

TITLE 14

ZONING

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CHAPTER 14.04

ZONING ORDINANCE

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14.04.01 Title This code shall be known, cited, and referred to as The Fairfield Bay Zoning Code. (Ord. No. 95-24, Sec. 1.)

14.04.02 Purpose This code is adopted for the purpose of:

1. Promoting the safety, morals, order, convenience, prosperity and general welfare of the residents and property owners of the city of Fairfield Bay, Arkansas.
2. Securing adequate light, pure air, and safety from fire, storm water and other dangers.
3. Conserving the value of land and buildings throughout the city of Fairfield Bay.
4. Assure a means of efficient and safe vehicular and pedestrian circulation throughout the city.

To these ends this code is designed to establish certain standards and objectives by:

1. Dividing the city of Fairfield Bay into districts and restricting and regulating therein the location, construction, reconstruction, alteration, and use of buildings, structures, and land, whether for residence, business, manufacturing, or other specified uses.
2. Avoiding or lessening congestion in the public streets.
3. Preventing the overcrowding of land by regulating and limiting the height and bulk of buildings hereafter erected as related to land area.
4. Establishing, regulations and limiting the building or setback lines on or along streets, alleys, natural features or property lines.
5. Regulating and limiting the intensity of the use of land, and defining and regulating the area of open spaces within and surrounding such uses.
6. Prohibiting uses, buildings or structures incompatible with the character of nearby residence, business, or manufacturing districts.

7. Preventing additions to, and alterations or remodeling, of, existing buildings or structures in such a way as to avoid the standards imposed hereunder.
8. Providing for the gradual elimination of those uses, which are incompatible with the character of the districts in which they are located.
9. Defining and limiting the powers and duties of the administrative officers and bodies listed hereinafter. (Ord. No. 95-24, Sec. 2.)

14.04.03 Definitions The language set forth in the text of this code shall be interpreted in accordance with the following rules of construction:

1. The singular number includes the plural and the plural the singular.
2. The present tense includes the past and the future tenses and the future the present.
3. The word "shall" is mandatory while the word "may" is permissive.
4. The masculine gender includes the feminine and neuter.
5. All measured distances shall be to the nearest integral foot; if a fraction is one-half foot or more, the integral foot next above shall be taken.
6. The following words and terms, wherever they occur in this code, shall be construed as herein defined.

Agriculture The planting, cultivating, harvesting and storage of grains, hay or plants commonly grown in Van Buren and Cleburne Counties. The raising and feeding of livestock and poultry shall be considered agriculture if the area in which the livestock or poultry is kept is a part of an ownership of forty acres or more, the primary use of which is row crops or grazing. Stock yards, sale of machinery, feed lots, grain elevators, logging and similar commercial operations shall not be included in this definition.

Alley A right-of-way with a width not exceeding 24 feet which affords a secondary means of vehicular access to abutting property.

Alteration Any addition, removal, extension or change in the location of any exterior wall of a building.

Animal hospital Any building, or portion thereof, designed or used for the care, observation, or treatment of domestic animals.

Animal shelter A building, buildings or premises where domesticated animals which have been captured or delivered for reasons of violation of public laws or for protection of the public safety, comfort or welfare, are kept.

Apartment A room or suite of rooms within an apartment house arranged, intended or designed as a place of residence for a family.

Automatic car wash Any building, or portion thereof, where automobiles are washed using a conveyor, blower, steam-cleaning equipment, or other mechanical device of production-line nature.

Automobile service station Any building, or portion thereof, or premises used for dispensing or offering for sale at retail any automotive fuels or oils, having pumps and storage tanks thereon; or where battery tire, and other similar services are rendered, but only if rendered wholly within the lot lines. When dispensing, sale or offering for sale of gasoline is only incidental to the conduct of a repair garage, the premises are classified as a repair garage. Automobile service stations do not include open sales lots or storage lots.

Automobile salvage or wrecking yard Any area of land where two or more inoperable motor vehicles, or parts thereof, are stored or kept outside a building and are not being restored to operation; or any land, building, or structure used for the stripping, wrecking or storing of such automobiles, or parts thereof and which may include sale of parts of vehicles.

Basement A portion of a building located partly underground, but having more than half its floor-to-ceiling height below the average grade of the adjoining ground.

Block A track of land bounded by streets or by a combination of one or more streets and public parks, cemeteries, railroad right-of-way, or shore lines of waterways or corporate boundary lines.

Boarding or lodging houses A residential building containing one or more rooms which have no cooking facilities and which are occupied by persons other than members of the immediate family, and which may or may not provide meals.

Building Anything constructed for shelter or enclosure of person, animals, chattels, or movable property of any kind and which is permanently affixed to the land.

Building, accessory A subordinate building or portion of a principal building the use of which is secondary and incidental to that of the principal building.

Building, detached A principal building surrounded by open space on the same lot.

Building height The vertical distance measured from the average finished grade adjoining the building to the highest point of the under side of the ceiling beams in the case of a flat roof; to the deck line of a mansard roof; and to the mean level of the under side of rafters between the eaves and the ridge of a gable, hip, or gambrel roof. Chimneys, spires, towers, elevator penthouses, tanks, and similar projections shall not be included in calculating the height.

Building Official The person duly appointed by the Mayor and City Council to enforce and generally administer the details of this and possibly other codes and ordinances of the city.

Building, principal A building in which is conducted the primary use of the lot on which it is located.

Building, residential A building arranged, designed, used or intended to be used for residential occupancy by one or more families.

Building, temporary Any building not designed to be permanently located placed, or affixed in the place where it is situated.

Business An occupation, employment, or enterprise which occupies time, attention, labor, and materials, or wherein merchandise is exhibited or sold or where services are offered.

Caliper A measurement of size of a shade tree, that being the diameter of the trunk measured one foot above the ground surface or top of earth ball.

Campground An area of land, including supporting sanitary and other facilities, for the overnight or temporary parking of recreation vehicles and other modes of sleeping while traveling by auto.

Church A building constructed for the purpose of worship and ancillary activities directly related thereto, and including synagogue. Social gatherings, day car and similar activities may be included provided the capacity of the building or parking facilities are not exceeded.

Club or lodge, private An association of persons who are bona fide members, paying dues, and being generally restricted to members and their guests.

Cluster housing The site planning technique of grouping dwelling units around courts, parking areas, common open spaces and private drives as opposed to fronting all on a public street.

Condominium A type of ownership whereby portions of a building are separately owned under the Condominium Statutes of the state of Arkansas.

Congregate living A style of living whereby persons, couples or families reside in separate sleeping quarters but utilize common dining and recreational facilities.

Court An open, unoccupied space, other than a yard, bounded on three or more sides by exterior walls of a building, or by exterior walls and lot lines on which walls are allowable.

Curb level The level of the established curb in front of a building or structure measured at the center of such front. Where no curb level has been established, it shall be deemed to be the established level of the center line of the street surface in front of a building or structure measured at the center line of such front.

Day care center A building wherein persons, not being of the same family, are kept during portions of the day when the parents, family members or others who normally care for said persons are employed or otherwise occupied elsewhere.

Decibel A unit of measurement of the intensity (loudness) of sound. As used in this code decibel levels shall be measured on the "A" scale and referred to as "DB (A)."

Drive A right-of-way which affords a means of vehicular access to or through an area and which is owned and maintained by the owner of the property it serves.

Drive-in establishment A place of business operated for the retail sale of food and other goods, services, or entertainment; where patrons may be served or otherwise conduct their business while remaining in an automobile which is parked in a space provided on the premises.

Drive through services Any business wherein a patron is served through a window or other device while remaining in a motor vehicle and where products served to persons in a vehicle are not normally consumed on the premises.

Dog kennel Any premises where three or more dogs are owned, boarded, bred, and/or offered for sale.

Dwelling A building or portion thereof intended for occupancy for residential purposes but not including hotels, motels, rooming houses, nursing homes, tourist homes, motor homes or recreation vehicles.

Dwelling unit Three or more rooms constituting all or part of a dwelling and which are arranged, designed, used, or intended for use exclusively as a single housekeeping unit for one family, and which include cooking, living, sanitation, and sleeping facilities.

Dwelling, single family A dwelling containing one dwelling unit.

Dwelling, two family (duplex) A dwelling containing two dwelling units.

Dwelling, multiple-family A dwelling, or portion thereof, containing three or more dwelling units.

Family One or more persons, each related to the other by blood, marriage, or legal adoption, or group of not more than four persons not so related, and maintaining a common household and using one set of kitchen facilities in a dwelling unit. A family may include not more than two roomers, boarders, or permanent guests not a part of a common household, whether or not gratuitous.

Fence, solid A fence, including solid entrance and exit gates, which effectively conceals from viewers in or on adjoining properties, streets, alleys or public ways, materials stored and operations and activities conducted behind it.

Total floor area The sum of the gross horizontal areas of all floors in a building, measured in square feet, including the basement floor, measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. The floor area of a building shall also include elevator shafts and stairwells at each floor; floor space used for mechanical equipment; penthouses, attic space having headroom of seven feet ten inches or more; interior balconies and mezzanines, enclosed porches; and floor devoted to accessory uses, provided that any space devoted to off-street parking or loading shall not be included in the total floor area.

Floor area for the purpose of determining off-street parking requirements The total floor area of the building, expressed in square feet, measured from the exterior surface of outside walls, and including mezzanines, upper floors, whether finished or not, from which is subtracted the floor area of washrooms, elevator shafts, stairways, and mechanical rooms.

Floor-area ratio The numerical value obtained through dividing the floor area of a building or building by the area of the lot on which such building or building are located.

Garage, private An accessory building or an accessory portion of the principal building, including a carport, which is intended for and used for storing the private passenger vehicles of the persons, family or families using the premises.

Garden apartments An apartment building located on a lot, either singly or together with other similar apartment buildings, generally having a low density of population and having substantial landscaped open space adjacent to the dwelling units.

Ground-floor area The lot area covered by a building measured from the exterior faces of exterior walls, but excluding open terraces or open porches, garages or carports.

Group home A residential facility for five or more persons, who for various reasons, cannot reside in their natural home and where 24 hour adult care, supervision and consultation shall exist.

Guest, permanent A person who occupies or has the right to occupy, a residence or dwelling accommodation for a period of 30 days or more.

Height of structure other than a building The vertical distance from the average ground level at the base of the structure to the highest part thereof.

Home occupation Any gainful occupation, business or profession conducted in a dwelling by a member of the immediate family residing on the premises.

Hotel A building containing lodging rooms, a common entrance and lobby, halls and stairways, and which lodging rooms do not have doorways opening directly to the outdoors except for emergencies, and where more than 50 percent of the lodging rooms are for rent, with or without meals, to transient guests for a continuous period of less than 30 days.

Hotel, apartment A hotel, except more than 50 percent of the lodging rooms are available for permanent guests.

Junk yard An open area where waste, used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A junk yard includes an auto wrecking yard, but does not include uses carried on entirely within enclosed buildings, nor does it include an establishment engaged only in the recycling of paper, glass, plastics and certain metals.

Laboratory A building, or group of buildings, in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the principal investigative or research function.

Landscaping The bringing of the soil surface to a smooth finished grade, installing sufficient trees, shrubs, ground cover and grass to soften building lines, provide shade and generally produce a pleasing visual effect of the premises.

Lodging room A room rented as sleeping and living quarters, but without cooking facilities, and with or without an individual bathroom. In a suite of rooms, each room shall be counted as one lodging room.

Lot A parcel of land occupied by, or intended for occupancy by, one principal building, unified groups of buildings or principal use, and having access to a public street. A lot may be one or more platted lots, or tract or tracts as conveyed, or parts thereof.

Lot area The area of a horizontal plane bounded by the vertical planes through front, side, and rear lot lines.

Lot, corner A lot situated at the junction of, and abutting on two or more intersecting streets. A corner lot shall be deemed to front on that street on which it has its least dimension unless otherwise specified by the Building Official.

Lot depth The average horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.

Lot line A property boundary line of any lot.

Lot line, front That boundary line between a lot and the street on which it fronts.

Lot line, rear That boundary of a lot which is opposite and most distant from and is approximately parallel to the front lot line. If the rear lot line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

Lot line, side Any boundary of a lot which is not a front or rear lot line.

Lot, reversed corner A corner lot where the side lot line adjoining a street is substantially a continuation of the front line of the first lot to its rear.

Lot, through An interior lot having frontage on two streets.

Lot, width The horizontal distance between side lot lines, measured at the front building line.

Manufactured home A detached single family dwelling unit fabricated off-site on or after June 15, 1976, and transported to the building site for assembly as a permanent building, and bearing a seal certifying that it is built in conformance with the Federal Manufactured Housing Construction and Safety Standards Code administered by the U.S. Dept. of Housing and Urban Development.

Mobile home A residential structure, assembles in total or in not more than three sections at the factory, and transported over the road on its own wheel carriage to a destination, and which may be moved from one destination to another, and which contains not less than four hundred eighty square feet of living floor area.

Mobile home park or subdivision A tract of land having a system of utilities including water supply, sanitary sewers, power and telephone, which utilities are available to mobile and manufactured homes which may be placed on the property on a temporary or permanent basis for residential purposes.

Modular home A detached single family dwelling unit, partially fabricated at an off-site plant and transported to the building site in modules such as wall sections, floor plates and trusses, and which, after completion, has structural and architectural characteristics similar to and compatible with typical homes in the neighborhood.

Motel or motor hotel A building containing lodging rooms having adjoining individual bathrooms, and used primarily by transient guests traveling by automobile.

Motor freight terminal A building or premises in which freight is received or dispatched by motor vehicle.

Motor vehicle Any self-propelled vehicle designed primarily for transportation of persons or goods along public streets or highways, or other public ways.

Nameplate A sign indicating the name and address of a building, or the name of an occupant thereof and/or the practice of a permitted occupation therein.

Noxious matter Material which is capable of causing injury or physical discomfort to living organisms by chemical reaction or is capable of causing detrimental effects upon the health or the psychological, social, or economic well-being of human beings.

Nursing home A residential establishment for the care of persons requiring a continuous and moderate level of health care.

Open sales lot Any land used or occupied for the purpose of displaying, buying or selling merchandise, produce, passenger cars, trucks, motor scooters, motorcycles, boats, monuments, or for similar items or for the storing of same prior to sale.

Particulate matter of vapor Material which is suspended in or discharged into the atmosphere in finely divided form at atmospheric pressure and temperature.

Party wall A wall which is common to but divides contiguous buildings; such a wall contains no openings and extends from its footing below the finished grade to at least the height of the exterior surface of the roof.

Performance standard A criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, or glare, heat, or other effect generated by or inherent in the uses of land or buildings.

Planned zoning district The zoning designation of a lot or tract to permit that development as is specifically depicted on plans approved in the process of zoning that lot or tract.

Planning Commission The duly appointed advisory board having duties and jurisdiction in the city of Fairfield Bay as set out in Arkansas statutes and local ordinances and which board may be referred to herein as Planning Commission or Commission.

Recreation vehicle A vehicle, with or without motive power, capable of human habitation or camping purposes and/or used for sporting, recreation or social activities, including but not limited to, travel trailers, fifty-wheel trailers, motor homes, camping trailers, off-road vehicles, truck campers, camper shells, boat trailers and boats.

Refuse or waste Waste products resulting from human habitation or the conduct of business or industry, except wastewater commonly referred to as sewage.

Rooming house A building, or portion thereof, containing lodging rooms which accommodate persons who are not members of the keeper's family, and where lodging rooms or meals, or both, are provided for compensation.

Screening A structure erected or vegetation planted as a screen designed to conceal structures, materials and operations conducted behind it.

Senior adult A person fifty-five (55) years of age or older.

Storage The word storage, stored or store when used in this code shall mean the keeping of materials, equipment or products of the following nature:

- A. In residential districts the keeping of building materials, industrial equipment, semi-trailer trucks, recreational vehicles and equipment and similar items for a period of time longer than would normally be involved in the day to day use or consumption of the same. The keeping of motor passenger cars, pick-up trucks and similar vehicles which are used one or more times per month for recreation purposes during the period of keeping on the premises; and construction materials and equipment which are being used on current construction on the premises shall not be considered storage.
- B. In commercial and industrial districts the keeping of merchandise, raw materials, products or equipment which are a necessary part of the sales, manufacturing or other activity on the premises.

Story That part of a building included between the surface of one floor and the surface of the floor above, or if there is no floor above, that part of the building which is between the surface of a floor and the ceiling next above. A top story attic is a half-story when the main line of the eaves is not above the middle of the interior height of such story. The first story is a half-story when between 50 and 75 percent of the area of its exterior walls are exposed to outside light and air entirely above grade. When less than 50 percent of the exterior walls are exposed to outside light and air that story is classed as a basement.

Street A right-of way which affords a primary means of public access to abutting property.

Structural alteration Any change, other than incidental repairs, in the supporting members of a building or structure such as bearing walls or columns, beams, or girders.

Structure Anything erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground.

Trailer A vehicle, other than a mobile home, equipped with wheels and normally towed over the road behind a motor vehicle.

Trailer advertising A trailer, as defined above, but carrying or having attached thereto, a sign, billboard, lettering or other media for advertising or announcing a business, premises or event.

Trailer, hauling A trailer, as defined above, and designed and normally used for over-the-road transportation of belongings, equipment, boats, merchandise, livestock and other objects, but not equipped for human habitation.

Travel trailer, recreation vehicle or motor home A portable structure mounted on wheels or on a motorized chassis, including converted bus, and which is normally used as sleeping quarters and shelter while traveling, but not as a dwelling.

Use The purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Use, accessory A subordinate use which is clearly and customarily incidental to the principal use of a building or premises, and which is located on the same lot as the principal building or use.

Use, non-conforming Any use of a building or premises, on the effective date of this code, does not, even though lawfully established, comply with all of the applicable use regulations as set forth herein for the zoning district in which such building or premise is located.

Use, permitted Any building, structure, or use, which complies with the applicable regulations governing uses in the zoning district in which such building, structure, or use is located.

Use, principal The main use of land or building as distinguished from a subordinate or accessory use.

Variance A variation of or relief from a specific requirement in this code as applied to a specific property and as approved by the Board of Zoning Adjustment.

Yard An open space on a lot which is generally unoccupied and unobstructed from ground level to the sky, except as otherwise permitted in this code.

Yard, front A yard across the full width of the lot and extending back from the front lot line to the front line of the main building.

Yard, rear The portion of the yard on the same lot with the principal building and located between the rear line of the building and the rear lot line extending for the full width of the lot.

Yard, side A yard extending along a side lot line between the front and rear yards. (Ord. No. 95-24, Sec. 3.)

14.04.04 General provisions

A. **Interpretation**

1. In their interpretation and application, the provisions of this code shall be held to be the minimum requirements for the promotion of the public

safety, morals, order, convenience, prosperity and general welfare of the citizens and property owners of Fairfield Bay.

2. Where the conditions imposed by any provision of this code upon the
 - a. use of land or buildings,
 - b. the bulk of buildings,
 - c. floor area requirements,
 - d. lot area requirements, and
 - e. yard requirements are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of the code, or of the adopted Building Code, protective covenants, any other law, code, resolution, rule, or regulation of any kind, the regulations which are more restrictive or which impose high standards or requirements shall govern.
3. This code is not intended to abrogate any easement, protective covenant, or other private agreement; provided, that where the regulations of this code are more restrictive or impose higher standards, then such regulations shall govern.

B. Separability It is hereby declared to be the intention of the City Council of the city of Fairfield Bay that the several provisions of his code are separable, in accordance with the following:

1. If any court of competent jurisdiction shall adjudge any provisions of this code to be invalid, such judgment shall not affect any other provision of this code not specifically included in said judgment.
2. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this code to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

C. Building on lot Every building hereafter erected shall be located on one or more platted lots, and there shall not be more than one principal building on one lot except as may be approved in the planned zoning process.

D. Allowable use of land or buildings The following uses of land or buildings are allowed in the districts indicated on the Zoning District Map and under the conditions specified in this code:

1. Uses lawfully established on the effective date of this code.

2. Permitted uses as designated in Sections 7 through 18 inclusive.

- E. **Prohibited use of land or buildings** No building or tract of land shall be devoted to any use other than one which is specified as a Permitted Use, Accessory Use, or Special Use in Section 7 through 19 inclusive. However, where a building permit for a building or structure has been issued or where plans for a building or structure were substantially underway on the date of the adoption of this code, a period of transition is provided.
- F. **Control over use** No building or premises shall hereafter be used or occupied, and no building or structure, or part thereof, shall be erected, moved, reconstructed, enlarged, or altered, except in conformity with the regulations herein specified for the district in which it is located; except that in Residence Districts a lot in single ownership which was of record at the time of adoption of this code, even though not meeting the requirements of this code as to area and width, may be used for single-family residence purposes, provided that such use conforms with all other applicable regulations of this code.
- G. **Special uses** To provide for the location of certain uses hereinafter specified which are deemed desirable for the public welfare within a given district or districts, but which have characteristics which are unusual and which prevent their inclusion in the standard zoning districts contained herein, a classification of Special Uses is hereby established.

Procedures for Special Uses are set forth in Section 19. (Ord. No. 95-24, Sec. 4.)

14.04.05 Non-conforming buildings, structures, and uses Any non-conforming building or structure, or use of a building or structure which existed lawfully at the time of adoption of this code and which remains non-conforming, and any such building, structure, or use thereof which shall become non-conforming upon the adoption of this code or of any subsequent amendment thereto, may be continued without time limit but may not be expanded. All buildings and structures which exist and are in use at the adoption of this code and are located in a planned zoning district, RP-3 through MP-1 inclusive, shall be deemed in conformance with this code. A use of vacant land which does not conform to these regulations shall not continue beyond fifteen months after the adoption of this code. (Ord. No. 95-24, Sec. 5.)

14.04.06 Zoning districts

- A. **Establishment of districts** In order to carry out the purposes and provisions of this code the city of Fairfield Bay is hereby divided into the following districts. Each of the districts excepting Districts A, R-1A, R-1B and R-2 shall be Planned Zoning Districts as set out in section B below. Districts R-1A, R-1B, and R-2 may also, if deemed in the public interest, be approved as planned districts RP-1A, RP-1B and RP-2.

District A Agriculture District
District R-1A Low Density Single Family Residential District
District R-1B Standard Single Family Residential District
District R-2 Two Family Residential District

- B. **Planned Zoning Districts** Each of the districts hereinafter set forth shall be Planned Zoning Districts. A planned district shall be for the purpose of permitting and regulating the uses hereafter permitted in that district and further provide for and encourage latitude and flexibility in the location of buildings, structures, roads, drives, variations in yards and open spaces, all subject to approval of the plan by city officials. The purpose is to allow development of tracts of land to their fullest extent and at the same time observe the general intent and spirit of these regulations and further protect the sensitive environment and quality of life in Fairfield Bay.

The following districts must be planned districts:

District RP-3 Planned Cluster, Townhouse or Garden Type Apartment District
District RP-4 Planned Medium Density Apartment District
District CP-0 Planned non Retail Business District
District CP-1 Planned Local Business District
District CP-2 Planned General Business District
District CP-3 Planned Service Business District
District MP-1 Planned Light Industrial District
(Ord. No. 95-28, Sec. 2.)

- C. **Objective** The zoning in Fairfield Bay to one of the planned districts (RP-3 to MP-1, inclusive) is for the purpose of assuring orderly development on a qualify level generally equal to or superior to that existing in the community. The use of planned zoning procedures is intended to encourage development and redevelopment that is in harmony with established architecture; assures the effective handling of surface water, the wise use of the natural terrain and the protection of the environment. Planned zoning also provides latitude to developers to better use land areas, economize on hard surface areas, adjust setback requirements and undertake projects in stages.
- D. **Procedure** In order to carry out the objectives of this code, land which is vacant at the enactment of this code but which may be reasonably deemed appropriate for eventual multi-family residential, commercial or industrial use, is, where practical, zoned to a more restrictive district than is required for the said multi-family, commercial or industrial use. In most instances said vacant property will initially be zoned District R-1B. This action is for the purpose of placing vacant unused but potentially non-residential land into a holding zone until such time as the real estate market has indicated such development is viable and a specific user

or users are known. For indication of the likelihood that a parcel of land will be rezoned, the Long Range Land Use Plan should be consulted. Said plan depicts how, as a matter of public policy, the City Planning Commission and City Council believe that such land should be developed and used. The Land Use Plan is not a part of this code and may, from time to time, be revised and updated following public hearing. The procedure for rezoning land is set out in Section 29.

- E. **Map** The location and boundaries of the districts established by this code are set forth on the Zoning District Map, which is hereby made a part of this code. The said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this code as though fully set forth and described herein. The said map shall be filed with the office of the City Recorder/Treasurer and copies thereof in the office of the Building Official, and shall be open to public reference at all times during which those offices are open.
- F. **Boundaries of districts** When uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning District Map, the following rules shall apply:
1. District boundary lines are the right-of-way lines of highways, streets, alleys, tract or lot lines, or such lines extended, unless otherwise indicated.
 2. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such zone shall be in accordance with dimensions shown on the maps measured at right angles from the property line of the street, highway, or railroad, and the length of frontage shall be in accordance with dimensions shown on the map from the property lines of streets, highways or railroad right-of-way unless otherwise indicated.
 3. Where a district boundary line divides a lot in single ownership, the regulations for either portion of the lot may, in the owner's discretion, extend over the entire lot, but not more than 25 feet beyond the mapped boundary line of the district.
- G. **Exceptions** Poles, towers, wires, cables, conduits, vaults, and other above-ground electrical power distribution equipment but excluding power substations are allowed in all districts. (Ord. No. 2008-7, Sec. 1.)

14.04.07 District A, Agriculture District

- A. **Permitted uses** In District A, no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered except for one or more of the following uses:

1. Agriculture as defined in Section 3 including farming, dairy farming, livestock and poultry raising and similar uses. The raising of poultry shall be limited to one hundred for each farming operation.
2. Churches, religious activities and publicly owned and operated community buildings.(Ord. No. 03-10, Sec. 1.)
3. One-family dwellings including modular and manufactured homes.
4. Fish hatcheries, apiaries, aviaries.
5. Forests, wildlife and conservation preserves.
6. Fur farming
7. Golf courses and clubhouses customarily incident thereto except miniature golf, driving ranges and similar activities.
8. Kennels, provided that if dogs are to be outside an enclosed building at any time, the pens and buildings shall not be located closer than one thousand feet to a dwelling in a residential district.
9. Mushroom raising.
10. Nurseries, greenhouses and truck gardens.
11. Publicly-owned parks and playgrounds, including public recreation or service buildings within such parks, public administration buildings, police, fire stations and city-owned and operated buildings, structures, and substations.
12. Public schools, elementary and high and private schools with curriculum equivalent to that of a public elementary or high school.
13. Riding stables and riding tracks not less than 500 feet from a dwelling.
14. Accessory uses, including repair shops, sheds, garages, barns, silos, irrigation wells and pumps, incidental dwellings, buildings and structures customarily required for any of the above uses.

B. **Height and area regulations** In District A the height of buildings, the minimum dimensions of lots and yards, the minimum lot area per family permitted on any lot shall be as follows: (for exceptions, see Section 24, height and area exceptions.)

1. **Height** Buildings or structures shall not exceed thirty-five feet or two and one-half stories in height.
2. **Front yards** There shall be a front yard the minimum depth of which shall be forty-five feet. On a corner lot a side yard shall be provided of not less than forty-feet measured from the street property line.
3. **Side yards** There shall be a side yard on each side of a building of not less than twenty-five feet. On a corner lot a side yard shall be provided of not less than forty feet measured from the street property line.
4. **Rear yards** There shall be a rear yard the minimum depth of which shall be fifty feet.

5. **Lot width** The minimum width of a lot shall be one hundred fifty feet provided that where a lot of record has less width than herein required in separate ownership at the time of passage of this code, this regulation shall not prohibit the erection of a one-family dwelling.
 6. **Lot area** Every dwelling hereafter erected, constructed, reconstructed, moved or altered shall provide a lot area of not less than one acre (43,560 sq. ft.), provided that where a lot of record has less area than herein required in separate ownership of the time of the passage of this code, this regulation shall not prohibit the erection of a single-family dwelling.
- C. **Subdivisions prohibited** The subdivision of land for the purpose of converting agricultural or other undeveloped land to residential or business use and where the opening of new streets or roadways is contemplated to accomplish this purpose is not permitted in District A. (Ord. No. 95-24, Sec. 7.)

14.04.08 District R-1A Low Density Single Family Residential District

- A. **Permitted uses** In District R-1A no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered except for one or more of the following uses:
1. Dwellings, one family
 2. Parks and playgrounds, including recreation or service buildings and swimming pools, which are owned or operated by a governmental agency.
 3. Public schools
 4. Golf courses and clubhouses appurtenant thereto wherein food and alcoholic beverages may be served, (except miniature golf courses, commercial driving ranges and other similar activities operated as a business);
 5. Nurseries, and truck gardens limited to the propagation and cultivation of plants; provided no retail or wholesale business shall be conducted upon the premises.
 6. Churches, synagogues and religious activities. (Ord. No. 03-10, Sec. 1.)
 7. Fire stations. (Ord. No. 01-04, Sec. 1.)
- B. **Height and area regulations** In District R-1A the height of buildings, the minimum dimensions of lots and yards, the minimum lot area per family permitted on any lot shall be as follows: (for exceptions, see Section 24, height and area exceptions.)
1. **Height** Buildings or structures shall not exceed two and one-half stories or thirty-five feet in height except that on lots having a natural slope, a full three stories may be exposed above grade on the downhill side.

2. **Front yards** Any building hereafter constructed shall provide a front yard, the minimum depth of which shall be sixty-five feet measured from the centerline of the street or thirty-five feet measured from the front lot line, whichever is greater.
 3. **Side yards** There shall be a side yard on each side of the dwelling the total of which side yards shall be not less than thirty feet and no side yard shall be less than eight feet. Buildings on corner lots shall provide a side yard on the street side of not less than fifty feet measured from the centerline of the side street or twenty five feet measured from the side lot line, whichever is greater.
 4. **Rear yards** The depth of the rear yard shall be at least twenty five feet.
 5. **Lot area per family** Every dwelling hereafter erected, moved, or altered shall provide a lot area of not less than fifteen thousand square feet per family, provided that where a lot has less area than herein required in separate ownership at the time of the passage of this code, this regulation shall not prohibit the erection of a one family dwelling. Where a public or community sewer is not available and in use for the disposal of all wastewater, the ability to construct a dwelling or other habitable building shall be determined by the County Health Officer.
 6. **Lot width** The width of a lot, measured at the front building line, shall be not less than one hundred feet provided where a lot has less width than herein required at the time of the passage of this code, this regulation shall not prohibit the construction of a single family dwelling.
- C. **Parking regulations** No less than two parking spaces, not less than one being in the form of a garage or carport, shall be provided for each single family dwelling. (Ord. No. 95-24, Sec. 8.)
- D. **Minimum floor area** The total floor area used for living purposes, excluding garages, carports, and unfinished basements shall be 864 square feet, measured inside the outside walls. This regulation shall apply to all single family homes hereafter constructed including detached homes used for vacation occupancy. Mobile homes in a Mobile Home Park, multi-family units such as condominiums, time share units, duplexes and apartments are excluded from this regulation. (Ord. No. 02-10, Sec. 1.)

14.04.09 District R-1B, Standard Single Family Residential District

- A. **Permitted uses** In District R-1B no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered except for one or more of the following uses:

1. Any use permitted in District R-1A;
2. Manufactured homes that conform to the following conditions:
 - a. The home must be new and must bear a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code as administered by the Department of Housing and Urban Development.
 - b. The home shall be permanently attached to a concrete or masonry foundation in keeping with the Fairfield Bay Building Code and the home manufacturer's specifications.
 - c. Exterior walls shall be surfaced with a building material that is customarily used on site built homes in the neighborhood.
 - d. The roof surface shall be composition shingles, fiberglass shingles or red cedar shingles or shakes. The roof pitch shall be adequate for the type of shingle installed and an eave overhand of not less than twelve inches shall be provided.

B. Height and area regulations In District R-1B the height of buildings, the minimum dimensions of lots and yards, the minimum lot area per family permitted on any lot shall be as follows: (for exceptions, see Section 24, height and area exceptions.)

1. **Height** Buildings or structures shall not exceed two and one-half stories or thirty-five feet in height except that on lots having a natural slope, a full three stories may be exposed above grade on the downhill side.
2. **Front yards** Any building hereafter constructed shall provide a front yard, the minimum of which shall be fifty-five feet measured from the centerline of the street or twenty-five feet measured from the front lot line, whichever is greater.
3. **Side yards** There shall be a side yard of not less than seven feet on each side of the residential building, and further provided, no residential building shall be closer than fourteen feet to another residential building. Buildings on corner lots shall provide a side yard on the street side of not less than fifty-five feet measured from the centerline of the side street or twenty-five feet measured from the side lot line, whichever is greater.
4. **Rear yards** The depth of the rear yard shall be at least twenty feet. (Ord. No. 03-07, Sec. 1.)
5. **Lot area per family** Every dwelling hereafter constructed, reconstructed, moved or altered shall provide a lot area of not less than ten thousand five hundred square feet per family, provided that where a lot has less area than herein required at the time of the passage of this code, this regulation shall not prohibit the construction of a one family dwelling.

6. **Lot width** The width of a lot, measured at the front building line, shall be not less than seventy-five feet provided where a lot has less width than herein required at the time of the passage of this code, this regulation shall not prohibit the construction of a single family dwelling.
- C. **Parking regulations** No less than two off-street parking spaces, not less than one being in the form of a garage or carport, shall be provided for each dwelling unit. (See Section 25 for additional parking requirements.) (Ord. No. 95-24, Sec. 9.)
- D. **Minimum floor area** The total floor area used for living purposes, excluding garages, carports, and unfinished basements shall be 864 square feet, measured inside the outside walls. This regulation shall apply to all single family homes hereafter constructed including detached homes used for vacation occupancy. Mobile homes in a Mobile Home Park, multi-family units such as condominiums, time share units, duplexes and apartments are excluded from this regulation. (Ord. No. 02-10, Sec. 2.)

14.04.10 District R-2 Two Family Residential District

- A. **Permitted uses** In District R-2 no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered except for one or more of the following uses:
 1. Any use permitted in District R-1B;
 2. Dwellings, two family, commonly referred to as duplexes:
- B. **Height and area regulations** In District R-2 the height of buildings, the minimum dimensions of lots and yards, the minimum lot area per family permitted on any lot shall be as follows provided the single family dwellings in this district shall comply with the height and area regulations of District R-1B: (for exceptions, see Section 24, height and area exceptions.)
 1. **Height** Buildings or structures shall not exceed two and one-half stories or thirty-five feet in height except that on lots having a natural slope, a full three stories may be exposed above grade on the downhill side.
 2. **Front yards** Any building hereafter constructed shall provide a front yard, the minimum of which shall be at least sixty feet measured from the centerline of the street or thirty feet measured from the front lot line, whichever is greater.
 3. **Side yards** There shall be a side yard on each side of the building. The total width of side yards shall be not less than thirty feet and no side yard which shall be less than ten feet. Buildings on corner lots shall provide a side yard on the street side of not less than fifty feet measured from the centerline of the side street or twenty feet measured from the side lot line, whichever is greater.

4. **Rear yards** The depth of the rear yard shall be at least twenty-five feet.
5. **Lot area per family** Every dwelling hereafter erected or altered shall provide a lot area of not less than eight thousand square feet per family, or six thousand square feet per family for two family dwellings.
6. **Lot width** The width of a lot shall be at least one hundred feet except that two family dwellings which otherwise comply with the codes and ordinances of Fairfield Bay may be divided at the party wall as to ownership and owned as separate dwelling units by separate owners and such ownership shall not constitute a violation of the lot and yard requirements of this code.

C. **Parking regulations** No less than two off-street parking spaces, not less than one being in the form of a garage or carport, shall be provided for each dwelling unit. (See Section 25 for additional parking requirements.) (Ord. No. 95-24, Sec. 10.)

14.04.11 District RP-3 Cluster Homes, Townhouse or Garden Apartment District

A. **Permitted uses** In District RP-3 no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered except for one or more of the following uses:

1. Garden apartment buildings and townhouses;
2. Innovative housing techniques such as cluster homes, patio houses, zero lot line homes, time share units and mixed housing systems;
3. Churches, synagogues and religious activities. (Ord. No. 03-10, Sec. 3.)

B. **Height and area regulations** In District RP-3 the height of buildings, the minimum dimensions of lots and yards, the minimum lot area per family permitted on any lot shall be as follows: (for exceptions, see Section 24, height and area exceptions.)

1. **Height** Buildings or structures shall not exceed two stories in height plus a basement as defined in Section 3.
2. **Front yards** No building shall be located closer than sixty-five feet to the centerline of a street or thirty-five feet from the front lot line, whichever is greater.
3. **Side and rear yards** No building shall be located closer than fifteen feet to a project property line. On a corner lot no building shall be located closer than sixty feet to the centerline of the side street or thirty feet from the street line, whichever is greater.
4. **Lot area per family** The minimum lot area shall be three thousand five hundred square feet per family.

- C. **Parking regulations** Two off-street parking spaces shall be provided for each dwelling unit. (See Section 25 for additional parking requirements.)
- D. **Planned zoning required** No building or group of buildings shall be constructed in this district until said property is zoned under the planned zoning criteria set out in Section 6 of this code. (Ord. No. 95-24, Sec. 11.)

14.04.12 District RP-4, Medium Density Residential District

- A. **Permitted uses** In District RP-4 no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered except for one or more of the following uses:
 - 1. Medium density apartment buildings;
 - 2. Housing for senior adults and of a single or multi-family nature;
 - 3. Churches, synagogues and religious activities. (Ord. No. 03-10, Sec. 1.)
- B. **Height and area regulations** In District RP-4 the height of buildings, the minimum dimensions of lots and yards, the minimum lot area per family permitted on any lot shall be as follows: (for exceptions, see Section 24, height and area exceptions.)
 - 1. **Height** Buildings and structures shall not exceed three stories, provided all buildings exceeding two stories shall be equipped with elevators.
 - 2. **Front yard** Any building hereafter constructed shall provide for a front yard the minimum depth of which shall be at least sixty-five feet measured from the centerline of the street or thirty-five feet from the front lot line, whichever is greater.
 - 3. **Side yards** There shall be a side yard of not less than twenty-five feet on each side of the building. On corner lots no building shall be located within sixty-feet of the centerline of a public street or thirty-feet of the lot line, whichever is greater.
 - 4. **Rear yard** The depth of the rear yard shall be not less than fifty feet.
 - 5. **Lot area per family** Every medium density apartment house and every senior adult dwelling hereafter constructed shall provide a lot area per unit of not less than the following:

4 Bedroom unit	3000 sq. ft.
3 Bedroom unit	2700 sq. ft.
2 Bedroom unit	2400 sq. ft.
1 Bedroom unit	2000 sq. ft.
- C. **Parking regulations** Two off-street parking spaces shall be provided on the premises for each two or more bedroom dwelling unit and one space for each unit having one bedroom. (See Section 25 for additional parking requirements.) (Ord. No. 95-24, Sec. 12.)

14.04.13 District RMP, Mobile Home or Manufactured Home District

A. **Permitted uses** In District RMP no building, structure, land or premises shall be used, and no structure shall be hereafter erected, constructed, reconstructed, moved or altered except for one or more of the following uses:

1. Mobile and manufactured homes;
2. Churches, synagogues and religious activities.
(Ord. No. 03-10, Sec. 1.)

Where permitted Except as provided in Section 23, a mobile home may be permitted in the city only in an approved mobile home park or subdivision. Only manufactured and mobile homes are permitted in this district.

B. **Minimum standards for mobile home parks and subdivisions**

1. **Size and density of site** No mobile home park or subdivision shall have a site smaller than five acres. The overall density for mobile home parks or subdivision shall be not more than five mobile homes per acre.
2. **Stands and skirts** Each mobile home installed following the adoption of this code shall be placed on a Portland cement or asphaltic concrete stand, and each home shall be equipped with skirts on all sides, such skirts to be of material harmonious to the mobile home structure, and installed within ten days of home placement. Manufactured homes shall have a permanent foundation as opposed to a stand and skirting.
3. **Anchoring** All mobile homes installed within the city following the adoption of this code shall be anchored to the ground by means of anchors attached both to the frame and with straps extending over the top and completely surrounding sides and roof. Tiedown designs shall be approved by the Building Official prior to installation. In addition, test data giving certified results of pull tests in soils representative of the locality in which the anchors are to be used shall be submitted to the Building Official. Minimum load in direct pull shall be 5,400 pounds.
4. **Street and drives** All public streets within the park or subdivision shall be improved to city standards for residential streets. There shall be at least two street or drive openings into the park providing ingress and egress. All private drives shall be not less than 20 feet in width and be surfaced with at least six inches of compacted stone base with not less than two inches of hot mix bituminous concrete as the surface course, or equal, as determined by the City Council.
5. **Parking** At least two parking spaces for each mobile home shall be provided within forty feet of the mobile home. Such parking spaces shall be off the public street or private drive, and each shall be not less than nine

feet by twenty feet in size, and shall be surfaced to at least the standard set out for private streets.

6. **Open space** Reasonable park and playground space shall be provided and equipped. Each home shall be located so that no part of one home, including canopies, awnings, carports and other protrusions, is closer than twelve feet to another home, or to the edge of the surface of a drive. No home shall be located closer than twenty-five feet to the boundary line of the park or subdivision or closer than twenty-five feet to a public street. No vehicle shall be parked closer than twenty feet to the edge of the pavement of a public street or private drive.
7. **Utilities** All wastewater shall be disposed of through a sanitary sewer system and treatment facility, the plans of which shall be approved by the City Council prior to construction. All solid wastes shall be disposed of by accumulation in tight containers, and removed at regular intervals. All power and telephone lines shall be underground, and shall be in compliance with standards of the utility corporation involved. The site of the park or subdivision shall be graded so that surface water will not accumulate, but will run off in a manner that will not adversely affect the residential character of the area or adjacent property. The proposed drainage systems shall be approved by the City Council prior to construction of streets or other portions of the park or subdivision.

D. **Zoning procedure** The zoning of land to District RMP shall be in accordance with the procedures of Planned Zoning set out in Section 6. The decision of the Commission to recommend approval or denial of the proposed mobile or manufactured home park or subdivision shall be based upon the following criteria:

1. The proposed project will be in harmony, in general, with the long range plans of the city of Fairfield Bay.
2. Two or more routes of safe and efficient ingress and egress for vehicular and pedestrian traffic and an adequate level of utility and other services are assured.
3. A safe and healthful living environment will exist for the occupants of the park or subdivision.
4. The plans for the park or subdivision indicate that neighboring property will not be adversely affected to an unreasonable extent.

Upon hearing and consideration of the project, the Commission shall, at the earliest date possible, submit its recommendation and an endorsed copy of the plans to the City Council for final action. All final plans, including detailed landscaping plans, and signs to be allowed shall be reviewed by the Planning Commission and be approved by that body prior to the beginning of grading or other construction of the park or subdivision.

- E. **Exclusion if platted** The requirements for minimum yard spaces, street design and construction, parking spaces and underground utilities enumerated above shall not apply to a mobile home park that has been platted prior to enactment of this code and a substantial portion developed. (Ord. No. 95-24, Sec. 13.)

14.04.14 District CP-0 Non-Retail Business District

- A. **Permitted uses** In District CP-0 no building, structure, land or premises shall be used, and no structure shall be hereafter erected, constructed, reconstructed, moved or altered except for one or more of the following uses:
1. Office buildings to be used only for the administrative functions of companies, corporations, social or philanthropic organizations or societies;
 2. Other offices limited to the following:
 - a. Answering and secretarial services.
 - b. Architects,
 - c. Brokers and accountants,
 - d. Engineers,
 - e. Dentists,
 - f. Lawyers,
 - g. Physicians, osteopaths, chiropractors and others of the healing arts,
 - h. Real estate and insurance;
 3. The design, editing, copying and sale of computer software but not the manufacture, assembly or sale of computer hardware or accessories.
 4. Mortuaries;
 5. Hospitals, clinics, laboratories and other treatment and diagnostic facilities for the medical arts for humans only.
 6. Churches, synagogues and religious activities. (Ord. No. 03-10, Sec. 1.)
- B. **Height and area regulations** In District CP-0 the height of buildings, the minimum dimensions of lots and yards shall be as follows: (for exceptions, see Section 24, height and area exceptions.)
1. **Height** No building or structure shall exceed two stories in height.
 2. **Front yard** A front yard of not less than twenty-five shall be provided.
 3. **Side yards** There shall be a side yard of not less than twenty-five feet on each side of the building. On corner lots no building shall be located closer than twenty-feet to a public street.
 4. **Rear yard** The depth of the rear yard shall be at least thirty feet.

- C. **Parking regulations** Four off-street parking spaces shall be provided on the premises in the side or rear yard for each one thousand square feet of floor area. (See Section 25 for additional parking requirements.)
- D. **Conversion of buildings** No building that was designed and constructed as a residential building shall be converted for use as an office building. (Ord. No. 95-24, Sec. 14.)

14.04.15 District CP-1 Local Business District

- A. **Permitted uses** In District CP-1 no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered except for one or more of the following uses:
 - 1. Any use permitted in District CP-0.
 - 2. Shops and stores for sale at retail of such goods as foods and beverages for humans or pets, furniture and appliances, printed materials, notions, hardware and paint, kitchenware, toys and sporting goods, jewelry, gifts and novelties, flowers, tobacco products, photographic equipment, antiques, artists, office and hobby supplies and products, music supplies and medical supplies, bicycles, electronic equipment.
 - 3. Services such as business offices, banks and savings and loan associations, insurance, barber and beauty shops, schools, optical shops, seamstress and tailoring, dry cleaning and laundry stores including coin-operated, eating establishments, interior decorator, photographer, shoe repairs, clinics, massage and health spas, small animal hospitals, day care.
 - 4. Offices of all types, including post offices, public or privately owned utilities offices;
- B. **Performance standards** The following standards shall not be exceeded by any use in this district:
 - 1. No merchandise or equipment shall be stored or displayed outside a building;
 - 2. All products shall be sold and all services rendered inside a building except that banks, savings and loan establishments and government buildings may have drive-through and walkup service.
 - 3. No noise, smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced;
 - 4. Alcoholic beverages may not be sold for consumption on the premises.

- C. **Height and area regulations** In District CP-1 the height of buildings, the minimum dimensions of lots and yards shall be as follows: (for exceptions, see Section 24, height and area exceptions.)
1. **Height** Buildings and structures shall not exceed two stories.
 2. **Front yard** A front yard of not less than thirty feet shall be provided.
 3. **Side yards** There shall be a side yard on each side of the building of not less than thirty feet .
 4. **Rear yard** The depth of the rear yard shall be not less than thirty feet.
- D. **Parking regulations** Four off-street parking spaces shall be provided on the premises for each one thousand square feet of floor area. (See Section 25 for additional parking requirements.)
- E. **Conversion of buildings** No building that was designed and constructed as a residential building shall be converted for use as an office building or other business purpose. (Ord. No. 95-24, Sec. 15.)

14.04.16 District CP-2 General Business District

- A. **Permitted uses** In District CP-2 no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered except for one or more of the following uses:
1. Any use permitted in District CP-1.
 2. Shops and stores for the sale at retail or wholesale of department store merchandise, furniture and appliances, new automobiles and trucks, automobile supplies, petroleum products, pets.
 3. Services such as clubs, hotels and motels, places of assembly, automobile repair in connection with new auto sales or gasoline service stations, dry cleaning and laundries, appliance and small equipment repair, printing and publishing, custom maintenance, handcrafting, health and therapeutic services, delivery services, radio and television broadcasting studios, entertainment and recreation, places where alcoholic beverages are served, charity and welfare. (Ord. No. 95-24, Sec. 16.)
- B. **Performance standards**
1. Drive-through or drive-in services may be provided, except where alcoholic beverages in any form are served, dispensed or otherwise change hands.

2. No noise, smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building and no dust, fly ask or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.
3. Automobiles and trucks for sale may be stored or displayed outside a building but not within fifty feet of a street line. Other merchandise which may appropriately be displayed or stored outside a building shall be kept off the public sidewalks and streets, and shall not reduce the capacity of a parking lot below that required by this code. The sale outside a building of merchandise that is not a part of the normal stock-in-trade of the principal business on the premises is not allowed unless a land use permit has been issued by the Building Official as set out in Section 26. Due consideration shall be given to public safety, possible adverse effects on neighboring property and the level of maintenance and appearance that can be assured. Violation of the terms and conditions of the permit shall be cause for revocation.
4. The sale outside a building of merchandise that is not a part of the normal stock-in-trade of the principal business on the premises is not allowed unless a land use permit has been issued by the Building Official as set out in Section 26. Due consideration shall be given to public safety, possible adverse effects on neighboring property and the level of maintenance and appearance that can be assured. Violation of the terms and conditions of the permit shall be cause for revocation. (Ord. No. 97-49, Sec. 1.)

C. **Height and area regulations** In District CP-2 the height of buildings, the minimum dimensions of lots and yards shall be as follows: (for exceptions, see Section 24, height and area exceptions.)

1. **Height** Buildings and structures shall not exceed three (3) stories in height, or thirty six (36) feet, whichever is lower, unless otherwise specified herein. Hotels shall not exceed ten (10) stores in height, or 120 feet, whichever is lower. All buildings exceeding two stories shall be equipped with elevators.
2. **Front yard** A front yard of not less than thirty feet shall be provided.
3. **Side yards** There shall be a side yard on each side of the building of not less than thirty feet .
4. **Rear yard** A rear yard of not less than thirty feet shall be provided.

- D. **Parking regulations** Four off-street parking spaces shall be provided on the premises for each one thousand square feet of floor area. (See Section 25 for additional parking requirements.)

- E. **Conversion of buildings** No building that was designed and constructed as a single family, two family or multi-family dwelling shall be converted to or hereafter used for business purposes. (Ord. No. 95-24, Sec. 16.)

14.04.17 District CP-3 Service Business District

A. **Permitted uses** In District CP-3 no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered except for one or more of the following uses:

1. Any use permitted in District CP-2;
2. Shops, stores and yards for the sale at retail or the rental of such items as automotive equipment, trucks, trailers, boats, camping accessories, tools, building supplies, lawn accessories, trees and shrubs;
3. Services such as automobile repair and washing, miniature golf and recreation parks, general repair and fixit shops, small article storage for public use commonly called mini-warehouses.
4. Nurseries and greenhouses,
5. Manufacture or assembly of products to be sold only at retail on the premises.

B. **Performance standards**

1. Drive-through or drive-in services may be provided at any establishment.
2. Any manufacturing or assembly of products as permitted above shall be entirely with a totally enclosed building.
2. No noise, smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.
3. Automobiles, trucks, boats and trailers for rent or sale may be stored or displayed outside a building but not within fifty feet of a street line. Other merchandise which may appropriately be displayed or stored outside a building shall be kept off the public sidewalks and streets, and shall not reduce the capacity of a parking lot below that required by this code. The sale outside a building of merchandise that is not a part of the normal stock-in-trade of the principal business on the premises is not allowed unless a land use permit has been issued by the Building Official as set out in Section 26. Due consideration shall be given to public safety, possible adverse effects on neighboring property and the level of maintenance and appearance that can be assured. Violation of the terms and conditions of the permit shall be cause for revocation.
4. The sale outside a building of merchandise that is not a part of the normal stock-in-trade of the principal business on the premises is not allowed

unless a land use permit has been issued by the Building Official as set out in Section 26. Due consideration shall be given to public safety, possible adverse effects on neighboring property and the level of maintenance and appearance that can be assured. Violation of the terms and conditions of the permit shall be cause for revocation. (Ord. No. 97-49, Sec. 2.)

- C. **Height and area regulations** In District CP-3 the height of buildings, the minimum dimensions of lots and yards shall be as follows: (for exceptions, see Section 24, height and area exceptions.)
1. **Height** Buildings and structures shall not exceed two stories.
 2. **Front yard** A front yard of not less than fifty feet shall be provided.
 3. **Side yards** A side yard not less than fifty feet shall be provided.
 4. **Rear yard** A rear yard of not less than fifty feet shall be provided.
- D. **Parking regulations** Four off-street parking spaces shall be provided on the premises for each one thousand square feet of floor area. (See Section 25 for additional parking requirements.)
- E. **Conversion of buildings** No building that was designed and constructed as a residential building shall be converted to or hereafter used for business purposes enumerated in this district (Ord. No. 95-24, Sec. 17.)

14.04.18 District MP-1 Light Industrial District

- A. **Permitted uses** In District MP-1 no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered except for one or more of the following uses:
1. Offices;
 2. Manufacturing, processing, fabrication, assembling, disassembling, packaging, repairing, cleaning, servicing, or testing of any commodity except junk, salvage or hazardous materials;
 3. Warehousing, wholesaling and storage of any commodity except junk, salvage or hazardous materials;
 4. Public and private utility facilities.
 5. Recycling depository for paper, plastic, glass and certain recyclable metals.
 6. Churches, synagogues and religious activities.
- B. **Performance standards**
1. All operations shall be conducted within a fully enclosed building.

2. All storage of materials, products or equipment shall be within a fully enclosed building or in an open yard so screened that the materials, products or equipment are not visible at eye level within one hundred feet of the property line, and further provided that storage areas for vehicles such as recreation vehicles shall provide security fencing such that viewing the interior of the property from a street or drive is possible.
3. No use shall be permitted or so operation as to produce or emit:
 - a. Smoke or particulate matter of Number 1 or darker on the Ringlemann Chart;
 - b. Dust, fly ash, radiation, gases, heat glare or other effects which are obviously injurious to humans at the property line;
 - c. Vibration or concussion perceptible without instruments at the property line;
 - d. The noise level shall not exceed 75db (A) at any point along the property line;
 - e. Industrial processes and wastes shall be of such quantity and nature as to not overburden sewage disposal facilities or to cause odor and unsanitary effects beyond the property line.

C. **Height and area regulations** In District MP-1 the height of buildings, the minimum dimensions of lots and yards shall be as follows: (for exceptions, see Section 24.)

1. **Height** No building or structure shall exceed two stories or forty feet in height.
2. **Front yard** A front yard of not less than fifty feet shall be provided.
3. **Side yards** A side yard of not less than fifty feet shall be provided.
4. **Rear yard** A rear yard of not less than fifty feet shall be provided.

D. **Parking regulations** Each industrial establishment shall provide sufficient off-street parking space for all employees, customers, visitors and others who may spend time at the establishment during working hours. Such parking spaces shall be on the premises or on other property within two hundred feet of an employee entrance to the building being served.

Each establishment shall also provide adequate loading space within a building or on the premises in such a way that all storage, standing and maneuvering of trucks and other service vehicles shall be off the public right-of-way. Any office use which is located in this district shall provide parking in the quantity required in the district wherein the use is enumerated. (See Section 25 for additional parking requirements.) (Ord. No. 95-24, Sec. 18.)

14.04.19 Special use permits

- A. **Purpose** The development and administration of the Zoning Code is based on the division of the city into districts, within any one of which the use of land and buildings and the bulk and location of buildings or structures as related to land, are essentially uniform. It is recognized, however, that there are special uses which, because of their unique character and possibly adverse impact, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring lands and upon the public need for the specific use at the particular location. Such special uses fall into three groups:
1. Uses operated by a public agency or public-regulated utilities, or uses traditionally involving the public interest or welfare; and
 2. Uses entirely private in character, but of such a nature that the operation may give rise to unique problems with respect to their impact on neighboring property or public facilities; and
 3. Uses which may reasonably be operated for a short time but which would not be appropriate over the long term.
- B. **Authorization** Special uses may be authorized only by the City Council, provided that no application for a special use shall be acted upon by the Council, except as authorized in Section G, until after a public hearing is scheduled and notice published and held by the Planning Commission, and its findings and recommendations are reported to Council.
- C. **Application** An application for special use shall be filed with the Recorder/Treasurer. Such application shall proceed in the manner prescribed herein for amendments to this code, Section 29.
- D. **Standards** No special use permit shall be granted unless the proposed use:
1. Is deemed necessary for the public convenience or will be of substantial benefit to the public;
 2. Is so designed, located, and will assuredly be operated in such a manner that the public health, safety, and welfare will be protected; and
 3. Will not cause substantial injury to the value of other property in the neighborhood in which it is located; and
 4. Will comply with the height and area regulations of the district in which it is located unless specifically granted otherwise.
- E. **Conditions** The Planning Commission may recommend and the City Council may provide such conditions and restrictions on the construction, location, and operation of a special use including time limit, off-street parking and loading and

other conditions as may be deemed necessary to promote the general objectives of this code and to minimize any injury to the value of property in the neighborhood. Failure to maintain such conditions or restrictions as may have been imposed shall constitute grounds for revocation of the permit for such special use.

- F. **Uses which may be permitted** Any of the following uses may be located in any district by special use permit:
1. Amusement parks, privately owned baseball or athletic fields.
 2. Cemeteries, mausoleums, or crematories for the disposal of the dead;
 3. Clubs;
 4. Golf driving ranges, commercial or illuminated;
 5. Gun clubs, skeet shoots, target ranges, indoor tennis and similar recreation
 6. Hospitals or veterinary clinics;
 7. Camping areas, campground or RV park.
 8. Nursery sales office, building, greenhouse, or area;
 9. Nursing and convalescent homes;
 10. Dog kennels and animal shelters;
 11. Private schools;
 12. Radio, television and microwave towers;
 13. Reservoirs, towers, filter beds, or water treatment plants;
 14. Riding stables and tracks;
 15. Sewage or refuse treatment, recycling depositories, land-fills, composting;
 16. Storage yards and buildings for boats, recreation vehicles and similar items;
 17. Buildings, structures, and premises for public utility services, or public service corporations.
 18. Temporary use of land or buildings for commercial or industrial purposes, or for the keeping of animals other than customary household pets, or for the storing of motor homes and other recreation vehicles and equipment, provided that any building or structure constructed thereon which is not otherwise permitted in the district in which it is situated, shall be temporary, and any such animals, equipment or material shall be removed upon the date of expiration of the special use permit, which permit shall be valid for not more than two years but may be renewed after public hearing;
 19. Assembly halls, community centers, philanthropic organizations;
 20. Group care centers, including pre-schools, day care and adult care;
 21. Off-street parking lots or structures of a temporary or permanent nature;
 22. Special housing for persons who have special and unusual housing needs, including but not limited to, persons 55 years of age and over, persons who are handicapped and children and adults who require housing separate from their natural homes or families.
 23. Bed and breakfast homes and model homes.

24. Roadside sale of produce, flowers and similar small items.
25. Specimen, sample or model home. (Ord. No. 03-06, Sec. 1.)
26. The cutting and removal of tress for commercial or industrial purposes, commonly referred to as "logging" may be permitted under the following conditions:
 - a. The area to be logged shall be on the periphery of the city in order that hauling will not pass through the community or any portions thereof.
 - b. City streets shall not be used by trucks transporting such logs or logging equipment.
 - c. Hauling may take place only during weather conditions when soil will not be carried onto public streets or highways.
 - d. The special use permit may, if deemed in the public interest, include requirements for surety guaranteeing protection of, repair or replacement of, any property owned by others that is damaged in the logging or hauling process.
 - e. The special use permit may include specifying certain land areas which may not be logged due to potential of soil erosion, silting or damage to the scenic quality of nearby property or bodies of water.

A special use permit is not required for the logging of property during the period of fifteen months following the enactment of this code provided no public streets within the city limits shall be used in the process and provided that all logging operations shall cease at the end of the fifteen month period and remain inactive until such time that a special use permit may be approved. It is further provided that the City Council may order the immediate termination of logging operations if it is found that such operations are wholly or in part responsible for soil erosion that is depositing silt into Greers Ferry Lake.

- G. **Short term special uses** The City Council may authorize the issuance of a Short Term Special Use Permit for the use of a specific tract, parcel or section of the city for such temporary short term uses as:

1. Trade shows
2. Street fairs
3. Expositions such as art fairs, boat shows, etc.
4. Promotional ventures
5. Entertainment and recreation including carnivals and circuses
6. Sidewalk, truckload sales.

Such activities may be a non-profit, profit-making, civic or public agency nature and may be on private or public property. A short-term special use permit, valid for not more than ten consecutive days, may be approved by the City Council upon public hearing and without referral to the Planning Commission. (Ord. No. 95-24, Sec. 19.)

14.04.20 Accessory uses

- A. **General regulations** Buildings and structures may be erected and land may be used for purposes which are clearly incidental to, and customarily and commonly associated with the main permitted use of the premises. Such accessory buildings and uses shall be so constructed, maintained and conducted as to not produce noise, vibration, concussion, dust, dirt, fly ash, odor, noxious gases, heat or glare which is injurious, unhealthful or disturbing to adjacent property or the users thereof and shall be on the premises of the main use.
- B. **Eligibility of accessory use** The determination of the eligibility of a proposed use as an accessory use shall be made by the City Building Official and appeal can be made from his decision as set out in Section 28.
- C. **Districts A, R-1A, R-1B and R-2**
1. Home occupations permitted
 - a. Architect
 - b. Artist
 - c. Author or writer
 - d. Clergyman
 - e. Contractor
 - f. Engineer or surveyor
 - g. Lawyer
 - h. Seamstress-dressmaker
 - i. Teaching or instruction provided not more than three students are taught at any one time and not more than twelve students per day.
 - j. Day care home for a maximum of four children unrelated to the operator.
 - k. Informal and occasional study groups such as literary and religious discussion activities in a home.
 2. Conditions The following conditions and restrictions shall apply to such customary home occupations:
 - a. That the primary use of the building or structure in which the occupation is situated is clearly the dwelling used by the person as his or her private residence.

- b. That no assistant or other than an immediate member of the family household is employed.
 - c. That no equipment, machinery or operation is used in such activities that is perceptible off the premises by reason of noise, smoke, odor, dust radiation, electrical interference or vibration. Parking shall be handled in such a manner as to not impede or hinder traffic on any public right-of-way.
3. Garages and carports For any single or two family dwelling unit there shall be provided not less than two off-street parking spaces, not less than one being in the form of private garage or covered carport. A detached garage shall be located not less than sixty feet from the front lot line, nor less than five feet from any side or rear lot line, and in the case of corner lots not less than the distance required for residences from side streets. A garage constructed as an integral part of the main building shall be subject to the yard regulations affecting the main building.
4. Storage of equipment, material or vehicle No equipment, material or vehicle, other than motor passenger vehicles used more or less daily for personal transportation of residents shall be stored for more than seventy-two hours in a thirty day period in a residential district. The parking of an automotive passenger vehicle shall not occur on lawn areas, or other locations which tend to visually downgrade the property and neighborhood. Parking shall be limited to areas that are surfaced and shall generally be located near the otherwise vehicle-oriented section of the premises so that the lawn area upon which the living section of the dwelling faces can be attractively maintained with landscape materials. Recreation vehicles or boats may be parked, stored, or kept as set out in Section 23.
5. Accessory buildings One building or shed, not exceeding ten by twelve feet in floor size and not exceeding ten feet in height may be located in the rear yard for purposes of personal use by the resident but not for residential or commercial use provided, that the Board of Zoning Adjustment may, upon application by a property owner, and after appropriate notice and public hearing, approve a detached accessory building not exceeding twelve by sixteen feet in floor size and ten feet in height to be located in a rear yard provided these conditions are met:
- a. The building materials are the same as or are of similar appearance to the residence;
 - b. The architectural style is the same as or in harmony with the residence and

- c. There is open space of sufficient size and topography that will accommodate the building without adverse effect on neighboring property. (Ord. No. 98-58, Sec. 1.)
- D. Districts RP-3 and RP-4 In the RP-3 and RP-4 districts, accessory uses as permitted in paragraph B above plus the following: Parking areas, signs as permitted by code, recreation areas including tenant used swimming pools and minor recreation buildings, waste collection enclosures, power generators, vending machines for tenant use, dish antennae and other similar uses.
- E. Districts CP-0, CP-, CP-2 and CP-3 In CP-0, CP-, CP-2 and CP-3 districts, accessory uses are as follows: Parking areas, signs as permitted by code, vending machines, private garages for motor vehicles, low-level exterior lighting, radio, television, or microwave antennae not exceeding sixty feet in height, flagpoles, screened waste containers, cooling towers and other similar uses. Washing and other passenger car cleaning and repair shall be permitted as an accessory use in service stations. Buildings or sheds, not exceeding twelve by sixteen feet in floor size and not exceeding ten feet in height to be used by the occupant of the premises for storage of non-hazardous materials and equipment provided the Board of Zoning Adjustment shall first review and approve the location, number and architectural design of the building. Public notice and hearing is not required but may be elected by the Board if significant impact on neighboring property is indicated. (Ord. No. 01-05, Sec. 1.)
- F. District MP-1 In the MP-1 district, permitted accessory uses are as follows: Parking and loading areas, signs as permitted by code, security and screen fencing, radio, microwave, and dish antennae, radio towers not exceeding sixty feet in height, gate house, loading equipment, screened waste containers and other similar uses.
- G. Hotels motor hotels and conference centers The following are accessory uses within a hotel, motor hotel or conference center: Restaurant, banquet rooms, liquor, notions and magazine counter, vending machines, beauty and barber shops, flower and gift shops, professional offices, health services.
- H. Hospitals The following are accessory uses in connection with a hospital: Residential quarters for staff and employees, nursing or convalescent quarters, storage and utility buildings, food service and vending machines, laundry, recreation facilities and other similar services for hospital personnel, visitors and patients.
- I. Utility buildings Outside storage of materials and equipment is an accessory use in connection with utility companies provided all outside storage is screened from view from off the premises.

- J. Waste containers to be enclosed When a waste bin outside a building is necessary to the normal conduct of a business or other activity, it shall be considered a permitted accessory use. All such waste bins shall be enclosed by solid walls or fences of masonry, wood frame or metal in a manner that the bin and its contents cannot be seen from off the property.

Any of the accessory uses listed in this section may be specifically prohibited or further controlled by restrictions written into a special use permit prior to its being approved. (Ord. No. 95-24, Sec. 20.)

14.04.21 Signs Signs are permitted in the various zoning districts as follows:

A. **Districts A, R-1A, R-1B, and R-2**

1. One FOR SALE or FOR RENT sign per building or lot, the area of which shall not exceed five square feet.
2. Churches and other non-residential uses may have not more than two identification signs not exceeding forty square feet each. In addition, minor signs giving directions for traffic and similar information are allowed.
3. One sign designating the contractor, subcontractors or builder, the area of which shall not exceed five square feet and which shall be removed upon completion of construction.

B. **Districts RP-3 and RP-4**

1. One FOR SALE or FOR RENT sign per building, the area which shall not exceed ten square feet.
2. One free-standing sign depicting the name of a multi-family building or group of buildings, the owner, manager, phone number and similar information.

C. **District CP-0**

1. One free-standing monument sign for each building, not exceeding five feet in height or ten feet in length, the design, materials and location of which shall be approved by the Planning Commission.
2. Not more than two wall or canopy signs for each occupant, the size, design and materials of which shall be approved as set out in Section I below.
3. A directory not exceeding ten square feet indicating occupants of the building.
4. Minor signs giving directions and similar information to the public.

D. Districts CP-1 and CP-2

1. Professionally made rigid signs mounted flat against the wall of the building and signs on a canopy depicting the names of occupants, products sold and services rendered. Gasoline service stations and convenience stores may display not more than four rigid, professionally made temporary signs attached to the building or canopy.
2. One free-standing sign for each building, subject to review as provided in paragraph I below. (Ord. No. 97-49, Sec. 3.)
3. One free-standing sign for each gasoline service station and convenience store.
4. The design, size, material and type of illumination of signs in these districts shall be reviewed and approved as set out in paragraph I below.

E. Districts CP-3 and MP-1

1. Signs mounted against the wall of the building, not more than two per wall.
2. One free-standing sign for each building, subject to review as provided in paragraph I. below. (Ord. No. 97-49, Sec. 4.)
3. The design, size, material and type of illumination of signs in these districts shall be reviewed as set out in paragraph I. below.

F. In any district, a tract of land which exceeds one acre in area may have one FOR SALE or FOR LEASE sign not exceeding 32 square feet in area. In any district any sign required by law shall be permitted.

G. In any district one sign displaying the names of contractors, builders, architects, lenders or leasing agents may be placed on the premises of the project provided it shall be removed immediately upon completion of the project.

H. The following regulations shall apply in all zoning districts.

1. Signs hereafter installed, erected or modified shall have the structural integrity and appearance of a permanent sign and shall require a building permit. Signs which are temporary in nature may be placed on private property for not longer than forty-eight hours without a permit. A limited sign permit, issued by the Mayor's office is required for any temporary sign displayed longer than forty-eight hours, provided temporary real estate FOR SALE or FOR RENT signs, garage sale type signs and political signs do not require permits. Such limited sign permit shall be for not more than thirty consecutive days one time per year, provided that in the case a longer duration is justified by an extraordinary public interest or safety nature, an extension may be granted by the Mayor. The above regulations shall become effective April 15, 1997.

2. Signs attached to retail or office buildings or centers which contain more than two tenants shall conform to the following:
 - a. Signs mounted flat against the wall or canopy and one detached sign per building are allowed provided said detached sign is to be reviewed as provided in paragraph I below.
 - b. When a sign is replaced or modified on an existing building, it shall reasonably conform in appearance, size and location with the other signs on the building or center.
 - c. Not more than two logos or other types of display may be included in addition to the conforming copy provided the total area of such logos or displays shall not exceed the area of the conforming lettering.
 - d. In the case of a newly constructed building or center containing more than two tenants, the owner shall prepare sign standards prior to approval of final plans, such standards to be subject to review and by the Planning and Zoning Commission. The owner of said building or center shall thereafter be responsible for enforcing said standards by way of leasing agreements.
3. Signs within a building, directories, directional and essential advisory signs, and those of a governmental agency, are excluded from these standards.
4. Signs in Districts CP-1, CP-2 and CP-3 may be illuminated by light source not visible at human eye level. (Ord. No. 97-49, Sec. 5.)

I. **Planning Commission review** All signs in District CP-0 through MP-1 which require Planning Commission review as set forth above shall be approved or denied based on the following standards:

1. The design, size and material shall be in general harmony with any existing adjacent or nearby signs.
2. The sign shall be designed, constructed and printed by an established sign company unless specifically waived by the Planning and Zoning Commission.
3. No sign shall be installed that would be hazardous to pedestrian or vehicular traffic.
4. No wall sign or group of signs shall be of a size that would be disproportionate to the area of the façade on which it is placed. A total sign area greater than 25% of the area of the façade is considered disproportionately large.

5. Detached signs may be denied if they would unreasonably block visibility, detract from the architectural integrity of nearby buildings or be of such size, intensity of illumination or general design that the effectiveness of other nearby signs would be unreasonably diminished.
6. Detached signs may not protrude over the right-of-way of a public street or within three feet of the curb face of a private street. (Ord. No. 97-49, Sec. 6.)

J. **Exceptions** Where a substantial hardship is imposed on an existing business by the above sign regulations the Board of Zoning Adjustment may grant a specific variance from said regulations and standards. A variance may be granted for one or more of the following reasons:

1. The business is penalized by poor visibility or access from vehicular or pedestrian traffic.
2. The business traditionally relies on the promotion of its products or services by way of "specials," periodic sales, opening or closing occasions, information of special value to the public or other conditions unique to the particular business.
3. The need to identify, list or provide directions to a business or group of businesses, which sign may be located off the site of the business or businesses. (Ord. No. 99-69, Sec. 1.)

14.04.22 Prohibited uses No lot, parcel or tract of land shall be used, and no building or structure shall be erected, reconstructed moved or altered, for any of the following uses: abattoirs; fertilizer manufacture; dumping, reduction or incineration of waste, dead animals, offal, or refuse; storage, curing or tanning of raw hides or skins; refining of petroleum or coal; slaughter of animals or fowl or the raising of more than one hundred fowl, auto salvage or stripping, scrap iron or junk storage or processing or sales. (Ord. No. 95-24, Sec. 22.)

14.04.23 Mobile homes, recreation vehicles and trailers

A. **Mobile homes were permitted**

1. Except as provided in subsection 2 and 3, below, mobile homes may be permitted only in an approved mobile home park.
2. A mobile home may be permitted elsewhere in the city by resolution of the City Council, for the purpose of providing temporary housing following a disaster, such as fire, windstorm or flood provided such mobile home is removed within six (6) months of its original placement.
3. One or more mobile homes or trailers may be used as a temporary office or other non-residential structure on the site of a construction project, including banks, provided such structure shall be removed upon completion of the project.

- B. **Recreation vehicles** Recreation vehicles, as defined in 14.04.03 may be parked, stored or kept in Districts R-1A through RP-4 under the following conditions:
1. Not more than two recreation vehicles, including boats, may be parked or stored outside any residential building or carport. All such recreation vehicles outside of any residential building, carport, or other building shall be parked on the rear of the yard, or at the side of the yard, and not in the front yard.
 2. All such vehicles shall bear a current license, and boats that do not require licenses shall be on trailers with a current license.
 3. Converted buses are not considered recreation vehicles and may not be parked, stored or otherwise kept in a residential district.
 4. Owners of recreation vehicles, who, due to hardship, physical limitations, terrain limitations or other conditions beyond their control, may be issued temporary written permission from the Building Official allowing deviation from one or more of the above regulations upon an appropriate showing of such hardship or limitation. Such temporary written permission shall be for not more than one year, and shall not be issued, renewed, or re-issued unless it is clearly shown that any allowance of the temporary written permission would not cause adversity to nearby property owners.
 5. Nothing in this subsection shall be deemed to alter, change, amend, or excuse any violation of, any subdivision, neighborhood or Community Club Covenants and Restrictions. (Ord. No. 2011-4, Sec. 1.)
- C. **Minimum standards for mobile and manufactured home parks.** See Section 13. (Ord. No. 95-24, Sec. 23.)
- D. **Recreation vehicles in District RMP** Recreation vehicles, as defined in 14.04.03 may be parked, stored, or kept in District RMP under the following conditions:
1. Residents shall be allowed no more than one recreation vehicle, in addition to the official residence, the location of which recreation vehicle shall be decided solely by the Building Official, which temporary written decision shall be in writing. Any such temporary written permission shall be for not more than one (1) year, and shall not be issued, renewed, or re-

issued, unless it is clearly shown that any allowance of the temporary written permission would not cause adversity to nearby property owners.

2. Nothing in this subsection shall be deemed to alter, change, amend, or excuse any violation of, any subdivision, neighborhood or Community Club Covenants and Restrictions. (Ord. No. 2011-4, Sec. 1.)

14.04.24 Height and area exceptions

- A. **Generally** The regulations and requirements as to height of buildings and area of lots which may be occupied by buildings, front yards, side yards, rear yards and other regulations and requirements as set out in the foregoing sections of this code shall be subject to the following exceptions and additional regulations.

- B. **Height** In any district, public or semipublic buildings, such as hospitals and churches, may be erected to a height not exceeding forty feet. Flag poles, chimneys, cooling towers, elevator bulkheads, penthouses, finials, tanks, ornamental towers, monuments, cupolas, domes, spires, standpipes, and other necessary mechanical appurtenances may be erected as to height in accordance with other local regulations.
- C. **Official line for future widening or opening of street** Where an official line has been established by the City Council or State Highway Commission for future widening or opening of a street upon which a lot abuts, then the depth or width of a yard shall be measured from such official right-of-way line to the nearest line of the building.
- D. **Required yard or court to be open p exceptions** Every part of a required yard shall be open from its lowest point to the sky unobstructed, except for trees and the ordinary projection of sills, belt courses, cornices, chimneys, buttresses, ornamental features and eaves; provided, however, that none of the above projections shall extend into a minimum yard more than two feet; and provided further that canopies or open porches having a roof area not exceeding sixty square feet may project a maximum of six feet into a required rear yard and unroofed porches or decks extending into a required yard shall not be enclosed.
- E. **Sight distance on corner lots** No fence, wall, hedge or shrub or tree planting which obstructs sight lines at elevations between two and eight feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points twenty-five feet from the intersection of the street lines. The same sight line limitations shall apply within ten feet from the intersection of a street property line with the edge of a driveway. (Ord. No. 95-24, Sec. 24.)

14.04.25 Parking and loading regulations

- A. **Required for all structures erected and for certain uses of vacant land** For all buildings or structures hereafter erected, constructed, reconstructed, moved or altered, and for all uses of vacant land which generate vehicular traffic, off-street parking in the form of garages or open areas made available exclusively for that purpose shall be provided. Such parking spaces shall be located entirely on private property with no portion except the necessary drives extending into any street or other public way. Except for those uses listed below, parking spaces shall be provided as set out in Section 7 through 19.

For the following uses one off-street parking space shall be provided for each:

1. Employee and each seat
2. Two employees
3. Guest room or two guest beds
4. Three beds or three seats
5. Two staff and visiting doctors
6. One hundred square feet floor area
7. One hundred fifty square feet floor area
8. Two hundred square feet floor area
9. As determined by Planning Commission

Use	Key
Churches, theaters, and other seating facilities	4
Libraries	9
Hospitals, or homes for convalescent	4 & 5
Assembly halls, conference centers	9
Mortuaries	2 & 4
Theaters	4
Housing for senior adults	9

B. **Uses not listed** Any use not included in the parking requirements in this code shall be assigned a parking requirement by the Planning Commission.

C. **Dimensions of parking and other paved areas** Parking stall dimensions shall be not less than nine by twenty feet plus the necessary space for maneuvering into and out of the space. For parking lots the minimum cross dimensions shall be as follows:

90 degree pattern	Single loaded aisle	50 ft. wheel stop to opposite curb
90 degree pattern	Double loaded aisle	65 ft. wheel stop to wheel stop
60 degree pattern	Single loaded aisle	45 ft. wheel stop to opposite curb
60 degree pattern	Double loaded aisle	60 ft. wheel stop to wheel curb
45 degree pattern	Single loaded aisle	40 ft. wheel stop to opposite curb
45 degree pattern	Double loaded aisle	55 ft. wheel stop to wheel curb
Parallel spaces	9 x 23 feet each space	

Drives to parking areas, service areas, loading docks and other on-site facilities served by or serving motor vehicles shall not exceed forty feet in width measured at a point where drive curbs are generally parallel. Head-in parking, where vehicles use a part of a public street right-of-way for entering or backing from a parking space, or where any part of the parked vehicle occupies street right-of-way shall not be permitted.

- D. **Improvement of parking areas** All parking areas and drives, including those used for dwellings, shall be ready for use upon occupying a building and shall be surfaced with a minimum of two inches of hot-mix asphaltic concrete on a minimum four inch compacted stone base, or four inches of hot mix asphaltic concrete, or four inches of Portland cement concrete. The Building Official may grant an extension by issuing a temporary certificate of occupancy when weather conditions are not satisfactory for placing paving materials. No parking spaces shall be located within six feet of an adjoining lot in a District R-1A to RP-4 inclusive. Any lights used to illuminate the parking area shall be so arranged as to direct light away from any adjacent premises in a residential district.

In addition the following regulations shall apply:

1. In Districts R-1A to RP-4 inclusive, no parking shall be permitted in the required front yard or within ten feet of a public street, except that parking of motor passenger cars shall be permitted in customary driveways of single and two family dwellings.
2. In Districts CP-0 to MP-1 inclusive no parking area shall extend closer than ten feet to a street, measured to the back of the curb of the parking area.
3. A portion of the parking area required by this code may remain unimproved until such time as the City Council deems it must be improved to adequately serve current parking demand. A permit for construction of such delayed improvement may be issued only after the Planning Commission and Council are satisfied that the initial occupancy of the premises will be adequately served by the lesser number of spaces and only after approval by both bodies of a final development plan indicating clearly the location, pattern and access to and from the initial and the delayed parking spaces. The land area so delineated for future parking shall be brought to finished grade, be landscaped, and shall not be used for building, storage, loading or other purposes.
4. All parking areas except those serving single and two family dwellings shall be striped to clearly designate parking spaces. (Ord. No. 95-24, Sec. 25.)

14.04.26 Enforcement

A. **Building or land use permit required** The Building Official or his duly authorized representative shall be empowered to act within the provisions of this code upon all applications for permits. In the event of refusal to issue a permit upon an application, as herein provided, the applicant shall have the right to appeal to the Board of Zoning Adjustment as set in Section 28.

B. **Building permit**

1. No building or structure, including mobile homes, shall be erected, added to, installed or altered until a permit therefore has been issued by the Building Official. Except upon a written order of the Board of Zoning Adjustment, no such building permit shall be issued where said construction, addition, or alteration or use thereof would be in violation of any of the provisions of this code or other ordinances.
2. There shall be submitted with all applications for building permits three copies of a layout or site plan, drawn to scale, showing actual dimensions of the lot to be built upon, the exact size and location on the lot of the building and any accessory buildings to be erected, parking and any loading areas including access thereto, and such other information as may be necessary to determine and provide for the enforcement of this code (other codes and ordinances may require additional drawings). In the case of building permits in planned zoning districts RP-3 through MP-1, the Building Official shall refer all plans which involve new building or parking lot construction or enlargement to the Planning Commission for review and approval prior to issuance of a building permit.

C. **Land use permit** No open, vacant or unimproved land shall be used for any purpose other than agricultural without first obtaining a land use permit. Land use permits shall be required for, but not limited to the following uses:

1. Parking lots not included in a building permit;
2. Used car or auto storage lots;
3. Machinery, equipment or materials storage yards not included in a building permit;
4. Skeet shoots or target ranges
5. Public or semi-public recreation areas, such as ball parks, golf courses, race tracks, fairs, and similar temporary or permanent uses;
6. Refuse dumps or landfills
7. Cemeteries;
8. Nurseries.

9. The sale outside a building of merchandise that is not a part of the normal stock-in-trade of the principal business on the premises. The permit may be issued by the Building Official after due consideration has been given to public safety, possible adverse effects on neighboring property and the level of maintenance and appearance that can be assured. Violation of the terms and conditions of the permit shall be cause for revocation. (Ord. No. 97-49, Sec. 7.)

- D. **Non-compliance with right-of-way requirements** In any case where the abutting right-of-way does not comply with city requirements a building or land use permit shall not be issued for the lot or tract until title for the required additional right-of-way has been conveyed to the city according to established procedures.
- E. **Other controlling factors** The issuance of a permit by the City Building Official does not override the need to satisfy other controls which may be contained in declarations of covenants and restrictions separate from this code. (Ord. No. 95-24, Sec. 26.)

14.04.27 Period of transition Any building or structure for which a building permit has been issued by the Architectural Control Committee of the Fairfield Bay Community Club on the date of the enactment of this code may be constructed, reconstructed or altered in accordance with said permit. In addition, during a period of ninety days following the adoption of this code a permit may be issued for any building or structure for which plans were substantially complete on the date of the adoption of this code provided the Building Official, in his judgment, is convinced that the plans were indeed prepared in good faith and that substantial and undue hardship would prevail if the construction were not allowed to proceed. Such building, structure or site conditions may not conform in all respects with this code but shall conform to the covenants and restrictions adopted by the Fairfield Bay Community Club and other codes of the city of Fairfield Bay and the state of Arkansas. This period of transition shall terminate ninety days following the date of the adoption of this code and thereafter all permits for construction shall require full conformance with this code. In all cases of such non-compliance during this period of transition, construction shall begin within ninety day of the adoption of this code or full compliance herewith shall be required. (Ord. No. 95-24, Sec. 27.)

14.04.28 Board of Zoning Adjustment A Board of Zoning Adjustment in the city of Fairfield Bay is hereby created. Said Board shall consist of five members. The Board shall have the following functions:

- A. Hear appeals from the decision of the Building Official with respect to the enforcement and application of this code, and may affirm or reverse, in whole or in part, the decision of said Building Official, and,

- B. Hear requests for variance from the literal provisions of the Zoning Code in instances where strict enforcement of the code would cause undue hardship due to circumstances unique to the individual property under consideration, and grant such variance only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of this code.
- C. Allow construction of a detached accessory building not exceeding twelve by sixteen feet in floor size and ten feet in height as provided in Section 20. (Ord. No. 98-58, Sec. 2.)

The Board shall not permit, as a variance, any use in a zone in which it is not permitted under this code. The Board may impose conditions in the granting of a variance to ensure compliance and to protect adjacent property.

The Board shall establish regular meeting dates, adopt rules of conduct of its business, and keep a public record of all findings and decisions. Each session of the Board shall be a public meeting, with public notice of the meeting and business to be carried on, published in an official newspaper with general circulation in the city of Fairfield Bay, at least one time not less than seven days prior to the meeting. A decision shall be made by the Board of Zoning Adjustment only after a hearing before the Board has been duly published and held as above stated, and all interested parties have been heard. (Ord. No. 95-24, Sec. 28.)

14.04.29 Rules of procedure governing amendments and special use permits

Applications for amendments, revision or change of the zoning district map or for a special use permit may be made by any person, or his agent, who owns the land sought to be rezoned or specially used. If such application is made by the owner's agent, the agent shall enter upon the application the name and current mailing address of the owner. Application for amendment, revisions or change of any portion of the Zoning Code, may be made by any interested person. All applications shall be made on forms prescribed by the City Planning Commission and duly filed with the City Recorder/Treasurer.

- A. **Rezoning property – other than planned zoning** An accurate sketch of the land in question, drawn to scale on a sheet eight and one-half inches by eleven inches or larger, showing adjacent tracts within two hundred feet and the current ownership thereof shall accompany the application. The Building Official may waive or vary from these sketch requirements in cases where such information would be of no value in making the decision relative to zoning change or special use permit.
- B. **Rezoning property to a planned district** A track of land may, following the adoption of this code, be zoned RP-1A through MP-1, inclusive, upon application of the owner or his agent, or by action initiated by the Planning Commission, and only upon approval of a development plan. The proponents of a planned district shall prepare and submit to the Building Official:

1. A preliminary development plan showing the property to be included in the proposed development, plus the surrounding area within two hundred feet.
2. The following items shall be included on the property to be developed:
 - a. Existing topography with contours at five foot intervals provided that where natural slopes are sufficiently flat the Building Official may require lesser intervals.
 - b. Proposed location of buildings and other structures, parking areas, drives, walks, screening, drainage patterns, public streets, and any existing easements.
 - c. Sufficient dimensions to indicate relationship between buildings, property lines, parking areas, and other elements of the plan. Preliminary sketches depicting the general style, size and exterior construction materials of the building proposed. In the event of several buildings, a typical sketch may be submitted. Such sketches shall include elevation drawings, but detailed drawings and perspectives are not required. (Ord. No. 95-28, Sec. 3.)
3. The Planning Commission shall hold a public hearing on the preliminary plan as provided herein. At such time as the development may meet with the approval of the Commission, the same shall be duly approved, properly endorsed and identified and sent on to the Council for action. Upon final approval of the preliminary plan and the rezoning of the tract, final plans for construction may proceed and conformance with the preliminary plan and all supporting documentation is mandatory. All final plans, however, shall be submitted to the Planning Commission and approved as to compliance with the preliminary development plan prior to the issuance of a building permit. If, in the opinion of the Planning Commission, the concept of development, as depicted on the final plans, deviates substantially from the concept of the preliminary development plan submitted for zoning, the Commission shall deny the request for final plan approval. The applicant, in case of denial may apply for a new hearing, with publication as required and the Commission and Council may approve or deny the final plans after said hearing. All decisions of the Planning Commission may be appealed to the City Council who may reverse or affirm the same.

- C. **Procedure upon receipt of application and fee for change** Immediately upon receipt of such application and fee the Recorder/Treasurer shall note thereon the date of filing and make a permanent record thereof. All such applications shall be set down for hearing not later than the second regular monthly meeting of the Planning Commission from the date of termination of the earliest publication

period available thereafter required in this section. Any such hearing may, for good cause, in the discretion of the Planning Commission, be continued for a definite time to be specified in the record of the Planning Commission. Notice of such hearing shall be published in one issue of the official newspaper of the city, such notice to be published not less than fifteen days prior to the date of said hearing before the Planning Commission.

- D. **Proof of ownership or option or contract to buy** Applicant shall furnish proof that he is the owner or has an option or contract to buy the land described in the application, and that the sketch required to be filed at the time the application is filed covers the same property as the description in the application. Following the final hearing of such application, the Planning Commission shall approve or deny the same, at the earliest reasonable time, and shall transmit an accurate written summary of the proceedings to the Recorder/Treasurer.
- E. **Submission of Planning Commission action to Council** Following the receipt of the summary of the action of the Planning Commission, the Recorder/Treasurer shall submit the same to the City Council for action approving or disapproving the recommendation of the Planning Commission, provided however, the Council may for good cause continue its action or may refer the case back to the Planning Commission for further consideration.
- F. **Continuance – action required of applicant** Upon request of the applicant to the Recorder/Treasurer, one continuance of the hearing before the Planning Commission may be approved by the Planning Commission and one continuance may be granted by the Council. Any such continuance shall be made to a day certain and shall be for not less than one month.
- G. **Lesser change than requested** The Planning Commission may recommend and the City Council may approve an application for change in a zoning district which is more restrictive than that requested by the applicant without additional publication and hearing.
- H. **Action by Planning Commission** Recommendations for amendment, revision, change or repeal of the Zoning Code, zoning district map, rules or regulations, may also be made by the Planning Commission upon its own motion or by the City Council, providing the same is first submitted to the Planning Commission for hearing and recommendation. In either case, final action by the City Council shall be taken only after hearing upon publication notice and recommendation, whether favorable or otherwise, by the Planning Commission, in the manner hereinbefore provided.

Upon the affirmative vote of at least five (5) of the six (6) member City Council, the City Council, after notice, hearing and compliance with the other procedural requirements of the Fairfield Bay Zoning Code may:

1. remand the recommendation of the Planning and Zoning Commission for further study or consideration;
 2. approve and adopt the Planning and Zoning recommendations;
 3. refuse to enact the Planning and Zoning recommendation; or
 4. adopt or enact on its own initiative alterations, amendments, extensions, abridgements or discontinue the prior plans, ordinances or regulations.
- Any action taken by the City Council on its own initiative must be related to or in response to a subject which was considered, discussed, argued or weighed by the Planning and Zoning Commission after notice, public hearing and compliance with all procedural requirements of the law and Fairfield Bay Zoning Code. (Ord. No. 95-24, Sec. 29.)

CHAPTER 14.08

ZONING ORDINANCE ADOPTED

Sections:

- 14.08.01 Zoning ordinance adopted
- 14.08.02 Alternative regulatory structures

14.08.01 Zoning ordinance adopted

- A. Adoption That certain document known as the Fairfield Bay Zoning Code of which not less than three (3) copies have been and are now filed in the office of the Recorder/Treasurer and the same are hereby adopted as fully as if set out at length herein and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling on all properties within the city limits.
- B. Enforcement If the Building Inspector shall find that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it, and the deadline by which such action must be completed. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or he shall take any other action authorized by this chapter to insure compliance with or to prevent violation of its provisions.

C. Complaints 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 Building Inspector, who shall properly record such complaint, promptly investigate and take action thereon. The Building Inspector shall respond in writing to any written complaint when requested in writing by the complainant.

D. Penalties for violations

1. Violation of the provisions of the Fairfield Bay Zoning Code or failure to comply with any of its requirements shall constitute a misdemeanor. After the expiration date indicated by the notice of violation, any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than One Hundred Dollars (\$100.00) or imprisoned for not more than thirty (30) days, or both, and in addition shall pay all costs and expenses involved in this case. After the expiration date indicated by the notice of violation, each day such violation continues shall be considered a separate offense.
2. The owner of tenant of any building, structure, premises or part thereof, and any architect, builder, 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.
3. Nothing contained in this ordinance shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

E. Schedule of fees

1. The schedule of fees, charges and expenses shall be posted in the office of the Recorder/Treasurer and may be altered or amended only by the City Council.
2. No permit shall be issued unless or until such costs, charges, fees or expenses have been paid in full, nor shall any action be taken on proceedings before the Board of Zoning Adjustment and/or Planning Commission unless or until such charges and fees have been paid in full.

Rezoning	\$100.00
Special Use Permit	100.00
Residential Building	25.00
Commercial Building	.10 per heated sq. ft.
Remodel or alterations	10.00 (Ord. No. 95-24, Secs. 1-5.)

14.08.02 Alternative regulatory structures The Zoning Code of Fairfield Bay, Ord. No. 95-24 generally, and as previously, specifically amended from time to time, be and the same is hereby amended pursuant to A.C.A. 14-56-422 as interpreted by the Arkansas Supreme Court in at least three (3) cases by adding the following provision to Section 29, paragraph H of the Fairfield Bay Zoning Code:

Upon the affirmative vote of at least five (5) of the six (6) member City Council, the City Council, after notice, hearing and compliance with the other procedural requirements of the Fairfield Bay Zoning Code; may:

- A. remand the recommendation of the Planning and Zoning Commission for further study or consideration;
- B. approve and adopt the Planning and Zoning recommendations;
- C. refuse to enact the Planning and Zoning recommendation; or
- D. adopt or enact on its own initiative alteration, amendments, extensions, abridgements or discontinue the prior plans, ordinances or regulations. Any action taken by the City Council on its own initiative must be related to or in response to a subject which was considered, discussed, argued or weighed by the Planning and Zoning Commission after notice, public hearing and compliance with all procedural requirements of the law and Fairfield Bay Zoning Code. (Ord. No. 02-8, Sec. 1.)

CHAPTER 14.12

COMMUNICATION TOWERS

Sections:

- 14.12.01 Special use permit
- 14.12.02 Approval

14.12.01 Special use permit A special use permit be issued to the FFB Community Club and Ozcom to erect and operate said broadband facilities at the three (3) locations shown on the attached plats, under a lease between the parties. Ozcom shall obtain a building permit before commencing construction. (Ord. No. 03-9, Sec. 1.)

14.12.02 Approval The approval granted herein is subject to the conditions listed in the Planning and Zoning Commission's September 20, 2003, list of suggested conditions to accompany approval of special use permit for Broadband Towers. The seven (7) conditions are attached to this ordinance and made a part thereof. (Ord. No. 03-9, Sec. 2.)

CHAPTER 14.14

DRILLING, MINING, AND EXTRACTION OF MINERALS

Sections:

14.14.01	Title
14.14.02	Definitions
14.14.03	Gas well drilling and production
14.14.04	OG Permits and requirements
14.14.05	Operations, practices, and standards
14.14.06	Records
14.14.07	Violations
14.14.08	Miscellaneous provisions

14.14.01 Title This ordinance, amending the Municipal Code for the city of Fairfield Bay, may be cited as the Fairfield Bay Oil and Gas Ordinance, Chapter 14.14 of the Municipal Code of the city of Fairfield Bay. (Ord. No. 2008-15, Sec. 1.)

14.14.02 Definitions For the purposes of this revision to the Municipal Code for the city of Fairfield Bay, the following definitions shall apply to this section, unless the context clearly indicates that prior definitions for the Municipal Code for the city of Fairfield Bay should apply, or unless the context clearly indicates or requires a different meaning.

Abandonment: Abandonment is defined by the Arkansas Oil and Gas Commission and includes the plugging of the well and restoration of the drill site as required by this ordinance.

Blasting permit: A permit which authorizes the applicant to utilize blasting materials in connection with seismic operations, or drilling, or production, or transportation of gas and oil produced from such wells located within the city limits of Fairfield Bay, or any combination thereof.

Blowdown valve: An automatically operated normally open valve used to vent the pressure from a process station on shutdown.

Contaminant: Any substance capable of causing pollution, including but not limited to smoke, vapors, fumes, acids, alkalis, toxic chemicals, liquids or gases, drilling fluids, including muds, or other irritants.

Compressor station: A long term site on which one or more gas compressors are located, the function of which is to transfer gas from gathering and other pipelines to main transportation lines.

Drilling: Any digging or boring of a new well to develop or produce gas or to inject gas, water, or any other fluid or substance into the earth. Drilling means and includes the re-entry of an abandoned well. Drilling does not mean or include the re-entry of a well that has not been abandoned.

Drill site: The land used for drilling, completing, or re-working a well.

E.S.A. (Environmental Sensitive Area): A building, structure or parcel of land containing a use or uses such as a residential dwelling, school, church, cemetery, park, office or retail building or similar occupancy that would be adversely affected.

Exploration: Geologic or geophysical activities, including but not limited to, surveying and seismic exploration related to the search for oil or gas.

Fracturing: The use of stimulants injected into a gas well to slit or fracture the formation to improve the productivity of the gas well.

Gas: Gas or natural gas, as such terms are used in the rules, regulations or forms of the Arkansas Oil and Gas Commission.

Gas well: Any well drilled for the production of gas or classified as a gas well by the Arkansas Oil and Gas Commission.

Improved area: One or more platted lots or unplatted ownerships that, at the time the permit application is submitted to the OGI, contain or have construction underway for residential, commercial or industrial buildings, or structures or land used for public purposes.

Liner: A continuous layer of materials, synthetic or natural, beneath and on the sides of a pit that restricts the downward and lateral release of fluids.

New well: A new well bore or new well hole established at the ground surface and shall not include the reworking of an existing well that has not been abandoned.

Odorized: Shall mean that status of natural gas wherein there has been mixed with the natural gas such chemical substances so as to cause the gas to be readily detectable by a person of normal sense of smell when the odorized gas is at a concentration in air of one-fifth of the lower explosive limit.

Oil and Gas permit (OG permit): A written license or permit granted by the city of Fairfield Bay for each well per site for the development, exploration, drilling, operation, transportation and production of oil or gas, or both, issued pursuant to the applicable provisions of this ordinance and reasonable rules and regulations adopted thereto.

Oil and Gas Inspector (OGI): Responsible for evaluating the impact of exploration, development and production of gas wells. Administers enforcement of this ordinance.

Operation site: The area used for development and production and all related operational activities of gas and oil after drilling activities are complete.

Operator: For each well, the person designated on the Arkansas Oil and Gas Commission form W-1 or Form P-4 for a gas well.

Permittee: Any person or entity who has been granted a permit pursuant to the provisions of this ordinance.

Petroleum specialist: A person familiar with and educated in the oil and gas industry who has been retained by the city.

Re-working: Re-completion or re-entry of an existing well within the existing bore hole or by deepening or sidetracking operations which do not extend more than one hundred fifty (150) feet from the existing well bore, or replacement of well liners or casing.

Rules and regulations: The policies and procedures adopted from time to time, by the city of Fairfield Bay, which implement and carry out the intent and purposes of this ordinance.

Seismic permit: A permit issued pursuant to this ordinance which authorizes the applicant to conduct seismic testing within the city limits of Fairfield Bay.

Spud: The first time the drill bit enters the ground for gas drilling and production.

Tank: A container, covered or uncovered, used in conjunction with the drilling or production of gas or other hydrocarbons for holding or storing fluids.

Technical advisor: Such persons familiar with and educated in the oil and gas industry or the law as it relates to oil and gas matters who may be retained from time to time.

Well bore: A bore to any horizon, formation, or strata for the purpose of producing gas or the point designated for the insertion of the drilling bit for a well into the earth. (Ord. No. 2008-15, Sec. 2.)

14.14.03 Gas well drilling and production Anyone wishing to engage or operation in natural gas extraction or production activities shall apply for and obtain an OG Permit under this chapter of the Municipal Code. It shall be unlawful and an offense for any person who does not qualify for an OG Permit, acting either for himself or herself, or acting as agent, employee, independent contractor, or servant, for any person knowingly to drill any well, or to conduct any

mineral exploration or extraction, or to install any water or gas re-pressurizing or injection facility without an OG Permit having been first issued by the authority of the OGI.

The drilling and production of gas within the corporate limits of the city shall be permitted within the Agriculture and Residential Zoning Districts and provided that the drilling and production of gas meets all of the requirements set forth herein. (Ord. No. 2008-15, Sec. 3.)

14.14.04 OG Permits and requirements

Permit applications

Notice of application – posting of signs

- A. An OG Permit shall be required for every site on which there will be an application for a permit to drill a well, re-enter and drill to a deeper formation, install a water or gas re-pressurizing or injection facility. The OG Permit application shall be in writing on a form prescribed by the OGI, signed by the applicant or some person duly authorized to act on his or its behalf, and filed with the OG Inspector and the Fire Chief.
- B. Seismic surveys or any other geophysical exploration activities require a seismic permit. The permit application shall be in writing on a form prescribed by the OGI.
- C. To the extent not previously required or submitted pursuant to 14.14.03 above, the applicant shall provide the following:
 - 1. The name and address of the Permittee, and if the Permittee is a corporation or other business entity, the state of incorporation and the local agent for service of process.
 - 2. The names and addresses of all property owners of said property, within five hundred (500) feet of the well bore and evidence supported by affidavit that said property owners have been given written notice of the intent to seek a permit for the proposed property. A signed agreement from an owner of a structure within five hundred (500) feet of the well bore and included with the permitting paperwork will preclude the applicant from obtaining an additional variance permit related to setbacks.
 - 3. The names and addresses of all service companies on any well site covered by this chapter of the Municipal Code.

4. A description of the utilities and water sources required during drilling and operation, including a specific description of the origin and disposal of the water to be used.
5. A copy of all permits necessary for the drilling of the well that are issued by the state of Arkansas or any of its agencies and the U.S. federal government or any of its agencies. In order to remain in compliance with the Fairfield Bay Municipal Code, the Permittee must further provide the OGI with copies of any update, changes, revisions, or notices of revocation of such permits, no later than five (5) business days after the Permittee's receipt of such update, change, revision, or notice of revocation.
6. Evidence of insurance and security requirements under this chapter. Permittee must further provide the OGI with copies of any updates, changes, revisions, or notice of revocation of such insurance or other security requirements, no later than five (5) business days after Permittee's receipt of such update, change, revision, or notice of revocation.
7. Onsite construction drilling, reserve and storage pits are prohibited unless a variance is approved by the OGI. Lines, portable cuttings haul-off trailers are allowed with no required variance.
8. As soon as practical after the filing an application herein, the person applying for an OG Permit shall publish notice in a newspaper(s) of general circulation within Van Buren and Cleburne Counties with the 911 address, street address, and short-form legal description (Quarter Section, Township, Range, County), as well as public notice of the proposed activities, and shall include any and all information required to be posted on a sign on the property. The applicant for an OG Permit shall further post a weather-durable sign on the surface property giving the public notice of the proposed activities, and shall include in the published notice and on the sign the name, address and 24 hour telephone number of the person applying for the OG Permit.
9. After the filing of the application and before drilling commences, the applicant shall post a "Danger, No Smoking" sign on the property. The signs shall remain posted on the surface of the property for the duration of the OG Permit including during the pendency of any application. The text of the signs shall be clearly readable from fifty (50) feet from the perimeter of the operation site.

Required plans and agreements for approval

- A. Gas Well Development Plan A drawing or drawings at an appropriate scale, showing a metes and bounds legal description of the proposed drill site or GPS longitude & latitude, and the surrounding area within 500 feet of the well bore. The plan shall show any existing ownership lines, structures, and utility lines, fire hydrants, manholes, easements, public street right-of-way and roadway width and surface material. It shall further show the proposed location of the well bore and appurtenances, any pits, tanks, generators, earth berms, fences, illumination and other elements to be used in the drilling and operation of the well. A description of proposed depth and lateral area of anticipated production shall also be included within this plan.
- B. Vehicular Access Plan A drawing or drawings showing any and all public streets, highways, private drives and newly proposed routes to be used by vehicles of all types in traversing from a nearby state highway or other point of access to the drill site during the preparation for initial drilling, re-drilling or servicing the well operations for the life of the well.

Prior to the commencement of any drilling operations, all private roads, streets, alleys, or pathways used for access to the drill site and the operation of the site must be built, restored and maintained in such an order as to accommodate emergency vehicle traffic, and must have sufficient overhead clearance and be so surfaced and maintained so as to prevent soil erosion, dust, mud, silting, and run-off, and to allow access for firefighting equipment and other emergency vehicles.

- C. Gas Transportation Plan A drawing or drawings depicting the route to be taken by gathering pipelines for the transportation of gas from the well to a compressor or main transmission line. Any proposed crossing of a public street, whether by open cut or drilling, shall be clearly noted on the plan. This plan shall be accompanied by a detailed description of proposed rebuilding or repairing of said street upon completion of the crossing. The proposed pressures, pipe size, type of pipe, depth of trench, method of backfilling and any nearby property or easement lines shall be shown.
- D. Restoration Plan Two or more drawings with supporting description of the well site showing:
1. Actions to be taken within a reasonable time following removal of drilling equipment, toward partially returning the site to its original or a superior condition, including removal of major portions of the crushed rock surface; restoring all feasible areas to their original terrain; installing ground and tree cover.

2. Actions that will be taken within a reasonable time following the capping and abandonment of the well site to restore the entire pad area to a condition that will blend in with the neighborhood and assure that the site will appear reasonably compatible with the surrounding landscape.
- E. Watershed Protection Plan A drawing or drawings, at appropriate scale, including the well site and surrounding areas at a distance not less than five hundred (500) feet, that shows the current topography at appropriate contour intervals and including any structures or developed land or impounded water that exists within the immediate watershed. Remedies to protect adjacent property from off-site silting or erosion may include on-site temporary impoundment or other remedial actions required by the OGI.
 - F. Hazardous Materials Management Plan A statement prepared by and endorsed by the operator that he has in hand all safety data sheets for all hazardous materials to be kept or use on site. All applicable federal and state regulatory requirements for the proper use, installation, maintenance and labeling of all containers shall be followed.
 - G. Road Repair Agreement The Permittee filing for an OG Permit shall sign a binding agreement that all damages to roads and public property directly related to this operation shall be repaired at the expense of the applicant. The OGI shall determine the condition of the roads and public property prior to the initiation of the operation. The OGI shall determine the timing of all road and property repairs.

Failure of the applicant to fulfill this agreement may result in the revocation of all existing or future permits for such company and legal action may be taken to ensure that he required repairs be made.

- H. Supporting Statement Regarding Plans The above plans and agreements, (A) through (G) are deemed essential for the protection of the property values and quality of life for current and future residents and property owners. They shall contain such elements and details as are required by the OGI in making a reasonable and equitable review and approval thereof as part of the process of approving a drilling permit. The elements and details that are a part of the plans, and any stipulations included in the approval shall be maintained at a level in keeping with the surrounding areas. Failure to do so shall constitute a violation of this chapter.

All of the above enumerated plans and agreements must be on file and approved by the OGI.

Additional requirements for OG Permit

- A. All oil and gas well permit applications shall be reviewed by the Fire Chief with written confirmation of this review forwarded to the OGI within ten (10) days.
- B. Written evidence supported by the Permittee that property owners within five hundred (500) feet of the well bore have been given written notice of the intent to seek an OG Permit for the proposed property.

For purposes of this subsection, written notice shall mean notice as required by the due process clauses of the U.S. Constitution (Am. 5 and Am. 14) as if sent by the city itself. Mail must be sent by no less than regular first-class mail to the last known property owner, his or her spouse, and any occupants of the surface estate. Addresses of property owners on file with the appropriate County Assessor's office shall be used for the property owner and his or her spouse. Street addresses shall be used for occupants of any improved real estate. To the extent that mail is returned to the Permittee as "undeliverable as addressed" or "address unknown" or "unable to forward" or "forwarding order expired" or "no receptacle" or otherwise indicating an invalid address from the County Assessor, then additional written notice shall also be posted at the site of the real property in question, and mailed by no less than regular first class mail to any lien holders of record of such surface estate, as shown in the records of the County Clerk and Recorder of the County or Counties where the surface estate is located. The Permittee has the burden of ensuring compliance with the due process clauses of the U.S. Constitution in any event.

- C. A gas well permit shall automatically terminate if drilling has not commenced within six (6) months from the date of the issuance of the permit. A permit may be extended for an additional six (6) months upon request by the operator and approval of the OGI if there has been no other change for the requested permit for such location.

Other general permit limitations

- A. A permit shall not constitute authority for the re-entering and drilling of an abandoned well. A Permittee shall obtain a new OG Use Permit if he is re-entering and drilling a previously abandoned well.
- B. When a permit has been issued for the drilling, re-drilling, deepening, re-entering, activating, or converting of a well, such permit shall constitute sufficient authority only for the specific action as set forth explicitly in the application, and then only as allowed in the permit. Permits will normally last no longer than 365 days, or less, and may be renewed upon filing an appropriate application specifying "Renewal" at the top, and paying a fee equal to the original fee.

- C. Any intention to re-work an OG permitted well using a primary drilling rig to fracture stimulate after initial completion or to conduct additional geophysical exploration to conduct seismic surveys or other exploration activities shall make written application to the OGI for an additional OG Permit, no less than fifteen working (15) days before the start of such activities, and pay a permit fee equal to the original fee.
- D. In the event a re-work rig is brought onto the site in order to correct a problem the operator is having with a completed well, or for coil tubing operations, the operator must provide a minimum of two (2) days advance notice to the OGI of the date the re-work rig will be brought onto the site and the re-work rig will be allowed to remain on the site for no more than five (5) days. No additional fees will be required in this event.

Additional OG Permits required

- A. Seismic Permit Seismic surveys or any other geophysical exploration activities require a seismic permit. The permit application shall be in writing on a form prescribed by the OGI.
- B. Blasting Permit An OG Permit request for blasting shall be made in writing to the OG Inspector's office.
- C. Compressor Station Special Permit A Compressor Station located within the city of Fairfield Bay shall require a special permit. Compressors are allowed only by special and specific permission in writing by the Planning and Zoning Commission after public notice, public hearing and advisory reports from the OGI and Chiefs of Police and Fire Departments.
- D. Gathering and Flow Line Installation Permit An OG Permit is required for the installation of gathering or other gas pipelines within the city that are to be owned or utilized by a company that has no permitted gas well within the city limits.

Such OG Permit shall be issued only after:

1. The alignment is determined.
2. Shown on current and accurate maps as directed by the OGI
3. Notification by the Permittee of all adjacent property owners.

Permit filling fees

- A. OG Permit The OG Permit requires a fee of Two Thousand Dollars (\$2,000.00). Permit application fees for subsequent wells will decline by One Hundred Dollars

(\$100.00) with every instance to a minimum level of Five Hundred Dollars (\$500.00) per well.

- B. Seismic Permit There are no additional permit fees associated with this permit application.
- C. Blasting Permit Each Blasting Permit requires a permit filing fee of Two Hundred Fifty Dollars (\$250.00).
- D. Compressor Station Special Permit There is a non-refundable One Thousand Dollars (\$1,000.00) fee per application.
- E. Gathering and Flow Line Installation Permit There is a Two Hundred Dollars (\$200.00) permit fee associated with this permit application.
- F. Transfer of Permit A Two Hundred Fifty Dollars (\$250.00) fee is required to transfer a permit of any kind.

Permits, issuance or refusal to issue

- A. The OGI within fifteen (15) business days after the application for an OG Permit to drill a well or other permits to install water or gas re-pressurizing or injection facilities or conduct any mineral exploration, or other geophysical exploration, shall determine whether or not the application complies in all respects with the provisions of this ordinance, subsequently, the OGI shall issue an OG Permit for the drilling of the well or the installation of the facilities applied for.
- B. If the OGI determines that a permit should be denied, the OGI shall notify the applicant in writing of such denial, stating the reasons for the denial. The applicant may
 - 1. Cure those conditions that caused the denial and re-submit the application to the OGI for approval and issuance of the OG Permit without additional fees; or
 - 2. File a written Notice of Appeal to the Board of Zoning Adjustment, which shall have the power to review such decisions of the OGI.
- C. If the OGI determines that the applicant has complied with all of the provisions of this Municipal Code but that the proposed drill site is not the required distance from E.S.A.'s or improved areas or that the drill site is crossed by a street road or

easement, then the OGI shall only issue the OG Permit if the applicant provides written approval from all owners and occupiers of E.S.A.'s or improved areas that will be nearer than the required set back distance described in this chapter of the Municipal Code.

- D. In order for the Board of Zoning Adjustment to consider an appeal, the written Notice of Appeal must show on its face the following:
1. That it has been sent contemporaneously by hand delivery or by certified mail, return receipt requested, to the OG Inspector, the Mayor of the city of Fairfield Bay, the City Clerk, and the current Chair of the Board of Zoning Adjustment.
 2. That all operations previously permitted to this applicant under this chapter of the Municipal Code are in compliance with this chapter of the Municipal Code.
 3. That the Permittee appealing the decision is in compliance with all federal, state, and local statues, ordinances, rules, regulations, and conditions.
 4. That the applicant has not previously been cited for a violation of this chapter of the Municipal Code, or if previously cited, that the applicant has successfully resolved all such citations and is otherwise in compliance with this chapter of the Municipal Code, giving the dates of any citation and the date of resolution of such citation.

Bond and insurance

- A. A blanket surety bond shall be executed by the operator as principal and a corporate surety authorized by the Arkansas Insurance Department to conduct business within the state of Arkansas, as surety with the bond in favor of the city of Fairfield Bay. This surety bond will be conditioned that the Permittee will comply with all of the terms, conditions, and requirements of this Municipal Code at the discretion of the OGI.
- B. This bond will remain in place while the Permittee drills within Fairfield Bay plus an additional twelve (12) months after ceasing drilling operations. The bond amount required for unimproved areas is One Hundred Thousand Dollars (\$100,000.00), and for Improved Areas the requirement will be up to Five Hundred Thousand Dollars (\$500,000.00) as indicated by the OGI, or other wise by rule or regulation.

- C. All applications for an OG Permit under the provisions of this chapter shall be accompanied by proof of a standard comprehensive public liability insurance policy, including contractual liability, covering bodily injuries and property damage, naming the permit holder and the city, issued by an insurer authorized to do business within the state of Arkansas. Such insurance is required to continue until the well is abandoned and the site restored.

Permit termination

In the event of a failure of a Permittee to comply with any provisions of this chapter of the Fairfield Bay Municipal Code, the OG Inspector may issue in writing by certified mail-return receipt requested to the Permittee a notice of the nature of non-compliance and providing a reasonable time, not to exceed fourteen (14) business days from the date received, in which to submit a plan to regain compliance. After the lapse of such time, or if compliance has not been made, the OG Inspector shall issue in writing the suspension of the OG Permit, and shut down all operations, for no less than thirty (30) days, or cancel the OG Permit permanently, as deemed proper.

Appeals

Termination of a permit may be appealed to the Board of Zoning Adjustment within fourteen (14) business days of the mailing date of the written decision to terminate the permit. Upon receipt, the Board of Zoning Adjustment shall publish, within fourteen (14) days, public notice of the appeal which notice shall also set a hearing date. (Ord. No. 2008-15, Sec. 4.)

14.14.05 Operations, practices, and standards Drilling operations must be conducted in such a manner that percolating, ground water, streams, waterways, Greers Ferry Lake, and tributaries to Greers Ferry Lake will not be adversely affected. After drilling is completed, and the well is in production, the operation site shall be landscaped so also to minimize the visual impact to the area.

Well setbacks

- A. The drilling and production of gas and oil within the corporate limits of the city shall be permitted within the Agriculture, and Residential Zoning Districts provided that the location of the well bore is no closer than five hundred (500) feet from any existing residential structure, place of assembly, institution or school or for which a building permit has been issued, prior to the date of the application for an OG Permit under this Municipal Code chapter unless a variance or waiver as been obtained pursuant to “Additional Requirements for OG Permit” (B) herein.

- B. The distances referred to in sub-section (A) above, shall be calculated from the well bore, in a straight line, without regard to intervening structures or objects to the closest exterior point of any object or boundary listed in sub-section (A).

Fences required; locking gates; waiver

A lockable entrance gate/fence may be required by the OGI. All gates are to be kept locked when the Permittee, its employees or contractors are not within the enclosure.

Fire prevention

Any Permittee engaged in the drilling or operation of an oil or gas well, or both, or the operation of any facility used in conjunction with the production of oil or natural gas, shall take all reasonable precautions to prevent any gas from escaping into the air. Temporary burning or flaring is a standard practice in the drilling and completion process to prevent gas flow to the atmosphere and for the purposes of controlling well pressure. The practice of burning or flaring will be allowed in order to maintain a safe working environment.

Gas production and transportation

- A. Each Permittee shall place a permanent, weatherproof, identifying sign at each point where a flow line or transmission line crosses any public or private street. It shall be unlawful for any person to remove, destroy or deface any such sign.
- B. The location of any such flow lines or gathering lines, if not specified in the permit, must be specifically approved by the OG Inspector.
- C. All pipelines within the city of Fairfield Bay that are designed or utilized to transport oil or gas in conjunction with the production or transportation of oil or gas, or for re-pressurizing operations, shall be installed with a minimum cover of thirty (30) inches of compacted backfill unless authorized otherwise by the OGI.
- D. The excavating, breaking, tunneling or damaging any street or other public property, or leaving upon any street or road any earth or other material or obstruction that is not in conformity with the approved Vehicular Access Plan, shall not be permitted. Emergency repairs may be made without permission, upon immediate notice to the OGI.
- E. Pressure differential detection equipment must be in place which would alert the operator of a permitted well in the event that a holding facility or gathering line develops a leak.

- F. Each operator shall place a warning sign for lines carrying H₂S (Hydrogen sulfide) gas as required by the Arkansas Oil and Gas Commission.
- G. All blowdown valves shall be equipped with a blowdown silencer. (Ord. No. 2008-15, Sec. 5.)

14.14.06 Records

Reports and transfer of permit

- A. The Permittee shall notify the OGI in writing of any change in the name, address or 24 hour phone number of the Permittee or any change in supervisory authority within five (5) business days of the occurrence of such change.
- B. No Permittee shall be released from the requirements of this chapter until the Permittee has applied for such transfer and paid the appropriate fee, the OG Inspector has approved the transfer and the new operator has complied with the provision of this chapter. No OG Permit transfer shall be valid until approval by the OG Inspector and the Arkansas Oil and Gas commission.

Record keeping

The OG Inspector shall retain any and all written materials required herein for the life of the well or a minimum duration of five (5) years from the date of the plugging and abandonment of the well. At the operator's request, and to the extent not prohibited by other applicable law, the OG Inspector shall keep segregated as confidential those materials specifically designated in writing by the operator which might give advantage to other competitors or bidders of the operator. (Ord. No. 2008-15, Sec. 7.)

14.014.07 Violations Any person who violates any provision of this chapter of the Municipal Code, or any provision of a permit issued hereunder shall be guilty of a violation, and shall be fined not less than Five Hundred Dollars (\$500.00) and not more than One Thousand Dollars (\$1,000.00) on the first violation. Any person who violates any provision of this chapter, and has previously been in violation of this chapter, or any provision of an OG Permit issued hereunder, shall be guilty of a misdemeanor and fined any sum not greater than One Thousand Dollars (\$1,000.00). (Ord. No. 2008-15, Sec. 8.)

14.014.08 Miscellaneous provisions

- A. This chapter of the Municipal Code of the city of Fairfield Bay, and all of its provisions and requirements, shall be cumulative to the provisions and requirements of all other parts of the Municipal Code and ordinances of the city of

Fairfield Bay, and shall not repeal any other ordinances or parts of the Municipal Code of the city of Fairfield Bay. To the extent that his ordinance amending the Municipal Code of the city of Fairfield Bay is judicially determined to be in conflict with a provision of the Municipal Code prior to this amendment, then, and only then, the more recent provision of the Municipal Code of the city of Fairfield Bay shall be applied, and the prior provision of the Municipal Code shall be deemed repealed and only to the extent of such judicially determined conflict.

- B. It is hereby declared that the phrases, clauses, sentences, paragraphs, subsections, and sections of this chapter are severable, and if any phrase, clause, sentence, paragraph, sub-section, or section of this chapter of the Municipal Code should be declared to be unconstitutional by a valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect the remaining phrases, clauses, sentences, paragraph, sub-sections, and sections of this chapter of the Municipal Code.
- C. No phrase, clause, sentence paragraph, sub-section, or section of this chapter shall be deemed to overturn or set aside any provision of any covenants or restrictions previously imposed within the city of Fairfield Bay or prior to the incorporation of the city of Fairfield Bay.
- D. No phrase, clause, sentence, paragraph, sub-section, or section of this chapter shall be deemed to permit the drilling for oil, natural gas, or other minerals that have otherwise been explicitly prohibited by law. The provisions set forth herein shall be considered as minimum requirements and shall not relieve any person from any duty imposed by law to use reasonable care and to take reasonable precautions for the safeguarding of people and the protection of the property rights of others.
- E. This chapter of the Municipal Code is explicitly intended to apply to the applicable jurisdiction of the city of Fairfield Bay, in accordance with Arkansas laws, and in accordance with the ordinances of the city of Fairfield Bay, as they may be amended.
- F. The Recorder/Treasurer is hereby directed to begin publication of this chapter by placing it in five (5) conspicuous public places within the city of Fairfield Bay and by causing it to be published in a newspaper of general circulation in the city of Fairfield Bay as soon as possible after passage by the City Council. (Ord. No. 2008-15, Sec. 8.)

CHAPTER 14.16**ANNEXING, VACATING AND RE-ZONING PROPERTY****Sections:**

- 14.16.01 Annexing
14.16.02 Re-zoning

14.16.01 Annexing

- Ord. No. 94-12 Sec. 2, Twp 11 N, Range 12 West
Ord. No. 94-19 Hamilton Point Estates, Sec. 21, Twp 11 N, Range 12 West
Ord. No. 94-21 Shadow Ridge Villas, Sec. 04, Twp 11 N, Range 12 West
Ord. No. 95-31 Lots 224 and 225 to Castle Ridge
Ord. No. 04-3 SE ¼ of Sec. 33, Twp 12 N, Range 12 West

14.16.02 Re-zoning

- Ord. No. 97-50 From R-1B to RP-2 NE ¼ of Sec. 9, Twp 11 N, Range 12 West
Ord. No. 97-54 From R-1B to MP-1 NW ¼ of Sec. 18, Twp 11 N, Range 12 West
Ord. No. 99-65 From R-1B to CP-2 NE ¼ of Sec. 9, Twp 11 N, Range 12 West
Ord. No. 99-66 From R-1B to CP-0 NE ¼ of Sec. 9, Twp 11 N, Range 12 West
Ord. No. 2000-78 From A to CP-2 Part of SE ¼ of Sec. 33, Twp 12 N, Range 12 W
Ord. No. 2001-6 From RP-3 to CP-1 Lot 4, Shadow Ridge Villas
Ord. No. 2001-7 From RP-3 to CP-1 Lot 2, Fairfield Bay Conference Center Subdivision
Ord. No. 2009-10 From R1-B to CP-2 337 Snead Drive surrounding Indian Hills Country Club