

ORDINANCE NO. 58

**AN ORDINANCE AMENDING ORDINANCE NO. 35 AND
TO DECLARE AN EMERGENCY AND FOR OTHER PURPOSES**

WHEREAS, the City Council of Goshen, by Ordinance No. 35, did adopt, by reference, zoning regulations, and

WHEREAS, after due notice as required by law, the Goshen Planning Commission has heard all persons desiring to be heard regarding the amendments contained herein; and

WHEREAS, all comments, views, suggestions and recommendations have been considered and addressed, and minor changes made as deemed appropriate; and

WHEREAS, after conducting its public hearing in accordance with law, the Goshen Planning Commission adopted the attached amendments and did recommend them to the City Council.

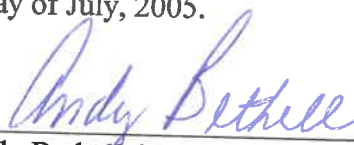
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF GOSHEN, ARKANSAS:

SECTION 1: That the document entitled: "City of Goshen Zoning Regulations" adopted by Ordinance 35 on June 10, 2003 is amended as reflected in the attached Amendment 2 to Goshen Zoning Regulations. All changes to said ordinance and regulations are incorporated in the attached document entitled "City of Goshen Amended Zoning Regulations" which is adopted by reference and is intended to reflect the amendments. All provisions of the original regulations unchanged by this Ordinance are readopted, but the effective date of those provisions shall be unaffected hereby.

SECTION 2: That all regulations and ordinances adopted and in effect prior to the effective date of this Ordinance, are amended as necessary to give effect to this ordinance.

SECTION 3. EMERGENCY CLAUSE: It is hereby declared that based on the conditions set forth herein, an emergency exists and this Ordinance, being necessary for the immediate protection of the health, safety, and welfare of the citizens of Goshen, Arkansas, shall be in effect immediately upon its passage, approval, and publication.

PASSED AND APPROVED this 12th day of July, 2005.



Andy Bethell, Mayor

ATTEST:


Fara Ferguson, City Recorder

APPROVED AS TO FORM:

Charles Harwell, City Attorney

ROLL CALL

Names Of Those Voting YEA

Names Of Those Voting NAY

AMENDMENT 2 TO GOSHEN ZONING REGULATIONS

1. Add Title Page and Table of Contents. Delete all “Whereas” paragraphs and “Now, Therefore” paragraph.
2. Add as a definition in Section 1, “Structure: Something built or constructed of interrelated parts such as a building, fence, sign, tower, or dam.”
3. Change “Clerk” to “Recorder-Treasurer” in Section 2.b.
4. Add “which has the sole authority to make zoning decisions or changes to the zoning ordinance” to the end of Section 2.c.
5. Add “and such unauthorized change is null and void” to the end of both sentences of Section 2.d.
6. Add “and approved by the City Council” after “Mayor” in the first line of Section 3.a.
7. Add “The zoning official shall not serve in any other municipal capacity. ” to the end of Section 3.a.
8. Add “The zoning official shall notify the mayor and City Council within five (5) business days of all violations and what actions he has taken pursuant to this subsection.” to the end of Section 3.b.
9. Add “or the City Council” after “Zoning Official” in the sixth line of Section 3.d.
10. Add “structure” after “building” in line two of Section 3(e). Also, change “both” to “all” in line two of Section 3.e.
11. Add “A temporary certificate of zoning compliance, up to 180 days in duration, may be issued with a temporary waiver as to any provision in this ordinance regarding paving, lighting, signage or parking upon the posting of a satisfactory performance bond in an amount equal to the estimated cost of the requirement which has been temporarily waived.” to the end of Section 3.e.
12. Delete “interpretation and” from line 2 of Section 3.f.
13. Add “Questions as to the intent and interpretation of this ordinance are the sole responsibility of the city council. Should the Zoning Official have a question regarding intent and interpretation, he shall submit that question to the City Council for consideration at its next regularly scheduled meeting.” to the end of Section 3.f.
14. The last two sentences of Section 3.j. shall read as follows: “Any violation may be referred by the City Council to the City Marshal or the City Attorney for action. The City Attorney shall apply to the appropriate court for relief, seeking either penalties or injunctive relief as permitted by law.”
15. Delete “height” from line one of Section 4.e.
16. Add “Any action by the Zoning Official or Board of Zoning Adjustment to establish or expand a use prohibited, not permitted, nor listed as a conditional use within a district is null and void. No height variances shall be granted under any circumstances as to any building since building heights above thirty-five feet (35') are detrimental to the health, safety and welfare of homeowners, citizens, and firefighters with the current available fire fighting equipment of the Goshen Fire District Association.” to the end of Section 4.e.
17. Add “The Board’s findings shall be specifically set forth in the record for review by a court should an appeal be taken.” as paragraph 5 of Section 4.f.

18. Delete "lot, open space" from line one of Section 5.c.
19. Add "Lot sizes or open spaces may be reduced only in conformance with the conservation subdivision ordinance." to the end of Section 5.c.
20. Change Section 6.c. to read "The nonconforming use of any structure or portion thereof, may be occupied by another similar, or less intense nonconforming use as may be determined by the City Council only. No building in which a nonconforming use has been changed to a less intense use shall again be devoted to a more intense use.
21. Replace "within two (2) years after the effective date of this Ordinance" with "December 31, 2005" in Section 6.d.
22. Change "Planning Commission" to "City Council" in Section 7.b.1.c.
23. Add "Any light used to illuminate NR areas shall be so designed and arranged to reflect the light downward. All existing lights not in conformity shall be made to conform on or before July 1, 2008." as paragraph 4 to Section 7.b.1.f.
24. Change "Gated-community/" to "All" in Section 7.1.g.5.
25. Change "thirty-two (32)" to "twelve (12)" in paragraph 4 of Section 7.b.1.g.
26. Change "Planning Commission" to "City Council" in Section 7.b.1.g.
27. Change "Planning Commission" to "City Council" in Section 7.b.2.c.
28. Add "Any light used to illuminate NR areas shall be so designed and arranged to reflect the light downward. All existing lights not in conformity shall be made to conform on or before July 1, 2008." as paragraph 4 to Section 7.b.2.f.
29. Change "Gated-community/" to "All" in Section 7.2.g.5.
30. Change "thirty-two (32)" to "twelve (12)" in paragraph 4 of Section 7.b.2.g.
31. Change "Planning Commission" to "City Council" in paragraph 5 of Section 7.b.2.g.
32. Change "Planning Commission" to "City Council" in Section 7.b.3.c.
33. Add "Any light used to illuminate RR areas shall be so designed and arranged to reflect the light downward. All existing lights not in conformity shall be made to conform on or before July 1, 2008." as paragraph 5 of Section 7.b.3.f.
34. Change "thirty-two (32)" to "twelve (12)" in paragraph 4 of Section 7.b.3.g.
35. Change "Gated-community/" to "All" in Section 7.3.g.5.
36. Change "Planning Commission" to "City Council" in paragraph 5 of Section 7.b.3.g.
37. Delete "Mini-Storage Facilities" from Section 7.b.4.c.
38. Change "Planning Commission" to "City Council" in Section 7.b.4.c.
39. Change "two hundred (200)" to "fifty (50)" in Section 7.b.4.e.
40. Add "The maximum height of any freestanding sign shall not extend 15 feet above the ground to its highest point." as paragraph 6 of Section 7.b.4.e.
41. Delete "Mini Storage" from Section 7.b.5.b.
42. Change "Planning Commission" to "City Council" in Section 7.b.5.c.
43. Add "The maximum height of any freestanding sign shall not extend 15 feet above the ground to its highest point." as paragraph 6 of Section 7.b.5.f.
44. Add "Any permanent sign existing in the General Commercial District as of the adoption of this regulation that is not in compliance with these regulations shall be considered non-conforming, but shall be permitted to remain until its owner shall either abandon it for a period of one year or shall undertake to make major revisions to it. This provision is intended to be an exception to the general provision found in Section 6.d." as Section 7.5.f.7.

45. Add "Commercial Design Standards. Any metal or concrete block (except architectural block) building constructed in a commercial zone within one quarter mile of the center line of Highway 45, shall be required to have a front facade, as viewed from the road, as well as the first 20 % of the side walls, of either brick, stone, or wood. The roof of any building constructed in a commercial zone shall have a minimum pitch of 4/12. All parking lots and driveways for any building constructed in a commercial zone shall be either asphalt or concrete and shall have curbs. All commercial buildings shall have operable fire sprinkler systems with fire apparatus connections on the outside of the buildings which are approved by the fire chief." as 7.b.5.g.
46. Add "In no event shall any automobile sales lot (new or used) or mini-storage be considered as a conditional use for location in any district within the City of Goshen." as 8.b.9.
47. Change the last two sentences of the third paragraph of Section 8.c.3. to "In addition, no conditional use not authorized by the City Council shall be considered by the Planning Commission. Any change or addition to the conditional use list for any district shall be considered and approved by the City Council only."
48. Add "which may recommend that the City Council" after "Planning Commission," in both the second and fourth paragraphs of Section 8.c.4.
49. Add "No building permit shall be required for any accessory building which is four hundred (400) square feet or less or which cost less than \$3500 for materials." at the end of Section 9.c.
50. Section 10.g.1. shall read: "Fences shall not exceed six feet (6'), except entrances which may be a maximum height of ten feet (10') for a maximum of forty feet (40') on either side of the entrance, unless approved by the City Council; provided fencing around tennis courts and other recreational amenities, shall be exempt from this height limit. The height of a fence is measured from the finished lot grade to the highest point on the fence."
51. Add "Fences shall be defined to include any man-made barrier, whether constructed of wood, metal, masonry, and shall specifically refer to any subdivision entrance. The definition of fence shall include a segment of any such barrier and need not be an enclosure." as paragraph 10.g.5.
52. Add "by the City Council" at the end of the first sentence of Section 11.a.
53. Add "or changes may be made by majority vote of the City Council as authorized by A.C.A. § 14-56-423." at the end of Section 11.b.
54. Section 11.e. shall read: "Public hearings relative thereto shall be held at the Planning Commission meeting or City Council meeting. Following public hearing by the Planning Commission, proposed amendments and changes may be approved as presented or in modified form by a majority vote of the Commission's membership and the proposed amendment thereafter shall be referred to the City Council with recommendations by the Planning Commission for further action by the City Council."
55. Add "initiated by a petitioner" after "change" in the first sentence of Section 11.f.
56. Change "Clerk-Recorder" to "Recorder/Treasurer" in the second sentence of Section 11.f.
57. Add "After public hearing by the Planning Commission, all proposed amendments initiated by the City Council shall be returned to the City Council for action by the Council." to the end of Section 11.f.

58. Add "ORIGINALLY" before "PASSED AND APPROVED" just before the signature blocks.
59. Add "AMENDED BY ORDINANCES 49 AND 58" after "PASSED AND APPROVED" just before the signature blocks.

CITY OF GOSHEN
AMENDED ZONING
REGULATIONS

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AMENDED ZONING REGULATIONS

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Section 1. Definitions

The following definitions shall be used in the interpretation of this ordinance. Words used in the present tense include the future tense, and words in the singular include words in the plural. The word "used" shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used. The word "shall" means mandatory, and the word "may" means permissive.

Accessory Buildings and Uses: A subordinate building or a portion of the principal building, the use of which is customarily incidental to that of the dominant use of the principal building or land. An accessory use is a use that is customarily incidental, appropriate, and subordinate to the principal use of land and buildings, and located upon the same lot therewith.

Alley: A narrow public way, not in excess of twenty (20) feet, which affords a secondary means of access to abutting properties, and not intended for general traffic circulation.

Apartment: A room or suite of rooms within a building with separate cooking, bathing, and sleeping facilities and intended as a single dwelling unit. Structures containing three (3) or more dwelling units are considered apartments.

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

Building: Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or property of any kind. When any portion thereof is completely separated from every other portion thereof by a division wall without openings, then each such portion shall be deemed to be a separate building.

Building Coverage: The land area covered by all buildings on a lot, excluding eaves.

Building Height: The average vertical distance from the finished lot grade to the highest point of the building.

Building Line: A line parallel to a lot line establishing an area between it and the lot line where buildings are prohibited. Such prohibition shall exclude landings, open balconies, and roof overhangs, subject to further requirements of this ordinance.

Building & Farm Supply Company: Any establishment that sells hardware, tools, lumber and other supplies related to building, farm, or home care.

Cemetery: A place for burial of human remains, excluding crematoriums.

Church: A building, together with its accessory buildings and uses, where people regularly assemble for religious worship. Accessory uses shall include day-care facilities and other non-profit, church associated uses.

Clinic: A facility for diagnosis and treatment of medical, chiropractic, dental or psychological outpatients, and which may be used by one or more practitioners.

Clubs and Lodges: An association of persons for the non-profit promotion of some common purpose, such as charity, fellowship, or something similar.

Convalescent Home: A health care facility, including rest homes and nursing homes, where persons are housed and furnished with meals and continuing nursing services.

Day Care Center: A commercial establishment where child care services are provided pursuant to State laws and fire codes, and in accordance with and licensed by appropriate State agencies.

Day Care Family Home: A home where day care services are provided to a maximum of ten (10) children, with a maximum of two (2) adults in attendance. The operator shall reside in the structure, and the facility must conform to all codes and regulations, both State and local, applicable thereto, with the most restrictive regulations prevailing.

Development: The act of changing the state of a tract of land after its function has been purposefully changed by man; including, but not limited to, structures on the land and alterations to the land.

Development Plan: A dimensioned presentation of the proposed development of a specified parcel of land which reflects thereon the location of buildings, easements, parking arrangements, public access, and other similar and pertinent features.

District: A portion or section of the City within which uniform zoning regulations apply.

Drive-In Establishments: A facility where services or products are delivered to persons in vehicles by means of a drive-up window or carhop.

Dwelling: A building or portion thereof used exclusively for residential occupancy, including one-family, two-family, and multiple dwellings, but not including motels, lodginghouses, boardinghouses, tourist homes, or convalescent homes.

Dwelling, Attached: A dwelling which is joined to another dwelling at one (1) or more sides by a wall or walls.

Dwelling, Detached: A dwelling which is entirely surrounded by open space on the same lot.

Dwelling, Manufactured, Residential-Design: A single-family, manufactured housing unit which has a minimum width of twenty-four feet (24'), with width measured perpendicular to the longest axis at the narrowest part, a pitched roof, and siding and roofing materials which are customarily used on site-built homes, and which complies with all of the standards specified herein.

Dwelling, Multi-Family: A building designed for or occupied exclusively by more than two (2) families.

Dwelling, Single-Family: A residential dwelling unit designed for or occupied by one family only, and being on a permanent foundation.

Dwelling, Two-Family: A building designed for or occupied exclusively by two (2) families.

Dwelling Unit: A room or group of rooms located within a dwelling forming a habitable unit for one family.

Family: An individual or two or more persons related by blood or marriage or a group of not more than three (3) persons who need not be related by blood or marriage living together and subsisting in common as a single non-profit housekeeping unit utilizing only one kitchen.

Farm: A parcel of land used for growing or raising of agricultural products including related structures thereon.

Frontage: That edge of a lot bordering a street.

Kennel: The use of land or buildings for the purpose of selling, breeding, boarding, or training dogs or cats or both, or the keeping of more than five (5) dogs and/or cats. The word "selling" as herein used shall not be construed to include the sale of animals four (4) months of age or younger which are the natural increase of animals kept by persons not operating a kennel as herein defined; nor shall selling be determined to include isolated sales of animals over four (4) months old by persons not operating a kennel as herein described.

Lot: A platted parcel of land intended to be separately owned, developed, and otherwise used as a unit.

Lot, Corner: A lot with frontage on two (2) streets at their intersection.

Lot, Width: The average of the horizontal distances of the front and rear lot lines.

Natural Area: An area that is substantially undisturbed by development.

Nonconforming Structure or Use: A structure or land use which existed lawfully on the date that this Ordinance or any amendment thereto became effective, and which fails to conform to one or more of the applicable regulations in the Ordinance or amendment thereto.

Office: A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

Parcel: A tract of land separately designated and delineated by identifiable, legally recorded boundary lines.

Park: An area open to the general public and reserved for recreational, educational or scenic purposes.

Parking Area: An area of land used or intended for off-street parking facilities for motor vehicles.

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

Property Line: The legally recorded boundary of a lot, tract, or other parcel of land.

Setback: The distance between the front of a building and the street right-of-way line.

Sign: A structure or device designed or intended to convey information to the public in written or pictorial form. Portable, flashing, and animated signs of all types are expressly prohibited, as are billboards and all other off-premise advertising signs. In addition, banners of all types are expressly prohibited except as otherwise provided herein.

Sign, Bulletin: A sign erected by a church, school institution, or public agency on its premises for announcements, including temporary banners.

Sign, Commercial: A sign which directs attention to a service, product, profession, business or entertainment conducted, sold, or offered on the same lot.

Sign, Nameplate: A sign bearing the name and /or address, occupation, phone number

of persons or uses occupying the premises. Gated community/subdivision signs shall be expressly permitted.

Sign, Official: Signs on public property for informing the public.

Signs, Temporary Real Estate: Temporary signs advertising the premises for lease, rent or sale.

Story: The horizontal segment of a building between the floor surface and the ceiling next above it, and wholly above grade.

Structure: Something built or constructed of interrelated parts such as a building, fence, sign, tower, or dam.

Use: Any functional, social, or technological activity, which is imposed or applied to land or to structures on the land.

Yard: An open area between the building lines and the lot lines of the lot on which it is located.

Section 2. Official Zoning Map

- a. The City is hereby divided into districts, or zones, as hereinafter described, and as shown on the Official Zoning Map. This map, together with all explanatory data thereon, is hereby adopted by reference, and declared to be a part of this Ordinance.
- b. The Official Zoning Map shall be certified as such by signature of the Mayor, attested by the City Recorder-Treasurer.
- c. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other data portrayed on the Official Zoning Map, such changes shall be made on said Map within thirty (30) days after the amendment has been approved by the City Council which has the sole authority to make zoning decisions or changes to the zoning ordinance.
- d. No changes of any nature shall be made in the Official Zoning Map or information shown thereon, except in conformity with the procedures set forth in this Ordinance and such unauthorized change is null and void. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance, and punishable pursuant to provisions contained herein, and such unauthorized change is null and void.
- e. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the Recorder-Treasurer shall be the final authority as to the current zoning status of property in the City.
- f. Where uncertainty exists as to the boundaries of districts shown on the Official Zoning Map, the Zoning Official shall employ the following rules in interpretations thereof. Decisions of the Zoning Official are subject to appeal to the Board of Zoning Adjustment (consisting of Planning Commission members) as herein provided.
 1. Boundaries indicated as approximately following the center lines of

- streets or alleys shall be construed to follow such center lines.
2. Boundaries indicated as approximately following city limits shall be construed as following city limits.
3. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
4. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line, shall be construed as moving with the actual shore line.
5. Boundaries indicated as parallel to or extensions of features indicated above, shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
6. Whenever any street alley, or other public way is vacated or abandoned by action of the City Council pursuant to law, the zoning district boundaries on each side of such street, alley, or public way shall be automatically moved to the center line of same and all area included therein shall then and henceforth be subject to all appropriate regulations of the extended districts.

Section 3. Administration and Enforcement

- a. The Zoning Official shall be designated by the Mayor and approved by the City Council, and shall be responsible for the administration and enforcement of this Ordinance subject to exceptions contained herein. He may enter any structure, premises, or land to perform any duty imposed by this Ordinance. The zoning official shall not serve in any other municipal capacity.
- b. If the Zoning Official shall find that any of the provisions of this Ordinance are being violated, he shall notify the person, as well as the property owner of record, both of whom shall be responsible for such violation, in writing. Said notice shall indicate the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures, or of additions, alterations or changes thereto; discontinuance of any illegal work being done; or he shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions. The zoning official shall notify the mayor and City Council within five (5) business days of all violations and what actions he has taken pursuant to this subsection.
- c. No building permit shall be issued for the erection, alteration, or moving of a building or structure until after the Zoning Official has reviewed the permit request and issued a Certificate of Zoning Compliance. All building permits shall be issued at City Hall.
- d. All applications for building permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations of existing buildings, if any, on the lot; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Zoning Official or the City Council, including existing or proposed buildings or proposed uses of the building and land; the number of families, house-keeping units, or rental units the building is designed to accommodate; conditions existing on the lot and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this Ordinance. One copy of the plans shall be returned to the applicant after the Zoning Official shall have marked such copy either

as approved or disapproved and attested to same by his signature on such copy. The second copy of the plans, similarly marked, shall be retained by the Zoning Official.

- e. It shall be unlawful to use or occupy or permit the use or occupancy of any building, structure or property, or all, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Zoning Compliance shall have been issued thereof by the Zoning Official stating that the proposed use of the building or land conforms to the requirements of this Ordinance. The Zoning Official shall maintain a record of all Certificates of Zoning Compliance, and copies shall be furnished upon request to any person. Failure to obtain a Certificate of Zoning Compliance shall be a violation of this Ordinance and punishable pursuant to provisions contained herein. A temporary certificate of zoning compliance, up to 180 days in duration, may be issued with a temporary waiver as to any provision in this ordinance regarding paving, lighting, signage or parking upon the posting of a satisfactory performance bond in an amount equal to the estimated cost of the requirement which has been temporarily waived.
- f. The Zoning Official shall be responsible for addressing all questions regarding enforcement of this Ordinance. Decisions of the Zoning Official shall be appealable only to the Board of Zoning Adjustment. Decisions of said Board shall be subject to appeal only to a court of record having jurisdiction. Questions as to the intent and interpretation of this ordinance are the sole responsibility of the city council. Should the Zoning Official have a question regarding intent and interpretation, he shall submit that question to the City Council for consideration at its next regularly scheduled meeting.
- g. Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Official, who shall record properly such complaint, immediately investigate and take action thereon, as provided by this Ordinance.
- h. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Whenever these requirements are at variance with the requirements of any other lawfully adopted rules or regulations, the most restrictive, or that imposing the higher standards, shall govern. The City shall not be responsible for enforcing deed restrictions or covenants.
- i. The owner or tenant of any building, structure, property, or part thereof, and any architect, engineer, contractor, agent, or other person who willfully commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense, and suffer the penalties herein provided.
- j. Any person who violates this ordinance shall be subject to a fine or penalty up to \$250 for each violation. For purposes of this ordinance, each day of activity prescribed as unlawful under this ordinance shall be considered a separate violation for which the party violating the ordinance shall be subject. Any violation may be referred by the City Council to the City Marshal or the City Attorney for action. The City Attorney shall apply to the appropriate court for relief, seeking either penalties or injunctive relief as permitted by law.

Section 4. Board of Zoning Adjustment

- a. A Board of Zoning Adjustment is hereby established, which shall be composed of the Planning Commission as a whole.
- b. The Board of Zoning Adjustment shall establish regular meeting dates, adopt rules and procedures for the conduct of its business, and keep a public record of all findings and decisions.
- c. Each session of the Board shall be a public meeting with public notice of said meeting and business to be carried on published in a newspaper of general circulation in the city at least one (1) time, seven (7) days prior to the meeting.
- d. The Board of Zoning Adjustment shall have the following functions:
 1. Hear appeals from decisions of the Zoning Official in respect to the enforcement and application of this Ordinance; and may affirm or reverse, in whole or in part, said decision of the Zoning Official.
 2. Hear requests for variances from the literal provisions of this Ordinance in instances where strict enforcement would cause undue hardship due to circumstances unique to the individual property under consideration, and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of this Ordinance. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under this Ordinance. The Board may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.
- e. A variance is authorized only for area and size of structure, or size of yard and open spaces. Establishment or expansion of a use otherwise prohibited, or not specifically permitted, shall not be allowed by a variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining district. Any action by the Zoning Official or Board of Zoning Adjustment to establish or expand a use prohibited, not permitted, nor listed as a conditional use within a district is null and void. No height variances shall be granted under any circumstances as to any building since building heights above thirty-five feet (35') are detrimental to the health, safety and welfare of homeowners, citizens, and firefighters with the current available fire fighting equipment of the Goshen Fire District Association.
- f. The Board of Zoning Adjustment shall issue approval of a variance only after finding that:
 1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are applicable to other lands, structures, or buildings in the same district;
 2. Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
 3. The special conditions and circumstances do not result from the actions or proposed actions of the applicant; and
 4. Granting the variance requested will not confer on the applicant any

special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

5. The Board's findings shall be specifically set forth in the record for review by a court should an appeal be taken.

g. Any resident or taxpayer of the City of Goshen aggrieved by any decision of the Board of Zoning Adjustment may appeal said decision only to a court of record having jurisdiction.

Section 5. General Provisions

a. No land shall be used or occupied, no structure shall be erected, moved, converted, altered, enlarged, used or occupied, and no use shall be operated, unless it is in conformity with the regulations herein prescribed for the district in which such structure or land is located. This provision shall not be construed to affect any uses or land or structure that existed at the effective date of this Ordinance. Existing non-conforming lots may be utilized in accordance herewith.

b. No open space required by these regulations for a particular structure or use shall be claimed at the same time as open space for another structure or use.

c. No parking or loading space shall be reduced in area or dimension below that required by these regulations, except pursuant to decisions of the Board of Zoning Adjustment. Lot sizes or open spaces may be reduced only in conformance with the conservation subdivision ordinance.

d. Any use of structure or land lawfully existing or one for which a permit has been lawfully issued at the effective date of these regulations may be continued subject to provision herein.

e. All structures constructed or occupied in conformance with this Ordinance shall also conform to all other codes and regulations of the City. Responsibility for compliance with American's With Disability Act (ADA) provisions rests, in all respects, with the applicant.

f. No structure or plant shall be placed in any yard so that it interferes with the visibility at intersections.

g. Dedication to the public use of land shall not be a condition for any zoning or conditional use approval.

h. Land annexed into the City of Goshen shall, upon the annexation's effective date, exist with a zoning classification of RR until the property is evaluated and, if appropriate, a more suitable zoning classification is assigned.

i. Off-street parking facilities and off-street loading facilities shall be provided on the site for each use as prescribed herein.

j. Each permitted use or lot shall have access to a public street or road, provided that such may be connected to a public street by an easement for access purposes, such being of record, at least twenty feet (20') in width.

k. The provisions of these regulations are severable. If any section, paragraph, sentence, or clause shall be declared invalid, the remainder of the regulations

shall not be affected.

1. It is expressly understood that all districts provide for the compatible existence of agricultural activities and uses.

Section 6. Nonconforming Structures and Uses

a. Continuance of Use

1. Any lawfully established use of a structure or land, on the effective date of this Ordinance, or of amendments hereto, that does not conform to the use regulations for the district in which it is located, shall be deemed to be a legal nonconforming use and may be continued, except as otherwise provided herein.
2. Any legal nonconforming structure may be continued in use provided there is no physical change other than necessary maintenance and repair, except as otherwise permitted herein.
3. Any structure for which a building permit has been lawfully granted prior to the effective date of this Ordinance, or of amendments hereto, may be completed in accordance with the approved plans. Such building shall thereafter be deemed a lawfully established building.

b. Discontinuance of Use

1. Whenever any part of a structure or land occupied by a nonconforming use is changed to, or replaced by, a use conforming to the provisions of this Ordinance, such premises shall not thereafter be used or occupied by a nonconforming use, even though the structure may have been originally designed and constructed for the prior nonconforming use.
2. Whenever a nonconforming use has been discontinued or abandoned for a period of one (1) year or more, such use shall not be re-established, and the use of the premises thereafter shall be in conformity with the regulations of the district.
3. A use not authorized by the City of Goshen, in effect at the time this Ordinance becomes effective, shall be discontinued and not re-established, except when such use shall be in conformance with the provisions of this Ordinance.

c. Change of Use

The nonconforming use of any structure or portion thereof, may be occupied by another similar, or less intense nonconforming use as may be determined by the City Council only. No building in which a nonconforming use has been changed to a less intense use shall again be devoted to a more intense use.

d. Removal of Nonconforming Structures and Uses

All nonconforming signs, billboards, portable signs, and outdoor advertising structures shall be removed from residential and other districts, where they are either not permitted or are nonconforming, by December 31, 2005.

e. Repairs and Alterations

Single-Family Residences Accessory Buildings & Uses
Home Occupations Day Care Family Homes
Stables (not to exceed two (2) horses/acre)

c. Conditional Use

Cemeteries & Churches Clubs & Lodges
Farms, Ranches & Boarding Stables (except confined feeding operations)
Parks & Recreational Areas Public & Semi-Public Uses
*Similar uses deemed by the City Council to be consistent with the basic intent of this district, and which are equal to or less intense than uses permitted in this district.

d. Lot Dimensions

Minimum Area	2 acres
Minimum Width at Building Line	120 feet
Minimum Front Setback	30 feet
Minimum Side Setback	20 feet (street side 30')
Minimum Rear Setback	30 feet

e. Parking Requirements

Two (2) off-street parking spaces shall be required for each single-family residence. Parking requirements for other uses shall be provided pursuant to subsequent provisions hereof.

f. Height, Building, & Area Regulations

1. No building shall exceed thirty-five feet (35') in height.
2. Each principal structure shall have a minimum total dimension on each side of twenty-four feet (24'), and the entire twenty-four feet (24') shall be finished on a permanent foundation.
3. Only one dwelling unit per lot will be permitted.
4. Any light used to illuminate R1 areas shall be so designed and arranged to reflect the light downward. All existing lights not in conformity shall be made to conform on or before July 1, 2008.

g. Permitted Signs (on premise only)

1. Nameplates and address signs not over one square foot in area.
2. Bulletins for churches and public buildings not over twelve (12) square feet in area.
3. Official signs not over twelve (12) square feet in area.
4. Temporary real estate signs not over twelve (12) square feet in area.
5. All subdivision signs (subject to City Council approval).

3. RR – Residential

a. Description and Intent

This district is intended to provide for and protect the rural residential environment. It is established for areas particularly suited for rural residential uses on larger lots in conjunction with the raising of crops and animals and other related activities. Lot sizes are generally larger than those required in

“R1” areas, and in new residential subdivisions, and population density is generally lower.

b. Permitted Uses

Farms, Ranches, & Stables (except confined feeding operations)	
Single-Family Residences	Day Care Family Homes
Manufactured Dwelling, (Residential Design)	Accessory Buildings & Uses

c. Conditional Uses

Cemeteries & Churches	Day Care Centers
Parks & Recreational Areas	Plant Nursery
Public & Semi-Public Uses	

*Similar uses deemed by the City Council to be consistent with the basic intent of this district, and which are equal to or less intense than permitted uses in this district.

d. Lot Dimensions

Minimum Area	2 acres
Minimum Width at Building Line	120 feet
Minimum Front Setback	30 feet
Minimum Side Setback	20 feet
Minimum Rear Setback	30 feet

e. Parking Requirements

Two (2) off-street parking spaces shall be required for each residential dwelling unit. For other uses see Section 10.

f. Height, Building, & Area Regulations

1. Residences may be built or manufactured dwellings (residential design) placed on lots platted previous to the adoption of this Ordinance, provided all setbacks can be met, and provided adequate on-site sanitary facilities (approved by the State Health Department) are approved.
2. No building shall exceed thirty-five feet (35') in height.
3. Only one dwelling per lot will be permitted.
4. Each structure shall have a minimum total dimension on each side of twenty-four feet (24'), and the entire twenty-four feet (24') shall be finished on a permanent foundation.
5. Any light used to illuminate RR areas shall be so designed and arranged to reflect the light downward. All existing lights not in conformity shall be made to conform on or before July 1, 2008.

g. Permitted Signs (on premise only)

1. Nameplate and address signs not over one square foot in area.
2. Bulletins for churches and public buildings not over twelve (12) square feet in area.
3. Official signs not over twelve (12) square feet in area.
4. Temporary real estate signs not over twelve (12) square feet in area.

5. All subdivision signs (subject to City Council approval).

4. B1 - Neighborhood Commercial

a. Description and Intent

This district is intended for use in areas of transition between residential uses and general commercial areas, and in areas that are designed to accommodate convenient neighborhood commercial establishments that can be operated in harmony with adjacent residential uses.

b. Permitted Uses

Antique Shops	Barber & Beauty Shops
Business Offices	Churches
Clinics	Accessory Buildings & Uses
Professional Offices	Day Care Centers

c. Conditional Uses

Convalescent Homes	Government Offices
Convenience Stores	Personal Services
Nurseries	Photography Studios
Parks & Recreational Uses	Public & Semi-Public Uses
Single-Family Residences	Schools

*Similar uses deemed by the City Council to be consistent with the basic intent of this district, and which are equal to or less intense than uses permitted in this district.

d. Height, Building, & Area Regulations

1. No building shall exceed thirty-five feet (35') in height.
2. Building setbacks shall be a minimum of twenty-five feet (25') for all main buildings in the front yard and rear yard.
3. Minimum side yard setbacks shall be ten feet (10'), provided side yards on a street shall have a minimum of twenty feet (20').
4. Building coverage shall not exceed forty percent (40%) of the lot area.
5. Screening, with landscaping or an opaque fence of at least six feet (6') in height, shall be erected and maintained when a "B1" use abuts a residential district or use.
6. Any light used to illuminate "B1" uses and associated parking areas, shall be so designed and arranged to reflect the light downward, and away from adjacent residential properties.

e. Permitted Signs (on premise only)

1. Nameplates not over four (4) square feet in area.
2. Bulletins not over twelve (12) square feet in area.
3. Official signs not over twelve (12) square feet in area.
4. Commercial signs not over fifty (50) square feet in area.
5. Temporary real estate signs not over thirty-two (32) square feet in area.
6. The maximum height of any freestanding sign shall not extend 15 feet above the ground to its highest point.

5. B2 – General Commercial

a. Description and Intent

This district is intended to be applied to the central business and other general commercial areas that provide for heavy retail trade, service, and business needs of the city. This district is generally located in the central business district, and along the immediately adjacent major streets. It may be assigned at commercial nodes in the future, but is not intended to be used in a strip manner.

b. Permitted Uses

Antique Shops	Appliance Stores
Auto Parts Store (new)	Bakery Shops
Banks	Barber & Beauty Shops
Building & Farm Supply Stores	Business Offices
Cabinet Shops	Car Washes
Clinics	Convenience Stores
Drug Stores	Dry Cleaners
Florist Shops	Furniture Stores
Gift & Toy Stores	Government Offices
Grocery Stores	Hardware Stores
Jewelry Stores	Laundromats
Motels	Nurseries
Office Supply Stores	Personal Services
Photography Studios	Professional Offices
Restaurants	Service Stations

c. Conditional Uses

Single-Family Residences; and similar uses deemed by the City Council to be consistent with the basic intent of this district, and which are equal to or less intense than uses permitted in this district.

d. Parking Requirements

Off-street parking shall be provided for each use pursuant to provisions herein.

e. Height, Building, & Area Regulations

1. No building shall exceed thirty-five feet (35') in height.
2. Building setbacks shall be a minimum of twenty-five feet (25') in the front; fifteen feet (15') in the rear; and ten feet (10') on the sides, provided street side setbacks shall be a minimum of twenty feet (20').
3. Screening, with landscaping or an opaque fence of at least six feet (6') in height, shall be erected and maintained when a "B2" use abuts a residential district or use.
4. Any light used to illuminate "B2" uses and associated parking areas, shall be so designed and arranged to reflect the light downward, and away from adjacent residential properties.

f. Permitted Signs (on premise only)

1. Nameplates not over four (4) square feet in area.
2. Bulletins not over twelve (12) square feet in area.
3. Official signs not over twelve (12) square feet in area.
4. Commercial signs not over fifty (50) square feet in area.
5. Temporary Real estate signs not over thirty-two (32) square feet in area.
6. The maximum height of any freestanding sign shall not extend 15 feet above the ground to its highest point.
7. Any permanent sign existing in the General Commercial District as of the adoption of this regulation that is not in compliance with these regulations shall be considered non-conforming, but shall be permitted to remain until its owner shall either abandon it for a period of one year or shall undertake to make major revisions to it. This provision is intended to be an exception to the general provision found in Section 6.d.

g. Commercial Design Standards

Any metal or concrete block (except architectural block) building constructed in a commercial zone within one quarter mile of the center line of Highway 45, shall be required to have a front facade, as viewed from the road, as well as the first 20 % of the side walls, of either brick, stone, or wood. The roof of any building constructed in a commercial zone shall have a minimum pitch of 4/12. All parking lots and driveways for any building constructed in a commercial zone shall be either asphalt or concrete and shall have curbs. All commercial buildings shall have operable fire sprinkler systems with fire apparatus connections on the outside of the buildings which are approved by the fire chief.

Section 8. Conditional Uses

a. Nature and Description

Certain uses may or may not be appropriately located within various districts due to their unusual or unique characteristics of operation and external effects. Given their unique character, analysis and judgment of the consequences of each development and use must be given so as to provide for such reasonable conditions and protective restrictions as are deemed necessary to protect the character and integrity of the area in which uses are proposed to be located. Such uses are listed under the various districts herein as "conditional uses," and may be located in the district or districts so designated only in accordance with the procedure described herein.

b. Development Standards and Review Guidelines

All development shall be designed in such a way as to minimize any potential negative impact on the surrounding area. Special attention shall be given to buffering commercial developments from adjacent single-family areas. Design of the internal traffic circulation system, ingress and egress, off-street parking, loading, and pedestrianways shall be sensitive to such conditions as safety, convenience, separation of vehicular and pedestrian traffic, general attractiveness, and the proper relationship of different land uses. Landscaped areas shall be provided to protect water quality, and reduce erosion, heat and glare. Such areas shall be maintained in an attractive condition. Screening, open space, or other buffer may be required to give adequate separation

between uses which are not compatible and shall also be provided for the beautification and enhancement of the property.

In carrying out the purpose of this section, the following development standards and design specifics shall be subject to review and approval. The appropriateness of these standards shall be determined for each specific conditional use location.

1. The proposed use is within the provision of "conditional uses" as set out in this Ordinance.
2. The proposed use conforms to all applicable provisions herein set out for the district in which it is to be located.
3. The proposed use is so designated, located and proposed to be operated that the public health, safety and welfare will be protected.
4. The proposed land use is compatible with and will not adversely affect other property in the area where it is proposed to be located.
5. The size and shape of the site, including the size, shape and arrangement of proposed structures, as well as signage related thereto, is in keeping with the intent of this Ordinance.
6. The proposed ingress and egress, internal circulation system, location and amount of off-street parking, loading and pedestrianways are sufficiently adequate, and not inconsistent with requirements of this Ordinance.
7. The proposed landscaping and screening of the proposed use are in accordance with provisions of this Ordinance.
8. Safeguards proposed to limit noxious or offensive emissions, including lighting, noise, glare, dust and odor are addressed.
9. In no event shall any automobile sales lot (new or used) or mini-storage be considered as a conditional use for location in any district within the City of Goshen.

c. Procedure for Authorizing

The following procedure is established to integrate properly the conditional use with other land uses located in the district. These uses shall be reviewed and authorized or rejected under the following procedure:

1. An application shall be filed with the Zoning Official, upon forms prescribed for that purpose, accompanied with the appropriate fee established by the City Council to defray processing costs. The application shall be accompanied by graphic representation showing the location and proposed use of the site, along with such other descriptive material necessary for decision-making. Such may include, but is not limited to: preliminary site plans showing proposed uses and structures; proposed ingress and egress to the site, including adjacent streets; proposed off-street parking and landscaping; lighting and signage; a preliminary plan for provision of sanitation and drainage facilities; and proximity of adjacent uses and buildings.

Each application shall be verified by at least one of the owners of the property proposed to be changed, attesting to the truth and correctness of all facts and information presented with the application.

The filing deadline for inclusion on the Planning Commission agenda

shall be 10th day of the month preceding the Planning Commission meeting. Should the 10th fall on a weekend or holiday, the next following workday shall be the filing deadline.

2. Upon determining that an application is proper and complete, the Zoning Official shall insure that the matter is set for public hearing before the Planning Commission. The Zoning Official shall be responsible for insuring that, pursuant to law, at least fifteen (15) days notice of the time, place, and subject of such hearing is published in a newspaper of general circulation in the city.

The applicant shall present evidence to the Zoning Official, at least ten (10) days prior to the required public hearing, that all property owners within two hundred feet (200') of the boundaries of the subject property have been notified of the proposed use, and of the time, date, and place of the public hearing. Such evidence shall consist of postmarked, certified receipts and/or return receipts and/or dated, signed acknowledgments of receipt of notification; and shall be accompanied by a plat map showing the location of those properties, the owners of which the applicant certifies have been so notified.

3. The Planning Commission shall review conditional use permit applications at its regularly scheduled monthly meeting, at which time interested persons may appear at the required public hearing and offer information in support of or against the proposed condition use. Following the public hearing, the Commission may approve the application as presented, approve it with conditions, table it with cause for not to exceed one (1) month, deny the application, or refer it to the City Council for final disposition. Approval shall require an affirmative vote of a majority of the authorized membership of the Commission.

In approving such conditional uses, the Planning Commission shall impose such conditions and restrictions upon the premises as it deems necessary to reduce or minimize the adverse effects of the use. Compatibility with surrounding property shall be insured to the maximum extent practicable.

In no case shall the Planning Commission or City Council authorize reduction from minimum requirements of this Ordinance relating to height, area, setbacks, parking, or landscaping. In addition, no conditional use not authorized by the City Council shall be considered by the Planning Commission. Any change or addition to the conditional use list for any district shall be considered and approved by the City Council only.

If the Planning Commission disapproves or denies a conditional use application, the reasons for such action shall be given to the applicant within fifteen (15) days from the date of the decision. The applicant may appeal such Commission action, or any condition(s) placed upon application approval, to the City Council within thirty (30) days of the Commission's action. The appeal shall be in writing to the Recorder-Treasurer, and shall specifically state why the Planning Commission's findings and decision was arbitrary, capricious, and inappropriate. If

denied, no application for such use or similar use shall be permitted involving any part of the same property for a period of six (6) months.

4. No building permit shall be issued for any building or structure not in conformance with the site plan and all other conditions imposed in granting a conditional use permit. The construction, location, use, or operation of all land and structures with the site shall be in accordance with all conditions and limitations set forth in the approval. No structure, use or other element of any approved site plan shall be eliminated, significantly altered, or provided in another manner unless an amendment to the conditional use is approved. The procedure for amending a conditional use permit shall be the same as required for the original approval.

Substantial work or construction under a conditional use permit must be commenced within one (1) year, or the permit shall terminate. Conditional use permits shall be valid for an unlimited period unless a lesser period shall be provided in a particular permit. Upon the expiration of the time limit specified in the particular permit, the property owner may request that the permit be reviewed by the Planning Commission, which may recommend that the City Council extend it for an unlimited period or for an additional period of years.

Once any portion of the conditional use permit authorization is utilized, all such conditions pertaining to such authorization shall become immediately operative. All conditions relating to or limiting the use, status, or operation of the development, after issuance of an occupancy permit, shall be complied with by the applicant or his successors or assigns. Failure to do so shall constitute a violation of this Ordinance, and cause for revocation of the conditional use authorization.

Provided sufficient site information is submitted with the approved development plan, the Planning Commission may recommend that the City Council waive otherwise mandated site plan review requirements.

Section 9. Accessory Uses

a. General Description

An accessory building is a subordinate building or a portion of the principal building, the use of which is customarily incidental to that of the dominant use of the principal building or land. An accessory use is one which is customarily incidental, appropriate and subordinate to the principle use of land and buildings, and located upon the same lot therewith. Subject to limitations herein, accessory buildings and uses are permitted in all zones.

b. Location Requirements and Standards

An accessory building shall not be located within a required street (front or street side) setback; shall be subject to the side setback standards of the underlying zoning district; except the rear set back for an accessory building shall be a minimum of five feet (5') and if situated within thirty feet (30') of the rear line, the side set back shall be a minimum of five feet (5'); shall not

be located within any public easement or over any known utilities or septic lines; and shall not occupy more than twenty percent (20%) of the lot area. Unless otherwise provided herein, and provided site visibility is not obstructed, signs, fences and walls shall be allowed within setbacks.

c. Residential Accessory Uses

Residential accessory uses shall include the following accessory uses, activities, facilities, and structures: accessory dwelling units (subject to limitations outlined below); fences and walls; garages, carports and off-street parking and loading areas; gardens; gates and guard houses; home occupations (subject to limitations and requirements outlined below); playhouses, patios, cabanas, porches, gazebos and household storage buildings; radio and television receiving antennas; recreational and play facilities for residents; storm and fallout shelters; and other necessary and customary uses determined to be appropriate, incidental and subordinate to the principal use on the lot. No building permit shall be required for any accessory building which is four hundred (400) square feet or less or which cost less than \$3500 for materials.

A nameplate sign, that is, a sign bearing the name and/or address, occupation, and communication number of a person or use occupying the premises, shall be permitted as a residential accessory use. Such sign shall be unanimated and non-illuminated, not over two (2) square feet in area, and placed flat against a wall or door of the principal building. An addition, a real estate sign, that is, a temporary sign advertising the premises for sale or lease, is also permitted as an accessory use. Such sign shall unanimated and non-illuminated, shall not exceed four (4) square feet in area, and shall not be placed on public right-of-way.

1. Accessory dwelling units shall be allowed by right in RR districts provided such unit is situated on at least two acres (2) in addition to the two (2) acres required for the main residence. Such unit shall be at least forty (40) feet from the main residence. Such units may also be allowed, subject to conditional use approval, in other residential districts. Accessory dwelling units shall not be used for general rental purposes.
2. A home occupation shall be allowed as an accessory use in residential districts subject to compliance with the following requirements. These are intended to balance protection of residential character with enabling residents to work from home. These requirements shall not apply to any lot which is twenty (20) acres or more.
 - a. The home office or business is clearly secondary to the use of the dwelling as a residence and does not change the residential character or appearance of the dwelling or lot in any visible manner; provided a nameplate sign, as described above shall be permitted.
 - b. The work done in the home office or business creates no objectionable odor, noticeable vibration, or offensive noise that increases a level of ambient sound at the property lines.
 - c. The home office or business does not involve the external display of goods or services, and does not cause unsightly conditions or waste visible from off the property.

- d. The home office or business does not cause interference with radio, telephone, or television reception in the vicinity.
 - e. Permitted home occupations shall not include the employment of any persons not residing on the premises in the performance of the occupation.
 - f. The home office or business sells no articles on the premises which are not produced on the premises.
 - g. A home occupation shall be carried on wholly with the principal residential structure. No home occupations shall be allowed in accessory buildings or garages.
 - h. The home office or business occupies no more than twenty-five percent (25%) of the total floor area of the residence.
 - i. There shall be no external alteration of the dwelling, nor storage of supplies or equipment outside.
 - j. Not more than one (1) truck of not more than one (1) ton capacity, and no semi-trailers, incidental to the home occupation, shall be kept on the premises.
 - k. Customers may visit the site only during the hours of 8 AM to 8 PM.
 - l. Parking to serve a home occupation shall be provided off-street, and no such parking shall be permitted in a required setback, other than in a driveway. In no event shall yard areas be converted to off-street parking to serve a home occupation.
 - m. Home occupation is defined specifically not to include farming or agricultural operations.
3. Prohibited home occupations include, but are not limited to the following:
- a. Barber and beauty shops.
 - b. Dispatch centers, where employees come to the site to be dispatched to other locations.
 - c. Commercial stables, kennels, and animal boarding and care facilities.
 - d. Assembly or repair of large appliances.
 - e. Repair or assembly of vehicles or equipment with internal combustion engines, or any other work related to motor vehicles and their parts.
4. Garage sales, also commonly called rummage or yard sales, are permitted as accessory uses provided they meet the following requirements:
- a. Each such sale shall be registered in writing or by telephone with the Recorder-Treasurer.
 - b. Each property address and/or person shall be limited to no more than four (4) such sales per year.
 - c. Sales shall not last longer than three (3) consecutive days.
 - d. Sales are conducted on the owner's property. Multiple family sales are permitted if they are held on the property of one of the participants.
 - e. Directional and advertising signs, not larger than four (4) square feet, shall be free-standing; that is, they shall not be placed on traffic or official signs, utility poles or trees; and shall be removed promptly after completion of the sale.

Section 10. General Standards

- a. **Manufactured Dwelling Units, Residential Design.** All manufactured dwelling units shall comply with the following standards.
 1. **Size**
 - a. The minimum width of a residential design, manufactured dwelling unit shall be twenty-four feet (24'), with width measured perpendicular to the longest axis at the narrowest part.
 - b. The length of a residential design, manufactured dwelling unit shall not exceed four (4) times its width, with length measured along the longest axis.
 - c. A residential design, manufactured dwelling unit shall have a minimum area of one thousand one hundred fifty (1,150) square feet (enclosed and heated living area).
 2. **Roof**
 - a. **Pitch.** The roof must be predominantly double-pitched and have a minimum vertical rise of four inches (4") for every twelve inches (12") of horizontal run.
 - b. **Materials.** The roof must be covered with material that is customarily used on site-built housing units.
 - c. **Eaves.** The roof shall have a minimum eave projection and roof overhang of ten inches (10"), which may include a gutter.
 3. **Siding**
 - a. **Materials.** Exterior siding must be of a material customarily used on site-built housing units.
 - b. **Design and Placement.** Siding material shall extend below the top of the foundation or curtain wall, or the joint between the siding and enclosure wall shall be flashed in accordance with the building code.
 4. **Installation of Unit.**
 - a. **Guidelines.** The unit shall be installed in accordance with the recommended installation procedures of the manufacturer, and the standards established by the International Conference of Building Officials (ICBO) and published in the most recent edition of "Guidelines for Manufactured Housing Installations."
 - b. **Foundation.** A continuous, permanent concrete or masonry foundation or masonry curtain wall, un-pierced except for required ventilation and access, which may include walk-out basements and garages, shall be installed under the perimeter of the unit, also in accordance with the above referenced ICBO guidelines.
 5. **Entrance Landing Area.** At the main entrance door to the unit, there shall be a landing that is a minimum of thirty-six square feet (36') which is constructed in accordance with building code requirements.

6. **Transport Equipment.** All running gear, tongues, axles, and wheels must be removed at the time of installation of the unit on the lot.
 7. **Finished Floor Elevation.** The finished floor of the unit shall meet the manufacturer's specifications unless the unit is located in a floodplain, in which case floodplain regulations shall rule.
 8. **Additions.** Attached additions and detached garages shall comply with the building code, and floodplain regulations, if applicable. All standards of section shall apply to such additions and garages.
- b. **Off-Street Parking and Off-Street Loading Facilities**
1. **Off-Street Parking Facilities Required.**
 - a. A parking space shall be an area for the parking of a motor vehicle, plus those additional areas and facilities required to provide for the safe ingress and egress from said space. The area set aside to meet these provisions must be usable and accessible for the type of off-street parking need which must be satisfied.
 - b. In any residential district, all motor vehicles incapable of movement under their own power, other than in cases of emergency, shall be stored in an entirely enclosed space, garage or carport.
 - c. At the time of initial occupancy of a site or of construction of a building, there shall be provided off-street parking facilities for automobiles in accordance with the requirements of these regulations.
 - d. **Parking Space Schedule.**
 1. Single-family residential – 2 spaces/dwelling unit
 2. Retail Sales & Convenience Stores – 5 spaces/1,000 square feet of gross floor area
 3. Business/Professional Offices & Banks – 3½ spaces/1,000 square feet of gross floor area
 4. Personal Services – 5 spaces/1,000 square feet of gross floor area
 5. Restaurants – 15 spaces/1,000 square feet of gross floor area
 6. Day Care Facilities – 1 space/staff and/or attendant, plus 2 additional spaces
 2. **Location of Off-Street Parking Facilities.** In all districts, off-street parking facilities prescribed in this section shall be located as hereinafter specified.
 - a. For residential dwellings and commercial establishments, parking facilities shall be located on the same site as the buildings they are to serve.
 - b. For any church, there shall be allowed the use of joint parking facilities in connection with any building or use not normally open, used, or operated during the principal operating hours of a church; provided a properly drawn legal instrument is executed by the parties concerned for the joint use of such off-street parking facilities, which instrument, duly approved

as to form by the city attorney, shall be filed with the application for a zoning permit.

- c. No parking at commercial establishments shall be located within the first ten feet (10') of the required front or side setback nearest the adjoining street(s).

3. Standards for Off-Street Parking Facilities

- a. Each parking space shall be not less than nineteen feet (19') in length and nine feet (9') in width, exclusive of aisles and access drives. Including the ingress and egress areas and aisle space, the parking area shall provide for three hundred (300) square feet per vehicle.
- b. All parking areas shall have adequate ingress or egress to a street or alley. Sufficient room for turning and maneuvering vehicles shall be provided on the site.
- c. Entrances and exits to parking lots and other parking facilities shall not be closer than twenty-five feet (25') to street intersections, and shall be subject to site plan approval.
- d. If the parking area is illuminated, lighting shall be arranged so as to not cause annoying glare to adjoining residential uses or streets.
- e. No commercial repair work, commercial servicing of vehicles, or commercial parking of new or used motor vehicles for the purpose of storage, rent, or sale shall be conducted on a required parking area.
- f. All off-street parking and loading areas shall be designed with drainage facilities adequate to dispose of all stormwater, and to not increase the stormwater runoff onto the surface of adjoining properties or streets.
- g. Responsibility for compliance with American's With Disability Act (ADA), in all respects, shall rest with the applicant.
- h. Off-street parking and loading spaces shall be designed to permit exiting vehicles to enter the public right-of-way in a forward motion. No off-street parking or loading space shall be allowed that requires vehicles to "back" onto a public right-of-way, except single family residential development on local and collector streets.
- i. Off-street loading spaces shall be at least fourteen feet (14') by forty-five feet (45') in size, with a minimum eighteen foot (18') height clearance.
- j. Drive aisles within off-street parking lots shall be two-way, with a minimum width of twenty-four feet (24').
- k. All required parking and loading spaces, driving aisles, and accessways shall be constructed prior to the issuance of a certificate of occupancy, provided that a temporary certificate of occupancy may be issued if it is determined, based on information provided by the applicant, that inclement weather or other factors beyond the control of the applicant have prevented compliance with this "timing" requirement. Said temporary certificate shall expire at the end of one hundred twenty (120) days.
- l. Off-street parking, as an accessory to residential uses, includes the parking of valid licensed passenger automobiles,

pickup trucks, vans, recreational equipment and recreational vehicles solely for use by the occupants of the dwelling or by guests of the occupants.

- m. In addition to meeting the off-street parking requirements of this section, establishments with drive-through facilities shall comply with the following minimum vehicle stack space standards:
 - 1. Stack Space Schedule
 - a. Fast-food restaurants, 110', measured from the order station.
 - b. Banks, 70', measured from the teller drop.
 - c. Automatic car wash, 50', measured from the entrance.
 - d. Other uses, 30', measured from the pick-up window.
 - 2. Design and Layout. Vehicle stack spaces shall be subject to the following design and layout standards:
 - a. Stack spaces shall be designed so as not to impede pedestrian access to the building; on and off site traffic movements; or movements into or out of parking spaces.
 - b. Stack space lanes shall be a minimum of eight feet (8') wide, and shall be separated from other internal driveways with painted lines or curbing.

c. Driveways and Access

- 1. Driveway design shall be such that minimization of interference with through street traffic is achieved, and shall be subject to site plan approval. The types of vehicles that a driveway is intended to serve shall be a prime factor in determining the acceptable radii of driveways.
 - 2. At least one driveway shall be permitted for each lot.
 - 3. Driveways shall be located a minimum of twenty feet (20') from the side property lines. A separation of forty feet (40') is required between the driveways on one lot and the driveways on the adjacent lots. Driveways on the same lot shall be no closer than fifty feet (50') to each other.
 - 4. Driveways on corner lots shall be located as far away from the intersection as possible. In no case shall a driveway be installed closer than twenty-five feet (25') to the beginning of the curb radius.
- d. Ingress/Egress Driveway Width. The width of the driveway throat shall not exceed forty feet (40') in width. Driveway lanes shall be a minimum of thirteen feet (13') in width and shall not have more than three (3) lanes in one entrance/exit. Any arch over a driveway shall not have a vertical clearance less than fifteen (15') feet.
- e. Dumpster Screening. Dumpsters located in any district shall be completely screened from view on all sides visible to the public by a fence or wall with a minimum height of six feet (6'), or one foot (1') taller than the dumpster, whichever is greater. The fence or wall shall provide complete visual screening of the dumpster, and be compatible in material and color with the principal structure on the lot.

- f. **Corner Visibility.** On corner lots at intersecting two-way street, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two feet (2') and eight feet (8') above curb grade with the triangular area formed by an imaginary line that follows street side property lines, and a line connecting them, twenty-five feet (25') from their point of intersection. This sight triangle standard may be increased by the city in those instances deemed necessary for promoting traffic safety, and may be lessened at intersections involving one-way streets.
- g. **Fences.**
 - 1. Fences shall not exceed six feet (6') in height, except entrances which may be a maximum height of ten feet (10') for a maximum of forty feet (40') on either side of the entrance, unless approved by the City Council; provided fencing around tennis courts and other recreational amenities, shall be exempt from this height limit. The height of a fence is measured from the finished lot grade to the highest point on the fence.
 - 2. Fences shall comply with the corner visibility standards of (f) above.
 - 3. **Wooden Privacy Fences** in all residential zoning districts shall be constructed so that the horizontal and vertical support posts are inside the fence area or hidden from view of those outside the fenced area. This requirement shall not apply to fences that abut nonresidential zoning districts or in situations where the owner of the lot adjacent to the fence agrees to a plan for placing support posts on the "outside" of the fence. All exposed steel, except galvanized metal, shall have a color finish coat applied to them and be preserved against rust and corrosion.
 - 4. All fences shall be maintained in their original upright condition. Fences designed to be painted or have other surfaces finishes shall be maintained in their original condition as designed. Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.
 - 5. Fences shall be defined to include any man-made barrier, whether constructed of wood, metal, masonry, and shall specifically refer to any subdivision entrance. The definition of fence shall include a segment of any such barrier and need not be an enclosure.


Section 11. Amendments

- a. The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed by the City Council. Such changes may be initiated by the City Council or by the Planning Commission. In addition, individual property owners may petition for district boundary changes on the Official Zoning Map for property of which they are the owner of record.
- b. All proposed changes, additions, and amendments shall be submitted in writing to the Planning Commission for public hearing, review, and recommendation to the City Council or changes may be made by majority vote of the City Council as authorized by A.C.A. § 14-56-423. Said

submittal shall include a statement and drawings, if appropriate, explaining the proposed changes.

- c. No action to make changes in the Ordinance or Map may be taken until after a Public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days notice of the time and place of such hearing shall be published by the City in a newspaper of general circulation in the city.
- d. Individual property owners applying for changes to the Official Zoning Map shall present evidence, at least ten (10) days prior to the required public hearing, that all property owners within two hundred (200) feet have been notified of the proposed change and of the time, date, and place of the public hearing.
- e. Public hearings relative thereto shall be held at the Planning Commission meeting or City Council meeting. Following public hearing by the Planning Commission, proposed amendments and changes may be approved as presented or in modified form by a majority vote of the Commission's membership and the proposed amendment thereafter shall be referred to the City Council with recommendations by the Planning Commission for further action by the City Council.
- f. If the Planning Commission disapproves, recommends against, or tables a proposed amendment or change initiated by a petitioner, the reasons for such shall be given in writing to the petitioner within fifteen (15) days from the date of the decision. The petitioner may appeal such Commission action to the City Council, provided that the petitioner states specifically, in writing to the Recorder/Treasurer, why the Planning Commission's findings and decisions were arbitrary, capricious, and inappropriate. Such appeal shall be filed within thirty (30) days of the Planning Commission's action. After public hearing by the Planning Commission, all proposed amendments initiated by the City Council shall be returned to the City Council for action by the Council.
- g. No application for a change of the Zoning Map shall be resubmitted within six (6) months from the date of the action of the City Council unless the Planning Commission finds that a substantial change in conditions has occurred.

ORIGINALLY PASSED AND APPROVED BY REFERENCE BY ORDINANCE
NO. 35 . AMENDED BY ORDINANCES 49 AND _____



Mayor



Recorder-Treasurer