

CITY OF CLINTON ORDINANCE NO. 2003-18

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ORDINANCE NO. 2003-18

**AN ORDINANCE CREATING AND ESTABLISHING A
COMPREHENSIVE SYSTEM OF ZONING FOR THE
CITY OF CLINTON, ARKANSAS, DECLARING AN
EMERGENCY AND FOR OTHER PURPOSES**

WHEREAS, pursuant to authority granted by Act 186 of 1957, the City of Clinton may establish and regulate a comprehensive zoning ordinance that applies to all land and structures within the city; and

WHEREAS, the City of Clinton has continuously exercised this authority since 1991 when Ordinance No. 91-194 was approved; and

WHEREAS, the 1991 zoning ordinance was rewritten in 2000 and approved as Ordinance No.00-282; and

WHEREAS, the Clinton Planning and Zoning Commission has determined that changes are needed to the existing zoning ordinance to better comply with and achieve the purpose outlined in Ordinance 00-282; and

WHEREAS, the City Council of the City of Clinton has determined that it would be appropriate to replace Ordinance 00-282 in its entirety, rather than by piecemeal modifications, in order to achieve the necessary changes while maintaining the same objectives and purposes.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY
COUNCIL OF THE CITY OF CLINTON, ARKANSAS**

ARTICLE 1

PURPOSE, AUTHORITY, AND JURISDICTION

Section 1-1. Purpose

This ordinance is enacted to ensure the coordinated, adjusted, and the harmonious development of the City of Clinton, Arkansas. It divides the city into zones and within these zones it prescribes the height, bulk, location, and use of buildings, and it prescribes the use and character of land. These regulations are designed to achieve the following results:

- A. To stabilize and conserve the value of property.
- B. To prevent the overloading of schools, streets, utilities, and other services by limiting population density.
- C. To provide locations for land uses that are properly related to utilities, transportation, and other land uses.
- D. To eliminate congestion by separating conflicting types of traffic and by requiring a parking and loading space off the streets.
- E. To improve living conditions, working conditions, and fire protection by requiring light, air, and open space around buildings.

The Clinton Planning/Zoning Commission, having made a comprehensive study of present conditions and future growth of the city and its neighboring territory and having prepared and adopted a General Land Use Plan, finds that these regulations would carry out the intent of the General Land Use Plan and would promote, in accordance with present and future needs, the safety, order, convenience, efficiency, and economy in the process of development,

convenience in population distribution, for public utilities and other public improvements.

Section 1-2. Authority

The authority to enact these regulations is granted by Act 26 of the 1955 Acts of Arkansas as amended, and Act 186 of the 1957 Acts of Arkansas

Section 1-3. Jurisdiction

This ordinance applies to all land within the corporate limits of Clinton, Arkansas, as now or hereafter set, as portrayed on the Official Zoning Map.

ARTICLE 2

DEFINITIONS

Section 2-1. Definitions

In the construction of this Ordinance, the definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise. The interpretations shall be liberally construed.

The following word use shall apply in order to provide clarity of interpretation:

- A. Words used in the present tense shall include the past, the plural and the singular.
- B. The word “shall” is mandatory and not discretionary.
- C. The word “may” is permissive.
- D. The word “lot” shall include the words “lot” and “parcel.” The word “building” includes all other structures of every kind regardless of similarity to buildings; and the phrases “arranged for,”

“designed for,” “intended for,” “maintained for,” and “occupied for.”

1. Person
The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
2. Access
A permanently free and unobstructed means of entry and exit, at least 12 feet wide, from a piece of property to a public street.
3. Accessory Structure and Use
A subordinate structure or a portion of the main structure located on the same lot with the main structure, or a subordinate use of land, either of which is customarily incident to the main structure or to the principal use of the land.
4. Alley
A public way not over 20 feet in width affording only secondary means of access to abutting property.
5. Amusement parlor
A type of commercial recreation building or part of a building in which five or more pinball machines, video games, or other player-operated and coin-operated amusement devices are maintained.
6. Bed and Breakfast Inn
A house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises or in adjacent premises.
7. Board of Adjustment
Clinton Planning/Zoning Commission, as established and constituted herein.
8. Boarding house, rooming house
A building other than a hotel or restaurant where meals, a sleeping room and one off-street parking space per guest have been provided for compensation to not more than three (3) guests who are not members of the keeper’s family.
9. Building,
The vertical distance from the grade (elevation of the

Height of curb, sidewalk or average elevation of the ground around the structure) to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, or gambrel roofs.

10. Building line, setback line

A line parallel to the street line at a distance therefrom equal to the depth of the front yard required for the zoning district in which the lot is located.

11. Buffer area

The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, landscape strips, or other features.

12. Child care center

Any child care facility conducted under public or private auspices on a profit or nonprofit basis providing direct care and protection for children. Any facility that is open more than five (5) hours during any 24-hour period or more than a total of ten (10) hours during a seven (7) day period is considered a child care center and shall be subject to the provisions of the Child Care Licensing Act of Arkansas. Those facilities meeting the above definitions but operating no more than three consecutive weeks are not required to comply with the licensing requirements, i.e.: summer Bible schools and day camps.

13. Child Care Facility

Any facility that provides care, training, education, custody or supervision for any unrelated minor child, whether the facility is operated for profit, and whether or not the facility makes a charge for the service offered by it. For the purposes of the Child Care Licensing Act and this ordinance, related minor child means a minor child related by blood, marriage, or adoption to the owner or operator of the facility pursuant to a guardianship order issued by an Arkansas Court of competent jurisdiction. This definition includes, but is not limited to, a nursery, a nursery school, kindergarten, a day-care center, or a family day-care center, foster home, group home, and custodial institution. In any case where a facility or the owner or operator thereof is appointed guardian of a total of ten (10)

or more minors, it shall be presumed that the facility owner or operator is engaged in child care and shall be subject to child care facility licensure. This definition does not include schools.

14. Church
An institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The term "church" shall not carry a secular connotation and shall include building in which the religious services of any denomination are held.

15. Commission
The Clinton Planning/Zoning Commission.

16. Conditional Use
A use permitted in a zoning district only after review and approval by the Planning/Zoning Commission. Conditional uses are such that they may be compatible only on certain conditions in specific locations in a zoning district, or if the site is regulated in a certain manner.

17. Convalescent Home
An extended or intermediate care facility licensed or approved to provide full-time nursing or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves. Synonymous with extended care facility, intermediate care facility, long-term care facility, or nursing home. Does not include hospitals and sanitariums.

18. Dwelling
Any building or portion thereof designed or used exclusively for residential purposes.

19. Dwelling, Single-family
A building designed for or occupied exclusively by one family.

20. Dwelling, Two-family
A building designed for or occupied exclusively for two families.

21. Dwelling, Multiple
A dwelling containing more than two dwelling units.

22. Dwelling Unit
A room or group of rooms within a dwelling and forming a single habitable unit with facilities for living, sleeping, and cooking.
23. Family
Either:
1. One or more persons, related by blood, marriage, adoption, or guardianship order issued by a court of competent authority, occupying a dwelling and living as a single housekeeping unit and doing their cooking on the premises.
2. Four (4) or less persons, not related as described in one (1) above, occupying a dwelling and living as a single housekeeping unit and doing their own cooking on the premises.
24. Fence
An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.
25. Garage, Private
An accessory building used only for the housing of motor vehicles, without their equipment for operation, repair, hire, or sale.
26. Garage, Public
A garage other than a private garage.
27. Grade
(1) The degree of rise or descent of a sloping surface.
(2) The final elevation of the ground surface
28. Grade, Finished
The final elevation of the ground surface after development.
29. Home Occupation
Any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling and which is carried on wholly within the main structure of the building by a member of a family residing on the premises, in connection with which there is no

- advertising other than an identification sign of not more than four square feet in area, and no other display or storage of materials or exterior indication of the home occupation or variation from the residential character of the main building or accessory building, and in connection with which not more than one person outside the family is employed and no equipment used which creates offensive noise, vibration, smoke, dust, odors, heat, or glare.
30. Hospital
An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, and licensed by state law to provide facilities and services in surgery, obstetrics, and general medical practice.
31. Hotel
A facility offering transient lodging accommodations to the general public and providing additional services, such as restaurants, meeting rooms, and recreation facilities.
32. Interior lot
A lot other than a corner lot.
33. Land area, Gross
Includes the entire site or that portion of it be devoted to a land use.
34. Land area, Net
Includes the entire site less specified non-developable land.
35. Loading/Unloading Space or Berth, Off-street
An obstructed, hard-surface area of land other than a street or a public way, the principal use of which is for the standing, loading, and unloading of motor vehicles, tractors and trailers, to avoid undue interference with public streets and alleys. Such space shall not be less than ten (10) feet in width, thirty-five (35) feet in length and fourteen (14) feet in height, exclusive of access aisles and maneuvering space.
36. Lot
Land occupied or to be occupied by a structure or use and its accessory structures, and including such open spaces and parking as are required under these regulations and having its principal frontage upon a public street.

37. Lot, Corner A lot abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees within the lot lines.
38. Lot Coverage That portion of a lot covered by building or structures.
39. Lot, Through A lot that has both ends fronting a street. Either end may be considered the front.
40. Manufactured A dwelling unit built in a factory after 1976 and bearing a seal of compliance to the H.U.D. construction code.
41. Mobile Home The mobile home is a transportable dwelling unit which satisfies H.U.D. specifications and has a minimum of 840 square feet of interior space and is not over ten (10) years old; build on a permanent chassis; originally having no foundation other than wheels, jacks, or skirting; and designed to be used as a year-round residential dwelling. Its roofing or siding is not of material customarily used for site-constructed homes.
42. Modular Home A dwelling unit built in a factory meeting the standards of the H.U.D. Code but also adheres to local building codes. The modular home is built without any foundation and is hauled on a trailer to a site where it is placed on a site-built foundation.
43. Motel, Tourist court An establishment providing transient accommodations containing six or more rooms with at least 25% of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building. Tourist court is the same.
44. Multi-Family See Dwelling, multiple.
45. Non-Conforming Any building or land lawfully occupied by a use at the time of passage of this Ordinance, which does not

- Use conform with the use regulations of the district within which it is located.
46. Office A building, room, or series of rooms primarily used to house the personnel and equipment necessary to handle the affairs of a business, professional person, branch of government, etc., not retail sales.
47. Open Space Any unoccupied space on the lot that is open and unobstructed to the sky and occupied by no structures or portion of structure whatever.
48. Park, Neighbor-Hood A track of land measuring a maximum of 8,000 square feet, designed and used by the public for active and passive outdoor recreation.
49. Parking, Off-street A temporary storage area for a motor vehicle that is directly accessible to an access aisle, and which is not located on a dedicated street right-of-way.
50. Parking Lot An off-street, ground-level area, usually surfaced and improved, for the temporary storage of motor vehicles. Parking lots in this definition are a principal use and structure which may be public and private, which may or may not be open for use to the public for a fee, and is not accessory to any other use or structure.
51. Parking Space A surfaced area, enclosed or unenclosed, sufficient in size to store one automobile (not less than nine feet wide and twenty feet long) connected to a public street or alley by a surfaced driveway and permanently reserved for the parking and storage of one motor vehicle.
52. Planned Unit Development (PUD) is a residential development concept which permits departure from conventional siting setback and density requirements of other sections of this ordinance in the interest of achieving superior site development, creating open space, and encouraging imaginative design and permitting design flexibility. The City of Clinton makes no provisions for PUDs.

53. Planning Commission See: Commission
54. Plot, Lot A drawing of a lot showing its dimensions, the building arrangement thereon and such other information as may be needed for enforcement of this ordinance.
55. Premises A lot, together with all buildings and structures thereon.
56. Principal Use The chief or main recognized use of a structure or of a land.
57. Property Line The line bounding a lot as designed herein.
58. Public Buildings Includes the following: police, fire, public utility, postal stations or substations and sewage pumping stations, public library and branch facilities, and other similar uses. Includes local, county, state, and federal government administrative buildings.
59. Recreation, Commercial A recreational facility operated as a business and open to the public for a fee.
60. Recreational Vehicle A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping, and travel use and including but not limited to travel trailers, truck campers, camping trailers, and self-propelled motor homes.
61. Recreational Vehicle (RV) Parks Any lot of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.
62. Restaurants An establishment where food and drink is prepared, served, and consumed primarily within the principal building.

63. Row-house One of a series of three (3) or more attached one family dwelling under a common roof with common exterior wall, and separated from one another by single partition walls, without openings, extending from basement to roof.
64. School A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, intermediate schools, junior high schools, and high schools.
65. Screening A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.
66. Service Station Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries, and other accessories.
67. Self-service storage facility, mini-Warehouse A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors' supplies.
68. Single-family Residential See: Dwelling, single family.
69. Story That portion of a structure included between the upper surface of any floor and the upper surface of the floor next above. Also any portion of a structure used for human occupancy between the topmost floor and the roof. A basement shall not be counted as a story unless the height of the surface of the first floor above the average elevation of the finished lot grade at the structure exceeds four (4) feet.
70. Street A public way of thirty (30) feet or more in width, dedicated to, established by, or maintained by public authority.

71. Structure Anything constructed or erected, the use of which requires permanent attachment to the ground on foundation or pilings.
72. Townhouse Attached one of two family dwellings, having no side yard and sharing a common wall with adjacent dwelling units.
73. Two Family See: Dwelling, two family. Residential
74. Variance A modification of regulations of this ordinance when authorized by the Planning/Zoning Commission after finding that the literal application of the provisions of this ordinance would cause undue and unnecessary hardship in view of certain facts and conditions applying to a specific parcel of property. Variances shall only relate to setbacks, side yards, frontage requirements, and lot size, but not involve the actual use or structure. The Commission shall not permit as a variance, any use in a zone that is not permitted under the Ordinance.
75. Visibility triangle An area bounded by the property lines of a corner lot located adjacent to an intersection and a line joining points along said property lines twenty-five (25) feet from the point of the intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and a half (2 ½) and ten (10) feet above the centerline grades of the intersecting streets.
76. Warehouse A building used primarily for the storage of goods and materials, including mini-warehouse or storage.
77. Warehouse, Mini A type of warehouse containing separate storage spaces of varying sizes leased or rented on an individual basis.
78. Wholesale Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying

merchandise for, or selling merchandise to, such individuals or companies.

79. Yard An open and unoccupied space which is the horizontal distance from a lot line to a parallel main line of the structure.

80. Yard, Front A yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street line and the main building or any projections thereof other than the projections of uncovered steps, uncovered balconies, terraces, or uncovered porches. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

81. Yard, Rear A yard extending across the rear of the lot between the side lot lines and measured between the rear lot line and the rear of the main building or any projection other than steps, unenclosed porches, or entrance ways.

82. Yard, Side A yard between the main building and the side line of the lot, and extending from the front lot line to the rear yard, and being the minimum horizontal distance between a side lot line and side of the main buildings or any projections thereof.

Section 2-2. ZONING MAP

A. The Planning Area is hereby divided into zoning districts as shown on the Official Area Zoning District Map which, together with explanatory information thereon, is hereby adopted by reference and declared to be part of these regulations. Boundary lines of the zoning districts, unless otherwise indicated by actual dimensions, are intended to follow lot lines, the center line of streets, alleys, corporate limits, the channels of waterways, or the boundaries of railroad right-of-way. The Planning/Zoning Commission shall interpret the district boundaries where said boundaries are not adequately described.

- B. The Official Area Zoning Districts Map shall be identified by the signature of the Mayor, attested by the City Clerk, bearing the seal of the City together with the date of adoption of the Ordinance and indicating the adopting Ordinance number
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ARTICLE 3

ZONING DISTRICTS

Section 3-1. Residential Zone R-1

DESCRIPTION:

This zone is primarily single-family residential, low-density areas for residential expansion in the City of Clinton. The predominant character of this zone is residential, protected from any commercial and industrial activities, except as herein provided.

RESTRICTIONS:

Once a mobile/manufactured, travel trailer/recreational vehicle is moved from or destroyed in Residential Zone R-1, another cannot be placed on that lot or location. The Planning/Zoning Commission may grant an exception if the lot and home are occupied by the owner as his/her permanent residence when it is evident that a site-built structure would cause an undue hardship. If an exception is granted, the replacement must meet the design standards set forth in Section 2-1, No. 41.

CONDITIONAL USES:

The following uses are permitted, subject to review and conditions of the Planning/Zoning Commission.

1. Neighborhood Parks and Playgrounds
2. Churches

3. Libraries
4. Public owned and maintained buildings (with off-street parking)
5. Public and non-profit schools (with off-street parking and screening required
6. Utility substations (if no staff is required and screening is provided)
7. Home occupations, as defined in Section 2-1, No. 29, subject to the requirements of Section 5-6
8. Child nurseries (if off-street loading and unloading of children is provided and screening is provided

ACCESSORY USES:

Structures and uses deemed accessory and pertinent to the principal structure and use by the Planning/Zoning Commission, not detrimental to the character of the zone and subject to the provisions of this zone. Agricultural crops, including truck gardens and under accessory use farming, and orchards for seasonal sale of products on the premises. This does not include the raising for sale of fowls, birds, rabbits, or other animals and fish or other creatures.

MINIMUM LOT AREA:

1. Single-family - 15,000 square feet
2. Churches – one platted city block – three hundred (300) feet square or three (3) acres if land is not platted.

MAXIMUM LOT COVERAGE:

1. Corner lots – 35%
2. Interior lots – 40%

3. Non-residential uses shall not cover more than fifteen (15) percent of the lot area

MINIMUM LOT WIDTH:

1. Single-family – seventy-five (75) feet at building line

2. Schools – one hundred fifty (150) feet at building line

MINIMUM FRONT YARD:

Twenty-five (25) feet from property line or fifty-five (55) feet from centerline of existing right-of-way, whichever is greater.

MINIMUM SIDE YARD:

1. Ten (10) feet from each interior property line
2. Corner lots shall have a minimum of twenty (20) feet from the side street property line or forty-five (45) feet from center line of existing side street right-of-way, whichever is greater.

MINIMUM REAR YARD:

Twenty (20) feet from rear property line

MAXIMUM HEIGHT OF STRUCTURES:

Two (2) stories and not to exceed thirty-six (36) feet

OFF-STREET PARKING:

The off-street parking requirements of Article 4 shall apply

LOADING AND UNLOADING:

The loading and unloading area requirements of Article 4 shall apply

Section 3-2. Residential Zone R-2

DESCRIPTION

This zone is residential medium density in character and represents areas for residential expansion in the City of Clinton. The predominant character of this zone is residential, protected from any commercial and industrial activities, except as herein provided.