

**ZONING AND  
SUBDIVISION CODE**

**MCGEHEE, ARKANSAS**



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## **ARTICLE I: FOREWORD**

### **SECTION 1.1 AUTHORITY**

The provisions contained in these zoning and subdivision regulations are adopted pursuant to the authority conferred on the city by the General Assembly of the State of Arkansas, A.C.A. §14-54-103, General Powers of Cities and Towns; A.C.A. §14-54-104; Additional Powers of Cities of the First Class; and A.C.A. Title 14, Chapter 56, Municipal Building and Zoning Regulations-Planning; as amended.

### **SECTION 1.2 PURPOSE**

The regulations of this code are enacted to carry out or protect various elements of the Future Land Use Plan and all other adopted plans and policies of the city of McGehee. Further, the code promotes, in accordance with present and future needs: the safety, order, convenience, prosperity, and general welfare of the citizens of McGehee. The code supports, in addition to other elements, the following:

- A. Efficiency and economy in the process of development
- B. The appropriate and best use of land
- C. Convenience of traffic and circulation of people and goods
- D. Safety from fire and other dangers
- E. Adequate light and air in the use and occupancy of buildings
- F. Healthful and convenient distribution of population
- G. Good civic design and arrangement
- H. Adequate public utilities and facilities
- I. Wise and efficient expenditure of funds

### **SECTION 1.3 CONFLICTING ORDINANCES REPEALED**

All Ordinances and parts of Ordinances inconsistent or in conflict with this code are hereby repealed and amended to comply herewith.

### **SECTION 1.4 SEVERABILITY**

#### **1.4.1 General**

If any article or part of any article, section, or clause of this code is declared invalid or unconstitutional for any reason, such declaration shall not be held to invalidate or impair the validity, force or effect of any other article or article, part of article, section, or clause of this code.

#### **1.4.2 Effective date**

These regulations shall take effect and be in force immediately from and after the date of their adoption, the public health, safety and welfare so demanding.

## ARTICLE II: DEFINITIONS

### SECTION 2.1 DEFINITIONS

Certain words and phrases shall for the purpose of this code have the following meaning:

**Accessory Structure:** A subordinate building or a portion of the main building located on the same lot as the main building, the use of which is incidental to that of the dominant use of the building or premises. Where an accessory structure is attached to the principal structure, in a substantial manners, as by a roof, such accessory shall be considered as a part of the principal structure.

**Accessory Use.** A use customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located upon the same lot therewith.

**Advertising sign or structure.** Any cloth, card, paper, metal, glass, wooden, plastic, plaster, stone sign or other sign, device, or structure of any character whatsoever, including a statuary, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, or structure. The term 'plate' shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or otherwise fastening, affixing, or making visible in any manner whatsoever. The area of an advertising structure shall be determined as the area of the largest cross section of the structure. Neither directional, warning, nor other signs posted by public officials in the course of their public duties nor merchandise or materials being offered for sale shall be constructed as advertising signs for the purpose of this code.

**Alley.** A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting the street, and which may be used for public utility purposes.

**Antenna Array.** One or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include an omni-directional antenna (rod), a directional antenna (panel) and a parabolic antenna (disc). The Antenna Array does not include the Support Structure.

**Apartment House.** See multiple family dwelling.

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

**Attached Wireless Communications Facility (Attached WCF).** An Antenna Array that is attached to an existing building or structure which shall include, but not be limited to, utility poles, signs, water towers, with any accompanying poles or device which attaches the Antenna Array to the existing building or structure and associated connection cables, and any Equipment Facility which may be located either inside or outside the Attachment Structure.

**Bed and Breakfast.** An owner-occupied dwelling unit that contains no more than three guest rooms where lodging, with or without meals, is provided for compensation. The operator of the inn shall live on the premises or in adjacent premises.

**Bench Mark.** A definite point of known elevation and location and of more or less permanent character.

**Block.** An area of land surrounded by public highways, streets, streams, railroad rights-of-way, parks, or other similar areas or facilities.

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

**Building, Farm.** Any structure used agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, and animal poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

**Building Height.** The vertical distance from the average line of the highest to lowest point of that portion of the lot covered by the building to the highest point of coping of a flat roof, or the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

**Building Line.** A line on a plat between which line and the street right-of-way, no portion of the building may be erected, excluding landings, open balconies, and roof overhangs, subject, however, to the further requirements of the Zoning and Subdivision Code.

**Building Official:** A person appointed by the City Council to administer and enforce these regulations.

**Building, Storage.** A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases f on a short-term or long-term basis.

**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 minor 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 provisions of the Child Care Facility Licensing Act. This definition includes, but is not limited to, a nursery, a nursery school, a registered home day care, a day care family home, or day care center. However this definition does not include:

- A. Special schools or classes operated solely for religious instruction.
- B. Facilities operated in connection with a church, shopping center, business or establishment where children are cared for not 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.
- C. Educational facilities, whether public or private, which operate solely for educational purposes in grades one (1) or above and does not provide any custodial care.
- D. Kindergartens operated as a part of the public schools of this state.
- E. Any situation, arrangement, or agreement by which one (1) or more persons care for fewer than six (6) children from one (1) family at the same time.



F. Any recreational facility or program, whether public or private, which operates solely as a place of recreation for minor children, where children are not cared for 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.

G. Any state-operated facility to house juvenile delinquents or any serious offender program operated by a state designee to house juvenile delinquents, foster home, group home, or custodial institution.

Child Care Center, Public or non-profit: A Child Care Center conducted by a religious institution, school or other non-profit organization and providing direct care and protection for children excepting that this definition does not apply to facilities meeting this definition but operation no more than three weeks at a time, specifically including religious study schools and day camps.

Child Care Center, Private: A child Care Center conducted under private, for-profit, auspices providing direct care and protection for children.

Child Care Family Home: A situation, arrangement or agreement by which one or more persons care for six to 16 children from more than one family and are cared for in a caregiver's own family home or in some other suitable family type residence.

Child Care Family Home, Registered: A situation, arrangement or agreement by which one or more persons care for five children or less from more than one family and are cared for in a caregiver's own family home or in some other suitable family type residence.

City Council. The elected governing body of the City of McGehee, Arkansas.

City. The City of McGehee, Arkansas

City Clerk. The City Clerk of the City of McGehee, Arkansas

Collocation or Site Sharing. Use of a common WCF or common site by two or more wireless license holders or by one wireless license holder for more than one type of communications technology or placement of a WCF on a structure owned or operated by a utility or other public entity.

County. Desha County, Arkansas

County Recorder. The Recorder of Desha County, Arkansas

Coverage. The lot area covered by all buildings located thereon, including the area covered by all overhanging roofs.

Cul-de-sac. A short street having one end open to traffic and being permanently terminated within the plat by a vehicular turnaround.

Derrick Tower. A structure constructed of lattice steel and which is entirely self-supporting.

Developer. That person, firm or corporation by whom a tract will be subdivided and improved pursuant to the requirements of this Chapter.

Dwelling. Any building or portion thereof, which is designed or used as living quarters for one or more families.

Dwelling, multiple-family. A detached dwelling designed to be occupied by three or more families living independently of each other, exclusive of hotels or motels.

Dwelling, single-family. A detached dwelling designed to be occupied by one family.

Dwelling, two-family. A detached dwelling designed to be occupied by two families living independently of each other.

Dwelling Unit: A structure or portion thereof providing complete housekeeping facilities for one family. The term shall not be deemed to include motels, rooming houses, or mobile homes.

Easement. A grant by the property owner for the use by the public, a corporation, or persons, of a strip of land for specific purposes.

Engineer. Engineer means a registered professional engineer in good standing in the State of Arkansas whose seal shall appear on all construction drawings and plans for improvements.

Equipment Facility. Any structure used to contain ancillary equipment for a WCF.

FAA. The Federal Aviation Administration.

FCC. The Federal Communication Commission

FTA. The Federal Telecommunications Act of 1996.

Fence, Ornamental: A fence constructed for beauty or decorative effect and having a substantial portion of its vertical plan open to light and air, such as picket fences or wrought iron fences.

Family. One or more persons related by blood, marriage, or adoption, or a group of not to exceed five persons not all related by blood or marriage, occupying a boarding or lodging house, hotel, club, or a similar dwelling for group use.

Final Plat. A finished drawing showing completely and accurately all legal and engineering information and certification necessary for recording, and includes the Bill of Assurance.

Floor Area: The sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating building but not including cellar or basement space not used for retailing and not including accessory off-street parking or lading space.

Flood Plain. A geographic area susceptible to periodic inundation from overflow of natural waterways and determined as to extent by the U.S. Army Corps of Engineers.

Frontage. That edge of a lot bordering a street.

Frontage Road. A street, parallel to and adjacent to a major highway or thoroughfare, which provides access to abutting properties.

Garage apartment. A dwelling unit for one family erected above a private garage.

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

Guy-Wired Tower. A structure constructed of lattice steel and which is supported by guy-wires extending at angles from the structure to ground anchors.

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

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

Improvements. Street pavement, sidewalk pavement, pedestrian way pavement, water mains, storm sewers, sanitary sewers, signs, monuments, landscaping, street lights, and other similar items.

Improvement Plans. The engineering drawings showing types of materials and construction details for the physical structures and facilities excluding dwelling units to be installed in conjunction with the development of the subdivision.

Kennel. Any lot or premises on which two or more dogs are kept for purposes of selling or breeding.

Lot. Any foot of land occupied or intended to be occupied by one main building, or a group of main buildings, and accessory buildings and uses, including such open spaces as are required by this code and other laws or ordinances, and having its principal frontage on a street.

Lot Area. The total horizontal area within the boundaries of a lot exclusive of any area designated for street purposes.

Lot, Corner. A lot abutting upon two or more streets at their intersection.

Lot, Double Frontage. A lot having frontage on 2 nonintersecting streets, as distinguished from a corner lot.

Lot of Record. A lot or parcel of land, the deed to which has been recorded in the office of the County Recorder prior to the adoption of this Code.

Manufactured home. A manufactured home is one type of dwelling unit found under the broad category of “factory-built housing.” In the case of a manufactured home, it is a dwelling unit constructed in a factory in accordance with federal standards, specifically those of the United States Department of Housing and Urban Development (HUD.) Manufactured homes are constructed on a permanent chassis and are transported to a site by wheels and axles that are a part of that chassis. The wheels and axles are usually removed at that point. Manufactured homes may be single-wide or may consist of multiple sections that are connected on site. For the purposes of these regulations, the definitions of a manufactured home are consistent with and meet the definitions set forth in the federal standards and under A.C.A. §20-25-102. The installation of manufactured homes, and other matters having to do with their sale and use, is subject to the regulations of the Arkansas Manufactured Home Commission.

Manufactured home – HUD Unit A common name often applied to manufactured home meeting the requirements of the United States Department of Housing and Urban Development and bearing a seal in compliance thereof.

Mobile home. An earlier version of a manufactured home, constructed in a factory before the enactment of the federal standards administered by the United States Department of Housing and Urban Development. This means they were constructed prior to July, 1976 and were not constructed to the standards of any current building codes.

Modular home. A residential dwelling, constructed in a factory, meeting the provisions of the currently adopted version of the Arkansas fire Prevention Code or the city’s adopted building code. Modular homes, or their separate portions, are transported to the site by truck where they are placed onto a foundation.

Modular metal home A single or multi-family dwelling unit, constructed in a factory, meeting the currently adopted version of the Arkansas Fire Prevention Code or the city’s adopted building code and constructed with its roof and exterior walls constructed entirely of metal or glass.

Manufactured Home Park. Land or property containing a minimum of 2 acres which is used or intended to be used or rented for occupancy by Manufactured Homes or moveable sleeping quarters of any kind.

Manufactured Housing Construction and Safety Standards. The standard for construction, design, and performance of a manufactured home as set forth in the Ordinance of Federal Regulations, Title 24, Part 3280, 3282, 3283, and 42 USC 5401 ET SEQ as mandated in the United States of America and as administered by the United States Department of Housing and Urban Development.

Medical Facility. Any of the following:

A. Convalescent, rest, or nursing home. A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.

B. Dental clinic or medical clinic. A facility for the examination and treatment of ill and afflicted human out-patients, provided that patients are not kept overnight except under emergency conditions.

C. Offices for dentists, doctors, oculists, optometrists, osteopaths, and chiropractors. Same as dental or medical clinic.

D. Hospital. An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient department, training facilities, central service facilities, and staff offices which are an integral part of the facility.

E. Public health center. A facility primarily utilized by a health unit for providing public health services including related facilities such as laboratories, clinics, and administrative offices operating in connection therewith.

F. Sanatorium. An institution providing health facilities for inpatient medical treatment or treatment and recuperation, making use of natural therapeutic agents.

Monopole Tower. A supporting structure composed of a solid pole without any guy-wired support.

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

Nonconforming structure. A lawfully constructed building or structure which does not conform to the regulations of the district in which it is located.

Nonconforming use. A structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is located.

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

Parking space. An area a minimum of 200 square feet of usable and accessible space which is designated for storage of an automotive vehicle.

Performance Guarantee. Any security which may be accepted in lieu of a requirement that certain improvements be made before the Planning Commission or other approving body approves a final plat, including performance bonds by subdivider or improvement contractors, escrow agreements, and other similar collateral or surety agreements.

Place of Public Assembly. A meeting place for more than thirty-five (35) persons to which the public or membership groups are assembled regularly or occasionally, included but not limited to schools, churches, theaters, auditoriums, funeral homes, stadiums, and similar places of assembly.

Planning Commission. The Planning Commission of the City of McGehee, Arkansas.

Plat. A map or chart indicating the subdivision or re-subdivision of land, intended to be filed for record.

**Preliminary Plat.** A drawing which shows the proposed layout of a subdivision in sufficient detail to indicate unquestionably its workability in all aspects, but is not in final form for recording and the details are not completely computed.

**Principle use.** The chief or main recognized use of a structure or of land.

**Property Line.** The line bounding a lot as defined herein.

**Roadway Width or Surfaced Width.** Roadway width or surfaced width means that portion of the street available for vehicular traffic.

**Sign:** Any outdoor device, figure, painting, message, poster, or other structure which is designed or intended to advertise or inform the public of an establishment, goods, or service.

**Sign, Advertising:** An off-premise sign not exceeding thirty two (32) square feet in area.

**Sign, Alteration:** Change of height, size, or location will be defined as an alteration. Updating or repair of signage is not alteration.

**Sign, Billboard:** An off-premise sign exceeding thirty two (32) square feet in area.

**Sign, Balloon:** A type of temporary sign that floats and is designed to resemble a balloon, blimp, dirigible, hot air device or other flying object tethered to the ground.

**Sign, Canopy:** A sign attached to the underside of a canopy.

**Sign, Construction:** A temporary sign erected on the premises where construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

**Sign, Directional:** Signs directing or informing of public or quasi-public nature (church, school, library, hospital, tourist attraction, civic or service clubs).

**Sign, Directory:** A sign, usually of ladder construction, listing the tenants or occupants of a building or group of buildings, name of the building or group or buildings, and that may also indicate their respective professions or business activities.

**Sign, Flashing:** Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever.

**Sign, Freestanding:** Any non-movable sign not affixed to a building.

**Sign, Ghost:** A sign of historic nature and character painted on the side of a building. These signs generally serve no current purpose with regards to commercial or noncommercial advertising.

**Sign, Ground:** A freestanding sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground.

Sign, Height: The vertical distance from the highest point of the sign or structure to the grade of adjacent street or surface grade beneath the sign, whichever grade is lower.

Sign, Home Occupation: A sign to identify the business, occupation or profession within a residential structure.

Sign, Illuminated: A sign designed to give forth any artificial light or reflect such light from an artificial source.

Sign, Ladder: See Sign, Directory.

Sign, Nonconforming: Any sign which is not permitted within the zone in which it is located or any sign that is defective, damaged, substantially deteriorated or presents a public hazard.

Sign, Off-premise: A commercial sign, whether leased or owned by the advertising entity, that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

Sign, Pole: A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six (6) feet or more above grade.

Sign, Political: Temporary sign erected on private property within the City for the purpose of political campaigning regarding a designated election.

Sign, Portable: Any sign which is movable, portable, or designed to be portable which is in the shape of an "A" frame, panel, or mounted on wheels or legs of any kind, whether or not permanently affixed to the ground or buildings. Portable signs include movable "reader board" signs which are signs in which the advertising is accomplished by digitally active electrical lettering.

Sign, Projecting: A sign which projects from and is supported by a wall of a building and does not extend beyond, into, or over the street right-of-way.

Sign, Real Estate: Signs advertising a specific property for sale, rent, or lease.

Sign, Roof: A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top edge or roof line of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

Sign, Special Event: Temporary signs describing an event of public interest (fair, trade show, auctions, etc.).

Sign, Temporary: A sign not constructed or intended for long-term use, and not permanently attached to the ground, a building, or structure. Temporary signs shall include all signs made of non-durable material, including but not limited to cloth, canvas, paper, cardboard, flexible vinyl, nylon, tarpaulin or like material, coated paper or canvas, or organic material. See also: "Balloon Sign."

Slope. The rate of deviation of the ground surface from the horizontal surface, as expressed in percentages.

Stealth Technology. Systems, components and materials used in the construction of the WCF, which are designed to mask or conceal the WCF to make it compatible with the surrounding property.

Story. That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there being no floor above it, then the space between the floor and the ceiling next above it.

Story, half. A space under a sloping roof which has a line of intersection of roof decking and wall face not more than 3 feet above the top floor level, and in which space not more than 2/3 of the floor area is finished off for use. A half story containing independent apartments or living quarters shall be counted as a full story.

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

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

Stock pond: An impoundment of water for the purpose of raising fish or watering livestock, not including decorative pools designed as part of an overall landscaping.

Structure. Anything constructed or erected, the use of which requires location on the ground or which is attached to something having a location on the ground.

Structural alteration. Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

Subdivider. Any person, individuals, firm, partnership, association, corporation, estate, or trust, or any other group or combination acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as herein defined, and includes any agent of the subdivider.

Subdivision. A subdivision shall include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, or building development, and shall include all divisions of land involving the dedication of a new street or a change in existing streets and shall include mobile home parks and multi-structure apartment developments provided, however, that the following shall not be included within this definition nor be subject to the subdivision rules and regulations of this municipality:

A. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards or ordinances of the municipality.

B. The division of land into parcels greater than five acres where no street right-of-way dedication is involved.

C. The public acquisition by purchase or dedication of parcels of land for the widening or opening of streets or other improvements.

Support Structure. A structure designed and constructed specifically to support an Antenna Array, and may include a monopole, guy-wire support tower, or derrick tower. Any device used to fasten an



Attached WCF to an existing building or structure shall be excluded from the definition of and regulations applicable to Support Structures.

Surveyor. A Licensed State Land Surveyor or a Registered Public Surveyor as authorized by the State Statutes to practice the profession of surveying in the State of Arkansas.

Tower Use Permit (TUP). A permit issued by the City specifically for the location, construction and use of a WCF subject to an approved site plan and special conditions determined by the Planning Commission and City Council to be appropriate under the provisions of this Article.

Use, Industrial. A use focused on manufacturing or technically productive enterprises

Use, Retail. A use focused on the sale of commodities or goods in small quantities to ultimate consumers.

Wireless Communications. Any personal wireless service as defined in the Telecommunications Act of 1996, which includes FCC-licensed commercial wireless communications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.

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

Yard. A horizontal distance from a lot line to a parallel designated line. A yard is an open space extending the full distance of the lot.

## ARTICLE III: ZONING REGULATIONS

### SECTION 3.1 GENERAL PROVISIONS

#### 3.1.1 Applicability

A. Zoning District: In order to carry out the provisions of the Future Land Use Plan, the City has been divided into zoning districts in which the regulations contained herein will govern lot coverage; the height, area, bulk, location, and size of buildings; open space and the uses of land, buildings, and structures. In interpreting and applying the provisions of this Zoning Code, they shall be held to be the minimum requirements for the promotion of public health, safety, comfort, convenience, and general welfare.

B. Construction: Except as hereinafter otherwise provided, no land shall be used and no building, structure, or improvement shall be made, erected, constructed, moved, altered, enlarged, or rebuilt which is designed, arranged, or intended to be used or maintained for any purpose or in any manner except in accordance with the requirements established in the district in which such land, building, structure, or improvement is located, and in accordance with the provision of the articles contained herein relating to any or all districts.

C. Plat Conformity: No proposed plat of any new subdivision of land shall hereafter be considered for approval by the City Planning Commission unless the lots within such plat equal or exceed the minimum size and area regulations specified in the applicable land use zoning district of this Code.

#### 3.1.2 Official Zoning Map

The location and boundaries of the land use zoning districts established by this code are bounded and defined as shown on the McGehee Official Zoning Map. The map and all its components are declared to be part of this code and may be referred to varyingly as the Zoning District Map or Official Zoning Map. The Official Zoning Map is kept and maintained in the McGehee City Hall, and shall be made available for inspection and examination by the general public at all reasonable times as any other public record.

#### 3.1.3 Establishment of Zoning Districts

For the purpose of this Zoning Code, the City is hereby divided into land use zoning districts, as follows:

- R-1 Single-Family Residential District
- R-2 Medium Density Residential District
- R-3 Medium Density Affordable Residential District
- C-1 Central Business District
- C-2 Highway Commercial District
- I-1 Industrial District
- A-1 Agricultural District

#### 3.1.4 Interpretation of District Boundaries

The legal description of an amending ordinance or “rezoning” should be considered to be of greater

authority than the depictions shown on the Official Zoning Map. However, instances may exist in interpreting district boundaries where such an ordinance is not available. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning map, the following rules shall apply:

A. Boundaries indicated as approximately following the centerlines of streets, highway 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 the city limits line shall be construed as following the city limits line.

D. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks.

E. Boundaries indicated as parallel to or extensions of features mentioned in the preceding rules shall be so construed.

F. In the absence of specific distances, dimensions shall be determined by the scale of the official map, or by supplemental filings with more precise legal descriptions of specific parcels.

G. When the street or property layout existing on the ground is at variance with that shown on the Official Zoning Map, the City Planning Commission shall interpret the district boundaries these regulations.

### **3.1.5 Classification of Annexed Lands**

Territory annexed after adoption of these regulations shall be governed by the following rules and regulations until the Official Zoning Map has been amended by ordinance to include the newly annexed territory.

A. All newly annexed areas shall be zoned R-1, Low Density Residential District.

B. Application shall then be made to the Planning Commission for rezoning as set out in the appropriate sections of this code.

### **3.1.6 Vacation of Public Easements**

Whenever any street, alley, or other public easement is vacated, the district classification of the property to which the vacated portions of land join shall become the classification of the vacated land.

### **3.1.7 Area Not to Be Diminished**

The lot or yard areas required by this code for a particular building or use at the time of adoption or later constructed or established, shall not be diminished and shall not be included as part of the required lot, open space, or yard area of any other building or use. If the lot, open space, or yard areas required by this code for a particular building or use are diminished below requirements, the continued existence of such building or use shall be deemed a violation and punished as provided in this code.

### **3.1.8 Completion of Existing Buildings**

Nothing herein shall require any change in the plans, construction, or designated use of a building under

construction at the time of adoption of this code. Nothing within this code shall require any change in plan, construction, or designated use of a building for which a building permit has been issued within thirty (30) days prior to the adoption of this code, provided construction is started within sixty (60) days after adoption of this code.

### **3.1.9 Lot of Record**

On any lot in a residential district which is on a plat of record at the time of adoption of this code, a single-family structure may be constructed even though the lot may of less area or width than required within the zoning district. The lot shall contain two (2) side yards each equal to ten (10) percent of the width of the lot, all other setback requirements shall be met, and the lot shall have at least 5,000 square feet and be at least fifty (50) feet in width.

### **3.1.10 Home Occupations**

A. Any occupation may be carried on in a residential structure in a residential district only if the following are complied with:

1. It does not involve the use of commercial vehicles operating from the residence.
2. It does not require the use of more than one room otherwise normally considered as living space.
3. It does not require the use of an accessory building or of yard space or an activity outside the main structure not normally associated with residential use.
4. It does not have a sign in excess of two square feet to denote the business, occupation, or profession.
5. It does not involve the external display of goods and services.
6. The occupation must be carried on only by a member of the family residing in the dwelling unit.
7. The occupants must be of a nature that does not cater to the day to day needs of the general public, i.e., the merchandising of convenience goods, such as groceries, sundries, etc.

B. Occupation carried on in a residential structure or accessory building in a residential district at the time of the adoption of this code must comply with the regulations established in Section 3.1.10A of this Article, within two years of the date of the passage of these regulations, or said business, occupation, or profession shall be deemed in violation of these regulations.

### **3.1.11 Nonconforming Buildings and Uses**

A. Nonconforming Use Of Land: Where, on the effective date of adoption of this code, a lawful use of land exists that is made no longer permissible under the terms of these zoning regulations as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Code.

2. In any such nonconforming use of land ceases for any reason for a period of more than 6 months, any subsequent use of such land shall conform to the regulations specified by this Code for the district in which such land is located.

B. Nonconforming Structures: Where a lawful structure exists at the effective date of adoption or amendment of this code that could not be built under the terms of these regulations by reasons of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. Such structure, upon approval of the Board of Zoning Adjustment, may be remodeled to maintain the premises in a safe and usable condition.

2. Should a structure be destroyed by any means to an extent of more than 60 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this code.

3. Such structure, upon the approval of the Board of Zoning Adjustment, may be added to if said addition meets the area requirements of the land use zoning district in which the structure is located, provided said land use of structure is in conformance with this code.

C. Nonconforming Use Of Structures: If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this code, that would not be allowed in the district under the terms of this code, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this code in the district in which it is located shall be structurally altered except in changing the use of structure to a use permitted in the district in which it is located.

2. Any nonconforming use may be extended to any portion of a structure arranged or designed for such nonconforming use at the time of adoption or amendment of this code, but no such use shall be extended to occupy any land outside such building.

3. If no structural alterations are made, any nonconforming use of a structure or structure and premises, may be changed to another nonconforming use provided that the Board of Zoning Adjustment shall determine that the proposed use is equally appropriate to the district as the existing nonconforming use.

4. Any nonconforming use, once changed to a conforming use, shall thereafter conform to the regulations for the district in which such structure is located and all new uses shall be conforming uses.

5. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for 6 consecutive months, the structure or structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located.

6. Should a structure containing a nonconforming use be destroyed by any means to an extent of more than 50 percent of its replacement cost at time of destruction, the owner may request permission of the Board of Zoning Adjustment to reconstruct the structure and to continue the nonconforming use. The Board of Zoning Adjustment may grant or deny a request to reconstruct such a structure. In granting a request to reconstruct the structure, the Board may require conformance to yard requirements, on-lot parking space, adequate screening from adjacent uses and such other items deemed appropriate to the district in which located.

## **SECTION 3.2 SPECIFIC DISTRICT REGULATIONS**

### **3.2.1 R-1 Low Density Residential District**

This district is intended to include those quiet, low density residential neighborhoods characterized by single-family homes on larger lots, plus certain areas where similar residential development is likely to occur.

A. Permitted uses: The following specific land uses are permitted in the R-1 District.

1. Single-family dwelling
2. Parks, playgrounds, and golf courses
3. Public schools
4. Home occupations
5. Places of worship, religious education and meeting buildings
6. Public or non-profit Child Care Center when coincidental to a place of worship
7. Child Care Family Home, Child Care Family Home Registered
8. Accessory units or uses pertinent to the principal structure or use

B. Size and Area Regulations

1. Lot Area Requirements:
  - a. Residential uses: Minimum 7,500 square feet
  - b. Non-residential uses: Minimum 9,000 square feet

C. Lot Width: Minimum seventy-five (75) feet

D. Setbacks

1. Front Yard: Minimum twenty-five (25) feet from property line or fifty (50) feet from the center line of existing right-of-way, whichever is greater.
2. Side Yard: Minimum ten (10) feet on each side. Where open carports are planned, the side yard adjacent to the carport can be reduced to five (5) feet. Side yards facing a street shall be considered a front yard.
3. Rear Yard: Minimum fifteen (15) feet from property line or center of alley where one exists.

E. Height Requirements: Maximum two (2) stories or thirty-five (35) feet in height.

F. Off-street Parking: Required, see Section 3.4.

### **3.2.2 R-2 Medium Density Residential District**

This district is intended to include those quiet, medium density residential neighborhoods characterized by a co-mingling of single, two, and multi-family dwellings, plus certain areas where similar development is likely to occur.

A. Permitted uses: The following specific land uses are permitted in the R-2 District.

1. Uses permitted in the R-1 district
2. Two-family dwellings
3. Multi-family dwellings
4. Medical facility
5. Accessory units or uses pertinent to the principal structure or use.
6. Others uses found to be keeping with the character of district as determined by the Planning Commission

B. Size and Area Regulations

1. Lot Area Requirements:
  - a. Single-family dwellings: Minimum 7,000 square feet
  - b. Two-family dwellings: Minimum 9,000 square feet
  - c. Multi-family dwellings: Minimum 9,000 square feet for the first two family units plus 2,000 square feet for each additional family unit.
  - d. Non-residential uses: Minimum 9,000 square feet

2. Lot Width:
  - a. Single-family dwellings: Minimum sixty-five (65) feet
  - b. Two-family dwellings: Minimum seventy-five (75) feet
  - c. Multi-family dwellings: Minimum seventy-five (75) feet plus an additional ten (10) feet for additional unit over the first two
  - d. Non-residential uses: Minimum seventy-five (75) feet
  
3. Setbacks
  - a. Front Yard: Minimum twenty-five (25) feet from property line or fifty (50) feet from the b. center line of existing right-of-way, whichever is greater.
  - b. Side Yard: Minimum seven and one-half (7.5) feet on each side. Where open carports are planned, the side yard adjacent to the carport can be reduced to five (5) feet. Side yards facing a street shall be considered a front yard.
  - c. Rear Yard: Minimum fifteen (15) feet from property line or center of alley where one exists.
  
4. Height Requirements: Maximum two (2) stories or thirty-five (35) feet in height.
  
5. Off-street Parking: Required, see Section 3.4

**3.2.3 R-3 Medium Density Affordable Residential District**

This district is intended to include those quiet, medium density residential neighborhoods characterized by a co-mingling of manufactured homes and single, two, and multi-family dwellings, plus certain areas where similar development is likely to occur.

- A. Permitted uses: The following specific land uses are permitted in the R-3 District.
  1. Uses permitted in the R-2 district
  2. Manufactured homes, see Section 3.3.13
  3. Accessory units or uses pertinent to the principal structure or use.
  4. Others uses found to be keeping with the character of district as determined by the Planning Commission
  
- B. Size and Area Regulations
  1. Lot Area Requirements:
    - a. Single-family dwellings: Minimum 6,000 square feet
    - b. Two-family dwellings: Minimum 7,500 square feet
    - c. Multi-family dwellings: Minimum 7,500 square feet for the first two family units plus 2,000 square feet for each additional family unit.
    - d. Non-residential uses: Minimum 7,500 square feet
  
  2. Lot Width:



- a. Single-family dwellings: Minimum fifty (50) feet
- b. Two-family dwellings: Minimum sixty (60) feet
- c. Multi-family dwellings: Minimum sixty (60) feet plus an additional ten (10) feet for additional unit over the first two
- d. Non-residential uses: Minimum sixty (60) feet

3. Setbacks

- a. Front Yard: Minimum twenty-five (25) feet from property line or fifty (50) feet from the center line of existing right-of-way, whichever is greater.
- b. Side Yard: Minimum seven and one-half (7.5) feet on each side. Where open carports are planned, the side yard adjacent to the carport can be reduced to five (5) feet. Side yards facing a street shall be considered a front yard.
- c. Rear Yard: Minimum fifteen (15) feet from property line or center of alley, where one exists.

C. Height Requirements: Maximum two (2) stories or thirty-five (35) feet in height.

D. Off-street Parking: Required, see Section 3.4.

**3.2.4 C-1 Central Business District**

This district is intended to include those uses providing retail, governmental, and exchange services and those wholesaling, warehousing, processing, and manufacturing uses that by reason of operation are not a nuisance with respect to noise, odor, dust, vibration, traffic, etc.

A. Permitted uses: The following specific land uses are permitted in the C-1 District.

- 1. Retail establishments providing goods and services, such as grocery, drug, hardware, boutiques, and similar uses such as hotels and restaurants
- 2. Professional offices, banks, and related uses
- 3. Governmental and administrative offices
- 4. Commercial recreation
- 5. Places of worship and religious education and meeting buildings
- 6. Processing, wholesaling, and manufacturing uses that do not present a nuisance
- 7. Bulk storage of non-combustible materials that does not present a nuisance
- 8. Automotive service, repair, and storage.
- 9. Other similar and related uses characteristic of the district

B. Size and Area Regulations

1. Lot Area Requirements: No minimum, but must be able to meet all other provisions of this district.
  2. Lot Width: No minimum, but must be able to meet all other provisions of this district.
  3. Setbacks
    - a. Rear: Minimum twenty (20) feet from property line or center of alley, where one exists.
    - b. Front: None
    - c. Side: None
- C. Height Requirements: Maximum three (3) stories or forty-eight (48) feet in height.
- D. Off-street Parking: Required, see Section 3.4.

### **3.2.5 C-2 Highway Commercial District**

This district is intended to include those uses that serve the commercial needs of both the local and regional population. This uses would also include those uses that serve the commercial needs of local traffic and highway traffic.

- A. Permitted uses: The following specific land uses are permitted in the C-2 District.
1. Retail establishments providing goods and services
  2. Professional offices, banks, and related uses
  3. Automotive sales, service, and repair
  4. Motels, hotels, and commercial recreation
  5. Restaurants
  6. Manufactured home parks, see Section 3.3.12
  7. Child care centers, all forms, see Section 3.3.3 through 3.3.6
  8. Veterinarian clinics
  9. Places of worship and religious education and meeting buildings
  10. Other similar and related uses characteristic of the district
- B. Prohibited uses: The following specific land uses are not permitted in the C-2 District.
1. Automotive salvage yard
  2. Utility staging yard

C. Size and Area Regulations

1. Setbacks

- a. Front Yard: Minimum fifty (50) feet
- b. Side Yard:
  - Minimum fifteen (15) feet
  - Minimum twenty-five (25) feet when abutting a residential district
- c. Rear Yard:
  - Minimum fifteen (15) feet from property line or center of alley, where one exists.
  - Minimum twenty-five (25) feet when abutting a residential district

D. Height Requirements: Maximum three (3) stories or forty-eight (48) feet in height.

E. Coverage: Maximum lot coverage shall not exceed fifty (50) percent of the lot area.

F. Off-street Parking: Required, see Section 3.4

**3.2.6 I-1 Industrial District**

This district is intended to include both light and heavy industrial uses that would be considered a nuisance within all other districts in the city but which do not consistent a nuisance when separated from other residential and commercial uses.

A. Permitted uses: The following specific land uses are permitted in the I-1 District.

- 1. The manufacturing, compounding, processing, packaging, assembling, or storage of products, equipment, or materials when it is found by the Administrative Official that the specific location and safeguards provided will so reduce the noise, dust, odor, or vibration so as not to be detrimental to the health, safety, and welfare of the public.
- 2. The storage of all bulk materials, when it is found by the Administrative Official that the specific location and safeguards provided will so reduce the danger of fire or explosion so as not to be considered dangerous to the health, safety, or welfare of the public.
- 3. Wholesaling and warehousing
- 4. Dwellings intended solely for resident watchmen and caretakers employed on the premises.

B. Prohibited uses: The following specific land uses are not permitted in the C-2 District.

- 1. Automotive salvage yard
- 2. Utility staging yard

C. Size and Area Regulations

1. Setbacks: Minimum twenty-five (25) feet from all property lines except where property abuts a railroad where siding facilities are utilized, structures may be built up to the railroad property line.
- D. Height Requirements: Maximum two (2) story or thirty (30) feet in height.
- E. Coverage: Maximum lot coverage shall not exceed thirty-three (33) percent of the lot area.
- F. Off-street Parking: Required, see Section 3.4.

### **3.2.7 A-1 Agricultural District**

This district is intended for agricultural use with accompanying single-family residences.

- A. Permitted uses: The following specific land uses are permitted in the A-1 District.
  1. Single-family dwellings
  2. Truck gardening, orchards, row crop farming, animal husbandry, dairying, pasturage
  3. Other similar and related uses characteristic of the district
  4. Buildings necessary for conducting the above uses
- B. Prohibited Uses: The following uses are prohibited in the A-1 District
  1. Minnow farms, shrimp farms, and other aquaculture uses.
  2. The storage of hazardous materials in conflict with the Arkansas Fire Code.
- C. Area Regulations
- D. Setbacks: Setbacks for residential structures shall be the as in the R-1 District.
- E. Lot Area Requirements: Minimum one (1) acre with no less than 20,000 square feet of lot area provided for each head of livestock kept on the premises.
- F. Off-street Parking: Required, see Section 3.4

## **SECTION 3.3 ADDITIONAL REGULATIONS**

### **3.3.1 Accessory Buildings**

An accessory building may be built where its use is permitted within a required rear yard when located at least five (5) feet from the rear or side lot line, is not located within any public easement, and when occupying not more than thirty (30) percent of the area of such required rear yard

### **3.3.2 Height Requirements**

Chimneys, cooling or water towers, elevators, bulkheads, fire towers, monuments, stacks, stage towers,

tanks, spires, church steeples, cell phone and wireless communication towers, radio towers or necessary mechanical apparatus may be erected to any height not in conflict with any other ordinance of the city.

Public, semi-public, or public service buildings, hospitals, institutions, churches and schools, when permitted in a district, may be erected to exceed height limits specified for the district, provided all required yards are increased by one (1) foot for each foot of building height above the specified limit.

### **3.3.3 Automobile Wrecking and Salvage Yards**

Because of the nature and character of their operations, automobile wrecking and salvage yards, junk yards, and similar uses of land can have a detrimental effect on surrounding properties. Salvage and wrecking yards tend to create conditions that can adversely affect property values by their general appearance. Because of their general appearance and character automobile wrecking and salvage yards, junk yards, and similar uses shall meet the following requirements:

A. Location: Because of the tendency of salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than five hundred (500) feet to any established residential district.

B. Screening: All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence or wall, except driveway areas, from eight (8) to twelve (12) feet in height. Storage between the street and such fence is expressly prohibited. Any fence or wall erected for screening purposes shall be properly painted or otherwise maintained in good condition.

C. Off-street Parking: Required, see Section 3.4.

D. Ingress and Egress: The number of vehicular access driveways for junk yards and automobile wrecking yards having frontage on a state or federal highway shall be regulated by the Arkansas Highway and Transportation Department or its successor.

### **3.3.4 Child Care Facilities**

Certain threshold requirements apply to all Child Care Facilities. These are as follows:

A. All Child Care Facilities shall be designed for child safety by providing a paved off-street loading area.

B. All Child Care Facilities shall be designed for child safety by providing adequate paved parking.

C. All Child Care Facilities shall be designed for child safety so that no parking area is located between the entrance of the building and the paved driveway.

### **3.3.5 Child Care Centers**

Requirements applying to Child Care Centers are as follows:

A. Child Care Centers shall meet all threshold requirements as stated in Section 3.3.3.

B. Each permit issued for a Child Care Center shall be accompanied by a scaled site plan and shall include the following:

1. Owners Name, address, and telephone number
2. North Arrow
3. Scale
4. Accurate Shape and dimension of the lot or site
5. Lengths of all property lines
6. Roads and rights-of-ways-labeled, both public and private
7. Parking areas, driveway location and any intersections with roads
8. Label for all existing structures
9. Locations and dimension of all structures and distances of each to property lines

All Child Care Centers shall be located on a lot large enough to meet city codes and state requirements, and all portions of said lot used for outdoor play space shall be fenced with an opaque fence six (6) feet in height.

Child Care Centers shall meet all City, County and State Health Department requirements as to safety, design, facilities, equipment, and other features. The facility shall be operated in a manner that will not adversely affect other properties and uses in the area.

Child Care Centers shall provide one paved parking space for each employee at the center at any one time, plus two additional paved parking spaces.

### **3.3.6 Child Care Family Homes**

Requirements applying to Child Care Family Homes are as follows:

A. Child Care Family Home operation shall meet all requirements as stated in Section 3.3.3.

B. Each permit issued for a Child Care Family Home shall pertain to only one (1) building/structure and each expansion thereof shall require a separated business permit.

C. The application for a Child Care Family Home business permit shall be accompanied by a scaled site plan and shall include the following:

1. Owners Name, address, and telephone number.
2. North Arrow

3. Scale
4. Accurate Shape and dimension of the lot or site
5. Lengths of all property lines.
6. Roads and Rights-of-Ways-Labeled, both public and private
7. Parking areas, driveway location and any intersections with roads.
8. Label all existing structures.
9. Locations and dimension of all structures and distances of each to property lines.

D. All Child Care Family Homes shall be located in a single-family dwelling and shall be operated in a manner that will not change the character of the residence.

E. All Child Care Family Homes shall be located on a lot large enough to meet city codes and street requirements, and all portions of said lot used for outdoor play space shall be fenced with an opaque fence six (6) feet in height.

F. All Child Care Family Homes shall meet all City, County and State Health Department requirements as to safety, design, facilities, equipment, and other features. The facility shall be operated in a manner that will not adversely affect other properties and uses in the area.

G. All Child Care Family Homes shall provide one paved parking space for each employee at the home at any time plus two (2) additional paved parking spaces.

### **3.3.7 Registered Child Care Family Home**

Requirements applying to Registered Child Care Family Home are as follows:

- A. Registered Child Care Family Home operations shall meet all requirements as stated in Section 3.3.3.
- B. Registered Child Care Family Home operations shall be operated by the resident of the structure.
- C. Registered Child Care Family Home operations shall be operated on a lot meeting city codes and State of Arkansas licensing regulations. All portions of the lot used for outdoor play space shall be fenced with an opaque fence six feet in height.
- D. The dwelling shall meet all City, County, and State Health Department requirements as to safety, design, facilities, equipment, and other features and the facility shall be operated in such a manner that it will not adversely affect other properties in the area.

### **3.3.8 Fences**

An ornamental fence (see definitions), hedge, or wall not more than three and one-half (3.5) feet in height

may project into or enclose any required front or side yard in the residential districts. Ornamental fences, hedges, or walls may project into the side yard from the front building line of the structure to the rear lot line, provided such fences and walls do not exceed a height of Seven (7) feet, and further provided such enclosure allows adequate sight clearance for motorists at corner lots. Fencing requirements, except for height restrictions, do not apply within the A-1 Agricultural district or to vacant lots. No fence shall be constructed using hog-wire, chicken-wire, barn tin or other building-siding materials.

### **3.3.9 Flammable Liquids and Gases**

The storage of flammable liquids and gases shall comply with the State of Arkansas Fire Prevention Code or its successor.

### **3.3.10 Service Station Pumps**

Service station pumps and pump islands may occupy the required yards provided, however, that they are not less than fifteen (15) feet from all property lines.

### **3.3.11 Storage and Parking of Trailers and Commercial Vehicles**

Commercial vehicles and trailers of all types, including travel, camping and hauling and manufactured homes should not be parked or stored on any lot occupied by a dwelling or on a city street or on any lot in any residence except in accordance with the following provisions:

- A. Not more than one (1) commercial vehicle, which does not exceed one and one-half (1.5) tons rated capacity, per family living on the premises, excluding any commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum.
- B. Not more than one (1) camping or travel trailer or hauling trailer per family living on the premises shall be permitted and said trailer shall not exceed thirty-five (35) feet in length or eight (8) feet in width; and further provided that said trailer shall not be parked or stored for more than one week unless it is located behind the front façade line of the primary structure. A camping or travel trailer shall not be occupied either temporarily or permanently while it is parked or stored in any area within the incorporated limits except as authorized under this section.
- C. Requirements of this sub-section shall not apply to farm vehicles parked in the A-1 Agricultural District.

### **3.3.12 Swimming Pools**

Below-ground private swimming pools may be constructed as an accessory use, but shall be completely enclosed by a personal wall or fence not less than six (6) feet high and not to exceed seven (7) feet in height and shall meet the requirements of the Arkansas State Department of Health or its successor. A swimming pool shall not be constructed in front of the front building line and no portion of the pool, equipment, walkway, or other facilities related thereto, shall be located closer than ten (10) feet to the side or rear lot line.

### **3.3.13 Manufactured Homes, Metal Modular Homes, and Manufactured Home Parks**

Manufactured Homes: The establishment, location, and use of manufactured homes shall be permitted in the R-3 Residential District by right, subject to all requirements and limitations applying generally to the residential district, and provided such homes shall meet all of the following requirements and limitations:



A. The manufactured home shall meet all requirements as defined by this code and other applicable ordinances of the city of McGehee and must possess all necessary building permits and other certifications required by the city for a dwelling unit. No city code requirement, however, shall preempt any requirement of manufactured home codes administered by the United States Department of Housing and Urban Development.

B. The manufactured home shall be installed in accordance with the manufacturer's instructions as recognized by the Arkansas Manufactured Home Commission or its successor. Installation shall include the construction of a perimeter foundation enclosure. The enclosure shall be of materials approved by the city of McGehee and installed in conformance with the manufacturer's installation instructions. All apparatus of transportation for the structure (hitches, wheels, axles) must be removed.

C. Manufactured Home Parks: A Manufactured Home Park shall conform to the following regulations:

1. The minimum area for a manufactured home park shall be two (2) acres.
2. The manufactured shall be located only in those districts where expressly permitted.
3. The park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
4. The park shall have adequate roadways which shall be constructed with a bituminous or concrete surface.
5. The park area shall be divided into lots, each of which shall have a frontage width of not less than thirty-five (35) feet and a length of not less sixty (60) feet.
6. Only one (1) manufactured home shall be park or situated on each lot with each lot having a concrete surface on which the manufactured home shall be placed.
7. Manufactured homes shall be so harbored on each space that there shall be at least 10 feet between the manufactured home and any manufactured home space line.
8. Each manufactured home space shall abut a driveway of not less than 20 feet in width, which shall have unobstructed access to a dedicated public street.
9. An electrical outlet supplying at least 200 amps shall be provided each manufactured home space.
10. The grounds shall be kept clean and all grass and weeds mowed at least once every two weeks or more often, if needed.
11. Each space shall be provided with sanitary sewer and water service in a manner approved by the City.

12. Each manufactured home park shall be permitted to display on each street frontage, one (1) identifying sign of a maximum size of 12 square feet. Said sign shall contain therein only the name and address of the manufactured home park and may be lighted by indirect lighting only.

13. There shall be at least two paved off-street parking spaces for each manufactured home space which shall be on the same site or located in the grouped parking bays specifically designed for such purpose close to the site served.

14. Each unit shall be sited and anchored in accordance with the manufacturer's instructions or the requirements of the Arkansas Manufactured Home Commission.

### **3.3.14 Home Occupations**

An occupation may be carried on in a residential structure in an agricultural and residential use area only if such occupation meets all of the following conditions:

- A. Does not involve the use of commercial vehicles.
- B. Does not require the use of more than two (2) rooms otherwise normally considered as living space.
- C. Does not require the use of an accessory building or yard space or an activity outside the main structure not normally associated with residential uses.
- D. Does not have a sign in excess of four (4) square feet to denote the business, occupation, or profession (and such sign must be attached to the structure).
- E. Does not involve the display of goods and services.
- F. The occupation is carried on by the occupant of the residence.
- G. Is approved by the Administrative Official as meeting all of the above.

### **3.3.15 Temporary Dwellings for Construction Workers**

Recreational vehicles to be used solely for the purpose of temporary dwellings for construction workers may be placed in any district upon review by the Code Enforcement Officer and upon obtaining a temporary permit for a period of not to exceed twelve (12) months, subject to renewal. An electrical outlet supplying at least one hundred ten (110) volts shall be provided each recreational vehicle.

### **3.3.16 Commercial Building Design in the C-1 District**

A. General: The following proposed regulations are designed to control the spread of all-metal commercial buildings in the C-1 Central Business District of the city. The approach herein is not to outlaw metal buildings in the district but to permit a developer of a metal building to follow one of two tracks in securing a building permit. The first Track would involve using approved building materials on the public facades and would only require a building permit. The second Track would allow all metal commercial buildings only public review and evaluation by the

Planning Commission. This section seeks to maintain good civic design and arrangement within the commercial core of the city thereby assuring a desired aesthetic environment and a stable economic environment. It is the intent of this section to promote the development of commercial buildings that:

1. Are designed to be in visual harmony with buildings either in the same vicinity or along the same commercial corridor;
2. Express individual design and creativity without detract from the visual environment to the point at which the values of adjoining properties will be negatively recognized.
3. Are appropriate to the context in which they reside; and
4. Generally do not detract from the aesthetics of the location, area, and community as a whole.

#### B. Procedures for Obtaining Commercial Building Permits

Persons desiring to obtain a building permit for development of a new building or the renovation or expansion of an existing building by following one of two tracks.

1. Track One: Applicants who meet all of the following conditions may apply for a building permit through the existing administrative procedure.

- a. The design of the building conforms to the design standards outlined in Section 3.3.16E, below.
- b. The footprint of the primary building does not exceed, in square footage, that of primary buildings on adjoining properties by more than 50 percent.
- c. The primary building is not more that two stories in height.

2. Track Two: Applicants who do not meet the specifications of the section above shall submit an application following the same procedure as for a Special Use Permit. The application shall contain the following, as a minimum.

- a. All information required for a standard commercial building permit
- b. Front and side elevations of all structures.
- c. Materials list for front and side facades, roof structures, and trim.
- d. Any other material supporting the proposed design of the building.

#### C. Review of building permits for non –standard (Track Two) commercial buildings

The Planning Commission shall review the proposed design during the next planning commission meeting and allow public review of the proposed design. Public comments shall be allowed. The Planning Commission shall approve the submittal of the building permit through the existing process after reviewing the proposed submittal and determining:

1. The proposed design represents an innovative use of non-standard building materials to the extent that it is in harmony with the visual aspects of the location, area, and community as a whole;
2. No discernable public benefit would be gained by requiring an alternative design;
3. The size and bulk of the proposed building is comparable to other buildings within the immediate area; and
4. The proposed construction meets the spirit and intent of this section of the Zoning Code.

D. Appeal of Planning Commission Review of a Non-Standard Commercial Building  
When the Planning Commission does not approve the design of a Non-Standard (Track Two) Commercial Building, the applicant may appeal the decision to the McGehee City Council provided that he submits a letter stating this intent to the Mayor's Office within 10 days of the planning commission meeting at which time the design was denied.

E. Design Standards

Adherence to the following standards shall qualify a proposed structure as a Standard Commercial Building.

1. The finished façade of front or visible side of the building shall not be composed of building materials selected from the list at the end of this section. This includes any side of the building that fully faces a public street or the front of a building facing any other fire apparatus access lane used by the general public. The visible side of the building shall mean the forward eight feet of any side perpendicular to a street and all of a side on an angle of less than 90 degrees as measured from the street or fire apparatus access lane to the side of the building. The rear facade of a building located on an out-parcel of a shopping center, and which rear portion faces a fire apparatus access lane may be composed of metal. Acceptable building materials for the affected portions of buildings as defined in this section shall include:
  - a. Exterior insulation finish systems (EIFS)
  - b. Brick
  - c. Architectural or split concrete blocks to the exclusion of precision concrete blocks.
  - d. Glass
  - e. Pre-cast concrete
  - f. Native stone or mortar
  - g. Wood
  - h. Tile
  - i. Stucco
  - j Vinyl
2. Accent trim on roofs, windows and doors may be of metal.
3. There shall be no illustrative designs on any visible façade material that cover more than ten percent of the area of the façade.

### 3.3.17 Wireless Communication Facilities

#### A. Application and Zoning Requirements

1. Permit Required: A Tower Use Permit (TUP) shall be required for the approval and construction of any wireless communication facility (WCF) within the city limits of McGehee. It shall be the responsibility of the owner to comply with all federal and state regulations pertaining to WCF, including but limited to FAA height and lighting requirements and provisions of the National Environmental Policy Act (NEPA).

2. Application: All applications for a (TUP) shall include the following:

- a. Scaled site plan, elevation view, and other supporting drawings showing all improvements to the site, adjacent uses, and zoning
- b. Documentation of the location and dimensions of the proposed WCF
- c. Name of applicant
- d. Name of landowner and signed approval of the landowner
- e. Permit fee, according to the fee schedule set by the city council. No permit can be issued without submittal of this fee.

2. Review Process: Two tracks exist for the review of Tower Use Permit applications.

- a. Track One: Proposed (TUP) applications within the A-1, C-2, or I-1 zones the application may be processed and approved through administrative review by Building Official or a designee.
- b. Track Two: Proposed (TUP) applications within the R-1, R-2, R-3, or C-1 zones shall require approval by McGehee Planning Commissions and be subject to a public hearing. These special permit applications will be subject to the same procedural requirements as those set forth for a rezoning application as described in Section 3.8.5 of this Code.
- c. Appeal and Review: The City of McGehee shall complete final action upon any TUP application within 90 days of the filing of the application, unless a request for an extension is file by the Applicant. Any decision to deny a request will be made in writing and will be supported by substantial evidence. Any decision concerning the approval or denial of an application made by the Building Official or designee may be appealed to Board of Zoning Adjustment in writing within 30 days of the decision.

#### C. Development Standards

##### 1. Height

- a. An attached WCF shall not add more than 20 feet in height to the existing building or structure to which it is attached.
- b. WCF with Support Structures shall have a maximum height of 200 feet in industrial and agricultural zones, 150 feet in commercial zones, and 100 feet in residential zones.

Where collocation can be accommodated, towers may be increased by 10 feet in height for each additional provider to a maximum of 50 additional feet.

## 2. Setbacks

- a. WCF with Support Structures shall meet the setback requirements for principal structures of the underlying zone in which they are located, except for residential zoning districts.
- b. WCF with Support Structures located in residential districts abutting residential property on any side shall be setback from any adjoining residential property line a distance of at least equal to the height of the tower as measured from the base of the tower to the property line of the residential lot. Guy-wired anchors shall meet the setback requirements specific to the district in which it is located.

## 3. Lighting

- a. WCF shall not be artificially illuminated, directly or indirectly, except as may be required by or federal law or for security of the equipment building. It shall be the owner's responsibility to meet the FAA lighting requirements, if necessary.
- b. Any required shall be shielded or focused to the greatest extent possible so as not to project on to adjacent properties.

## 4. Signage

- a. WCF shall not display any signage or message of a commercial nature except as is necessary for safety and security purposes.

## 5. Fencing

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

## 6. Collocation

- a. All WCF with Supporting Structures shall be designed to accommodate additional providers where technically feasible.

## D. Special Zoning Requirements

1. Monopole type facilities shall be required in all zoning districts except A-1, I-1, and C-1.
2. Only Attached WCF or monopole type facilities using Stealth Technology may be permitted within the C-1 zone.

### **3.3.18 Stock Ponds**

Stock ponds, as defined herein, are prohibited in all zoning districts within the City of McGehee

## SECTION 3.4 OFF-STREET PARKING AND LOADING REQUIREMENTS

The following rules and regulations shall apply to off-street parking:

### 3.4.1 Minimum Standards

In all districts except the Central Business District, there shall be provided at such time any building or structure is erected, enlarged, or increased in capacity, off-street parking spaces for automobiles in accordance with the following requirements:

- A. Dwelling: Two (2) parking spaces for each dwelling unit.
- B. Bed and Breakfast or Motel: One (1) parking space for each two guests or each bedroom, whichever is greater.
- C. Medical or Dental Facilities or Offices and Hospitals: Seven (7) spaces per doctor plus two (2) spaces for each three (3) employees in clinics and offices. For hospitals there shall be one (1) space per bed and one (1) space per employee on duty at any given time. (This includes doctors visiting patients.)
- D. Sanatoriums, Convalescent, or Nursing Homes: One (1) space for each six (6) patient beds plus one (1) space for each staff or visiting doctor plus one (1) space for each four (4) employees.
- E. Community Center; Theater, Auditorium: One (1) parking space for each three (3) seats based on maximum seating capacity.
- F. Convention Hall, Lodge, Club, Library, Museum, Place of Amusement or Recreation: One (1) parking space for each fifty (50) square feet of floor area used for assembly or recreation in the building.
- G. Retail Shops: One (1) parking space for each one hundred fifty (150) square feet of floor area devoted to sales.
- H. Restaurants: One (1) parking space for every four (4) seats.
- I. Office Building: One (1) parking space for each two hundred (200) square feet of gross floor area in the building, exclusive of the area used for storage, utilities, and building service area.
- J. Commercial Establishments Not Otherwise Classified: One (1) parking space for each 150 square feet of floor space in the building used for retail trade, or used by public, whichever is greater
- K. Industrial Establishments: Adequate area to park all employees' and customers' vehicles at all times and adequate space for loading, unloading, and storing all vehicles used incidental to or as a part of the primary operation of the establishment. No less than one (1) parking space shall be provided for each four (4) employees present at any given time.

L. Church Sanctuary: One (1) parking space for each three (3) seats based on maximum seating capacity; provided, however, that churches may establish joint parking facilities not to exceed fifty (50) percent of the required spaces, with public institutions and agencies that do not have a time conflict in parking demand. The joint parking facility shall be located not to exceed four hundred (400) feet from the church sanctuary. Parking requirements for office, recreational, and educational uses shall be computed according to each classification.

M. Child Care Centers: One for each employee, one per employee, and one space meeting the requirements of the Americans With Disabilities Act.

N. All Others: For all other uses not covered in (A) through (M) above, the Planning Commission shall make a determination of the parking demand to be created by the proposed use, and the amount of parking thus determined shall be the off-street parking requirement for the permitted use.

### **3.4.2 Application of Standards**

In applying the standards set forth above, the following shall apply:

A. In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately, except in the case of church sanctuary as specified in Section 3.4.1L, Church Sanctuary.

B. Where a fractional space results, any fraction more than one-half (.5) shall be counted as one (1) parking space. No computation shall result in the creation of less than a full parking space.

C. These standards shall apply fully to all uses and buildings established after the effective date of this code.

D. Except for parcels of land devoted to single-family, duplex, and triplex residences, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.

E. Where parking is to be provided in the front yard of a multi-family dwelling, there shall be established a setback line of ten (10) feet. The area between the setback line and the property line shall be prepared and planted with grass, shrubs, trees, or ground cover.

F. All parking spaces required herein shall be located on the same lot with the building or use served, with the exception of churches, as noted in Section 3.4.1L, Church Sanctuary.

G. No signs of any kind shall be erected except information signs used to guide traffic and to state the conditions and terms of the use of the lot. Only non-intermittent white lighting of signs shall be permitted.

### **3.4.3 Off-street Loading and Unloading Requirements**

The following rules and regulations shall apply to off-street loading and unloading facilities:



A. Retail: A building whose principal use is handling and selling goods at retail shall provide one (1) off-street loading and unloading space for buildings up to and including 10,000 square feet floor area, plus one (1) additional space for each additional 10,000 square feet of gross floor area.

B. Manufacturing: Manufacturing, repair, wholesale, and similar uses shall provide one (1) off-street loading and unloading space for buildings containing 10,000 square feet of floor space, plus one space for each 40,000 square feet of floor area in excess of 10,000 square feet of gross floor area.

C. Trailer Trucks: Where trailer trucks are involved, such loading and unloading space shall be an area twelve (12) by fifty (50) feet with a fourteen (14) foot height clearance and shall be designed with appropriate means of truck access to a street or alley, as well as having adequate maneuvering area.

#### **3.4.4 Paved Surface Required**

All parking spaces provided under the provisions of this code shall have a six-inch gravel base and be paved with concrete or minimum of two (2) inches of hot mix asphalt.

#### **3.4.5 Driveways**

Driveways used for ingress and egress shall not exceed twenty-five (25) feet in width, exclusive of curb returns.

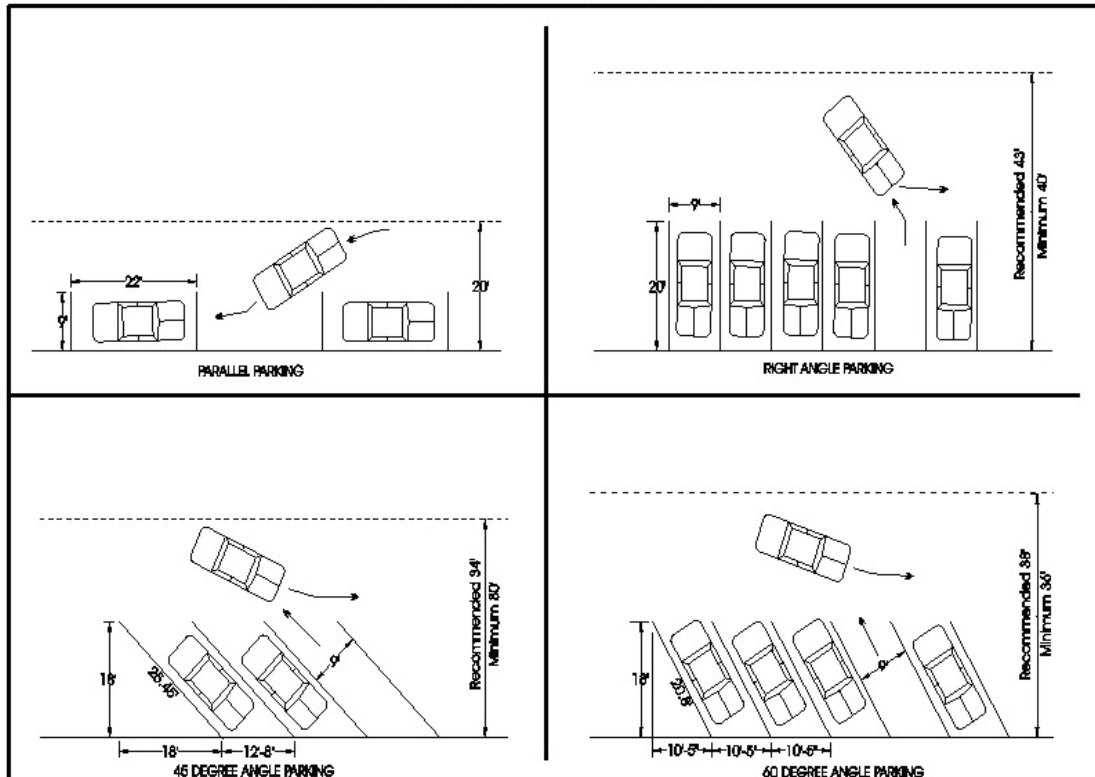
#### **3.4.6 Buffer**

All interior sides of a parking lot abutting a residential use shall be enclosed with an opaque, ornamental fence or wall, having a height of not less than five (5) feet or more than seven (7) feet unless a variance is granted. Such fence or wall shall be maintained in good condition.

#### **3.4.7 Size**

The size of a parking space for one vehicle shall consist of a rectangular area having dimensions of not less than nine (9) feet by twenty (20) feet plus adequate area for ingress and egress.

PARKING SPACE AND MANEUVERING SPACE FOR VARIOUS PARKING AREAS



Not to scale.

FIGURE 3.4.7: PARKING SPACE STANDARDS

## SECTION 3.5 SIGNS

### 3.5.1 General

The regulation of signs and advertising structures by this code is designed to reduce hazards at intersections, prevent visual blight, ensure light, air and open space, and thereby protect property values of the entire community.

### 3.5.2 Other Regulations

These regulations are in addition to those established under U.S. Code by the Federal Highway Administration and the Arkansas State Highway and Transportation Department under Regulations for Control of Outdoor Advertising on Arkansas Highways.

### 3.5.3 Signs on Public Property

No person shall erect, fasten, or attach in any way any sign or other advertising message upon any property within the city which is facing or visible from any public street, unless legally authorized under the terms of this ordinance. These regulations shall apply to all signs and billboards in all districts, subdivisions and zones within the City of McGehee.

### 3.5.4 Variances

Variances keeping with the requirements of Section 3.7 of this code shall be allowed for technical requirements such as: setbacks, area, height, and on-site location. No variances shall be granted for the number of signs allowed.

### **3.5.5 Inspections**

All Signs are subject to inspection by the Administrative Official, who may order any sign removed upon notice and for cause as set out in Article IV.

### **3.5.6 Exemptions**

The following signs are exempt from any regulations of this code:

- A. The message and content of signs
- B. Window displays, or signs painted on windows
- C. Product dispensers
- D. Scoreboards and other signs acknowledging sponsors on athletic fields
- E. Flags of any nations, government, or non-commercial organization
- F. Gravestones or memorial markers
- G. Barber Poles
- H. Religious symbols
- I. Display of street address numbers
- J. Any display or construction not defined as a sign
- K. Temporary signs warning of construction, excavation, or similar hazards, so long as the hazard may exist
- L. Signs in the nature of decorations which are seasonal, clearly incidental and customarily associated with any national, local, or religious observance
- M. Utility Location/Identification Signs
- N. Awning Signs

### **3.5.7 Prohibited Signs**

The following signs are not allowed in any zoning district in the city.

- A. Signs imitating warning signals. No sign shall display intermittent lights resembling the flashing lights customarily used in traffic signals or in emergency vehicles, nor shall any sign use the words “stop”, “danger”, or any other word, phrase, symbol or character in a manner that might mislead or confuse a vehicular driver.

B. Signs within Right-of-Way. No sign whatsoever, whether temporary or permanent, except erected by a governmental agency are permitted within any street or highway right-of-way.

C. Roof signs.

D. No signs, notices, or handbills may be painted on or attached to trees, rocks, or other natural formations, fence posts, utility poles, or building roofs.

E. Rotating signs.

### **3.5.8 Placement and Standards**

Unless otherwise provided in this code, the following regulations shall apply to all signs, billboards, and off premise signs in the city.

A. Setback Requirements: All signs must be set back a minimum of ten (10) feet from adjoining property lines and the front property line or street right-of-way, whichever is greater.

B. Size: Unless further restricted elsewhere in this code, no sign shall exceed fifty (50) feet in length, nor shall any sign be erected to exceed the building height of a building in its respective zoning district.

C. Prevention of Access: No sign shall be erected which prevents free ingress and egress from any driveway, parking lot, or structure door, window, or fire escape. No sign of any kind will be attached to any part of a fire escape or building standpipe.

D. Obstruction of Vision: On any corner lot no sign shall be erected in a manner to obstruct vision between a height of two and one-half (2.5) feet and eight (8) feet above the center line grades of the intersecting streets, in the area bounded by the street lines of such corner lot, and a line joining points along said street lines seventy-five (75) feet from the point of the intersection. Notwithstanding any regulation of this ordinance, no sign shall be placed in any position or in such a manner as to obstruct the vision of the motoring or pedestrian public, in the judgment of the Administrative Official. This requirement supersedes all other setback and coverage regulations.

E. Interference with Utilities: No sign shall be located:

1. Within the designated safety zone of overhead electrical conductors as directed by the utility owner
2. Within ten (10) feet of a fire hydrant
3. Upon or overhanging any utility easement.

F. Construction Standards: All signs and sign structures permitted herein shall conform to the applicable building standards adopted by the city of McGehee.

### **3.5.9 Direct Illumination**

The illumination of any sign within twenty-five (25) of a residential district or on property which faces or adjoins a residential lot line shall be diffused or aligned to be indirect. Design shall be such that direct rays of light are prevented from shining into residential districts and/or any individual residences,

regardless of zoning.

### **3.5.10 Maintenance**

No sign shall be allowed to remain which:

- A. Continues in a state of structural or cosmetic disrepair for 30 calendar days after Administrative Official gives due notice as provided herein, or
- B. For 90 consecutive calendar days advertises or gives notice of a business, service, or other activity that is no longer in operation or being conducted or is otherwise obsolete, and is therefore deemed abandoned, as determined by the Administrative Official.

### **3.5.11 Specific Requirements by Sign Type**

The following apply to specific types of signs located in the city.

- A. Temporary Signs: These signs are allowed with the following restrictions:
  - 1. Size: Maximum one hundred (100) square feet in area.
  - 2. Placement: Off the street right-of-way and in conformance with district setback requirements.
  - 3. Public Placement: A temporary banner may be suspended across public streets or other public placed with the express permission of the City Council.
  - 4. Standards: Being considered temporary in use and design, construction standards do not apply; however, placement of such signs is subject to the setback requirements, size restrictions, and all other regulations of this ordinance.
- B. Real Estate, Lease, and For Hire Signs: These signs are allowed with the following restrictions:
  - 1. Size: Maximum forty (40) square feet.
  - 2. Placement: Off the street right-of-way and in conformance with district setback requirements.
  - 3. Removal: Such signs shall be removed as soon as the building or land is sold or leased or position for hire is filled.
- C. Wall signs. Signs on the walls of a building (including signs attached flat against the wall, painted wall signs and projecting signs) shall meet the following requirements:
  - 1. The display surface area of such sign shall not exceed ten percent of the square footage of the wall to which it is attached.

2. Such sign shall be located on the front wall of the building which is oriented to the street from which access is derived. For uses with two street frontages, wall signs may be located on a wall for each frontage. For uses not oriented to a public street, the wall considered to be the front of the use shall be used for location of such signage.

3. Such sign shall not extend above the roof line of the building to which it is attached nor shall such sign project outward from the building more than 24 inches.

4. Such sign placed in the horizontal space between windows of a two story building shall not exceed in height more than two-thirds of the distance between the top of the window below and the sill of the window above.

### **3.5.12 Sign Regulations Exclusive to Residential “R” Districts**

Unless otherwise provided for in this ordinance, the following regulations shall apply to all signs, billboards, and off-premise signs in residential districts within the city of McGehee:

A. Nameplate/Address Signs: For any residential structure one (1) sign may be erected, not greater than two (2) square feet in area, containing the address and/or name of the occupants.

B. Signs for Home Occupations or Child Care Facilities: For any home occupation or child care facility one (1) sign may be erected, not greater than four (4) square feet in area, advertising the business, office, or profession. Such signs must be attached to the principal structure.

C. Multi-Family Dwellings: For any multi-family dwelling identification signs for each street frontage may be erected, not greater than twelve (12) square feet in area, containing the name and/or address of the premises and the name of the management.

D. Public Places of Assembly: For any public place of assembly, one (1) identification and bulletin board sign per street frontage may be erected, not greater than thirty (30) square feet in area.,

E. Public Use or Institution: For any public use or institution, one (1) identification sign per street frontage may be erected, not greater than one hundred (100) square feet in area.

F. Prohibitions:

1. Flashing signs or signs with intermittent illumination

2. Billboards

### **3.5.13 Sign Regulations Exclusive to Commercial “C” Districts**

Unless otherwise provided for in this ordinance, the following regulations shall apply to all signs, billboards, and off-premise signs in commercial districts within the city of McGehee:

A. C-1 Central Business District: In the C-1 District, signs are permitted subject to the following regulations:

1. All those signs permitted in the residential “R” Districts are allowed in commercial “C” districts.
2. Advertising signs painted on the sides of buildings and signs that advertise products or goods unrelated to the use of the building on which the sign is painted or attached are prohibited except for historic “Ghost Signs”. For principal uses, business signs shall be permitted on the basis of one sign not exceeding 2 square feet of sign area for each one linear foot of building façade, but the maximum total of all permitted signs for a facade of any establishment shall not exceed 200 square feet.
3. Projecting signs are allowed but shall not project into any roadway or driveway and shall be placed with the lowest part a minimum 8 feet above the surface of the sidewalk.
4. Billboards are prohibited in the C-1 District

B. C-2 Highway Commercial District: The following regulations apply in the C-2 Zoning District:

1. All those signs that are permitted in the residential “R” districts are allowed in Commercial “C-2” district.
2. Freestanding Signs for Single Tenant Structures— Each single tenant structure is allowed a freestanding pole sign provided that the display surface of such signs shall not exceed 80 square feet except that the display surface may be increased two square feet for each foot of street frontage beyond 100 feet to a maximum display area of 120 square feet. The signs must have a setback of at least 10 feet from adjoining property lines and the front property line or street right-of-way line, whichever distance is greater.
3. One free standing pole sign is allowed per lot or commercial street frontage. For buildings on corner lots, one additional free standing sign is allowed on the additional street frontage. For such corner lots, one frontage must be designated as the main frontage, and one must be designated as the minor frontage. Signs on the minor street frontage must not exceed 75 percent of the size of the display area of the free standing sign on the main frontage. Instead of having one sign on each street frontage, the applicant may opt to have one free standing diagonal sign facing both street frontages, in which the size of the sign may be computed using the longest street frontage.
4. Freestanding Signs for Multi-Tenant Structures and Joint Identification—Each multi-tenant structure or a group of structures may have one incidental or freestanding identification sign for each street frontage, with a setback of at least 10 feet from adjoining property lines and the front property line or street right-of-way line, whichever distance is greater. The sign shall be a directory sign and serve for the purposes of the joint business identification of tenants within the structure or group of structures. Any business or structure identified on the joint identification directory sign shall be allowed no other freestanding signs.
  - a. For structures or a group of structures with a street frontage of less than 100 feet, the sign display surface shall not exceed 80 square feet.

b. For structures or a group of structures with a street frontage of more than 100 feet and less than 300 feet, the sign display surface shall not exceed 80 square feet except that the display surface may be increased two square feet for each foot of street frontage beyond 100 feet to a maximum display area of 120 square feet.

c. For structures or a group of structures with a street frontage of more than 300 feet, the sign display surface shall not exceed 120 square feet except that the display surface may be increased one square foot for each foot of street frontage beyond 300 feet to a maximum of 300 square feet.

5. Wall signs: Wall signs may be constructed in conformance with Section 3.5.11C.

#### C. Industrial District

Signs in the Industrial district shall conform to the following regulations:

1. All those signs permitted in the Residential “R” or commercial “C” districts are allowed in industrial “I” districts.

2. The total surface area of a business sign or signs on a building or lot shall not exceed 120 square feet.

3. Advertising sign structures shall be limited to not more than one structure for a lot of 50 foot frontage or less, and to one additional structure for each 50 feet of additional lot frontage. No advertising sign may be erected within 50 feet of an adjoining residential district, if designed to or results in facing into such a district.

#### D. Agricultural District

Signs regulations in the Agricultural District shall be the same as within the Residential Districts.

### **3.5.14 Responsibility**

Any person having express or implied authority over the size, appearance, and/or location of a sign, together with the landowner or leaser upon which the sign is sited, shall be responsible for causing the sign to be in full compliance with this ordinance and shall be jointly and severally liable for any violations of this ordinance.

### **3.5.15 Non-conforming Signs**

Portable signs shall be subject to the provisions of this code upon the date of its passage. All other non-conforming signs shall be brought into compliance or eliminated by attrition. A non-conforming sign shall not be relocated, replaced, expanded, or changed except to bring the sign into complete conformity with this ordinance. However, non-conforming signs may be maintained to preserve the appearance of the sign.

### **3.5.16 Existing Billboards**

Existing billboards lawfully permitted by the State or Federal Highway Agencies shall be allowed to remain under the terms of the issuing agencies’ agreement and permit for such signs. If damaged to an extent beyond one-half of its current replacement cost, any nonconforming billboard shall not be replaced.



## **SECTION 3.6 NON-CONFORMING USES AND STRUCTURES**

### **3.6.1 Non-conforming Use of Land**

Where, on the effective date of adoption of this code, a lawful use of land exists that is made no longer permissible under the terms of these zoning regulations as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this code.
- B. If any such nonconforming use of land ceases for a continuous period of six (6) months, it shall be deemed permanently abandoned, and any use thereafter established shall be in conformity with these regulations, except that the discontinuance of a non-conforming use because of fire, wind, water or other natural disaster does not constitute an abandonment if reconstruction or restoration is begun within six (6) months of damage or destruction.
- C. The regulations in this section do not apply to lots of record. See Section 5.1.9 for provisions related to Lots of Record.

### **3.6.2 Non-conforming Structures**

Where a lawful structure exists at the effective date of adoption or amendment of this code that could not be built under the terms of these regulations by reasons of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. Such structure, upon approval of the Board of Zoning Adjustment, may be remodeled to maintain the premises in a safe and usable condition.
- B. Should a structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this code.
- C. Such structure, upon the approval of the Board of Zoning Adjustment, may be added to if said addition meets the area requirements of the land use zoning district in which the structure is located, provided said land use of structure is in conformance with this code.

### **3.6.3 Non-conforming Use of Structures**

If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this code that would not be allowed in the district under the terms of this code, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this code in the district in which it is located shall be structurally altered except in changing the use of structure to a use permitted in the district in which it is located.

B. Any non-conforming use may be extended to any portion of a structure arranged or designed for such non-conforming use at the time of adoption or amendment of this code, but no such use shall be extended to occupy any land outside such building.

C. If no structural alterations are made, any nonconforming use of a structure or structure and premises, may be changed to another nonconforming use provided that the Board of Zoning Adjustment shall determine that the proposed use is equally appropriate to the district as the existing non-conforming use.

D. Any nonconforming use, once changed to a conforming use, shall thereafter conform to the regulations for the district in which such structure is located and all new uses shall be conforming uses.

E. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) consecutive months, the structure or structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located.

F. Should a structure containing a nonconforming use be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at time of destruction, the owner may request permission of the Board of Zoning Adjustment to reconstruct the structure and to continue the nonconforming use. The Board of Zoning Adjustment may grant or deny a request to reconstruct such a structure. In granting a request to reconstruct the structure, the Board may require conformance to yard requirements, on-lot parking space, adequate screening from adjacent uses and such other items deemed appropriate to the district in which located.

## **SECTION 3.7 BOARD OF ZONING ADJUSTMENT**

### **3.7.1 Creation and Appointment**

A Board of Zoning Adjustment is hereby established to consist of three (3) members to be nominated by the Planning Commission and confirmed by the City Council. All members shall be appointed for terms of three (3) years each. Vacancies shall be filled for the unexpired term of any vacant seat in the same manner as described in this section. On the effective date of this code, the members of the Board of Zoning Adjustment that was legally in existence immediately prior to adoption shall be recognized as the members of the Board of Zoning Adjustment.

### **3.7.2 Organization**

A chairman shall be elected annually by the Board of Zoning Adjustment from among its membership, The chairman shall serve for one (1) year or until the successor duly qualifies. The chairman may appoint a secretary who is not a member of the Board of Zoning Adjustment and who shall hold office until relieved by the Board of Zoning Adjustment and who shall receive such compensation from the city as may be determined by the City Council. The chairman shall preside at all meetings, shall decide all points of order or procedure, and, as necessary, shall administer oath and compel the attendance of witnesses.

### **3.7.3 Meetings**

Meetings of the Board shall be held at such times and at such place or places within the City of McGehee as the Board may designate, and the Board may meet at any time on call of the chairman. All meetings shall be open to the public.

The Board shall keep minutes of its proceedings, which shall be filed by the Secretary of the Board in the office of the City Clerk and shall be public record. These minutes shall contain as a minimum:

- A. Time, date, and place of meeting
- B. Names of members present
- C. Citation, by number and description, of appeal or application
- D. Pertinent facts of the case
- E. Names of persons appearing and their interest in the case
- F. Record of vote by name, or if absent or failed to vote
- G. Authority for decision (cite ordinance or statute) and reasons for conditions imposed.

### **3.7.4 Quorum**

The presence of all of the members shall be necessary to constitute a quorum. The concurring vote of all members shall be necessary to reverse any order, requirement, decision, or determination of an Administrative Official, or to decide in favor of the applicant on any matter upon which it is required to pass under this code, or to authorize a variance from such regulation.

### **3.7.5 Notice**

The Secretary of the Board of Zoning Adjustment shall notify each member of the Board of a scheduled or called meeting seven (7) days before the date of the meeting, by mail or in person.

### **3.7.6 Powers and Duties**

The Board of Zoning Adjustment shall have all the powers and duties prescribed by law and this Code, which are more particularly described in the following sections.

### **3.7.7 Administrative Review**

The Board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Administrative Official in the enforcement of these zoning regulations. The Board may affirm or reverse, in whole or in part, said decision of the Administrative Official.

### **3.7.8 Variances**

Variances to these regulations will be allowed in specific cases where variance from the terms of these zoning regulations will not be contrary to the public interest, and where, owing to special conditions, a literal enforcement of the provisions of these zoning regulations would result in unnecessary hardship.

- A. General Requirements: A variance from the terms of these zoning regulations shall not be granted by the Board of Zoning Adjustment unless and until the following conditions are met:

1. The applicant demonstrates that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district; that literal interpretation of the provisions of these zoning regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these zoning regulations; that special conditions and circumstances do not result from the actions of the applicant; and that granting the variance requested will not confer on the applicant any special privilege that is denied by these zoning regulations to other lands, structures, or buildings in the same district.
  2. No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
  3. The Board of Zoning Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of land, building, or structure.
  4. The Board of Zoning Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of these zoning regulations, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
  5. In granting any variance, the Board of Zoning Adjustment may prescribe appropriate conditions and safeguards in conformity with these zoning regulations. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these zoning regulations.
  6. Under no circumstance shall the Board of Zoning Adjustment grant a variance to allow a use not permissible under the terms of these zoning regulations in the district involved, or any use expressly or by implication prohibited by the terms of these zoning regulations in said district.
- B. Notification: When applying for a variance or conditional use permit, the owner/applicant must provide notice to adjacent property. Notification is to be carried out by certified mail at least 10 days prior to the public hearing. Applicants must show proof of certified mail, receipt or refusal.

### **3.7.9 Special Exceptions**

In addition to the powers and duties specified above, the Board shall also have the following powers and duties to hold public hearings and decide the following special exceptions:

- A. Permit the extension of a zoning district boundary where the boundary divides a lot held in a single ownership at the time of adoption of this Code.
- B. Interpret zoning district boundaries where uncertainty exists as to the boundaries of the zoning districts or when the street or property lines existing on the ground are at variance with those shown on the Zoning District Map.

C. Vary the parking regulations by not more than 50 percent where it is conclusively shown that the specific use of a building would make unnecessary the parking spaces otherwise required by these zoning regulations.

D. Permit a change in use or occupancy of a non-conforming use, provided the use is within the same or more restricted classification as the original non-conforming use.

### **3.7.10 Procedures for Appeal**

Any person, or any board, taxpayer, department, or board of bureau of the City aggrieved by any decision of the Board of Zoning Adjustment may seek review by a court of record of such decision, in the manner provided by the laws of the State of Arkansas.

### **3.7.11 Members Removed for Non-Participation**

Any member of the Board who fails to be in attendance at two (2) consecutive scheduled meetings and provides no written excuse satisfactory to the other members shall have his position declared vacated and a new member shall be selected as provided herein.

## **SECTION 3.8 AMENDMENTS TO ZONING REGULATIONS**

### **3.8.1 General**

This code may be amended by changing the text, the Official Zoning Map, or both in accordance with the procedures prescribed herein.

### **3.8.2 Requests for amendments**

The following may initiate a request to amend this code:

- A. A member or members of the City Council.
- B. A member or members of the Planning Commission.
- C. The owner of a property or his appointed agent.

### **3.8.3 Amendments initiated by the City Council**

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

A. The City Council may refer a request for amendment to the Planning Commission to be considered in accordance with the procedures outlined in Section 3.9.4, below.

B. The City Council may act upon a request to amend this Code in accordance with the provisions of § 14-56-423 of the Arkansas Code, Annotated when an emergency exists which threatens the health, safety, welfare, or morals of the citizens of the City. An amendment may be made by ordinance upon a vote of approval by three-fourths (3/4) of the entire City Council. This City Council may take this action through normal ordinance procedures with no further public hearing or notification.

### **3.8.4 Amendments initiated by the Planning Commission**

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

outlined herein.

A. The Planning Commission may, from time to time, either upon request by one or more of its members, by direction of the City Council, or in the course of its normal planning activities, consider amendments or additions to the Zoning Code.

B. The Planning Commission shall prepare a work program and make studies, including the preparation of maps, to support its decisions regarding possible amendments.

C. If the proposed amendments are not consistent with the comprehensive plan, the Planning Commission shall first consider and adopt any necessary changes to the plan.

D. The Planning Commission shall hold a public hearing to consider amendments to the Zoning Code and amendments to the Comprehensive Plan, if required.

E. Notice of such hearing shall be published at least one time not less than fifteen (15) days prior to the date of the public hearing in a newspaper of general circulation in the City of McGehee.

F. Changes in zoning classifications initiated by the Planning Commission shall be considered comprehensive changes affecting the entire city and notice to individual property owners shall be not be made unless the Planning Commission shall make a finding that a substantial public benefit would be attained by such notification. The Planning Commission shall make a map and/or documents indicating the proposed changes available in City Hall for review by interested citizens and property owners at least ten days prior to the public hearing at which the changes will be considered.

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

H. Following its adoption of plans and recommendations of ordinances and regulations, the commission shall certify adopted plans or recommended ordinances and regulations to the City Council for its adoption.

### **3.8.5 Amendments Initiated by Property Owners**

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

A. An application for amendment shall be filed at the main desk in City Hall.

B. The application for a Zoning Map Amendment shall contain the following information:

1. Name and address of applicant.
2. Statement that the applicant is the owner or the authorized agent of the owner of the property for which the Zoning Map Amendment is proposed.
3. Address and legal description of property.

4. A list of the names and addresses of owners and occupants of properties located within 200 feet of the subject property certified by an abstractor licensed to do business in the State of Arkansas.

5. A map of the subject property, delineating:  
a. the dimensions of property;  
b. approximate location of buildings with appropriate dimensions;  
land uses of adjacent properties.

6. A vicinity map of sufficient clarity to allow location of the property for which a re-zoning request is located.

C. The application shall be accompanied by the prescribed fee.

#### D. Hearing on Application

The hearing for an application for amending the zoning code shall be carried out as follows.

1. Upon receipt in proper form of the application for a Zoning Map Amendment, the enforcement officer shall fix a date for a public hearing according to a monthly schedule maintained in the code enforcement office.

2. Notice of such hearing shall be published at least one time not less than fifteen (15) days prior to the date of the public hearing in a newspaper of general circulation in the City of McGehee. The applicant shall bear the cost of such advertising.

3. Notice of such hearing shall be given by posting a suitable and pertinent sign on the property involved by the applicant not less than fifteen (15) days prior to the hearing. Posting of the sign by the prescribed time shall be the responsibility of the applicant.

4. Notice of the Public Hearing prescribing the date of the hearing and including a description of the property and of the proposed Amendment relating thereto shall be given by the Applicant, at his expense, to each owner/or occupant of property located within 200 feet of the property which is the subject matter of the application within 15 days of the hearing date. This notice requirement may be satisfied by either of the following methods:

- a. Notice by certified mail, return receipt requested.
- b. Hand delivery of the required notice and the execution of an acknowledgement of receipt thereof by the owner/or occupant of the property.

5. No less than seven (7) days prior to the public hearing, the applicant shall submit supplementary materials to the main desk at City Hall consisting of the following.

- a. Proof of publication that the required public notice has appeared in a newspaper of general circulation at least fifteen (15) days prior to the public hearing.
- b. Return receipts from certified mailing to owner/occupants within 200 feet of the property which is the subject matter of the application or receipts of hand delivery of notices.

6. The applicant shall then be placed on the Planning Commission agenda for the meeting on which the public hearing is to be held.

7. Upon receipt of an application for a Zoning Code Text Amendment, the enforcement officer shall fix a date for a public hearing according to a monthly schedule maintained in the code enforcement office.

8. Notice of such hearing shall be published at least one time not less than fifteen (15) days prior to the public hearing in a newspaper of general circulation in the City of McGehee. Content of such notice shall be of a general nature describing the general subject matter and the Sections involved, with respect to the proposed amendment.

#### E. Finding of Fact

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

#### F. Authorization by City Council

Any amendment hereto shall become effective only upon passage by ordinance by a two-thirds (2/3) vote of all members of the City Council.

#### G. Effect of Denial of Amendment

No application for an Amendment which has been denied wholly or partly by the City Council shall be resubmitted for a period of one (1) year from the date of said denial, except upon a showing of a substantial change in conditions found to be valid by the Planning Commission. For purposes hereof, a change of ownership of the subject property shall not be deemed to be a change of conditions.



## **ARTICLE IV: ENFORCEMENT AND ADMINISTRATION**

### **SECTION 4.1 ADMINISTRATIVE OFFICIAL**

The Building Inspector for the City of McGehee shall administer the provisions of this Unified Code and is hereby designated as Administrative Official. The Administrative Official may be provided with the assistance of such other persons as the City Council may direct.

### **SECTION 4.2 PRINCIPAL FUNCTIONS**

The principal functions of each of the entities authorized to administer this code are as follows:

A. The Board of Zoning Adjustment is authorized, in accordance with the provisions of this code, to hear appeals from the decision of the Administrative Officials in respect to the enforcement and application of said code; and may affirm or reverse, in whole or in part, said decision of the Administrative Official. In addition, the Board of Zoning Adjustment is responsible for hearing requests for variances from the literal provisions of the Zoning Code in instances where strict enforcement of the Zoning Code would cause undue hardship due to circumstances unique to the individual property under consideration, and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provision of the Zoning Code. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

B. The Planning Commission is authorized pursuant to the provisions of Act 186 of the Arkansas Acts of 1957, as amended and codified in A.C.A § 14-56-401 et seq, to secure the benefits to the public of a coordinated, adjusted and harmonious development of the City of McGehee, to promote the health, safety, morals, order convenience, prosperity and general welfare of the citizens thereof and shall make recommendations on planning issues and report to the Mayor and City Council concerning the operation of the Commission and the status of planning within its jurisdiction.

### **SECTION 4.3 GENERAL PROVISIONS**

The following general provisions shall govern this code.

A. It shall be unlawful to erect, construct, reconstruct, alter, maintain or use any land, building, or structure in violation of any order of the City Council, Board of Zoning Adjustment or Planning Commission.

B. Appropriate actions and proceedings may be taken in law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation and to prevent illegal occupancy of a building structure or premises.

C. The provisions of these zoning regulations shall be administered and enforced by the Administrative Official, who shall be employed by the City of McGehee.

D. The Chairman of the Planning Commission, upon notification by the Administrative Official of a violation of these zoning requirements, shall certify the violation to the City Attorney and said City Attorney shall within five days thereafter apply to the Chancery Court for an injunction, mandamus, or other process to prevent, enjoin, abate or remove such unlawful use or construction.

#### **SECTION 4.4 BUILDING PERMITS**

The provisions of the zoning portion of this code shall be enforced by the issuance of building permits as follows.

A. Upon adoption of these zoning regulations, no building or structure shall be erected, altered, or moved, and no use established without a permit issued by the Administrative Official. No building permit shall be issued for the construction of any building or structure located on a lot or parcel subdivided or sold in violation of the provisions of these regulations, nor shall the municipality have any obligation to issue certificates of occupancy or to extend utility services to any parcel created in violation of these regulations.

B. A permit will be issued only when the application has been approved by the Administrative Official as meeting all the requirements of these zoning regulations. The permit must be posted in a conspicuous place on the front of the premises.

C. All applications for a building permit shall be accompanied by a survey in duplicate drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building to be erected, the use to which the building or land is to be put, the location of the building upon the lot, and such other information as may be necessary to provide for the enforcement of these zoning regulations. A record of each application with attached copy approved plan shall be kept by the Administrative Official.

D. Construction, erection, moving or additions or any structural alteration shall be commenced within three (3) months of the issuance of the building permit and shall be completed within one (1) year of the issuance of said permit. The Administrative Official may issue an extension in the event of hardship to be determined by the Administrative Official. Otherwise, an additional permit must be obtained.

E. If any construction, alteration or installation is done in or on any building, structure, or premise, or any part thereof without the permits required, the Administrative Official shall issue a stop order, directing such construction to cease immediately.

F. If, after a stop order has been issued, there is any reason to believe that further work on such construction, alteration or installation is being done, has been done, or that such maintenance or operation is being carried on, said Administrative Official shall notify the City Attorney who shall proceed forthwith to obtain an injunction as provided by law against the continuing of such work or the continuing of maintenance or operation.

## **SECTION 4.5 MISCELLANEOUS**

### **4.5.1 Sale of Lots**

No owner or agent of the owner of any parcel of the land located in a proposed subdivision shall transfer or sell any part of the parcel before a final plat of the subdivision has been approved by the Planning Commission in accordance with the provisions of these regulations and filed with the Clerk and Recorder of Desha County, Arkansas. In accordance with A.C.A. § 14-56-417, no plat of any tract of land within the planning area jurisdiction of the Planning Commission shall be accepted by the County Recorder for filing of record until the plat has been approved by the Planning Commission.

### **4.5.2 Metes and Bounds Descriptions**

The subdivision of any lot or any parcel of land by the use of metes and bounds description for the purpose of sale, transfer, lease, or development is discouraged.

### **4.5.3 Certificate of Occupancy and Compliance**

The following regulations govern the approval of Certificate of Occupancy.

A. No building hereinafter erected or structurally altered shall be used, occupied, or changed in use until a certificate of occupancy and compliance shall have been issued by the Administrative Official, stating that the building or proposed use of the building or premises complies with the building laws and provisions of this Code. The Administrative Official shall keep a record of all certificates of occupancy and compliance. The Administrative Official may revoke a certificate of occupancy and compliance when it is found that the building or land does not conform to the use or condition, if any, in the certificate. Each day a use continues after revocation of the certificate shall constitute a separate offense and shall be punished as provided therein.

B. A Certificate of Occupancy and Compliance will be issued only when final inspection of the building, structure, and/or premises has been made and certified for occupancy by the Administrative Official. Subject building, structure, and/or premises must meet all legal requirements in conformity with this zoning regulation and all pertinent building, housing, plumbing, fire, electrical, and similar codes of the City of McGehee.

C. The duty to obtain said Certificate of Occupancy shall be with the owner of the property at the time the building permit was obtained. Any individual or legally recognized business entity violating this section shall be assessed a penalty as assigned within Section 4.5 of this code. It shall be the duty of the City Administrative Official to issue a citation for violations of this nature.

### **4.5.4 Survey Requirements**

Prior to the Administrative Official inspecting the footing of any building under construction, the Administrative Official shall be provided a survey, prepared by a licensed surveyor, reflecting the fact that said building under construction is situated on the site in such a way that it does not violate any setback requirements of the zoning classification in which the building is located. All survey markers must be in place at the time of the footing inspection for verification of said setback compliance by the Administrative Official. In the event that permanent survey markers are in place on the building site, the Administrative Official may waive the requirement for a current survey.

#### **SECTION 4.6 VIOLATION AND PENALTIES**

Violations and penalties associated with the zoning regulations shall be processed as follows.

- A. Any person or corporation who shall fail to comply with any of the provisions of these regulations or who shall build or alter any building in violation of any statement or plan submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable for a fine of not more than \$100.00.
- B. Any person, joint stock company, or corporation selling or offering for sale any lot or block within the planning area jurisdiction of the City of McGehee, Arkansas, that has not been duly filed in the office of the County Recorder in conformance with these regulations shall not be permitted to sell, transfer, or convey any part of parts of lots of said subdivision, and shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than \$50.00 nor more than \$200.00.
- C. Each day any violation of these rules and regulations occurs shall constitute a separate offense.
- D. The owner of the property where the violation exists, as well as any architect, builder, engineer, contractor or corporation employed in connection therewith, and who may have assisted in the commission of a violation of this ordinance, shall be guilty of a separate offense and upon conviction thereof, shall be fined as herein provided.
- E. Any court having jurisdiction of misdemeanor cases shall have jurisdiction to try such offenders and, upon conviction, to fine them for each offense or violation.

## ARTICLE V: SUBDIVISION REGULATIONS

### SECTION 5.1 PURPOSE, AUTHORITY, AND JURISDICTION

#### 5.1.1 Purpose:

These regulations are adopted for the following purposes.

- A. To protect and provide for the public health, safety, and general welfare of the city;
- B. To guide the future growth and development of the Planning Area in accordance with the Master Street Plan;
- C. To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population;
- D. To protect the character and the social and economic stability of all parts of the city and to encourage the orderly and beneficial development of the city through appropriate growth management techniques assuring the timing and sequencing of development, promotion of infill development in existing neighborhoods and non-residential areas with adequate public facilities, to assure proper urban form and open space separation of urban areas, to protect environmentally critical areas and areas premature for urban development;
- E. To protect and conserve the value of land throughout the city and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings;
- F. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities;
- G. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the city, having particular regard for the avoidance of congestion in the streets and highways and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines;
- H. To establish reasonable standards of design and procedures for subdivisions and re-subdivisions in order to further the orderly layout and use of land, and to ensure proper legal descriptions and monumenting of subdivided land;
- I. To ensure that public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed subdivision and that the community will be required to bear no more than its fair share of the cost of providing the facilities and services through requiring the developer to pay fees, furnish land, or establish the mitigation measures to ensure that the development provides its fair share of capital facilities needs generated by the development;

J. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table, and to encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land;

K. To preserve the natural beauty and topography of the municipality and to ensure appropriate development with regard to these natural features;

L. To provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of development as established in the zoning code of the city;

M. To ensure that land is subdivided only when subdivision is necessary to provide for uses of land for which market demand exists and which are in the public interest; and

N. To remedy the problems associated with inappropriately subdivided lands, including premature subdivision, excess subdivision, partial or incomplete subdivision, scattered and low-grade subdivision.

### **5.1.2 Authority**

This Land Subdivision and Development Code is promulgated in accordance with the authority cited in Arkansas Code Annotated § 14-56-401 through § 14-56-426.

### **5.1.3 Jurisdiction**

These regulations shall be applicable to all lands within the city and its Planning Jurisdiction and, also, to lands either contiguous to or served by McGehee's city water or McGehee's city sewer.

## **SECTION 5.2 PROCEDURAL REQUIREMENTS**

### **5.2.1 Procedure for Approval of Preliminary Plat:**

Whenever any subdivision of a tract of land is proposed to be made, the developer shall first submit to the City Clerk, at least 15 calendar days prior to the Commission meeting at which the Plat is to be considered, an application for a Certificate of Preliminary Plat Approval which shall consist of:

A. Four copies of the Preliminary Plat and other documents as described in Section 5.2.2.

B. A letter formally requesting consideration of the Commission.

C. A receipt from the City Clerk acknowledging payment of a filing fee. The City shall collect a fee of \$100.00 per plat, plus \$0.50 per lot. The Plat will not be reviewed or considered in any respect, until such fee has been collected. This fee may be waived for lot splits or replats.

### **5.2.2 Form and Content of Preliminary Plat**

The following regulations govern the submittal of a preliminary Plat

A. The Preliminary Plat shall be prepared by a Professional Engineer (P.E.). The accuracy of all survey data must be certified by a Professional Land Surveyor (P.S.).

B. The Plan shall be prepared in compliance with these regulations and the following:

1. Blueline or blackline prints of the proposed subdivision drawn to a scale of not greater than 100 feet to the inch.
2. The maximum sheet size shall be 36 inches by 48 inches.
3. Whenever 2 or more sheets are required, they shall be accompanied by an index sheet showing the entire subdivision layout on one sheet.
4. The Preliminary Plat shall have or be accompanied by this information:
5. A key map showing the tract and its relation to the surrounding area.
6. The name of the owner and developer
7. The name and seal of the Professional Land Surveyor responsible for the survey and contour information on the Plat.
8. The title or name of the subdivision, which must not be so similar to that of an existing subdivision as to cause confusion.
9. North point, date, graphic scale
10. Existing and proposed restrictive covenants and restrictions.
11. The location, name, and width of all existing streets, alleys, and easements within or adjacent to the proposed subdivision or within a distance of 200 feet of the proposed subdivision.
12. Physical features of the property to be subdivided including location and size of all water courses, ravines, bridges, he culverts, existing structures drainage area in acres draining into the subdivision, and other features pertinent to the subdivision.
13. Ground elevation which contours at vertical intervals not exceeding one foot; elevations marked on such contours shall be based on Gulf mean elevation.
14. The Plat shall show the actual boundary survey; however, the layout of the proposed subdivision lots, blocks, and streets may be scaled dimensions. The acreage to be subdivided shall be shown.

15. The proposed plan for the subdivision shall be shown, including all proposed streets and their names. Alleys, easements, width of right-of-way for streets and alleys, the proposed pavement width and storm drainage shall be shown.
16. Source of water supply
17. Evidence that utility service is available to the property.
18. A designation of the proposed uses of land within the subdivision.
19. The location and description of any land to be reserved or used for parks, schools, or other public or private purposes.
20. If the proposed subdivision is a portion of a tract which is later to be subdivided in its entirety, then a tentative Master Plan of the entire subdivision shall be submitted with the Preliminary Plat of the portion first to be subdivided.
21. The following notice shall be placed on the Preliminary Plat: "Preliminary Plat for Inspection Purposes Only. In No Way Official or Approved for Record Purposes."
22. The following certificates shall be placed on the Preliminary Plat:



CERTIFICATE OF PRELIMINARY PLAT APPROVAL

All requirements of the McGehee Zoning and Subdivision Code relative to the preparation and submittal of a Preliminary Plat having been fulfilled, approval of this Plat is hereby granted, subject to further provisions of said code.

This Certificate shall expire  
Date

(Signed)  
Date of Execution Name  
McGehee Planning Commission

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PRELIMINARY ENGINEERING CERTIFICATE

I, hereby certify that this proposed Preliminary Plat correctly represents a plan completed by me, or under my supervision on , 20 ; that the boundary lines shown hereon correspond with the description in the deeds cited in the above Source of Title; and that all monuments which were found or placed on the property are correctly described and located.

(Signed)  
Date of Execution Name  
Registered Professional Engineer  
No. , Arkansas

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PRELIMINARY SURVEYOR'S CERTIFICATE

I, , hereby certify that this proposed Preliminary Plat correctly represents a survey completed by me, or under my supervision on , 20 ; that the boundary lines shown hereon correspond with the description in the deeds cited in the above Source of Title; and that all monuments which were found or placed on the property are correctly described and located.

(Signed)  
Date of Execution Name  
Registered Professional Land Surveyor  
No. , Arkansas

### 5.2.3 Processing of Preliminary Plat

The following regulations govern the processing of a preliminary plat.

A. Upon receipt of application for a Certificate of Preliminary Plat Approval, the Commission shall check the Preliminary Plat as to its conformity with the General Plan, Street Plan, Land Use Plan, zoning districts and the standards and specifications set forth or referred to herein.

B. Within 30 calendar days after the Preliminary Plat is formally filed, the Commission shall approve or disapprove such Plat, or conditionally approve it with modifications. The Commission shall inform the developer in writing of the action taken.

C. The developer, in the letter of application, may request direct action on the application by the Commission at its next regular meeting. In such case, the Commission need not take action on any application received less than ten calendar days before its meeting. Commission approval or disapproval of a Preliminary Plat shall be reported to the developer in writing within five calendar days of such action.

D. Approval of the Preliminary Plat shall be governed by the following qualifications:

1. Approval of a Preliminary Plat is only tentative pending submission of the Final Plat.
2. Approval of the Preliminary Plat does not constitute approval of water or utility plans, The developer shall be responsible for obtaining approval of these systems from the appropriate agencies as follows:
  - a. Streets and drainage - Planning Commission
  - b. Water - Water Department
  - c. Private Utilities - Utility Companies

E. The Planning Commission or designated committee thereof shall consider detailed street and drainage plans and specifications for each subdivision at a regular meeting as an agenda item.

F. Approval of the Preliminary Plat shall be effective and binding upon the Commission for 18 months, and thereafter as long as work is actively progressing on installation of required improvements.

G. Receipt by the developer of the executed Certificate of Preliminary Plat Approval is authorization to proceed with:

1. The preparation of detailed plans and specifications and the installation of any improvements required, subject to the approval of agencies having authority as listed in Section 5.2.3D above.
2. The preparation of the Final Plat or part thereof.

#### **5.2.4 Procedure for Approval of the Final Plat**

Whenever the provisions of these regulations have been complied with and while the Certificate of Preliminary Plat Approval is in effect, the developer may submit to the staff an application for review and approval of the Final Plat, which shall consist of:

- A. A letter formally requiring review and final approval of the Plat.
- B. The Final Plat and other documents as specified in Section 5.2.5.
- C. A statement by the Water Department that the developer has:
  - 1. Installed all improvements in accordance with the plans and specifications approved by the Planning Commission, or
  - 2. A performance guarantee acceptable to the Planning Commission has been posted with the City in sufficient amount to assure the completion of all required improvements, or
  - 3. Executed a contract with the City acceptable to the Planning Commission guaranteeing the completion of all required improvements.
- D. A receipt from the City Clerk acknowledging payment of a filing fee. The City shall collect a fee of \$100.00 per plat, plus \$0.50 per lot. The Plat will not be reviewed or considered in any respect, until such fee has been collected. This fee may be waived for lot splits or replats.

#### **5.2.5 Form and Content of the Final Plat**

The following regulations govern the submittal of a final plat.

- A. The final plat must be prepared by a Professional Surveyor.
- B. The Final Plat shall be prepared in compliance with these regulations and the following:
  - 1. A reproducible original and four blue-line or blackline prints at a scale of not more than 100 feet to the inch.
  - 2. The drawing shall be neat, legible and suitable for filing for record in the office of the County Clerk. Patching and pasting of paper or other attachments is not acceptable.
  - 3. Allowance shall be made for a one-half inch border at the top, bottom, and right edges of the sheets and a one and one-half inch border at the left edge of the tracing sheets.
  - 4. When more than one sheet is used for a Plat, a key map showing the entire subdivision on a smaller scale shall be shown on the first sheet.
  - 5. The Plat shall show or be accompanied by this information:
  - 6. The name of the owner and developer

7. Boundary and written legal description of the property in the subdivision.
8. Names and addresses of the owner(s) and developer(s).
9. Name and address of the surveyor who prepared the Plat.
10. Title, including name of subdivision and name of City, County, and State.
11. Acreage in the subdivision.
12. Date, graphic scale, and north arrow.
13. Location of proposed lots, streets, alleys, easements, building setback lines (both front and side streets), and other features shall be shown with dimensions.
14. Location and description of any land to be dedicated or reserved for parks, schools, or other public purposes.
15. Lot and block numbers in a logical sequence.
16. All necessary dimensions, including linear, angular, and curvilinear dimensions shall be shown in feet and decimals of a foot. The angular dimensions shall be shown by bearings in degrees, minutes, and seconds. The length of all straight lines, deflection angles, radii, tangents, central angles or curves, and the chords and arcs of curves shall be shown. All curve information shall be shown for the centerline of the street based on arc definitions. Dimensions shall be shown from all angle points and points of curve lot lines. All lots on curves shall be shown with curve length dimensions based on arc definitions.
17. Location and description of all section line corners and government survey monuments in or near the subdivision, to at least one of which the subdivision shall be referenced.
18. The following certificates shall appear on each Final Plat:

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CERTIFICATE OF OWNER

We, the undersigned, owners of the real estate shown and described herein do hereby certify that we have laid off, platted and subdivided said real estate in accordance with the within Plat.

Date of Execution                      (Signed)  
Address                                      Name  
D.R.                      Page

---

CERTIFICATE OF RECORDING

This document, number                      filed for record, 20    in Plat Book                      , Page                      .

(Signed)

(Name)                      Clerk

For Bill of Assurance, see Deed Record book                      ,Page                      .

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CERTIFICATE OF SURVEYING ACCURACY

I,                                      , do hereby certify that this Plat correctly represents a survey and a plan made by me or under my supervision, that all monuments shown hereon actually exist and their location, size, type, and material are correctly shown; and that all requirements of the McGehee Zoning and Subdivision Code have been fully complied with.

Date of Execution                      (Signed)  
Registered Professional Land Surveyor                      Name  
No.                      , Arkansas

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This Certificate of Final Plat Approval shall be on both the Final Plat and the Bill of Assurance substantially as follows:

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#### CERTIFICATE OF FINAL APPROVAL

Pursuant to the McGehee Zoning and Subdivision Code, and under the conditions of Ordinance No. \_\_\_\_\_, this document is given Final Approval by the McGehee Planning Commission. All of the conditions of approval having been completed, this document is hereby accepted, and this Certificate executed under the authority of said code.

\_\_\_\_\_  
(Signed)  
Date of Execution Name  
McGehee Planning Commission  
McGehee, Arkansas

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#### **5.2.6 Processing of the Final Plat**

The following regulations govern the processing of a final plat.

- A. Whenever the Final Plat has been submitted to the staff, which Final Plat conforms in general to an approved Preliminary Plat, and the provisions of Section E, the Commission shall have the authority to approve the Final Plat.
- B. The developer may request, by letter, direct action on the application by the Commission at its next regular meeting.
- C. The Commission may cause a registered engineer to check the Final Plat for correctness, charging the cost to the developer if the Plat is found to be in error, and the preparer fails to make the necessary corrections.
- D. Failure of the Commission to act within 30 calendar days from receipt of application shall be deemed approval of the Final Plat and waives all further Plat requirements of these regulations. Such failure to act shall be so noted by the Commission on the Plat to be filed for record.
- E. The basis for disapproval of the Final Plat shall include:
  - 1. Failure to install improvements according to detailed plans and specifications as previously approved by the Planning Commission.
  - 2. Failure to comply with any written agreements or conditions of approval.
  - 3. Failure to post satisfactory guarantee of improvements.

F. If the Final Plat is disapproved, the applicant shall be so notified in writing and the reasons therefore shall be enumerated.

G. Final Approval of the Final Plat shall be indicated by the Planning Commission Chairman executing a Certificate of Final Plat Approval on the Plat upon receipt of one of the following:

1. A certificate submitted by the City Inspector, stating that all improvements and installations to the subdivision have been completed in accordance with the plans and specifications previously approved by the Planning Commission. The City Inspector shall have 10 calendar days to review the Final Plat and on-site improvements, determine conformance or nonconformance, and notify the Planning Commission and the developer of his findings.
2. An executed contract between the developer and the City to install the required improvements, said contract shall be based on a satisfactory demonstration to the Planning Commission of his financial ability to make the required improvements.
3. A performance bond which shall:
  - a. Run to the City.
  - b. Be in an amount determined by the Planning Commission to be sufficient to complete the improvements and installation for the subdivision in compliance with these regulations.
  - c. Be with surety by a company entered and licensed to do business in the State of Arkansas, and
  - d. Specify the time for the completion of the improvements and installations.
3. Approval of a Final Plat by the Commission shall not be deemed acceptance of any of the dedications shown on the Plat, it being contemplated that such acceptance will be made by the City or the County, as prescribed by law.

### **SECTION 5.3 ACCEPTANCE OF FINAL PLAT BY SECTIONS**

A developer, at his option, may obtain approval of a portion or a section of a subdivision provided he meets all the requirements of these regulations with reference to such portion or section in the same manner as is required for a complete subdivision. In the event that a subdivision and the Final Plat thereof are approved in section by the Commission, each Final Plat of each section shall carry the name of the entire subdivision, but shall bear a distinguishing letter, number, or subtitle. Block numbers shall run consecutively throughout the entire subdivision, even though such subdivision may be finally approved in sections.

### **SECTION 5.4 REPLATTING**

The Replat shall meet all requirements for a new subdivision that may be pertinent. A fee of \$25.00 per Replat shall be collected for each Replat that does not require a Preliminary Plat. If a Preliminary Plat is required, the fee for the Replat shall be the same as required for a Preliminary Plat. The Replat will not be reviewed or considered in any respect until such fee has been collected.

**SECTION 5.5 FLOOD PLAIN REGULATIONS**

- A. The City discourages the platting of property for construction purposes that is in a natural flood plain or other area that is subject to flooding without proper mitigating design measures.
- B. The City will not be financially liable for any damages due to flooding.

**SECTION 5.6 MINIMUM REQUIRED IMPROVEMENTS**

Every subdivider shall be required to install, at his own expenses, or to have installed by the appropriate public utility the following improvements:

A. Street Grading

- 1. All streets shall be cleared and graded as approved by the City Inspector.
- 2. Finished grades shall be at levels approved by the City Inspector or the appropriate agency.

B. Street Paving

- 1. Street paving widths shall be in conformance with standards set forth by the City Council.
- 2. The subdivider shall install pavement on streets up to 36 feet in width from back of curb to back of curb.

B. Curbs and Gutters

- 1. Curbs and gutters shall be installed on all streets.
- 2. Installations shall be in accordance with the specifications as adopted by the City Council.

C. Sidewalks

- 1. Sidewalks shall have a width of five (5) feet and shall be installed on both sides of all streets for a distance of at least 2,000 feet on those streets which would provide direct access to a school site.
- 2. Sidewalks shall be constructed on both sides of Collector Streets and Major Thoroughfares.

D. Water Supply

- 1. Where a public water supply is available, the subdivider shall install or have installed a system of water mains and connect to such supply. A connection to each lot shall be installed prior to the paving of the street.



2. Where a public water supply is not available, each lot in a subdivision shall be furnished with a water supply system approved by the Health Department.

#### E. Storm Drainage

1. Every subdivision shall be served by storm drainage facilities including drains, sewers, catch basins, culverts and other facilities.

2. All drainage facilities shall be so designed to serve the entire drainage area.

3. All surface water drainage shall be transported to existing storm sewers or to drainage facilities approved by the City Inspector. Valley gutters shall not be permitted.

4. All drainage shall be designed by a professional engineer.

5. The Planning Commission shall approve all drainage features.

F. Other Utilities: Other utilities to be installed in a subdivision shall be located in the grass plot outside of the curb lines. Stubs to the property lines are required so that connections between the lots and the utility lines shall be made without breaking into the wearing surface of the street.

#### G. Monuments

1. Monuments shall be of concrete at least 4 inches in diameter or square, 3 feet long, with a flat top. Top of monuments shall have an indented cross or metal pin to identify properly the location of the point and shall be set flush with the finished grade. Monuments shall be set on all outside lines of the subdivision at angle points and points of curve.

2. All lot corners shall be marked with metal pins not less than one-half inch in diameter and 24 inches long and driven so as to be flush with the finished grade.

H. Fire Hydrants: Fire hydrants shall be placed so that no lot in a residential subdivision is more than 500 feet from a hydrant located on the same street. The Commission may require other spacing in commercial or in industrial subdivision.

I. Street Names; Street name signs shall be placed on diagonally opposite corners of each street intersection in conformance with specifications adopted by the City Council.

J. Exceptions; The Commission, upon request of the subdivider, shall permit special exceptions to be made to the improvements and procedures required by these regulations when, in the opinion of the Commission, such exceptions are in keeping with the intent of these regulations, and when exceptions will provide for a development, the character of which will be in conformance with existing platting and development in the general neighborhood of the proposed subdivision. The subdivider may be required to furnish special information in order to aid the Commission in its determinations.

## **SECTION 5.7 DESIGN CRITERIA**

### **5.7.1 Streets**

A. The location and width of all highways, thoroughfares, streets, and roads shall conform to the Master Street Plan.

B. The proposed street system shall extend existing streets or projections at the same or greater width, but in no case less than the required minimum width.

#### **C. Street Right-of-Way Widths**

- |                     |                 |
|---------------------|-----------------|
| 1. Arterial         | 85 foot minimum |
| 2. Collector Street | 60 foot minimum |
| 3. Local Street     | 50 foot minimum |
| 4. Cul-de-sac       | 50 foot minimum |
| 5. Alleys           | 20 foot minimum |

#### **D. Street Paving Widths and Types**

- |                             |                                      |
|-----------------------------|--------------------------------------|
| 1. Arterial                 | Specified by the Planning Commission |
| 2. Collector Streets        | 36 feet back to back of curb         |
| 3. Local Streets -          | 26 feet back to back of curb         |
| 4. Cul-de-sac -             | 26 feet back to back of curb         |
| 5. Cul-de-sac turnarounds - | 40 foot pavement widths              |

### **5.7.2 General**

A. Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet the above minimum street width requirements from each side of the centerline.

B. When the subdivision is located on only one side of the centerline of an existing street, one-half of the required right-of-way, in no case less than 25 feet, nor more than 50 feet measured from the centerline of the existing right-of-way, shall be provided.

C. When a tract fronts on streets other than minor streets or collector streets, the Commission may require affected lots fronting on such major streets to be provided with frontage roads.

D. Grades on minor streets and cul-de-sacs shall not exceed 12 percent. Grades on all other streets shall not exceed standards of the Comprehensive Plan, or when no standards have been established, 7 percent shall be the maximum grade permitted. Street grades along the gutter shall not be less than one-half of the one percent provided adequate drainage can be obtained.

E. Street intersections shall be as nearly at right angles as possible and no intersection shall be at an angle less than 75 degrees. Detailed designs of intersections may be required.

F. Property line radii at street intersections shall not be less than 25 feet and where the angle of street intersection is less than 90 degrees the Commission may require a greater radius.

G. Curb line radii at street intersections shall be at least 25 feet and where the angle of street intersection is less than 90 degrees, the Commission may require a greater radius.

H. Street jogs with centerline offsets of less than 125 feet shall not be permitted.

I. Cul-de-sac streets or courts designed to have one end permanently closed shall be no more than 500 feet long. There shall be provided at the closed end, a turnaround having an outside right-of-way diameter of at least 100 feet.

### **5.7.3 Design**

The Commission shall have authority to disapprove street lot patterns that will in its judgment result in hazards to the general health, safety, and welfare of the citizens of McGehee.

#### **A. Lots**

1. In so far as practical, side lot lines shall be perpendicular or radial to street lines. Each lot shall abut upon a public street or road.
2. The size, shape and orientation of every lot shall be as the Commission deems appropriate for the type of development and use contemplated. No lot shall be more than 3 ½ times as deep as it is wide nor shall any lot average less than 100 feet deep.
3. Every residential lot served by a public sewage system shall not be less than 50 feet wide at the building line or less than 6,000 square feet in area.
4. For residential lots not served by a public or community sanitary sewage system, lot sizes shall be determined as follows:
5. A sub-divider shall conduct a percolation test on each proposed lot in a subdivision and indicate the location and result of each test on the preliminary plat; the dimensions and area of each lot may be established at the levels necessary to fulfill the requirements of the Health Department and the Arkansas Pollution Control and Ecology Commission.

6. Building lines for residential lots shall be at least 25 feet from each street property line. Corner lots shall be at least 75 feet wide at the building line to allow for side street building lines.

B. Easements: Easements no less than 10 feet wide may be required by the Commission for drainage and utility lines.

#### C. Water Supply and Distribution System

1. All subdivisions shall be provided with water supply and water distribution systems approved by and meeting the requirements of the State Dept. of Health.

2. The water supply and distribution system shall be designed to provide the anticipated water consumption within the subdivision, including fire protection. Recognized engineering design criteria shall be used to design the system. The minimum size water main for the entire urban area shall be 6 inches in diameter.

3. Fire hydrants shall be located so that every building within the subdivision will be within 500 feet of a fire hydrant. The water distribution system and the location of fire hydrants shall be in accordance with the requirements of the Arkansas State Fire Code and the City Water Department. Additional fire hydrants that are desired by the City shall be paid for by the City.

4. The City may require larger water mains than are necessary to serve the subdivision in order to provide for future development for the area. In the event that larger lines are required, then the developer shall be entitled to participating aid from the City of said oversized lines.

#### D. Drainage

1. Storm drainage for residential areas shall be designed for a 5 year frequency rainfall, shopping centers and industrial developments for a 10 year frequency, and downtown and central business district for a 25 year frequency rainfall.

2. The drainage system shall be designed and constructed to handle rainfall runoff that originates in or traverses the subdivision.

3. Street crowns shall not be flattened, or warped from one side of the street to the other for the purpose of causing water to flow from one side of the street to the other side.

4. In general, rainfall runoff that cannot be handled in streets shall be put into pipe or lined channels, except major outfall channels which handle water from drainage area beyond the subdivision being constructed.

5. No open drainage channels shall be constructed within the area dedicated as public streets and alleys.

E. Water House Service Connections

1. Water service connections shall be provided for every lot in the subdivision and the Water Department shall govern the size and material.
2. Only one structure shall be served by each individual service line.

F. Other Utilities

1. The developer shall make arrangements with the appropriate private utility companies for the extension of their respective utility services to and within the subdivision.
2. Site Grading
3. After completion of the streets and utilities, the site shall be cleaned up and graded to drain properly.

**SECTION 5.8 RESPONSIBILITY FOR PAYMENT OF INSTALLATION COSTS**

**5.8.1 Streets**

A. The developer shall pay the entire cost of constructing all streets that do not exceed 36 feet between the backs of curbs. The 36 foot wide street is recognized as the standard collector pavement width in the City.

B. If any security other than cash is put in escrow to cover the future paving assessment, as is hereinafter required, the security shall contain a provision for increasing the amount of the security at a rate of 4 percent per annum. This increase shall be for the purpose of offsetting any increase in construction cost that occurs prior to the time that the improvements are actually constructed.

C. The developer shall pay the entire cost of constructing all local streets.

D. The developer shall construct collector streets as part of the subdivision.

E. Boundary Streets.

The following governs instances where proposed subdivisions abut existing streets.

1. Existing Streets. When the proposed subdivision abuts upon an existing paved street that does not have curb and gutter, the developer shall put a cash deposit, or other security satisfactory to the City, in escrow with the City to cover the future assessment paving programs. This deposit shall amount to the cost of curb and gutter and one-half of the cost of paving a standard width street. The actual unit prices to determine the amount placed on deposit shall be the unit prices received under the terms of the bidding documents. This deposit shall be made in lieu of the actual construction in all cases and shall be made prior to the City's acceptance of the subdivision streets and utilities.

2. New Streets. New boundary streets that are platted for the primary purpose of providing traffic routes into and through the subdivision shall be constructed by the developer as part of the subdivision development.

D. Marginal Access Streets: The developer shall pay the entire cost of constructing marginal access streets.

E. Thoroughfare Streets: All thoroughfare street design and construction will be handled by the City. The developer shall put a cash deposit, or other security satisfactory to the City, in escrow with the City to cover the future assessment paving programs. This deposit shall amount to the cost of curb and gutter and one-half of the cost of paving a standard width street. The actual unit prices to determine the amount placed on deposit shall be the unit prices received under the terms of the bidding documents. This deposit shall be for one side of the street only and shall be doubled if both sides of the thoroughfare street will be in the proposed subdivision.

F. Street Signs: The developer shall pay for street signs and their installation. The City will install the signs.

G. Sidewalks: The developer shall pay for all sidewalks required by the Planning Commission.

H. Water Distribution System: All water lines will be installed at the developer's expense to the size and extent necessary to serve the subdivision. Lines of a larger size than required by the subdivision may be eligible for participation on a pro rata share basis by the City.

I. Storm Drainage System: The developer shall pay all costs of the drainage system.

J. Engineering and Surveying: The developer shall pay all fees and charges for engineering and surveying services required by these regulations.

K. All Other Costs: The developer shall pay all other costs that are not specifically covered by this section.

## **SECTION 5.9 AUTHORITY OF CITY INSPECTOR**

An engineer retained by the city shall have the authority to inspect any and all improvements to insure that they are in conformance with all plans, specifications, and any written agreements which have been approved by the Planning Commission. He has the authority to require the removal and/or replacement, at the expense of the developer, of any phase of the work which is not in accordance with the requirements of the plans approved in accord with these regulations.

## **SECTION 5.10 CONSTRUCTION PLANS AND SPECIFICATIONS**

A. Prior to the construction of any streets or utilities, the developer shall furnish two complete sets of plans and specifications for said construction to the Planning Commission. These documents shall be transmitted in writing.

B. These plans and specifications will be reviewed for conformity with these regulations and any existing City Standards. The plans and specifications shall be approved in writing prior to any construction.

C. The City Inspector shall be notified prior to the beginning of construction so that he may inspect the work.

D. The plans shall be securely bound and shall consist of a title sheet and such plan-profile and detail sheets as are required to meet the requirements of these regulations and to properly define the proposed work.

E. The title sheet shall show the name of the subdivision, engineer, date, and an index of drawings.

F. Each plan-profile and detail sheet shall contain the minimum general information, engineer's seal and signature, north arrow, and a title block showing name of the subdivision, scale, date, and sheet number.

G. The plan-profile will generally be drawn to a horizontal scale of no greater than one inch to 100 feet and a vertical scale of one inch to 10 feet.

#### **SECTION 5.11 FINAL INSPECTION**

Upon completion of construction, the developer shall arrange a final inspection of all streets and utilities. This inspection may be attended by the developer, his engineer, the contractor, and the City Inspector. If the City Inspector determines that the streets and utilities are complete and in accordance with the approved plans and specifications, he shall so inform the developer in writing. The developer shall then transmit in writing to the City a Notice of Completion, the required bonds, and the as-built drawings.

#### **SECTION 5.12 FORMAL ACCEPTANCE BY CITY**

After the City Inspector has inspected the work and indicated to the developer that the streets and utilities conform to approved plans, the developer shall give a formal Notice of Completion to the City. Upon receipt of the preceding, the City Inspector will issue a Notice of Acceptance of the streets and utilities and will present the final plat to the Planning Commission for approval.

#### **SECTION 5.13 SPECIAL PROVISIONS**

A. No building permits shall be issued by the City for any structure on a lot in a subdivision for which a Final Plat has not been approved and filed for record, nor for any structure on a lot within a subdivision in which the standards contained here or referred to herein have not been complied with in full.

B. The City shall not repair, maintain, install, or provide any streets or public utility service in any subdivision for which a Final Plat has not been approved and filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.

C. The City shall not sell or supply any water service within a subdivision for which a Final Plat has not been approved or filed for record, nor in which the standard contained herein or referred to herein have not been complied with in full.

E. When directed by the City Council, the City Attorney shall institute appropriate legal action to enforce the provisions of these regulations or the standards referred to herein with respect to any violation thereof, which occurs within the City, within the extraterritorial jurisdiction of the City, or within any area subject to all or a part of the provisions of these regulations.

F. If any subdivision exists for which a Final Plat has not been approved or in which the standards contained herein or referred to herein have not been complied with in full, and the City Council shall pass a resolution reciting the fact of such noncompliance or failure to secure Final Plat approval, and reciting the fact that the provisions to paragraphs A, B and C of this Section will apply to the subdivision and the lots therein, the City Clerk shall, when directed by the City Council, cause a certified copy of such resolution under the corporate seal of the City to be filed in the Deed Records of the County. If full compliance and Final Plat approval are secured after the file and instrument in the Deed Records, paragraphs A, B and C no longer apply.

G. The provisions of this Section shall not be construed to prohibit the issuance of permits for any lots upon which a residence building exists and was in existence prior to passage of the initial subdivision, not to prohibit the repair, maintenance, or installation of any street or public utility services for, to or abutting any lot, the last recorded conveyance of which prior to passage of these regulations was by metes and bounds, and/or any subdivision or lot, therein, recorded, which subdivision was in existence prior to the passage of these regulations.

H. Occupancy permits will be issued when utilities and streets are complete and accepted by the City.

I. Deferment of final street improvements will be accepted only under the following conditions:

1. The property is adequately served by all-weather facilities for ingress and egress for pedestrian and vehicular traffic, including fire apparatus.
2. The property is served by all essential permanent utilities, such as water, sewage, electricity, and gas.
3. The reason for non-completion at this time is beyond the control of the builder and is one which makes it impossible and impractical to proceed.
4. The work can be completed in 12 months or less.
5. The occupancy of the deferred properties shall not be seriously handicapped in the use of the properties by the deferment of the work, nor will postponement endanger, mar, or destroy work previously completed (such as provision of adequate drainage outfall, for example.)

## **SECTION 5.14 IMPROVMENTS OUTSIDE CORPORATE LIMITS**



All costs incurred in the extension of water facilities beyond the corporate limits of the City shall be paid by the developer and/or group receiving the benefits of said extensions.

## **SECTION 5.15 MODIFICATIONS OR DESIGN REQUIREMENTS, MINIMUM IMPROVMENTS AND SUBDIVISION REGULATIONS**

### **5.15.1 General**

These regulations are the standard requirements of the City. The Planning Commission may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the Commission shall prescribe only conditions that it deems necessary to or desirable in the public interest. In making the findings herein below required, the Commission shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience, and welfare of the vicinity. No variance shall be granted unless the Commission finds:

- A. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of these regulations would deprive the applicant of the reasonable use of his land.
- B. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.
- C. That the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area.
- D. That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of these regulations.

### **5.15.2 Findings and Action**

Such findings of the Commission, together with the specific facts upon which such findings are based, shall be incorporated into the official Minutes of the Commission meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of these regulations so that the public health, safety, or welfare may be secured and substantial justice done. Pecuniary hardship to the developer, standing alone, shall not be deemed to constitute undue hardship.

## **SECTION 5.16 PENALTIES**

Any person, firm, or corporation who shall violate any of the provisions of these regulations, or who shall fail to comply with any provisions hereof within the corporate or extraterritorial limits of the City shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine set by the City Council. Each day that such violation continues shall constitute a separate offense and shall be punishable accordingly.