

ORDINANCE NO. 00-282

**A COMPREHENSIVE ZONING ORDINANCE
FOR THE CITY OF CLINTON, ARKANSAS**

WHEREAS, the Council of the City, pursuant to Act 186 of 1957 of the General Assembly, as amended, has established a planning commission, adopted a map of the City dividing it into districts and has recommended regulations for those districts all in accordance with a comprehensive development plan, which regulations shall apply to all land and structures in the City; and

WHEREAS, the Council adopted said regulations by Ordinance No. 91-194 known as the Clinton, Arkansas Zoning Ordinance passed by the City on April 11, 1991; and

WHEREAS, the Council determines that said Ordinance as amended should be modified, supplemented and replaced while maintaining the same objectives and purposes as stated therein, to-wit:

- (a) That adequate light, pure air and safety from fire and other dangers be secured
- (b) That the taxable value of land and buildings throughout the City and its territorial jurisdiction be preserved;
- (c) That congestion in the public streets may be lessened or avoided;
- (d) That the hazard of persons and damage to property resulting from the accumulation or runoff of storm or flood waters may be lessened or avoided;
- (e) That the public health, safety, and welfare may otherwise be promoted;
- (f) To prevent the overcrowding of land and undue concentration of structures in each zoning district, thereby ensuring proper living and working conditions and preventing the development of blight and slums;
- (g) To provide convenience of access to property;
- (h) To facilitate the provisions of adequate transportation for services such as water, fire protection, roads, sewers, schools, and parks;

- (i) To conserve the value of property throughout the City and to protect the character and stability of residential, commercial and industrial districts;
- (j) To divide the City into districts of such number, shape, area and of such different classes, according to the use of land, buildings, the height and construction of buildings, the intensity of use, and the area of open spaces and recreational spaces as may be deemed best suited to carry out the purposes of this ordinance;
- (k) To preserve and ensure the preservation of natural resources;
- (l) To isolate or control the location of unavoidable nuisance producing uses, and to protect against fire, explosion, noxious fumes and other dangers;
- (m) To define the powers and duties of the administrative and inspection officers and bodies; and
- (n) To prescribe penalties for any violation of the provisions of this ordinance or of any amendment thereto.

THEFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CLINTON,
ARKANSAS

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ARTICLE 2

RULES AND DEFINITIONS

Section 2.1 The following rules and definitions contained in this Article shall be observed and applied in this Ordinance, except when the context clearly indicates otherwise.

- (a) Words used in the present tense shall include the future.
- (b) Words used in the singular number shall include the plural number, and the plural number shall include the singular number.
- (c) The masculine gender shall include the feminine and neuter.
- (d) The word "Board" shall mean the Board of Zoning Adjustment of the City of Clinton, Van Buren County, Arkansas.
- (e) The word "Building" shall include the word "structure" and shall include all other improvements of every kind, regardless of similarity to buildings.
- (f) The word "Zoning Officer" shall mean the building inspector.
- (g) The word "City" shall mean the City of Clinton, Van Buren County, Arkansas.

- (h) The word "Clerk" shall mean the Administration Clerk or City Clerk.
- (i) The word "Commission" shall mean the Planning or Zoning Commission of Clinton, Van Buren County, Arkansas.
- (j) The word "Council" shall mean the City Council of Clinton, Van Buren County, Arkansas.
- (k) The word "may" is permissive.
- (l) The word "lot" shall include the words "piece", "14 plot" and "parcel".
- (m) The word "person" shall include a "firm", association, organization, "partnership", "trust", "company" or "corporation" as well as an "individual".
- (n) The word "Plan" shall mean the Comprehensive Development Plan of Clinton, Van Buren County, Arkansas.
- (o) The word "Recorder" shall mean the duly elected Recorder/Treasurer of Clinton, Van Buren County, Arkansas also known and cited as City Clerk.
- (p) The word "shall" is mandatory and not discretionary.
- (q) The phrase "used for" shall include the phrases arranged for", "designed for", "intended for", "maintained for" and "occupied for".

ARTICLE 3

GENERAL PROVISIONS

Section 3.1 Grandfather Clause. This ordinance shall not require any change in the construction or use of a building existing at the time of the adoption of the first Clinton, Arkansas Zoning ordinance on April 11, 1991.

Section 3.2 Construction regulations. These are expressed in terms of maximum structure height, lot coverage, and minimum front, corner, side and rear yards or setbacks.

Section 3.3 Placement of Structures. No structure other than underground public utilities shall hereafter be placed to exceed the maximum lot coverage percentage or structure height or to allow for less than the minimum setback requirements in the zoning districts hereafter described.

In addition, no structure, fence, hedge, tree, or plant shall be placed near a corner of public streets or allies in such a manner that the line of sight is obstructed, thereby creating a traffic or pedestrian hazard.

Section 3.4 Parking. No structure shall hereafter be built or moved and no land used or occupied unless the minimum off street parking and loading spaces satisfy the zoning districts hereafter described.

Section 3.5 Utilities Allowed. Necessary public utility equipment shall be permitted in all districts and includes substations and distribution equipment, poles, wires, cables, conduits, pipes, valves, pumping stations, transformer stations, wells, storage tanks, reservoirs or stations.

Section 3.6 Public Facilities. All public facilities, structures, and equipment shall be constructed, operated and maintained in accordance with applicable city, state and federal codes and regulations.

Section 3.7 Restrictions on Home Businesses. No home shall be occupied in violation of city, state, and federal health or licensing regulations. In addition, no occupation or use of a home or a lot in a residential district shall:

- (a) involve the use of a commercial vehicle with more than 2 axles to and from the lot;
- (b) involve the use of more than two commercial rooms in the residence;
- (c) involve the use of accessory building or yard space for commercial activity;
- (d) display a sign greater than two square feet in size;
- (e) involve the display of goods or services for sale; or
- (f) involve a business having employees who are not members of the family occupying the lot.

Section 3.8 Lighting. No outside lighting shall be permitted that creates a hazard to traffic or excessive and unnecessary glare to adjacent property owners. The Zoning Officer shall have the authority to require shading, alteration, or removal of lights in violation of this provision.

Section 3.9 Annexed Land. At the time any land is considered for annexation its zoning classification shall be determined and included in the ordinance or ballot by which the land is annexed. It is the intent of this provision that at the same time it becomes part of the City it will be included in a classified zoning district.

Section 3.10 Drainage. Drainage provisions will be made for all buildings, both residential and commercial so that runoff from rainfall will not be a problem for adjoining property owners or the City of Clinton in the future. Where needed, holding ponds with automatic drawdowns may be required to provide for heaviest rains. The Planning and Zoning Commission is authorized to write provisions that will implement this provision. Drainage plans will be required with the application for a building permit and the Zoning Official will be responsible for seeing that proper drainage is included. When the Zoning Official determines that a proposed project is beyond his or her technical capability, outside professional engineering help may be sought with the advice and consent of the chairman of the Planning and Zoning Commission and the Mayor of the City of Clinton.

ARTICLE 4

NON-CONFORMING BUILDINGS, STRUCTURES & USES

Section 4.1 General Rule. This ordinance establishes separate districts, each of which is an appropriate area for the location of the uses, which are permitted in that district. However, any non-conforming building, structure, or use existing lawfully at the time of the adoption of the original Clinton Zoning ordinance, passed on April 11, 1991, may remain non-conforming in any particular district subject to regulations and restrictions hereinafter set out.

Section 4.2 Alterations. Alterations to non-conforming buildings, which decrease the prior setback distance to property lines, must comply with the minimum setback requirements of this ordinance in the appropriate district. If said non-conforming building already exceeds minimum setback requirements it shall not be enlarged to increase non-compliance; but it may be otherwise rebuilt, repaired or remodeled.

Section 4.3 Relocation. A non-conforming building shall not be moved to another location on the same lot unless every portion of such building is made to conform to its district setback requirements. A non-conforming building shall not be moved to another district unless it conforms to all requirements of that district.

Section 4.4 Restoration of Damaged Building. A non-conforming building which is destroyed or damaged by fire or other casualty may be rebuilt, repaired, restored, and remodeled provided it is diligently done within the time period required by building permit regulations. Extensions of time may be granted due to actual and severe hardships. If said building is enlarged it must comply with the correct setback requirements for its district.

Section 4.5 Non-Conforming Use of Land. Aside from structures, the non-conforming use of land in any district shall not be expanded to include more land than was included as of April 11, 1991, the date of the original Clinton Zoning Ordinance No. 91-194.

Section 4.6 Suspension of Use. In the event of the suspension of a non-conforming use of a certain tract of land or a building for a period of one year, any subsequent use of that land or building must thereafter conform to the requirements of the district in which it is located.

ARTICLE 5

ESTABLISHMENT OF DISTRICTS

Section 5.1 Creation of Zoning Districts. The City of Clinton shall be divided into Zoning Districts according to the Zoning District Map, which is incorporated and made a part of this Ordinance as Exhibit "A". Each district is classified as follows:

- R-1: Single Family Residential District
- R-2: Family Residential District
- R-3: Multi-Family and Multi-Clustered Residential District
- C-1: Commercial Business District
- I-1: Industrial District

In order to identify the location of any particular district, each district shall be assigned an alphabetical letter A through YY. Each district shall be classified R-1, R-2, C-1, or I-1

Section 5.2 Record Keeping. The Clerk shall keep a properly attested Zoning District map on file. In addition, said Clerk shall cause a properly attested Zoning District Map to be filed with the Van Buren County Circuit Court Clerk's Office with deed records. Said map shall be updated on a regular basis to include any changes or modifications to the map.

Section 5.3 Interpretation of Boundaries. Where uncertainty or disputes arise concerning district boundaries, the following rules apply:

- (a) Boundaries indicated as approximately following the centerlines of streets, highways and alleys shall be construed as following such centerlines.
- (b) Boundaries indicated, as approximately following platted lot lines shall be construed as following such lot lines.
- (c) Boundaries indicated, as approximately following city limits shall be construed as following city limits.
- (d) Boundaries indicated as parallel to or extensions of features mentioned in the preceding rules shall be so construed.
- (e) In circumstances not covered by the preceding rules, the Board shall interpret the district boundaries.
- (f) When a lot held in one ownership on the effective date of this ordinance is divided by a district boundary line, the entire lot shall be construed as within the less restrictive district.

ARTICLE 6

R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

Section 6.1 Purpose. This district is intended for residential neighborhoods characterized by one family residential dwellings containing a suitable lot area and excluding mobile homes.

Section 6.2 Permitted Uses. These include:

- (a) One Family dwellings;
- (b) Home occupation;
- (c) Public services and utilities;
- (d) Parks;
- (e) Churches;
- (f) Licensed day care centers; and

- (g) Schools.

Section 6.3 Minimum Lot Size Requirements. A separate ground area called the zoning lot shall be designated and maintained for each structure containing a permitted use and shall have a minimum lot area and front width as follows:

- (a) One single family dwelling, home occupations, and day care centers: front lot width of 75 feet and lot area of 15,000 square feet.
- (b) Schools: Lot front width of 150 feet and lot area of 25,000 square feet.
- (c) Churches and affiliated daycare centers: Front lot width of 150 feet and lot area of 25,000 square feet.
- (d) Parks: Lot area size of 43,560 square feet (one acre).
- (e) Public Services and Utilities: No minimum frontage or lot area.
- (f) Notwithstanding any of the above-mentioned minimum lot sizes, no lot size shall be less than that required by State law for septic systems or other health requirements.

Section 6.4 Setbacks. Zoning lots having certain uses shall have minimum yard sizes as follows:

- (a) Homes: Front - 25 feet; Rear - 20 feet; Side - 10 feet.
- (b) Schools: Front - 30 feet; Rear - 95 feet; Side - 30 feet.
- (c) Churches and Licensed Day Care Centers: Front - 30 feet; Rear - 25 feet; Side - 25 feet.

Section 6.5 Off Street Parking. A minimum of one off street parking space shall be provided for each dwelling unit within a lot used for a single-family dwelling. One off street parking space per 180 square feet of floor space of the building located on the lot shall be provided for schools and churches. The Zoning Board shall provide requirements for off street parking for parks on a case by case basis.

ARTICLE 7

R-2 FAMILY RESIDENTIAL DISTRICT

Section 7.1 Purpose. This district is intended for residential neighborhoods characterized by residential dwellings containing suitable lot area for family housing.

Section 7.2 Permitted Uses. These include:

- (a) Any Use permitted in a R-1 District;
- (b) One or Two Family Dwellings
- (c) Medical Clinics and Hospitals;
- (d) Libraries;
- (e) Modulars (prefabricated buildings with composite roof);
- (f) Apartments up to two stories in height;
- (g) Recreational Buildings and Community Centers.
- (h) Installation of Mobile Homes, provided mobile home satisfies HUD Specifications and has a minimum of 840 square feet of interior space and is not over 10 years old.

Section 7.3 Minimum Lot Size Requirements. A separate ground area herein called the zoning lot shall be designated and maintained and shall have a minimum lot area and front width as follows:

- (a) R-9. permitted uses: Same as in Section 6.3; provided, lot size for a single family dwelling may be no less than 9,000 square feet if said lot is connected to the Clinton Sewer System;
- (b) Medical Clinics and Hospitals: To be determined on a case by case basis by the Clinton Zoning Board;
- (c) Libraries: Front lot width of 150 feet and lot are of 20,000 square feet;
- (d) Modulars: Same as single family dwellings;
- (e) Two Family Dwellings: Front lot width of 150 feet and lot area of 20,000 square feet;

- (f) Apartments: To be determined on a case by case basis by the Clinton Zoning Board;
- (g) Recreational Centers and Community Buildings: To be determined on a case by case basis by the Clinton Zoning Board;
- (h) Notwithstanding any of the above-mentioned minimum lot sizes, no lot size shall be less than that required by State law for septic systems or other health requirements.

Section 7.4 Setbacks. Zoning lots having certain uses shall have minimum yard sizes as follows:

- (a) Homes: Front - 25 feet; Rear - 20 feet; Side - 10 feet.
- (b) Medical Clinics and Hospitals: Front - 30 feet; Rear - 95 feet; Side - 30 feet.
- (c) Libraries: Front - 30 feet; Rear 25 feet; Side - 25 feet.
- (d) Modulars: Front - 25 feet; Rear 20 feet; Side - 10 feet.
- (e) Two Family Dwellings: Front - 25 feet; Rear 20 feet; Side - 10 feet.
- (f) Apartments: Front - 30 feet; Rear - 50 feet; Side - 30 feet.
- (g) Recreational Centers and Community Buildings: To be determined on a case by case basis by the Clinton Zoning Board;

Section 7.5 Off Street Parking. Shall be the same as in Section 6.5.

ARTICLE 8

R-3 MULTI-FAMILY AND MULTI CLUSTERED RESIDENTIAL DISTRICT

Section 8.1 Purpose. This district is intended to permit diversification of multi-family and multi-clustered dwellings and permit the construction and placement of low cost housing of good standards and quality.

Section 8.2 Permitted Uses. These include:

- (a) Any use permitted in an R-1 or R-2 District;
- (b) Apartments over two stories high;
- (c) Multi-clustered dwellings constructed on a zero lot line;
- (d) Mobile Homes and Mobile Home Parks, provided the mobile home satisfies HUD requirements, and has a minimum of 840 square feet of interior floor space and is no more than 10 years old; and
- (e) Police Stations.

Section 8.3 Minimum Lot Size Requirements. A separate ground area herein called the zoning lot shall be designated and maintained and shall have a minimum lot area and front width as follows:

- (a) R-1 Permitted Uses: Same as Section 6.3;
- (b) R-2 Permitted Uses: Same as Section 7.3;
- (c) Apartments Over Two Stories High: To be determined on a case by case basis by the Clinton Zoning Board;
- (d) Multi-Clustered Dwellings Constructed on a Zero Lot Line and Mobile Home Parks: Lot front width - 50 feet plus 15 feet for each dwelling unit or mobile home; Lot area - 5,000 square feet plus 2,250 square feet for each dwelling unit or mobile home.
- (e) Mobile Homes: Front lot width of 75 feet and lot area of 12,500 square feet;
- (f) Police Stations: Front lot width of 150 feet and lot area of 25,000 feet;

Section 8.4 Set Backs. Zoning lots having certain uses shall have minimum yard sizes as follows:

- (a) R-1 Uses: Same as in Section 6.4;
- (b) R-2 Uses: Same as in Section 7.4;

- (c) Apartments Over Two Stories High: To be determined on a case by case basis by the Clinton Zoning Board;
- (d) Mobile Home: Front - 25 feet; rear - 20 feet; side - 10 feet;
- (e) Police Station: Front - 30 feet; rear - 50 feet; side 90 - feet;
- (f) Multi-Clustered Dwellings With a Zero Lot Line and Mobile Homes: Each dwelling unit in a lot used for these purposes shall have an interim lot between units of at least 20 feet in width, and no less than 40'-. of the overall lot or project area must be open space, and all building or mobile home groups must have adequate access to a City street, with each unit arranged so that it is accessible to emergency vehicles;
- (g) Notwithstanding any of the above-mentioned minimum lot sizes, no lot size shall be less than that required by State law for septic systems or other health requirements.

Section 8.5 Off-Street Parking: Shall be the same as in Section 6.5.

ARTICLE 9

C-1 COMMERCIAL AND BUSINESS DISTRICT

Section 9.1 Purpose. This district shall encourage nonindustrial business activities and facilities with off street parking. No land shall be used or occupied for uses other than permitted and special uses. The Board shall determine if a use not specifically listed is a permitted use, special use, or prohibited use.

Section 9.2 Permitted Uses.

- (a) Retail businesses, which supply commodities on premises;
- (b) Business service establishments, which perform services on the premises;

- (c) Personal service establishments which perform services on the premises;
- (d) Professional office establishments;
- (e) Public, quasi-public, governmental buildings and facilities; and
- (f) Public utilities and facilities
- (g) Vehicular service stations;
- (h) Warehousing;
- (i) Drive-in Restaurants;
- (j) Electrical sales, service and supplies;
- (k) Family recreational facilities;
- (l) Heating and Cooling sales and services;
- (m) Plumbing service and supplies;
- (n) Printing periodicals, other printing sales and service;
- (o) Private clubs, restaurants, private organizations that maintain buildings (e.g. VFW, DAV, Masons, etc.)
- (p) Veterinary clinics operated by a duly licensed doctor of veterinary medicine (DVM);
- (q) Taxidermist;
- (r) Country Clubs, golf courses and driving ranges;
- (s) Manufactured (mobile) home parks;
- (t) Nursery retail and wholesale stock sales;
- (u) Nursing Homes;
- (v) Radio broadcasting stations and radio towers;
- (w) Taxicab or bus service;
- (x) Single or Multi-resident family dwelling;

- (y) Automotive sales and service and/or repairs;
- (z) Boat sales and service;
- (aa) Building sales and service;
- (bb) Mini-storage facilities;
- (cc) Motels;
- (dd) Hospitals; and
- (ee) Bulk storage of non-combustible material.

Section 9.3 Special Uses. Processing and manufacturing plants or operations which by reason of operations are not a nuisance in respect to noise, odor, dirt, smoke, lint, heat or glare.

Section 9.4 Temporary Uses. The Board may also grant temporary permits for bazars, carnivals, religious meetings and temporary recreational facilities/activities, etc..

Section 9.5 Minimum Lot Size Requirements. A separate ground area shall be provided for each structure containing a permitted, special, or temporary use and shall have a lot area of at least 6,000 square feet and a width of at least 50 feet. Provided, lots which about a State maintained highway shall have a lot area of at least 12,000 square feet and a width of at least 50 feet.

Section 9.6 Setbacks. All structures shall be located at least 25 feet from any property line abutting land in a residential district.

Section 9.7 Off Street Parking. Except for businesses located on existing lots within one-quarter of a mile of "the square" in downtown Clinton and which are not on State Highway 65 and 65B, one off street parking space for each 180 square feet of floor area ratio is required. Said parking area shall be land surface, chip and seal, or covered with at least SB2 grade gravel. Further, loading and unloading spaces for business purposes shall be provided so as not to interfere with any public right of way.

Section 9.8 Access Requirements. Access on all commercial zoned lots of less than 200 foot road frontage shall be limited to one combined ingress and egress of not less than 20 feet nor more than 32 feet measured from the inside curb at the property line. Access to commercially zoned lots of more than 200- foot road frontage shall be limited to two