

**ZONING ORDINANCE**  
**MOUNTAIN HOME, ARKANSAS**

**1998**

**PREPARED BY**  
**CITY PLANNING COMMISSION**  
**CITY COUNCIL**  
**MOUNTAIN HOME, ARKANSAS**

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## **CHAPTER 1**

### **PURPOSE AND AUTHORITY**

#### **Art 1-1          PURPOSE**

The zoning regulations and regulations and districts as set forth herein have been made in accordance with the “Land Use and Major Street Plan”. This ordinance is proposed to preserve the attractiveness and protect the environment of residential areas and to safeguard the business and industrial locations, which are important to the economic welfare of the inhabitants. It has been designed to lessen congestion in the streets, to secure safety from fire panic and other dangers, and to promote the health and general welfare of the citizens of Mountain Home, Arkansas.

#### **Art 1-2          AUTHORITY**

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

#### **Art 1-3          REQUIREMENTS**

That the Planning Commission shall have the authority to make such requirements as they necessary for the proper development of any property for which rezoning or initial zoning is requested. Said authority is intended to allow the Planning Commission to promote and protect the orderly growth and development of the City of Mountain Home and for the health and safety of its citizens.

## CHAPTER 2

### DEFINITIONS

#### Art 2-1 DEFINITIONS

- A. Words used in the present tense include the future; words in the singular include the plural number, and words in the plural include the singular; the word “shall” is mandatory and not directory.
- B. Certain words and phrases shall, for the purpose of this ordinance, have the following definitions;

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

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

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

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

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

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

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

**Lot.** Land occupied or to be occupied by structure or use and its accessory structures and uses, and including such open spaces as are required under this ordinance and having its principal frontage upon a public street or officially approved place.

**Mobile Home.** Any vehicle or similar portable structure originally having no foundation other than wheels, jacks, or skirting and so designed or constructed as to permit occupancy for dwelling or sleeping purposes.

**Non-Conforming.** Any use of property (land or structure) existing at the time of passage of this ordinance that does not conform to the regulations prescribed in this ordinance shall be deemed a Non-Conforming Use.

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

**Parking Space.** 250 square feet of useable and accessible space.

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

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

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

**Story.** That portion of a structure included between the upper surface of any floor and the upper surface of the floor next above; also any portion of a structure used for human occupancy between the topmost floor and the roof. A basement shall not be counted as a story unless the height of the surface of the first floor above the average elevation of the finished lot grade at the structure exceeds four (4) feet.

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

**Structure.** Anything constructed or erected with a fixed location on the ground, having a roof supported by columns or by walls and intended for the shelter, housing or enclosing of persons, animals or chattels.

**Yard.** The horizontal distance from a lot line to a parallel designated line. The distance is measured from the property line to the nearest foundation wall or other vertical wall of the structure; provided the roof or other overhanging projection is less than three (3) feet. Should the overhang be greater than three (3) feet, the yard line shall be measured to the center of the overhang.

**Sign Advertising.** A sign which directs attention to a business, commodity or service which is entirely or primarily conducted, sold, or offered elsewhere than upon the lot on which the sign is located.

**Sign Business.** An accessory sign which directs attention to a profession, business, commodity or service conducted, sold, or offered on the lot on which the sign is located.

**Sign Identification.** An accessory sign whose content is limited to the name and/or occupation of the occupant or for announcement purposes, such as is utilized by churches and other public and quasi-public agencies.



- 6. Rear yard: minimum of 25 feet from rear property line of center of alley if one exists.
- 7. Accessory buildings, temporary or permanent: minimum of 10 feet from the rear and side yard except street; 25 feet from all side street property lines. *No structures of any kind will be allowed on easements.*

**C. Coverage**

- 1. Structures containing non-residential uses shall not cover more than 15 per cent of the lot area.
- 2. Height
  - A. Maximum height: 3 stories and not to exceed 50 feet.
- 3. Off-street parking.
  - A. Single-family parking spaces shall be provided on the lot to accommodate two motor vehicles for each family unit.

**Art 3-1-1 Residential (R-1A)**

This area is intended for two-family dwellings with a suitable lot area.

**A. Permitted Uses**

- 1. Two-family dwellings.
- 2. All Permitted uses in R-1 allowed.

**B. Area Requirements**

- 1. Minimum lot area:
  - A. Two family 10,000 sq. ft.
- 2. Minimum lot with:
  - A. Two family 75 feet

3. Front yard: Minimum of 30 feet from the property line.
4. Side yard (each): Minimum of 10 feet from each property line.
5. Side yard street: Minimum of 25 feet from property line.
6. Rear yard: Minimum of 25 feet from rear property line or center of alley if one exists.
7. Accessory buildings: Minimum of 10 feet from the rear and side yard except street; then 25 feet from all street property lines. *No structures of any kind will be allowed on easements.*

*Note: Townhouses that conform to Building Codes adopted by the City will be permitted zero lot line.*

#### **C. Height**

1. Maximum Height: 3 stories not to exceed 50 feet.

#### **D. Off-street parking**

Parking spaces shall be provided on lot to accommodate two motor vehicles for each family unit.

#### **Art 3-1-2 Residential (R-2)**

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

#### **Permitted Uses**

1. One-family and Two-family dwellings.
2. Multi-family dwellings not to exceed four units per each detached structure.
3. All permitted uses in R-1 allowed.
4. Churches and Sunday School Buildings.

5. Parks, playgrounds, and community centers owned and operated by a government agency.
6. Schools offering a general education course.
7. Libraries.
8. Farming, truck gardening, provided that no sales office is maintained on the premises.
9. Accessory buildings: Minimum of 10 feet from the rear and side yard except street, then 25 feet from all street property lines. Non-residential structures must meet building code requirements. *No structures of any kind will be allowed on easements.*

**B. Area Requirements**

1. Minimum lot area:

A. Single family	7,500 sq. ft.
B. Two-family	10,000 sq. ft.
C. Multi-family	10,000 sq. ft.
For the first two-family unit plus for each additional family unit 2,000 sq. ft.	

2. Minimum lot width: (at front yard building line)

A. Single family	75 feet
B. Two family	75 feet
C. Multi-family	100 feet

3. Front yard: minimum of 30 feet from each property line.
4. Side yard: (each): minimum of 10 feet from each property line.

5. Side yard street: minimum of 25 feet from property line.
6. Rear yard: minimum of 25 feet from rear property line or center line of alley if one exists.
7. Places of Public Assembly: minimum of 30 feet from all property lines. On property abutting a street, 30 feet from property line.

### **Coverage**

1. Accessory structures shall not cover more than 15 per cent of the lot area.

### **Height**

1. Maximum Height: 3 stories and not to exceed 50 feet.

### **Off-street Parking**

1. Single-family and two-family dwellings: parking space shall be provided on the lot to accommodate two motor vehicles for each family unit.
2. Multi-family dwelling: four on-lot parking spaces shall be provided for the first two families, plus one on-lot parking space for each additional family unit.
3. Places of public assembly shall provide on-lot parking to accommodate one motor vehicle for each six persons based on designated capacity of the structure.

### **Art 3-1-3 Residential (R-3)**

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

### **Permitted Uses.**

1. One-family dwellings.
2. Two-family dwellings.

3. Multi-family dwellings not to exceed eight units per each detached structure.
4. Churches and Sunday School Buildings.
5. Parks, playgrounds, and community centers owned and operated by a government agency.
6. Schools offering a general education course.
7. Libraries
8. Public Utilities-such as water storage, power substations, fire stations, sewer lift stations, etc.
9. Accessory buildings: Minimum of 10 feet form rear and side yard except street; then 25 feet form all street property lines, Non-residential structures must meet Building Code requirements. *No structures will be allowed on easements.*

### **Area Requirements**

1. Minimum lot area;
 

A. Single family	7,500 sq. ft.
B. Two-family	10,000 sq. ft.
C. Multi-family	10,000 sq. ft.
For the first two-family unit plus for each additional family unit 2,000 sq. ft.	
2. Minimum lot width: (at front yard building line)
 

A. Single-family	75 feet
B. Two-family	75 feet
C. Multi-family	100 feet
3. Front yard: minimum or 30 feet from the property line.

4. Side yard (each): minimum of 10 feet from each property line.
5. Side yard street: minimum of 25 feet from the property line.
6. Rear yard minimum of 25 feet from rear property line or center of alley if one exists.

### **Coverage**

1. Accessory structures shall not cover more than 15% of the lot area.

### **Height**

1. Maximum Height: 3 stories and not to exceed 50 feet.

### **Off-street parking**

1. Single-family and two-family dwellings: parking space shall be provided on the lot to accommodate two motor vehicles for each family unit.
2. Multi-family dwellings: two (2) on-lot parking spaces shall be provided for each family dwelling unit.
3. Places of public assembly shall provide on-lot parking to accommodate one motor vehicle for each six persons based on designated capacity of the structure.

### **Art 3-1-4 Residential (R-4)**

All other multi-family units and condominiums designed for residential use. Plans for the development must be submitted and approved upon request for the R-4 zoning. Setbacks, area requirements, height, and parking to be approved by the Planning Commission with final plat going to City Council for approval.

### **Art 3-1-5 Residential (R-5)**

This area is intended for single-family dwellings with suitable lot area. No R-5 zoning will be granted on any track of property less than (5) acres in size.

### **Permitted Uses**

1. One-family dwellings.

### **Area Requirements**

1. Minimum lot area

A. Minimum 5,000 sq. ft.

B. Minimum 6,500 sq ft

2. Minimum lot width.

A. Minimum 50 ft.

B. Minimum 75 ft

3. Front yard: minimum of 25 feet form property line.
4. Side yard: zero lot line with 20 feet between all above ground residential structural improvements.
5. Side yard street: minimum of 25 feet for property line.
6. Rear yard: minimum of 20 feet form rear property line or center of alley if one exists.
7. Accessory buildings, temporary or permanent: minimum or 10 feet from the rear and side yard except street; than 25 feet form all street property lines.

### **Coverage**

1. Structures containing non-residential uses shall not cover more than 15% of the lot.

### **Height**

1. Maximum height: 2 story not to exceed 50 feet.

### **Off-street Parking**

1. Single-family parking spaces shall be provided on the lot to accommodate two motor vehicles for each family unit.

### **Art 3-2 Commercial (C-1)**

The Central Business District represents the area of intensive commercial uses, including retail stores, banks, offices and the like. It is the retail core of the City.

#### **Permitted Uses**

1. Any retail or professional service business, restaurants, motor vehicle service station, garages, used car lots, hotels, banks, office buildings and motion picture theaters and places of amusement unless otherwise prohibited.
2. Public buildings and uses.
3. Custom works which make articles for retail sale on the premises and do not employ more than eight persons.

#### **Façade Requirements**

All commercially zoned buildings must maintain a façade covering 100% of the entryway side (front-side) of the building. Those sides not considered an “entryway” side, but are street-side, must maintain a façade matching that of the front-side façade extending a minimum of three (3) feet above first floor level. Any metal façade cannot extend lower than three (3) feet above the first floor level on street-side walls.

#### **Types of façade**

Exterior façade material can include stone, brick, brick veneer, glass, cultured stone, architectural precast (panels or detailing), stucco, wood, dryvit, concrete siding or decorative concrete block. Vinyl siding and standard concrete blocks (painted or natural) are not to be considered façade materials.

#### **Retrofitting or Remodeling Projects**

Any remodeling of a commercial building that requires a building permit would require compliance with the current façade ordinance.

## **Occupancy Permits**

Occupancy permits, including temporary permits, would not be issued without completion of façade requirements.

## **Building Maintenance**

No observable paint peel, material deterioration, mold, or rusted metal should be allowed.

## **Trash Receptacles & Enclosures**

Any areas where trash or recyclables are stored outside a building must be screened; construction shall be out of one of the materials listed above under “Types of Façade”. All lift dumpsters shall be required to have a trash enclosure built to eliminate receptacle visibility from a public street.

## **Architectural Review Committee**

The Architectural Review committee shall be required to approve any commercial building permit issued under the provisions of this ordinance. The Mountain Home Planning Commission shall be designated as the Architectural Review Committee for the purpose of insuring compliance with this ordinance. The Architectural Review Committee shall review colored rendered drawings, provided by the owner or builder, of all exterior faces of the building for approval.

## **Triggering Façade Requirements**

A “Building Permit” for the purpose of triggering this the “Façade” ordinance shall be required when:

1. The roof line is to be changed;
2. The square footage of the enclosed portion of the improvement is to be increased or decreased.
3. Making a new entrance or moving an existing entrance.

4. Making interior alterations, when the reasonable value of such alterations is estimated by the Building Inspector to exceed 25% of the existing County appraised value of the altered structure.

The Building Inspector may at his/her discretion refer this question to the Architectural Review Committee for a decision or, if the owner is unhappy with the Building Inspector's decision, then the owner may appeal the Building Inspector's decision to the Architectural Review Committee.

### **Area Requirements**

1. Rear yard: minimum of 15 feet from property line or center of alley where one exists.
2. Side yard: Where two commercial use properties join each other, zero side yard setback may be used when conforming with the building code adopted by the City.
3. A minimum setback of 15 feet for sidewalks from curb line along any street frontage.
4. Canopies, awnings, etc., must be a minimum of 8 feet above sidewalk or ground with a minimum setback of 8 feet from curb line.
5. Buildings extending over sidewalks must have a 10-foot minimum clearance above walkways with a 8 foot setback from curb line.
6. Pedestrian tunnels over public thoroughfares to be engineered by Registered Engineers and have a 200 lb. Live load as minimum standards. All tunnels to be completely enclosed with structural supports to be 18 feet above street levels. Entrances and Exits cannot obstruct sidewalk area.

### **Height**

1. Maximum height of a structure shall be eight stories and not to exceed ninety-six (96) feet. *Buildings over 40 feet must meet building code requirements for type of construction.*
2. The Central Business District of the City is hereby defined as that area West of College Street, East of Hickory Street, South of First Street, and North of Tenth Street.

## **Loading and Unloading**

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

## **Art 3-3 Retail Service (C-2)**

The retail service district is intended for those businesses, which cater to the highway traffic and can be open 24 hours such as service stations, drive-in restaurants, motels, supermarkets and similar businesses, as well as the manufacture and storage of such products as will not be detrimental to the health, safety and general welfare of the public.

## **Permitted Uses**

1. Any retail or personal service business, motel, service stations, restaurants, office buildings, gift shops, car washes and sporting goods shops.
2. Storage or bulk materials which are not hazardous because of danger of fire or explosion,
3. Residential structures. Permitted in the Residential District.

## **Façade Requirements**

All commercially zoned buildings must maintain a façade covering 100% of the entryway side (front-side) of the building. Those sides not considered an “entryway” side, but are street-side, must maintain a façade matching that of the front-side façade extending a minimum height of three (3) feet above first floor level. Any metal façade cannot extend lower than three (3) feet above the first floor level on street-side walls.

## **Types of Façade**

Exterior façade material can include stone, brick, brick veneer, glass, cultured stone, architectural precast (panels or detailing), stucco, wood, Dryvit, concrete siding or decorative concrete block, Vinyl siding and standard concrete blocks (painted or natural) are not to be considered façade materials.

### **Retrofitting or Remodeling Projects**

Any remodeling of a commercial building that requires a building permit would require compliance with the current façade ordinance.

### **Occupancy permits**

Occupancy permits, including temporary permits, would not be issued without completion of façade requirements.

### **Building Maintenance**

No observable paint peel, material deterioration, mold, or rusted metal should be allowed. All visible sides of a commercial building should remain free of weeds and vines at all times.

### **Trash Receptacles & Enclosures**

Any areas where trash or recyclables are stored outside a building must be screened; construction shall be out of one of the materials listed above under “Types of Façade”. All lift dumpsters shall be required to have a trash enclosure built to eliminate receptacle visibility from a public street.

### **Architectural Review Committee**

The Architectural Review committee shall be required to approve any commercial building permit under the provisions of this ordinance. The Mountain Home Planning Commission shall be designated as the Architectural Review Committee for the purpose of insuring compliance with this ordinance. The Architectural Review Committee shall review colored rendered drawings, provided by the owner or builder, of all exterior faces of the building for approval.

## **Triggering Façade Requirements**

A “Building Permit” for the purpose of triggering this the “Façade” ordinance shall be required when:

1. The roof line is to be changed.
2. The square footage of the enclosed portion of the improvement is to be increased or decreased.
3. Making a new entrance or moving an existing entrance.
4. Making interior alterations, when the reasonable value of such alterations is estimated by the Building Inspector to exceed 25% of the existing County appraised value of the altered structure.

The Building Inspector may at his/her discretion refer this question to the Architectural Review Committee for a decision or, if the owner is unhappy with the Building Inspector’s decision, then the owner may appeal the Building Inspector’s decision to the Architectural Review Committee.

## **Area Requirements**

1. Front yard: minimum of 30 feet form street property lines.
2. Side yard: When the commercial use district abuts a residential use district, a 10-foot side yard shall be required. When two commercial use properties join each other, zero side yard setback may be used when conforming with the building code adopted by the City.
3. Rear yard: minimum of 20 feet form property line or center of alley where one exists.
4. Lot coverage: no structure shall cover more than one-half of the lot area.
5. Side yard Street: minimum of 25 feet form property line.

## **Height**

1. Maximum height 8 stories and not to exceed 96 feet. *Buildings over 40 feet must meet building code requirements for type of construction.*

## **Off-street Loading and Unloading**

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

## **Off-street Parking**

1. Parking facilities shall be provided for employees.
2. Provisions shall be for one parking space for each 300 square feet of retail or waiting room floor area.
3. Motels, tourist courts shall provide one on lot parking space for each sleeping unit.

## **Residential Structures**

1. Residential structures shall meet the requirements of the Residential zone, except the front yard requirement which shall conform to the C-2 Retail Service District.

## **Art 3-4 Commercial Neighborhood District (C-2A)**

The retail service use in his district shall not be open for service beyond 10:00 P.M. nor before 6:00 A.M. such as funeral homes, some restaurants, and retail sales.

## **Permitted Uses**

1. Retail or personal service business.
2. Funeral homes.
3. Restaurant, cafes

4. Nurseries/greenhouses.
5. Retail sales
6. Residential structures, Permitted in Residential District. Multi-family dwellings.

### **Façade Requirements**

All commercially zoned buildings must maintain a façade covering 100% of the entryway side (front-side) of the building. Those sides not considered an “entryway” side, but are street-side, must maintain a façade matching that of the front-side façade extending a minimum height of three (3) feet above first floor level. Any metal façade cannot extend lower than (3) feet above the first floor level on street-side walls.

### **Types of Façade**

Exterior façade material can include stone, brick, brick veneer, glass, cultured stone, architectural precast (panels or detailing), stucco, wood, Dryvit, concrete siding or decorative concrete block. Vinyl siding and standard concrete blocks (painted or natural) are not to be considered façade materials.

### **Retrofitting or Remodeling Projects**

Any remodeling of a commercial building that requires a building permit would require compliance with the current façade ordinance.

### **Occupancy permits**

Occupancy permits, including temporary permits, would not be issued without completion of façade requirements.

### **Building Maintenance**

No observable paint peel, material deterioration, mold, or rusted metal should be allowed. All visible sides of a commercial building should remain free of weeds and vines at all times.

### **Trash Receptacles & Enclosures**

Any areas where trash or recyclables are stored outside a building must be screened; construction shall be out of one of the materials listed above under “Types of Façade” All lift dumpsters shall be required to have a trash enclosure built to eliminate receptacle visibility from a public street.

### **Architectural Review Committee**

The Architectural Review committee shall be required to approve any commercial building permit under the provisions of this ordinance. The Mountain Home Planning Commission shall be designated as the Architectural Review Committee for the purpose of insuring compliance with this ordinance. The Architectural Review committee shall review colored rendered drawings, provided by the owner or builder of all exterior faces of the building for approval.

### **Triggering Façade Requirements**

A “Building Permit” for the purpose of triggering this the “Façade” Ordinance shall be required when:

1. The roof line is to be changed
2. The square footage of the enclosed portion of the improvement is to be increased or decreased.
3. Making a new entrance or moving an existing entrance.
4. Making interior alterations, when the reasonable value of such alterations is estimated by the Building Inspector to exceed 25% of the existing County appraised value of the altered structure.

The Building Inspector may at his/her discretion refer this question to the Architectural Review Committee for a decision or, if the owner is unhappy with the Building Inspector’s decision, then the owner may appeal the Building Inspector’s decision to the Architectural Review Committee.

### **Prohibited Uses**

1. Liquor stores, service stations, convenience stores, car lots, mini storages, motels or hotels.

### **Area Requirements**

1. Front yard: minimum of 30 feet from street property line.
2. Side yard: When the commercial use district abuts a residential use district, a 10-foot side yard shall be required. When two commercial use properties join each other, zero side yard setback may be used, when conforming with the building code adopted by the City.
3. Rear yard: minimum of 20 feet from property line or center of alley where one exists.
4. Lot coverage: no structure shall cover more than one-half of the lot area.
5. Side yard: minimum of 25 feet from property line.

### **Height**

1. Maximum height 4 stories and not to exceed 60 feet. *Buildings over 40 feet must meet building code requirements for type of construction.*

### **Off-street Loading and Unloading**

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

### **Off-street Parking**

1. Parking facilities shall be provided for employees.
2. Provisions shall be for one parking space for each 300 square feet of retail or waiting room floor area.

## **Residential Structures**

1. Residential structures shall meet the requirements of the Residential zone, except the front yard requirements which shall conform to the C-2 retail services district.

## **Art 3-5 Quite Retail Service (C-3)**

The quiet service use in this district shall not be open for service beyond 6:00 P.M. not before 6:00 A.M. such as retail or personal service business, professional business, office buildings, gift shops, and sporting goods shops.

## **Permitted Uses**

1. Retail, personal service business, professional business, office buildings, gift shops, and sporting goods.
2. Hospitals, nursing homes, assisted living, doctor and dental clinics.
3. Residential structures, permitted in Residential District. Multi-family dwellings.

## **Façade Requirements**

All commercially zoned buildings must maintain a façade covering 100% of the entryway side (front-side) of the building. Those sides not considered an “entryway” side, but are street-side, must maintain a façade matching that of the front-side façade extending a minimum height of three (3) feet above first floor level. Any metal façade cannot extend lower than (3) feet above the first floor level on street-side walls.

## **Types of Façade**

Exterior façade material can include stone, brick, brick veneer, glass, cultured stone, architectural precast (panels or detailing), stucco, wood, Dryvit, concrete siding or decorative concrete block. Vinyl siding and standard concrete blocks (painted or natural) are not to be considered façade materials.

## **Retrofitting or Remodeling Projects**

Any remodeling of a commercial building that requires a building permit would require compliance with the current façade ordinance.

### **Occupancy permits**

Occupancy permits, including temporary permits, would not be issued without completion of façade requirements.

### **Building Maintenance**

No observable paint peel, material deterioration, mold, or rusted metal should be allowed. All visible sides of a commercial building should remain free of weeds and vines at all times.

### **Trash Receptacles & Enclosures**

Any areas where trash or recyclables are stored outside a building must be screened; construction shall be out of one of the materials listed above under “Types of Façade” All lift dumpsters shall be required to have a trash enclosure built to eliminate receptacle visibility from a public street.

### **Architectural Review Committee**

The Architectural Review committee shall be required to approve any commercial building permit under the provisions of this ordinance. The Mountain Home Planning Commission shall be designated as the Architectural Review Committee for the purpose of insuring compliance with this ordinance. The Architectural Review committee shall review colored rendered drawings, provided by the owner or builder of all exterior faces of the building for approval.

### **Triggering Façade Requirements**

A “Building Permit” for the purpose of triggering this the “Façade” Ordinance shall be required when:

1. The roof line is to be changed
2. The square footage of the enclosed portion of the improvement is to be increased or decreased.
3. Making a new entrance or moving an existing entrance.

4. Making interior alterations, when the reasonable value of such alterations is estimated by the Building Inspector to exceed 25% of the existing County appraised value of the altered structure.

The Building Inspector may at his/her discretion refer this question to the Architectural Review Committee for a decision or, if the owner is unhappy with the Building Inspector's decision, then the owner may appeal the Building Inspector's decision to the Architectural Review Committee.

### **Prohibited Uses**

1. No motels or hotels, service stations, restaurant, liquor stores or car washes.

### **Area Requirements**

1. Front yard: minimum of 30 feet from street property lines.
2. Side yard: When the commercial use district abuts a residential use area, a 10-foot side yard shall be required. When two commercial use properties join each other, zero side yard setback may be used when conforming with the building code adopted by the City.
3. Rear yard: 15 feet measured from rear property line, or center of alley if one exists.
4. Lot coverage: no structure shall cover more than two-thirds of the lot area.
5. Side yard street: minimum of 25 feet from property line.

### **Height**

1. Maximum height 4 stories and not to exceed 60 feet. *Buildings over 40 feet must meet building code requirements for type of construction.*

### **Off-Street Loading and Unloading**

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

2. Provisions shall be made for employees, and one parking space for customers for each 300 sq. ft. of retail showroom or waiting room area.

### **Residential Structures**

1. Residential structures shall meet the requirements of the Residential zone.

### **Art 3-6 Quite 24 Hour Service (C-4)**

A quite retail or quite personal service business, professional business which may be open on a 24 hour basis.

### **Permitted Uses**

1. Mini storage.
2. Hospitals, nursing homes, assisted living, and post offices.
3. Police, fire stations.
4. Laundries (self-service)
5. Residential structures. Permitted in Residential District. Multi-family dwellings.

### **Façade Requirements**

All commercially zoned buildings must maintain a façade covering 100% of the entryway side (front-side) of the building. Those sides not considered an “entryway” side, but are street-side, must maintain a façade matching that of the front-side façade extending a minimum height of three (3) feet above first floor level. Any metal façade cannot extend lower than (3) feet above the first floor level on street-side walls.

### **Types of Façade**

Exterior façade material can include stone, brick, brick veneer, glass, cultured stone, architectural precast (panels or detailing), stucco, wood, Dryvit, concrete siding or decorative concrete block. Vinyl siding and standard concrete blocks (painted or natural) are not to be considered façade materials.

### **Retrofitting or Remodeling Projects**

Any remodeling of a commercial building that requires a building permit would require compliance with the current façade ordinance.

### **Occupancy permits**

Occupancy permits, including temporary permits, would not be issued without completion of façade requirements.

### **Building Maintenance**

No observable paint peel, material deterioration, mold, or rusted metal should be allowed. All visible sides of a commercial building should remain free of weeds and vines at all times.

### **Trash Receptacles & Enclosures**

Any areas where trash or recyclables are stored outside a building must be screened; construction shall be out of one of the materials listed above under “Types of Façade” All lift dumpsters shall be required to have a trash enclosure built to eliminate receptacle visibility from a public street.

### **Architectural Review Committee**

The Architectural Review committee shall be required to approve any commercial building permit under the provisions of this ordinance. The Mountain Home Planning Commission shall be designated as the Architectural Review Committee for the purpose of insuring compliance with this ordinance. The Architectural Review committee shall review colored rendered drawings, provided by the owner or builder of all exterior faces of the building for approval.

### **Triggering Façade Requirements**

A “Building Permit” for the purpose of triggering this the “Façade” Ordinance shall be required when:

1. The roof line is to be changed

2. The square footage of the enclosed portion of the improvement is to be increased or decreased.
3. Making a new entrance or moving an existing entrance.
4. Making interior alterations, when the reasonable value of such alterations is estimated by the Building Inspector to exceed 25% of the existing County appraised value of the altered structure.

The Building Inspector may at his/her discretion refer this question to the Architectural Review Committee for a decision or, if the owner is unhappy with the Building Inspector's decision, then the owner may appeal the Building Inspector's decision to the Architectural Review Committee.

#### **Prohibited Uses**

1. Car washes, service stations, liquor stores, motels, hotels, or any other business, which cater to highway traffic.

#### **Area Requirements**

1. Front yard: Minimum of 30 feet from street property line.
2. Side yard: When the commercial use district abuts a residential use area, a 10 foot side yard shall be required. When two commercial use properties join each other, zero side yard setback may be used when conforming with the building code adopted by the City.
3. Rear yard: minimum of 20 feet from property line or center of alley where one exists.
4. Lot coverage: no structure shall cover more than one-half of the lot area.
5. Side yard street: minimum of 25 feet from property line.

## **Height**

1. Maximum height of 4 stories and not to exceed 60 feet. *Buildings over 40 feet must meet building code requirements for type of construction.*

## **Off-street Loading and Unloading**

1. Loading and unloading shall be provided so as not to block any public right-of-way .
2. Provisions shall be made for employees, and one parking space for customers for each 300 sq. ft. of retail showroom or waiting room area.

## **Residential Structures**

1. Residential structures shall meet the requirements of the Residential zone.

## **Art 3-7 Industrial (I-1)**

### **Permitted Uses**

This district is intended to provide space for manufacturing activities wholesaling, warehousing, packaging and similar uses. It is an area where general manufacturing activities can take place.

1. All uses permitted in Retail Service (C-2) except residential.
2. The manufacturing, compounding, processing, packaging or assembling of such products will be handled in such a manner so as the appropriate safeguards taken will so reduce the noise, dust, odor, or vibration as not to be detrimental to the health, safety, or general welfare of the people.
3. Storage of bulk materials will be handled in such a manner so as the appropriate safeguards taken will so reduce the danger of fire or explosion as not to be dangerous to the health, safety, or general welfare of the people.

### **Prohibited Uses**

1. No structures shall be constructed or altered for residential use.

### **Area Requirements**

1. All structures shall be built at least 30 feet from all property lines.

### **Height**

1. Maximum height of a structure shall be 3 stories and not to exceed 50 feet.
2. The Board of Zoning and Adjustment may waive the height requirements when it is demonstrated that the equipment and structure to house the operation requires greater height.

### **Off-Street Parking**

1. One on-lot parking space shall be provided for every two (2) employees.

### **Off-Street Loading and Unloading Facilities**

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

## **Art 3-8 Mobile Home Parks (M-1)**

### **Section 1. Definition Mobile Homes**

1. Dependent mobile home. A mobile home, which does not have a flush toilet and a bath or shower.
2. Independent mobile home. A mobile home, which has a flush toilet and a bath or shower.
3. Mobile home park. Any plot of ground on which four or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations.
4. Mobile home space. A plot of ground within a mobile home park designated for the accommodation of one mobile home.

## Section 2 Location

1. Mobile home parks may only be located in the (M-1) district and shall conform to the requirements of this district.

## Section 3 Mobile Home Park Plan

The mobile home park plan shall conform to the following requirements:

1. The park shall be located on a well-drained site, property graded to insure rapid drainage and freedom from stagnant pools of water.
2. Mobile home spaces shall be provided consisting of a minimum of 2,400 square feet for each space, which shall be at least 40 feet wide and clearly defined. However, mobile home parks in existence on the effective date of this ordinance which provide mobile home spaces having a width or area less than hereinabove prescribed may continue to operate with there existing spaces, but in no event shall any mobile home space be less than 30 feet wide and have a area of less than 1,500 square feet.
3. Mobile homes shall be so harbored on each space that there shall be at least a 30 foot clearance between mobile homes, provided, however, that with respect to mobile homes parked end-to-end, the end-to-end clearance may be less than 30 feet but shall not be less than 20 feet. No mobile home shall be located closer than 20 feet to any building within the park and 25 feet to any property line bounding the park.
4. All mobile home spaces shall abut upon a driveway of not less than 20 feet in with, which shall have unobstructed access to a public street or highway.
5. All driveways and walkways within the park shall be hard surface and lighted at night.
6. Each park shall provide service buildings to homes such as toilet, bath, and other sanitation facilities and such laundry facilities as the City may specify.
7. An electrical outlet supplying at least 110 volts shall be provided for each mobile home space.

8. All streets within the park must meet the width and turn around requirements as stated in the subdivision regulations. All streets must accommodate emergency vehicles.

#### Section 4 Water Supply

An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and mobile home spaces within the park to meet the requirements of the City. Each mobile home space shall be provided with a cold-water tap at least four inches above the ground. An adequate supply of hot water shall be provided at all times in the service building for all bathing, washing, cleansing, and laundry facilities.

#### Section 5 Sanitation Facilities

Each park accommodation dependent mobile homes shall be provided with toilets baths or showers, slop sinks and other sanitation facilities, which shall conform to the following minimum requirements.

1. Toilet facilities for women shall consist of not less than one (1) flush toilet for every ten (10) mobile home spaces, one (1) shower or bath tub for every ten (10) home spaces, and one (1) lavatory for every ten (10) mobile home spaces. Each toilet and lavatory, and each shower and/or bathtub, shall be in private compartments.
2. Toilet facilities for men shall consist of not less than one (1) flush toilet for every fifteen (15) mobile home spaces, one (1) shower and/or bath tub for every ten (10) mobile home spaces one (1) urinal for every fifteen (15) mobile home spaces, and one (1) lavatory for every ten (10) mobile home spaces.
3. Service buildings housing the toilet facilities shall be permanent structures and shall be located no closer than twenty (20) feet from any trailer space.
4. Each service building shall contain at least one (1) slop sink for men and one (1) slop sink for women, each located in a separate compartment.

#### Section 6 Sewage and Refuse Disposal

1. Waste from showers, bath tubs, flush toilets, urinals, lavatories, slop sinks and laundries, in service and other buildings within the park shall be discharged into a

public sewer system in compliance with applicable codes and ordinances or into a private sewer and disposal plant of such construction and in such manner as approved by the State Board of Health.

2. The sewer in each mobile home space shall be connected to discharge the mobile home waste into a public sewer system in compliance with codes and ordinances or into a private sewer and disposal plant of such construction and in such manner as approved by the State Board of Health.

### Section 7 Garbage Receptacles

Garbage cans with tight-fitting covers shall be provided in quantities adequate to permit disposal of all garbage and rubbish, garbage cans shall be located not farther than 200 feet from any mobile home space. The cans shall be kept in sanitary condition at all times. Garbage and rubbish shall be collected and disposed of frequently as may be necessary to insure that the garbage cans shall not overflow.

### Section 8 Fire Protection

Each park shall be equipped at all times with fire extinguishing equipment in good working order, of such type, size, and number and so located within the park as to satisfy applicable, reasonable regulations of the Fire Department. No open fires shall be permitted at anyplace which may endanger life or property. No fires shall be left unattended at any time.

### Section 9 Register of Occupants

It shall be the duty of each mobile home park owner or operator to keep a register containing a record of all mobile home owners and occupants located within the park. The register shall contain the following information:

1. The name and address of each mobile home occupant.
2. The make, model, year and license number of each mobile home and motor vehicle; and over-all size of the mobile home.
3. The state, territory, or country issuing such licenses.
4. The date of arrival and for departure of each mobile home.

5. Whether or not each mobile home is a dependent or independent mobile home.
6. Each lot shall be numbered in accordance with the E911 addressing system.

The park shall keep the register available for inspection at all times by law enforcement officers, public health officials, building inspector and other officials whose duties necessitate acquisition of the information contained in the register. The register record for each occupant registered shall not be destroyed for a period of three years following the date of departure of the registrant from the park.

#### Section 10 Supervision

The owner or operator, or a duly authorized attendant or caretaker, shall be in charge at all times to keep the mobile home park, its facilities and equipment in a clean, orderly and sanitary condition.

#### Art 3-9 **Restrictions**

1. Single mobile homes are not permitted within the city limits of Mountain Home.

#### Art 3-10 **Agricultural (A-1)**

The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished. This zone will encourage single-family residential usage on large tracts. In addition, due to the low density of development, agricultural uses such as crop and livestock production are allowed.

#### **Permitted Uses**

1. Single-family dwellings.
2. Animal husbandry, riding stables, dog kennels.
3. Agriculture, crops, landscape, horticulture and plant nurseries.
4. Public utilities such as water storage, power substations, fire stations, and sewer lift stations, etc.

### **Prohibited Uses**

1. Commercial food lots, swine farms, egg production facilities, commercial hatcheries and poultry houses.

### **Area Requirements**

1. Minimum lot area: 5 acres
2. Front yard: minimum of 30 feet from property line.
3. Side yard street: minimum of 25 feet from property line.
4. Side yard (each): minimum of 10 feet from each property line.
5. Rear yard: minimum of 25 feet from rear property line.
6. Accessory buildings, temporary or permanent: minimum of 10 feet from the rear and side yard, except street; then 25 feet from all side property lines. *No structures of any kind will be allowed on easements.*

### **Height**

1. Maximum height: 3 stories not to exceed 50 feet.

### **Art 3-11 Commercial Communication Towers**

**Purpose:** The propose of these regulations is described as follows:

1. Minimize the adverse effects and impact of towers through careful design, siting and screening.
2. Conserve the value of adjacent land and buildings;
3. Avoid potential damage to adjacent properties through engineering and careful siting of tower structures.
4. Maximize use of existing towers in order to reduce and minimize the number of towers needed.

**Approved tower locations (zoning districts)** As defined herein, Commercial Communication towers are prohibited within any public right-of-way, utility easement or residential and transitional zoning district unless granted by Special Use Variance. Such uses are allowed by right within C-1, C-2, C-2A, C-4, I-1 and A-1 zoning districts subject to applicable zoning restrictions as well as the following restrictions set forth herein.

**Ownership:** The proposed location for the tower must be large enough to accommodate the communications tower and support facilities, and must include access to a public right-of-way or accessible parking area. Purchase of ownership of a separate parcel may require platting and improvements before construction permits can be issued.

**Construction:** In order to minimize visual impacts and possible damage that can result from the presence of such facilities, towers (including attached antennae) are limited to monopole construction and shall not exceed two-hundred (200) feet in height. Compliance will all requirements of the Mountain Home Building Code, including a licensed engineer's certification of the tower structure and foundation, must be demonstrated before a building permit will be issued.

**Setback:** All commercial towers must meet the minimum setback for the zoning districts in which they are located. Additionally, commercial towers must be set back from any structure a number of feet equal to that distance stated by the tower manufacture's registered structural engineer's determination of the maximum possible fall zone for the tower. The structural engineer shall be licensed in the State of Arkansas.

**Appearance:** No lights, signals or illumination shall be permitted on any tower unless required by the Federal Communication Commission (FCC), Federal Aviation Administration (FAA), or other Federal, State, or City agency. No commercial advertising, signage or flags shall be allowed on any tower. This shall not prevent the joint use of legal existing sign structures as a support mechanism for antennae or microwave dishes, Towers and accessory facilities must be colored or painted in muted tones that minimize their visibility, unless otherwise required by the FCC, FAA, or other Federal, State, or City agency.

**Site Design:** The area containing the monopole, accessory and support structures, and the immediate surrounding area utilized for servicing of the communication tower shall be secured by a minimum eight (8) foot chain-link fence. The area within the fence must be either paved or graveled and kept weed-free. Other than the street side of the site, any side that faces any residential use shall include opaque fencing or sufficient shrubs to screen the site. Any shrubbery provided will be planted and maintained within the next appropriate growing season. If security lighting is installed, such light should be directed into the site and only triggered by motion detectors.

**Co-Location:** To minimize tower proliferation, all reasonable efforts should be made to co-locate facilities on existing or new towers. Antennae may be placed wholly within or upon a building located within the commercial or industrial zoning district, or any publicly owned building, provided any supporting equipment is screened from nearby residential districts. A commercial antennae may be mounted to the exterior or such buildings in integrated into the overall architectural design of the building. Roof mounted antennae may not extent more than twenty (20) feet above the highest point of the roof structure, provided any supporting equipment is screened from nearby residential districts. A commercial antennae may be attached to any utility structure (such as a water tower or electrical transmission tower) or to a public building owned by a government or public agency, provided that the antennae dose not extend more than twenty (20) feet above the height of the structure, provided any supporting equipment is screened form nearby residential districts. At the time a building permit is issued, the Planning Commission or designated representative may notify all existing telecommunication providers of the opportunity for co-location. Notice of a desire to co-locate shall be given within sixty (60) days of the receipt of said notice.

**Traffic and Parking:** Vehicular access to the tower site shall be limited to a major street if the site adjoins both a major street and a local street. If the tower site contains on-site personnel, at least one space shall be provided for each two (2) on-site personnel plus one additional space.

**Application (Submittal) Requirements:** Prior to commencing development of the tower site, construction plans shall be submitted to the City's Building Department in accordance with the City's building permit review procedures.

**Exemption:** An antenna and tower for the following uses are exempt from these requirements and are permitted uses in any district if accessory to a permitted use and they comply with the applicable regulations of the district in which they are situated:

1. Ham radios, Citizen band radios, Radio, Television Receiving and Broadcasting.

**Conflict with FCC or FAA Regulations:** In the event there is a direct conflict between these regulations and Federal Communication Commission (FCC) regulations or Federal Aviation Administration (FAA) regulations, or any other Federal or State regulations, said regulations shall govern.

**Abandoned Facilities:** At such time that the tower ceases to be used for communication purposes for a period exceeding twelve (12) consecutive months, the owner shall dismantle and completely remove the tower and all associated equipment from the property and make all reasonable efforts to return the property to its prior condition.

**Variances:** The Planning Commission shall hear requests for variances.

**Permit Construction Time Line:** Upon approval for a building permit or Special Use Variance, construction must begin within one (1) year of the permit or said permit shall be null and void. An applicant requesting an extension of their permit may submit a revised construction schedule to the City of Mountain Home Planning Commission or designated representative within the one (1) year period, with said extension not to be unreasonably withheld.

**Severability:** In the event any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without invalid provision or application, and to this end, the provisions of this ordinance are declared to be severable.

## **Art 3-12 Manufactured Home Residential (M-1R)**

The M-1R zoning is established to permit and encourage the development of single-family manufactured home subdivisions, or the placement of manufactured homes on individual lots in a suitable environment.

### **Area Requirements**

1. Minimum lot area: 7.500 sq. ft.
2. Minimum lot width at front yard building line 75 feet.
3. Front yard minimum of 30 feet from property line.
4. Side yard (each) minimum of 10 feet from each property line.
5. Side yard street minimum of 25 feet from property line.
6. Rear yard minimum of 25 feet from rear property line or center of alley if one exists.

**All Manufactured Homes shall have the tongue removed.**

### **Additional Requirements for all Residential Zonings**

1. All units shall have a minimum dimension on all sides of 20 feet.
2. All units shall be constructed on a slab or have continuous masonry underpinning.
3. New units constructed shall have siding materials compatible with other units within 200 feet. Unless specifically approved by the Planning Commission.
4. All units shall have the front door oriented toward the front yard.
5. All units shall have a covered front landing of at least six feet by six feet and oriented to the front yard.
6. All units shall have single roofs, unless specifically approved by the Planning Commission.

## **CHAPTER 3A**

### **Planned Unit Development (PUD)**

The residential Planned Unit Development is a district providing the means to allow flexibility in the planning and design of residential development. The regulations and guidelines of the PUD are provided in Ordinance No. 739, and are on file in the Office of the City Clerk, of Mountain Home, Arkansas.

## **CHAPTER 4**

### **Zoning Map**

1. The use zones are designated on the map titled “Zoning Map”, City of Mountain Home, dated March 13, 1972, and said map is part of this ordinance.
2. The lines delineating the boundaries of the use zones on the “Zoning Map” are intended to follow city limits lines, center of street right-of-way, center of main channel of water courses, and existing property lines.
3. When the street or property layout existing on the ground is at variance with that shown on the zoning map or with other requirements of this ordinance, the Planning Commission shall interpret the boundaries.

## **CHAPTER 5**

### **Art 5-1 Annexed Areas**

1. Pending amendment of the Zoning Map to include areas, newly annexed to the City of Mountain Home, applications for building permits within the newly annexed areas shall be referred to the Planning Commission. The Planning Commission may recommend issuance of the permit if said use conforms to any existing "Land Use Plan" and the structure meets the requirements of the zone in which it is to be located.

### **Art 5-2 Completion of Existing Buildings**

1. Nothing herein contained shall require any change in the plans, construction or designated use of a building actually under construction at the time of the adoption of this ordinance.
2. Nothing herein contained shall require any change in plans, construction or designated use of a building for which a building permit has been issued within 30 days prior to the adoption of this ordinance, provided construction is started on said building within 120 days after adoption of this ordinance.

### **Art 5-3 Lot Area**

1. On any lot in residential use district which is on a plat of record as of 8-18-75, a one-family structure may be erected even though the lot may be of less area or width than required by the regulation of the residential use area in which the lot is located, provided all other area requirements are met.

### **Art 5-4 Areas Not to be Diminished**

1. The lot or yard areas required by this ordinance for a particular building or use at the time of passage of this ordinance or later constructed or established shall not be diminished and shall not be included as a part of the required lot, open space, or yard area of any other building or use. If the lot, open space, or yard areas required by this ordinance for a particular building or use are diminished below requirements, the continued existence of such building or use shall be deemed a violation and punished as provided in this ordinance.

## **CHAPTER 6**

### **NON-CONFORMING**

#### **Art 6-1 Non-Conforming Use of Land**

Where at the effective date of adoption or amendment of this ordinance, lawful use of land exists that is made on longer permissible under the terms of this ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

1. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.
2. If any such non-conforming use of land ceases for any reason for a period of more than 30 days, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

#### **Art 6-2 Non-Conforming Structure**

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. Such structure, upon the approval of the Planning Commission, may be remodeled to maintain the premises in a safe and usable condition.
2. Should such structure be destroyed by any means to an extent of more than 50 % of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with thee provisions of this ordinance.
3. Such structure, upon the approval of the Planning Commission, may be added to if said addition meets the area requirements of the zone district in which the structure is located, provided said use of structure is in conformance with this ordinance.

### **Art 6-3 Non-Conforming Use of Structures**

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

1. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any non-confirming use may be extended to any portion of a structure arranged or designed for such non-conforming use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.
3. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the Planning Commission shall determine that the proposed use is equally appropriate to the district as the existing non-conforming use.
4. Any non-conforming use, once changed to a conforming use, shall thereafter conform to the regulations for the district in which such structure is located and all new uses shall be conforming uses.
5. When a non-conforming use of a structure, or structure and premises in combination is discontinued or abandoned for six consecutive months, the structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.

**CHAPTER 7**  
**AMENDMENTS**

**Art 7-1 Amendments to Text**

1. The City Council may suggest that the Planning Commission amend this Ordinance or Zoning Map, or the Planning Commission itself may desire to initiate an amendment. Should the Planning Commission, after study, request a change in the regulations or zoning map, it shall conduct a public hearing on the proposed amendment. Following the public hearing, such recommendations shall be submitted to the City Council for adoption.

**Art 7-2 Change in Classification**

1. A petition giving a legal description of the property involved and the zoning classification requested for the property, shall be submitted to the Planning Commission by the property owner or his legally designated agent. The petition shall also include a statement and diagram explaining why the proposed changes will not conflict with surrounding land use and shall include street names and numerical address, if available and a mention of any well known buildings or other well known objects nearby.
2. There shall be conspicuously placed upon the property to be acted upon a sign giving notice of the filling of a petition for rezoning.

Said sign shall be placed on the premises at least fifteen (15) days prior to any hearing on the matter and shall remain thereon until the City Council of the City of Mountain Home, Arkansas, has taken final action on the petition.

The sign shall be furnished by the City and posted on the property by the owner. The message shall read as follows:

This Property Being Considered for  
Rezoning For Information Call The  
Building Inspectors Office  
425-2550

3. The Manager of Municipal Affairs is authorized to acquire such signs as he may deem necessary for use in such situation, and shall be authorized to make the same available to Petitioners.

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

1. The Planning Commission shall hold a public hearing on a proposed amendment. Notice of the public hearing shall be published in a newspaper of general circulation in the City, at least one time fifteen (15) days prior to the hearing. The Petitioner shall pay all publication costs directly, and obtain his proof of publication form the newspaper for filing with the City.
2. Following the public hearing, the proposed amendment may be approved as presented or in modified form by a majority vote of the Planning Commission and recommended for adoption by the City Council, with reasons for such recommendation stated in writing.
3. If the Planning Commission disapproves a proposed amendment, the reasons for such disapproval shall be given in writing to the petitioner within thirty (30) days form the date of the hearing.
4. The City Council, by majority vote, may by Ordinance adopt the recommended amendment submitted by the Planning Commission or may return the proposed amendment to the Planning Commission for further study and recommendation.

If the City Council dose not concur with the recommendation of the Planning Commission, either as first submitted or as submitted after restudy, the City Council may, by majority vote, amend this Ordinance be granted the request for amendment in full or in modified from.

- 1 Following disapproval of a proposed amendment by the Planning Commission, the petitioner may appeal such disapproval to the City Council, provided that the petitioner states specifically in writing to the City Clerk why he considers the Planning Commission's findings and decision are in error. Such appeal shall be filed with the City Clerk within fifteen (15) days.

No application for a zoning amendment will be reconsidered by the Planning Commission within twelve (12) month form date of final disapproval by the City Council of the proposed amendment unless the Commission finds that a substantial reason exists for waving this limitation. Before any action shall be taken as provided in this section, any person or persons proposing a change in the zoning regulations or district boundaries shall deposit with the City Clerk the sum or twenty dollars (\$20.00) to cover the approximate cost of this procedure, and under no condition shall said sum or any part thereof be refunded for failure of said change to be adopted by the City Council.

**CHAPTER 8**  
**BOARD OF ZONING ADJUSTMENT**

**Art 8-1 Organization of Board of Zoning Adjustment**

1. A Board of Zoning Adjustment is hereby established to consist of three members to be nominated by the Planning Commission and confirmed by the City Council. One (1) member of the Board shall be appointed for (1) year, one (1) for two (2) years, one (1) for three (3) years, and thereafter all members shall be appointed for terms of three years each. At least one member of the Board of Adjustment shall be a member of the Planning Commission. (Ord. 749)
2. Upon appointment and annually thereafter the Board shall meet, organize and elect its own chairman who shall serve for one year or until the successor duly qualifies. The chairman may appoint a secretary who is not a member of the Board for the purpose of taking minutes at the meetings.

**Art 8-2 Meetings**

1. Meetings of the Board shall be held at such time and at such place within the City of Mountain Home as the Board may designate and may meet at anytime on call of the chairman. The Board shall maintain minutes of its proceedings, which minutes shall be public record.
2. The presence of all members shall be necessary to constitute a quorum and the concurring vote of all members of the Board shall be necessary to reverse any order, requirements, decision of determination of an administrative officer, or to decide in favor of the applicant on any matter upon which it is required to pass under the zoning ordinance, or to authorize a variance from such regulation.

**Art 8-3 Appeals from Decision of Enforcement Officer**

1. The Board shall hear appeals from an administrative decision of the enforcement officer who shall be designated by the City Council concerning interpretation of the zoning ordinance and shall decide whether such interpretation was in error or not.

#### Art 8-4 Variance

To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest there, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the terms of this ordinance may be granted by the Board of Adjustment in the following instances only:

1. A written application for a variance is submitted demonstrating:

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same district.

That literal interpretation of the provisions of this ordinance would deprive that applicant of rights commonly enjoyed by other properties in the same district.

That the special conditions and circumstances do not result from the action of the applicant.

There shall be conspicuously placed upon the property to be acted upon a sign giving notice of the filling of a petition for a variance.

Said sign shall be placed on the premises at least fifteen (15) days prior to any hearing on the matter and shall remain thereon until the City Council of the City of Mountain Home, Arkansas, has taken action on the petition.

The sign shall be furnished by the City and posted on the property by the owner and removed by the owner. The message shall read as follows:

This property being considered  
For a variance for information call  
The Building Inspectors Office  
425-2550

The Manager of Municipal Affairs is authorized to acquire such signs as he may deem necessary for use in such situations, and shall be authorized to make the same available to Petitioners.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards to insure the protection of the adjacent property owners.

Under no circumstances shall the Board of Adjustment grant a variance to permit a use not generally or by special exception permitted in the district involved.

#### **Art 8-5 Notices and Fees**

When ever an appeal or application for a variance is made to the Board, the Petitioner shall have published a notice of the time and place of the public hearing upon such appeal or application, which notice shall be published at least once not less than seven (7) days preceding the date of such hearing in an official paper or a paper of general circulation in Mountain Home, and which he shall pay all publication costs directly, and obtain his proof of publication from the newspaper for filing with the City. Said notice to designate the particular location witch the appeal or application is concerned, including street name and numerical address thereof, if available, and a mention of any will known buildings or other well known objects nearby, and a brief statement as to what the appeal or application consists of. The Board shall also give or cause to be given such additional notice of such hearing to interested persons and organizations, as it shall deem feasible and practicable.

The appellant or applicant shall be required to pay to the City Clerk a filing fee of twenty dollars (\$20.00) to cover such other costs as may be incurred in connection with such appeal or application.

## **CHAPTER 9 ENFORCEMENT**

### **Art 9-1 Enforcement Officer**

The provisions of this Ordinance shall be administered by a enforcement officer designated by the Mayor.

### **Art 9-2 Building Permit**

A building permit will be issued only when the application has been approved by the enforcement officer and meeting the requirements of this Ordinance. All applications for building permits shall be accompanied by plan in duplicate drawn to scale, showing the actual dimensions of the lot upon, the size of the building to be erected and its location on the lot, and such other information as may be necessary to provide for the enforcement of this Ordinance.

### **Art 9-3 Certificate of Occupancy and Compliance**

No building hereafter erected or structurally altered shall be used, occupied or changed in use until a certificate of occupancy and compliance shall have been issued by the enforcement officer, stating that the building or proposed use of a building or premise complies with the building laws and the provisions of this ordinance. A record of all Certificates of Occupancy and Compliance shall be kept by the enforcement officer.

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

#### **Art 9-4 Penalty for Violation**

Any person or corporation who shall violate any of the provisions of this ordinance or fail to comply thereafter or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable to a fine of no less than one hundred dollars (\$100.00). Each day such violation is permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof where anything in violation of this ordinance shall be placed, or shall exist, and any architect, builder, contractor, agent, person, or corporation employed in connection therewith and who may have assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction thereof shall be fined as herein before provided.

## **CHAPTER 10**

### **SEVERABILITY**

The provisions of this ordinance are hereby declared to be severable. If any section, paragraph, sentence, or clause of this ordinance shall be held invalid, the invalidity of such section, paragraphs, and sentence of clause shall not affect the validity of the remainder of the said ordinance.