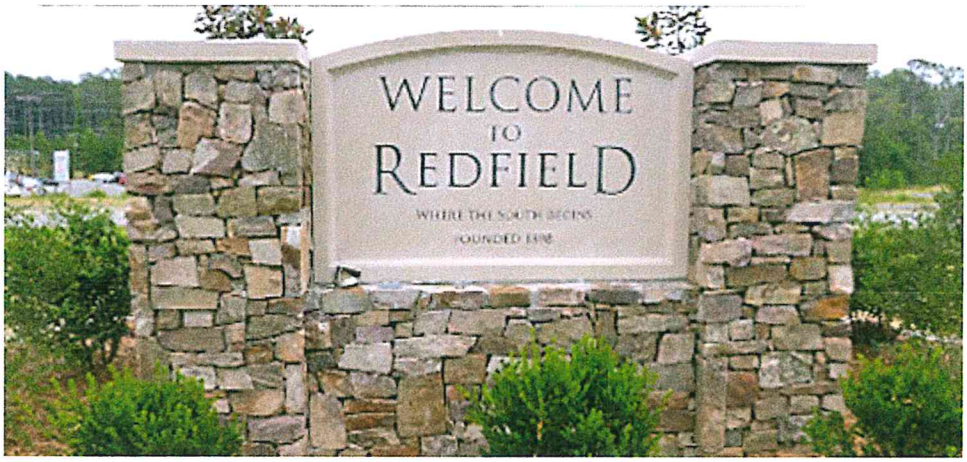
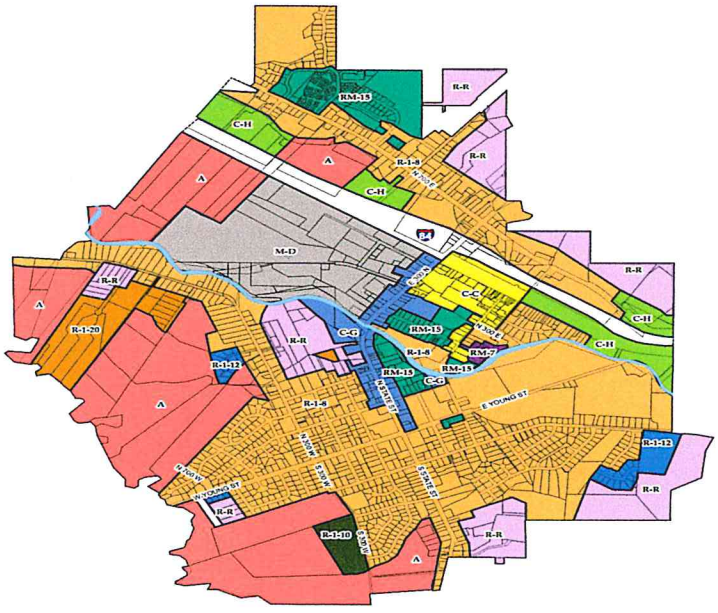
City of Redfield

Arkansas



Zoning Ordinance



CITY OF REDFIELD

ZONING ORDINANCE CODE

PREPARED BY:
SOUTHEAST ARKANSAS REGIONAL PLANNING COMMISSION
MARCH, 2006

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ORDINANCE

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF REDFIELD, ARKANSAS, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF ACT 186 OF THE 1957 GENERAL ASSEMBLY OF THE STATE OF ARKANSAS, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, Act l86 of the 1957 General Assembly of the State of Arkansas empowers the City of Redfield, Arkansas to enact a zoning ordinance and to provide for its administration, enforcement, and amendment; and

WHEREAS, the City Council has given due public notices of hearings related to zoning districts, regulations, and restrictions and has held such public hearings; and

WHEREAS, all the requirements of Act l86 of the l957 General Assembly of the State of Arkansas, with regard to the preparation of the recommendations of the Planning Commission and the subsequent action of the City Council have been met;

NOW, THEREFORE BE IT ENACTED BY THE MAYOR AND ALDERMEN OF THE CITY OF REDFIELD, ARKANSAS:

CHAPTER I

AUTHORITY - PURPOSE

SECTION 1. Authority

Act 186 of 1957 of the General Assembly of the State of Arkansas, as amended, empowers the City of Redfield to enact zoning regulations and to provide for their administration, enforcement and amendment. The Redfield City Council, pursuant to the provisions of Act 186 of 1957 of the General Assembly, as amended, has established a planning commission, which has divided the City into districts and has prepared regulations pertaining to these districts in accordance with the Redfield Master Street Plan and Land Use Plan. These regulations apply to all land and structures and are in effect throughout the entire City limits of Redfield.

SECTION 2. Purpose

A. The City Council deems it necessary, for the purpose of promoting the health, safety, morals, order, and general welfare of the City, to enact these zoning regulations.

B. These zoning regulations are designed to lessen congestion in the streets; to secure safety from fire and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water and sewage, schools, parks and other public requirements; to stabilize property values; and to insure orderly development of the community for the general welfare of the citizens.

C. These zoning regulations provide for zoning districts of suitable and harmonious uses with the purpose of conserving the value of buildings and encouraging the most appropriate use of land in the City of Redfield.

CHAPTER II

DEFINITIONS

SECTION 1. Definitions

A. For the purpose of these regulations, certain terms of words used herein shall be interpreted as follows:

1. The word shall is mandatory, the word may is permissive.

2. The words used or occupied shall include the words intended, designed or arranged to be used or occupied.

3. The word lot includes the words plot and parcel.

4. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

B. For the purpose of these regulations, the following terms or words are defined as follows:

1. Accessory Structure. A subordinate structure located on the lot with the principle structure. Where an accessory structure is attached to the principle structure, in a substantial manner, as by a roof, such accessory shall be considered as a part of the principle structure. An example of an accessory structure for a non-residential structure would be the educational buildings of a church, with the sanctuary being the principle structure.

2. Accessory Use. A use which is customarily incidental to the principal use. In buildings restricted to residential use, the office of a professional man or customary family workshops not conducted for compensation shall be deemed as accessory use.

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

4. Area. This term refers to the amount of land surface in a lot or parcel.

5. Area Requirements. The yard, lot area, width of lot, and parking requirements as set forth in a specific district.

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

7. Child Care Facility. Any facility conducted under public or private auspices on a profit or non-profit basis which provides care, training, education, custody, or supervision for seven (7) or more children from no less than five (5) families. This definition includes, but is not limited to, a kindergarten, provided it is not operated as a part of the public schools of this state, a day care center or family day care home, foster homes, group homes, and custodial institutions. This definition does not include: religious schools or classes; any private or public educational facility which does not provide custodial care and which perates solely for educational purposes in grades one or above, or facilities operated in connection with a church, shopping center, business, or establishments where children are cared for during short periods of time while parents or persons in charge of such children are attending church services, shopping, or engaging in other activities during such periods.

8. Common Open Space. Common space is a parcel, or parcels of land or an area of water or a combination of land and water within the site designed and intended for the use or enjoyment of the occupants of the Planned Residential development. Common open space may contain such complimentary structures and improvements as are necessary for the benefit and enjoyment of the residents.

9. Developer. Developer means the legal or beneficial owner or owners of all the land proposed to be included in the Planned Residential Development including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

10. Dwelling. "Dwelling Unit" means the space, within a building, comprising living, dining, sleeping rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities, and used by only one family and its household employees.

11. Existing. The established fact of the use of land or structure at time of effective date of these regulations.

12. Family. One or more persons occupying premises and living as a single, non-profit housekeeping unit provided that, unless all members are related by blood or marriage, the number of persons shall not exceed five.

13. 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 buildings but not including cellar or basement space not used for retailing and not including accessory off-street parking or loading space.

14. 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: Art studio; (b) Dress-making; (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.

15. Lot. A portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building or a group of buildings that are united by a common interest or use, and the customary accessories and open space belonging to same.

16. Lot of Record. A lot which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

17. Manufactured Home: A dwelling defined by and constructed in accordance with the National Manufacturing Housing Construction and Safety Standards Act (42 U.S.C. 5401 et seq.), conforming to the provisions set forth in the HUD Manufacturing Home Construction and Safety Standards (24 C.F.R. Part 3280).

17A. Modular Home. A residential dwelling, constructed in a factory to a residential construction code other than the Federal Manufactured Home Construction and Safety Standards. (Ord. No. 2006-04)

18. Manufactured Housing Construction and Safety Standards: The standards for construction, design, and performance of the manufactured home as set forth in the Code of Federal Regulations, Title 24, Parts 3280, 3282, and 42 U.S.C. 5401 et

seq., as mandated by the United States of American and as administered by the United States Department of Housing and Urban Development (HUD).

19. Mobile Home: A manufactured housing unit designed and constructed piro to the enactment of the Manufactured Housing Construction and Safety Standards (June 30, 1976). No mobile home shall be placed on any lot, parcel of land, and in a manufactured home subdivision within the City of Redfield. (Ord. No. 2006-04).

20. Manufactured Home Subdivision. A subdivision that is designed and intended for residential use where residence is in manufactured homes exclusively, and may be either conveyed or leased. No sale/display of manufactured homes is permitted in a manufactured home subdivision. (Ord. No. 2006-04)

21. Manufactured Home Park. Any lot or land parcel having more than one manufactured home placed on it. No single lot or parcel may have more than one manufactured home placed on it unless it meets the requirements of a Manfactured Home Park. No sale/display of manufactured homes is permitted. (Ord. No. 2006-04)

22. Multi-Family Dwelling. "Multi-Family Dwelling" means a detached building designed for, or converted or occupied by, three or more families, living independently of each other, with cooking and toilet facilities in each dwelling unit.

23. Nonconforming. A use or structure or both that existed prior to the adoption of these regulations but which does not meet the requirements of these regulations.

24. Open Space. Any unoccupied space on a lot that is open and unobstructed to the sky and occupied by no structures or portion of structures whatsoever.

25. Parking Space, Car. An on-lot space available for the parking of one motor vehicle and having dimensions of nine (9) feet by thirty-four (34) feet inclusive of space necessary to provide access to a street or alley.

26. Parking Space, Bus. On-lot space available for the parking of one motor vehicle and have an area of not less than 500 square feet exclusive of space necessary to provide access to a street or alley.

27. Planning Commissoin. Planning Commission shall mean the Redfield Planning Commission.

28. Principal Use. The chief or main recognized use of a structure, or lot, or of land.

29. Property Line. The line bounding a lot as described herein.

30. Recreational Vehicle. a vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailers, truck campers, and motor homes. Not to exceed 8 feet x 10 feet.

31. Recreational Vehicle Parks. a lot of land upon which two (2) or more recreationalvehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation, vacation, temporary employment and other purposes.

32. Screening. A permanent type opaque fence of wood or masonry construction having a height of not less than six (6) feet shall be erected and maintained between such area and the property in a residential zone.

32A. Self-Service Storage Facility. A facility consisting of a building or buildings located in a controlled access area. The building or buildings containing individual storage units that have areas of less than five hundred (500) square feet and are designed for storage of non-hazardous residential goods and materials. Self-service storage facilities are not to be used as commercial storage facilities and are not to be used as a facility for on-site outdoor storage of vehicles, boats, and any other items. (Ord. No. 2006-04)

33. Single-Family Dwelling. "Single-Family Dwelling" means a building consisting of a single dwelling unit only, separated from other dwellings by open space.

34. Street. A public way which affords the principle means of access to abutting properties.

35. Structure. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, billboards, and poster panels, but do not include walks, parking areas and drives.

36. Telecommunication towers. Any structure designed to provide the capability to receive, and/or communicate at a distance including by not limited to television, radio, telephones and cellular towers and structures.

37. Two-Family Dwelling. "Two-Family Dwelling" means a detached building designed for, or converted or occupied exclusively by, two families, living

independently of each other, with cooking and toilet facilities in each dwelling unit.

38. Use of Land. The unoccupied portion of a lot shall be considered to be in the same use as is the principal structure located on the lot unless such land is utilized for open storage or agriculture outside of the structure, then the use of land shall be classified according to the nature of its use.

39. Yard. A space on the same lot with a principal building, open, unoccupied and unobstructed by buildings from the ground to the sky, except for encroachments and accessory buildings expressly permitted by this Ordinance.

40. Yard, Front. A yard extending across the full width of a lot and between the exterior front building wall, at the ground, and the front property line of the yard which adjoins street upon which the lot fronts.

41. Yard, Rear. A yard extending across the full width of a lot and between the exterior rear building wall and the rear lot line.

42. Yard, Side. A yard adjacent to a side lot line extending from the front yard to the rear yard and between the exterior side building wall and side lot line.

CHAPTER III

USE ZONES

The City of Redfield is divided into the following use zones as indicated by the Zoning Map, which is a part of these regulations.

Residential Use Zone

The residential use zones are intended primarily for residences, with permitted related uses such as churches, schools and recreational facilities. The permitted uses and the area requirements established the character of the use district.

R-1	Residential Single Family
R-2	Residential Single and Two Family
R-2A	Residential Multiple Family
R-3	Residential Mobile Home

Commercial Use Zone

The commercial use zones are intended for the conduct of business and provision of services to the community.

C-1	Neighborhood Commercial
C-2	General Commercial

Industrial Use Zone

Industrial use zone is intended for warehousing, wholesale storage, general manufacturing and industrial activities provided such uses do not constitute a nuisance, hazard or danger to the community.

I-1	General Industrial

Unspecified Land Uses

Any proposed use that is not specifically listed as a permitted use or special use in any of the zoning districts, the Planning Commission shall determine whether or not said use is compatible and in character with the other uses in one or more of the zoning districts. Should the Planning Commission decide in favor of the proposed use and place the use in one or more zoning districts, the Planning Commission shall decide each unspecified use on its own merits taking into consideration such factors as the

existing land uses, access, location, Master Street Plan, Land Use Plan, etc. The Planning Commission may impose conditions under which a proposed use may be permitted in order to insure it is compatible and is in character. (Ord. No. 2006-04)

Old Town Mixed Uses Zone

The intent of the Old Town Center Mixed Uses Zone is to permit a mixture of commercial land uses, public land uses, and single family dwellings to be allowed to be placed in part of the area that was platted as Town of Redfield. The purpose of the zone is to protect the mixture of land uses already existing and to allow for small size commercial, public and single family dwellings that are similar in size of the existing buildings and land uses in the zoning district.

O-T Old Town Center Mixed Use (commercial and residential)

SECTION 1. R-1 Residential Single Family

This zone is intended primarily for residential neighborhoods characterized by residential dwellings containing a suitable lot area.

A. Permitted Use

1. Single Family Dwellings. Residential Single Family Dwelling shall mean a detached , site-built structure designed for or ocuupied by one family only. The term shall not be deemed to include mobile homes, modular homes, manufactured homes, rooming houses, or motels.

2. Public schools, parks, churches and religious educational buildings.

3. Municipal recreational uses and public utilities and structures.

4. Accessory structures or uses incidental to the principal use.

B. Area Requirements, Residential

1. Minimum lot area shall be 9,600 square feet, except in unsewered areas, such areas must comply with State Health regulations.

2. Minimum lot width shall be 80 (eighty) feet (at front yard building line).

3. Front yard: Measured from the property line.

   a. Lots which abut arterial streets, thirty-five (35) feet.

b. Lots which abut collector streets, thirty-five (35) feet.

c. Lots which abut local service streets, thirty (30) feet.

4. Side yard set-backs for both sides shall total not less than twenty (20) percent of lot width at the front yard building line, with a minimum of five (5) feet from the property line on any one side.

5. Side yard street (corner lot): Measured from the property line.

a. Lots which abut arterial streets, twenty-five (25) feet.

b. Lots which abut collector streets, twenty-five (25) feet.

c. Lots which abut local streets, twenty (20) feet.

6. Rear yard: Minimum twenty (20) feet from rear property line.

7. Building coverage: A maximum of thirty-five (35) percent of the lot.

8. Rear and side yards for accessory buildings: Minimum of five (5) feet from all property lines. No structure shall be located in the front yard and side yard.

9. Off-street parking: Parking shall be provided on the lot to accommodate two (2) off-street parking spaces for each dwelling unit. The parking spaces shall not be located in the required front yard set-back and required street side yard set-back.

10. Any lot or parcel having double frontage shall be screened in accordance with this ordinance to prevent access from a side.

C. Area Requirements, Place of Public Assembly

1. Height

a. Maximum height shall be two and one-half (2-1/2) stories and not to exceed thirty-five (35) feet for that portion of the structure used for assembly of offices.

2. Yard Requirements: A minimum of twenty-five (25) feet from all property lines.

3. On-Lot Parking:

a. Places of public assembly shall provide one on-lot parking space to accommodate one motor vehicle for each four (4) seats based on maximum seating capacity.

b. Schools:

(l) Elementary and Junior High School:

One (l) bus parking space (500 square feet) for every one hundred (l00) students, one (l) automobile parking space for each teacher and employee, and two (2) parking spaces per classroom (each automobile parking space to measure nine (9) feet by thirty-four (34) feet, inclusive of space necessary to provide access to a street or alley).

(2) High Schools: One (l) bus parking space (500 square feet) for every one hundred and fifty (l50) students, one (l) automobile parking space for every ten (l0) students, one (l) parking space for each teacher and employee and two (2) parking spaces per classroom (each parking space to measure nine (9) feet by thirty-four (34) feet inclusive of space necessary to provide access to a street or alley).

c. All off-street parking areas must be paved with two and one-half (2-1/2) inches of hot mix asphalt over eight (8) inches of compacted gravel or paved with six (6) inches concrete.

4. Sidewalks:

Sidewalks shall be installed within the street right-of-way at a distance of one (l) foot from the property line except where such sidewalks are deemed unnecessary by the Planning Commission. All sidewalks should be a minimum of five (5) feet in width and four (4) inches thick.

5. Curb and Gutter:

All streets shall be curbed and guttered except where such curbs and gutters are deemed unnecessary by the Planning Commission. Curbs shall be six (6) inches high and the gutter l8 inches in width, the material used shall be concrete.

D. Special Uses Upon Satisfaction of the Provisions of Section Eight (8) of This Chapter.

1. Home occupation (criteria).

2. Planning Residential Development.

3. Child care facilities.
4. Telecommunication towers. If a special use request is granted to install a telecommunication tower, the tower supporting the structure shall not be located near to any existing single family dwellings regardless of which zoning district the dwelling is located in than the distance equal to the height of the tower. Existing residential dwellings or residential development lots within this distance that are owned either by the owner of the property being leased for the tower purpose or by the owner of the proposed tower shall be considered to have met this requirement. Should there be no dwellings located within the height distance required setback, said tower, guide wires, and accessory structures shall not be located in any of the yard setbacks of the zoning district said tower is located in.

SECTION 2. R-2 Residential Single Family and Two Family

A. Permitted Uses

1. Any use permitted in the R-1 District.

2. Two-family dwelling units (duplexes).

3. Manufactured homes, provided all requirements of Section 2, F are met. (Ord. No. 2006-04)

4. Modular Home. (Ord. No. 2006-04)

B. Area Requirements, Residential

1. Minimum lot area shall be seven thousand two hundred (7,200) square feet for the first dwelling unit, an additional two thousand four hundred (2,400) square feet of lot area shall be required for the second dwelling. The second dwelling shall share a common wall with the first dwelling and be under the same roof. In unsewered areas the lot area shall be dictated by the State Health Department regulations.

2. Minimum lot width shall be sixty (60) feet at the front yard line.

3. Front yard: Measured from property line.

a. Lots which abut arterial streets, thirty (30) feet.

b. Lots which abut collector streets, thirty (30) feet.

c. Lots which abut local streets, twenty five (25) feet.

4. Side yard set-back for both sides shall total not less than twenty (20) percent of the lot width at the front building line, with a minimum of five (5) feet from the property line on any side.

5. Side yard street (corner lots): Measured from the front yard line.

a. Lots which abut arterial streets, twenty (20) feet.

b. Lots which abut collector streets, twenty (20) feet.

c. Lots which abut local streets, twenty (20) feet.

6. Rear yard: Same as in R-l District.

7. Building coverage: Same as in R-l District.

8. Rear and side yard requirements for accessory building: A minimum of five (5) feet from all property lines. No structure shall be located in the front yard and side street yard.

9. Off-street Parking: Same as in the R-l District.

10. Any lot or parcel having double frontage shall be screened in accordance with this Ordinance to prevent access from a side.

C. Structure Separation: More than one duplex/multiple family structure and/or main structure can be located on a lot provided that the distance separating them is a minimum of fifteen (l5) feet from outside to outside wall.

D. Area Requirements, Place of Public Assembly: Same as in the R-l District.

E. Special Uses: Same as in the R-l District.

F. Requirements for Parking Mobile Homes on Individual Lots or Parcels of Land in the City of Redfield. (Ord. No. 2006-04)

1. Be occupied only as a residential use. (Ord. No. 2006-04)

2. The manufactured home shall be oriented in a manner so to be consistent with the prevalent orientation of the dwelling units in the vicinity. (Ord. No. 2006-04)

3. Be placed on permanent foundations, on footings, on piers, or on blocks in accordance with Arkansas State requirements, or manufacturer recommendation, whichever are more strigent. Both the foundation system and connection of the manufactured home to the foundation system shall be capable of withstanding the design loads and concentracted loads identified in the installation instructions prescribed by the manufacturer. (Ord. No. 2006-04)

4. All foundations for manufactured housing shall not exceed a height of twenty-four (24) inches above the foundation height prevalent to the dwellings in the immediate vicinity. (Ord. No. 2006-04)

5. The skirting at the perimeter of the unit shall be composed of concrete or masonry materials, or manmade materials giving the appearance of concrete or masonry materials. (Ord. No. 2006-04)

6. The exterior will be covered with a non-reflexive material customarly used on site-built dwellings, such as board siding, plywood siding, brick or stucco. (Ord. No. 2006-04)

7. The existing structure shall have a pitched or peaked roof and covered with nonflammable roof material used on site-built dwellings. (Ord. No. 2006-04)

8. No manufactured home shall be permitted unless it contains one thousand two hundred (1200) feet of living area (20 feet x 60 feet). (Ord. No. 2006-04)

9. Have wheels, axles, and hitch mechanisms removed. (Ord. No. 2006-04)

10. Have all pertinent utilities connection accordance with the Manufactured Housing Construction and Safety Standards Code and manufacturer's specifications. (Ord. No. 2006-04)

11. Obtain all appropriate City code permits. (Ord. No. 2006-04)

SECTION 2A. R-2A RESIDENTIAL MULTIPLE FAMILY

A. Permitted Uses

1. Multi-family units.

2. Two family dwelling units.

3. Public schools, parks, churches and religious educational buildings.

4. Manufactured homes. Manufactured home, provided that the most recent publication of the State of Arkansas Rules and Regulations for Manufactured Homes is adhered to concerning site preparation, pier foundations-footings, piers-support columns, and anchoring. If the manufactured home is constructed on a raised foundation, it shall be skirted with material constructed strictly for the purpose of skirting manufactured homes or other material as may be approved by the Zoning Administrator. (Ord. 95-1)

5. Municipal recreational uses and public utilities and structures.

6. Accessory structures or uses incidental to the principal use.

B. Area Requirements, Residential same as in a R-1 District, except the following:

1. Lot area per dwelling unit: Nine thousand six hundred (9,600) square feet total lot area shall be required for the first two dwelling units, plus two thousand (2,000) square feet for each additional dwelling unit.

C. Area Requirements, Places of Public Assembly and School same as in a R-1 District.

D. Special Uses upon Satisfaction of the Provisions of Section 8 of this Ordinance.

1. Hospital and nursing homes provided that they meet all of the set-back requirements and provided one (l) off-street parking space for each one (1) bed, plus one (l) off-street parking space for each doctor and employee is provided. All off-street parking must be paved.

2. Planned Residential Development.

3. Telecommunication towers. Same requirements as stated in Chapter III, 1,D,4.

SECTION 2B. Old Town Mixed Uses

A. Permitted Uses.

1. Those permitted uses and special uses that are allowed in the R-1 Single Family Zoning District.

2. Those permitted uses that are allowed in the C-1 Neighborhood Commercial zoning districts, except two-family dwelling are allowed to be located in the district.

3. Those permitted uses that are allowed in the C-2 General Commercial Zoning district.

4. Public and community services, and child care facilities.

B. Area Requirements.

1. Minimum lot area shall be seven thousand five hundred (7500) square feet.

2. Minimum lot width shall be fifty (50) feet.

3. Front yard: Setback same as in the R-1 Residential District.

4. Side yard street: Setback same as in the R-1 Residential District.

5. Building Coverage: For residential dwellings same as in the R-1 Residential. For Commercial buildings same as in the C-1 Commercial District.

C. Off-Street Parking Requirements.

1. Single Family Dwellings: Same as in the R-1 Residential District.
2. Commercial and Community Services, and Child Care Facilities: Same as in the Chapter III, Section 7, Off-Street Parking Requirements.

SECTION 3. R-3 Manufactured Home Subdivision and/or Park

This zone is intended to promote and preserve single-family manufactured home subdivisions and manufactured home park development which is compatible with conventional single-family residential development. (Ord. No. 2006-04)

A. Permitted Uses

1. Single-family residential manfactured homes. (Ord. No. 2006-04)

2. Accessory structures or uses incidental to the permitted uses for residential uses.

3. Accessory recreational uses such as tennis courts, swimming pools, playgrounds and other uses as customarily incidental to the above uses.

B. Development Requirements

1. The minimum size of a manufactured home subdivision and/or park shall be ten (10) acres. (Ord. No. 2006-04)

2. The minimum setback for a manufactured home or building from perimeter property lines shall be thirty (30) feet. (Ord. No. 2006-04)

3. A Plat shall be prepared for all manufactured home subdivisions and/or parks in accordance with the Subdivision Regulations and Zoning Ordinance of the City of Redfield. (Ord. No. 2006-04)

4. All interior roads and drives shall be a minimum of twenty (20) feet wide and constructed and paved in accordance with the standards stated in the Subdivision Regulations with the exception that curbs and gutters are not required.

5. Screening. Where a manufactured home park/subdivision adjoins a lot in a residential zone, or is across the street from a residential zone, a permanent type opaque fence of wood or masonry construction having a height of not less than six (6) feet shall be erected and maintained between such area and the property in a residential zone.

C. Area Requirements for Manufactured Home Lot. (Ord. No. 2006-04)

1. The minimum width at front building line of a manufactured home lot shall be forty- five (45) feet. (Ord. No. 2006-04)

2. The minimum depth of a lot shall be one hundred ten (110) feet.

3. The minimum setback from interior drives shall be twenty (20) feet.

4. The minimum side yard shall be five (5) feet.

5. The minimum side yard street side shall be fifteen (15) feet.

6. Minimum back yard shall be fifteen (15) feet.

7. Off-street parking shall be provided for each modular home lot at a rate of two (2) spaces per lot. (Ord. No. 2006-04)

8. In addition to required lot area, a common storage facility shall be provided at a

central location, at the rate of one hundred (l00) square feet for each mobile home lot/tract for the storage of boats and recreational vehicles, etc.

9. All utility installations shall meet the requirements established by the appropriate codes, and shall be maintained hereafter by the developer in accordance with the appropriate code of the City of Redfield.

10. Common recreation shall be provided at the rate of three hundred (300) square feet per mobile home lot/tract. Minimum size of any recreation space shall be five thousand (5,000) square feet. All required recreation areas shall be located back of the required setback lines. All required recreation areas shall be used solely for recreational purposes.

D. Other Requirements

1. All utility installations shall meet the requirements established by the appropriate codes, and shall be maintained hereafter by the developer in accordance with the appropriate code of the City of Redfield.

2. All work on or at any mobile home park/subdivision shall be in accordance with the subdivision ordinances and all other ordinances of the City regulating such work.

3. Commencing on the date of the adoption of this ordinance/mobile home subdivision/parks in all existing zoning districts are classified as non conformance uses. No mobile home subdivision/park shall be allowed to increase the number of mobile homes nor replace any of the other mobile homes in the mobile home subdivision/park unless the entire mobile home subdivision/park is brought into conformance with this ordinance.

SECTION 4. C-1 Neighborhood Commercial

The intent of this district is to provide neighborhood services and may contain such uses as will be compatible with adjoining residential districts.

A. Permitted Uses

1. Offices, business and professional.

2. Clinics, medical or dental, for human treatment only.

3. Barber shops, beauty parlors, custom dress-making or millinery shops, clothes cleaning and pressing pick-up agencies, tailor shops, confectionery stores.

B. Area Requirements

1. Minimum lot area shall be nine thousand six hundred (9,600) square feet.

1a. Minimum lot width shall be eighty (80) feet at the front yard building line.

2. Front Yard: Measured from the front yard line.

   a. Lots which abut arterial streets, forty-five (45) feet.

   b. Lots which abut collector streets, forty-five (45) feet.

   c. Lots which abut local service streets, forty-five (45) feet.

   d. On corner lots the front yard shall be considered as parallel to the street upon which the lot has the least dimensions.

3. a. Side yard each:

      (l) Minimum of ten (l0) feet when abutting a C or I-1 district.

      (2) Minimum of twenty (20) feet abutting a R-2 district.

      (3) Minimum of thirty (30) feet when abutting a R-l district.

   b. Side yard street (corner lots): Measured from the front yard line.

      (1) Lots which abut arterial streets, twenty-five (25) feet from property line.

      (2) Lots which abut collector streets, twenty-five (25) feet from property line.

      (3) Lots which abut local service streets, twenty-five (25) feet from property line.

   c. Additional height: Same as in a R-l District.

4. Rear yard: Same as in a R-l District.

5. Building coverage: Same as in a R-l District.

6. Rear and side yards accessory building: Minimum of seven and one half (7-1/2) feet from property line except when abutting streets.

7. Off-street parking requirements: As provided in Section Seven (7) of this regulation.

8. Sidewalks: Sidewalks shall be installed within the street right-of-way at a distance of one (l) foot from the property line except where such sidewalks are deemed unnecessary by the Planning Commission. All sidewalks shall be a minimum of five (5) feet in width and four (4) inches thick.

9. Curb and Gutter: All streets shall be curbed and guttered except where such curbs and gutters are deemed unnecessary by the Planning Commission. Curbs shall be six (6) inches high and eighteen (l8) inches in width, the material used shall be concrete.

C. Special Uses Upon Satisfaction of the Provision of Section 8 of this Chapter and Chapter III, Section 3 of this Ordinance.

l. Self-service or automatic laundries, dryers, cleaners, repair shops for shoes, repair shops for radio and television sets, and repair shops for domestic appliances.

2. Public and Community Services.

3. Establishment of all drive-in types services offered by the permitted and conditional uses that service directly to the customers waiting in parked vehicles.

4. Child Care Facilities.

5. Recreation Centers.

6. Convenience Store provided it is located on a collector or arterial street.

7. Hospitals and Nursing Homes.

8. Multi family dwellings.

9. Recreational Vehicle Parks.

10. Single Family Dwelling. (amended by ordinance 96-8 adopted 10-1-96)

11. Two Family Dwelling. (amended by ordinance 96-8 adopted 10-1-96)

12. Telecommunications towers. Same requirements as stated in Chapter III, 1,D,4.

SECTION 5. C-2 General Commercial

The intent of this district is to provide for retail trade, service, cultural and recreational needs of the entire community and beyond, intended to be developed in a manner similar to a C-l District and should have excellent highway access.

A. Permitted Uses

1. Any uses permitted in the C-1 District plus special uses.

2. General consumer-oriented grocery sales such as, but not limited to the following:
   - Bakeries (provided that at least twenty-five percent (25%) of the floor space is devoted to sales).
   - Drug and proprietary sales.
   - Grocery Stores; meat, fish and seafood markets; fruit and vegetable, candy, nut and confectionery stores.

3. Variety stores offering a wide range of consumer items such as, but not limited to the following:

   - Department stores.
   - Dry goods sales; draperies, curtains and upholstery sales; leather goods and luggage shops.
   - General stores.
   - Hardware stores including garden supply sales.
   - Limited price variety stores.
   - Mail order houses.
   - Discount stores.

4. Stores offering special types of consumer household needs such as, but not limited to the following:

   - Furniture stores, rug and carpet sales.

- Household appliance stores, including radio and television sales and service, and sewing machine sales and service.
- Interior decorating shops.
- Paint and wallpaper stores.

5. Other stores offering special consumer items such as, but not limited to the following:

   - Antique sales (no outside storage).
   - Books and stationary sales, newspaper and magazine shops.
   - Camera and photographic supply stores.
   - Cigar stores.
   - Florists.
   - Hobby shops, coin and stamp stores.
   - Jewelry stores; gift and novelty shops; china, glassware and metalware sales.
   - Optical goods.
   - Sporting goods, bicycle sales.
   - Pet shops.

6. Personal services such as, but not limited to the following:

   - Apparel repair, alteration and cleaning pick-up services.
   - Beauty and barber services.
   - Electrical repair services for household appliances.
   - Laundry, dry cleaning and dyeing services (exclusive of rugs, linen supply, industrial laundry services, and diaper services).
   - Shoe repair services.
   - Watch, clock and jewelry repair services.

7. Eating establishments.

8. Finance, insurance and real estate service of all types.

B. Area Requirements: Same as in C-1 District.

1. Front yard: Same as in a C-l District.

2 Side yard (each):

   a. Same as in a C-l District.

b. Side yard street: Same as in a R-l District.

c. Additional height: Same as in a C-l District.

3. Rear yard: Same as in a C-l District.

4. Building coverage: A maximum of fifty percent (50%) of the lot.

5. Rear yard accessory building: Same as in a C-l District.

6. Off-street parking requirements: As provided in Section Seven (7) of this regulation.

7. Sidewalks: Same as in C-l District.

8. Curb and Gutter: Same as in C-l District.

C. Special Uses Upon Satisfaction of the Provisions of Section 8 of this Chapter and Chapter III, Section 3.

1. Private schools such as but not limited to the following:

- Art and music schools.
- Barber and beauty schools.
- Business and stenographic schools.
- Correspondence schools.
- Dancing schools.
- Driving schools.
- Nursery schools.

2. Vehicle related:

- Tires, batteries and accessory sales.
- Gasoline service stations.
- Repair services.
- Wash services.
- New car dealerships.
- Used car sales lot.
- Motorcycle sales shop.
- Motorcycle repair shop.

3. Other activities and services such as the following:

   - Bowling alleys.
   - Business associations; professional membership organizations; labor unions; civic, social and fraternal organizations.
   - Gymnasiums and athletic clubs.
   - Theaters.
   - Welfare and charitable services.
   - Research, development and testing services.
   - Motels and hotels.
   - Sports arenas.
   - Amusement, arcade and billiard establishments.
   - Taverns, bars and liquor stores.
   - Funeral homes.
   - Veterinarian clinics.
   - Recreation centers.

4. Drive-in Service:

   - Establishment of facilities offering drive-in window service directly to customers waiting in vehicles.

5. Open Air Markets such as, but not limited to the following:

   - Farm and produce market, flea market, antique market and craft market.

6. Hospitals and Nursing Homes.

7. Recreational Vehicle Park.

8. Telecommunication towers. Same requirements as stated in Chapter III, 1,D,4.

9. Self-Service Storage Facilities. (Ord. No. 2006-04)

E. Uses Prohibited

1. Single family, two family and multiple family.

2. A number of land uses exist which may, in some ways, be considered commercial but because of other aspects of their nature must be prohibited from even the least restrictive of the C-2 Commercial Districts. Such uses generally have one or more of the following traits:

- They deal with large volumes of material which is not intended for sale directly to the consumer.

- They deal with materials in a raw from, that is, materials which require some type of processing before a derived product can be sold to the customer.

- They deal with materials of a dangerous nature and such materials should not be sold or stored in highly populated areas.

Therefore, the following and similar uses are prohibited from the C-2 District:

- Industrial uses as specified in the Industrial District.

- The sale or storage of materials such as dynamite which decompose by detonation (this clause does not include the sale of sporting ammunition).

- Wholesale trade of farm products or animal products in raw material form.

- Sale of metals, minerals, scrap and waste materials.

- Warehousing and storage of materials or products which are not sold on the premises or which are not used in the production of some material or item which will be sold on the premises.

SECTION 6. I-1 Industrial

The intent of this district is to provide places to accommodate light industrial, wholesale research and industrial service land uses that are not objectionable to persons or injurious to property located in the vicinity by reason of order, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, waste, noise, vibration, illumination, unsightliness, or to involve any hazards of fire or explosion.

A. Permitted Uses

The following are permitted uses provided that all activities and storage material shall take place within an enclosed building.

1. Wholesaling and warehousing establishments except that live animals, explosives, flammable gases and liquids shall be considered a Special Use Upon Review.

2. Manufacturing, assembling and/or fabrication of any commodity from semi-finished material, except for meat processing activities, explosives, flammable gases and liquids.

3. Research laboratories and related type facilities.

4. Industrial services facilities such as commercial laundry cleaning plants, vehicle and equipment maintenance facilities.

5. Public utilities and structures.

6. Self-Service Storage Facilities. (Ord. No. 2006-04)

B. Area Requirements

1. Minimum lot area shall be two (2) acres

2. Minimum lot width shall be one hundred fifty (l50) feet at front yard line

3. Front Yard: Measured from the front yard line

   a. Lots which abut arterial streets, thirty-five (35) feet

   b. Lots which abut collector streets, thirty-five (35)feet

   c. Lots which abut local service streets, thirty (30) feet

4. Side yard setback shall be twenty (20) feet.

5. Side yard street side: measured from front yard line.

   a. Lots which abut arterial streets shall be twenty-five (25) feet

   b. Lots which abut collector streets shall be twenty-five (25) feet

   c. Lots which abut local streets shall be twenty-five (25) feet

6. Back yard shall be twenty five (25) feet

7. Sidewalks: Same as in C-l District

8. Curb and gutter: Same as in C-l District

C. Height

1. Maximum height of a structure shall be three stories and not to exceed forty five (45) feet.

2. The Board of Adjustment may waive the height requirements when it is demonstrated that the equipment and structure to house the operation requires greater height.

D. Special Uses Upon Satisfaction of Provision of Section 8 of this Regulation.

1. The permitted uses that request to be allowed to have outside storage of material, supplies, products, vehicles and equipment.

2. Radio, television and communication towers.

3. Gas stations.

4. Warehousing, storage or wholesaling of explosives, flammable gases or liquids.

5. General vehicle and equipment maintenance shops.

6. Hospitals.

7. Recreational Vehicle Park.

8. Telecommunication towers. Same requirements as stated in Chapter III, 1,D,4.

SECTION 7. Off-Street Parking Requirements

A. For the purpose of this section, calculations for parking space shall not be included in any part of any required front yard in a residential district and the first five (5) feet for commercial districts and industrial district.

B. Off-street parking space as required in this section shall be provided for all new buildings and structures and for additions to existing buildings or structures. The word "additions" as used above shall include any alteration intended to enlarge or increase the capacity of a building or structure by adding or creating dwelling units, guest rooms, floor area, or seating capacity. Required parking space may include existing parking space and such space shall be maintained and shall not be encroached upon so long as main buildings or structures remain, unless an

equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

The parking spaces required for other uses shall be located on the same site with the main building or within six hundred sixty (660) feet of such use, the distance to be measured along lines of public access.

C. Number and Size of Parking Spaces

1. In the interpretation of the following requirements, entrance and exit drives to the parking lots shall not be included in computation to determine the number of required parking spaces.

2. Each off-street parking space shall measure nine (9) feet by thirty-four (34) feet inclusive of space necessary for access to a street or alley.

3. All off-street parking areas must be paved with two and one-half (2-1/2) inches of hot mix asphalt over eight (8) inches of compacted gravel or paved with six (6) inches of concrete except for open-air markets that are open to the public two days a week or less. Open-air markets open two days a week or less shall be paved with six (6) inches of compacted SB-2.

   a. Offices, business and professional: One (l) space per hundred (l00) square feet of gross floor area.

   b. Clinics, medical or dental, for human treatment only: five (5) spaces for each employee.

   c. Barber shops, beauty parlors: One (l) space per one hundred (l00) square feet of gross floor area plus one (l) space per employer/employee.

   d. Custom dressmaking or millinery shops, clothes cleaning and pressing pick-up agencies, tailor shops, confectionery stores: one (l) space per hundred (l00) square feet of gross floor area.

   e. Hotels and motels: one (l) for each housekeeping unit, suite or room.

   f. Eating and drinking places: one (l) space per two (2) seats intended for customer use.

   g. Retail sales: one (l) per three hundred (300) square feet of gross floor area.

   h. Motion picture theater: one (l) space per two (2) seats.

i. Gymnasiums, athletic clubs, private clubs, fraternity and sorority building: one (l) space per one hundred (l00) square feet of floor area.

j. Bowling alley: Five (5) spaces per alley plus one (l) space per employee.

k. Automobile retail sales, auto supply, and auto repair: one (l) space per one hundred (l00) square feet of floor area.

l. Service station: All outdoor space intended for use and service and parking shall be paved with two and one-half (2-1/2) inches of hot-mix asphalt over eight (8) inches of compact gravel or paved with six (6) inches of concrete.

m. Drive-in restaurant: Three point two (3.2) spaces per one hundred (l00) square feet of area.

n. Open-air markets: One (l) space per two hundred (200) square feet of sales area. All driveways access must be approved by the Zoning Administrator.

o. Wholesaling and warehousing: one (l) space per two thousand (2,000) square feet of floor area.

p. All other uses allowed in the I-l Industrial District: one (l) space per five hundred (500) square feet of floor area.

D. Loading and Unloading Facilities

All activities associated with loading and unloading at a commercial or industrial building or site shall take place wholly on said lot. Each structure or use shall provide off-street loading and unloading facilities on the site. The loading and unloading shall be designed with appropriate means of vehicular access from the public street as to not block the street nor back into the street.

SECTION 8. Special Uses

A. The Planning Commission, may after a public hearing, permit special uses as outlined in the various districts where such uses are deemed to be essential or desirable to the public convenience or welfare.

B. In approving Special Uses, the Planning Commission shall have authority to impose such conditions as it deems necessary to protect the public's health, safety and general welfare.

C. In addition to the requirements for special uses as stated above in B, the following provisions shall be satisfied for the following uses:

1. Child Care

a. May be operated for a period of not more than twelve (12) hours and only between the hours of 6:00 a.m. and 8:00 p.m. The Planning Commission may waive these hours of operation on a case basis if the proposed hours of the facility are compatible with the surrounding uses.

b. There shall be provided one (1) paved off-street parking space for each staff member, with two (2) spaces being the minimum number of parking spaces required, as well as a paved loading and unloading area for children.

c. Thirty-five (35) square feet per child of usable floor space shall be required for indoor play. For the purpose of computing this area, hallways, bathrooms, and kitchen floor space shall not be included.

d. There shall be not less than seventy-five (75) square feet of usable outdoor play space for each child receiving care in the facility. Such outside play space shall be completely enclosed with not less than a four (4) foot chain link fence. The chain link fence shall consist of links lined together without being welded and supported with galvanized metal post with top guard rail over the fencing. The quality and installation of the fence shall meet the approval of the Zoning Administrator. (Ord. 95-1)

e. All such applicants for Child Care Facilities must evidence that the State of Arkansas Social Services Division, Department of Social and Rehabilitation Services, agrees that the applicant can satisfy any and all state requirements in addition to those noted herein.

2. Recreation Center

a. Recreation Centers shall not be located less than three hundred (300) feet from any residential zone property.

3. Planned Residential Development

a. It is the intent of these conditions to accommodate creative and imaginative Planned Residential Development and to permit those innovations in the technology of land development which are in the best interests of the City of Redfield. In order to accomplish this intent, it is the purpose of these

conditions: (l) to permit, in a Planned Residential Development, a variety of dwelling types, including single family, two-family, and multi-family dwellings of the townhouse, garden apartment, and high-rise types, and a maximum density permitted in the district within such the Planned Residential Development is proposed; and (2) to permit the flexible spacing of lots and buildings in order to encourage (a) the separation of pedestrian and vehicular circulation, (b) the conservation of natural amenities of the landscape, (c) the provision of readily accessible open space, (d) the creation of functional and interesting residential areas, and (e) the provision of a necessary complement of community facilities.

b. Use Regulations. The Planning Commission may permit the following uses in a Planned Residential Development:

1. Single-Family Dwellings.

2. Two-Family Dwellings.

3. Multi-family Dwellings which may exceed the height limitations of the zoning district in which the project is located.

4. Accessory Service and Non-Residential Uses: Customary accessory or associated uses such as private garages, storage spaces, community facilities, and schools shall be permitted as appropriate and clearly incidental to the uses permitted on the same premises.

5. Open space which may include, along with the natural environmental features, swimming pools, tennis courts, and other recreational facilities deemed permissible by the Planning Commission. These facilities are to be used mainly by the residents, and their guests, of the development in which the facilities are located. Streets, parking lots, structures for habitation or storage, and the like shall not be included as part of the required open space and recreational facilities.

c. Area, density, lot and height regulations:

1. Minimum area for development: A Planned Residential Development shall contain a minimum of ten (l0) acres. All land within the development shall be contiguous in that it shall not be divided into segments, by (l) any limited access highway, and (2) any tract of land (other than streets or rights-of-ways for pipeline or electrical transmission lines) not owned by the landowner of the Planned Residential Development.

2. Maximum density of Residential Development: A Planned Residential Development shall not exceed the densities prescribed for the district in which it is located. Planned Residential Development which exceed fifty (50) acres may have a maximum density exceeding by ten (l0) percent the densities prescribed for the district in which it is located.

3. Minimum Requirements:

   a. Yard setback, type of dwelling unit, frontage and use restrictions contained in other chapters of this ordinance are hereby waived for Planned Residential Development, provided that the intent and objectives of Section I are complied with in the total development plan, as determined by the Planning Commission. Building separation shall be maintained in accordance with the requirements of the Fire Code and other safety codes of the City of Redfield and in accordance with good design principles.

   b. Every dwelling unit shall have access to a public street, walkway or other area dedicated to common use.

4. Perimeter Requirements: If topographical or other barriers with in the development do not provide reasonable privacy for existing uses adjacent to the development, the Planning Commission shall impose either of the following requirements or both:

   a. Structures located on the perimeter of the development must be set back in accordance with the provisions of the Zoning Code controlling the area within which the development is situated; and,

   b. Structures located on the perimeter of the development must be well screened in a manner approved by the Planning Commission.

5. Height Regulations for Multi-Family Dwellings: No structure shall exceed seventy (70) feet in height above the average finished grade line in the R-2 (multi-family district) nor exceed fifty (50) feet in the R-l (single-family district).

6. Interior Street: Interior residential access streets shall be paved according to (City or County) specification for residential streets, as delineated in the Subdivision Regulations and properly lighted and maintained. Their minimum paved roadway width shall be as follows:

Two-way without parking	20 feet
Two-way road with parking on one side where approved	28 feet
One-way road with parking on one side where approved	l8 feet

Parking along access roads shall be subject to approval of the Planning Commission and the City Safety Director.

7. Collector Streets and Major Thoroughfares: Collector streets and major thoroughfares shall be designated as such by the developer upon the submission of general plans as provided for in Subsection V. A. hereafter. Such designations shall be subject to modification by the Planning Commission so that an efficient circulation system is established in relation to other existing or planned streets in the area. There shall be no direct access from single-family residential lots to a major thoroughfare, and direct access from single-family residential lots to collector streets shall be maintained.

8. Off-Street Parking: There shall be provided outside the public or private right-of-way a minimum of two (2) parking spaces for each dwelling unit or in an area designated for guest parking as deemed appropriate, common driveways, parking areas, and lighted for night use. Screening of parking or service areas may be required through the use of trees, shrubs, hedges, and screening devices. All parking spaces and service drives shall be improved with bituminous, concrete, or equivalent surfacing and so graded and drained as to control the release of all surface water accumulation within the area.

9. Common Open Space:

   a. Amount and Character: At least twenty-five (25) percent of the total acres in a proposed development permitted by this section shall be dedicated to public and/or private open space or recreation facilities exclusive of dwellings, streets, parking areas, and single-family residential lots. Such open space shall be clearly shown on the general plan, shall be physically situated so as to be readily accessible, available to, and usable by all residents of the Planned Residential Development.

   b. Conveyance and Maintenance of Common Open Space: All common open space shown on the Final Development Plan and recorded in the Office of the Redfield City Clerk of the Redfield City Hall, must be conveyed in accordance with on the following methods:

(l) The proposed dedication as publicly owned and maintained open space must be acceptable to the City with regard to the size, shape, location, and improvements. In addition, the developer must show that dedication of such areas will be to the Redfield City.

(2) By leasing or conveying title (including beneficial ownership) to corporation, home associations or other legal entity. The terms of such lease or other instrument of conveyance must include provisions suitable to the Planning Commission for guaranteeing:

(i) the continued use of such land for intended purposes;

(ii) continuity of proper maintenance,

(iii) when appropriate, the availability of funds required for such maintenance;

(iv) adequate insurance protection; and

(v) recovery for loss sustained by casualty, and condemnation or otherwise.

In any event, the developer must file in the Redfield City Hall, at the time the approved Final Subdivision Map is filed, legal documents which will produce the aforesaid guarantees and, in particular, will provide a method for restricting use of common open space for the designated purposes.

10. Pedestrian Circulation: The pedestrian circulation system and its related walkways shall be insulated as completely and as reasonably as possible from the vehicular street system in order to provide separation of pedestrian and vehicular movement.

11. Utilities: A Planned Residential Development shall provide for underground installation of utilities (including electricity and telephone) in public ways and extensions thereof. Utility installation and maintenance of facilities shall be in accordance with the requirements and regulations of the appropriate Redfield District authority having jurisdiction thereof. A Planned Residential Development shall not be approved unless adequate assurance is given that adequate public or central water and sanitary sewers will be available at the first occupancy.

12. Privacy: Each Planned Residential Development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, insulation, walls, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views, or uses and reduction of noise.

13. Erosion and Sedimentation Control: Effective erosion and sediment controls shall be planned and applied according to the following principles:

    a. The smallest practical area of land should be exposed at any one time during development.

    b. When land is exposed during development, the exposure should be kept to the shortest practical period of time.

    c. Temporary vegetation and/or mulching shall be used to protect critical areas exposed during development.

    d. Sediment basins (debris basins or silt traps) shall be installed and maintained to remove sediment from run-off waters from land undergoing development.

    e. Provisions shall be made to accommodate the increased run-off caused by changed soil and surface conditions during and after development.

    f. Permanent final vegetation and structures shall be installed as soon as practical in the development.

    g. The development shall be fitted to the topography and soils so as to create the least erosion potential.

14. Subdivision Review:

    a. It is the intent of this ordinance that subdivision review under the Subdivision Regulations be carried out as an integral part of the review of a Planned Residential Development under this ordinance. The plans required under Section IV of this ordinance must be submitted in a form which substantially will satisfy requirements of the Subdivision Regulations for final plan approvals.

However, if any provisions of this ordinance and the Subdivision Regulations are in conflict, the more restrictive or detailed requirements shall be met, unless specifically waived or altered by the Planning Commission.

It is the intent of this ordinance to permit the submission of subdivision applications for the whole, a part, or parts of the overall Planned Residential Development.

15. Establishment of a Planned Residential Development

a. General Plan Submission: At the time of application for a conditional zoning certificate, a general plan for the development of the land shall have been filed with the Planning Commission by the owner of owners of the land involved. The general plan (which may be set forth on one or more maps or in one or more instruments) shall have been signed by all owners of property within the project, shall have been drawn to a scale and shall have been prepared by an architect, landscape architect, or planner-in-charge authorized to practice in the City of Redfield.

All General Plans for the establishment of a Planned Residential District shall be presented to the Planning Commission with an application in the form to be prescribed. The Planning Commission shall charge for processing of the application of the proposed improvements a fee of one hundred dollars ($100) for each application.

(l) The General Plan shall include a declaration by the developer which furnishes the following:

i. A general statement regarding the nature, acreage, and location of open space, and descriptive data as to the methods to be employed for guaranteeing its continuity and maintenance;

ii. The general location and purpose of all non-residential structures;

iii. The areas of the project to be used for single-family dwellings; two-family dwellings; townhouses, garden apartment buildings indicating for each such area the number of housing units by type and size, and the number of bedrooms per unit of each class of housing proposed in any given area;

iv. The total population density for the project in number of housing units;

v. Descriptive data concerning the sewer, water, and storm drainage facilities within the project, identifying the entity whether public or private to whom such facilities are to be dedicated or transferred; and

vi. General description of the availability of other community facilities, such as schools, fire and police protection services and cultural facilities, if any, and how these facilities are affected by this proposal.

(2) The general plan shall also include conceptual and schematic plans at a scale of 1" = 100' or less, incorporating the following elements:

i. An area map showing adjacent property owners and existing land uses within two-hundred (200') feet of the parcel;

ii. The boundaries of the project including a legal description of the rectangular survey of the parcel and the acreage therein;

iii. Existing contours at one (1) foot intervals, accompanied by outline of grading plans;

iv. The proposed street system for the project, including designation of collection thoroughfares are indicated on the Redfield Master Street Plan, or where otherwise necessary for efficient vehicular circulation;

v. Drainage control including a plan showing provisions for control of erosion and sedimentation during and after construction; such plan shall be accompanied by documentation indicating the review and recommendation of said plan by the Jefferson County Soil Conservation District;

vi. Location of main and accessory structures accompanied by an outline explaining intended heights, coverage, and treatment of yards within the project;

vii. Location, size and landscaping of the proposed parking lots within the project;

viii. Pedestrian circulation features, walks and paved areas within the project;

ix. Landscaping and forestry features;

x. Principle ties to the community at large with respect to transportation, water supply and sewage collection and treatment;

xi. General nature and location of public and private utilities and community facilities and services, including maintenance facilities within the project;

xii. Recreational and other non-building areas designated within the project; and a

xiii. Soil interpretive map indicating degree of limitation.

(3) Common Open Space Information, including:

i. Percentage of acreage of Common Open Space in each part of the project;

ii. General nature of Common Open Space Use; and

iii. Topographical factors affecting Common Open Space.

(4) A document describing the proposed Phasing Program for the project for all dwelling units, non-dwelling structures, recreational and other common facilities, and open space improvements.

b. General Plan approval: The Planning Commission shall review the general plan and shall render a written report to the applicant within sixty (60) days after the filing of an application for a conditional zoning certificate.

The Planning Commission may call upon other public and/or private consultants necessary to provide a sound review of the project. These departments and/or consultants need only concern themselves with general conceptual merit, and in no way shall commit any further acceptance or rejection of detailed design elements required in the Final Approval of Uses (Section VI). The written finding shall

include the following:

(l) The relationship, beneficial or adverse, of the proposed Planned Residential Development to the neighborhood in which it is proposed to be established;

(2) Whether there are adequate services and utilities available or proposed to be made available in the construction of the project;

(3) Whether the proposal meets the intent and objectives for Planned Residential Developments as expressed in Section I;

(4) Whether the proposal meets all general regulations for Planned Residential Development of Section III; and

(5) Whether the proposal meets all the general requirements pertinent to Conditional Uses as stated in Chapter 3, Section 8.

Upon approval of the general plan by the Planning Commission, a conditional zoning certificate may be issued for the project. Therefore, the developer shall within two (2) years prepare and secure final approval of uses for any specific area within the project or the overall project, or the conditional zoning certificate shall automatically expire. The implementation of the project is then subject to further qualifications, requirements and provisions set forth below. No substantial change from the approved general plan shall be made without prior approval by the Planning Commission.

16. Final Approval of Uses in a Planned Residential Development:

a. Final development plan: Before such uses as were authorized by the Planning Commission's approval of the general plan and the issuance of the conditional zoning certificate for the overall project may be begun, a zoning certificate must be obtained for each structure, and only after final approval of uses has been obtained from the Planning Commission. For final approval of uses, the owner shall file a final development plan for any specific area within the project or the overall project with the Planning Commission together with a letter of application for such approval. Such final development plan must show the following:

(1) The area to be developed and the area to be devoted to open spaces for the use of all residents of the area with accurate acreage, courses, and distances are determined by a licensed engineer or surveyor who shall sign such plan and certify to accuracy thereof. The boundaries of any area for which final development plan approval is requested shall not be gerry-mandered to comply with the density and open space acreage criteria but shall be proportioned and allotted so that required open space is convenient to the residential properties included in the area submitted for final approval.

(2) The location and floor plans of all buildings, descriptive data as to the type of buildings, the number of dwelling units in each separate type and bedrooms per unit of apartment (multi-family dwelling) buildings, and the number of bedrooms in each apartment unit.

(3) A title guarantee or rider to an existing policy, prepared by a reputable title company, showing the legal description of the land which has been set aside for open space, and showing appropriate restrictions, limiting the use of such land to recreation and open space in perpetuity; granting owners and residents of the area to be developed a right and easement of use in such open space.

(4) A detailed plan setting for the manner, means and proposed time of transfer of the land reserved for open space to a nonprofit entity and the obligations and rights of use of such open space by all residents of the area.

(5) A detailed landscaping plan for all areas proposed for parking, two-family, and multi-family development.

b. Conditions for final approval of uses: The Planning Commission shall review the Final Development Plan and approve, modify and approve or disapprove an application for final approval of uses and transmit notice thereof to the applicant within thirty (30) days after the filing of an application for Final Approval of Uses in Planning Unit Residential Development. The Planning Commission shall give the final approval of uses only upon finding that the following conditions are met:

(1) No applicable, general or specific requirement of the Redfield zoning ordinance, as existing at the time of general plan

approval, is violated by the Final Development Plan.

(2) The Final Development Plan accurately sets forth the area to be developed and the area to be set aside as open space with appropriate boundaries established by course and distances and the acreage within the area to be approved is set forth as well as the acreage of the area to be set aside as open space for the use of all residents of the area.

(3) The Final Development Plan is substantially in accordance with the general plan which had been previously filed with and approved by the Planning Commission and for which the conditional zoning certificate had been issued.

(4) The density of dwelling units in any area does not exceed that shown on the general plan. The overall density of the district has not been exceeded with respect to the total figure shown on the general plan.

(5) The area reserved for open space and recreation in the sum of all areas for which Final Development Plan Approval has been given or is requested shall never be less than twenty-five (25%) percent of the cumulative acreage of all areas for which Final Development Plan Approval has been given or requested.

(6) Satisfactory progress has been made in previously approved segments with respect to the provision and improvement of indicated recreational facilities.

(7) The Final Development Plan accurately sets forth a schedule demonstrating proportionate development of the open space and recreational facilities in conjunction with the total project. A performance bond may be allowed to substitute for actual construction. Any such construction covered by a performance bond shall be completed within one (l) year. The amenities included in each phase shall be, in effect, completed prior to the issuance of occupancy permits.

l7. Subdivision Processing

a. Subdivision plans: Within six (6) months of Final Approval of Uses for any specific area within the project or the overall project, subdivision plans for the area shown on the Final Development Plan

shall be submitted in accordance with the Subdivision Regulations. Subdivision plans shall show the following:

(1) Exact engineering data on boundaries, streets and ways, easements, parcels for sale and monuments, in accord with Subdivision Regulations.

(2) Monuments for angles and intersection points on survey line of public streets.

(3) Cross reference to recorded Final Development Plan.

b. Documents: At the time subdivision plans are filed with the Planning Commission, the developer shall also file:

(l) Project cost estimates for all public improvements in the subdivision plan.

(2) Other statements required by the subdivision regulations. Within sixty (60) days after the complete subdivision application is filed, with all necessary documents and exhibits, the Planning Commission must approve, approve and modify or disapprove it. Upon approval of the subdivision application, the Planning Commission shall notify the applicant, by certified mail, and thereafter upon payment of the required fee by the applicant, the maps and other related documents may be recorded in the office of the Redfield City Clerk.

18. Failure to Begin Planned Residential Development

If no construction has begun in the Planned Residential Development within one (l) year from the approval of a Final Subdivision Plan for the overall project or any part thereof and recording the documents, Final Approval of Uses shall lapse and be of no further effect. The Planning Commission, for good cause, may extend for periods of up to one (l) year the time for beginning construction. If an approved Final Approval Uses shall be provided herein, notice of such lapse shall be recorded by the Planning Commission, and thereafter such approval be considered as having been revoked.

Nothing herein shall be considered as effecting such lapse and revocation if the developer commences construction. If construction commences, the Final Approval of Uses approval may be modified

only in accordance with Item 17.

19. Revision of Approval Final Planned Residential Development: The development shall conform to the approved Final Development Plan and the approved Subdivision Plan. The applicant, his successors and assignees shall make no alterations, additions or deletions to the Final Development Plan, the related documents, or to the site, except as provided herein. Upon Final Approval of Uses, changes may be made only pursuant to a new submission of a Planned Residential Development Application which shall be processed and approved in accordance with this ordinance. The Planning Commission may authorize minor changes, provided that the overall density is not increased, without a new Planned Residential Development Application.

20. Phasing: The establishment of Common Open Spaces and construction of public or common recreational facilities shown on the recorded Final Development Plan together with the construction of other non-residential structures shall proceed substantially in accordance with the Phasing Program referred to in Item 13.a,4, General Submission, herein. After general construction commences, the developer shall submit progress reports every six (6) months to the Planning Commission who shall review all building permits issued and compare them to the overall development Phasing Program. If it is determined that the rate of construction of residential units or non-residential structures substantially differs from the Phasing Program, they shall so notify the developer in writing.

    Thereafter, the Planning Commission may issue such orders to the developer as it sees fit, and upon continued violation of this section may suspend the developer from further construction of dwelling units or non-residential structures until compliance is achieved.

21. Violation: Whenever the Planning Commission shall find, in the case of any approved Final Development Plan, that any of the terms, conditions, or restrictions upon which Final Approval of Uses, Item 14 herein, was granted are not being complied with, the Planning Commission may rescind and revoke such approval. Notice thereof shall be given in accordance with Item 16 herein.

    Violation of the Final Approval of Uses for Planned Residential Development, as approved shall constitute violation of the Zoning Code.

B. Recreation Vehicle Park

1. Site Restrictions

   a. Surface Drainage plans for the entire tract shall be reviewed by the city designated engineer which shall determine whether the proposed plan is compatible with the surrounding existing drainage pattern and the city drainage plan, prior to issuance of zoning permit and building permits.

2. Park Density; Campsites and Campsite Spacing

   a. Park density shall be no more than fifteen (15) campsites per acre.

   b. Recreational vehicles shall be separated from each other and from other structures by at least ten (10) feet. Any attached awnings, carports, or individual storage facilities shall, for purposes of this separation requirement, be considered to be part of the recreational vehicle. Each site shall contain a stabilized, level vehicular parking pad of gravel, paving, or other suitable material. No part of a recreational vehicle or other unit placed on a recreational vehicle site shall be closer than five (5) feet to a site line.

3. Vehicle Circulation and Parking

   a. RV park roads shall be designed for the safe and convenient movement of vehicles.

   b. Where feasible, it is desirable that there be constructed a circular one-way road.

   c. Each traffic and/or parking lane shall be a minimum of ten (10) feet wide, thus the minimum width for a one-way road with parking on one side would be twenty (20) feet.

   d. Curves and turning radii shall be constructed to safely handle vehicles eight (8) feet wide and up to forty (40) feet long.

   e. There shall be at least three (3) off-street parking spaces designated in the RV park for each two (2) RV sites.

   f. All vehicle circulation or parking areas shall be paved with a minimum of two (2) inches of asphalt on seven and one half (7.5) inches of

compacted SB-2 gravel.

4. Entrances and Exits

   a. All RV parks shall be provided with safe and convenient vehicular access from an improved public street. It shall be the responsibility of the applicant to provide the necessary access in all cases where there is no existing improved street or road connecting the RV park site with an improved existing public street or highway. Any street improvement existing beyond the boundary of the RV park shall be improved in accordance with the standards of Redfield Subdivision standards for a local rural road. All entrance and exits on state highways shall be approved by the Arkansas Highway and Transportation Department. All entrances and exits on all other roads shall be approved by the Zoning Administrator.

   b. All parks with more than twenty-five (25) sites shall have two (2) or more entrances/exits. All parks with more than one hundred (100) sites shall have three (3) or more entrances/exits.

5. Accessory Uses

   a. Management headquarters, recreational facilities, toilets, dumping stations, showers, coin-operated laundry facilities, and other uses and structures customarily incidental to operation of a RV park and campground are permitted as accessory uses to the park. In addition, stores, and other convenience establishments shall be permitted as accessory uses, subject to the following restrictions:

      (1) such establishments and the parking area primarily related to their operations shall not occupy more than five (5) percent of the gross area of the park.

      (2) such establishments shall be restricted in their use to occupants of the park.

      (3) such establishments shall present no visible evidence from any street outside the park of their commercial character which would attract customers other than occupants of the park.

(4) the structures housing such facilities shall not be located closer than one hundred (100) feet to any public street and shall not be directly accessible from any public street, but shall be accessible only from a street within the park.

b. Recreation facilities: a minimum of eight (8) percent of the gross site area for the RV park shall be set aside and developed as common use areas for open or enclosed recreation facilities.

6. Setbacks for Recreation Vehicle Park

a. Minimum campground front yard setback - twenty-five (25) feet.

b. Minimum side yard setback - when abutting a dedicated public right-of-way, the side setback shall be twenty-five (25) feet on the side street; when abutting any other zone district, the side setback shall be fifteen (15) feet along the interior lot line.

c. Minimum park rear yard setback - fifteen (15) feet except when the rear yard abuts a dedicated public right-of-way. If the rear yard abuts a dedicated public right-of-way, the minimum shall be twenty-five (25) feet.

7. Electrical, Water Supply and Sewage Disposal

a. All construction and utility systems shall comply with all applicable city and state codes and standards, and be inspected by the appropriate inspectors.

b. Length of Stay

(1) Spaces shall be rented by the day, week, or month: and occupants of such space shall remain in the same RV park not more than three (3) months in any one (1) year period.

(2) No recreational vehicle shall be used as a permanent place of abode, dwelling, or business or for indefinite periods of time. Continuous occupancy extending beyond three (3) months in any twelve (12) month period shall be presumed to be permanent occupancy.

(3) Any action toward removal of wheels of a RV except for temporary purposes of repair is hereby prohibited.

8. Development Application and Site Plan Requirements

Every application for the construction, operation, maintenance, and occupancy for a RV park shall be accompanied with plans and specifications, fully setting out the RV spaces, the position of each RV spaces, the position of each RV parking spaces, the driveway giving access thereto, and a plan of landscaping. Before any permit is issued for an RV park or any increment thereof, the plans and specifications shall first be approved by the Redfield Planning Commission.

CHAPTER IV

GENERAL REGULATIONS

SECTION 1. Annexed Area

A. Territory annexed to the City of Redfield after adoption of these regulations shall be given use designations within ninety (90) days after the effective date of annexation in accordance with the amendment procedures of these regulations.

B. Before official use designation is made after annexation, all requests for building permits shall be referred to the City Planning Commission or a committee thereof. The Planning Commission or its designated committee may recommend issuance of the permit if said conforms to the land use plan and the structure meets the requirements of the zone in which it is to be located.

SECTION 2. Completion of Existing Conditions

A. Nothing herein contained shall require any change in construction or designated use of a building actually under construction at the time of the adoption of these regulations.

SECTION 3. Home Occupations

A. An 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 any of the yards or carry on any activity outside the house or accessory building normally associated with residential uses.

4. It does not have a sign in excess of two (2) 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 occupation 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. Occupations carried on in a residential structure or accessory building to a residential structure at the time of the adoption of these regulations must comply with the regulations established in Section 3 of the chapter, within two (2) years of the date of passage of these regulations, or said business, occupation or profession shall be deemed in violation of these regulations.

SECTION 4. Existing Lots and Lot Area

A. On any lot in a residential use district which is on a plat of record at the time of passage of these regulations, a one-family structure may be erected even though the lot be of less area or width than required by the regulations of the residential use area in which the lot is located, provided all other area requirements are met.

B. On any lot in a commercial use district which is on a plat record at the time of passage of these regulations and has not, as yet, been developed, curbs and gutters shall be required in accordance with the current Subdivision Regulations as amended (ORD 89).

SECTION 5. Nonconforming Buildings and Uses

A. Statement of Intent. Within the district established by this Ordinance or amendments that may later be adopted, there exists lots, structures, uses of land and structures, and characteristics of use which were lawful before the Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments. The lawful use of a building or premises existing at the time of adoption or amendment of these zoning regulations may be continued although such use does not conform with the provisions of these regulations. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival.

B. Continuance of Use.

1. Any lawful established use of a structure or land, on the effective date of this

Ordinance, or of amendments hereto, that does not conform to the use regulations for the district in which it is located, shall be deemed to be a legal non-conforming use and may be continued except as otherwise provided herein.

2. Any legal nonconforming structure may be continued in use, provided there is no physical change other than necessary maintenance and repair, except as otherwise permitted herein.

3. Any structure for which a permit has been lawfully granted prior to effective date of this Ordinance, or of amendments hereto, may be completed in accordance with the approved plans; provided construction is started within ninety (90) days and diligently prosecuted to completion.

4. An existing mobile home or manufactured home that is located on a residential-zoned parcel of land and is determined to be nonconforming as defined in this Ordinance may be replaced with a manufactured home provided that the following conditions are met:

    a. That requirement set forth in Chapter III, Section 2, F (Requirements for placing a manufactured home on individual lots or parcels of land in the City of Redfield). (Ord. No. 2006-04)
    b. That the placement of the manufactured home meets all other zoning requirements of the residential zoning district in which it is located. (Ord. No. 2006-04)
    c. That the replacement manufactured home shall be placed on the lot or parcel of land within one hundred twenty (120) days if th date the existing mobile home or manufactured house is removed from the said property. (Ord. No. 2006-04)
    d. That prior to placing the replacement manufactured home on said lot or parcel of land the owner shall provide the Zoning Administrator with documentation that the replacement manufactured home had an appraisal value exceeding the value of the manufactured home or mobile home that is presently located on said property.

C. Discontinuance of Use.

1. Whenever any part of a structure, or land occupied by a non-conforming use is changed to or replaced by a use conforming to the provisions of this Ordinance, such premises shall not thereafter be used or occupied by a nonconforming use, even though the structure may have been originally designed and constructed for the prior nonconforming use.

2. Whenever a nonconforming use of a structure or part thereof has been discontinued for a period of four (4) consecutive months, or whenever there is evident a clear intent on the part of the owner to abandon a nonconforming use, such use shall not, after being discontinued or abandoned, be re-established and the use of the premises thereafter shall be in conformity with the regulations of the districts; provided, however, that an existing structure on the property may be used for another nonconforming use of the same kind as was previously on the property, or for a nonconforming use of a less intense type and less objectionable than the previous use, provided a Special Use Permit is applied for and approved for this purpose.

3. Where no enclosed structure is involved, discontinuance of a nonconforming use for a period of three (3) months shall constitute abandonment, and shall not thereafter be used in a nonconforming manner.

4. Whenever a nonconforming use of land or any portion thereof is abandoned, future use of land or portion thereof shall be in conformity with the provisions of this Ordinance.

D. Change of Use. Where no structural alterations are made in any building containing a nonconforming use, such use may be changed to any use equal to or more appropriate to the use permitted in the same zone category, but no building in which a nonconforming use has been changed to a more restricted use shall again be devoted to a less restricted use. This determination shall be made by the Zoning Administrator, and should be based on, but not limited to, one or more of the following criteria: number of employees, number of customers of similar uses, hours of operation, compatibility with surrounding land uses, etc., and is subject to appeal to the Board of Zoning Adjustment by any aggrieved party.

E. Repairs and Alterations. Repairs and alterations may be made to a nonconforming building or structure, provided that no repair or alteration shall be made where such alteration or repair increases or perpetuates the nonconformity except those required by law or Ordinance.

F. Damage and Destruction. A nonconforming building or structure, except mobile homes, which are damaged or partially destroyed by fire, flood, wind, explosion, earthquake, or other calamity shall not be again restored or used for such purpose if the expense of such restorations exceeds fifty percent (50%) of the replacement cost of the building or structure at the time such damage occurred. Any nonconforming building or structure partially destroyed may be restored provide restoration is started within twelve months of the date of partial destruction, and is diligently pursued to completion. Whenever a nonconforming building or structure is damaged is excess of fifty percent (50%) of its replacement cost at that

time, the repair or reconstruction of such building or structure shall conform to all the regulations of the District in which is located and it shall be treated as a new building.

G. Additions, Expansions, and Enlargements.

1. A nonconforming use of a conforming building or structure (e.g., commercial use in a dwelling, etc.) shall not be expanded or extended into any other portion of such conforming building or structure. If such nonconforming use or portion thereof is discontinued or changed to a conforming use, any future use of such building, structure, or portion thereof shall be in conformity with the regulations of the District in which such building or structure is located.

2. No structure partially occupied by a nonconforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such nonconforming use. However, whenever the property is nonconforming for some reason other than the type of use or the need for a Special Use Permit, and the proposed addition or enlargement will be located on the property in such a manner that the addition or enlarged portion of the building will be in full compliance with all yard, lot coverage, building height, and other applicable Zoning Ordinance provisions, the Zoning Administrator may approve such proposed addition or enlargement if such addition or enlargement will not exceed more than fifty percent (50%) of the existing floor area.

3. No nonconforming use of land shall in any way be extended either on the same or adjoining property.

4. Whenever property is nonconforming for any reason and the proposed addition or enlargement cannot be approved by the Zoning Administrator in accordance with these provisions, then the proposed addition or enlargement may be authorized by means of a Variance; provided, however, that, if the use on the property is of a type which requires a Special Use Permit in the zoning district in which the property is located, then the proposed addition or enlargement may be authorized only by means of both a Variance and a Special Use Permit.

SECTION 6. Screening

A. Definition. Screening - all material, man-made or natural carried up to a height necessary for separation, protection, shelter or conceal property or uses thereof.

B. Growing of Shrubs, etc., Near Intersection. It shall be unlawful to construct, or maintain or permit to remain, any fence, or other structure or any bushes

or other plants, to grow within twenty-five (25) feet of the intersection of three (3) feet above the lowest grade of two intersecting streets. Provided however, that trees now growing in such places may grow above said heights if the limbs are trimmed to a minimum height of eight (8) feet from ground level.

C. Notwithstanding other provisions of this ordinance, fences, walls and hedges not exceeding six (6) feet in height may be permitted in any required yard, however, when situated along the sides or front edge or any front yard shall not be over four (4) feet in height.

D. Dangerous trees. Any tree or shrub which overhangs any sidewalk, street or public space in the city in such a way to impede or interfere with traffic or travel on such public place or which obstructs any street lamp or interferes with the fire alarm wires, shall be trimmed by the owner of such tree or shrub so that the obstructions shall cease.

Any limb of a tree which has become likely to fall on or across any public way or place shall be removed by the owner of the premises on which such tree grows or stands.

CHAPTER V

BOARD OF ZONING ADJUSTMENT

SECTION 1. Organization

A. A Board of Zoning Adjustment is hereby created which shall consist of the Planning Commission as a whole and the Chairman of the one shall likewise be the Chairman of the other.

SECTION 2. Meetings

A. The Board of Zoning Adjustment shall establish regular meeting dates, adopt rules for the conduct of its business, establish a quorum and procedure, and keep a public record of all findings and decisions. Each session of the Board of Zoning Adjustment shall be a public meeting with public notice of said meeting and business to be carried on published in a newspaper of general circulation in the city, at least one time seven days prior to the meeting.

SECTION 3. Appeals from Decision of Zoning Administrator

A. An appeal may be made to the Board of Zoning Adjustment by any person, group or organization, public or private, effected by a decision of the Zoning Administrator. Such appeal shall be made within such time as prescribed by the Board by general rule, by filing with the Building Official and with the Board a notice of appeal, specifying the grounds thereof.

SECTION 4. Powers

The Board of Zoning Adjustment shall have the following powers:

A. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination may be the Zoning Administrator in the enforcement of these regulations and may affirm or reverse, in whole or part, said decision of the enforcement officer.

B. To hear requests for variances from the literal provisions of the zoning regulations in instances where strict enforcement of the zoning regulations would cause undue hardship due to the circumstances unique to the individual property under consideration, and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning regulations. The Board of Zoning Adjustment

shall not permit, as a variance, any use in a zone that is not permitted under the regulations. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure and to protect adjacent property.

C. To hold hearings on, and decide the following exception to or variations of these regulations:

1. To permit the extension of a district where the boundary line thereof divides a lot held in a single ownership at the time of adoption of these regulations.

2. Interpret the provisions of these regulations in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning Map where the street layout on the ground varies from the street layout as shown on this map.

3. Classify commercial or industrial uses which are likely to create hazards and reviews the locations of proposed industrial uses.

SECTION 5. Variance

A. The board shall hear requests for variances from the stated provisions of the zoning regulations in instances where strict compliance with the provisions of the regulations would cause undue hardship due to the circumstances unique to the individual property under consideration.

B. The Board may grant variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the zoning regulations.

C. The Board shall not permit as a variance any use in a zone that is not permitted under these regulations in conformance with Act 186 of 1957 as amended.

D. The Board may impose conditions in the granting of the variance to insure compliance and to protect adjacent property.

SECTION 6. Other Functions of Board

A. The Board may hear applications and take such action as permitted on matters specifically referred to it under these regulations.

SECTION 7. Appeals From Decisions of the Board

A. Appeals from the decision of the Board shall be to a court of record within thirty (30) days from the decision of the Board in accordance with Act 136 of 1957 as amended.

SECTION 8. Notice of Public Hearing

A. Whenever an appeal or application for a variance is made to the Board, the Board shall cause to have published at the expense of the appellant or applicant a notice of the time and place of the public hearing upon such appeal and application, which notice shall be published at least once not less than seven (7) days preceding the date of such hearing in an official paper or a paper of general circulation in Redfield, said notice to designate the particular location with which the appeal or application is concerned, and a brief statement as to what the appeal or application consists of. The Board shall also give or cause to be given such additional notice of such hearing to interested persons and organizations as it shall deem feasible and practicable.

CHAPTER VI

AMENDMENTS TO ZONING REGULATIONS AND PUBLIC HEARINGS FOR SPECIAL USES

SECTION 1. Amendments by Public Body

A. The City Council may suggest that the Planning Commission amend the text of these regulations, or the Planning Commission itself may desire to initiate an amendment.

B. Amendments to the text proposed by the Planning Commission shall be advertised in a paper of general circulation at least fifteen (15) days in advance of a public to be conducted by the Planning Commission. After the public hearing, the Planning Commission shall make a report and recommendation to the City Council pertaining to the proposed amendment to the text. The City Council action on the report and recommendation shall be final.

SECTION 2. Amendments by Individual Property Owners

A. A petition, giving the legal description of the property involved and the zoning classification requested for the property, or indicating the proposed amendment, shall be submitted to the Planning Commission by the property owner or his legally designated agent. The petition shall also include a statement and diagram explaining the proposed change.

B. Upon receipt of the petition, the Planning Commission in accordance with Act 186 of 1957 General Assembly as subsequently amended, shall proceed as follows:

1. The Planning Commission shall hold a public hearing on a proposed amendment. Notice of the public hearing shall be published in a newspaper of general circulation in the City, at least one time fifteen (15) days prior to the hearing.

2. Following the public hearing, the proposed amendment may be approved as presented or in modified form by a majority vote of the Planning Commission and recommended to the City Council for adoption.

3. If the Planning Commission disapproves a proposed amendment, the reasons for such disapproval shall be given in writing to the petitioner within fifteen (15) days from the date of the decision.

4. The City Council, by majority vote, may by ordinance adopt the recommended amendment submitted by the Planning Commission or may return the proposed change to the Planning Commission for further study and recommendation.

   If the City Council does not concur with the recommendations of the Planning Commission, either as first submitted or as submitted after re-study, the City Council may, by a majority vote, amend these regulations by granting the request for the proposed change in zoning classification in full or in modified form.

5. Following disapproval of a proposed amendment by the Planning Commission, the petitioner may appeal such disapproval to the City Council, provided that the petitioner states specifically in writing to the City Clerk why he considers the Planning Commission's findings and decisions are in error. Such appeal shall be filed with the City Clerk within fifteen (l5) days of receipt of notice of Planning Commission action.

C. No application for a change in zoning classification will be reconsidered by the Planning Commission within twelve (l2) months from date of final disapproval unless the Commission finds a substantial reason exists for waiving this limitation.

D. Before any action shall be taken as provided in this section, any person or persons requesting a rezoning, variance, special use, planned unit development and/or a appeal shall pay the City Clerk the reuired filing fee as stated in Chapter VII, Section 3. (amended by ordinance 96-8 adopted 10-1-96)

SECTION 3. Special Uses Public Hearings

A. Petition giving the legal description of the property and zoning classification, detailed description of the proposed use of property and detail plot shall be submitted to the Planning Commission.

B. Upon receipt of the application the Planning Commission in accordance with Act 186 of 1957 General Assembly as subsequently amended shall proceed as follow:

1. The Planning Commission shall hold a public hearing on the proposed special use as proposed. Notice of public hearing shall be published in a newspaper of general circulation in the city at least one time seven (7) days prior to the hearing.

2. Following the public hearing, the Planning Commission can deny, approve, modify or impose such conditions as it deems necessary to protect the public health, safety and general welfare. The Planning Commission shall inform the petitioner of the action it took on his special use request within fifteen (15) DAYS.

3. Following action taken by the Planning Commission, the petitioner may appeal the Planning Commission's decision, provided that the petitioner states specifically in writing to the City Clerk why he considers the Planning Commission's error in its decision. Such appeal shall be filed with the City Clerk within fifteen (15) days of receipt of the notice of the Planning Commission's action.

4. The City Council may or may not act on the appeal. The City Council can submit it back to the Planning Commission for re-evaluation.

5. No application for a special use for the same property will be reconsidered by the Planning Commission within twelve (12) months from the date of action on the request unless the Commission finds a substantial reason exists for waiving this limitation.

CHAPTER VII

ENFORCEMENT

SECTION 1. Responsibility

A. The Zoning Administrator shall be responsible for the administration and enforcement of these regulations. He or she shall be appointed by the Mayor and confirmed by the City Council.

SECTION 2. Zoning Permits

A. No structure shall be erected, added to , or externally altered without a Zoning Permit. No building permit shall be issued except in conformity with the provisions of these regulations, unless by written order of the Board of Zoning Adjustment.

B. All applications for Zoning Permits shall show dimensions and shape of the lot to be built upon; the sizes and locations on the lot of structures already existing, if any, and the location and dimensions of the proposed structure or alteration. The application shall include such other information as lawfully may be required, including existing or proposed structural alterations; existing or proposed uses of structures and land; the number of families, housekeeping units, or rental units the structure is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, these regulations.

SECTION 3. Fees

The schedule of fees, charges and expenses shall be as follows and may be altered or amended only by the City Council:

ITEMS	COSTS
Zoning Permit	$ 5.00
Rezoning	$60.00
Variance	$60.00
Special Use	$60.00
Planned Unit Development Review of Plans	$60.00
Appeal of Zoning Administrator Decision	$30.00

No permits shall be issued until all fees have been paid in full, nor shall any action be taken by the Planning Commission or Board of Zoning Adjustment until all fees have been paid in full.

SECTION 4. Violation

A. If the Zoning Administrator shall find that the provisions of these regulations are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it.

B. Should the persons responsible for such violation fail to take the necessary action to correct it, the Zoning Administrator shall notify the Planning Commission and City Council of the violation and shall certify the violation to the City Attorney. Said City Attorney shall thereafter apply to Chancery Court for an injunction mandamus, or other process to prevent, enjoin, abate, or remove said violation to these regulations.

SECTION 5. Penalties

A. Violation of the provisions of this ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. After the expiration date indicated by the notice of violation, any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than $100.00 or imprisoned for not more than thirty (30) days, or both, and in addition shall pay all costs and expenses involved in the case. After the expiration date indicated by the notice of violation, each day such violation continues shall be considered a separate offense.

B. The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent, or other person who willfully commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

C. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation. (Ordinance No. 94-2, Sec. 2.)

CHAPTER VIII

SEVERABILITY -- EFFECTIVE DATE

SECTION 1. Severability

A. The provisions of these regulations are hereby declared to be severable. If any section, paragraph, or clause of these regulations shall be held invalid, the invalidity of such section, paragraph, sentence or clause shall not effect the validity of the rest of the said regulations.

SECTION 2. Effective Date

A. In order to bring about the orderly growth and development, to provide for the elimination of health and safety hazards and to promote the public's general welfare, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED AND APPROVED THIS ____ DAY OF _____, 20__.

ORDINANCE NO._____

ATTEST: CITY OF REDFIELD

_____ _____

RECORDER MAYOR