

ZONING REGULATIONS
City of Harrison, Arkansas

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ACKNOWLEDGMENTS

Pat Moles, Mayor

Joel Williams, City Clerk

Van Younes, City Attorney

Frank Gelinas, Director of Public Works

Harrison City Council

Deon Moser

Danny Timbrook

Jeff Pratt

Wayne Cone

Mark Searcy

Johnny Savage

Mark Fowler

Sherry Roberts

Harrison Planning Commission

J. Michael Norton, Chairman

Randy Raney

David Evans

Mark Fowler

Pat Brown

Ann Kimes

Skip Corrigan

TABLE OF CONTENTS

CHAPTER 14.04

AUTHORITY - PURPOSE..... 6
Section 14.04.01: Authority 6
Section 14-04-02: Purpose 6
Section 14-04-03: Title..... 6

CHAPTER 14.08

DEFINITIONS 8
Section 14.08.01: Definitions 8
USE ZONES 17
Section 14.12.01: Use Zones 17
Section 14.12.02:R-1 Single Family Residential 19
Section 14.12.03:R-2 General Residential 21
Section 14.12.04: R-2 AH Affordable Housing Residential District 24
Section 14.12.05:R-3 Multi-Family District 26
Section 14.12.06:R-4 Manufactured Home Park 27
Section 14.12.07:C-1 Central Business District 28
Section 14.12.08:C-2 Office Commercial..... 30
Section 14.12.09:C-3 Highway Commercial 33
Section 14.12.10:C-4 Neighborhood Commercial 36
Section 14.12.11:I-1 Heavy Industrial 39
Section 14.12.12:I-2 Light Industrial..... 40
Section 14.12.13:CONS - Conservation District 43
Section 14.12.14: A-1 Suburban Agricultural..... 43
Section 14.12-15:Planned Unit Development 46
Section 14.16.16:Zoning Map 52

CHAPTER 14.20

GENERAL PROVISIONS..... 53
Section 14.20.01: Annexation 53
Section 14.20.02: Completion of Existing Buildings 53
Section 14.20.03: Application of Regulation to the Uses of More Restrictive Districts 53
Section 14.20.04: Relief from Requirements for Lot Area or Lot
Width in a Residential Zone 54
Section 14.20.05: Areas not to be Diminished 54
Section 14.20.06: Group Housing Projects 54
Section 14.20.07: Storage of Manufactured Homes 54
Section 14.20.08: Off-street Automobile and Vehicle Parking and Loading 54
Section 14.20.09: Site Plan Review 56
Section 14.20.10: Residences in Commercial Districts 27

CHAPER 14.21

Zoning Code - City of Harrison, Arkansas

SPECIAL USE PERMIT	58
Section 14.21.01: General Purposes	58
Section 14.21.02: Description	58
Section 14.21.03: Standards for Special Use Permits.....	58
Section 14.21.04: Conditions	59
Section 14.21.05: Application Procedure for Special Use Permits	60
Section 14.21.06: Development Plan Requirements	60
Section 14.21.07: Development Plan Review	60
Section 14.21.08 Planning Commission Action.....	61
Section 14.21.09: Status of Conditions.....	61
CHAPTER 14.22	
<u>TELECOMMUNICATIONS</u>	62
Section 14.22.01: Purpose	62
Section 14.22.02: Definitions	62
Section 14.22.03: Location and Application	64
Section 14.22.04: Development Standards	65
Section 14.22.05: Abandonment	67
Section 14.22.06: Environmental Impact.....	67
Section 14.22.07: Review	68
Section 14.22.08: Change in Ownership.....	68
CHAPTER 14.24	
<u>NONCONFORMING BUILDINGS, STRUCTURES, AND USES OF LAND</u>	69
Section 14.24.01: Nonconforming Buildings and Structures.....	69
Section 14.24.02: Nonconforming Uses of Land	70
CHAPTER 14.28	
<u>BOARD OF ZONING ADJUSTMENT</u>	71
Section 14.28.01: Organization of Board of Adjustment.....	71
Section 14.28.02: Meetings	71
Section 14.28.03: Appeals from Decision of Code Enforcement Official.....	71
Section 14.28.04: Variance and Special Use Permits.....	72
Section 14.28.05: Reserved.....	72
Section 14.28.06: Appeals From Decisions of the Board.....	72
Section 14.28.07: Notices and Fees	72
CHAPTER 14.32	
<u>AMENDMENTS</u>	73
Section 14.32.01: General	73
Section 14.32.02: Amendments initiated by the City Council	73
Section 14.32.03: Amendments initiated by the Planning Commission.....	73
Section 14.32.04: Amendments initiated by Property Owners	75
Section 14.32.05: Appeals to the City Council	77

CHAPTER	14.36
<u>CODE ENFORCEMENT OFFICIAL, BUILDING PERMIT, PENALTY FOR VIOLATION</u>	
Section 14.36.01: Enforcement	78
Section 14.36.02: Building Permit.....	78
Section 14.36.03: Penalty for Violation.....	78

APPENDIX “A”	
<u>Authorized applications to be placed on Planning Commission Agenda.....</u>	<u>79</u>
Petition for Rezoning.....	80
Application for a Hearing.....	83
Application for a Special Use Permit.....	87

**CHAPTER 14.04
AUTHORITY - PURPOSE**

Section 14.04.01: Authority

The Harrison City Council pursuant to the provisions of Arkansas Code Annotated (A.C.A.) 14-56-401 et. seq., as amended, has established a planning commission, which has divided the City into districts and has prepared regulations pertaining to these districts in accordance with the Comprehensive Development Plan. These regulations apply to all land and structures and are in effect throughout the entire City Limits of Harrison, Arkansas.

Section 14-04-02: Purpose

- A. The City Council deems it necessary, for the purpose of promoting the health, safety, morals, order, and general welfare of the City of Harrison, Arkansas, to enact these zoning regulations.
- B. These zoning regulations are designed to promote:
 - 1. Efficiency and economy in the process of development;
 - 2. The appropriate and best use of land;
 - 3. Convenience of traffic and circulation of people and goods;
 - 4. Safety from fire and other dangers;
 - 5. Adequate light and air in the use and occupancy of buildings;
 - 6. Healthful and convenient distribution of population;
 - 7. Adequate public utilities and facilities; and
 - 8. Wise and efficient expenditure of funds.
- C. These zoning regulations provide for zoning districts of suitable and harmonious uses with the purpose of conserving the value of buildings and encouraging the most appropriate use of land in the City of Harrison, Arkansas.

Section 14-04-03: Title

After adoption of these regulations in accordance with A.C.A. 14-55-207, they shall there after be referred to as the Zoning Code of the City of Harrison, Arkansas, which shall consist

Zoning Code - City of Harrison, Arkansas

of these regulations and a map entitled official zoning map of Harrison, Boone County, Arkansas.

CHAPTER 14.08 DEFINITIONS

Section 14.08.01: Definitions

A. For the purpose of these regulations, certain terms or words used herein shall be interpreted as follows:

1. The word shall is mandatory; the word may is permissive.
2. The words used or occupied shall include the words intended, designed, or arranged to be used or
3. The word lot includes the words plot and parcel.
4. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

B. For the purpose of these regulations, the following terms or words are defined as follows:

Accessory Structure. A subordinate structure located on the lot with the principal structure. An accessory building in a residential district shall be clearly incidental to the main building. Where an accessory structure is attached to the principal structure, in a substantial manner, as by roof, such accessory shall be considered as a part of the principal structure. An example of an accessory structure for a nonresidential structure would be the educational buildings of a church, with the sanctuary being the principal structure.

Accessory Use. A use which is customarily incidental to the principal use. In buildings restricted to residential use, the office of a professional person or customary family workshops ~~not conducted for compensation~~ shall be deemed an accessory use.

Adult Daycare. 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.

Advertising Sign. or Structure. Any cloth, card, paper, metal, glass, wooden, plastic, plaster, stone sign or other sign, device, or structure of any character whatsoever, including a statuary, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, or structure. The term "placed" shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or otherwise fastening, affixing, or making visible in any manner whatsoever.

Zoning Code - City of Harrison, Arkansas

The area of an advertising structure shall be determined as the area of the largest cross section of the structure. Neither directional, warning, nor other signs posted by public officials in the course of their public duties nor merchandise or materials being offered for sale shall be construed as advertising signs for the purpose of these regulations.

Alley. A narrow public way which affords a secondary means of access to abutting properties and not intended for general traffic.

Apartment House. See multiple family dwelling.

Area. This term refers to the amount of land surface in a lot or parcel.

Area Requirements. The yard, lot area, width of lot, and parking requirements as set forth in a specific district.

Bed & Breakfast House. A dwelling or area containing one or more structures occupied by the owner, where, for compensation, lodging and meals are provided but not more than five rooms are provided for lodging and meals; and the owner thereof intends that the same tenant occupy the lodging for less than 30 days. Such dwelling shall have provided one off-street parking space for each tenant occupying the lodging.

Board of Zoning Adjustment. The term Board of Zoning Adjustment shall mean the Board of Zoning Adjustment of the City of Harrison, Arkansas.

Building. Any structure intended for shelter, housing, storage, or enclosure for persons or animals. When separated by dividing walls without openings, each portion of such structure so separated, shall be deemed a separate building.

Building Height. The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the structure, exclusive of chimneys, ventilators, or other extension above the roof line that are not intended for occupancy or internal usage by persons.

Child Care Center. Any place, home, or institution which receives five or more children under the age of 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 parent 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 other church activities.

Zoning Code - City of Harrison, Arkansas

City. The term City shall mean the City of Harrison

City Attorney. The term City Attorney shall mean the City Attorney for the City of Harrison, Arkansas.

City Council. The term City Council shall mean the City Council of the City of Harrison Arkansas.

City Inspector. See Code Enforcement Official.

Code Enforcement Official A person hired by the Department of Public Works Director to administer and enforce these regulations.

Convenience Store. Any retail establishment offering for sale prepackaged or prepared foods products, household items, gasoline and other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet.

Director of Public Works. The term Director of Public Works shall mean the Director of Public Works of the City of Harrison, Arkansas.

Dwelling Unit. Any room or group of rooms located within a structure forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, eating and sanitation by one family.

Dwelling, Single Family. A detached structure designed for or occupied by one family only.

Dwelling, Two-Family. A structure designed for or occupied by two families, only, with separate housekeeping and cooking facilities for each.

Dwelling, Multi-Family. A structure designed for or occupied by three or more families, with separate housekeeping and cooking facilities for each.

Existing Use. A use of land or structure existing or operating at the time of the effective date of these regulations.

Family. One or more persons occupying premises and living as a single, non-profit housekeeping unit provided that, unless all members are related by blood or marriage, the number of persons shall not exceed five.

Zoning Code - City of Harrison, Arkansas

Floor Area. The sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating buildings but not including cellar or basement space not used for habitation or commercial use.

Garage. A building or part thereof used for the storage or parking of one or more vehicles.

Garage Apartment. A dwelling unit for one family erected as a part of a private garage.

Garage Parking. A garage for the convenience of the general public to park automobiles in which no servicing, repairs, washing, or reconditioning of motor vehicles is carried on.

Gasoline or Service Station. Any area of land, including structures thereon, that is used for the retail sale of gasoline or oil fuel, or other automobile accessories, and incidental services including facilities for lubricating, hand washing and cleaning, or otherwise servicing automobiles, but not including painting, major repair, or automatic automobile washing or the sale of butane or propane fuels.

Hard Surface Pavement. Pavement consisting of Asphalt, Concrete, or Pre-Cast Pavers.

Home Occupation. Any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling and which is carried on wholly within a main building or accessory building by a person residing on the premises, in connection with which there is no advertising other than an unlighted identification sign of not more than two square feet in area, and no other display or storage of materials or exterior indication of the home occupation or variation from the residential character of the main building or accessory building; and in connection with which not more than one person outside the family is employed and no equipment used which creates offensive noise, vibration, smoke, dust, odors, heat or glare. Examples of home occupations are: (a) Art studio; (b) Dressmaking; (c) Professional office of a physician, dentist, lawyer, engineer, architect, accountant, salesman, real estate agent, insurance agent, or other similar occupation; (d) Teaching, with musical instruction limited to one or two pupils at a time; however, a home occupation shall not be interpreted to include restaurants.

Industry, Non-nuisance. Any industry of small scale manufacturing, assembling and fabrication, or warehousing, wholesale, and service uses that is conducted entirely within enclosed buildings that does not emit smoke, noise, odor, dust, vibration, or glare beyond the premises and which does not generate excessive traffic or include any open storage yards or outdoor processing of materials.

Industrial Park. A group of non-nuisance industrial plants on a single parcel of land, or on separate parcels contiguously arranged, so as to form a planned development of industrial sites, building or buildings.

Zoning Code - City of Harrison, Arkansas

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

Kennel. Any lot or premises on which are kept five or more dogs, more than six months of age.

Lot. A portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building or a group of buildings that are united by a common interest or use, and the customary accessories and open spaces belonging to the same.

Lot Area. The total horizontal area included within lot lines.

Lot, Corner. A lot at the junction of and fronting on two or more intersecting streets.

Lot Coverage. The percentage of the Lot Area that is occupied by the Area of Building.

Lot, Depth of: The mean distance between the front lot line and the rear lot line.

Lot, Interior. A lot that does not abut more than one street.

Lot Line. Any boundary of a lot.

Lot Line, Front. The street line at the front of a lot. On a corner lot, the owner may specify the front lot line on the plot plan.

Lot Line, Rear. The lot line opposite to the front lot line.

Lot Line, Side. Any lot line other than a front or rear lot line as defined herein.

Lot Line, Side Street. In the case of a corner lot, the side lot line that abuts the street.

Lot of Record. A lot which is part of a subdivision recorded in the office of the county recorder or a lot or parcel described by metes and bounds, the description of which has been so recorded. A lot or parcel of land, the deed to which has been recorded in the office of the County Recorder of Boone County prior to September 7, 1961.

Lot, Through A lot extending from one street to another.

Lot Width of. The mean distance between the side lot lines.

Zoning Code - City of Harrison, Arkansas

Main Use or Building. The principal use or building on a lot.

Medical Office Building. A building used exclusively by physicians, dentists, optometrists, and chiropractors for treatment and examination of patients, provided no overnight patients shall be kept on premises.

Membership Club. A building structure, lot or land use area used as a private club or social organization not conducted for profit or gain.

Manufactured Home. A dwelling unit constructed in a factory in accordance with the federal standards and meeting the definitions set forth in the federal standards and under Arkansas Code § 20-25-102.

Manufactured Home Park. Land or property containing a minimum of three acres which is used or intended to be used or rented for occupancy by manufactured homes or movable sleeping quarters of any kind.

Manufactured Home Subdivision. A subdivision in which lots are platted to be served by public rights-of-way, designed and intended for sale to individuals who will place a manufactured home unit or joining of units.

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

Modular Home. A residential dwelling, constructed in a factory to a residential construction code other than the Federal Manufactured Home Construction Safety Standards.

Motel: An area containing one or more buildings designed or intended to be used as temporary sleeping facilities of one or more transient persons or families and intended primarily for automobile transients.

Multiple Dwelling. A Building arranged, intended or designed to be occupied by three or more families living independently of each other as separate housekeeping units.

Multiple Dwelling Development. One or more multiple dwelling buildings planned as a single development.

Nonconforming Structure. A structure lawfully existing at the effective date of this code or any amendment thereto affecting such structure, which does not conform to the building regulations of this code for the district in which it is situated.

Zoning Code - City of Harrison, Arkansas

Nonconforming Use. Any use of a building, structure, lot or land, or part thereof, lawfully existing at the effective date of this code or any amendment thereto affecting such use, which does not conform to the use regulations of this code for the district in which it is situated.

Office, showroom/warehouse. Means a facility for mixed use with the following characteristics:

1. A showroom for display of product line which does not include items for user purchase.
2. A storage or warehouse facility which occupies not more than 60 percent of the gross floor area of the structure(s);
3. The principal office of the business;
4. Sales to contractors or other businesses installing or delivering to consumer/user.

Office, warehouse. Means a facility combining office and warehouse functions in a single structure.

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

Parking Area. A lot or part thereof used for the storage or parking of motor vehicles, with or without the payment of rent or charges in money or other consideration.

Parking Space. A stall or berth which is arranged and intended for parking of one motor vehicle in a storage garage or parking area.

Planning Commission. The term Planning Commission shall mean the Planning Commission of the City of Harrison, Arkansas.

Professional. A vocation, calling, occupation, or employment involving labor, skill, education, special knowledge and compensation or profit, but the labor and skill involved is predominately mental or intellectual, rather than physical or manual.

Property Line See Lot Line.

Public Notice. Notice of the time, place, and subject of hearings, meetings, or proceedings in a newspaper of general circulation in the City of Harrison, Arkansas prior to the time of such hearing, meeting or proceeding unless otherwise provided by law.

Rear Dwelling. A dwelling located on the same lot and to the rear of the main building

Zoning Code - City of Harrison, Arkansas
for which the lot is used.

Special Use Permit. A use permitted in particular zoning district upon review and authorization by the Planning Commission.

Story. That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there being 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 a line of intersection of roof decking and wall face not more than three feet above the top floor level. A half story containing independent apartments or living quarters shall be counted as a full story.

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

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

Structure. Anything constructed or erected, the use of which requires location on the ground or which is attached to something having a location on the ground. Among other things, structures include buildings, fences, billboards, and poster panels, but does not include sidewalks.

Structural Alteration. 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.

Travel Trailer/Recreational Vehicle. A portable, temporary living unit designed either to be towed or is self-propelled. Included are all recreational-type vehicles -- motor homes, trailers, and fold-out campers.

Under Construction. For the purpose of these regulations, a structure shall be considered as being under construction at the point when excavation for the structure and/or any accessory facilities (driveways, walks, trenches for utilities, etc.) is begun.

Use of Land Interpretation. The unoccupied portion of a lot shall be considered to be in the same use as is the principal structure located on the lot unless such land is utilized for open storage or agriculture outside of the structure, then the use of land shall be classified according to the nature of its uses.

Variance. A modification of the regulations of this code, granted in instances where strict enforcement of the ordinance would cause undue hardship due to circumstances unique to

Zoning Code - City of Harrison, Arkansas

the individual property under consideration.

Yard, Front. An open unoccupied space on the same lot with a building situated between the nearest roofed portion of the building and the front lot line of the lot and extending from side lot line to side lot line.

Yard, Rear. A space on the same lot with a building situated between the nearest roofed portion of the building and rear lot line of the lot, and extending from side lot line to side lot line.

Yard, Side. An open occupied space on the same lot with a building situated between the nearest roofed portion of the building or of any accessory building and the side lot line of the lot, and extending through from the front yard or from the front lot line where no front yard exists, to the rear yard, or to the rear lot line where no rear yard exists.

USE ZONES

Section 14.12.01: Use Zones

The City of Harrison is divided into the following use zones for the purpose of protecting property values , protecting the general health, safety, and welfare of local citizens; and achieving economy, efficiency, and good civic design in the future growth and development of the City through the pursuit of the coordinated goals, objectives and policies as set out in the Comprehensive Development Plan.

A. Residential Use Zones

Residential use zones are intended primarily for residential structures. The character of the area shall be relatively quiet, have slow speed - low volume traffic, have access to or be served by all utilities and services, and generally offer a pleasant environment for living. In addition to residential uses, certain other uses that are related to or accessory to the residential character of the area may be allowed. These other uses are known as "permitted uses" and are specified in the zone description.

The residential zones are:

- R-1 - Single-family Residential
- R-2 - General Residential
- R-2 AH – Affordable Housing Residential
- R-3 - Multi-Family Residential
- R-4 - Manufactured Home Park

B. Commercial Use Zones

The commercial use zones are intended for the conduct of retail and commercial trade and services and certain entertainment and amusement activities. These zones shall provide an environment that enhances local and area business endeavors.

The commercial zones are:

- C-1 - Central Business District
- C-2 - Office Commercial
- C-3 - Highway Commercial
- C-4 - Neighborhood Commercial

C. Industrial Use Zones

Zoning Code - City of Harrison, Arkansas

The industrial use zones are intended to provide attractive areas for industrial activities that have adequate access, offer all utilities and services required by industry, and are not in danger of encroachment by other non-compatible uses.

The industrial zones are:

- 1-1- Heavy Industrial
- 1-2- Light Industrial

D. Conservation Zone (CONS)

The conservation zone includes those lands that are subject to flooding or other hazards which cause them to be not suited for development.

E. Suburban Agricultural Zone (A-1)

The suburban agricultural zone includes areas on the urban fringe that are in a state of transition, i.e. they are changing or will change in the foreseeable future from agriculture to urban and therefore require special attention.

F. Planned Unit Development (PUD)

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.

Section 14.12.02: R-1 Single Family Residential

A. General Description

This is the most restrictive residential district. The principle use of land is for single-family dwellings and related recreational, religious, and educational facilities normally required to provide an orderly and attractive residential area. These residential areas are intended to be defined and protected from encroachment or uses which are not appropriate to residential environment. Stability of property value, attractiveness, order, and efficiency are encouraged by providing adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of the different uses.

B. Uses Permitted

Property and buildings in a R-1, Single-family Residential Zone, shall be used only for the following purposes:

1. One single-family dwelling per lot.
2. Public park or playground.
3. Home occupation, as defined.
4. Transportation and utility easements, alleys, and rights-of-way.
5. Accessory buildings which are not a part of the main building, including one private garage; or accessory buildings which are a part of the main building, including one private garage. An accessory building in a residential district shall be clearly incidental to the main building.
6. A temporary bulletin board or sign, not exceeding 12 sq. ft. in area and pertaining to the lease, hire, or sale of a building or premises, which board or sign shall be removed as soon as the premises are leased, hired, or sold.
7. Temporary building of the construction industry which is incidental to the erection of buildings permitted in this district, and which shall be removed when construction work is completed.
8. Parking lot provided to serve the uses permitted in this district.

C. Uses Permitted on Review

The following uses may be permitted on review by the Planning Commission in

Zoning Code - City of Harrison, Arkansas

accordance with provisions contained in Chapter 14.21.

1. Municipal use, public building, and public utility.
2. Plant nursery in which no building or structure is maintained in connection therewith.
3. Golf course or country club.
4. Churches, but not including missions or revival tents or arbors.
5. Public school or school offering general education courses the same as ordinarily given in public schools and having no room regularly used for housing and sleeping.
6. A church bulletin board or sign, not exceeding 15 sq. ft. in area, attached to the main building or located behind the front building line on the same lot with a church building.

D. Area Regulations

All buildings shall be set back from the street right-of-way and lot lines to comply with the following yard requirements:

1. Front yard - 25 feet from property line.
2. Side- yard - minimum 10 feet from each property line, except that an open attached carport may be constructed to within five feet of one side yard boundary. Unattached buildings of accessory use shall be a minimum of five feet from the side lot line.
3. Side yard street - 25 feet from all street right-of-way property lines.
4. Rear yard - the main building shall be a minimum of 20 feet from property line or center of alley where one exists. Unattached buildings of accessory use may be located in the rear yard of a main building; provided, however, that no accessory building shall be located closer than 10 feet to the rear lot line where no alley exists, and not closer than 3 feet to the rear lot line where an alley exists.
5. Lot width - the minimum width of a lot at the front building line shall be 60 feet for single family dwelling.
6. Lot area - a minimum of 7,000 sq. ft. shall be provided for each single-family

Zoning Code - City of Harrison, Arkansas

dwelling unit.

7. All dwellings shall front on a public street.

8. Off-street parking space - refer to Chapter 14.20.

F. Height Regulations

When the maximum height of a structure exceeds 2 1/2 stories, it shall be approved by the Board of Zoning Adjustment to insure a safe and healthful environment.

G. Dimensions

Each dwelling shall have a minimum dimension on each side of 20 feet, and the entire 20 feet shall be finished on a permanent foundation.

Section 14.12.03: R-2 General Residential

A. General Description

This is a residential district to provide for medium and high population density. The principal use of land may range from single-family to multiple-family and garden apartment uses. Certain uses which are more compatible functionally with intensive residential uses than with commercial uses are permitted. The recreational, religious and educational facilities normally required to provide an orderly and attractive residential area are permitted. Stability of the property value, attractiveness, order and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of each use permitted in the district.

B. Uses Permitted

Property and buildings in a R-2 General Residential District shall be used only for the following purposes:

1. One single-family dwelling per lot.
2. One two-family dwelling per lot.
3. Multi-family dwellings not to exceed four units per lot.
4. Parks and playgrounds.

Zoning Code - City of Harrison, Arkansas

5. Home occupation, as defined.
6. Transportation and utility easements, alleys, and rights-of-way.
7. Accessory buildings which are not a part of the main building, including one private garage; or accessory buildings which are a part of the main building, including one private garage. An accessory building in a residential district shall be clearly incidental to the main building.
8. A temporary bulletin board or sign, not exceeding 12 sq. ft. in area and pertaining to the lease, hire, or sale of a building or premises, which board or sign shall be removed as soon as the premises are leased, hired, or sold.
9. Public utilities such as water storage, power substations, fire stations, sewer lift stations, to include easements as appropriate to the district.

C. Uses Permitted on Review

The following uses may be permitted on review by the Planning Commission in accordance with provisions contained in Chapter 14.21.

1. Any use permitted on review in a R-1 Single-family Dwelling District.
2. Churches.
3. Schools offering a general education course.
4. Child care center, public or private.
5. Rooming or boarding houses.
6. Garage apartments.
7. Home occupation, as defined.
8. Accessory buildings and uses customarily incidental to the above uses when located on the same lot.
9. Bed and Breakfast House.
10. Multi-Family developments not exceeding 12 units per acre.

D. Area Regulations

Zoning Code - City of Harrison, Arkansas

All buildings shall set back from street right-of-way lines or lot lines to comply with the following yard requirements:

1. Front yard - 25 feet from property line.
2. Side yard - all buildings shall be a minimum of five feet from each property line.
3. Side yard street - 25 feet from all street right-of-way/property lines.
4. Rear yard - the main building shall be a minimum 20 feet from property line or center of the alley, where one exists. Unattached accessory buildings may be located in the rear yard of a main building; provided however, that no accessory building shall be located closer than 10 feet to the rear lot line where no alley exists, and no closer than 3 feet to the rear lot lines where an alley exists.
5. Lot width - there shall be a minimum lot width of 50 feet at the front building line for single-family dwellings and 10 feet additional width at the front building line for each family, more than one, occupying a dwelling. Minimum lot width at the street shall be not less than 35 feet.
6. Lot area - for each single-family dwelling and building accessory thereto, there shall be a lot area of not less than 6,000 sq- ft. A two-family dwelling shall be located on a lot of not less than 9,000 sq. ft. Multi-family dwellings shall be located on a lot a minimum of 9,000 sq. ft. for the first two family units plus 2,000 sq. ft. for each additional unit, to a maximum of four units per structure.
7. All dwellings shall front on a public street.
8. Off-street parking - see Chapter 14.20.

E. Height Regulations

When the maximum height of a structure exceeds 2 1/2 stories, it shall be approved by the Board of Zoning Adjustment to insure a safe, healthful environment.

F. Dimensions

1. Each dwelling shall have a minimum dimension on each side of 20 feet, and the entire 20 feet shall be finished on a permanent foundation.
2. More than one modular unit may be joined and considered one structure providing that joint shall be completely sealed in such a manner that they are not discernible from the

Zoning Code - City of Harrison, Arkansas

exterior or interior of the structure.

Section 14.12.04: R-2 Affordable Housing Residential District

A. General Description

This district encourages affordable housing of varied types in specified locations within the city. The district permits site-built housing, manufactured housing, and modular housing constructed on individual lots with uniform design guidelines imposed to maintain neighborhood harmony and homogeneity of appearance. The provisions of this district seek to achieve the following goals.

1. To provide a choice of housing types within the city and to expand housing choices for all families.
2. To maintain efficiency and economy in the process of development by encouraging infill development with medium housing densities.
3. To encourage the appropriate and best use of land by placing uniform size and appearance guidelines on new housing placements.
4. To promote healthful and convenient distribution of population by achieving higher densities through the utilization of vacant or underdeveloped properties.
5. To encourage good civic design and arrangement by maintaining reasonable and uniformly applied design standards within existing neighborhoods.
6. To maintain the economic stability of existing neighborhoods by maintaining consistent size, bulk, and appearance standards.

B. Permitted Uses

1. All uses permitted in the R-2 District
2. Manufactured Homes.

C. Uses Permitted Upon Review

Any use permitted upon review in a R-2 General Residential District.

D. Area Regulations

Zoning Code - City of Harrison, Arkansas

Same as the R-2 General Residential District.

E. Height Regulations

Same as the R-2 General Residential District.

F. Special Provisions

1. All dwelling units constructed in or set up in this district, whether by new construction, addition to an existing unit, placement of a multi-section manufactured or modular home, or combination of two or more single-section manufactured homes, shall have a minimum dimension on each side of at least 20 feet.

2. All dwelling units constructed or set up in this district with a crawl space shall have continuous masonry underpinning around said crawl space.

3. All dwelling units constructed or set up in this district shall have the front door oriented toward the front yard unless approved as a planned unit development.

4. All dwelling units constructed or set up in this district shall have shingle roofs unless specifically approved by the Planning Commission.

5. All dwelling units constructed or set up in this district that do not have a built-in porch as part of the structure, shall have a covered front landing accessible by stairs and handrails if necessary. The landing shall be at least six feet by six feet, and shall be oriented to the front yard.

6. All dwelling units shall have either:

a. A carport capable of housing two vehicles with a hard surfaced pavement driveway capable of stacking two more for a total of four off-street vehicle parking spaces; or

b A hard surface pavement drive and parking area capable of providing four off-street vehicle parking spaces.

5. All dwelling units constructed in this district shall have foundation systems that meet the city's building code or, in the case of manufactured housing, be anchored in accordance with the manufacturer's instructions or the regulations of the Arkansas Manufactured Home Commission.

6. All dwelling units moved into this district from off site shall be new and under warranty or inspected by the city's code building official prior to being moved on site to ensure compliance with the following standards.

Zoning Code - City of Harrison, Arkansas

- a. All roofing material shall be secure without gaps or damaged shingles
- b. All windows shall be operative without broken panes or damaged trim or screening.
- c. All exterior siding shall be in place and undamaged. No dented, torn, burned, loose or mildewed siding shall be allowed.
- d. All kitchen and bathroom facilities shall be fully operational and all mechanical equipment shall be in good working order.
- e. Any attached gutters shall be secure and functional
- f. All cornice materials shall be in place and undamaged.
- g. Paint shall be uniform and unblemished.
- h. Doors shall be plumb and fully operational. No damaged screening or door fixtures shall be allowed.
- i. All flooring shall be structurally undamaged, and secure. Holes in the flooring, or flooring that is missing, dented, broken, or in a state of damage or decay will not be allowed.

Section 14.12.05: R-3 Multi-Family District

A. General Description

This district is established in order to provide high-density residential development at a density not to exceed a maximum of 24 units per acre. No R-3 district shall be less than one acre in area. It is the intent of this section that this district be utilized in both the developed and undeveloped portions of the city. The district shall be restricted to sites abutting collector streets or arterial street where public utilities exist or shall be provided in conjunction with the development. The R-3 District may also act as a buffer between low density residential areas and non-residential development.

B. Permitted Uses

- 1. Multi-family residential structures, including elderly housing, at a density not exceeding 24 units per acre.
- 2. Two-family residences

Zoning Code - City of Harrison, Arkansas

3. Bed and Breakfast House

4. Accessory uses, including laundry facilities, normally associated with medium to high-density multi-family residential development.

C. Uses Permitted on Review

1. Nursing Homes

D. Height Regulations

No building erected in an R-3 District shall exceed a height of 35 feet without approval by the Board of Adjustment.

E. Dimensions

1. Exterior Yards: All exterior yards or yards which abut dedicated public streets shall have a depth of not less than 25 feet.

2. Interior Yards: All interior yards or yards which abut interior property lines or any lot of record shall have a depth equal to the height of any proposed building or structure.

3. Detached Building Separation: All detached buildings shall be separated by a distance of not less than 10 feet.

4. Lot Area Per Family: Any development constructed in an R-3 District shall provide a minimum lot area per family of 2,400 square feet if the density is below 18 units per acre and 1,800 square feet if the density is above 18 units per acre.

Lot Area Per Family:

- | | | |
|-----|----------------|--|
| (a) | Single-Family: | 6,000 square feet per family |
| (b) | Duplex: | 4,500 square feet per family |
| (c) | Multi-Family: | 9,000 square feet for first two families, plus 2,000 square feet for each additional unit. |

Section 14.12.06: R-4 MANUFACTURED HOME PARK

This district is intended to provide for orderly developments in which manufactured homes, as defined by this code, and manufactured housing units may be located. Such locations shall have necessary public utilities, community facilities, and other public services in order to provide a healthful living environment with the normal amenities associated with residential districts of the City.

Zoning Code - City of Harrison, Arkansas

A. DESIGN STANDARDS

1. The park shall be located on a well-drained site properly graded to insure rapid drainage on freedom from stagnant pools of water.
2. Manufactured home spaces shall be provided consisting of a minimum of 4,000 square feet for each space which shall be at least 40 feet wide and clearly defined.
3. The minimum front yard setback shall be 25 feet to the front lot line of the manufactured home park. Additionally, each manufactured home unit shall be set back at least 20 feet from all internal drives and access routes through the manufactured home park.
4. The park shall be designed to accommodate a minimum of five manufactured homes.
5. Manufactured homes shall be so harbored on each space that there shall be at least a 20 foot clearance between the manufactured homes.
6. All manufactured home spaces shall contain a hard-surfaced paved driveway of not less than 20 feet in width, which shall have unobstructed access to a public street.
7. Internal streets and drives shall be designed for safe and convenient access to all manufactured home spaces. All such internal drives shall be privately owned, built, and maintained. Such roadways shall be at least 24 feet in width and shall be constructed with a bituminous or concrete surface over a six-inch gravel base.
8. Each manufactured home space shall be provided with two off-street parking spaces each 9 ft. by 20 ft. in dimension.
9. Manufactured home parks must set aside open space as required by the Health Department of the State of Arkansas.

Section 14.12.07: C-1 Central Business District

A. General Description

The C-1 District encompasses the historical portion of the City commonly referred to as “Downtown”. This district is intended for the conduct of personal and business services and the general retail business of the community. Persons living in the community and in the surrounding trade area require direct and frequent access to this area, which provides space for professional offices, banks, governmental offices, and retailing services of all kinds. Because of its unique and historical nature, normal parking and setback requirements are relaxed.

Zoning Code - City of Harrison, Arkansas

B. Uses Permitted

1. Retail establishments providing goods and services such as grocery, drug, hardware, variety stores, and similar uses in hotels, motor hotels, and restaurants.
2. Office and bank buildings and uses.
3. Processing and manufacturing that by reason of operation do not constitute a nuisance to adjacent uses in respect to noise, odor, dust, vibration, etc.
4. Wholesaling and warehousing that by reason of operation do not constitute a nuisance to adjacent uses in respect to noise, odor, dust, vibration, etc.
5. Bulk storage of noncombustible material.
6. Automotive service, repair, and storage.
7. Public and institutional uses and buildings.
8. Dwellings, per requirements of Section 14.20.10.
9. Uses determined by the Planning Commission to be similar in nature to the above.

C. Height

When the maximum height of a structure exceeds three stories, it shall be approved by the Board of Zoning Adjustment.

D. Front and Side Yard

No minimum requirement.

E. Rear Yard

Minimum - 20 feet from property line or center of alley, where one exists.

F. Loading and Unloading

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

G. Fire Limits

Land in the Central Business District shall be included within the fire district of the City

Zoning Code - City of Harrison, Arkansas

of Harrison, Arkansas.

H. Screening Requirements

Where property zoned C-1 abuts a residential district, a planting screen or other visual barrier to be approved by the Planning Commission shall be constructed by the property owner or potential user of the property prior to the use of such property for other than residential purposes in a manner that it provides a continual visual buffer between the two districts a minimum of eight feet in height; except that such buffer shall not be placed within 15 feet of the paved surface of a street or highway. The construction of the barrier shall be such that light from automobile headlights is not visible on the residential zone from the commercial property.

I. Design Standards

Because of its unique character, design criteria may be placed on the construction or reconstruction of property within the C-1 District. As a minimum, the following shall apply:

1. No new or reconstructed building in the C-1 District shall have a metal façade unless specifically approved by the Planning Commission. Façade design should match the character and historical period of adjoining structures.
2. No single-story buildings shall be constructed in the C-1 District. Building rooflines shall match those of adjoining properties.
3. All ground floor spaces fronting a street in the C-1 District shall be devoted to commercial or office use. Ground floor dwellings are permitted only in the rear half of ground floor space.
4. Property within the C-1 District shall conform to all provisions of the City's adopted fire district.

Section 14.12.08: C-2 Office Commercial

A. General Description

This commercial district is intended to provide a quiet business environment, and should be used to provide a buffer between major trafficway or intense commercial districts and residential districts.

B. Uses Permitted

1. Single-family, two-family, and multi-family dwellings. (See Section 14.12.03-B-3)

Zoning Code - City of Harrison, Arkansas

2. Bed and Breakfast House.
3. Garage apartments.
4. Art gallery.
5. Assembly buildings for nonprofit corporation or institution.
6. Business college.
7. Barber shop.
8. Beauty shop.
9. Laboratory for research and testing.
10. Library.
11. Hospital sanatorium, convalescent or nursing home, and other medical facilities.
12. Museum.
13. Office buildings including, but not necessarily limited to, doctors, dentists, lawyers, architects, engineers, realtors, and insurers.
14. Pharmacies.
15. Public buildings.
16. Studio for professional work and including the teaching of any form of fine arts, such as music, drama, dance, or photography.
17. Public and private schools.
18. Recreational uses associated with and maintained primarily for the benefit and use of occupants and families of other permitted uses.
19. Shops and stores associated with and incidental to permitted uses listed above.
20. Buildings and structures and uses customarily incidental and accessory to the above uses.
21. Parking lots as required by permitted uses listed above.

Zoning Code - City of Harrison, Arkansas

22. Uses determined by the Planning Commission to be similar in nature to the above.

C. Area Regulations

1. The area requirements for dwellings and buildings accessory thereto shall be the same as requirements for uses in the R-2 residential zone districts.
2. The following requirements shall apply to all other uses permitted in this district.

D. Yard requirements

1. Front yard - all buildings shall be set back from the street right-of-way line to provide a front yard having not less than 25 feet in depth.
2. Side yard - where a side yard is adjacent to a residential district, no building shall be located closer than 25 feet to the side lot line. In all other cases no building shall be located closer than 20 feet to the side lot line except that where a former dwelling unit has been converted to a different use permitted under Section 14,12.05-B, side yard requirements will be the same as those for the R-2 residential zone district.
3. Rear yard - no building shall be located closer than 20 feet to the rear lot line.
4. Coverage - main and accessory buildings shall not cover more than 50% of the lot area and in no case shall the total gross floor area of the main building exceed the area of the lot.

D. Height Regulations

1. Height regulations for dwellings shall be the same as those of the R-2 residential district.
2. No building or structure shall exceed three stories or 35 feet in height unless approved by the Board of Zoning Adjustment.

E. Screening Requirements

Where property zoned C-2 abuts a residential district, a planting screen or other visual barrier to be approved by the Planning Commission shall be constructed by the property owner or potential user of the property prior to the use of such property for other than residential purposes in a manner that it provides a continual visual buffer between the two districts a minimum of 8 feet in height; except that such buffer shall not be placed within 15 feet of the paved surface of a street or highway. The construction of the barrier shall be such that light from automobile headlights is not visible on the residential zone from the commercial property.

F. Off-street Parking Requirements

Off-street parking shall be provided in accordance with Chapter 14.20. In all cases the forwardmost 25 feet of the front yard shall be maintained as unobstructed open space, and shall not be used for parking unless proper control is provided through curb lines, entrances, and exits; and in no case will parking be permitted in a manner so as to result in automobile backing into any street or otherwise interfering with moving traffic.

Section 14.12.09: C-3 Highway Commercial

A. General Description

This district is designed to accommodate establishments offering accommodations, supplies, or services to motorists, and for certain specialized uses such as retail outlets, extensive commercial amusements, and service establishments which may serve the entire community, but are not suitable for location in the Central Business District or Office Commercial District.

B. Uses Permitted

1. Any use permitted in the C-2 District.
2. Amusement enterprises.
3. New and used automobile sales and service, new and used machinery sales and services, and public garages.
4. Advertising signs or structures.
5. Ambulance service, office or garage.
6. Automobile service stations.
7. Bakery.
8. Boat sales.
9. Bowling alley.
10. Bus terminal.
11. Clothing store.

Zoning Code - City of Harrison, Arkansas

12. Department store.
13. Drive-in theater or restaurant.
14. Electric transmission station.
15. Feed and fuel store.
16. Food store.
17. Frozen food locker.
18. Furniture repair and upholstery.
19. Funeral parlor.
20. Garden stores.
21. Golf course, miniature or practice range.
22. Heating and plumbing sales and service.
23. Veterinary hospital.
24. Interior decorating store.
25. Ice plant.
26. Key shop
27. Kennel.
28. Laundry.
29. Motel.
30. Music, radio, and television shop and repair.
31. Novelty shop.
32. Pet shop.
33. Printing shop or plant.
34. Public uses.

Zoning Code - City of Harrison, Arkansas

- 35. Recreation center.
- 36. Research laboratories.
- 37. Roller skating rink.
- 38. Sign painting shop.
- 39. Sporting goods store.
- 40. Stockbroker.
- 41. Theater.
- 42. Wholesale distributing center.
- 43. Buildings, structures, and accessory uses customarily incidental to any of the above uses, provided that there shall be no manufacturing of products other than such as are customarily incidental to retail establishments.
- 44. Any other store or shop for retail trade or for rendering personal, professional, or business service which does not produce more noise, odor, dust, vibration, or traffic than those uses listed above, or is deemed by the Planning Commission to be similar in nature to the above.

C. Area Regulations

There shall be a minimum distance of 25 feet from all street property lines, except that islands for gasoline and diesel fuel pumps when situated on a state or federal highway, may be set to within 15 feet from street property line, as provided for and in conformance with Arkansas State law.

D. Height Regulations

Any structure that is designed to have a maximum height of greater than three stories or 35 feet shall be approved by the Board of Zoning Adjustment.

E. Off-street Parking

See Chapter Five. In all cases the forwardmost 25 feet of the front yard shall be maintained as unobstructed open space, and shall not be used for parking unless property control is provided through curb lines, entrances and exits; and in no case will parking be

Zoning Code - City of Harrison, Arkansas

permitted in a manner so as to result in automobiles backing into any street or otherwise interfering with moving traffic.

F. Loading and Unloading

Loading and unloading facilities shall be provided so as to prevent obstruction of any public way.

G. Screening Requirements

Where property zoned C-3 abuts a residential district, a planting screen or other visual barrier to be approved by the Planning Commission shall be constructed by the property owner or potential user of the property prior to the use of such property for other than residential purposes in a manner that it provides a continual visual buffer between the two districts a minimum of eight feet in height; except that such buffer shall not be placed within 15 feet of the paved surface of a street or highway. The construction of the barrier shall be such that no light from automobile headlights are visible on the residential zone from the commercial property.

Section 14.12.10: C-4 Neighborhood Commercial

A. General Description

This district is designed to accommodate limited retail developments within or adjacent to neighborhood areas for the purpose of supplying daily household needs of the residents for food, drugs, and personal services. Commercial uses within this district should not depend on market areas larger than the neighborhood served. The district may also be used in conjunction with existing commercial developments as an extension of such established commercial district. The C-4 District shall generally be located at arterial or collector street intersections and within walking distance of residential areas. Such developments shall be designed to accommodate between one to fifteen stores on a site not more than five acres in size.

Unless otherwise specifically provided in this section, the following development criteria shall apply to this district:

1. Outdoor display is prohibited in any yard.
2. There shall be a maximum gross leasable area of 5,000 square feet per establishment, except that a single establishment may have more than 5,000 but not more than 10,000 square feet.
3. Off-premise outdoor advertising is prohibited.

Zoning Code - City of Harrison, Arkansas

4. No use shall be a 24 hour per day operation.

B. Uses Permitted

1. Bakery or confectionery shop.
2. Branch bank.
3. Barber or beauty shop.
4. Book and stationery store.
5. Camera shop.
6. Church.
7. Cigar, tobacco, and candy store.
8. Clinic (medical, dental or optical).
9. Clothing store.
10. Community health center.
11. Custom sewing and millinery.
12. Childcare Center
13. Drugstore or pharmacy.
14. Religious, charitable or philanthropic office.
15. Florist shop.
16. Food store.
17. Handicraft store.
18. Hardware store.
19. Hobby shop.
20. Jewelry store.

Zoning Code - City of Harrison, Arkansas

21. Key shop.
22. Laundromat.
23. Laundry or pickup station.
24. Lodge or fraternal organization.
25. Office (general and professional)
26. Optical shop
27. Paint and wallpaper store
28. Pet store
29. Photography store.
30. Private school or kindergarten.
31. School.
32. Secondhand store.
33. Shoe repair shop.
34. Studio for private music or speech lessons.
35. Tailor shop.
36. Tool and equipment rental (inside display only).
37. Travel bureau.
38. Buildings, structures, and accessory uses customarily incidental to any of the above uses, provided that there shall be no manufacturing of products other than such as are customarily incidental to retail establishments.
39. Any other store or shop for retail trade or for rendering personal, professional, or business service which does not produce more noise, odor, dust, vibration, or traffic than those uses listed above, or is deemed by the Planning Commission to be similar in nature to the above.

C. Area Regulations

Zoning Code - City of Harrison, Arkansas

There shall be a minimum distance of 25 feet from all street property lines, except that islands for gasoline and diesel fuel pumps when situated on a state or federal highway, may be set to within 15 feet from street property line, as provided for and in conformance with Arkansas State law.

D. Height Regulations

Any structure that is designed to have a maximum height of greater than three stories or 35 feet shall be approved by the Board of Zoning Adjustment.

E. Off-street Parking

See Chapter Five. In all cases the forwardmost 25 feet of the front yard shall be maintained as unobstructed open space, and shall not be used for parking unless property control is provided through curb lines, entrances and exits; and in no case will parking be permitted in a manner so as to result in automobiles backing into any street or otherwise interfering with moving traffic.

F. Loading and Unloading

Loading and unloading facilities shall be provided so as to prevent obstruction of any public way.

Section 14.12.11: I-1 Heavy Industrial

A. General Description

This industrial district is intended to provide for heavy industrial uses and other uses not otherwise provided for in the districts established by these regulations. The intensity of uses permitted in this district makes it most desirable that they be located downwind and separated from residential and commercial uses.

B. Uses Permitted

Property and buildings in a 1-1 Heavy industrial District shall be used for the following type purposes:

1. The manufacturing, compounding, processing, packaging, or assembling of such products as prohibited in the retail commercial use districts and Light Industrial District when it is found by the Code Enforcement Official that the specific location and the safeguards provided will so reduce the noise, dust, odor, or vibration so as not to be detrimental or dangerous to the health, safety, or general welfare of persons lawfully occupying adjacent properties or to the

Zoning Code - City of Harrison, Arkansas

citizens of Harrison.

2. Storage of bulk materials as is prohibited in the retail commercial use districts, or light industrial districts, when it is found by the Code Enforcement Official that the specific location and safeguards provided will so reduce the danger of fire or explosion so as not to be dangerous to the health, safety, or general welfare of persons lawfully occupying adjacent properties or of citizens of the City of Harrison.

3. Commercial truck docks or freight line facilities to include facilities suitable for receiving, storing, and delivering freight; for storing, repairing, maintaining, and servicing of vehicles and other equipment; the below-ground storage and handling of gasoline, diesel, other motor fuels and lubricants; and, other facilities ancillary and necessary to the business of commercial truck docks or freight lines.

C. Residential Use Prohibited

No structure may be constructed or altered for residential use within this district.

D. Area Regulations

1. Total structures may not cover more than 33 1/3% of the total lot area.
2. All structure shall be built at least 25 feet from all property lines.

E. Height Regulations

1. When a structure is designed to exceed 35 feet in height, the Board of Zoning Adjustment may approve the height requirement only if it is demonstrated that the equipment and the structure to house the operation justify such a height.
2. In all other instances the structure shall not exceed a height of 35 feet.

F. Off-street Parking

See Chapter 14.20.08 - E.

G. On-lot Loading and Unloading Facilities

Each structure or use shall provide on-lot loading and unloading facilities which will allow such activities to be carried on without blocking a street, alley, or public way.

Section 14.12.12: I-2 Light Industrial

Zoning Code - City of Harrison, Arkansas

A. General Description

This district is intended for manufacturing and assembly plants and warehouses that are conducted in such a manner that noise, odor, dust, and glare of each operation is completely confined within an exposed building and/or the commercial operation of truck docks or freight Lines as permitted in I-1 Heavy Industrial Zones.

B. Uses Permitted on Review

All Uses in this district must be reviewed and approved by the Planning Commission, and must conform to the descriptions below:

1. The manufacturing, compounding, processing, packaging, or assembly of such products as prohibited in the C-1 and C-3 district when found not to be detrimental to uses of adjacent areas or other uses within the 1-2 district, and which noise, dust, odor, vibration, or congestion is entirely contained within buildings.
2. Storage of bulk material as is prohibited in the C-1 and C-3 district, when the Planning Commission determines that the specific location and safeguards provided will also reduce the danger of fire or explosion so as not to be hazardous to the health, safety, or general welfare of the persons lawfully occupying adjacent properties or the citizens of the City of Harrison.
3. Office warehouse uses.

C. Area Regulations

1. Total structures may not cover more than 60% of the total lot area.
2. No building shall be altered and no new building constructed on any lot having a width of less than 50 feet at the front building line.
3. No building shall be altered and no new building shall be constructed on any lot having less than 5,500 sq. ft. of area.
4. Buildings shall provide a front yard of not less than 30 feet, a rear yard of not less than 25 feet, and two side yards, each not less than 15 feet.

D. Height Regulations

Buildings may be erected to a height of 35 feet, provided, however, that where it can be demonstrated that equipment and structures to house the operation will require a greater

Zoning Code - City of Harrison, Arkansas

height than the height limitation, the limitation may be waived upon application to the Board of Zoning Adjustment. It is provided that elevator shafts, air conditioning units, cooling towers, water tanks, and other appurtenances necessary and accessory to the permitted use may exceed the height limit up to 60 feet total height, provided that for every five feet of increment above the permitted height of 35 feet, there shall be one foot additional required front, side, and rear yard; and further provided that no illuminated sign, name plate, display, or advertising device of any kind, shall be inscribed or attached to the portion of any structure exceeding the height limitation.

E. Off-street Parking

See Chapter 14.20.

F. Off-street Loading Requirements

Off-street loading space shall be provided in the following ratio:

1. For structures containing less than 25,000 sq. ft. of gross floor area, one foot for each 12,500 sq. ft. of gross floor area or increment thereof. Each loading space shall have a net area of not less than 420 sq. ft.
2. For structures containing 25,000 or more square feet of gross floor area, the number of loading spaces are specified in the following table. Each such loading space shall be at least 10 feet wide, 35 feet long, and 15 feet high.

<u>3. Square Feet of Gross Floor Area</u>	<u>Required Number of Loading Spaces</u>
25,000 up to & including 40,000	1
40,001 up to & including 100,000	2
100,001 up to & including 160,000	3
160,001 up to & including 240,000	4
240,001 up to & including 320,000	5
320,001 up to & including 400,000	6
For each additional 90,000 over 400,000	1 additional

In addition, there shall be area or means adequate for ingress and egress which shall be so arranged as to permit maneuvering of a truck to reach a loading space by a single backing movement, utilizing property on the lot only.

G. Landscaped Area Requirements

Each lot shall provide and maintain a landscaped area in the front and side yard setback area. Such landscaped areas must cover at least 35% of the total front and side yards, and shall be designed to prevent automobiles from crossing or driving onto them. A

Zoning Code - City of Harrison, Arkansas

landscaped strip at least 10 feet wide, exclusive of walks and driveways, shall be provided on each street property line. The area shall be suitably treated with ground cover, trees, and shrubs to present an attractive appearance to the industrial district.

Section 14.12.13: CONS - Conservation District

A. General Description

This district is designed to accommodate those lands subject to flooding or other hazards which cause them to be not suitable for development.

B. Uses Permitted

Flood Plain - The flood plain is intended for the storage of high waters to protect the City from flooding. It may be developed for park purposes and parking areas, but only structures publicly owned will be permitted in the area, and these should be of pole and pier type construction to permit flowage area through and under any portion of the structure lying below the anticipated flood level. All picnic tables, fireplaces, and other improvements developed within the area should be of a type that will not suffer by emersion, will not float away to create obstruction in the channels, and will not cause debris to collect on or about them, thus impeding the flow of water.

Section 14.12.14: A-1 Suburban Agricultural

A. General Description

This district is intended to provide a category suited to the land situated on the fringe of the urban area that is used for agricultural purposes, but will be undergoing urbanization in the near future. Tracts in this district will be in close proximity to residential and commercial uses, therefore, agricultural activities conducted in the district should not be detrimental to urban land uses. The types of uses, required area, and intensity of use permitted in this district are designed to encourage and protect agricultural uses so long as the land therein is devoted primarily to agriculture.

B. Uses Permitted

Property and buildings in the A-1 Suburban Agricultural District shall be used only for the following purposes:

1. All uses permitted in the R-1 Residential District.
2. Agricultural uses and single-family dwellings connected thereto on tracts of land in excess of ten acres.

Zoning Code - City of Harrison, Arkansas

3. Country club or golf course.
4. Plant nursery.
5. Bulletin board or sign not exceeding forty (40) sq. ft. in an area pertaining to the lease, hire, or sale of a building or premises, which board or sign shall be removed as soon as the premises are leased, hired or sold.
6. Accessory buildings including barns, sheds, and other farm buildings, and private garages and accessory buildings which are part of the main building.

C. Uses Permitted on Review

The following uses may be permitted on review by the Planning Commission in accordance with provisions contained in Chapter **14.21**.

1. Airport or landing field.
2. Cemetery.
3. Public stable, riding academy, or stockyard.
4. Kennel.
5. Radio or television station.

D. Area Regulations

1. Front Yard: All buildings shall be set back from street right-of-way lines to comply with the following front yard requirements:

- a) All buildings shall set back from a state or federal highway, county highway or section line road a minimum of 25 feet from the right-of-way line or 75 feet from the center line of the right-of-way easement, whichever is greater.
- b) On all public roads or streets other than federal, state or county highways and section line roads all buildings shall set back a minimum of 25 feet from the right-of-way line or 55 feet from the center line of the right-of-way easement, whichever is greater.
- c) If 25% or more of the lots on one side of the street between two intersecting streets are improved with buildings, all of which have observed an average setback line of greater than 25 feet, and no building varies more than six feet from this average setback line, then no building shall be erected closer to the street line

Zoning Code - City of Harrison, Arkansas

than the minimum setback so established by existing buildings; but this regulation shall not require a front yard of greater depth than 50 feet.

d) When a yard has double frontage the front yard requirements shall be complied with on both streets.

2. Side Yard

a) For dwellings located on interior lots there shall be a side yard on each side of the main building of not less than eight feet for dwellings of one story, and of not less than 12 feet for dwellings of more than one story.

b) For unattached buildings of accessory use there shall be a side yard of not less than eight feet.

c) For dwellings and accessory buildings located on corner lots there shall be a side yard set back of 25 feet.

d) Churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, shall set back from all exterior and interior side lot lines a distance of not less than 25 feet.

3. Rear Yard

There shall be a rear yard for a main building of not less than 20 feet or 20% of the depth of the lot, whichever amount is smaller. Unattached buildings of accessory use may be located in the rear yard of a main building, but no closer than five feet to rear property line.

4. Lot Width

For dwellings there shall be a minimum lot width of 60 feet at the front building line, and such lot shall abut on a street for a distance of not less than 35 feet.

5. Intensity of Use

a) For each dwelling, and buildings accessory thereto, there shall be a lot area of not less than two acres.

b) For churches and main and accessory buildings other than dwellings and buildings accessory to dwellings the lot area shall be adequate to provide the yard areas required by this section and the off-street parking areas required in Section 14.20.08 - E-10.

6. Coverage

Zoning Code - City of Harrison, Arkansas

Main and accessory buildings shall not cover more than 25% of the lot area on interior lots, and 30% of the lot area on corner lots: accessory buildings shall not cover more than 20% of the rear yard.

E. Height Regulations

No building shall exceed two and one half stories or 35 feet in height.

Section 14.12-15: Planned Unit Developments

A. General Description

The purposes of this zone are to promote flexibility and 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) 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.

Zoning Code - City of Harrison, Arkansas

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 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 Harrison 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 the most recent version of AutoCad®. Survey information shall be prepared by a Professional Surveyor (P.S.) Drainage and utility calculations shall be prepared by a Professional Engineer

Zoning Code - City of Harrison, Arkansas

(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 zoning district in which the site is located shall be maintained as open space for the purpose of providing parks, recreational facilities, ways for pedestrian movement and circulation, and conserving visually

Zoning Code - City of Harrison, Arkansas

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 Harrison, 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.

Zoning Code - City of Harrison, Arkansas

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

Zoning Code - City of Harrison, Arkansas

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 Harrison 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.

Zoning Code - City of Harrison, Arkansas

Section 14.16.16: Zoning Map

- A. The use zones described herein are designated on a map titled "Official Zoning Map of the City of Harrison, Boone County, Arkansas" and said map is a part of this code. Lines indicating the boundaries of the use districts on the zoning map are intended to follow city lines, center street rights-of-way, existing property lines, and center of main channel of creeks. The official zoning map is on file at the office of the Public Works Director, City of Harrison, Arkansas.

CHAPTER 14.20 GENERAL PROVISIONS

Section 14.20.01: Annexation

- A. Territory annexed to the City of Harrison after adoption of this code shall be given zone designations within 60 days after the effective date of annexation in accordance with the amendment procedures of this code.
- B. Before official zone designation is made after annexation, all requests for building permits shall be referred to the City Planning Commission or a committee thereof. The Planning Commission or its designated committee may recommend issuance of the permit if said use conforms to the land use plan and the structure meets the requirements of the zone in which it is to be located.

Section 14.20.02: Completion of Existing Buildings

- A. 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 code.
- B. 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 code, provided construction is started on said building within 60 days after adoption of this code.

Section 14.20.03: Application of Regulation to the Uses of More Restrictive Districts

- A. Whenever the specific district regulations pertaining to one district permit the uses of a more restrictive district, such uses shall be subject to conditions set forth in the regulations of the more restrictive district unless otherwise specified.
- B. It is intended that these regulations be interpreted as not permitting a dwelling unit to be located on the same lot with or within a structure used or intended to be used primarily for nonresidential purposes unless otherwise interpreted by the Board of Zoning Adjustment.

Section 14.20.04: Relief from Requirements for Lot Area or Lot Width in a Residential Zone

- A. On any lot separately owned in a residential zone at the time of passage of this code and retained in continuous separate ownership, a single-family structure may be erected even though the lot be of less width and/or area than required by the regulations of the residential zone in which the lot is located, provided all other area requirements are met.

Section 14.20.05: Areas not to be Diminished

- A. The lot or yard areas required by these regulations for a particular building or use at the time of passage of this code 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 code 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 code.

Section 14.20.06: Group Housing Projects

- A. In the case of a housing project consisting of a group of two or more buildings to be constructed on a plot of ground of at least two acres not subdivided into the customary streets and lots, and which will not be so subdivided, where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this code to individual buildings in such housing project, the application of such requirements to such housing project may be changed by the Board of Adjustment, in a manner that will be in harmony with the character of the neighborhood, will insure a density of land use no higher than the standard of open space at least as high as required by this code in the district in which the proposed project is to be located. In no case shall a use or building height or density of population be permitted which is less than the requirement of the district in which the housing project is to be located.

Section 14.20.07: Storage of Manufactured Homes

- A. Unoccupied manufactured homes may be stored only in either a manufactured home park or designated manufactured home sales area, both of which must be in conformity with the codes of the City of Harrison.

Section 14.20.08: Off-street Automobile and Vehicle Parking and Loading

A. General Intent and Application

It is the intent of these requirements that adequate parking and loading facilities be provided off the street easement for each use of land within the City of Harrison. The requirements are intended to be based on the demand created by each use. These requirements shall apply to all uses in all districts.

B. Location

The off-street parking lot shall be located within 200 feet, exclusive of street and alley widths, of the principal use, and shall have direct access to a street or alley.

C. Joint Parking Facilities

Whenever two or more uses are located together in a common building, shopping center, or other integrated building complex, the parking requirements may be complied with by providing a permanent parking facility, cooperatively, established and operated, which contains the requisite number of spaces for each use. The total number of spaces provided shall not be less than the sum of the individual requirements.

D. Size of Off-Street Parking Space

The size of a parking space for one vehicle shall consist of a rectangular area having dimensions of not less than 9'x 20', plus adequate area for ingress and egress.

E. Amount of Off-street Parking and Loading Required

Off-street parking and loading facilities shall be provided in all districts in accordance with the following schedule:

1. Dwelling, Single-family or Duplex: Two parking spaces for each separate dwelling unit within the structure.
2. Dwelling., Multiple-family: The number of spaces provided shall not be less than one and one-half times the number of units in the dwelling.
3. Bed and Breakfast House or Hotel: One parking space for each two guests provided overnight accommodations.
4. Hospitals: One space for each four patient beds, exclusive of bassinets, plus one space for each staff or visiting doctor, plus one space for each three employees including nurses, plus adequate area for the parking of emergency vehicles.
5. Medical or Dental Clinics or Offices: Six spaces per doctor plus one space for each two employees.
6. Sanatoriums, Convalescent or Nursing Homes: One space for each six patient beds plus one space for each staff or visiting doctor plus one space for each two employees including nurses.

Zoning Code - City of Harrison, Arkansas

7. Community Center, Theater, Auditorium, Church Sanctuary: One parking space for each four seats, based on maximum seating capacity.
8. Convention Hall, Lodge, Club, Library, Museum, Place of Amusement or Recreation: One parking space for each 50 square feet of floor area used for assembly or recreation in the building.
9. Office Building: One parking space for each 300 square feet of gross floor area in the building, exclusive of the area used for storage, utilities, and building service.
10. Commercial Establishments: One parking space for each 150 square feet of floor space used for retail trade in the building and including all areas used by the public.
11. Industrial Establishments: Adequate area to park all employees and customers vehicles at all times and adequate space for loading, unloading and storing all vehicles used incidental to or as a part of the primary operation of the establishment.

For all uses not covered in 1 through 11 above, the Planning Commission shall make a determination of the parking demand to be created by the proposed use, and the amount of parking thus determined shall be the off-street parking requirement for the permitted use.

F. Paved Surface Required

All parking spaces and fire lanes provided under the provisions of this Article shall be paved with a hard surface pavement. The term "parking space" shall be deemed to include all areas used for customer and employee parking, vehicle maneuvering (including ingress and egress) and pedestrian traffic. Areas for material or vehicle storage shall be paved in all use zones with the exception of residential zones.

Section 14.20.09: Site Plan Review

All new construction in the following zones requires a review of the proposed site plan by the Harrison Public Works Director:

1. R-3 Multi-Family District
2. R-4 Manufactured Home Park
3. C-1 Central Business District
4. C-2 Office Commercial District
5. C-3 Highway Commercial District
6. C-4 Neighborhood Commercial District
7. I-1 Heavy Industrial District
8. I-2 Light Industrial District

Prior to applying for a building permit, the developer or the developer's representative will submit to the Public Works Director a site plan indicating the following:

Zoning Code - City of Harrison, Arkansas

1. Proposed and existing grading (2' contours and spot elevations) with a Benchmark from a topographic plan prepared by a licensed professional Land surveyor in the State of Arkansas.
2. Proposed building footprint(s)
3. Proposed ingress and egress
4. Proposed drainage and stormwater retention plan
5. Location of existing and proposed utilities
6. Proposed off site improvements, if any

Section 14.20.10: Residences in the Commercial Districts

A. Generally

All residences located in commercial districts must meet all building, fire, and plumbing codes for residential buildings. Off-street parking shall be provided in accordance with the requirements of this section of the code, with the exception of residences located in the Central Business District. See part B of this section for requirements of residences in the Central Business District.

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

Two off-street parking spaces are required for each residence located in the Central Business District. Off-site parking may be used to meet parking requirements for residential development.

CHAPTER 14.21 SPECIAL USE PERMITS

Section 14.21.01: General Purposes

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

Section 14.21.02: Description

A Special 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 Special Use Permit 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.

Section 14.21.03: Standards for Special Use Permits

The Planning Commission may approve, deny, defer, or modify a special use permit 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 special use location. The Planning Commission shall not permit any use in a zone as a special 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 special use location.

- A. The proposed use is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.

Zoning Code - City of Harrison, Arkansas

- B. The proposed land use is compatible with and will not adversely affect other property in the area where it is proposed to be located.
- C. The proposed use is within the provision of "Uses Permitted Upon Review" as set out in this Code.
- D. 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.
- E. 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.
- F. The internal street system, ingress or egress, off-street parking, loading and pedestrian ways will be efficient and safe.
- G. 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.
- H. Landscaping, fencing and open space will be properly maintained by the owner/developer.
- I. Proposed signs will be appropriate for the location and in accordance with the requirements of the existing City Code.
- J. Public utilities are, or will be, available and will not be overloaded.

Section 14.21.04: Conditions

The Planning Commission may impose conditions and restrictions upon the premises benefited by a Special Use Permit as may be necessary to reduce or minimize the injurious effects of the special 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 special use that is not permitted under the zoning code.

Conditions imposed as part of the special use may be of two types. Threshold Conditions are those that must be met by all proposed developments before an application for a special 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.

Section 14.21.05: Application Procedure for Special Use Permit

Application for a special use permit shall be made by the property owner or authorized agent for the owner. The application shall be submitted to the Public Works 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.

The applicant shall give notice of the Special Use Permit application. The notice 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. 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.

Section 14.21.06: Development plan requirements

The development plan requirements for a special use permit 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; and
7. Any additional information needed by the staff because of conditions peculiar to the development.

Section 14.21.07: Development plan review

The Public Works Department staff shall review the proposed special use permit application 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.

Section 14.21.08: Planning Commission Action

The Planning Commission shall review special permit 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 special use permit. The Planning Commission shall then make one of the following determinations: approve the special use permit application as requested; approve the special use permit application with modifications; defer the special use permit application; or deny the special use permit application.

The Planning Commission may impose conditions and restrictions upon the premises benefited by a special use permit as may be necessary to reduce or minimize the injurious effects of the special 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.

Section 14.21.09: Status of Conditions

Once any portion of the special use permit that 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 special 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 special use permit. However, the Board of Zoning Adjustment may grant variances as provided by the Zoning Code.

Amendments or major changes to a special use permit authorization must follow the same process as the original special use permit application; however, the Commission delegates authority to the staff 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 Special 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 special use that is not permitted under the zoning code.

CHAPTER 14.22 TELECOMMUNICATION TOWERS

Section 14.22.01: Purpose

The purposes of these regulations are described as follows:

- A. To establish a system of administering requests for the siting of commercial communication towers in accordance with provisions of the Federal Telecommunications Act of 1996.
- B. To minimize the number of new towers needed by encouraging the use of existing towers and existing public and private structures.
- C. To preserve the stability of land values of properties near and adjacent to proposed commercial tower locations.
- D. To protect the public health, safety, and welfare through the use of good engineering and urban design principles.

Section 14.22.02: Definitions

- A. Antenna Array means one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include an omni-directional antenna (rod), a directional antenna (panel) and a parabolic antenna (disc). The Antenna Array does not include the Support Structure defined below.
- B. Attached Wireless Communications facility (Attached WCF) means an Antenna Array that is attached to an existing building or structure which shall include, but not be limited to, utility poles, signs, water towers, with any accompanying poles or device which attaches the Antenna Array to the existing building or structure and associated connection cables, and any Equipment Facility which may be located either inside or outside the Attachment Structure.
- C. Collocation or Site Sharing means use of a common WCF or common site by two or more wireless license holders or by one wireless license holder for more than one type of communications technology or placement of a WCF on a structure owned or operated by a utility or other public entity.
- D. Derrick Tower means a structure constructed of lattice steel and which is entirely self-supporting.

Zoning Code - City of Harrison, Arkansas

- E. Equipment Facility means any structure used to contain ancillary equipment for a WCF, which includes cabinets, shelters, and a buildout of an existing structure, pedestals, and other similar structures.
- F. FAA means the Federal Aviation Administration.
- G. FCC means the Federal Communication Commission
- H. FTA means the Federal Telecommunications Act of 1996.
- I. Guy-Wired Tower is a structure constructed of lattice steel and which is supported by guy-wires extending at angles from the structure to ground anchors.
- J. Height. When referring to a WCF, Height shall mean the distance measured from ground level to the highest point on the WCF, including the Antenna Array.
- K. Monopole Tower is a supporting structure composed of a solid pole without any guy-wired support.
- L. Setback means the required distance from the WCF to the property lines of the parcel on which the WCF is located.
- M. Stealth Technology means systems, components and materials used in the construction of the WCF, which are designed to mask or conceal the WCF to make it compatible with the surrounding property.
- N. Support Structure means a structure designed and constructed specifically to support an Antenna Array, and may include a monopole, guy-wire support tower, or derrick tower. Any device used to fasten an Attached WCF to an existing building or structure shall be excluded from the definition of and regulations applicable to Support Structures.
- O. Tower Use Permit (TUP) means a permit issued by the City specifically for the location, construction and use of a WCF subject to an approved site plan and special conditions determined by the Planning Commission and City Council to be appropriate under the provisions of this Article.
- P. Wireless Communications means any personal wireless service as defined in the Telecommunications Act of 1996, which includes FCC-licensed commercial wireless communications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.

Zoning Code - City of Harrison, Arkansas

- Q. Wireless Communication Facility (WCF) means any unstaffed facility for the transmission or reception of wireless telecommunications services, usually consisting of an Antenna Array, connection cables, an Equipment Facility, and a Support Structure to achieve the necessary elevation.

Section 14.22.03: Location and Application

- A. A Tower Use Permit (TUP) for the following may be processed and approved, with necessary information and agreements, through administrative review:
1. An attached Wireless Communications Facility (Attached WCF) to be attached to an existing monopole, tower, or structure.
 2. Facilities to be located in I-1 (Heavy Industrial) and I-2 (Light Industrial) zoning districts.
 3. Facilities to be located in parks or other public areas upon approval by the City Council and property owner(s). If the City staff does not approve a TUP for any of the above, the Applicant may elect to apply for a Special Use Permit under the conditions set forth in Chapter 14-21.
- B. The following applications are subject to acquisition of a Special Use Permit under the conditions set forth in Chapter 14-21:
1. Facilities to be located in any residential use zoning district.
 2. Facilities to be located in any commercial use zoning district.
- C. All TUP applications for new tower construction will be considered only after the applicant has demonstrated to the satisfaction of the Planning Director and Manager of Engineering Services that:
1. No existing towers or structures are located within the geographic area that would meet applicant's engineering requirements.
 2. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 3. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

Zoning Code - City of Harrison, Arkansas

5. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure, or to adapt an existing tower or structure for sharing, are unreasonable. Any such costs that exceed the cost of new tower development are presumed to be unreasonable.
 6. Applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- D. All applications shall include, in addition to the other requirements specified in Chapter 14.21, if applicable, a scaled site plan, a scaled elevation view and other supporting drawings. The Applicant shall also submit calculations and other documentation showing the location and dimensions of the WCF and all improvements associated therewith, including information concerning specifications, antenna locations, equipment storage facilities, landscaping, parking, access, fencing, and if relevant as determined by staff, topography, adjacent uses, and existing vegetation.

Section 14.22.04: Development Standards

A. Height

1. An attached WCF shall not add more than 20 feet in height to the existing building or structure to which it is attached.
2. WCF with Support Structures shall have a maximum height of 250 feet in industrial and agricultural zones, 200 feet in commercial zones, and 150 feet in residential zones.

B. Setbacks

1. Attached WCF: Antenna Arrays for Attached WCF are exempt from the setback provisions of the zone in which they are located. An Attached WCF Antenna Array may extend up to 30 inches horizontally beyond the edge of the Attached Structure so long as the Antenna Array does not encroach upon an adjoining parcel.
2. WCF with Support Structures shall meet the setback requirements for principal structures of the underlying zone in which they are located, except for residential zoning districts.
3. WCF with Support Structures abutting residential property on any side shall be set back from any adjoining property line a distance at least 50 percent of the height of the tower measured from the base of the tower to the property line of the residential lot. Guy-wired anchors shall meet the

Zoning Code - City of Harrison, Arkansas

setback ordinance requirements of the specific district in which the WCF is located.

C. Landscaping and Aesthetics

1. Existing mature tree growth and natural landform on the site shall be preserved to the extent feasible; provided, however, that vegetation that causes interference with the antenna or inhibits access to the equipment storage may be trimmed. Any trees in excess of six (6) inches in diameter which are to be cut must be indicated on the site plan.
2. WCF shall be designed so as to be compatible with the existing structures and surroundings to the extent feasible. Such requirements shall not interfere with normal functioning of the WCF and may include the use of compatible or neutral colors, or stealth technology.

D. Lighting

1. WCF shall not be artificially illuminated, directly or indirectly, except as may be required by state or federal law or for security of the equipment building. It shall be the Owner's responsibility to meet FAA lighting requirements, if necessary.
2. WCF shall not display any signage or message of a commercial nature except for an inconspicuous message containing provider identification and emergency telephone numbers.

E. Security Fencing

1. WCF with Support Structures shall be enclosed by a security fence not less than six (6) feet.

F. Collocation

1. All WCF with Supporting Structures shall be designed to accommodate a minimum of three antenna arrays where technically feasible and visually desirable.
2. All applicants for WCF with Supporting Structures are required to execute a statement upon filing the application agreeing to allow collocation of other WCF providers at a lease rate not to exceed the commonly accepted market terms as determined by the City of Harrison.

Zoning Code - City of Harrison, Arkansas

G. Conditions

Support Structures for Wireless Communication Facilities are permitted in the various zoning districts according to the following table.

Support Structure	R-1	R-2	R-2 AH	R-3	R-4	C-1	C-2	C-3	C-4	I-1	I-2	CONS	A-1
Monopole	C	C	C	C	C		C	C	C	P	P		C
Guy Wired										P	P		
Stealth Technology	C	C	C	C	C	C	C	C	C	P	P		C
Derrick													

Table Notes:

A “P” indicates that the given support structure is permitted in the zoning district subject to Tower Use Permit approval.

A “C” indicates that the given support structure is permitted in the zoning district subject to approval by the Planning Commission and City Council.

A blank indicates that the given support structure is not permitted in the zoning district.

Section 14.22.05: Abandonment

Agreements accompanying a request for new supporting structures or attached WCF shall include the following to be executed with the City of Harrison:

- A. Any Wireless Communication facility (WCF) whose use is discontinued shall be removed by the owner, and shall be reported to the City of Harrison immediately. All discontinued facilities shall be removed within six months and the site restored to its original condition, all at the owner’s expense.
- B. Any discontinued WCF not removed within six months may be removed by the City at the owner’s expense.

Section 14.22.06: Environmental Impact

Assessments of environmental impact are required by federal law to be prepared by personal wireless service carriers when the following environmental impacts occur:

- A. Facilities are located in officially designated wilderness or wildlife areas.
- B. Facilities threaten endangered species or critical habitats.

Zoning Code - City of Harrison, Arkansas

- C. Facilities affect historic sites or structures
- D. Facilities are to be located in floodplains.
- E. Facilities will significantly change a surface area involving wetlands, deforestation, or water diversions.

Since these assessments are already required by federal law, these provisions are incorporated into this ordinance and certification of compliance with the National Environmental Policy Act (NEPA) (43 U.S.C. Section 4321) must be provided before any permits will be issued.

Section 14.22.07: Review

The City of Harrison shall complete final action upon any TUP within 90 days of the filing of the application unless a request for extension is filed by the Applicant. Any decision to deny a request will be made in writing and will be supported by substantial evidence contained in a written record.

Section 14.22.08 Change in Ownership

If a Tower Use Permit has been previously issued, any ownership or licensing change not involving new construction may be approved administratively by the City Attorney.

CHAPTER 14.24 NONCONFORMING BUILDINGS, STRUCTURES, AND USES OF LAND

Section 14.24.01: Nonconforming Buildings and Structures

A nonconforming building or structure existing at the time of adoption of this ordinance may be continued, maintained, and repaired, except as otherwise provided in this section.

A. Alteration or Enlargement of Buildings and Structures

A nonconforming building or structure shall not be added to or enlarged in any manner unless said 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 nonconforming as to yards or height, or off-street parking space, said building or structure may be enlarged or added to provided that the enlargement or addition complies with yard and height and off-street parking requirements of the district in which said 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 said building or structure is made to conform to all of the regulations of the district in which it is located.

B. 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 to the provisions hereof, shall not be structurally altered. All such nonconforming advertising signs, billboards, commercial advertising structures, and statuaries, and their supporting members, shall be completely removed from the premises not later than three years from the effective date of this code.

C. Building Vacancy or Destruction

A building or structure or portion thereof, which is nonconforming as to use, which is or hereafter becomes vacant or is destroyed, and remains unoccupied or not reconstructed for a continuous period of one year shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located.

D. Change in Use

A nonconforming use of a conforming building or structure shall not be expanded or extended into any other portion of such conforming building or structure, or change except to a conforming use. If such a nonconforming use, or portion thereof, is discontinued or changed to a conforming use, any future use of such buildings, structure, or portion thereof, shall be in conformity with 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 year after the effective date of this code. Otherwise, it shall be used in conformity with the regulations of the district in which it is located.

Section 14.24.02: Nonconforming Uses of Land

Non- conforming uses, as defined herein, may not be extended or expanded, or allowed to occupy more area than was in use on the effective date of this code.

Nonconforming uses, or any portion thereof, if discontinued for a period of one year, shall not be permitted to be reestablished. Any new use shall be in conformity with the provisions of the district in which said land is located.

CHAPTER 14.28
BOARD OF ZONING ADJUSTMENT

Section 14.28.01: Organization of Board of Adjustment

- A. The Board of Zoning Adjustment shall be comprised of the full membership of the Harrison Planning Commission.

Section 14.28.02: Meetings

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

The minutes of the meeting shall be filed by the secretary of the Board in the office of the City Clerk, and shall be public record.

- C. Any member of the Board who fails to be in attendance at two consecutive scheduled meetings in a calendar year shall have his appointment declared vacated, and a new member shall be selected as provided in Section 14.28.01 -A.

Section 14.28.03: Appeals from Decision of the Code Enforcement Official.

- A. The Board shall hear appeals from an administrative decision of the Code Enforcement Official, who shall be designated by the Public Works Director, concerning interpretation of the zoning code and shall decide whether such interpretation was in error or not.

Zoning Code - City of Harrison, Arkansas

Section 14-28-04: Variance

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

Section 14.28.05:Reserved.

Section 14.28.06: Appeals From Decisions of the Board

- A. Appeal from the decision of the Board shall be to a court having jurisdiction within 30 days from the decision of the Board.

Section 14.28.07: Notices and Fees

- A. Whenever an appeal or application for a variance is made to the Board, the Board shall cause to have published at the expense of the appellant or applicant a notice of the time and place of the public hearing upon such appeal or application, which notice shall be published at least once not less than seven (7) days preceding the date of such hearing in an official paper or a paper of general circulation in Harrison, said notice to designate the particular location with which the appeal or application is concerned, and a brief statement as to what the appeal or application consists of. The Board shall also give or cause to be given such additional notice of such hearing to interested persons and organizations as it shall deem feasible and practicable.
- B. The appellant or applicant shall be required to pay to the Code Enforcement Official a filing fee of fifty dollars (\$50.00) to cover such other costs as may be incurred in connection with such appeal or application.

CHAPTER 14.32 AMENDMENTS

Section 14.32.01: General

- A. 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.
- B. 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.

Section 14.32.02: Amendments initiated by the City Council

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

- A. The City Council may refer a request for amendment to the Planning Commission to be considered in accordance with the procedures outlined in Section 14.32.03, below.
- B. 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.

Section 14.32.03: Amendments initiated by the Planning Commission

Amendments initiated by the Planning Commission may be made only in accordance with the procedures outlined herein.

- A. 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.
- B. The Planning Commission shall prepare a work program and make studies,

Zoning Code - City of Harrison, Arkansas

including the preparation of maps, to support its decisions regarding possible amendments.

- C. 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.
- D. 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.
- E. 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.
- F. Following the public hearing, the proposed plans may be recommended as presented, or in modified form, by a majority of the entire Planning Commission.
- G. 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.

Section 14.32.04: Amendments initiated by property owners

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

- A. An application for amendment shall be filed with building official
- B. The application for a Zoning Map Amendment shall contain the following information:
 - 1. Name and address of applicant.
 - 2. Statement that the applicant is the owner or the authorized agent of the owner of the property for which the Zoning Map Amendment is proposed.
 - 3. Address and legal description of property.
 - 4. A map of the subject property, delineating:
 - (a) the dimensions of property;
 - (b) approximate location of buildings with appropriate dimensions;
 - (c) land uses of adjacent properties.
 - 5. The application shall be accompanied by the prescribed fee as determined by the City Council.

C. Hearing

Upon receipt in proper form of the application for a Zoning Map Amendment, the building official shall fix a date for a public hearing according to a monthly schedule maintained in the building official's 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 building official shall fix a date for a public hearing according to a monthly schedule maintained in the building official's 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 Harrison. 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.

D. Finding of Fact

Within thirty (30) days following the public hearing, the Planning Commission shall make a specific finding as to whether or not the change is consistent with the objectives of the Zoning Code, and the Plans adopted by the Planning Commission, and that the purpose of the amendment is not based exclusively upon a desire to increase the value or income potential of the property. The Planning Commission shall make written recommendations to the City Council setting forth the basis for its recommendations. A copy of these recommendations shall be submitted to the applicant at the same time.

E. 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.

F. 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.

Zoning Code - City of Harrison, Arkansas

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.

Section 14.32.05: Appeals to City Council

- A. Any action of the Planning Commission, i.e. special 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:
1. Summary of any reasons provided by the Planning Commission concerning the decision made in the case.
 2. Reasons why the applicant of the appeal contends that the Planning Commission erred in its decision.
 3. Reasons why the applicant of the appeal believes that the public health, safety, welfare, and morals would be better served if the Planning Commission's decision were reversed.
 4. Any new and pertinent information bearing on the case which may have been overlooked by the Planning Commission or which may have come to light following the meeting at which the Planning Commission made its decision.
 5. 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.
- B. 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.

CHAPTER 14.36
CODE ENFORCEMENT OFFICIAL, BUILDING PERMIT, PENALTY FOR
VIOLATION

Section 14.36.01: Enforcement

- A. The provisions of this code shall be administered by Code Enforcement official designated by the City of Harrison Director of Public Works.

Section 14.36.02: Building Permit

- A. A building permit will be issued only when the application has been approved by the Code Enforcement Official as meeting requirements of this code. All applications for building permits shall be accompanied by a plan, prepared by a registered Professional Land Surveyor, drawn to an appropriate scale –(for example, 1" = 10',20',30'), showing the actual dimensions of the lot to be built upon, the size of the building to be erected, Zone setback lines and its location on the lot, and such other information as may be necessary to provide for the enforcement of this code. Said building location shall be staked-out on the lot by a registered Professional Land Surveyor. A record of such application and plans shall be kept by the Code Enforcement Official and are subject to review by the Planning Commission.

Section 14.36.03: Penalty for Violation

- B. Any person or corporation who shall violate any of the provision of this code or fail to comply therewith 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 not more than \$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 code 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.

APPENDIX A

APPLICATION FORMS TO REQUEST A PUBLIC HEARING OR TO BE PLACED ON PLANNING COMMISSION AGENDA

**ALL APPLICATIONS
SHALL BE FILED WITH THE CODE ENFORCEMENT OFFICE
A MINIMUM OF TWENTY ONE (21) DAYS PRIOR TO THE
NEXT REGULAR PLANNING COMMISSION DATE.**

- 1. PETITION FOR A REZONE:**

- 2. APPLICATION FOR A PUBLIC HEARING:**

- 3. APPLICATION FOR A SPECIAL USE PERMIT:**

PETITION FOR A REZONING

FILING DATE _____, 20

TO THE HARRISON PLANNING COMMISSION:

Application is hereby made to the City Planning Commission of Harrison, Arkansas, pursuant to the Arkansas Law on city planning, Act 186 of 1957, Acts of Arkansas, as amended, and the Harrison Zoning Ordinance No. 490, as Amended, petitioning for a rezoning of the following described area:

- 1) Legal Description:
- 2) Street Address or approximation thereof: _____
- 3) Title to this property is vested in: _____
- 4) It is desired that the zoning district boundaries shown in the official Zoning Districts Map be amended and that the area described above be reclassified From the present _____ Zone to _____ Zone.
- 5) Present use of Property: _____
- 6) Desired use of Property: _____
- 7) (There are) (There are no) deed restrictions pertaining to the use of this property. Any restrictions are described: _____
- 8) A statement and diagram explaining why the proposed changes will not conflict With surrounding land uses is enclosed as part of this petition.
- 9) A map and a photograph of the subject property are enclosed herewith and the Map shows (1) the approximate dimensions of each property line and any adjoining rights-of-way, (2) the approximate outline location of any buildings on subject property and adjacent properties, and (3) land uses and owner’s names for all lands within 300 feet of the boundaries of the subject property.
- 10) A \$50.00 application filing fee has been paid to the Code Enforcement Officer (y) (n).
- 11) It is understood that Notice of the Public Hearing before the Harrison Planning Commission will be published at least 15 days prior to said hearing in a newspaper of general circulation in the City at the Petitioners expense, and that notice of said hearing must be circulated by the applicant to all other parties in interest, including all owners of land within 300 feet of the boundary of the property proposed for rezoning.

Under penalties of perjury. I declare that I have examined this petition, including accompanying materials are statements, and to the best of my knowledge and belief it is true, correct, and complete.

**Signed by PETITIONER(S): _____
ADDRESS: _____**

**NOTICE OF PUBLIC HEARING
ON APPLICATION FOR REZONING**

NOTICE IS HEREBY GIVEN THAT an application by _____
For a rezoning has been filed with the City Planning Commission of Harrison wherein the
request is made to change the zone classification of the property located
at _____ and described as:

From “_____” _____ Zone to “_____” _____ Zone by
amendment to the Harrison Zoning Regulations.

The Harrison Planning Commission will hold a **PUBLIC HEARING** on said application at
1:00 P.M. on _____, 20__ at City Hall in Harrison, Arkansas.

ALL PARTIES IN INTEREST MAY BE HEARD at said time and place or may notify the
Planning Commission by letter of their views on this matter.

THE PROPOSED AMENDMENT is on file for public inspection and comment at the Code
Enforcement Office located at 303 N. Third Street, Harrison, Arkansas.

HARRISON PLANNING COMMISSION

By: _____, Code Enforcement Official

END OF NEWSPAPER ADVERTISEMENT
.....

An affidavit is required or other evidence (such as below) that the Notice of Public Hearing was mailed or otherwise delivered to the owners of lands within 300 feet of the boundaries of the property proposed for rezoning including property owners across the Public Way (street) and to all other parties in interest.

G. ATTENTION: PROPERTY OWNERS

The Harrison zoning regulations require an applicant for a rezoning to serve notice at least 15 days prior to the public hearing to all parties in interest, including owners of land lying within 300 feet of the boundary of the property under consideration. Including property owners across the Public Way (street). Your signature below simply indicates to the Harrison Planning Commission that you have read this notice that includes the time, place, and purpose of the Public Hearing on this case and does not signify approval or disapproval of the application.

Applicant	Address
-----------	---------

THIS IS NOT A PETITION

<u>Property Owners</u>	<u>Addresses</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

(Continue on additional sheets as necessary)

I, _____, hereby certify that I have notified all the property owners within 300 feet of the property aforementioned that the property is being considered for rezoning and that a Public Hearing will be held at the time and place described above. I understand that if all interested parties are not notified at least fifteen (15) days before the Public Hearing on my petition, then any petition, which may be granted by the Planning Commission, will automatically become null and void.

FILED: _____, 20____

Applicant

Code Enforcement Official: _____
Harrison Planning Commission

Application For Hearing

Filing Date _____, 20__

Code Enforcement Official _____

TO THE HARRISON BOARD OF ZONING ADJUSTMENT:

Application is hereby made to the Harrison Board of Zoning Adjustment pursuant to the Arkansas laws, Act 186 of 1957, Acts of Arkansas, as amended, and the Harrison zoning regulations, Ordinance 773, as amended, requesting a hearing related to the following described property:

1) Legal Description:

2) Street Address or approximation thereof: _____

**3) Title to this property is vested in _____
Address _____**

**4) (There Are) (there are no) deed restrictions pertaining to the variance or appeal requested herein. Any restrictions are described: _____
_____**

5) The hearing is requested for the following reason:

Appeal from a decision of the Code Enforcement Official concerning his interpretation of the zoning regulations. Explain: _____

Request for a variance from the zoning regulations due to the unique characteristics of the property. Explain: _____

Request to (remodel) (expand) a non-conforming structure. Explain: _____

Request for a Zoning recommendation for annexed property to the City of Harrison to be presented to the Council for Zoning Designation.

6) A scaled plan executed by a Professional Land Surveyor and a photograph of the subject property are enclosed herewith as

a means of illustrating the problem of concern. The plan will include (1) the dimensions of the property lines and adjoining rights-of-way, (2) outline, and location of buildings, with dimensions, and (3) land uses and owners' names of adjacent properties.

- 7) The application filing fee has been paid to the City Inspector's Office and a Copy of the receipt is attached hereto.**
- 8) It is understood that the Notice of Public Hearing will be published at least 15 Days prior to said hearing in a newspaper of general circulation in the City of Harrison, AR.**
- 9) (Submit original with attachments to Code Enforcement Dept. and deliver a legible copy with all attachments to each of the Board members and all adjoining land owners including owners directly across Street (right of way). Use additional sheets if above spaces are inadequate.)**

Under penalties of perjury, I declare that I have examined this petition Including accompanying materials and statements, and to the best of my knowledge and belief it is true, correct, and complete.

Respectfully Submitted,

Signed by APPLICANT(S): _____
ADDRESS: _____
TELEPHONE: _____

H. ATTENTION: PROPERTY OWNERS

The Harrison zoning regulations require an applicant to serve notice at least 15 days prior to the public hearing to all parties in interest, including owners of all adjoining land, including owners directly across street right of ways and alleys.

Your signature below simply indicates to the Harrison Planning Commission that you have read this notice that includes the time, place, and purpose of the Public Hearing on this case and does not signify approval or disapproval of the application.

Applicant	Address
THIS IS NOT A PETITION	

<u>*Property Owners</u>	<u>Addresses</u>	<u>Telephone</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

* Out of State property owners to be notified by registered mail with return Receipt. Receipt to be accompanied with this notification form.

(Continue of additional sheets as necessary)

I, _____, hereby certify that I have notified all the property owners adjoining the property aforementioned that the property is being considered for _____ and that a Public Hearing will be held at the time and place described above. I understand that if all interested parties are not notified at least fifteen (15) days before the Public Hearing on my petition, then any petition, which may be granted by the Planning Commission, will automatically become null and void.

FILED: _____ .20 _____
Applicant

Code Enforcement Officer _____
Harrison Planning Commission

(NEWSPAPER ADVERTISEMENT)

**NOTICE OF PUBLIC HEARING BEFORE
THE BOARD OF ZONING ADJUSTMENT**

NOTICE IS HEREBY GIVEN THAT an application by

For a hearing before the Harrison Board of Zoning adjustment wherein the appeal or application for a variance or Zoning designation is concerned with the property located at:

_____ and the content of the application is described as follows:

A PUBLIC HEARING on said application will be held by the Harrison Board of Zoning Adjustment at _____ PM on _____ 20_____ at City Hall in Harrison.

ALL PARTIES IN INTEREST MAY BE HEARD at said time and place or may notify the Board of Zoning Adjustment by letter of their views on this matter.

THIS APPLICATION is on file for public inspection at the City Inspector's Office located at 303 N. Third St., Harrison, AR.

Dated this ____ day of _____, 20 ____.

HARRISON BOARD OF ZONING ADJUSTMENT

By _____, Code Enforcement Official

Application For Hearing

Filing Date _____, 20__

Code Enforcement Official _____

TO THE HARRISON PLANNING COMMISSION:

Application is hereby made to the Harrison Planning Commission pursuant to the Arkansas laws, Act 186 of 1957, Acts of Arkansas, as amended, and the Harrison zoning regulations, Ordinance 773, as amended, requesting a hearing related to the following described property:

9) **Legal Description:**

10) **Street Address or approximation thereof:** _____

11) **Title to this property is vested in** _____
Address _____

12) **(There Are) (there are no) deed restrictions pertaining to the variance or appeal requested herein. Any restrictions are described:** _____

13) **The hearing is requested for the following reason:**

A SPECIAL USE PERMIT IN ACORDIANCE WITH CHAPTER 14.21 OF THE HARRISON ZONING CODE.

AS FOLLOWS:

- 14) A scaled plan executed by a Professional Land Surveyor and a photograph of the subject property are enclosed herewith as a means of illustrating the problem of concern. The plan will include (1) the dimensions of the property lines and adjoining rights-of-way, (2) outline, and location of buildings, with dimensions, and (3) land uses and owners' names of adjacent properties.
- 15) The application filing fee has been paid to the Code Enforcement Office and a Copy of the receipt is attached hereto.
- 16) It is understood that the Notice of APPLICATION will be published at least 15 Days prior to said meeting in a newspaper of general circulation in the City of Harrison, AR.
- 9) (Submit original with attachments to Code Enforcement Dept. and deliver a legible copy with all attachments to each of the Board members and all adjoining land owners including owners directly across Street (right of way). Use additional sheets if above spaces are inadequate.)

Under penalties of perjury, I declare that I have examined this petition Including accompanying materials and statements, and to the best of my knowledge and belief it is true, correct, and complete.

Respectfully Submitted,

Signed by APPLICANT(S): _____
ADDRESS: _____
TELEPHONE: _____

I. ATTENTION: PROPERTY OWNERS

The Harrison zoning regulations require an applicant to serve notice at least 15 days prior to the meeting to all parties in interest, including owners all adjoining land, including owners directly across street right of ways and alleys.

Your signature below simply indicates to the Harrison Planning Commission that you have read this notice that includes the time, place, and purpose of the Planning Commission Meeting on this case and does not signify approval or disapproval of the application.

Applicant	Address
THIS IS NOT A PETITION	

<u>*Property Owners</u>	<u>Addresses</u>	<u>Telephone</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

* Out of State property owners to be notified by registered mail with return Receipt. Receipt to be accompanied with this notification form.

(Continue on additional sheets as necessary)

I, _____, hereby certify that I have notified all the property owners adjoining the property aforementioned that the property is being considered for _____ and that the Planning Commission meeting will be held at the time and place described above. I understand that if all interested parties are not notified at least fifteen (15) days before the meeting on my petition, then any petition, which may be granted by the Planning Commission, will automatically become null and void.

FILED: _____,20
Applicant

Code Enforcement Official _____
Harrison Planning Commission

(NEWSPAPER ADVERTISEMENT)

**NOTICE OF SPECIAL USE HEARING BEFORE
THE HARRISON PLANNING COMMISSION**

NOTICE IS HEREBY GIVEN THAT an application by

For a hearing before the Harrison Planning Commission wherein the appeal or application for a SPECIAL USE PERMIT is concerned with the property located

**at _____
_____ and the content of the application is described as follows:**

**The Planning Commission Meeting on said application will be held by the Harrison Board of Zoning Adjustment at _____AM/PM
on _____20_____ at City Hall in Harrison.**

ALL PARTIES IN INTEREST MAY BE HEARD at said time and place or may notify the Planning Commission by letter of their views on this matter. THIS APPLICATION is on file for public inspection at the Code Enforcement Office located at 303 N. Third St., Harrison, AR.

Dated this ____ day of _____, 20____.

HARRISON BOARD OF ZONING ADJUSTMENT

By _____, Code Enforcement Supervisor

Zoning Code - City of Harrison, Arkansas