET PARKING SPACES REQUIRED BY PARKING GROUPS

Parking Group	Requirement
A	No off-street parking is required
B	1 space per dwelling unit or guest room + 1 space per employee + 3 spaces for recreational vehicles or moving vans/trucks
C	2 spaces per dwelling unit
D	4 spaces per dwelling unit
E	2 space per patient/renter's room + 1 for each employee
F	1 space per every 3 seats
G	1 space per employee
H	1 space for each 150 square feet of floor area devoted to the primary use or operation
I	1 space for each 200 square feet of floor area devoted to the primary use or operation
J	1 space for each 400 square feet of floor area devoted to the primary use or operation + 1 for each employee
K	1 space for each 500 square feet of floor area + 1 for each employee
L	1 space for each 1,000 square feet of floor area + 1 for each employee
M	1 space for each 2,000 square feet of floor area + 1 for each employee
N	1 space for each 4,000 square feet of floor area + 1 for each employee
O	1 space for each 500 square feet of lot area + 1 for each employee
P	1 space for each 1,000 square feet of lot area + 1 for each employee
Q	1 space for each 2,000 square feet of lot area + 1 for each employee
R	1 space for each 6,000 square feet of lot area + 1 for each employee
S	1 space for each 10,890 square feet (1/4 acre) of lot area + 1 for each employee
T	1 space for each 21,780 square feet (1/2 acre) of lot area + 1 for each employee
U	1 space for each 43,560 square feet (1 acre) of lot area + 1 for each employee
V	1 space for each 87,120 square feet (2 acres) of lot area + 1 for each employee

10-27.9 Surface of Parking Lots

Any off street parking area for five or more vehicles shall be surfaced with a durable and dustless surface and shall be so graded and drained as to dispose of all surface water accumulated in the area, and shall be so arranged and marked as to provide for orderly and safe parking and storage of vehicles.

10-27.10 Off-Street Parking Lots in Residential Districts

Whenever off-street parking lots for more than four (4) vehicles are to be located within or adjacent to a residential district, the following provisions shall apply:

- (a) All sides of the lot abutting the residential district shall be enclosed with an opaque ornamental fence, wall or dense evergreen hedge having a height of not less than five (5) nor more than six (6) feet. Such fence, wall or hedge shall be maintained in good condition.
- (b) No parking shall be permitted within a front yard setback line established ten feet (10') back of the property line of interior and corner lots wherever the parking lot is located in a residential district or immediately abuts the front yard of a residential unit. In all other cases, no setback shall be required provided, however, that on any corner lot formed by two (2) intersecting streets, no parking shall be permitted and no wall, fence sign, structure or plant growth having a height in excess of three feet (3') above the elevation of the crown of the adjacent roadway surface shall be maintained in a triangle formed by measuring a distance of thirty feet (30') along the front and side lot lines from their point of intersection and connecting the points so established to form a triangle on the area of the lot adjacent to the street intersection.
- (c) All yard shall be landscaped with grass, shrubs or evergreen ground cover and maintained in good condition the year round.
- (d) All of the lot used for parking and driveway purposes shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use.
- (e) Driveways used for ingress and egress shall be confined within, and shall not exceed twenty-five feet (25') in width, exclusive of curb returns.
- (f) The intensity of light and arrangement of reflectors shall be such as not to interfere with residential uses.
- (g) No sign 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 nonintermittent incandescent, florescent or gas lighting of signs shall be permitted.

10-27.11 Size of Off-Street Loading Spaces

Each loading space shall not be less than 10 feet (10') in width, thirty-five feet (35') in length, and fourteen feet (14') in height. Where the off-street loading space does not abut on a street, alley or easement of access, there shall be provided an access drive of at least ten feet (10') in width leading from the street to loading area.

10-27.12 Location

Such loading space may occupy all or any part of any required yard or court space, but no such space may be located closer than twenty-five feet (25') to any residential district unless wholly within a completely enclosed building or unless enclosed on all sides abutting the residential district by a wall or solid fence at least eight feet (8') in height.

10-27.13

Number of Off-Street Loading Spaces Required – Minimum

Floor Area	Loading Spaces
5,000 to 25,000 sq. ft.	1
25,000 to 40,000 sq. ft.	2
40,000 to 100,000 sq. ft.	3
100,000 to 160,000 sq. ft.	4
160,000 to 240,000 sq. ft.	5
240,000 to 320,000 sq. ft.	6
For each additional 90,000 sq. ft.	1 added space

SECTION: 10-28 CONDITIONS APPLYING TO USES

- 10-28.1 General
- 10-28.2 Accessory Buildings
- 10-28.3 Animals
- 10-28.4 Art Gallery, Library, Museum or similar facility
- 10-28.5 Automobile, Go-Kart, Miniature Auto, Racing or Driving Tracks
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- 10-28.9 Child Care
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- 10-28.11 Community Center
- 10-28.12 Completion of Structures Previously Approved
- 10-28.13 Reserved
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- 10-28.17 Hospitals, General
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- 10-28.19 Junk Yards
- 10-28.20 Manufactured Homes and Manufactured Home Parks
- 10-28.21 Open Space
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- 10-28.24 Signs and Sign Structures, Including Billboards
- 10-28.25 Burning
- 10-28.26 Minimum Space Requirements for Dwelling Units
- 10-28.27 Residences in Business Districts
- 10-28.28 Fences, Walls, and Hedges in Residential Zones
- 10-28.29 Self-Storage Facilities
- 10-28.30 Dwelling Units in the R-3 District.

10-28.1 General

Uses permitted or subject to Conditional Use Permit in any district under the district provisions of this Code shall be subject to the requirements of the district provisions as supplemented or modified by the provisions of this Section.

10-28.2 Accessory Buildings – General, Location, Maximum Rear Yard Coverage

An accessory building may be erected detached from the principal building, or, except when a stable or barn, may be erected as an integral part of the principal building.

An accessory building attached to the main building shall be made structurally a part and have a common wall with the main building and shall comply in all respects with the requirements of this Code applicable to the principal building. Except for open sided carports, all accessory buildings not attached to the main building in a residential district shall be located on the rear one-half of the lot and at least ten (10) feet from any dwelling existing or under construction on the same lot or adjacent lot. No accessory building

shall be located closer than five (5) feet to any interior lot line, but such building may be located within five feet (5') of an alley where such alley abuts on the rear line of the lot. In the case of a corner lot, said accessory building shall not project beyond the building line required or existing in the adjacent lot. Accessory buildings shall not cover more than thirty percent (30%) of the area of the required rear yard.

10-28.3 Animals – Keeping or Handling of (other than small animals kept as household pets)

Animals and fowls, where permitted in a district, shall be kept only in accordance with Morrilton City Ordinances and Codes. Proponents of such uses shall show that adequate measures will be taken to prevent odor, dust, noise or drainage from becoming a nuisance to use on other properties. No incineration of animal refuse shall be permitted on the premises. One acre of land per cow or horse is required for the keeping of cows or horses.

10-28.4 Art Gallery, Library, Museum or Similar Facility

An art gallery, library, museum or similar facility shall be located not less than 15 feet from another property in an R district, and when located in an R district, shall have its primary vehicular entrance and exit on a major street or on another thoroughfare within 150 feet of its intersection with a major street.

10-28.5 Automobile, Go-Kart, Miniature Auto, Racing or Driving Tracks

Shall be located not less than 500 feet from any residential district and enclosed by a solid fence or wall at least six feet (6') high.

10-28.6 Automobile Wash Service, Including Self Service Establishments

Automobile wash service establishments shall provide paved parking space on the lot for not less than ten (10) automobiles. Where any such use is located on a zoning lot abutting an R District and where any part shall be built along such line, any entrance to such establishment or exist therefrom shall be by way of a major street.

10-28.7 Reserved.

10-28.8 Carnival, Circus or Religious Services in Temporary Structure

These facilities shall be restricted to areas approved by permit from the Planning Commission.

10-28.9 Child Care

Any child care institution, day nursery, or nursery school where permitted, shall be subject to the following conditions:

1. The lot or parcel shall contain a minimum of 500 square feet per child;
2. There shall be provided a minimum outdoor play space of 80 square feet per child, calculated on the basis of the number of children occupying the outdoor play space at one time. Where any such use is located on a zoned lot abutting or in a Residential District and where any part of such use lies within 50 feet of such district boundary line, a screening wall of not less than 5 feet in height shall be built along such line.

3. All child care facilities shall be designed for child safety by providing a paved off-street loading and unloading area with adequate maneuvering space so that no child will be dropped-off/picked-up in the street right-of-way.
4. All child care facilities shall be designed for child safety by providing a paved one-way circle driveway.
5. All child care facilities shall be designed for child safety so that no parking area is located between the off-street loading/unloading area and the entrance of the building.
6. All child care facilities shall be designed for child safety by providing a paved parking area that is designed so that vehicle traffic does not back into a public street while exiting.

10-28.10 Church, Synagogue, or Temple, including Sunday School Facilities

A church, synagogue, or temple, including Sunday School facilities, shall be located subject to the following conditions:

1. Vehicular Access: When located in a Residential District or on a zoned lot contiguous to an R District, such facility shall have its principal vehicular entrance and exit on a major street or on another thoroughfare within 150 feet of its intersection with a major street.
2. Site plan must be approved by the Planning Commission.

10-28.11 Community Center

In general: In an R District, a community center shall meet the same requirements as are set forth for a church, synagogue or temple.

10-28.12 Completion of Structures Previously Approved

Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use of any development, building or structure where official approvals and required building permits have been granted before the enactment of this Code, the construction of which shall have been started prior to the effective date of this Code and completion thereof carried on in a normal manner within two years from date of beginning and not discontinued until completion except for reasons beyond the builder's control.

10-28.13 Reserved.

10-28.14 Convalescent, Maternity or Nursing Home

In any convalescent home, maternity home or nursing home, no building or recreation area shall be nearer to a zoned lot in an R District than 50 feet.

10-28.15 Height

The regulations herein set forth qualify or supplement, as the case may be the specific district regulations, See Sections 10-21 through 10-27.

In measuring heights, a habitable attic shall be counted as a story unless the area of the attic at a height of four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area of the story immediately below it and which does not contain an independent apartment.

Chimneys, elevators, poles, spires, tanks, towers, and other projections not used for human occupancy may extend above the height limit.

Churches, schools, hospitals, sanatoriums and other public and semipublic buildings may exceed the height limitation of the district if the minimum depth of rear yards and the minimum width of the side yards required in the district are increased one foot (1') for each two feet (2') by which the height of such structure exceeds the prescribed height limit.

Utility lines, when crossing public rights-of-way or easement, shall maintain minimum clearance of eighteen feet (18') measured at the crown of the roadway.

10-28.16 Home Occupations

Home occupations in those districts where permitted are subject to all of the following conditions:

1. In any dwelling unit, all home occupations, collectively, shall not occupy more than 25 percent of the gross floor area of one floor of said dwelling except this limitation shall not apply to foster family care.
2. A home occupation shall not require external alterations or involve construction features or the use of mechanical equipment not customary in dwellings.
3. There shall not be displayed or created outside the building or displayed by means of windows or openings in the structure any external evidence of the operation of the occupation, except for each street front of the zoned lot on which the building is located, the unanimated, non-illuminated accessory identification sign shall be placed flat against a wall or door or displayed in a window.
4. Prohibited home occupations are barber or beauty shops, daycares or nurseries, auto repair, restaurants, or fingernail or other nail shops.

10.28-17 Hospital, General

A general or similar hospital shall be subject to the following conditions:

1. No ingress or egress (other than a service entrance on an alley) shall be more than 50 feet from a major collector street.
2. No building, work area or recreation area shall be nearer to a zoned lot in an R District than 50 feet.

10-28.18 Hospital, Mental, Narcotic or Alcoholic Patients: Sanatorium

A hospital restricted to mental, narcotic, or alcoholic patients, or a sanatorium shall be subject to the following conditions:

1. No ingress or egress (other than a service entrance on an alley) shall be on any street other than a major collector street.
2. There shall be a screened wall maintained in a good condition adjacent to any zoned lot in an A-R or R District.

10-28.19 Junk Yard, Salvage or Auto/Truck Wrecking Yard, or the Storage of Processing of Used Machinery, Building Materials, Plumbing Fixtures or Appliances

Junk yards, as defined herein, are not permitted in the City of Morrilton.

10-28.20 Manufactured Homes and Manufactured Home Parks

10-28.20A 1. Manufactured Homes, as defined herein, shall be permitted on individual lots in accordance with the district requirements in which they are located and all other requirements of this Code.

2. HUD Approved not current Manufactured Homes, as defined herein, shall be permitted for placement only in a manufactured home park in any district in the City of Morrilton where such manufactured home park is permitted. A permit for placement may be issued only if the home shall be found by the City Building Inspector to be in good condition, safe and fit for residential occupancy.

10-28.20B Manufactured Home Parks

Manufactured Home Parks shall comply with the following requirements:

1. Any manufactured home park site shall have a minimum size of 3 acres and shall be developed to a density no in excess of one manufactured home per 3,500 square feet of lot area, including all required drives and open spaces. The development shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
2. The manufactured homes and accessory buildings in any manufactured home park shall not occupy more than forty percent (40%) of the gross area of the lot.
3. All buildings and manufactured homes shall be located not less than seven (7) feet from exterior lot lines.
4. A site development plan shall be submitted 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 area; and the location of service buildings and other

proposed structures. If approved, said development shall conform to the site development plan and violation of the plan shall nullify the permit.

5. Individual home spaces shall at least 35 feet wide and clearly defined on the ground.
6. Homes shall be so harbored on each space that there shall be at least 10 feet between the manufactured home and any other detached structure.
7. Each manufactured home space shall abut a driveway of not less than 20 feet in width, which shall have unobstructed access to a dedicated public street. The driveway shall consist of a minimum of six-inch gravel base with two inches of concrete or asphalt surface.
8. A 200 amp electrical service shall be provided for each manufactured home space.
9. Each space shall be provided with sanitary sewer and water service in a manner approved by the City.
10. No building or structure erected or stationed in the manufactured home park shall have a height greater than one story or 15 feet.
11. Each manufactured home park shall be permitted to display on each street frontage, one identifying sign of a maximum size of 32 square feet.
12. There shall be at least two off-street, paved parking spaces for each manufactured home space, which shall be on same site or located in grouped parking bays specifically designed for such purpose close to the site served. Spaces will consist of a six-inch gravel base with two inches of concrete or hot mix asphalt surface.
13. A landscaped strip of open space shall surround the Manufactured Home Park 25 feet wide along all street and other property lines. This area shall not be included as part of any manufactured home space.
14. 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.

10-28.21 Open Space and Stables, Animal Compounds

A. Open Space

No open space or lot area required for a building or structure shall, during its life be occupied by or counted as open space of any other building or structure.

Eaves, cornices, window sills and belt courses may project into any required yard a distance not to exceed three feet (3'). Open porches may project into a front yard a distance not to exceed five feet (5') or a rear yard a distance no to exceed fifteen feet (15').

Where the dedicated street right-of-way on which the main building fronts is less than fifty feet (50'), the depth of the front yard and building setback line shall be measured starting at a point twenty-five feet (25') from the center line of the street right-of-way.

No dwelling shall be erected on a lot which does not abut on at least one street for at least thirty five feet (35') and have a width of at least thirty-five feet (35') at the building line. A street shall form the direct and primary means of ingress and egress for all dwelling units. Alleys, where they exist, shall form only a secondary means of ingress and egress. A garage apartment may be built to the rear of a main dwelling if all other provisions of these regulations are complied with.

On any corner lot on which a front or side yard is required, no wall, fence, sign, structure or any plant growth having a height in excess of three feet (3') above the elevation of the lowest point of the crown of the adjacent roadway shall be maintained in a triangle formed by measuring from the point of intersection of the front and exterior side lot lines a distance of thirty feet (30') along such front and side lot lines and connecting the points so established to form a right triangle on the rear of the lot adjacent to the street intersection.

An attached or detached private garage which faces on a street shall not be located closer than twenty five feet (25') from the street right-of-way line.

A private garage located in an R District shall not be used for storage of more than one commercial vehicle which does not exceed one and one half (1 ½) tons rated capacity per family living on the premises. No more than two (2) spaces shall be rented to persons not residing on the premises for storage of noncommercial vehicles only.

B. Stables, Animal Compounds

Stables and animal compounds in those districts where permitted are subject to the following conditions:

1. A stable shall not be erected a distance of less than one hundred feet (100') from the boundary line of the property on which it is erected, a street right-of-way line, or any other structure.
2. An animal compound shall not be erected a distance of less than seventy-five feet (75') from the boundary line of the property on which it is erected or a street right-of-way line.

10-28.22 Mobile Homes

Mobile homes, as defined herein, are not permitted within the City of Morrilton.

10-28.23 Reserved.

10-28.24 Signs and Sign Structures, including Billboards

A. General

The regulations established herein are designed to regulate sign structures in order to ensure light, air, and open space; to reduce hazards at intersections; to prevent accumulation of trash; and to protect property values of the entire community. The regulations for signs and other advertising structures are indicated below. See Section 10-19 for definitions of terms.

No person except a public officer or employee in performance of public duty shall paste, post, paint, print, nail, tack, erect, place, project, or otherwise fasten any sign, pennant, or notice of any kind, or cause the same to be done facing or visible from any public street, except as provided herein.

The following general regulations apply to all signs where permitted in any zoning district:

1. No sign shall be erected or maintained at any location where, by reason of its position, size, shape or color may obstruct, impair, obscure, interfere with the view of, or be confused with any authorized traffic control sign, signal, or device.
2. No sign shall contain or make use of any word, phrase, symbol, shape, form or character in such a manner as to interfere with, mislead, or confuse traffic.
3. If the top of a sign or sign structure extends more than 32 inches above the ground, then said sign must be located not less than ten feet above the ground and with the supporting structures so designed as to allow maximum visibility; however, this requirement does not apply if the entire sign is located at least 15 feet from all property lines, or street curb, whichever is greater.
4. No illuminated sign shall be permitted within 50 feet of property in any residential use district unless the illumination of such sign is so designed that it does not shine or reflect light onto such property. All lighted signs must meet the electrical code requirements.
5. No flashing sign shall be permitted within 200 feet of any residential zoning district in such a location as to be visible from said district.
6. All signs and sign structures, when permitted in a district shall be erected in conformity with the side and rear yard requirements of the district in which it is located, and shall be set back from the established street right-of-way line as to not block the view of an adjacent building, and in no case shall it be located closer than ten feet to the street right-of-way line.
7. Identification signs containing only the name of the use shall be permitted; but shall not exceed 32 square feet of area; and if not attached flat against a building, shall be at least 10 feet from all property lines.
8. Two real estate sign advertising the sale, rental, or lease of the premises on which it is maintained shall be permitted on any lot, provided it is non-illuminated and not over six square feet in area in a residential district and not over 32 square feet in a commercial or industrial district.
9. A subdivision sign not exceeding 32 square feet in area may be placed for directional purposes on private property along each major or secondary thoroughfare surrounding a subdivision which is in the process of development and initial sales, provided that the total number of such signs for any subdivision shall not exceed four and shall be removed upon completion of the development.
10. No sign, which is otherwise permitted, shall be painted, erected, or located upon the roof of any building.

11. Temporary political signs are permitted to be placed or erected on private property subject to the permission of the property owner in any district for a period beginning not more than 30 days prior to the election to which said signs apply and ending not more than 10 days following each election, provided the erector of such signs assumes reasonable responsibility for the removal and disposal of such signs after the election.

12. Billboards and other off-premise signs are prohibited except that commercial subdivisions are permitted one common off-premise sign identifying the occupants of the subdivision. Such signs shall conform to the other provisions of this section and their design shall be approved by the Planning Commission. This sign shall be in lieu of any free-standing signs permitted for individual buildings.

13. Incidental signs, as defined herein, are permitted in all districts.

B. Additional Regulations in Residential Districts

In residential use districts, the following standards and provisions shall apply:

1. For any single-family or two-family dwellings, nameplates not to exceed two square foot in area shall be permitted for each residential structure. Such nameplate shall indicate nothing other than the name and/or address of the occupants of the premises.
2. Professional signs for home occupations shall not exceed four square feet, provided such sign is either a wall or ground sign located not closer than 20 feet to a street right-of-way line.
3. For multi-family and group dwellings, identification signs not to exceed 32 square feet in area shall be permitted. Such sign shall indicate nothing other than the name and/or address of the premises and name of the management. Such sign may contain indirect illumination.
4. Flashing or intermittent illumination is prohibited.

C. Additional Regulations in Commercial Districts

In the business use districts, the following additional regulations shall apply:

1. B-1, Central Business District

Signs painted on the sides of buildings and signs that advertise products or goods unrelated to the use of the building on which the sign is painted or attached are prohibited except for historic signs. For principal uses, signs shall be permitted on the basis of one sign not exceeding 2 square feet of sign area for each one linear foot of building facade, but the maximum total area of all permitted signs for a facade of any establishment shall not exceed 200 square feet. Billboards are prohibited in the B-1 zone.

2. B-2, Neighborhood Business District.

In the Neighborhood Business District, flashing or intermittent illumination signs are prohibited; and billboards and other off-premise signs are prohibited. For principal uses, signs shall be permitted on the basis of one sign not exceeding one square foot of surface

area for each one linear foot of building facade fronting a public street. The height of a sign shall not exceed 35 feet.

3. B-3, Highway Service District.

In the B-3 Highway Service District, flashing or intermittent illuminated signs are prohibited. Billboards are prohibited. Signs on the sides of buildings and signs that advertise products or goods unrelated to the use of the building on which the sign is painted or attached are prohibited. Façade-type business signs shall be permitted on the basis of one sign not exceeding two square feet of sign area for each one linear foot of building face, but the maximum total area for all permitted signs for a façade of any establishment shall not exceed 200 square feet.

4. B-4, Open Display Business District.

In the Open Display Business District, billboards are prohibited; additionally, signs painted on the sides of buildings that advertise products or goods unrelated to the use of the building on which the sign is painted or attached shall be prohibited. One identification sign of the business shall be permitted, provided that the sign area of such identification sign shall not exceed 120 square feet. Signs for individual shops and businesses shall conform to the additional regulations contained in this section above for the B-1 zone.

D. Additional Regulations in the Industrial Districts

In the industrial use districts, the following additional standards and provisions shall apply:

1. Signs may be erected subject to the following conditions:
 - a. The height of a sign or sign structure shall not exceed 35 feet.
 - b. The gross area of a sign or sign structure, including framing but excluding supports, shall not exceed 100 square feet per lot.
2. Flashing or intermittent illumination signs are prohibited.

10-28.25 Burning

All burning is controlled and regulated by Arkansas State Law.

10-28.26 Minimum Space Requirements for Dwelling Units

All dwelling units hereinafter utilized or constructed in the City of Morrilton shall meet the following requirements:

1. At a minimum, all dwelling units must have a living room, a kitchen area, and a bathroom.
2. The dwelling unit must have at least one bedroom room for each three persons.

10-28.27 Residences in Business Districts

A. Generally

All residences located in business districts must meet all applicable building, fire, and plumbing codes for commercial buildings. Off-street parking shall be provided in accordance with the requirements of Section 10-27, with the exception of residences located in the B-1, Central Business District. See part 2 of this section for requirements of residences in the B-1, Central Business District. Structures in the Historic District may be subject to additional regulations.

B. Residences are permitted in the B-1, Central Business District subject to the following:

1. Any dwelling that is a part of or used in conjunction with a commercial business or building, whether located in the rear, upper floor, basement, or other portion of the building or business, may not encompass more than 49 percent of the useable floor area of the first floor of the commercial business or building.
2. Any dwelling that is a part of or used in conjunction with a commercial business or building may not encompass that 51 percent of useable floor area on the first floor that is nearest the street.
3. Two off-street parking spaces are required for each residence located in the B-1, Central Business District. Off-site parking may be used to meet parking requirements for residential development. Applicants for building or occupancy permits must demonstrate that such parking is available on a permanent basis.
4. Off-street parking for residences in business districts must be used after business hours.

10-28.28 Fences, Walls, and Hedges in Residential Zones

A. Height

1. Fences, walls, or hedges over four feet in height are prohibited in the front yard.
2. The maximum height for fences, walls, or hedges in the rear or side yard is eight feet.

B. Prohibited Fences

1. The following materials are prohibited as fences or walls: barbed wire, barn tin, plywood, cardboard or impermanent material, chicken or hog wire, razor wire, and similar materials.
2. In no case shall an opaque, or completely solid wall or fence be constructed in the front yard over thirty-two inches (32") in height.

C. No fence, wall or hedge shall be permitted to be constructed, planted, or erected within the street right-of-way.

10.28.29 Self-Storage Facilities

The following are prohibited uses of self-storage (mini-storage) facilities or areas:

- A. Storage of flammable or hazardous chemicals or explosives;
- B. Auctions, commercial, wholesale, or retail sales, or miscellaneous or garage sales;
- C. The servicing, repairing, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment;
- D. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
- E. The establishment of a transfer and storage business; and
- F. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.

10.28-30 Dwelling units in the R-3 and MHP Districts.

All dwelling units in the R-3 and MHP Districts shall adhere to the following requirements.

1. All dwelling units shall exceed twelve feet in width.
2. All dwelling units shall have a roof with a minimum pitch of 2:12.
3. The exterior siding of all dwelling units shall consist of material compatible with other residential structures in the immediate area.
4. All dwelling units, if applicable, shall have any elements of transportation (hitches, wheels, axles) removed or covered.
5. All dwelling units shall have an orientation consistent with the placement of adjacent structures.
6. All dwelling units shall have two permanent sets of steps at at least two entrances and with a porch of a least 16 square feet shall be uses at one entrance.
7. All dwelling units, if applicable, shall be installed in accordance with the manufacturer's installation instructions as recognized by the Arkansas Manufactured Home Commission, including, site preparation, pier foundations-footings, pier-support columns, and anchoring.
8. All dwelling units shall be constructed or installed with skirting, underpinning, or other type of perimeter foundation enclosure, constructed of materials approved by the City of Morrilton, installed or constructed in conformance with the manufacturer's installation instructions. Approved materials shall include, but not be limited to: masonry, concrete, brick, or block, treated wood, fiberglass, vinyl, aluminum or other metal.
9. All dwelling units shall have connections for electrical, gas, water and wastewater made permanent in accordance with applicable state and local regulations.

10. Except in the MHP, manufactured homes shall not be used for multifamily homes or for rental property.

SECTION: 10-29 NONCONFORMING BUILDINGS, STRUCTURES AND USES OF LAND

10-29.1 Nonconforming Buildings and Structures

10-29.2 Nonconforming Uses of Land

10-29.1 Nonconforming Buildings and Structures and Use Thereof

A nonconforming building or structure or use existing at the time of adoption of this Code may be continued and maintained except as otherwise provided in Section 10-29.1

1. Alteration or Enlargement of Buildings and Structures: A non-conforming building or structure shall not be added to or enlarged in any manner unless such building or structure, including additions and enlargements, is made to conform to all of the regulations of the district in which it is located, provided however, that if a building or structure is conforming as to use, but not conforming as to yards or height or off-street parking space, such building or structure may be enlarged or added to provided 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 building or structure shall be moved, in whole or in part, to another location on the lot unless every portion of such building or structure is made to conform to all of the regulations of the district in which it is located. Nothing in this regulation shall prohibit normal maintenance of the premises.
2. Outdoor Advertising Signs and Structures: Any advertising sign, billboard, commercial advertising structure or statuary which is lawfully existing and maintained at the time this Code became effective which does not conform with the provisions hereof shall not be structurally altered and all such nonconforming advertising signs, billboards, commercial advertising structures and statuary and their supporting members shall be completely removed from the premises not later than three (3) years from the effective date of this Code.
3. Building Vacancy: A non conforming building, structure or portion thereof which is or hereafter becomes vacant and remains unoccupied for a continuous period of one and one-half (1 ½) years shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located. If the building is reoccupied prior to the one and one-half (1 ½) year period, it must be continuously occupied for such use for a period of six (6) months or the vacancy period shall be considered as only temporarily interrupted and reoccupancy must conform to these regulations after a total vacancy period of one and one-half (1 ½) years.
4. Change in Use: A nonconforming use of a conforming building or structure (i.e., business use in a dwelling, etc.) shall not be expanded into any other portion of such conforming building or structure nor changed except to a conforming use. If such a nonconforming use of a portion thereof is discontinued 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 such building or structure is located. A vacant or partially vacant nonconforming building or structure may be occupied by a use for which the building or structure was designed or intended if occupied within a period of one and one-half (1 ½) years after the effective date of this Code.

The use of a nonconforming building or structure may be change to a use of the same or more restricted district classification; but where the use of a nonconforming building or structure is changed to a use of a more restricted district classification, it thereafter shall not be changed to a use of a less restricted district classification.

10-29.2 Nonconforming Uses of Land

A nonconforming use of land where the aggregate value of all permanent buildings or structures is less than One Thousand Dollars (\$1,000) existing at the time of adoption of this Code may be continued for a period of no more than three (3) years therefrom, provided:

1. Such nonconforming use may not be extended or expanded, nor shall it occupy more area than was in use on the effective date of this Code.
2. 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.
3. Should an occupied dwelling located in a less restricted district classification or in a more restricted district classification be destroyed by fire or act of God, the owner of said dwelling shall have the option of rebuilding same, provided, however, that this exception shall apply only to the owner of record at the time of such loss.

SECTION: 10-30 BOARD OF ZONING ADJUSTMENT

- 10-30.1 Board of Zoning Adjustment
- 10-30.2 Membership
- 10-30.3 Procedure
- 10-30.4 Appeals to the Board of Zoning Adjustment
- 10-30.5 Powers and Duties
- 10-30.6 Appeals

10-30.1 Board of Zoning Adjustment

There is hereby created within and for the City of Morrilton, Arkansas a Board of Zoning Adjustment with the powers and duties as hereinafter set forth. The word "Board" when used in this section shall be construed to mean the Board of Zoning Adjustment.

10-30.2 Membership

- A. The Board shall be composed of nine (9) members, citizens of the City of Morrilton, Arkansas, each appointed by the Mayor with the approval of the City Council for a term of four (4) years. Provided, however, the members of the Morrilton Planning Commission shall become automatically members of the Board and shall serve out their terms as originally appointed.
- B. Thereafter the appointments of the combined Planning Commission and Board of Zoning Adjustment, pursuant to this statement, shall be as follows:

- 2 members for terms of 1 year;
- 2 members for terms of 2 years;
- 2 members for terms of 3 years;
- 3 members for terms of 4 years;

Thereafter all members shall serve 4 year terms.

10-30.3 Procedure

- A. The Board shall elect a chairman from its membership to serve for a term of one (1) year. The chairman shall have no vote except in case of a tie. The chairman or acting chairman shall call meetings, administer oaths, compel attendance of witnesses and gather all possible information pertaining to the matter in question.
- B. The Board of Zoning Adjustment shall adopt rules in accordance with the provisions of the ordinance to establish a regular meeting date. Additional meetings shall be at the call of the chairman or such times as the Board determines. All meetings of the Board shall be open to the public. Six (6) members of the Board shall constitute a quorum. A majority of the members present must be in agreement for any action to be taken.
- C. The Board shall keep minutes of its proceedings showing the vote on each question, indicating the number of members voting yes, the number voting no, the number failing to vote and the number absent and indicating facts, records, examinations and official action.

10-30.4 Appeals to the Board of Zoning Adjustment

- A. Any person aggrieved by a decision of the Administrative Official in interpreting any section of this Code may make an appeal to the Board. All appeals and applications made to the Board shall be made in writing on forms prescribed by the city within 10 days after the decision has been rendered by the administrative official. After receipt of the application for approval, the city shall schedule a hearing at the next available meeting of the Board and shall so inform the applicant.
- B. The applicant shall publish public notice of the hearing at least once not less than seven days preceding the date of such hearing in a newspaper of general circulation in the City. The public notice shall give the particular location of the property on which the appeal is requested, as well as a brief statement of what the appeal consists of. At a public hearing any party may appear in person, by agent, or by attorney to address the Board.
- C. In addition to the public notice, the petitioner shall give written notice to the owner or owners of each separate parcel of land adjacent to or located directly across the street from the property that is the subject of the petition. The petitioner is required to show that the adjoining property owner(s) has received notice at least seven (7) days prior to the hearing by providing written acknowledgement that the owners of the adjoining properties have received notification, such as a postal return receipt slip.
- D. The city shall cause the petitioner to place a sign in a conspicuous 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 seven (7) days prior to the date of the hearing.
- E. The appellant or applicant shall be required to pay to the City Clerk a filing fee of One Hundred Dollars (\$100.00) plus any other costs as may be incurred in connection with such appeal or application.

10-30.5 Powers and Duties

The Board of Zoning Adjustment shall have the following functions:

- A. Hear appeals from the decision of the administrative officers in respect to the enforcement and application of the ordinance, and may affirm or reverse, in whole or in part, the decision of the administrative officer; and
- B. Hear requests for variances from the literal provisions of the zoning ordinance in instances where strict enforcement of the ordinance 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 ordinance.
- C. The Board shall not permit, as a variance, any use in a zone that is not permitted under the ordinance.
- D. The Board may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

10-30.6 Appeals

Decisions of the Board shall be subject to appeal only to a court of record having jurisdiction.

SECTION: 10-31 ADMINISTRATION

- 10-31.1 Building Permit or Certificate of Occupancy Required
- 10-31.2 Procedure for Authorizing Conditional Uses
- 10-31.3 Violations and Penalties
- 10-31.4 Moratoriums on Zoning District Classification
- 10-31.5 Amendments
- 10-31.6 Classification of New Additions
- 10-31.7 Invalidity of a Part
- 10-31.8 Repeal of Conflicting Ordinances

10-31.1 Building Permit or Certificate of Occupancy Required.

This Code shall be enforced by the Mayor or his or her appointed designee. It shall be a violation of this Code for any person to change or permit the change in the use of land or buildings or structures, or to erect, alter, move or improve any building or structure until a building permit has been obtained under the following conditions:

- A. Building Permits. Whenever any structure or building is to be improved or erected, moved or structurally altered, a Building Permit shall be obtained from the Building Inspector. Every applicant for a Building Permit shall furnish the following information:
 1. A plot plan, drawn to scale, show the exact size, shape and dimension of the lot to be built upon, the exact size and location on the lot of all existing buildings and structures, and the exact size and location on the lot of the structure of building proposed to be repaired, altered, erected or moved, and the size, arrangement, number of parking stalls, movement of vehicles and ingress and egress drives for all off-street parking and loading facilities.
 2. A declaration of the existing and intended use of each existing and proposed building or structure on the lot and the number of families and housekeeping unit which each existing building accommodates and which each existing and proposed building is designed to accommodate.
 3. Additional information relating to the proposed improvement needed to determine compliance with these regulations.
 4. A survey prepared by an engineer registered in the State of Arkansas of the boundaries of the lot on which the improvement is proposed to be located may be required by the Building Inspector.
- B. Certificate of Occupancy. No land or building or structure after the passage of this Code shall be occupied until a Certificate of Occupancy is obtained from the Building Inspector certifying that all of the provisions of the Code are complied with.

10-31.2 Conditional Uses

A. General Purposes

The purposes of this section are to define more clearly the concept of conditional uses; to establish standards by which the Planning Commission shall evaluate conditional uses; and to set forth procedures for processing conditional uses.

B. Description

A Conditional Use is a use that conforms to the intent of the comprehensive plan for a specific area and is generally allowable. The use may represent potential problems, however, with respect to its impact on neighboring property or to the city as a whole. For this reason, it requires a careful review of its location, design, configuration, and spatial impact to determine the desirability of allowing it on a particular site.

The Conditional Use process must not allow an applicant to secure a use variance or as a means to circumvent the intent of the comprehensive plan or zoning code. Building configurations, footprints, and outlines should be compatible with other uses permitted for a district. Whether a proposed use is appropriate in a particular location depends upon a careful evaluation of the impacts to the neighborhood and the city by the Planning Commission and a weighing of conditions and methods proposed by the commission or by the applicant to ameliorate those impacts.

C. Standards for Conditional Uses

The Planning Commission may approve, deny, defer, or modify a conditional use request based on findings of fact with regard to the standards set forth below. The appropriateness of these standards shall be determined at the discretion of the Planning Commission for each specific conditional use location. The Planning Commission shall not permit any use in a zone as a conditional use that is not permitted under the zoning code.

In carrying out the purpose of this section, the Commission's consideration shall include, but not be limited to, the following development standards and design specifics.

The appropriateness of these standards shall be determined at the discretion of the Planning Commission for each specific conditional use location.

1. The proposed use is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.
2. The proposed land use is compatible with and will not adversely affect other property in the area where it is proposed to be located.
3. The proposed use is within the provision of "Conditional Uses" as set out in this Code.
4. The proposed use conforms to all applicable provisions of this code for the zoning district in which it is to be located, and the use facilitates public convenience at that location.

5. The size and shape of the site, and the size, shape and arrangement of the proposed structures, are in keeping with the intent of the comprehensive plan and this code.
6. The internal street system, ingress or egress, off-street parking, loading and pedestrian ways will be efficient and safe.
7. Safeguards, including, but not limited to, hours and methods of operation, landscaping and screening, controlling noxious or offensive emissions, including lighting, noise, glare, dust and odor, are satisfactory.
8. Landscaping, fencing and open space will be properly maintained by the owner/developer.
9. Proposed signs will be appropriate for the location and in accordance with the requirements of the existing City Code.
10. Public utilities are, or will be, available and will not be overloaded.

D. Conditions

The Planning Commission may impose conditions and restrictions upon the premises benefited by a Conditional Use Permit as may be necessary to reduce or minimize the injurious effects of the conditional use, insure compatibility with the surrounding property, and carry out the general intent of this code. The Planning Commission shall not permit any use in a zone as a conditional use that is not permitted under the zoning code.

Conditions imposed as part of the conditional use may be of two types. Threshold Conditions are those that must be met by all proposed developments before an application for a conditional use permit will be forwarded to the Planning Commission. Implicit Conditions are those that the Planning Commission may apply during the review of an individual case.

In no case shall the Planning Commission authorize relief from the minimum requirements of the code relating to height, area, parking or screening. However, Applicants may be directed to the Board of Zoning Adjustment for variances.

E. Application Procedure for Conditional Use Permit

Application for a conditional use permit shall be made by the property owner or authorized agent for the owner. The application shall be submitted to the Planning Department which will process all applicable surveys, site plans and other supporting information pertinent to this review process and make recommendations to the planning commission.

Notice of the Conditional Use Permit application 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. The applicant shall give notice of such hearing by posting a suitable and pertinent sign on the property involved not less than fifteen (15) days prior to the hearing. The applicant shall notify by certified mail all property owners within two hundred (200) feet of the subject property no less than fifteen (15) days prior to the public hearing.

F. Development plan requirements

The development plan requirements for a conditional use application shall include a graphic representation of what is proposed and a general statement as to the intent of the use. The graphic representation shall include the following:

1. The location, size and use of buildings, signs, land and improvements
2. The location, size and arrangement of parking space, loading space, driveways and street access
3. The existing topography with proposed grading and drainage plans
4. Proposed screening and landscaping
5. The use of adjoining property
6. Scale, north arrow and vicinity map
7. Any additional information needed by the staff because of conditions peculiar to the development.

G. Development plan review

The planning department staff shall review the proposed conditional use and report to the commission on its relation to and probable effect on the surrounding area as well as its compliance with the requirements of this Code and shall make recommendations to the Planning Commission.

H. Planning Commission Action

The Planning Commission shall review conditional use applications at its regularly scheduled monthly meeting, at which time interested persons may appear and offer information in support of, or against the proposed conditional use. The Planning Commission shall then make one of the following determinations: approve the conditional use as requested; approve the conditional use with modifications; defer the conditional use; or deny the conditional use.

The Planning Commission may impose conditions and restrictions upon the premises benefited by a conditional use permit as may be necessary to reduce or minimize the injurious effects of the conditional use, insure compatibility with the surrounding property and carry out the general intent of the comprehensive plan, appropriate neighborhood plans and this code.

In no case shall the Planning Commission authorize reduction from the minimum requirements of the code relating to height, area, parking or screening. However, the Applicant may be directed to the Board of Zoning Adjustment for variances under the Zoning Code.

I. Status of Conditions

Once any portion of the conditional use permit which has been authorized is utilized, all such conditions pertaining to such authorization shall become immediately operative. The violation of any condition so imposed shall constitute grounds for revocation of the conditional use permit. Such conditions may include time limits for exercise of such authorization and must commence within a reasonable time.

The Board of Zoning Adjustment is not authorized to grant a variance from conditions imposed by the commission in connection with a conditional use. However, the Board of Zoning Adjustment may grant variances as provided by the Zoning Code.

Amendments or major changes to a conditional use authorization must follow the same process as the original conditional use; however, the Commission may delegate to the staff authority to approve minor modifications to the conditions approved, including modifications to an approved development plan. No building permit shall be issued except in conformance with the provisions of this section.

A Conditional Use Permit is a part of the Zoning Code and shall run with the land upon which the use is located. The Planning Commission shall not permit any use in a zone as a conditional use that is not permitted under the zoning code.

10-31.3 Violations and Penalties

A violation of this Code shall be deemed a misdemeanor and shall be punishable by fine. Any person, firm or corporation who violates or refuses to comply with any of the provisions of this Code shall be fined not less than Five Dollars (\$5) nor more than One Hundred Dollars (\$100) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

10-31.4 Time Limitation on Zoning District Classification

The City Council may grant an amendment to a zoning district subject to the condition that a building permit be issued and construction of the proposed use begun within a reasonable period of time or the zoning district change shall be void and shall revert to its previous designation before amendment. A reasonable period shall be interpreted as a minimum of two years from the date of amendment. A sixty (60) day notice of impending action for voiding a zoning district amendment shall be given the property owner by registered mail at his last know address of record. Notice shall be published in a newspaper of general circulation fifteen (15) days prior to such action to void such zoning district amendment.

10-31.5 Amendments

A. General

1. This Code may be amended by changing the text, the Official Zoning Map, or both in accordance with the procedures prescribed herein. Notice of any public hearings held using any of the methods of amendment 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.

2. 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 appointed agent.

- B. Amendments initiated by the City Council may be made in the following manner.
 1. The City Council may refer a request for amendment to the Planning Commission to be considered in accordance with the procedures outlined in Section C, below.

 2. The City Council may act upon a request to amend this Code when an emergency exists which threatens the health, safety, welfare, or morals of the citizens of the City. An amendment may be made under this section upon the approval of a majority of the entire City Council.

- C. Amendments initiated by the Planning Commission may be made only in accordance with the procedures outlined herein.
 1. The Planning Commission may, from time to time, either upon request by one or more of its members, by direction of the City Council, or in the course of its normal planning activities, consider amendments or additions to the Zoning Code.

 2. The Planning Commission shall prepare a work program and make studies, including the preparation of maps, to support its decisions regarding possible amendments.

 3. If the proposed amendments are not consistent with the Future Land Use Plan, the Planning Commission shall first consider and adopt any necessary changes to the Future Land Use Plan.

 4. The Planning Commission shall hold a public hearing to consider amendments to the Zoning Code and amendments to the Future Land Use Plan, if required.

 5. Changes in zoning classifications initiated by the Planning Commission shall be considered comprehensive changes affecting the entire city and no individual notifications shall be made. A map indicating the proposed changes will be available in City Hall for interested citizens and property owners.

 6. Following the public hearing, the proposed plans may be recommended as presented, or in modified form, by a majority of the entire Planning Commission.

 7. Following its adoption of plans and recommendations of ordinances and regulations, the commission shall certify adopted plans or recommended ordinances and regulations to the City Council for its adoption.

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

1. An application for amendment shall be filed with the administrative officer.
2. The application for a Zoning Map Amendment shall contain the following information:
 - a. Name and address of applicant.
 - b. 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.
 - c. Address and legal description of property.
 - d. 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.
 - e. The application shall be accompanied by the prescribed fee as determined by the City Council.

3. Hearing

Upon receipt in proper form of the application for a Zoning Map Amendment, the administrative officer shall fix a date for a public hearing according to a monthly schedule maintained in the administrative office.

In addition to newspaper notice, notice of such hearing shall be given by posting a suitable and pertinent sign on the property involved by the applicant not less than fifteen (15) days prior to the hearing.

Notice of the Public Hearing prescribing the date of the hearing and including a description of the property and of the proposed amendment relating thereto shall be given by the applicant, at his expense, to each owner/or occupant of property located within 200 feet of the property which is the subject matter of the application within 15 days of the hearing date. This notice requirement may be satisfied by either of the following methods:

- a. Notice by certified mail, return receipt requested.
- b. Hand delivery of the required notice and the execution of an acknowledgement of receipt thereof by the owner/or occupant of the property.

At the hearing, the applicant shall be required to submit evidence of notice in accordance herewith.

Upon receipt of an application for a Zoning Code Text Amendment, the administrative officer shall fix a date for a public hearing according to a monthly schedule maintained in the administrative office.

Notice of such hearing shall be published at least one time not less than fifteen (15) days prior to the public hearing in a newspaper of general circulation in the City of Morrilton. Content of such notice shall be of a general nature describing the general subject matter and the Chapters involved, with respect to the proposed amendment.

4. Authorization by City Council

Any amendment hereto shall become effective only upon passage by ordinance by a majority vote of all members of the City Council.

5. Effect of Denial of Amendment

No application for an amendment which has been denied wholly or partly by the Planning Commission shall be resubmitted for a period of one (1) year from the date of said denial, except upon a showing of a substantial change in conditions found to be valid by the Planning Commission and demonstrated by a majority vote of the full Planning Commission in favor of a rehearing. For purposes hereof, a change of ownership of the subject property shall not be deemed to be a change of conditions.

No further action will occur in the case of a request for an amendment denied by the Planning Commission unless the applicant files an appeal in accordance with the following section.

E. Appeals to City Council.

1. Any action of the Planning Commission, i.e. conditional use permits or zoning decisions, may be appealed to the City Council. In order to make an appeal, the aggrieved party must file a "Notice of Appeal" with the City within 30 days of the Planning Commission's final action. 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:
 - a. Summary of any reasons provided by the Planning Commission concerning the decision made in the case.
 - b. Reasons why the applicant of the appeal contends that the Planning Commission erred in its decision.
 - c. 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.
 - d. 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.

e. The Department of Planning shall provide notice of the appeal in accordance with the applicable provisions of the Zoning Code in the same manner and to the same parties as the initial application.

2. The City Council may affirm the Planning Commission's decision, reverse it, or send the case back to the Planning Commission for further study and re-certification. If new information is placed before the Council that, in the opinion of the Council, would affect the Planning Commission's decision, the Council may refer the case back to the Planning Commission for further study, including the new information, and re-certification.

10-31.6 Classification of New Additions

All new additions and annexations of land to the City of Morrilton shall be in an "A-R" Agricultural District unless otherwise classified by the City Council for a period of time no to exceed one (1) year from the effective date of the ordinance annexing such addition.

Within this one (1) year period of time, the City Council shall instruct the City Planning Commission to study and make recommendations concerning the use of land within such annexation to promote the general welfare and in accordance with the Land Use Plan, and upon receipt of such recommendations the City Council shall, after public hearings as required by law, establish the district classification of such annexation provided, however, that this shall not be construed as preventing the City Council from holding public hearings prior to annexation and establishing the district classification at the time of such annexation.

10-31.7 Invalidity of Part

In case any portion of this Code shall be held to be invalid or unconstitutional, the remainder of the Code shall not thereby be invalid, but shall remain in full force and effect.

10-31.8 Repeal of Conflicting Ordinances

Any zoning regulations now in effect that conflicts with any provisions of this Code is hereby repealed, held to be invalid and to no effect.