



**CITY OF LOWELL
REVISED ZONING ARTICLE OF THE
LAND DEVELOPMENT CODE**

by Ordinance No. 754

COMMITTEE:

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RONNIE PROPHET

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Contents

Section	Description	Page number
Preamble		
8-101	Title.....	5
8-102	Authority.....	5
8-103	Purpose.....	5
8-104	Jurisdiction.....	5
8-105	Nature and Application.....	5
Rules of Construction and Definitions		
8-121	Rules of Construction.....	6
8-122	Definitions of Terms and Uses.....	7
Nonconforming Structures and Uses		
8-131	Continuance of Use.....	20
8-132	Discontinuance of Use.....	20
8-133	Change of Use.....	21
8-134	Repairs and alterations.....	21
8-135	Accessories to Primary Nonconforming Uses	21
8-136	Damage and Destruction.....	21
8-137	District Changes.....	22
Establishment of Zoning Districts and Boundaries		
8-141	Zoning Districts Established.....	22
8-142	Zoning District Hierarchy.....	22
8-143	Zoning District Boundary Map.....	22
8-144	Interpretation of District Boundaries.....	23
8-145	Classification of Annexed Lands.....	24
8-146	Vacating of Public Right-of-Ways.....	24
District Regulations		
8-151	Residential Districts.....	24
	Table of residential use districts.....	27
	Table of use: civic/commercial in residential areas.....	28
	Minimum dimension requirement-residential.....	29
8-152	Office Districts.....	30
8-153	Retail Districts.....	32

8-154	Commercial District.....	33
8-155	Town Center District.....	33
8-156	Light Industrial District.....	33
8-157	Permitted Uses Text..	33
8-158	Nonresidential Lot, Yard, Height Regulations.....	33
	Minimum dimension requirement-nonresidential.....	33
8-159	Overlay, Special Purpose Districts, Sign and Landscape ordinances.....	35
8-159.1	Planned Unit Development (PUD) Zone.....	36

Conditional Uses

8-161	Nature and Description.....	43
8-162	Development Standards and Review Guidelines.....	43
8-163	Procedure for authorizing conditional uses.....	44
8-164	Effect of approval for conditional use.....	45

Accessory Uses

8-171	General Description.....	46
8-172	Location requirements and standards.....	46
8-173	Residential accessory uses.....	46
8-174	Nonresidential accessory uses.....	48

Special Conditions applicable to certain uses

8-181	General.....	49
8-187	Floodplain development.....	49
8-188	Manufactured Housing Parks.....	50
8-189	Manufactured Housing Units.....	51
8-190	Manufactured Housing Units, Residential Design.....	51

General Standards

8-201	Off-Street Parking and Loading.....	52
8-202	Driveways and access- Multi-Family and Nonresidential uses.....	60
8-203	Landscaping and screening.....	61
	Preferred Tree Choices.....	66
	Preferred Shrub Choices.....	68
	Trees and Shrubs that may not be used.....	69
8-204	Corner Visibility.....	71
8-206	Fences.....	71
8-207	Sidewalks.....	72
8-208	Drainage and Storm Water Management.....	72

Board of Zoning Adjustment

8-221 Creation and Appointment.....73
8-222 Organization..... 73
8-223 Powers and Duties..... 73
8-224 Procedure for Application and Appeals.....73

Administration and Enforcement

8-231 Planning Director..... 75
8-232 Building and Grading Permits..... 76
8-233 Certificate of Occupancy..... 77
8-234 Penalty of violation..... 78
8-235 Amendments..... 79
8-236 Fees..... 82

Validity and Repeal

8-241 Validity.....82
8-242 Repeal..... 82
Schedule of Uses- Nonresidential district..... 83

ARTICLE III. ZONING

DIVISION 1. PREAMBLE

Sec. 8-101. Title. This article shall constitute the zoning regulations of the City of Lowell. It may be cited as the “zoning ordinance” or the “zoning code,” and consists of the text, which follows, as well the zoning district boundary map, entitled “Official Zoning Map of the City of Lowell, Arkansas,” which is on file in the Office of the City Clerk.

Sec. 8-102. Authority. These regulations are adopted pursuant to authority granted by the Arkansas General Assembly in Title 14, Chapter 56, Subchapter 4 of the Arkansas Code of 1987 Annotated, as amended.

All membership in the various boards and commissions having authority hereunder, acting prior to the effective date of this article, shall remain in office and serve the remainder of their respective terms.

Sec. 8-103. Purpose. The zoning regulations set forth herein are enacted to promote, in accordance with present and future needs, the safety, order, convenience, prosperity, and general welfare of the citizens of Lowell. The regulations are also intended to aid in the implementation of the City of Lowell Comprehensive Plan 2025. The regulations are intended to provide for orderly growth and development; for protection of the character and stability of residential, commercial, industrial, recreational, and environmentally sensitive areas of the city; for protection of property from blight and undue depreciation; for efficiency and economy in the process of development for the appropriate and best use of land; for the use and occupancy of buildings; for healthful and convenient distribution of population; for good civic design and arrangement; and for adequate public utilities, facilities and infrastructure.

Sec. 8-104. Jurisdiction. The provisions of these regulations shall apply to all land, buildings and structures within the corporate limits of Lowell as they now, or may hereafter exist.

Sec. 8-105. Nature and Application.

(a) For the purposes stated above, the city has been divided into zoning districts in which the regulations contained herein will govern lot coverage; the height, area, bulk, location, and size of buildings; open space; and the uses of land, buildings, and structures. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, order, convenience, prosperity, and general welfare. Whenever these requirements are in conflict with the requirements of any other lawfully adopted rules or regulations, the most restrictive, or that imposing the higher standards, shall govern; provided however, that the City of Lowell shall not be responsible for enforcing deed restrictions or restrictive covenants.

(b) No land shall be used or occupied, no structure shall be erected, moved, converted, altered, enlarged, used or occupied, and no use shall be permitted, unless it is in conformity with the regulations herein prescribed for the district in which such structure or land is located. This provision shall not be construed to affect any lawful uses of land or structures that exist, or for which a lawfully issued permit has been issued, at the effective date of these regulations.

(c) No proposed plat of any new subdivision of land shall hereafter be considered for approval unless the lots within such plat equal or exceed the minimum size and area requirements specified in the applicable zoning district in which the land is located or appropriate variance request has been approved.

(d) No open space required by these regulations for a particular structure or use shall be claimed at the same time as open space for another structure or use.

(e) All structures constructed or occupied in conformance with these regulations shall also conform to all other codes and regulations of the city.

(f) The provisions of these regulations are severable. If any section, paragraph, sentence, or clause shall be declared invalid, the remainder of the regulations shall not be affected.

DIVISION 2. RULES OF CONSTRUCTION AND DEFINITIONS

Sec. 8-121. Rules of Construction. For the purpose of these regulations, the following rules of construction shall apply:

(a) Words, phrases, and terms defined herein shall be given the defined meaning.

(b) Words, phrases, and terms not defined herein but in the building code of the city shall be construed as defined in such code.

(c) Words, phrases, and terms neither defined herein nor in the building code, shall be given their usual and customary meanings except where the context clearly indicates a different meaning.

(d) In case of any difference of meaning or implication between the text and any heading, drawing, table or figure, the text shall control.

(e) The particular shall control the general.

(f) The word “shall” is always mandatory and not discretionary. The word “may” is permissive and not mandatory.

(g) Words used in the present tense include the future tense, and words used in the future tense include the present tense.

(h) The words “building” and “structure” are synonymous, and include any part thereof.

- (i) The word “person” includes individuals, firms, corporations, associations and any other similar entities.
- (j) The words “lot,” “parcel,” “site,” “tract,” or other unit of ownership are synonymous and may be used interchangeably.
- (k) The word “used” shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used.
- (l) All public officials, bodies, and agencies to which reference is made are those of the City of Lowell, unless otherwise indicated.
- (m) Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such resolution, ordinance, statute, regulation, or document, unless otherwise expressly stated.
- (n) Whenever a provision appears requiring the head of a department or another officer or employee to perform an act or duty, that provision shall be construed as authorizing the department head or officer or employee to delegate the responsibility to subordinates, unless the terms of the provision specify otherwise.
- (o) Unless the context clearly suggests the contrary, the conjunction “and” indicates that all connected items, conditions, provisions or events shall apply, and the conjunction “or” indicates that one or more of the connected items, conditions, provisions or events shall apply.

Sec. 8-122. Definitions of Terms and Uses. This section contains definitions of general terms used throughout the text. It also contains definitions for the uses identified in the text. The use definitions are intended to be mutually exclusive, which means that uses that are specifically defined shall not also be considered a part of a more general definition of that use. The use “retail/service,” for example, does not include the more specific use “convenience store.”

Access easement: A right-of-way or parcel of land specified or set aside as the way or means by which a piece of property is approached or entered, given by the owner of land to another party.

Accessory buildings and uses: A subordinate building or a portion of the principal building, the use of which is customarily found in connection with that of the main building or structure on the same lot, including a private garage. If the building otherwise qualified as an accessory building is attached to the main building by a common wall or roof, such building shall be considered a part of the main building.

Adult entertainment: Any adult cabaret, adult theater, adult bookstore, adult massage establishment, model studio, or sexual encounter or meditation center which depicts or describes matters or activities relating to specified sexual activities or specified anatomical areas. A business will meet this definition if greater than 10% of the total business is directed to adult

entertainment activities.

Agriculture, crop: The use of any land for the purpose of growing plants, crops, trees and other agricultural or forestry products.

Agriculture, animal: The use of any land for the purpose of raising livestock.

Agriculture, product sales: The retail sale of agricultural products produced on the same site.

Agriculture or Farm: A parcel of land used for the growing or raising of agricultural products for retail or wholesale purposes, including related structures thereon.

Alley: A narrow public way, not in excess of twenty (20') feet, which affords a secondary means of access to abutting properties, and not intended for general traffic circulation.

Amusement Places: A facility that may include structures and buildings where there are various devices for entertainment. This may include, but not be limited to: rides, booths for the conduct of games or sale of items, motorized vehicles, miniature golf, batting cages, driving ranges, studios, shows and other types of indoor and/or outdoor entertainment.

Animal care, general: A use providing animal care, veterinary services or boarding.

Animal care, limited: A use providing small animal (household pet) boarding or veterinary services, with no outside runs.

Apartment: A room or suite of rooms within a building with separate cooking, bathing, and sleeping facilities and intended as a single dwelling unit. Structures containing three or more dwelling units are considered apartments.

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

As-built drawing: A document showing how a particular building and/or site have been constructed.

Asphalt or concrete plant: An establishment engaged in the manufacture, mixing, batching or recycling of asphalt, asphalted cement, cement or concrete products.

Auditorium or stadium: An open, partially enclosed or fully enclosed facility used or intended to be used primarily for spectator sports, entertainment events, expositions and other public gatherings.

Auto wrecking or salvage yard: A lot, land or structure, or part thereof, used primarily for the collecting, dismantling, storage and salvaging of machinery or vehicles that are not in operating condition, or for the sale of parts there from; or for the collecting, storage, and salvage of waste paper, scrap metal, or other discard material.

Bank or financial institution: Establishments engaged in deposit banking; typically, commercial banks, savings and loans, and credit unions.

Basic industry: The first operation or operations that transform a material from its raw state to a form suitable for fabrication.

Bed and breakfast: The use of an owner-occupied or manager-occupied residential structure to provide temporary lodging, or lodging and meals, with no more than twelve (12) guest rooms.

Berm: An earthen mound designed to provide visual interest, screen views, and/or decrease noise.

Buffer: Continuous area of land set aside along the perimeter of a lot in which landscaping is used to provide a transition between and reduce the environmental, aesthetic and other impacts of one type of land use upon another.

Building: Any structure including a roof supported by walls, designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels, or property and forming a construction that is safe and stable.

Building coverage: The land area covered by all buildings on a lot, excluding eaves.

Building height: The vertical distance measured from the average elevation of the finished lot grade at the front of the building to the highest point of the structure, exclusive of chimneys, ventilators, or other extension above the roof line.

Building lines: The lines that are parallel to the front, side, or rear lot lines of a lot at a distance equal to the minimum setback requirements, and beyond which any part of the building proper shall not be located closer to said lot lines.

Building, principal: A building in which is conducted the principal use of the plot on which it is situated. In any residential district, any structure containing a dwelling unit shall be deemed to be the principal building on the plot on which the same is situated.

Carport: Space for the housing or storage of motor vehicles and enclosed on not more than two (2) sides by walls.

Cemetery: Land used, or intended to be used, for burial of the dead, whether human or animal, including a mausoleum, columbarium or cinerarium.

Certificate of occupancy: Permission to occupy a building and/or property.

Church: A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, including day cares, is maintained and controlled by a religious body

organized to sustain public worship.

Club or lodge: An association of persons for the promotion of some nonprofit common purpose, such as charity, literature, science, politics, fellowship, etc., meeting periodically, and limited to members.

College or university: An institution of higher education offering undergraduate or graduate degrees.

Comprehensive plan: The City of Lowell Comprehensive Plan 2025 or most current edition of the plan.

Convenience store: An establishment, not exceeding three thousand five hundred (3,500) square feet of gross floor area, serving a limited market area, and engaged in the retail sale of food, beverages, gasoline and other frequently or recurrently needed merchandise for household or automotive use.

Country club: A chartered, nonprofit membership club catering primarily to its membership, providing one or more of the following social and recreational activities: golf, tennis, swimming, riding, or outdoor recreation. Such clubs typically include dining facilities, clubhouses, locker rooms, and pro shops.

Cultivated landscape area: Planted area that is frequently maintained by mowing, irrigating, pruning, fertilizing, etc.

Day care, adult: A commercial establishment where adult care services are provided whether in a home or separate structure and where services to be provided pursuant to state laws and fire codes, and in accordance with, and licensed by appropriate state agencies.

Day care, child: A commercial establishment where child care services are provided whether in a home or separate structure and where services to be provided pursuant to state laws and fire codes, and in accordance with, and licensed by appropriate state agencies.

Detached structure: A structure having no party or common wall with another structure.

Development: The act of changing the state of a tract of land after its function has been purposefully changed by man; including, but not limited to, structures on the land and alterations to the land.

Development or site plan: A dimensioned presentation of the proposed development of a specified parcel of land that reflects thereon the location of buildings, easements, parking arrangements, public access, and other similar and pertinent features.

District, zoning: Any portion or section of the city within which uniform zoning regulations apply.

Drip line: Vertical line extending from the outermost branches of a tree to the ground.

Drive-in establishments: A facility where services or products are delivered to persons in vehicles by means of a drive-up window or carhop.

Duplex: see *Dwelling, two-family (duplex)*

Dwelling: A building or portion thereof which is designed or used as living quarters for one or more families; but not including motels, boardinghouses, tourist homes, convalescent homes, travel trailers, mobile homes, or manufactured housing.

Dwelling, attached: A dwelling that is joined to another dwelling at one (1) or more sides by a wall or walls.

Dwelling, detached: A dwelling that has no common wall or roof with another structure.

Dwelling, multi-family: A dwelling designed for or occupied by three (3) or more families living independently of each other, exclusive of auto or trailer courts or camps, hotels, or motels.

Dwelling, single-family: A dwelling designed for or occupied by one family only, and being on a permanent foundation.

Dwelling, two-family (duplex): A dwelling designed for or occupied by two (2) families living independently of each other.

Dwelling, townhouse or row house: Two (2) or more dwelling units attached at the side or sides, each unit of which has a separate outdoor entrance and is designed to be occupied and owned by one family.

Dwelling, zero lot line: A single detached dwelling unit that is constructed on a side property line of said lot; such that the wall located on the side property line should be “blank” with no openings of any type allowed.

Dwelling unit: A room or group of rooms located within a dwelling and forming a single habitable unit with facilities for living, sanitation, sleeping, and cooking.

Ecosystem: Assemblage of plant and animal life within a specific physical environment and all interactions among species and between species and their environment.

Efficiency unit: A dwelling unit that contains living, sanitation, sleeping, and cooking facilities, but not a separate bedroom for sleeping, for not more than two (2) adults.

Emergency housing unit: A manufactured housing unit or residential-design manufactured housing unit that is located on the same lot as a principal single-family dwelling to be used solely for the purpose of providing temporary accommodations for a family member in

need of daily assistance due to health reasons. Such reasons shall be certified by a licensed physician.

Escort Service: a legal business wherein one person is paid to escort or accompany another to an event or occurrence. Sexual or adult entertainment does not meet this definition.

Evergreen: A plant with foliage that persists and remains green through out the year.

Family: One or more persons related by blood, marriage or adoption, or a group of not more than five (5) unrelated persons living together and subsisting in common as a single, non-profit housekeeping unit utilizing only one kitchen.

Farm: A parcel of land used for the growing or raising of agricultural products for retail or wholesale purposes, including related structures thereon.

Fence: A barrier constructed to provide privacy or visual separation between one ownership and another.

Floodplain regulations: Provisions of the City of Lowell Flood Damage Prevention Code.

Floor area: The sum of the gross horizontal areas of all of the floors of a principal building or buildings, excluding garages and covered parking areas, measured from the exterior faces of exterior walls, or from the centerline of walls separating two (2) buildings.

Freight terminal: A building or area in which freight, brought by motor trucks or rail, is assembled and/or stored for routing in intrastate or interstate shipment by motor truck or rail.

Frontage: That edge of a lot bordering a street.

Garage, private: An accessory building or a part of a main building used for storage purposes only for automobiles, vans, pick-up trucks and the like, used solely by the occupants and their guests of the building to which it is accessory.

Golf course: A facility providing private or public golf recreation services and support facilities, excluding miniature golf facilities.

Government services: Buildings or facilities owned or operated by government entities and providing services for the public, excluding utilities and recreational services. Typical uses include administrative offices of government agencies and utility billing offices.

Greenhouse or nursery: An establishment primarily engaged in the raising and retail sale of horticultural specialties such as flowers, shrubs, and trees, intended for ornamental or landscaping purposes.

Ground cover: Plants, other than turf grass, normally reaching an average maximum height of not more than 24 inches at maturity.

Group residential: The use of a site for occupancy by groups of more than five (5) persons, not defined as a family. Typical uses include residence halls, and boarding or lodging houses.

Hazardous waste: Any solid, liquid, semisolid, or gaseous waste, whether alone or in combination, whether used, reused or reclaimed, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality, or an increase in serious irreversible, or incapacitating reversible, illness, or which may pose a substantial present or potential hazard to human health or the environment.

Hedge: A landscape barrier consisting of a continuous, dense planting of shrubs.

Home occupation: Any occupation or profession carried on by the inhabitants which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, which is conducted entirely within the main building, and which meets all other applicable standards and use limitations as described herein.

Hospital: An institution providing health services primarily for human inpatient or medical or surgical care for the sick or injured, and including related facilities such as laboratories, outpatient departments, training and research facilities, central service facilities, pharmacies, and staff offices which are an integral part of the facilities.

Hotel or motel: An establishment where overnight accommodations are supplied for transient guests. Typical accessory uses include dining, swimming, and meeting facilities.

Irrigation system: A permanent, artificial watering system designed to transport and distributes water to plants.

Kennel: The use of land or buildings for the purpose of selling, breeding, boarding, or training dogs or cats or both, or the keeping of more than five (5) dogs and cats. The word “selling” as herein used shall not be construed to include the sale of animals three (3) months of age or younger which are the natural increase of animals kept by persons not operating a kennel as herein defined; nor shall selling be determined to include isolated sales of animals over three (3) months old by persons not operating a kennel as herein described.

Landscape architect: as defined by the American Society of Landscape Architects, must be registered in the state.

Library: A publicly operated facility housing a collection of books, magazines, audio and video tapes, or other material for borrowing and use by the general public.

Loft apartment: One or more dwelling units located on the upper floor(s) of a building utilized principally for commercial or office purposes.

Lot: Land occupied or intended for occupancy by a use permitted in these regulations,

including one main building together with its accessory building, and the open spaces and parking spaces required herein, and having its principal frontage upon a street.

Lot, area: The total horizontal area of a lot lying within the lot lines.

Lot, corner: A lot abutting two (2) or more streets at their intersection.

Lot, double frontage: A lot that is an interior lot extending from one street to another and abutting a street on two (2) ends.

Lot, interior: Any lot which is not a corner lot.

Lot lines: The boundary lines of a lot.

Lot line, front: In the case of an interior lot, the line separating said lot from that street which is designed as the front street in the request for a building permit.

Lot line, rear: The lot boundary opposite and most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line.

Lot line, side: Any lot line other than a front or rear lot line as defined herein.

Lot of record: A lot that is a part of a subdivision, the plat of which has been recorded in the office of the Benton County Circuit Clerk.

Lot width: The width of a lot measured at the front building setback line.

Manufactured housing unit: A detached single-family housing unit fabricated in an off-site manufacturing facility for installation or assembly at the building site as a permanent structure with transport features removed, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code. For purposes of these regulations, the term “manufactured housing unit,” when used by itself, shall not mean the same as a “residential-design manufactured housing unit.”

Manufactured housing unit, residential-design: A manufactured housing unit which has a minimum width of twenty-four feet (24'), with width measured perpendicular to the longest axis at the narrowest part, a pitched roof, and siding and roofing materials which are customarily used on site-built homes, and which complies with all of the standards specified herein.

Manufactured housing park: A tract of land in one ownership that is used or intended to be used by two (2) or more manufactured housing units, and which has public sanitary sewer facilities, public water, electricity, and other utilities available.

Manufacturing, general: An establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding “basic industry.”

Manufacturing, limited: An establishment primarily engaged in the on-site production of goods by hand manufacturing which generally involves only the use of hand tools or other equipment not exceeding two (2) horsepower or a kiln not exceeding 8 kilowatts, which may include assembly and packaging, as well as incidental, direct sales to consumers of those goods produced on-site.

Medical service: An establishment providing therapeutic, preventative, or corrective personal treatment services on an out-patient basis by physicians, dentists, and other licensed practitioners, as well as the provision of medical testing and analysis services.

Mining or quarrying: The extraction of metallic and nonmetallic minerals, including stone, sand, and gravel operations.

Mobile home: A transportable, factory-built housing unit, fabricated prior to June 15, 1976, the effective date for the Federal Mobile Home Construction and Safety Act of 1974.

Mulch: Non-living organic and synthetic materials customarily used in landscaping design to retard erosion and to retain moisture.

Nonconforming structure: A structure, or portion thereof, lawfully existing at the time these regulations became effective, or as amended, which does not comply with the setback, height, or other development standards applicable in the district in which the structure is located.

Nonconforming use: Any structure or land lawfully occupied by a use at the time these regulations, or any amendment thereto, became effective, which does not conform to the use or area regulations of the district within which it is located.

Nursing home: Any premises where more than three (3) persons are housed and furnished with meals and continuing nursing services.

Office, general: An establishment providing executive, management, administrative or professional services, but not involving medical or dental services or the sale of merchandise, except as incidental to a permitted use. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting and similar offices.

Open space, common: The area of land that is designed to be accessible for the use and enjoyment of all owners and/or tenants. This space may contain complementary structures, recreational areas and other such improvements, but shall not include parking lots or streets.

Open space, private: An area of land owned or occupied by a property owner or tenant and available for their private use and enjoyment.

Ornamental tree: deciduous tree planted primarily for its ornamental value or for screening purposes, tends to be smaller at maturity than a shade tree.

Owner: The property owner of record, according to the office of the Benton County

Circuit Clerk.

Parking, commercial: A paved area for off-street parking of operable motor vehicles on a temporary basis, other than as accessory parking to a principal use.

Parking space: that portion of a vehicle accommodation area set aside for the parking of one vehicle.

Parks and recreation: A park, playground, open space, or facility, open to the general public and reserved for active or passive recreational activities.

Pedestrian way: A separate right-of-way dedicated to or reserved for public use by pedestrians, which crosses blocks or other tracts of land to facilitate pedestrian access to adjacent streets and properties.

Preserve area: Vegetative areas required to be preserved by law.

Principal building: The building on a lot in which the principal use of the lot is conducted.

Principal use: The chief or main recognized use of a structure or of land.

Recreation and entertainment, indoor: An establishment offering recreation, entertainment or games of skill to the general public for a fee or charge, and that is wholly enclosed in a building. Typical uses include bowling alleys, indoor theaters, pool halls and video game arcades.

Recreation and entertainment, outdoor: An establishment offering recreation, entertainment or games of skill to the general public for a fee or charge, wherein any portion of the activity takes place in the open. Typical uses include archery ranges, batting cages, golf driving ranges, and miniature golf courses.

Recreational vehicle park: The use of a site providing individual spaces for towed or self-propelled camping vehicles on a daily fee or short-term rental basis.

Research service: An establishment engaged in conducting basic and applied research, including production of prototype products when limited to the minimum scale necessary for full investigation of the merits of a product, excluding production of products used primarily or customarily for sale or for use in non-prototype production operations.

Restaurant, fast-food: An establishment where the principal business is the sale of food and non-alcoholic beverages in a ready-to-consume state, and where the design or principal method of operation is that of a fast-food or drive-in-style restaurant offering quick food service, where orders are generally not taken at the customer's table, where food is generally served in disposable wrapping or containers, and where food and beverages may be served directly to the customer in an automobile.

Restaurant, general: An establishment, other than “fast-food restaurant,” where the principal business is the sale of food and beverages in a ready-to-consume state and where the design or principal method of operation consists of one or more of the following: (1) a sit-down restaurant where customers, normally provided with an individual menu, are generally served food and beverages in non-disposable containers by a restaurant employee at the same table or counter at which the food and beverage items are consumed; or (2) a cafeteria or cafeteria-type operation where food and beverages generally are served in non-disposable containers and consumed within the restaurant.

Retail/service: The sale or rental of commonly used goods and merchandise for personal or household use or the provision of services to consumers, excluding those retail and service uses classified more specifically herein. Typical uses include grocery stores, department stores, furniture stores, clothing stores and establishments providing the following products or services: household electronic equipment, sporting goods, bicycles, office supplies, home furnishings, electronics repair, shoe repair, household appliances, wallpaper, carpeting and floor-covering, art supplies, kitchen utensils, jewelry, drugs, laundromats, dry cleaners, cosmetics, books, antiques, or automotive parts and accessories.

Safety services: A facility for conduct of public safety and emergency services, including fire and police protection services and emergency medical and ambulance services.

School, elementary, middle, or high: The use of a site for instructional purposes on a primary or secondary level.

Screen: Method of reducing the impact of noise and unsightly visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences, walls or any appropriate combination thereof.

Service station: An establishment primarily engaged in the retail sale of gasoline or other motor fuels, that may include accessory activities, such as the sale of lubricants, automotive accessories, or supplies, the lubrication or washing of motor vehicles, or the minor adjustment or minor repair of motor vehicles.

Shade tree: A deciduous tree planted primarily for its high crown of foliage or overhead canopy.

Shrub: A woody perennial plant of low to medium height characterized by multiple stems and branches continuous from the base, usually not more than ten feet in height at its maturity.

Sign: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, pictures, trade names, or trademarks by which anything is made known, such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, a service or a commodity or product, which are visible from any public street or right-of-way and designed to attract attention. A sign shall not include such devices located within a building except for illuminated signs within show windows. A sign includes

any billboard, but does not include the flag, pennant, or insignia of any state, city, or other political unit, or any political, charitable, educational, philanthropic, civic, professional, religious, or like campaign, drive, movement, or event.

Sign, bulletin: A sign erected by a church, school, institution, or public agency on its premises for announcements.

Sign, commercial: A sign which directs attention to a service, product, profession, business, or entertainment conducted, sold, or offered on the same lot.

Sign, nameplate: A sign bearing the name and/or address, occupation, and phone number of persons or uses occupying the premises.

Sign, official: Signs on public property for informing the public.

Sports complex: A multi-use business with primary function being sports or sports related activities, such as sports medicine professionals, dietary consultants, sports rehabilitation, sports equipment and/or clothing sales, sports instruction and/or competition and other activities such as refreshment sales areas.

Storage-Outside: The display, sale, and/or keeping for longer than twenty-four hours of any material, merchandise, vehicles or other goods outside of an enclosed building or structure.

Story: The horizontal segment of a building between the floor surface and the ceiling next above it, and wholly above grade.

Use: Any functional, social, or technological activity, which is imposed or applied to land or to structures on the land.

Understory: assemblages of natural low-level woody, herbaceous, and ground cover species which exist in the area below the canopy of trees.

Utility, major: Generating plants, electrical switching facilities and primary substations; water and wastewater treatment plants; water tanks; and radio, television and microwave transmission towers; and similar facilities of agencies that are under public franchise or ownership to provide the general public with electricity, gas, heat, communication, rail transportation, water, sewage collection or other similar service. The term “utility” shall not be construed to include corporate or general offices; gas or oil processing; manufacturing facilities; postal facilities; or other uses defined herein.

Utility, minor: Services and facilities of agencies that are under public franchise or ownership to provide services that are essential to support development and that involve only minor structures, such as poles and lines.

Vehicle and equipment sales: An establishment engaged in the retail sale or rental, from the premises, of motorized vehicles, along with incidental service or maintenance. Typical uses include automobile and truck sales, automobile rental, boat sales, and motorcycle sales.

Vehicle repair, general: An establishment primarily engaged in painting of, or bodywork to, motor vehicles or heavy equipment. Typical uses include paint and body shops.

Vehicle repair, limited: An establishment primarily engaged in automotive repair other than paint and body shops.

Viable: Refers to a tree, shrub or other type of plant that in the judgement of the Planning Director or designee is capable of sustaining its own life processes for a reasonable period of time.

Vocational school: A use providing education or training in business, commercial trades, language, arts, or other similar activity or occupational pursuit, and not otherwise defined as a “college or university” or “primary or secondary school.”

Warehouse, residential storage (mini-warehouse): An enclosed storage facility containing independent, separate units or cubicles that are intended to be leased to persons exclusively for dead storage of their household goods or personal property. The active utilization of any storage space or cubicle within such a storage area for a retail or wholesale business operation is expressly prohibited.

Warehousing: The storage of materials, equipment, or products within a building for manufacturing use or for distribution to wholesalers or retailers, as well as activities involving significant movement and storage of products or equipment. Typical uses include truck terminals, major mail distribution centers, frozen food lockers, and moving and storage firms, but excluding “residential storage warehouses.”

Welding or machine shop: A workshop where machines, machine parts, or other metal products are fabricated. Typical uses include machine, welding, and sheet metal shops.

Xeriscape: Landscape methods which conserve water through the use of drought-tolerant plant and planting techniques.

Yard: An open space on the same lot with a building, unobstructed from the ground upward, and measured as the minimum horizontal distance between the lot line and the main building.

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

Yard, rear: A yard extending across the rear of the lot between the side lot lines, and measured between the rear lot line in the rear of the main building or any projection other than steps, unenclosed porches, or entranceways.

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

DIVISION 3. NONCONFORMING STRUCTURES AND USES

Sec. 8-131. Continuance of Use.

(a) Any lawfully established use of a structure or land, on the effective date of these regulations 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 nonconforming use and may be continued, except as otherwise provided herein.

(b) Any legal nonconforming structure may be continued in use provided there is no physical change other than necessary maintenance and repair.

(c) Any structure for which a building permit has been lawfully granted prior to the effective date of these regulations, or of amendments hereto may be completed in accordance with the approved plans.

Sec. 8-132. Discontinuance of Use.

(a) Whenever any part of a structure or land occupied by a nonconforming use is changed to, or replaced by, a use conforming to the provisions of these regulations, 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.

(b) Whenever a nonconforming use of a structure or part thereof, has been discontinued or abandoned for a period of six months or more, such use shall not be re-established, and the use of the premises thereafter shall be in conformity with the regulations of the district. Exception: an extension of 6 months may be granted by Planning Department in cases of extended illness or other delay when it is expected that the use will resume within the additional 6 month period.

(c) Where no enclosed structure is involved, discontinuance of a nonconforming use for a period of six (6) months shall constitute abandonment, and shall not thereafter be used in a nonconforming manner. Exception: an extension of 6 months may be granted by Planning Department in cases of extended illness or other delay when it is expected that the use will resume within the additional 6 month period.

(d) Where periods of use are dictated by growing season or livestock rotation this does not constitute abandonment, as long as use is resumed within a twelve (12) month period.

Sec. 8-133. Change of Use.

(a) The nonconforming use of any structure or portion thereof may be changed for occupation by a different nonconforming use if approved by the Planning Commission, subject to appeal to the Board of Zoning Adjustment. If the change is approved, the previous nonconforming use may not be resumed unless approved by the Planning Commission.

(b) A nonconforming use of land without substantial buildings or structures may not be extended or expanded, nor shall it occupy more area than was in use on the effective date of these regulations. If such nonconforming use or portion thereof is discontinued for a period of six (6) months, or changed, any future use of such land or change of use shall be in conformity with the provisions of the district in which such land is located.

Sec. 8-134. Repairs and Alterations.

(a) Normal maintenance of a nonconforming structure or of a conforming structure containing a nonconforming use is permitted.

(b) Alterations may be made when required by law, or when such alterations will actually result in eliminating the nonconformity.

(c) 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.

(d) A structure that is nonconforming with respect to yards, height or any other element of bulk regulated by these regulations, shall not be altered or expanded in any manner that would increase the degree or extent of its nonconformity with respect to the bulk regulations for the district in which it is located.

Sec. 8-135. Accessories to Primary Nonconforming Uses. Addition of, or enlargement, alteration or relocation of, accessories which are incidental to and accommodate the primary nonconforming use may be permitted, after notices and public hearing and approval by the Planning Commission.

The procedures for application and review shall be the same as those for use on appeal, with the exception that all notifications must make reference to a request for “alteration, enlargement or relocation of use” instead of a request for a conditional use.

Sec. 8-136. Damage and Destruction. If a nonconforming structure or a structure containing a nonconforming use is damaged or destroyed by natural disaster, fire, or other casualty, the structure may be repaired or reconstructed on the same footprint, design and function within a twelve month period from the date of the damage and used for the same purpose as it was before the occurrence. Damage of 50% (fifty percent) of the value of the structure or greater will constitute new construction and shall conform to building design and current building codes.

Sec. 8-137. District Changes. Whenever the boundaries of a zoning district are changed, so as to transfer an area from one district to another, the foregoing provisions shall also apply to any newly created nonconforming uses therein.

DIVISION 4. ESTABLISHMENT OF ZONING DISTRICTS AND BOUNDARIES

Sec. 8-141. Zoning Districts Established. The following zoning districts, which may be referred to by their abbreviations, are hereby established:

(a) Base Zoning Districts:

- A Estate Single-Family Residential – one (1) acre minimum lot size
- B Single-Family-22 Residential – 22,000 square foot minimum lot size
- C Single-Family-15 Residential – 15,000 square foot minimum lot size
- D Single-Family-10 Residential – 10,000 square foot minimum lot size
- E Single-Family-8 Residential – 8,000 square foot minimum lot size
- MH Single-Family-Manufactured Housing – 8,000 square foot minimum lot size
- MDR Medium Density Residential 4 units/structure and 8 units/acre maximums
- HDR High Density Residential– 20 units/acre maximum
- NO Neighborhood Office
- BP Business Park
- NS Neighborhood Service
- R/O Retail / Office
- R Retail – community and regional retail
- C Commercial
- TC Town Center (“Heart of Lowell” District)
- LI Light Industrial

(b) Overlay and Special Purpose Zoning Districts

- DOD Design Overlay District – certain street and highway corridors
- PUD Planned Unit Development District
- TCO Town Center Overlay District
- P/SP Public/Semi-Public uses
- POS Parks and Open Spaces

Sec. 8-142. Zoning District Hierarchy. References to less restrictive, more restrictive, less intensive and more intensive zoning districts refer to the zoning districts established above; and represent a progression from the A district as the most restrictive (or least intensive) district to the LI district as the least restrictive (or most intensive) district. Overlay and special purpose districts are not included in the zoning district hierarchy.

Sec. 8-143. Zoning District Map.

(a) The location and boundaries of the zoning districts established herein are defined as shown on a map entitled "Official Zoning Map of the City of Lowell, Arkansas," which is on file in the office of the city clerk. This map, together with all explanatory data thereon, is hereby adopted by reference, and declared to be a part of these regulations.

The official zoning map shall be certified as such by signature of the mayor, attested by the city clerk.

(b) When on recommendation of the Planning Commission, it is determined that the official zoning map needs to be replaced because it has been damaged, destroyed, lost or is difficult to interpret, the City Council may by resolution adopt a new official zoning map. The adoption of new official zoning map shall supersede the previous map and the new map shall be signed by the mayor, attested by the city recorder and noted that it supersedes and replaces the previous map.

(c) If, in accordance with the provisions of these regulations, changes are made in district boundaries, zoning or other data portrayed on the official zoning map, such changes shall be made on said map as soon as possible, but not more than thirty (30) days after the amendment has been approved by the City Council.

(d) No changes of any nature shall be made on the official zoning map or information shown thereon, except in conformity with the procedures set forth in these regulations. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of these regulations, and punishable pursuant to provisions contained in Section 8-234.

(e) Regardless of the existence of purported copies of the official zoning map, which may from time to time be made or published, the official zoning map located in the office of the city clerk shall be the final authority as to the current zoning status of property in the city.

(f) In areas that are contiguous with border cities, the zoning must be compatible with the neighboring town and zoning will not become effective until written agreement of compatibility is received from neighboring city, town or entity as required by state law. It is the responsibility of the applicant for rezoning to submit the approving resolution from the neighboring city, town or entity as part of the application package before the rezoning request can be heard by the Planning Commission.

Sec. 8-144. Interpretation of District Boundaries. Where uncertainty exists as to the boundaries of districts shown on the official zoning map, the Planning Director shall employ the following rules in interpretations thereof. Decisions of the Planning Director are subject to appeal to the Board of Zoning Adjustment.

(a) Boundaries indicated as approximately following the centerlines of streets or alleys shall be construed to follow such centerlines.

(b) Boundaries indicated as approximately following city limits shall be construed as following

city limits.

(c) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

(d) Boundaries indicated as following waterways shall be construed to be following the thread of the stream.

(e) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

(f) Boundaries indicated as parallel to, or extensions of features mentioned in the preceding rules, shall be so construed.

(g) Where distance is not specifically indicated on the official zoning map, as is typically the case with un-subdivided property, distance shall be determined by the scale of the map.

Sec. 8-145. Classification of Annexed Lands. All lands proposed for annexation shall be assigned zoning district classification(s) that will become effective at the same time the annexation becomes final. The map amendment procedures contained herein shall be followed in assigning said classification(s).

Sec. 8-146. Vacating of Public Rights-of-Ways. Whenever any street, alley, or other public way is vacated or abandoned by action of the city council pursuant to law, the zoning district classification of the property to which the vacated portions of land accrue, shall become the classification of the vacated land.

DIVISION 5. DISTRICT REGULATIONS

Sec. 8-151. Residential Districts.

(a) General Description. There are eight (8) residential districts designed to meet present and future housing needs; to protect the character of, and property values in, residential areas; to encourage a suitable environment for family life; and to provide choice in density, as well as in type of housing. Six (6) of the districts are for low-density single-family uses, and are intended to be defined and protected from the encroachment of uses not performing a function necessary to the low density, residential environment. More specific descriptions of the residential districts are as follows:

1. **A, Estate Single-Family District.** The purpose of this district is to accommodate single-family residential development on low density, large estate type lots. This zone is intended to help preserve rural character and existing agricultural resources. Minimum lot size is 1 acre. This zone contains land that was, previous to the creation of this “A” designation, designated as Agricultural land. The “A” designation contained herein, as set forth in the Residential Schedule of Uses below, allows for the continuation of the property in this district to be used as Agricultural land, and does not require nor necessarily indicate that such land will be used for Residential purposes.

2. **B, Single-Family – 22 Residential District.** The purpose of this district is to accommodate single-family residential uses on generously sized residential lots of at least 22,000 square feet. This zone is generally applied on the fringe of built-up areas of the city, and may act as a buffer to A zones.

3. **C, Single-Family – 15 Residential District.** This district is characterized by single-family residential development on medium-sized lots of at least 15,000 square feet. As with other residential zones, this district also serves as a buffer in providing for a step-down in intensity from higher to lower density residential development.

4. **D, Single-Family – 10 Residential District.** The purpose of this district is to provide for a higher population density on moderately sized lots of at least 10,000 square feet. This is the smallest lot size that will be considered appropriate in Lowell for future development.

5. **E, Single-Family – 8 Residential District.** This district, which provides for small-sized lots of 8,000 square foot minimum, is intended for application in existing residential areas and areas that are already platted. It is not intended for application in new single-family residential subdivisions.

6. **MH, Single-Family Manufactured Housing District.** The purpose of this district is to accommodate residential development associated with manufactured home living. Minimum lot size shall be 8,000 square feet. Application is primarily intended for areas where this type of housing exists; provided fringe areas thereto, and buffers between such areas and nonresidential uses may also be an appropriate assignment of this classification.

7. **MDR, Medium Density Residential District.** The purpose of this district is to accommodate medium density multi-family residential development. This zone is characterized by two to four family (duplex, triplex, fourplex) units, patio/garden (zero lot line) homes, and single-family attached (townhouse) dwelling units. The maximum density in this zone is eight (8) dwelling units to the acre.

8. **HDR, High Density Residential District.** This district is to provide for high density, multi-family development, and is characterized by traditional apartment-type units in attached living complexes. Congregate housing for the elderly is also anticipated in this zone. Areas so classified must have all municipal services available. The maximum density in this district is

twenty (20) dwelling units to the acre.

(b) Uses Permitted. Uses permitted in the residential districts are set forth in the following table. Where the letter “P” appears opposite a listed use and underneath a residential district, the use is permitted in that district “by right” subject to: (1) providing off-street parking and loading facilities as required by Section 8-201; (2) providing landscaping and screening as provided by Section 8-203; and (3), conformance with special conditions applying to certain uses as set forth in Division 8. Only one (1) principal structure per lot shall be permitted in A, B, C, D, E, and MH single-family districts.

Where the letter “C” appears instead of “P”, the use is permitted subject to acquiring a conditional use permit as set forth in Sections 8-161 thru 8-164. Where neither “P” nor “C” appears similarly within the table, the use is not permitted. Any uses which are not listed in the following table will be permitted only upon application for a conditional use permit and approval for such permit by the Planning Commission.

**USE TABLE
RESIDENTIAL DISTRICTS**

ZONING DISTRICTS

RESIDENTIAL USES	A	B	C	D	E	MH	MDR	HDR
Single-family detached	P	P	P	P	P	P	P	P
Single-family attached							P	P
Duplex, triplex, 4-plex							P	P
Emergency housing unit	C	C	C	C	C	C	C	C
Multi-family/Apartment							P	P
Manufactured housing unit						P		
Manuf. housing, residential design						P	C	C
Manufactured housing park						C		
Group residential	C	C	C	C	C	C	C	C
Accessory dwelling unit	C	C	C	C	C	C	C	C

CIVIC & COMMERCIAL USES	A	B	C	D	E	MH	MDR	HDR
Airport or airstrip								
Animal care, general	C	C						
Animal care, limited	C	C	C					
Automated teller machine								P
Bed and breakfast	C	C	C	C	C	C	C	C
Cemetery	C	C	C	C	C	C	C	C
Church	C	C	C	C	C	C	C	C
College or university	C	C	C	C	C	C	C	C
Communication tower	C	C	C	C	C	C	C	C
Community Center	C	C	C	C	C	C	C	C
Convenience store	C							
Day care, Adult	C	C	C	C	C	C	C	C
Day care, Child	C	C	C	C	C	C	C	C
Golf course	C	C	C	C	C	C	C	C
Government service	C	C	C	C	C	C	C	C
Hospital								
Library	C	C	C	C	C	C	C	C
Medical services								
Museum	C	C	C	C	C	C	C	C
Nursing home								
Parks and recreation	P	P	P	P	P	P	P	P
Post office	C	C	C	C	C	C	C	C
Recreation/entertainment, indoor							C	C
Recreation/entertainment, outdoor							C	C
Safety services	C	C	C	C	C	C	C	C
School, elementary/middle & high	C	C	C	C	C	C	C	C
Swimming pool or club	C	C	C	C	C	C	C	C
Tennis Courts or club	C	C	C	C	C	C	C	C
Utility, major	C	C	C	C	C	C	C	C

Utility, minor	P	P	P	P	P	P	P	P
Vocational school	C							

MANUFACTURING & EXTRACTIVE USES

Asphalt or concrete plant								
Mining or quarrying								
Sod farm	C	C	C					
Topsoil								

AGRICULTURAL USES

Agriculture, animal	C	C	C	C	C	C	C	C
Agriculture, crop	P	P	P	C	C	C	C	C
Agriculture, product sales	C	C	C	C	C	C	C	C
Gardening, personal use	P	P	P	P	P	P	P	P

ACCESSORY USES: PERMITTED SUBJECT TO PROVISIONS OF DIVISION

(c) Lot, yard, and height regulations. Except as otherwise provided herein, no lot or yard shall be established or reduced in dimension or area in any residential district that does not meet the minimum requirements in the following table; nor shall any building or structure be erected or enlarged that will cause the maximum lot coverage or maximum height regulations to be exceeded for such district as set forth in said table. A listing of supplements and exceptions to these regulations follows the table.

**MINIMUM DIMENSION REQUIREMENTS
RESIDENTIAL DISTRICTS
ZONING DISTRICTS**

DIMENSION	A	B	C	D	E	MH	MDR	HDR
Lot size								
Single-family (sq. ft.)	1 ac	22,000	15,000	10,000	8,000	8,000	8,000	8,000
Duplex (sq. ft.)	NP	NP	NP	NP	NP	NP	12,000	12,000
Nonresidential uses (sq. ft.)	1 ac	22,000	15,000	10,000	8,000	8,000	8,000	8,000
Multi-family (units/acre)	NP	NP	NP	NP	NP	NP	8/acre	20/acr
Lot width (all uses)	120'	110'	100'	90'	80'	80'	120'	200'
Lot depth (all uses)	200'	120'	100'	100'	100'	100'	120'	200'
Front setback (all uses)	30'	30'	25'	25'	25'	25'	25'	50'
Side setback (all uses)	15'	15'	10'	7'	7'	7'	7'	25'
Street side setback (all	25'	25'	25'	25'	25'	25'	25'	25'

Rear setback (all uses)	30'	30'	25'	25'	25'	25'	30'	50'
NP = not permitted								

1. Maximum lot coverage (all buildings) shall not exceed thirty-five percent (35%) in A, B, and C zones; and forty percent (40%) in all other residential zones.

2. When an existing lot is reduced because of conveyance to a federal, state or local government for a public purpose and the remaining area is at least seventy-five percent (75%) of the required minimum lot size for the district in which it is located, then that remaining lot shall be deemed to comply with minimum lot size requirements.

3. Utility facilities, using land or an unoccupied building requiring less than one thousand (1,000) square feet of site area, are exempt from minimum lot size requirements of all districts.

4. Minimum lot size requirements shall not be interpreted as prohibiting the construction of a single-family residential dwelling unit on a lot that was legally platted and recorded before the adoption of these regulations. For lots that are rendered nonconforming, the necessity of obtaining a variance from such created nonconformity shall not be required as a condition of issuance of a building permit, provided all setback and other requirements can be met.

5. Certain architectural features may project into required yards as follows:

a. Cornices, canopies, eaves, or other architectural features, may project a distance not to exceed thirty inches (30").

b. Fire escapes may project a distance not exceeding four and one-half feet from the exterior wall of the building.

c. An uncovered stair and necessary landings may project a distance not to exceed three feet (3'), provided such stair and landing shall not extend above the entrance floor of the building except for a railing not exceeding three feet (3') in height.

d. Bay windows, balconies, and chimneys may project a distance not exceeding thirty inches (30"), provided that such features do not occupy, in the aggregate, more than one-third of the length of the building wall on which they are located.

6. When an existing setback is reduced because of conveyance to a federal, state or local government for a public purpose and the remaining setback is at least seventy-five percent (75%) of the required minimum setback for the district in which it is located, then that remaining setback shall be deemed to satisfy minimum setback requirements.

7. Setback averaging. When a majority of the lots have existing principal structures on them and the street setbacks of said principal structures are on lots within the same block, with the same zoning classification and fronting on the same side of the street, and are less than the required street setback, applicants shall be allowed to use the "average" street setback on that

block. In such cases, the “average setback” shall be the mean (average) setback of all developed lots on the same side of the street within the same block as the subject property and with the same zoning classifications; provided that in no case shall more than six (6) lots on either side of the subject property be included in the calculation.

8. When adjacent to A, B, C, D, or E districts, multi-family residential and nonresidential structures over one (1) story or fifteen feet (15') in height shall have an additional eight foot (8') side and rear setback for every additional story or fifteen feet (15') in building height. The measure resulting in the greatest setback should be used.

9. Single family attached uses shall be exempt from interior side setback requirements, provided that end units within a single-family attached development shall comply with applicable side setback requirements. Such uses may also be exempted from lot width requirements.

10. In MDR districts, and other districts in which such developments may be permitted, dwelling units within a zero lot line development may be placed on or near one interior side lot line, and therefore be exempt from that interior side setback requirement. Zero lot line setbacks may not be used on street side lot lines or on interior side lot lines adjacent to lots that are not part of the zero lot line development. Zero lot line houses shall be subject to applicable fire codes and the following additional standards:

a. The minimum distance between all buildings in the development must be equal to twice the side setback required by the underlying zoning district. A deed restriction must be recorded on the deed of each applicable lot to insure continued compliance with this setback.

b. An easement to allow for maintenance or repair is required when the eaves or side wall of a house are within four feet (4') of the adjacent property line. The easement on the adjacent property must provide at least five feet (5') of unobstructed space between the furthest projection of the structure, and be wide enough to allow five feet (5') between the eaves or side wall and the edge of the easement.

c. If the sidewall of the house is on the property line, or within three feet (3') of the property line, windows or other openings that allow for visibility into the side yard of the adjacent lot are not allowed. Windows that do not allow visibility into the side yard of the adjacent lot, such as a clerestory window or a translucent window, are allowed.

11. Maximum height limitation is thirty-five feet (35') in all residential zones with the exception of the HDR district, where the limitation is forty-five feet (45').

Chimneys, smokestacks, ventilators, cooling and water towers, bulkheads, grain elevators and silos, utility and flagpoles, belfries, spires and steeples, and monuments and ornamental towers, may be erected to any height not in conflict with other city ordinances or federal regulations. Communication towers are exempt only to the extent authorized through conditional use approval.

Sec. 8-152. Office Districts.

(a) General description, office districts. Two (2) special office districts are provided in an effort to maintain and promote the character of the community; and given Lowell's strategic geographical location within the region, to expand the amount of land available for such uses. Assignment of these districts is also intended to provide for a positive transition between residential and higher intensity land uses. Office zoning is not intended for areas considered to have high visibility and high traffic counts—such areas, in general should be preserved for retail uses. More specific descriptions of the office districts are as follows:

1. **NO, Neighborhood Office District.** This district is intended to include mostly small, low-rise office buildings or complexes that primarily serve the immediately surrounding neighborhoods. These may include medical/dental offices and other similar professional offices (e. g., attorneys, realtors, mortgage companies, etc.), and are generally used as a buffer between residential neighborhoods and higher intensity nonresidential uses such as retail and commercial uses.

2. **BP, Business Park District.** This district is intended to include larger, high-rise office complexes, typically in a campus-type setting, that serve the office/professional needs of the overall community and/or region. These may be one building or several, and may include office headquarters for corporations and large business entities, in addition to multi-tenant facilities.

Sec. 8-153. Retail Districts.

(a) General description, retail districts. Retail districts are intended to provide for a variety of retail trade, and personal and business services and establishments. Three (3) such districts are established herein. Retail establishments generally require higher visibility than do other types of uses, and are intended for application in the higher traffic areas of the city.

1. **NS, Neighborhood Service District.** This district is intended to accommodate small retail/office centers that serve the immediately surrounding neighborhoods (residents within a one-mile radius). These are typically anchored by a small grocery store or a pharmacy, and they may include small-scale personal service shops, medical/dental offices, restaurants, a convenience store/gas station, or other similar establishments. This is considered a “low intensity” retail district.

2. **R/O, Retail/Office District.** This “medium intensity” retail and business district is intended to accommodate retail/business centers that serve a larger geographic area (residents within a two- to five-mile radius). Such centers are typically anchored by one or more “junior” anchor stores, and may include personal service shops, restaurants, convenience stores/gas stations, office buildings, or other similar establishments.

3. **R, Retail District.** This “medium- to high-intensity” retail district is intended to accommodate retail shopping centers that serve larger geographic areas, such as the entire community or the region (residents over a five-mile or greater radius). These centers are typically anchored by one or more large department or discount store(s), and may include

personal service shops, free-standing “sit-down” restaurants, automotive service and accessory stores, and other similar establishments.

Sec. 8-154. C, Commercial District. Areas designated for the commercial district are intended for a variety of higher intensity business uses and commercial establishments, often with outside storage, display, and sales. Examples of such uses include convenience stores/gas stations, automotive repair shops, contractor services, and other similar establishments.

Sec. 8-155. TC, Town Center District. This district is intended to provide the community with a central, mixed-use “focal point” (as the “heartbeat” of Lowell) and center of business/government. It is also intended to be a “people place” for Lowell residents and visitors to shop, conduct personal and government-related business, live, enjoy arts/cultural facilities and special activities, celebrations, and events. Anticipated development includes a wide range of uses, such as, office and institutional, service, governmental, convenience and specialty retail, entertainment, and housing.

Sec. 8-156. LI, Light Industrial District. The light industrial zoning district is applied to areas intended for a range of commercial, light manufacturing and assembly, truck transport and freight terminals, warehousing and storage, wholesaling, packaging, fabrication, display and such limited manufacturing as would mostly be contained within a building, and does not create a nuisance for residential and commercial neighbors.

Sec. 8-157. Office, Retail, Commercial, Town Center, and Industrial District Uses Permitted. Uses permitted in the foregoing districts are set forth in the attached table. Where the letter “P” appears opposite a listed use and underneath a district, the use is permitted in that district “by right” subject to: (1) providing off-street parking and loading facilities as required by Section 8-201; (2) providing landscaping and screening as required by Section 8-203; and (3), conformance with special conditions applying to certain uses as set forth in Division 8 overlay, town center district or by other separate regulation.

Where the letter “C” appears instead of “P”, the use is permitted subject to acquiring a conditional use permit as set forth in Sections 8-161 thru 8-164. Where neither “P” nor “C” appears similarly within the table, the use is not permitted. Any uses which are not listed in the following table will be permitted only upon application for a conditional use permit and approval for such permit by the Planning Commission.

Sec. 8-158. Nonresidential Lot, Yard, and Height Regulations. No lot or yard shall be established or reduced in dimension or area in any nonresidential district that does not meet the minimum requirements in the table that follows; nor shall any building or structure be erected or enlarged that will cause the maximum lot coverage or maximum height regulations to be exceeded for such district as set forth in said table. A listing of supplements and exceptions to these regulations follows the table.

**MINIMUM DIMENSION REQUIREMENTS
NONRESIDENTIAL DISTRICTS**

ZONING DISTRICTS

DIMENSION	NO	BP	NS	R/O	R	C	TC	LI
Minimum lot size								
Single-family (sq. ft.)	8,000	NP	8,000	NP	NP	NP	NS	NP
Duplex (sq. ft.)	12,000	NP	12,000	NP	NP	NP	NP	NP
Multi-family (units/acre)	NP	NP	NP	NP	NP	20/ac	NS	NP
Nonresidential uses (sq. ft.)	8,000	12,000	8,000	12,000	12,000	22,000	NS	10,000
Minimum lot width (all uses)	60'	120'	60'	120'	200'	200'	NS	200'
Minimum lot depth (all uses)	100'	100'	100'	100'	100'	NS	NS	100'
Front setback								
Residential uses	25'	NP	25'	NP	NP	25'	NS	NP
Nonresidential uses	25'	50'	25'	25'	50'	50'	NS	100'
Street side setback (all)	25'	25'	25'	25'	25'	25'	NS	25'
Interior side setback								
Residential uses	10'	NP	10'	NP	NP	25'	NS	NP
Nonresidential uses	10'	10'	10'	10'	10'	10'	NS	25'
Rear setback								
Residential uses	20'	NP	20'	NP	NP	25'	NS	NP
Nonresidential uses	20'	20'	20'	20'	20'	20'	NS	25'
Maximum height	35'	NS	35'	45'	45'	45'	NS	75'
Maximum lot coverage (all)	50%	60%	50%	60%	50%	60%	NS	60%
Maximum floor area (sq. ft.)	5,000	NS	5,000	NS	NS	NS	NS	NS

NP = Not Permitted

NS = No written standard. Will be reviewed/approved during planning process.

(a) Size reduced for public purpose. When an existing lot is reduced because of conveyance to a federal, state or local government for a public purpose, and the remaining area is at least seventy-

five percent (75%) of the required minimum lot size for the district in which it is located, then that remaining lot shall be deemed to comply with minimum lot size requirements.

(b) Utility exemption. Utility facilities, using land or an unoccupied building requiring less than one thousand (1,000) square feet of site area, are exempt from minimum lot size requirements. Screening and compatible architecture are required.

(c) Setback reduced for public purpose. When an existing setback is reduced because of conveyance to a federal, state or local government for a public purpose, and the remaining setback is at least seventy-five percent (75%) of the required minimum setback for the district in which it is located, then that remaining setback shall be deemed to satisfy minimum setback requirements. Setbacks of less than seventy-five percent (75%) of the required minimum will require approved variance request.

(d) Setback averaging. When a majority of the lots have existing principal structures on them and the street setbacks of said principal structures are on lots within the same block, with the same zoning classification and fronting on the same side of the street and are less than the required street setback, applicants shall be allowed to use the “average” street setback on that block. In such cases, the “average setback” shall be the mean (average) setback of all developed lots on the same side of the street within the same block as the subject property and with the same zoning classifications, and in no case shall more than six (6) lots on either side of the subject property be included in the calculation.

(e) Setbacks increased by height. When adjacent to single-family districts, multi-family residential and nonresidential structures over one (1) story or fifteen feet (15') in height shall have an additional eight foot (8') side and rear setback for every additional story or fifteen feet (15') in building height. The measure resulting in the greatest setback should be used.

(f) Maximum height exclusions. Chimneys, smokestacks, ventilators, cooling and water towers, bulkheads, grain elevators and silos, utility and flag poles, belfries, spires and steeples, and monuments and ornamental towers, may be erected to any height not in conflict with the other city ordinances or federal regulations. Communication towers are exempt only to the extent authorized through conditional use approval, if such use is not a use permitted by right.

(g) When a nonresidential zone abuts a residential zone, minimum setbacks for the residential zone shall be the same as that setback for the abutting nonresidential zone.

Sec. 8-159. Overlay, Special Purpose Districts, sign ordinance and landscaping ordinance.

The purpose of overlay, town center, and special purpose districts is to provide to protect and enhance the unique characteristics of specific areas and/or corridors, such as natural scenic beauty or manmade features, while providing for development opportunities. Examples of such purposes include: Promoting the safe and efficient use of specific roadways by controlling access and other traffic measures;

Encouraging the redevelopment of an area consistent with a particular design theme.

The City Council, upon recommendation from the Planning Commission, may adopt overlay and special purpose districts as the needs are identified in order to implement specific purposes,

intents, and design standards generally consistent with the *City of Lowell Comprehensive Plan 2025 or most current edition thereof*. Any provisions for the area being regulated shall be applied as additional standards to other city regulations. The development criteria for each district shall be those standards as set out in each respective district that is adopted. Such districts may be made a part of the zoning regulations or as separate ordinance through the standard procedures; and upon adoption, the boundaries of such districts, shall be delineated on the official zoning map.

Sec. 8-159.1. Planned Unit Development (PUD) Zone.

(a) General Description. It is the intent of this section to encourage unified developments, and to provide for the application of design ingenuity in such developments, while protecting existing and future surrounding areas. The PUD provisions herein established, are intended to provide for greater flexibility in the design of buildings, yards, courts, services and open space than would otherwise be possible through the strict application of other district regulations, and to produce:

1. A maximum choice in the type of environment and living units available to the public;
2. Open space, service and recreation areas;
3. A pattern of development which preserves natural features, prevents soil erosion, and protects water quality;
4. A creative approach to the use of land and related physical development;
5. An efficient use of land;
6. An environment of stable character in harmony with surrounding development; and
7. A development that promotes positive growth for the City of Lowell.

The PUD regulations are designed to provide for small and large scale developments incorporating a single type or a variety of residential, commercial, and related uses that are planned and developed as a unit. Such development may consist of individual lots or it may have common building sites. Private or public common land and open space should be an essential and major element of the plan that is related to and affects the long-term value of the homes and other development. A planned unit shall be a separate entity with a distinct character and be in harmony with surrounding development and the city's comprehensive plan.

(b) Standards of Development:

1. Ownership Control. The land in a planned unit development district (PUD) shall be owned, leased, or otherwise controlled by a person, firm, group of individuals, partnership, corporation, or trust, provided assurances are given through the procedures contained herein that the project can be successfully completed.

2. Uses Permitted. In order to increase creativity and flexibility in the development of areas suitable for a planned unit development, there are no specifically prescribed uses that are permitted within the boundaries of a planned unit development. Any use prohibited in the city limits shall not be permitted in PUDs, for example; retail of a sexually oriented nature, mining or quarrying and others. The developer shall be responsible for preparation of a list of permitted uses within the specific planned unit development requested. The development list shall take into account the nature and purpose of the PUD area. Such uses and locations shall be appropriate in order to protect and be in harmony with surrounding development and the city's comprehensive plan.

At the time of the pre-application plan and conference, the applicant shall generally describe the nature and types of land uses to be located within the boundaries of the PUD district. At the time of zoning, a specific written list of uses to be "permitted by right" shall be submitted for review by the Planning Commission. If approved by the Planning Commission and City Council, the list of specific uses permitted by right shall serve as the control list in issuance of building permits and certificates of occupancy.

3. Parking and Off-Street Loading. All uses established with a planned unit development district shall comply with the off-street parking and loading requirements as established in the city's zoning regulations.

4. Perimeter Requirements. In order to assure compatibility with surrounding development, the developer shall submit specific information as to the setbacks, building height, coverage factors and other elements necessary for all perimeter lots that are adjacent to the boundary of the PUD district or adjacent to any boundary or perimeter street right-of-way. While no specific setback requirements are herein established, the planning commission shall consider the nature, extent and character of the adjacent development and shall take into consideration the types of area regulations applicable to adjacent properties.

5. Residential Density Standards. Densities within certain areas of the PUD may be beyond the overall limits through a transfer of density. However, overall project densities shall not be exceeded in accordance with the following schedule:

a. Eight (8) dwelling units per net residential acre for single-family attached and detached houses and duplexes.

b. Fifteen (15) dwelling units per net residential acre for triplexes, fourplexes, and row or terrace housing.

c. Eighteen (18) dwelling units per net residential acre for two story, and twenty-seven (27) units per net residential acre for three story buildings.

d. Forty (40) dwelling units per net residential acre for buildings that are four stories or more.

For purposes of calculating densities, net residential acres are defined as gross acres of the PUD site minus all public rights-of-ways, and less the area of all parcels or lots devoted to commercial, industrial, or institutional uses not of a residential nature. Common open space that is owned and maintained by a property owners' association shall be included in calculating the net residential acres available for all dwelling units that automatically belong to such an association. Where more than one property owners' association is to be created, then each common open space can only be attributed to the lot or dwellings which have automatic membership for that specific common open area.

6. Open Space Requirements. Common open space constitutes an essential ingredient in a planned unit development and is one of the most basic and important design elements. Open space should be distributed more or less equitably throughout the PUD district in relationship to the dwelling units and other use areas that are intended to be served by the common open space. Adequate guarantees must be provided that the common open space areas as contained in the plan for the PUD district are preserved and maintained for those purposes only. A minimum of twenty percent (20%) of the total project area shall be devoted to lawn and/or green space, exclusive of paved surfaces.

(c) Procedures For Obtaining PUD Zoning: A two-step procedure is required to obtain PUD zoning. The first step is presentation of a pre-application concept plan that includes architectural theme, densities, green space, amenities and street layout. The second step involves submission of a formal application for rezoning of the area to a PUD. These steps are outlined as follows with respect to the procedure followed and submission requirements at each step:

1. Pre-application Plan and Conference:

a. Procedure:

(1) A pre-application concept plan shall be submitted to the planning department for review of the area and proposed uses relative to the compatibility of a planned unit development project with existing development in the surrounding area and the comprehensive development plan of the city.

(2) Each applicant shall confer with the city planner and interested Department heads in connection with the preparation of the planned unit development

application. It shall be the responsibility of the city planner to contact and invite interested department heads and other parties to a joint meeting. The Planning Director may also suggested that the applicant present the concept plan to the Planning Commission for initial review and comment.

The general outlines of the proposal, evidenced schematically by the pre-application plan and such other information as may be desired, are to be considered before submission of the planned unit development application.

(3) Upon review of the site plan and general area, and following completion of the pre-application conference, the city planner shall furnish the applicant with written comments regarding the conference, including appropriate recommendations to inform and assist the applicant prior to preparing the components of the planned unit development rezoning application.

b. **Submission Requirements.** At the time of requesting a pre-application conference, the applicant shall submit a scaled site plan and such other narrative or graphic information the applicant deems pertinent to the city's initial review and evaluation of the potential of the PUD district proposed. The pre-application plan shall include the following:

- (1) Boundaries of the property involved;
- (2) Existing current zoning of the area and zoning of adjoining properties;
- (3) Existing roadways, easements, and waterways;
- (4) Indication of availability of all utilities;

(5) General plan of development at a level of detail sufficient to indicate to the city the nature and scope of the project as to its magnitude in terms of approximate number and types of dwelling units; location and extent of nonresidential elements; proposed locations of major open space areas; and circulation and access.

2. **Zoning Application and Preliminary Plat.** After receiving written comments following the pre-application conference, the applicant may proceed in preparing a formal application for a planned unit development rezoning.

a. **Submission Requirements.** To form the basis for the rezoning application, a preliminary site plan shall be submitted and it shall include at least the following information:

(1) Proposed title of the project and name of any engineer, architect, land planner, land surveyor, landscape architect, or company responsible for various elements of the plan.

(2) North point, graphic scale, and date.

(3) Boundaries of the properties involved, all existing easements, section lines and property lines, existing streets, existing buildings, watercourses, waterways or lakes, and other existing physical features in and adjoining the property.

(4) Location and sizes of sanitary and storm sewers, water mains, culverts and other underground structures in and adjacent to the project.

(5) Topography of the project area with appropriate contour intervals.

(6) General land use development plan of the area indicating the location of different land uses, dwellings by types and numbers, areas designated for commercial uses and other nonresidential uses, and areas proposed for open space and recreational use. For all residential areas, the site plan shall clearly indicate the type and number of dwellings to be located per parcel, lot or block in accordance with the preliminary plat. For all commercial or other nonresidential uses, the areas shall clearly be indicated in accordance with lots, parcels, or blocks and each such parcel shall indicate the type of building proposed, number of stories, and gross square footage to be included on each parcel. The boundaries of all open space areas shall be clearly indicated along with the form of proposed ownership, that is, by property owners' association or public park or other legal entity, and in such case where more than one property owners' association is being created, documentation shall be clearly submitted as to which areas will have automatic membership into said associations.

(7) All setback lines for all properties shall be shown.

(8) If the project is to be developed in more than one phase, the boundaries of each proposed phase shall be clearly indicated on the site plan map, along with proposed time lines.

(9) Calculations shall be submitted of the total number of gross acres in the project, and the acres and percentage thereof, proposed to be devoted to the several dwelling types, commercial uses, other nonresidential uses, streets, parks, schools, and other reservations.

(10) Tabulation of the total number of dwelling units by various types in the project, and the total number of net residential acres within the project shall be listed on the site plan. The tabulations shall so indicate conformance of the proposed project, or each phase within the project, to the residential density standards for the PUD district.

(11) All agreements between Planning Commission and developers shall be listed on site plan after Planning Commission recommendation for PUD zoning and shall be placed on site map in future preliminary plat plans for all phases. Agreements and negotiations are binding unless revoked or adjusted through the Planning Commission.

3. Preliminary Plat: The preliminary plat shall meet all the applicable requirements of the subdivision regulations and shall be processed in accordance with those regulations.

4. Final Plan and Plat. The final plat shall meet all applicable requirements of the city's subdivision regulations and shall be processed in accordance with those regulations. The applicant shall submit a written and graphic description of any modifications made to the final plan from the approved preliminary plan.

If it is determined that no changes have been made from the preliminary plan, or if only minor plan changes have been made in accordance with the definition provided herein below, then the review by the Planning Commission may proceed and the plat may be submitted to the planning

commission for approval. If approved, the plat shall be filed in the office of the Benton County Circuit Clerk.

5. Amendments: Amendments may be required either to the preliminary site plan, or the final development plan. The procedure governing the disposition of amendments shall be as follows:

a. Amendments to Preliminary Plan. At the time a final plan is submitted for review, it shall be determined whether or not any amendments have been made to the approved preliminary plan. If amendments have been made, then a determination shall be required as to whether or not said amendments constitute a major or minor plan change. Minor changes may be authorized by the Planning Director. Modifications from the previously approved preliminary plan shall be deemed to be minor plan changes if any and all modifications by the applicant of the plan do not:

(1) Vary the total number of dwelling units;

(2) Involve a reduction of the area set aside for common open space or the substantial relocation of such area or areas;

(3) Increase by more than five percent (5%) the total floor area proposed for any nonresidential use; and

(4) Does not substantially change the location of any nonresidential areas as shown on the preliminary plan.

b. Amendments to Final Development Plan: The final development plan as submitted and approved may be amended in accordance with the following procedure. Minor changes may be authorized by the Planning Director, in such cases where changes are required by engineering or other circumstances not foreseen at the time the final development plan was approved.

c. Any amendment made to the preliminary plan requires prior consent by the city planner for minor changes or the Planning Commission for other changes. Requests for variances if needed will be made to the Board of Zoning Adjustment.

6. Administration and Enforcement.

a. Review Standards: The Planning Commission shall investigate and ascertain that the plans for a planned unit development meet the following conditions:

(1). That the project is in conformity with the requirements and standards of development of the planned unit development district and is consistent with the intent and purpose of this section.

(2). That the proposed project constitutes an environment of sustained

desirability and stability, and that it is in harmony with the character of the surrounding neighborhood, and is not inconsistent with the city's comprehensive plan.

(3). That the property adjacent to the proposed development will not be adversely affected.

7. Recorded Plat and Plot Plan Required. The proposed development shall follow all applicable procedures, standards, regulations, and laws governing the subdivision of land. No building permit for any structure shall be issued until a final plat of the proposed development, or part thereof, is approved and recorded and an approved plot plan is submitted in accordance with these regulations.

8. Phasing and Development Schedule. The applicant shall clearly indicate on the site plan map, the boundaries of each proposed phase and a proposed timeline. If the sequence of construction of various portions of the development is to occur in phases or stages, then the open space and/or recreational facilities should be developed or committed thereto in proportion to the number of dwelling units and square feet of commercial and/or office space, intended to be developed during any given stage of construction.

a. Guarantee of Completion: Before approval of the preliminary plat and/or large scale development plan, the planning commission shall require a proposed time line for project completion that will be approved as part of the approval process.

b. Causes for Revocation: The planning commission may recommend to the city council that any previous planned unit development approval be revoked, and all building permits be voided under the following circumstances:

(1) If the applicant has not submitted a final plat to the city within one (1) year of preliminary plan approval. Where an optional staged development plan is utilized, the affected portion of the approved preliminary plan may be revoked in its entirety or to the extent of that portion on which a final development plat has not been submitted and approved.

(2) If no building permit has been issued within two (2) years from the recording date of the final plat or initial plan of a staged, final development plan, and the applicant has not been granted an extension.

(3) If the applicant does not adhere to the phased development schedule as stated in the approved preliminary development plan.

(4) If the construction and provision of all common open spaces and public and recreational facilities which are shown on the final development plan map are proceeding at a substantially slower rate than other project components.

(5) If proposed time lines are not met within a 3 month period after proposed completion date, an application for extension shall be made by the developer, to the Planning Commission.

Periodically, the Planning Director shall compare the actual development accomplished with the approved development schedule.

DIVISION 6. CONDITIONAL USES

Sec. 8-161. Nature and Description. Certain uses may or may not be appropriately located within various districts due to their unusual or unique characteristics of operation and external effects. Given their unusual character, analysis and judgment of the consequences of each development and use must be given so as to provide for such reasonable conditions and protective restrictions as are deemed necessary to protect the character and integrity of the area in which uses are proposed to be located. Such uses are listed under the various districts herein as “conditional uses,” and may be located in the district or districts so designated only in accordance with the procedure described herein.

Sec. 8-162. Development Standards and Review Guidelines. All development shall be designed in such a way as to minimize any potential negative impact on the surrounding area. Special attention shall be given to buffering commercial, retail and industrial developments from adjacent residential. Design of the internal traffic circulation system, ingress and egress, off-street parking, loading and pedestrian ways shall be sensitive to such conditions as safety, convenience, separation of vehicular and pedestrian traffic, general attractiveness, and the proper relationship of different land uses. Landscaped areas shall be provided to protect water quality, and reduce erosion, heat and glare. Such areas shall be maintained in an attractive condition. Existing trees on a development site shall be retained where possible. Screening, open space, or other buffer may be required to give adequate separation between uses which are marginally compatible, and shall also be provided for the beautification and enhancement of the property.

In carrying out the purpose of this section, the following development standards and design specifics shall be subject to review and approval. The appropriateness of these standards shall be determined for each specific conditional use location.

- (a) The proposed use is within the provision of “conditional uses,” as set out in these regulations.
- (b) The proposed use conforms to all applicable provisions herein set out for the district in which it is to be located.
- (c) The proposed use is so designated, located, and proposed to be operated, that the public health, safety and welfare will be protected.
- (d) The proposed land use is compatible with and will not adversely affect other property in the area where it is proposed to be located.
- (e) The size and shape of the site, including the size, shape and arrangement of proposed structures, as well as signage related thereto, is in keeping with the intent of these regulations.

(f) The proposed ingress and egress, internal circulation system, location and amount of off street parking, loading and pedestrian ways are sufficiently adequate, and not inconsistent with requirements of these regulations.

(g) The proposed landscaping and screening of the proposed use are in accordance with provisions of these regulations.

(h) Safeguards proposed to limit noxious or offensive emissions, including lighting, noise, glare, dust and odor are addressed.

(i) The proposed development is compatible with the surrounding area and the planned use for the surrounding area.

Sec. 8-163. Procedure for Authorizing. The following procedure is established to integrate properly, the conditional use with other land uses located in the district. These uses shall be reviewed and authorized or rejected under the following procedure:

(a) Application. An application shall be made by the property owner and filed with the Planning Department, upon forms prescribed for that purpose, accompanied with the appropriate fee established by the city council to defray processing costs. The application shall be accompanied by a graphic representation showing the location and proposed use of the site, along with such other descriptive material necessary for decision-making. Such may include, but is not limited to: preliminary site plans showing proposed uses and structures; proposed ingress and egress to the site, including adjacent streets; proposed off-street parking and landscaping; lighting and signage; a preliminary plan for provision of sanitation and drainage facilities; and proximity of adjacent uses and buildings.

Each application shall be verified by at least one of the owners of the property proposed to be changed, attesting to the truth and correctness of all facts and information presented with the application.

Applicants should follow the Planning Calendar as available on the Official City of Lowell Website or through the Planning Office for the City of Lowell. Items requiring Public Hearing must follow the Official Planning Calendar as well. Applicants who wish to be heard during the Planning Commission monthly work session must request in writing to the Planning Coordinator at least ten (10) days prior to the Planning Commission Work Session to be placed for consideration.

(b) Notice. Upon determining that an application is proper and complete, the Planning Coordinator shall insure that the matter is set for public hearing before the Planning Commission. The Planning Department shall be responsible for insuring that, pursuant to law, at least fifteen (15) days notice of the time, place, and subject of such hearing is published in a newspaper of general circulation in the city.

The applicant shall present evidence to the Planning Coordinator, at least ten (10) days prior to the required public hearing, that all property owners within three hundred feet (300') of the boundaries of the subject property have been notified of the proposed use, and of the time, date,

and place of the hearing. Such evidence shall consist of postmarked, certified receipts and/or return receipts and/or dated, signed acknowledgments of receipt of notification; and shall be accompanied by a plat map showing the location of those properties, the owners of which the applicant certifies have been so notified. A form letter for notice to surrounding property owners may be obtained by applicant from the Planning Department to help assure conformity.

(c) Planning Commission Review and Action. The Planning Commission shall review conditional use permit applications at its regularly scheduled monthly meeting, at which time interested persons may appear at the required public hearing and offer information in support of or against the proposed conditional use. Following the public hearing, the commission may approve the application as presented, approve it with conditions, table it with cause for not to exceed one (1) month, deny the application, or refer it to the city council for final disposition.

In approving such conditional uses, the planning commission shall impose such conditions and restrictions upon the premises as it deems necessary to reduce or minimize the adverse effects of the use. Compatibility with surrounding property shall be insured to the maximum extent practicable. If the Planning Commission disapproves or denies a conditional use application, the reasons for such action shall be recorded in the minutes of the meeting. If denied, no application for such use shall be permitted involving part of the same property for a period of one year (1 year).

The Planning Commission shall have final authority except that petitioners or record objectors aggrieved by an action, including any condition(s) placed upon application approval, by the commission shall file appeals with the city clerk. The content of the appeal filing shall consist of:

1. A cover letter addressed to the mayor and City Council setting for the request; and
2. A copy of the Planning Commission application indicating the action and properly executed by the staff. This filing shall occur within thirty (30) calendar days of the action by the planning commission. Certified mail notice of the appeal hearing shall be provided not less than ten (10) days prior to the date of the hearing, and the affidavit and other supporting evidence of notice shall be filed not less than five (5) days prior to the date of review. This notice shall be given to all record parties in interest whether for or against the request. The cost of this notice shall be borne by the applicant.

The Planning Commission or Board of Zoning Adjustment may authorize reduction from minimum requirements of these regulations relating to height, area, setbacks, parking, or landscaping through the variance process.

Sec. 8-164. Effect of Approval. No certificate of occupancy shall be issued for any building or structure not in conformance with the site plan and all other conditions imposed in granting a conditional use permit. The construction, location, use, or operation of all land and structures with the site shall be in accordance with all conditions and limitations set forth in the approval. No structure, use or other element of any approved site plan shall be eliminated, significantly

altered, or provided in another manner unless an amendment to the conditional use is approved. The procedure for amending a conditional use permit shall be the same as required for the original approval.

Substantial work or construction under a conditional use permit must be commenced within one (1) year, or the permit shall terminate.

Conditional use permits shall be valid for an unlimited period unless a lesser period shall be provided in a particular permit. Upon the expiration of the time limit specified in the particular permit, the property owner may request that the permit be reviewed by the planning commission, which may extend it for an unlimited period or for an additional period of years.

Once any portion of the conditional use permit authorization is utilized, all such conditions pertaining to such authorization shall become immediately operative. All conditions relating to or limiting the use, status, or operation of the development, after issuance of an occupancy permit, shall be complied with by the applicant or his successors or assigns. Failure to do so shall constitute a violation of these regulations, and cause for revocation of the conditional use authorization.

DIVISION 7. ACCESSORY USES

Sec. 8-171. General Description. An accessory building is a subordinate building or a portion of the principal building, the use of which is customarily incidental to that of the dominant use of the principal building or land and located upon the same lot therewith. Subject to limitations herein, accessory buildings and uses are permitted in all zones.

Sec. 8-172. Location Requirements and Standards. An accessory building shall not be located within a required street (front or street side) setback; shall be subject to the side setback standards of the underlying zoning district; shall be set back at least seven and one-half feet (7.5') from a rear lot line; shall not be located within any public easement or over any known utilities or septic system lines; and shall not occupy more than ten percent (10%) of the lot area, or more of the lot than is covered by the principal use, whichever results in less lot coverage. Accessory buildings shall not exceed the floor area of the principal use. Unless otherwise provided herein, and provided site visibility is not obstructed, signs, fences and walls shall be allowed within setbacks.

An accessory building attached to a main building shall be made structurally a part and have a common wall with the main building, and shall comply in all respects with the requirements applicable to the principal building. Provided detached, open-sided carports may be located in the side yard, no closer to the front lot line than the front building line of the principal building, and provided required side setbacks are met. Unless attached to the principal structure, accessory buildings shall be located at least ten feet (10') from any other structure. The architecture, building materials, color schemes and roof slopes should match the primary building, unless primary structure is nonconforming, then accessory structure should conform to ordinance.

With regard to height limitations, accessory structures in residential districts shall not exceed twelve feet (12') in height, measured from the eave; and in commercial and industrial districts,

such structures shall not exceed twenty-five feet (25') in height or the height of the principal structure on the lot.

Sec. 8-173. Residential Accessory Uses. Residential accessory uses shall include the following accessory uses, activities, facilities, and structures: accessory dwelling units (subject to limitations outlined in (a) below); fences and walls; garages, carports, and off-street parking and loading areas; gardens; gates and guard houses; home occupations (subject to limitations and requirements of (b) below); playhouses, patios, cabanas, porches, gazebos and household storage buildings; radio and television receiving antennas; recreational and play facilities for residents; storm and fallout shelters; and other necessary and customary uses determined to be appropriate, incidental, and subordinate to the principal use on the lot.

(a) Accessory Dwelling Unit. Accessory dwelling units may be allowed as a conditional use in Residential A districts, provided that the dwelling unit is used to house immediate family members or employees who work on-site. Accessory dwelling units shall not be used for general rental or commercial purposes.

(b) Home Occupations Permitted. A home occupation shall be allowed as an accessory use in residential districts subject to compliance with the following requirements, which are intended to balance protection of residential character, with enabling residents to work from home:

1. The home office or business is clearly secondary to the use of the dwelling as a residence and does not change the residential character or appearance of the dwelling or lot in any visible manner.
2. The work done in the home office or business creates no objectionable odor, noticeable vibration, offensive noise that increases a level of ambient sound at the property lines.
3. The home office or business does not involve the external display of goods or services, and does not cause unsightly conditions or waste visible from off the property.
4. The home office or business does not cause interference with radio or television reception in the vicinity.
5. Permitted home occupations shall not routinely include the employment of any persons not residing on the premises in the performance of the occupation.
6. A home occupation shall be carried on wholly within the principle residential structure.
7. The home office or business occupies no more than twenty-five percent (25%) of the total floor area of the residence.
8. There shall be no external alteration of the dwelling, nor storage of supplies or equipment outside.
9. Not more than one (1) truck of not more than one and one-half (1 ½) ton capacity

and no semi-trailers, incidental to the home occupation, shall be kept on the premises.

10. Parking to serve a home occupation shall be provided off-street, and no such parking shall be permitted in a required setback, other than in a driveway. In no event shall yard areas be converted to off-street parking to serve a home occupation.

(c) Garage sales and yard sales.

Garage sales, yard sales and rummage sales, which are all included under the term "garage sales" are permitted in any zoning district subject to the following conditions:

1. *Permit required.* It is necessary that anyone conducting a garage sale, yard sale or rummage sale obtains a permit before the sale unless the property on which the sale takes place is properly zoned for such purposes and a privilege license has been obtained as required under this Code.
2. *Frequency.* Permits shall not be granted for the same location more than three times during any calendar year.
3. *Term.* Permits for garage sales shall be valid for not more than three consecutive days.
4. *Signs.* Two on-site and three off-site temporary signs are allowed to be posted, however posting may not occur more than two days before the sale begins. Each sign shall not exceed four and one-half square feet in area. The off-site signs shall include the address and date(s) of sale. All signs shall be removed by 8:00 a.m. on the day following the sale.
5. *Collection fee.* Any such signs not so removed the following day may be removed by city staff and for any such sign, a collection fee of up to \$25.00 shall be imposed.
6. *Application: application for a garage sale permit should be made to City Administration Offices as designated by the Mayor.* The applicant shall be required to provide the information necessary for the enforcement of these provisions. A permit shall be issued by City Administration office subject to the above conditions after payment of a fee as determined by the city.
7. The sale must be conducted on the owner's property. Multiple family sales are permitted if they are held on the property of one of the participants.

(Ord. No. 522, § 1, 2-15-00)

Sec. 8-174. Nonresidential Accessory Uses.

(a) Nonresidential accessory uses are allowed only in association with permitted, nonresidential principal uses and shall include, but not be limited to, the accessory uses, activities, facilities, and structures enumerated below. Such uses shall not be allowed if such would cause or increase parking nonconformity for the principal use. Such use may also necessitate additional

required parking because of its own nature or character. Accessory uses shall not occupy required parking areas, or off-street parking areas (spaces or isles) approved as part of a site plan.

1. Cafeterias, dining halls and similar food services when operated primarily for the convenience of employees, residents, clients, or visitors to the principal use.
2. Dwelling units, other than mobile homes, when used or intended to be used for security or maintenance personnel.
3. Guard houses, gates, fences and walls.
4. Offices for allowed business and industrial uses when the office is located on the same site as the principal use.
5. Parking garages, and off-street parking and loading facilities.
6. Radio and television receiving antennas.
7. Restaurants, newsstands, gift shops, swimming pools, tennis courts, workout rooms, and playgrounds.
8. Club and lounges when in a permitted hotel, motel or office building.
9. Sale of goods produced as a part of allowed industrial activities when on the same site as the principal industrial use.
10. The storage of merchandise when located within the same building as the principal business.
11. On-premise commercial, bulletin, nameplate, and real estate signs, provided such are non-flashing.
12. Other necessary and customary uses determined to be appropriate, incidental and subordinate to the principal use on the lot.

DIVISION 8. SPECIAL CONDITIONS APPLICABLE TO CERTAIN USES

Sec. 8-181. General. Uses permitted, or those permitted subject to conditional use approval, shall be subject to the requirements of the district provisions as supplemented or modified by this chapter.

Sec. 8-187. Floodplain Development. The designated floodplain area is inclusive of all land within the city subject to inundation by floodwater. The source of this delineation shall be the Federal Emergency Management Agency's scientific and engineering report entitled: "The Flood

Insurance Study for Benton County, Arkansas and Incorporated Areas,” including the flood insurance rate maps for the City of Lowell.

The uses of and/or development of land within the designated floodplain area shall be only those uses and structures permitted in the specific district regulations for the zone in which the proposed use and/or development is to be located. For the purposes of administration and review of applications for the use and/or development of land within designated floodplain areas, the City of Lowell’s Flood Damage Prevention Code (see Article VIII) is deemed the governing regulation.

Sec. 8-188. Manufactured Housing Parks. Manufactured housing parks may be permitted as conditional uses in MH zoning. The following minimum standards apply to new parks, and expansions of existing parks:

(a) Setbacks. Each manufactured housing unit space shall be set back at least twenty-five feet (25’) from all street right-of-ways, and at least twenty-five feet (25’) from all other lot lines.

(b) Minimum Lot Size and Space Size. Manufactured housing parks shall contain at least six thousand (6,000) square feet of gross site area for each manufactured housing unit space within the park. Each individual manufactured housing unit space shall be at least three thousand (3,000) square feet in area, but shall not occupy more than fifty percent (50%) of the lot area.

(c) Separation of Units. Each manufactured housing unit and accessory structure shall be separated by at least twenty feet (20’) of horizontal distance from all other manufactured housing units and accessory structures.

(d) Parking. At least two paved parking spaces, one hundred eighty (180) square feet in area in each space, shall be provided as a part of each manufactured housing unit space. To provide for guests, one additional paved parking space, at least one hundred eighty (180) square feet in area, shall be provided for each ten (10) manufactured housing unit spaces. There shall be a minimum of two (2) guest parking spaces. These guest parking spaces shall be centrally located within the park.

(e) Driveways:

1. Length and Design. Internal driveways or courts designed to have one end permanently closed, shall be no more than five hundred feet (500’) long, unless approved by the Planning Commission, and be readily accessible. A turn-around having an outside roadway diameter of at least ninety-six (96’) shall be provided at the closed end of any driveway.

2. Paving. All internal driveways shall be paved with asphalt. The minimum requirements are six inches (6”) of compacted SB2 gravel with three inches (3”) of asphalt surface on firm subgrade. Property owners shall be responsible for maintaining paving on all

internal driveways.

3. Width. Drives shall have a minimum paved width of twenty-six feet (26'). Drives shall be curbed and guttered. One-way drives are specifically prohibited.

(f) Refuse Collection Facilities. Refuse collection facilities and/or provisions shall be indicated on the site plan, and shall be provided in accordance with city standards. There shall be opaque screening on three (3) sides of dumpsters.

(g) Fire Protection. Fire lines and fire hydrants shall be shown on the site plan, and shall be provided in accordance with recommendations of the fire chief. No manufactured housing unit space shall be more than two hundred fifty feet (250') from a fire hydrant.

(h) Water and Wastewater Service. Each manufactured housing unit shall be connected to a public sanitary sewer or other approved system, and a public water supply system.

(i) Underground Utilities. All light, gas, water, telephone and cable television distribution and service lines to each individual manufactured housing unit shall be placed underground and conform to all state and local codes and regulations.

(j) Inspections. It shall be the duty of the code enforcement officer to make an annual inspection of each approved manufactured housing park, and present to the park owner and unit owner, a written list of existing violations, should there be any.

Sec. 8-189. Manufactured Housing Units. Manufactured housing units—those that do not meet the definition of manufactured housing unit, residential design—shall be considered permitted uses only in manufactured housing parks.

Sec. 8-190. Manufactured Housing Units, Residential Design. Compliance with all of the standards of this section is required in order for a manufactured housing unit to be classified as a residential design, manufactured housing unit.

(a) Size:

1. The minimum width of a residential design, manufactured housing unit shall be twenty-four feet (24'); with width measured perpendicular to the longest axis at the narrowest part.

2. The length of a residential design, manufactured housing unit shall not exceed four (4) times its width, with length measured along the longest axis.

3. A residential design, manufactured housing unit shall have a minimum area of one thousand two hundred (1,200) square feet (enclosed and heated living area).

(b) Roof:

1. Pitch: The roof must be predominantly double-pitched and have a minimum vertical rise of four inches (4") for every twelve inches (12") of horizontal run.

2. Materials: The roof must be covered with material that is customarily used on site-built housing units. Customary materials include asphalt composition or fiberglass shingles.

3. Eaves: The roof shall have a minimum eave projection and roof overhang of ten inches (10"), which may include a gutter.

(c) Siding:

1. Materials: Exterior siding must be of a material customarily used on site-built housing units. Customary materials include wood, composition, simulated wood, clapboards, conventional vinyl or metal siding, brick, stucco, or similar materials. Customary materials do not include smooth, ribbed or corrugated metal or plastic panels or material that has a high gloss finish.

2. Design and Placement: Siding material shall extend below the top of the foundation or curtain wall.

(d) Installation of Unit:

1. Guidelines: The unit shall be installed in accordance with the recommended installation procedures of the manufacturer, and the standards established by the International Building Code, as adopted by the State of Arkansas, as well as those established by the Arkansas Manufactured Home Commission.

2. Foundation: A continuous, permanent concrete or masonry foundation or masonry curtain wall, un-pierced except for required ventilation and access, which may include walk-out basements and garages, shall be installed under the perimeter of the unit; also in accordance with the above referenced procedures.

(e) Entrance Landing Area: At the main entrance door to the unit, there shall be a landing that is a minimum of five (5) square feet, constructed in accordance with building code requirements.

(f) Transport Equipment: All running gear, tongues, axles, and wheels must be removed at the time of installation of the unit on the lot.

(g) Finished Floor Elevation: The finished floor of the unit shall meet the manufacturer's specifications unless the unit is located in a floodplain; in which case floodplain regulations shall rule.

(h) Additions: Attached additions and detached garages shall comply with the building code, and floodplain regulations if applicable. All standards of this section shall apply to such additions and garages.

DIVISION 9. GENERAL STANDARDS

Sec. 8-201. Off-Street Parking and Loading

(a) Applicability: Off-street parking and loading shall be provided in accordance with the regulations of this section for all new development, and for any existing development that is altered in a way that enlarges or increases capacity by adding or creating dwelling units, guest rooms, floor area or seats.

(b) Parking and Loading Schedules:

1. Off-Street Parking Schedule A. Off-street parking spaces shall be provided in accordance with the following off-street parking schedule (“Schedule A”), provided that there shall be no written minimum off-street parking requirement for uses located in the TC district. Parking requirements in the TC district will be determined in the planning process for each development.

The number of parking spaces required for a use not listed herein shall be the same as for a similar use that is listed. When the required number of spaces cannot be ascertained by this method, or if the applicant and the city staff cannot agree, the matter shall be submitted for planning commission determination.

Such determination shall be subject to appeal to the city council.

Schedule A

Residential Uses	Number of parking spaces required
Single-family detached	2 per dwelling unit
Single-family attached	2 per dwelling unit
Duplex	2 per dwelling unit
Multi-family	1.25 per efficiency unit 1.75 per one-bedroom unit 2 per two-bedroom unit
Manufactured housing (all)	2 per dwelling unit
Manufactured housing park	2 per unit, plus 1 for each 10 units
Zero lot line single-family	2 per dwelling unit

Civic & Commercial Uses	Number of Spaces Required
Animal care, general	1 per 400 square feet
Animal care, limited	1 per 300 square feet
Auditorium, arena, theater	1 for each 4 seats, based on maximum capacity
Bank or financial institution	1 per 300 square feet
Bed and breakfast	2 per building, plus 1 per guest room

Church	1 for each 4 seats in the sanctuary
College or university	1 per 300 square feet, or 1 for each 2 students, whichever is greater
Communication tower	1 space (plus office space, if on site)
Convenience store	1 per 200 square feet
Day care, limited or general	1 per employee and/or attendant, plus 2 spaces
Funeral home	1 for each 4 chapel seats, plus 1 per employee

Civic & Commercial Uses

Number of Spaces Required

Government service	1 per 300 square feet
Hospital	1 for each 3 beds, plus 1 for each 3 employees
Hotel or motel	1 per guest room, plus 1 per 10 guest rooms
Library	1 per 500 square feet
Manufacturing, general	1 per employee (if shift work, based on largest number of employees per shift)
Medical service	6 per doctor or dentist, plus one space for each employee
Museum	1 per 500 square feet
Office, General	1 per 300 square feet
Recreation/entertainment, indoor	1 per 400 square feet plus one space for each employee
Recreational vehicle park	1 per camping space
Restaurant, fast food	1 per 75 square feet of customer service/dining area; 1 per 200 square feet if no such service/dining area
Restaurant, general	1 per 150 square feet for first 2,500 square feet, plus 1 per 100 square feet over 2,500 square feet
Retail general	1 per 250 square feet
Retail/service, furniture & bulky items	1 per 500 square feet
School, nursery, elementary & middle	1 per staff and employee, plus 1 space per classroom
School, high	1 for each 3 students, plus 1.5 per classroom
Service station	2 per service bay, plus 1 per pump
Vehicle & equipment sales	1 per 750 square feet
Vehicle repair, general or limited	3 per service bay and one additional per employee

Vocational school	1 per 3 students, plus 1 per faculty member
Warehouse, residential (mini) storage	1 for each 5 storage bays, or 1 per 1,000 square feet, whichever is greater
Manufacturing	1 per 1,000 square feet
Warehousing	Minimum of 1 per 5,000 square feet, dependant on use and # of employees.

2. Off-Street Loading Schedule. Off-street loading spaces shall be provided in accordance with the following minimum standards.

Off-Street Loading Schedule
Retail, commercial, retail service and light industrial Uses

Floor Area (Square Feet)	Minimum Off-Street Loading Requirement
5,000 to 25,000	1
25,001 to 85,000	2
85,001 to 155,000	3
155,001 to 235,000	4
235,001 to 325,000	5
325,001 to 425,000	6
425,001 to 535,000	7
535,001 to 655,000	8
655,001 to 775,000	9
775,001 to 925,000	10
925,001 or more	10, plus 1 per 200,000 square feet above 925,001

Nursing Home, Hospital, Hotels & Institutions

3,000 to 100,000	1
100,001 to 335,000	2
335,001 to 625,000	3
625,001 to 945,000	4

945,001 or more	5, plus 1 per 500,000 square feet above 945,001
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(d) Computing Off-Street Parking and Loading Requirements.

1. Multiple Uses: Lots containing more than one use shall provide parking and loading in an amount equal to the total of the requirements for all uses.

2. Fractions: When measurements of the number of required spaces result in fractions, any fraction of one-half or less shall be disregarded and any fraction of more than one-half shall be rounded upward to the next highest whole number.

3. Area: Unless otherwise noted in these provisions, all square footage-based parking and loading standards shall be computed on the basis of gross floor area.

4. Employees, Students and Occupant-Based Standards: For the purpose of computing parking requirements based on the number of employees, students, residents, or occupants, calculations shall be based on the largest number of persons working on any single shift, the maximum enrollment or the maximum fire-rated capacity, whichever is applicable and whichever results in the greater number of spaces.

5. American's With Disability Act Requirements (ADA): Pursuant to federal ADA standards, a portion of the total number of required off-street parking spaces in each off-street parking area shall be specifically designated, located and reserved for use by person with physical disabilities. Responsibility for compliance with ADA, in all respects, shall rest with the applicant.

(e) Location and Design of Off-Street Parking and Loading Spaces.

1. On-Site: Except as otherwise specifically provided, required off-street parking and loading spaces shall be located on the same lot as the principal use.

2. Right-of-Way: Off-street parking spaces shall be prohibited within the public right-of-way; and no portion of the abutting street right-of-way shall, except for the driveway, be paved or used in any manner except as green area.

3. Setbacks:

a. In A, B, C, D, E, and MH zoning, required off-street parking shall not be located within a street (front or street side) setback. Parking in excess of the required number of spaces is allowed in the street setback, but not off the driveway, and not in a manner that obstructs sidewalks or visibility.

b. Where parking is to be provided in the street setback of a multi-family dwelling, there shall be established a parking setback line of ten feet (10'). The area between the parking setback line and the front lot line shall be prepared and planted with grass, shrubs, trees,

or ground cover not inconsistent with other landscaping provisions contained herein, and protected by interior curbing.

4. Ingress and Egress: Off-street parking and loading spaces shall be designed to permit exiting vehicles to enter the public right-of-way in a forward motion. No off-street parking or loading space shall be allowed that requires vehicles to “back” onto a public right-of-way, except single family and duplex residential development on local and collector streets.

5. Surfacing: All required off-street parking and loading spaces, and the driveways serving off-street parking and loading spaces, shall be paved with asphalt, concrete, or brick; provided driveways serving single-family dwellings shall only be required to be paved the first one hundred feet (100'), as measured from the street. The area of a driveway located between the edge of the street and the property line, shall also be paved.

6. Drainage: All off-street parking and loading areas shall be designed with drainage facilities adequate to dispose of all storm water, and to not increase the storm water runoff onto the surface of adjoining properties or streets.

7. Curbing: The perimeter of all off-street parking and loading areas and their access drives shall be curbed, with the exception of single-family and duplex residences. Landscape islands and other interior features within parking lots shall also be protected by curbs. In addition, the principal building on the lot shall be protected by curbs and/or raised walkways. Rollover curbs shall not be permitted, and wheel-stops are expressly prohibited as alternatives to meeting curbing requirements. The area between the curb and the property line, except for the driveway(s) and sidewalks, shall be maintained as green space.

8. Striping: All off street parking, other than in single family residential, shall be striped. Fire lanes shall be marked according to required fire safety laws.

9. Parking Space Dimensions: Off-street parking spaces shall contain a minimum width of nine feet (9') and a minimum length of eighteen feet (18').

10. Loading Space Dimensions. Off-street loading spaces shall be at least fourteen feet (14') by forty-five feet (45') in size, with a minimum height clearance of eighteen feet (18').

11. Aisle Dimensions. Drive aisles within off-street parking lots shall comply with the following minimum width requirements:

Parking Angle	One-Way Aisle	Two-Way Aisle
90°	24'	24'

60°	18'	24'
45°	16'	24'
30°	13'	24'

12. Timing of Construction. All required parking and loading spaces, driving aisles, and access ways shall be constructed prior to the issuance of a certificate of occupancy.

13. Use of Off-Street Parking and Loading Spaces. Required off-street parking spaces shall be used solely for the parking of motor vehicles in operating condition, and shall not be used for the storage of vehicles, boats, motor homes, campers, mobile homes, materials, tractor trailers or other temporary storage unless they are located in a designated staging area and are screened, fenced or otherwise fully shielded from public view.

(f) Off-Site Parking: Required off-street parking shall be located on the same lot as the use it is intended to serve; provided that a portion, not to exceed twenty-five percent (25%), of the required off-street parking spaces may be located on a remote and separate lot from the lot on which the principal use is located, if the off-site parking complies with the following standards.

1. Ineligible Activities: Off-site parking shall not be used to satisfy the off-street parking standards for residential uses, restaurants, convenience stores, or other convenience-oriented uses.

2. Location: Off site parking spaces shall be located no further than three hundred feet (300') from the building and uses they are intended to serve unless shuttle service is provided.

3. Zoning Classification: Off-site parking areas shall require the same or a more intensive zoning classification than that required for the use served.

4. Agreement for Off-Site Parking. In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement shall be required. An attested copy of the agreement between the owners of record shall be submitted to the zoning official for recording. In addition, whether under the same ownership or not, a legal document to prevent development of the off-site parking area shall be executed and recorded. Recording of the agreement(s) shall take place before issuance of a building permit for any use to be served by the off-site parking area; or in the case of an existing building, prior to issuance of a certificate of occupancy.

(g) Shared Parking: The Planning Commission, may authorize a reduction in the number of required parking spaces for multiple use developments, and for uses that are located near one another that have different peak parking demands and operating hours. Shared parking shall be subject to the following standards.

1. Location: Shared off-street parking spaces shall be located no further than three

hundred feet (300') from the building and uses they are intended to serve unless shuttle service is provided.

2. Study: An acceptable parking study may be required which clearly establishes that uses will make use of the shared spaces at different times of the day, week, month, or year.

3. Agreement: A shared parking plan shall be enforced through written agreement. Proof of recording of the agreement shall be presented prior to issuance of a building permit.

4. Revocation of Certificate of Occupancy: Failure to comply with the shared parking provisions of this article shall constitute a violation of these regulations, and shall specifically be cause for revocation of a certificate of occupancy.

(h) Outdoor Parking/Storage of Boats, Trailers, and Recreational Vehicles. Boats, trailers and/or recreational vehicles may be parked outdoors on a lot in a residential district provided that:

1. The boat, trailer or recreational vehicle is owned and used by a resident of the premises;

2. The boat, trailer and/or recreational vehicles must not be parked on the street.

3. The boat, trailer or recreational vehicle is not parked in the area between the front of the residence and the street or other area between the structure and the street, except for the purpose of loading or unloading during a period of less than eight (8) hours;

4. The boat, trailer or recreational vehicle is not used for living, sleeping or housekeeping purposes, except in temporary circumstances not to exceed 2 weeks; and

5. The boat, trailer or recreational vehicle is currently registered and licensed, as required by state law.

6. Screening is required on the side lot line of the property in view of the parked boat, trailer or RV. A minimum eight (8) feet high trees or shrubs shall extend out to the front setback line.

(i) Vehicle Stack Space for Drive-Thru Facilities. In addition to meeting the off-street parking requirements of the section, establishments with drive-thru facilities shall comply with the following minimum vehicle stack space standards.

1. Stack Space Schedule:

a. Fast-food restaurants, one hundred ten feet (110'), as measured from the order station.

b. Banks, seventy feet (70'), as measured from the teller drop.

- c. Automatic car washes, fifty feet (50'), as measured from the entrance.
- d. Other uses, thirty feet (30'), as measured from the pick-up window.

2. Design and Layout: Vehicle stack spaces shall be subject to the following design and layout standards.

- a. Stack spaces shall be designed so as not to impede pedestrian access to the building, on and off-site traffic movements, or movements into or out of parking spaces.
- b. Stack space lanes shall be a minimum of eight feet (8') wide, and shall be separated from other internal driveways with painted lines or curbing.

Sec. 8-202. Driveways and Access—Multi-Family and Nonresidential Uses. The following standards shall apply to all driveways providing access to multi-family and nonresidential uses.

(a) General Standards:

- 1. Access to property shall be allowed only by way of driveways, and no other portion of the lot frontage shall be used for ingress or egress. Continuous curb cuts are prohibited.
- 2. Driveway design shall be such that minimization of interference with through street traffic is achieved, and shall be subject to approval of the city engineer. The types of vehicles that a driveway is intended to serve shall be a prime factor in determining the acceptable radii of driveways.
- 3. Provisions for circulation between adjacent parcels should be provided through coordinated or joint parking system.

(b) Driveway Spacing: Arterial or Collector Streets. Direct access to any arterial street shall be limited to the following restrictions:

- 1. Spacing from Signalized Intersections. All driveways providing access to arterial streets shall be constructed so that the point of tangency of the curb return radius closest to a signalized or stop sign-controlled intersection, is at least one hundred twenty feet (120') from the perpendicular curb face of the intersecting street. In the event that this standard cannot be met because of an unusually narrow or shallow lot size, the Planning Commission or Board of Adjustment may approve a variance request for reduction in spacing as long as the reduction does not result in an unsafe traffic condition.
- 2. Spacing from Other (Non-signalized) Access Points. All driveways providing access to arterial streets shall be constructed so that the point of tangency of the curb return radius closest to any non-signalized street or driveway intersection, is at least eighty feet (80') from the perpendicular curb face of the intersecting street or driveway. In the event that this standard cannot be met because of an unusually narrow or shallow lot size, the Board of Adjustment may

approve a variance request for a reduction in spacing as long as the reduction does not result in an unsafe traffic condition.

3. In residential subdivisions approved after the date of this ordinance, residential driveways will not be permitted on collector or arterial streets.

(c) Driveways Per Parcel:

1. At least one driveway shall be required for any lot. However, shared driveways shall be recommended for lots that have less than one hundred fifty feet (150') of frontage.

2. Driveways shall be located a minimum of ten feet (10') from the side property lines. A separation of at least twenty feet (20') is required between the driveways on one lot and the driveways on the adjacent lots. Driveways on the same lot shall be no closer than fifty feet (50') to each other.

3. Driveways on corner lots shall be located as far away from the intersection as possible. In no case shall a driveway be installed closer than five feet (5') to the beginning of the curb radius.

4. Ingress/Egress Driveway Width. The width of the driveway throat shall not exceed forty feet (40') in width. Driveway lanes shall be a minimum of thirteen feet (13') in width and shall not have more than three (3) lanes in one entrance/exit.

Sec. 8-203. Landscaping and Screening. This section sets out the minimum landscaping and screening requirements for new development in the city.

(a) Purpose: To ensure a minimum of open space and green area as an integral part of new development and to protect the health and welfare of citizens of Lowell through the regulation of landscaping.

(b) Goals and objectives:

1. To save trees on public property from indiscriminate destruction or unnecessary removal.
2. To moderate the effects of sun, wind, and temperature changes.
3. To filter pollutants from the air and release oxygen.
4. To stabilize and prevent erosion
5. To preserve desirable trees.

(c) Applicability:

The requirements of this section shall apply to all public, private and institutional developments, approved after the date this ordinance is adopted with the following exceptions:

1. Previously approved developments which have been given a permit to begin building construction.

2. Additions to existing structures that are under ten percent of the gross floor area of the building or 2,500 square feet, whichever is less.

(d) Submittal: The following information is required on landscape plans.

1. Location, general type, and quality of existing vegetation, including specimen trees;
2. Existing vegetation to be saved:
3. Methods and details for protecting existing vegetation during construction and approved sediment control plan, if available;
4. Locations and labels for all proposed plants;
5. Plant lists or schedules with the botanical and common names, quantity, spacing and size of all proposed landscape material at the time of planting;
6. Location and description of other landscape improvements such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, and courts or paved areas; and
7. Planting and installation details as necessary to ensure conformance with all required standards.
8. Guarantee from the developer that all plant materials will be warranted for a period of 24 months from the time of installation. If any of the material should fail to survive during that period it would be replaced during the appropriate planting season.

(e). Street frontage, interior, and perimeter.

Each development is required to address all three areas in the landscaping plan as it pertains to the particular site. The landscaping plan must include plantings and green space along all street right-of-ways, between lots with adjacent parking lots and also within the interior of the parking areas as the requirements apply to the individual site. The text below explains the options that the applicant has for the site.

1. Landscaped street frontage buffer.

a. The landscaped street buffer serves two primary purposes: when a parking lot is located adjacent to a public right-of-way, a strip of landscaping helps shield projecting headlights that may impair the vision of passing motorist or pedestrians therefore creating a safer environment; it also provides an aesthetically pleasing transition from the public right of way to private property.

b. The site plan for any development, other than those exempt or covered by the Overlay district requirements must show a ten (10) foot wide landscaped street buffer along all public rights-of-way.

2. Interior parking lot landscaping requirements.

a. The parking lot landscaping requirement serves several purposes: it provides necessary green space to give relief to expansive parking areas with nothing but asphalt, and the trees provide shade and serve as windbreaks. Planting islands can assist with vehicular circulation.

b. The site plan for any development must show interior parking lot landscaping. A sliding scale to determine the amount of green area per lot has been included in order for the applicant to include these landscaping requirements as an integral part of the site development.

Total Area of Parking Lot Area	% Total Area of Lot for Interior Planting (excluding building and interior planting islands)(including the street frontage buffer, perimeter strip and the travel lanes)
3,000– 49,999 sq. ft.	8
50,000– 149,999 sq. ft.	10
150,000 sq. ft. or larger	15

c. The diagram to calculate total area of parking lot for interior planting is based on the following: The square footage of all areas within the parking lot's perimeter are counted, including the planting islands required, curbed areas, corner lots, parking spaces and all interior driveways and aisles except those with no parking spaces located on either side. Landscaped areas outside the parking lot may not be used to meet the interior planting requirement. The total amount of green space for the interior lot is determined by figuring eight percent, ten percent, or 15 percent of the total parking lot area as explained above.

d. Planting islands are required as a part of the green space percentage in the interior parking lot area. The dimensions of a parking island must be a minimum of nine feet by 19 feet, the same as a parking space, and must be curbed to protect the landscaping and trees. One parking island required for every 15 parking spaces determined for that use group from the minimum parking standard identified in the use unit section of the zoning ordinance. If 13 or more spaces remain, an additional parking island is required. The planting islands must be evenly spaced among the parking spaces in the lot and serve as vehicular delineators whenever possible. In parking lots over 150,000 square feet, the number of parking islands can be reduced but the total square footage of green space must remain according to the requirements.

e. Trees are required to be planted in the interior parking area to offer shading from the heat and sun. One tree per planting island is required for the interior parking

area with the balance planted in grass or other vegetation. These trees must be planted within the island and a four-foot clearance should be left for car doors to open from adjacent parking spaces.

f. Plant materials at vehicular entrances should be located so as to maintain safe sight distances and protect from vehicular lubricants or fuels.

3. Perimeter landscaping other than street frontage. Perimeter landscaping requirements define parking areas and prevent two adjacent lots from becoming one large expanse of paving. At minimum, a ten-foot landscaped strip is required along the side and rear lot lines of a development with one tree per 25 linear feet required along lot lines.

a. The perimeter landscaping requirement does not preclude the need for vehicular access to be provided between lots.

b. The ten-foot perimeter strip is required for each development regardless if one is already in place from an adjacent, developed lot.

c. No pavement may extend within five feet of the property line on any lot unless it is included with an ingress/egress location.

(f) Landscape installation: Standards have been established for installation of all plant materials within the city. These requirements must be followed in order to receive approval of the site work and Certificate of Occupancy. The Planning Director or designee has the authority to deny the issuance of a final occupancy permit until landscaping is installed according to the requirements of this chapter and to the satisfaction of the site inspector or to cause a method of assurance as outlined in Section 8-233.

(g) Minimum tree and shrub planting requirements.

1. Trees shall not be placed where they interfere with site drainage or where they shall require frequent pruning in order to avoid interference with power lines. A minimum of 75 percent of all required trees shall be shade trees.

2. Immediately upon planting, trees shall be a minimum of eight feet tall and shall have a minimum caliper (widest width of trunk) of three inches. Mulch should be placed around the base of newly planted trees, to avoid erosion and protect the base of the tree.

3. When more than ten trees are to be planted to meet the requirements of this chapter, a mix of species shall be provided. The number of species to be planted shall vary according to the overall number of trees required to be planted. The minimum number of species to be planted is listed in the table below. Species shall be planted in proportion to the required mix. This species mix shall not apply to areas of vegetation required to be preserved by law.

Required Species Mix	Required Number of Trees	Minimum Number of species
11– 20		2

21– 30	3
31– 40	4
41+	5

4. Hedges, where required, shall form a solid continuous visual screen of at least twenty-four (24) inches in height immediately upon planting and shall be spaced thirty-six (36) inches on center. Hedge plantings shall be maintained so as not to exceed a height of six feet.

5. Shrubs, where used or required, shall be at minimum 3 gallon size at least twelve (12) inches in width of leaf cover and fifteen (15) inches in height. Height does not apply to ground cover species. Perennials may be used in 1-2 gallon sizes.

(h) Additional landscape treatment.

1. All interior landscaped areas not dedicated to trees or to preservation of existing vegetation shall be landscaped with grass, ground cover, shrubs, or other appropriate landscape treatment. Gravel or other pavement shall not be considered appropriate landscape treatment.

2. Safe sight distances at intersections and points of access must be maintained.

3. Except as provided below, all landscape areas at the front line of off-street parking spaces may be protected from encroachment or intrusion of vehicles through the use of wheel stops. Wheel stops shall have a minimum height of six inches above finished grade of the parking area. Wheel stops shall be properly anchored and shall be continuously maintained in good condition by the property owner. Wheel stops shall not be placed in locations of anticipated pedestrian traffic.

4. Trees and other vegetation shall be planted in soil and climatic conditions which are appropriate for their growth habits. Plants used in the landscape design shall to the greatest extent be:

- a. Appropriate to the conditions in which they are to be planted;
- b. Have non invasive growth habits;
- c. Encourage low maintenance, high-quality design; and
- d. Be otherwise consistent with the intent of this section.

5. Replacement requirements for vegetation that is required to be planted or preserved by this chapter shall be replaced with equivalent vegetation if it is not living within 24 months of installation. Preserved trees for which credit was awarded but which subsequently die, shall be replaced by the requisite number of living trees according to the standards set forth in this chapter.

6. Irrigation systems or plans for irrigation should be shown on the preliminary plat and must be approved by the Planning Commission. In general, installed irrigation systems will be required when new trees, shrubs or hedges are required.

(i) Enforcement and maintenance.

The Planning Director or designee has the authority to deny the issuance of a final occupancy permit until landscaping is installed according to the requirements of this chapter and to the satisfaction of the site inspector or to cause a method of assurance as outlined in Section 8-233. Once approved, the applicant is required to guarantee the plants for 24 months or they must be replaced by the owner. The property owner will maintain all trees and vegetation.

(j) Alternative methods of compliance.

An application for alternative landscaping schemes is justified only when one or more of the following conditions apply:

1. The sites involve space limitation or unusually shaped parcels.
2. Topography, soil, vegetation, or other site conditions are such that full compliance is impossible or impractical.
3. Due to a change of use of an existing site, the required buffer yard is larger than can be provided.
4. Safety considerations require a change.

The applicant shall describe in a letter to the planning department which of the requirements set forth in the manual will be met with modifications which project conditions justify using alternatives, and how the proposed measures equal or exceed normal compliance.

(k) List of recommended trees and shrubs.

The following lists indicate plantings which will meet the landscaping requirements of this section. The lists are by no means comprehensive and are intended merely to suggest the types of flora which would be appropriate and preferred for screening and shading purposes. Plants were selected for inclusion on these list according to four principal criteria:

1. General suitability for the climate and soil conditions for this area,
2. Ease of maintenance,
3. Tolerance of city conditions, (ie: power lines, street locations, visual requirements, ect)
4. Availability from area nurseries.

When selecting new plantings for a particular site, a developer should first consider the type of plants which are thriving on or near that site. However, if an introduced species has proven highly effective for screening or shading in this area, it too may be proper selection.

PREFERRED TREE CHOICES

Common Name	Genus/Species
<u>Large Trees</u>	
Bald Cypress	Taxodium distichum
Chinese Elm	Ulmus parvifolia
Chinese Pistache	Pistacia chinensis
Ginkgo (**male trees only)	Ginkgo biloba
Norway Maple	Acer platanoides
Red Maple	Acer rubrum
Red Oak	Quercus rubra
River Birch	Betula nigra
Sugar Maple	Acer saccharum
Thornless Honey Locust	Gleditsia triacanthos inermis
White Oak	Quercus alba
Willow Oak	Quercus phellos
Zelkova	Zelkova sp.
<u>Evergreen trees</u>	
American Holly	Ilex opaca
Atlas Blue Cedar	Cedrus atlantica
Japanese Black Pine	Pinus thunbergii
Norway Spruce	Picea abies

Scotch Pine	<i>Pinus sylvestris</i>
Southern Magnolia	<i>Magnolia grandiflora</i>
White Pine	<i>Pinus albicaulis</i>
<u>Small Trees</u>	
Amur Maple	<i>Acer ginnala</i>
Eastern Redbud	<i>Cercis Canadensis</i>
Flowering Cherry	<i>Prunus cargenti</i>
Flowering Dogwood	<i>Cornus florida</i>
Golden Raintree	<i>Koelreuteria paniculata</i>
Japanese Maple	<i>Acer palmatum</i>
Kousa Dogwood	<i>Cornus kousa</i>
Little Leaf Linden	<i>Tilia cordata</i>
Ornamental Plum	<i>Prunus cerasifera</i>
Red Dogwood	<i>Cornus florida</i> cv. Cherokee Chief
Saucer Magnolia	<i>Magnolia soulangeana</i>
Star Magnolia	<i>Magnolia stellata</i>
Wheeping Cherry	<i>Prunus subhirtella</i>

PREFERRED SHRUBS

Common Name	Genus/Species
Azalea (shaded plantings)	<i>Azalea</i> sp.
Border Forsythia	<i>Forsythia</i> x <i>intermedia</i>
Burning Bush	<i>Euonymus alatus</i>

Cherry Laurel	Prunus laurocerasus
Chinese Juniper	Juniperus chinensis
Chinese Lilac	Syringa chinensis
Common Boxwood	Buxus sempervirens
Cotoneaster	Cotoneaster sp.
Crapemyrtle	Lagerstroemia indica
Creeping Juniper	Juniperus horizontalis
Foster Holly	Ilex X attenuate
Glossy Abilia	Abelia X grandiflora
Inkberry Holly	Ilex glabra
Japanese Holly	Ilex crenata
Mugo Pine	Pinus mugo
Nandina	Nandina domestica
Oakleaf Holly	
Skypencil Holly	Ilex Brenata
Spirea	Spirea sp.
Vibernum	Viburnum sp.
Yaupon Holly	Ilex vomitoria
Yew	Taxus sp.

TREES AND SHRUBS THAT MAY NOT BE USED

Common Name	Genus/Species
American Elm	Ulmus Americana
Bradford Callery Pear	Pyrus calleryana
Common Privet	Ligustrum vulgare

Euonymus	Euonymus europaeus cv.
Ginkgo (**Female variety)	Ginkgo biloba
Paper Birch	Betula papyrifera
Pin Oak	Quercus palustris
Pine (lumbar varieties)	Pinus sp.
Silver Maple	Acer saccharinum
Sweetgum	Liquidambar styraciflua
Willows	Salix sp.

SPACING

Plant size	From corners	From walls	Distance for mass planting
Small	8'	12'	6– 12'
Medium	12'	15'	16– 30'
Large	16'	20'	30– 40'

(1) Screening.

1. Every development shall provide sufficient screening so that neighboring properties are shielded from any adverse external effects of that development and the development is shielded from the negative impacts of adjacent uses such as major streets or railroads.

Table of Screening Between Incompatible Uses

	Single Family	Duplex	Multi Family	Commercial/Retail/ Neighborhood Service/Office	Industrial
Single Family	None	Semi- Opaque	Opaque	Opaque	Opaque
Duplex/Townhouse	Broken	None	Broken	Opaque	Opaque
Multi-Family	Opaque	Broken	None	Semi-Opaque	Opaque
Commercial/Retail Neighborhood	Opaque	Opaque	Semi- Opaque	None	Broken

Service/Office					
Industrial	Opaque	Opaque	Opaque	Broken	None

2. Description of screens. The following three basic types of screen are hereby established and are used as the basis for the table of screening requirements set forth above:

a. Opaque screen: A screen that is opaque from the ground to a height of at least six feet, with intermittent visual obstructions from the opaque portion to a height of at least 20 feet. An opaque screen is intended to exclude all visual contact between uses and to create a strong impression of spatial separation. The opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The opaque portion of the screen must be opaque in all seasons of the year. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten feet wide. The portion of intermittent visual obstructions may contain deciduous plants.

b. Semi-opaque screen: Screen that is opaque from the ground to a height of three feet, with intermittent visual obstruction from above the opaque portion to a height of at least 20 feet. The semi-opaque screen is intended to partially block visual contact between uses and to create a strong impression of the separation of spaces. The semi-opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten feet wide. The zone of intermittent visual obstruction may contain deciduous plants.

c. Broken screen: A screen composed of intermittent visual obstructions from the ground to a height of at least 20 feet. The broken screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. It may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. The screen may contain deciduous plants.

Sec. 8-204. Corner Visibility. On corner lots at intersecting two-way streets, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two feet (2') and eight feet (8') above curb grade within the triangular area formed by an imaginary line that follows street side property lines, and a line connecting them, twenty-five feet (25') from their point of intersection. This sight triangle standard may be increased by the city in those instances deemed necessary for promoting traffic safety, and may be lessened at intersections involving one-way streets.

Sec. 8-206. Fences. Except as otherwise specifically provided in other codes and regulations of

the city, the following regulations shall apply to the construction of all fences.

(a) **Maximum Height:** Fences shall not exceed eight feet (8') in height, unless approved by the planning commission. Fencing in the LI and commercial districts, and around tennis courts and other recreational amenities, shall be exempt from this height limit.

(b) **Corner Visibility:** Fences shall comply with the corner visibility standards of Section 8-204.

(c) **Construction/Materials:** Fences in all residential zoning districts shall be constructed so that the horizontal and vertical support posts are inside the fenced area or hidden from view of those outside the fenced area, except in the case of decorative columns or posts. This requirement shall not apply to fences that abut nonresidential zoning districts or in situations where the owner of the lot adjacent to the fence agrees to a plan for placing support posts on the "outside" of the fence. All exposed steel, except galvanized metal, shall have a color finish coat applied to them and be preserved against rust and corrosion.

(d) **Design and Maintenance:** All fences shall be maintained in their original upright condition. Fences designed to be painted or have other surface finishes shall be maintained in their original condition as designed. Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.

(e) **Prohibited:** Barbed wire and electrified fences shall be prohibited on all lots of less than two (2) acres in area.

(f) Fences within a common subdivision placed along arterial or collector streets shall be coordinated by the developer so that they will be constructed with the same height, spacing pattern, colors and materials.

Sec. 8-207. Sidewalks.

(a) Sidewalks shall be required for all developments in accordance with the master street plan and land use plan.

(b) **Construction Standards:** Sidewalks shall be constructed in accordance with all applicable city standards and specifications, and with all applicable ADA (Americans with Disabilities Act) requirements. If detached and set back at least three feet (3') from the back of the curb or pavement, whichever is more, such sidewalks shall have a minimum width of four feet (4'). This specification shall be the city's standard requirement. Exceptions may be made through site plan approval, for a sidewalk to be attached to the curb or be located closer than three feet (3') to the curb, provided such sidewalk shall have a minimum width of six feet (6').

(c) **Timing of Installation:** Required sidewalks shall be installed prior to occupancy of any structure on that lot or parcel. Sidewalks along sections of green space or common property or easements that will not have a structure, shall be installed along with the required street improvements.

Sec. 8-208. Drainage and Storm water Management. Adequate provisions for drainage of surface water and storm water management shall be made for all development and redevelopment. Plans for such, including grading plans, for all commercial and industrial development, and all multi-family developments that contain five (5) units or more, shall be submitted and considered as part of the large scale development approval process. All such plans shall be prepared by a registered professional civil engineer, licensed in Arkansas, and submitted and considered as part of the large scale development approval process. Such plans shall contain adequate and properly designed measures to control erosion and sediment discharge from the construction site, and to prevent water pollution that may result from such discharges and runoff. The provisions of this section shall also be applicable to all development and redevelopment impacting one (1) acre or more of property, regardless of the type of development or use.

DIVISION 10. BOARD OF ZONING ADJUSTMENT

Sec. 8-221. Creation and Appointment. The Board of Zoning Adjustment is hereby established, which shall be composed of the planning commission as a whole.

Sec. 8-222. Organization. The Board of Zoning Adjustment shall adopt bylaws necessary to the conduct of its affairs and in keeping with the provisions of these regulations. Meetings shall be held on a regular schedule and at such other times as the board may determine. All meetings shall be open to the public. The Board of Zoning Adjustment shall keep minutes of its vote, indicating such fact, and it shall keep records of its examinations and other official actions, all of which shall be a public record. A quorum of the board shall consist of four (4) members.

Sec. 8-223. Powers and Duties. The Board of Zoning Adjustment shall have all the powers and duties prescribed by law and by these regulations, which are more particularly described as follows:

(a) Administrative review: To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made.

(b) Variances. To authorize upon appeal, in specific cases, such variance from the terms of this zoning chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations would result in unnecessary hardship that would deprive the owner of any reasonable use of the land or building involved. A variance from the terms of these zoning regulations, shall not be granted by the board of zoning adjustment unless and until:

1. The applicant demonstrates that special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district; that literal interpretation of the provisions of these

regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these regulations; that special conditions and circumstances do not result from the actions of the applicant; and that granting the variance requested will not confer on the applicant any special privilege that is denied by the zoning regulations to other lands, structures, or buildings in the same district.

2. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

3. The board of adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of land, building, or structure.

4. The board of adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of these zoning regulations, and will not be detrimental to the public safety and welfare.

5. In granting any variance, the board of zoning adjustment may prescribe appropriate conditions and safeguards that it deems necessary or desirable. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these regulations.

(c) Special exceptions: In addition to the powers and duties specified above, the board of zoning adjustment shall also have the following powers and duties to hold public hearings and decide the following special exceptions:

1. Interpret zoning district boundaries where uncertainty exists, as to the boundaries of the zoning districts, or when the street or property lines existing on the ground are at variance with those shown on the zoning district map.

2. Determine the amount of parking required for a use not listed herein.

3. Vary the parking regulations where it is conclusively shown that the specific use of a building would make unnecessary the parking spaces otherwise required by these regulations.

4. Permit an addition to a nonconforming structure provided that said addition conforms to all building code requirements, and further provided that the current use of the structure conforms to the zoning district in which it is located.

Sec. 8-224. Procedure for Application and Appeals.

(a) Application: Appeals to the Board of Zoning Adjustment may be taken by any person aggrieved, or by any officer, department, or board of the city affected by, any decision of the

administrative official. All appeals and applications made to the board shall be made in writing within fifteen (15) days after the decision has been rendered by the administrative official. Every appeal or application shall refer to the specific provision of the code involved and shall exactly set forth:

1. The interpretation that is claimed;
2. The use for which the permit is sought; or
3. The details of the variance that is applied for, and the grounds on which it is claimed that the variance should be granted, as the case may be.

The appeal or application shall be filed with the officer from whom appeal is taken and with the board. The officer from whom appeal is taken shall forthwith transmit to the board, all papers constituting the record upon which the action appealed from was taken.

(b) Public Hearing and Notice: The Board of Zoning Adjustment shall fix a reasonable time for the public hearing of an application or appeal, give public notice of the time and place thereof, as well as due notice to the parties in interest, and decide same within a reasonable time. Said public notice shall be published at least once not less than seven (7) days preceding the date of such hearing, in a newspaper of general circulation in the city. The public notice shall give the particular location of the property on which the application or appeal is requested, as well as a brief statement of what the application or appeal consists. Evidence of notification of all adjoining property owners shall accompany all applications for variances. Such notification shall include the above described public notice information, as well as the time and place where the public hearing will be conducted. Public hearings may be adjourned from time to time, and, if the time and place of the adjourned meeting is publicly announced when the adjournment is made, no further notice of such adjourned meeting need be published.

At a public hearing any party may appear in person, or by attorney, architect, engineer, planner or by other designated agent.

(c) Effect of Appeal: An appeal shall stay all proceedings of the action appealed from, unless the person affected by such appeal certifies to the board, that, by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board or a court of record on application, and notice to the person from whom the appeal was taken.

(d) Time Limit on Permits: No order permitting the use of a building or premises, or the alteration or erection of a building, shall be valid for a period longer than sixty (60) days, unless such use is established or the erection or alteration is started within such period, and proceeds to completion in accordance with the terms of a building permit.

(e) Appeals from Board of Zoning Adjustment: Any person or persons, or any board, taxpayer,

department, board or bureau of the city aggrieved by any decision of the board of zoning adjustment may seek review by a court of record of such decision, in the manner provided by Arkansas law.

DIVISION 11. ADMINISTRATION AND ENFORCEMENT

Sec. 8-231.

(a) Planning Director. The provisions of these zoning regulations shall be administered by the planning and engineering department under the direction of the Planning Director, who shall act as an administrative official. The Planning Director may be provided with the assistance of such other persons or departments as the mayor may direct. It shall be the duty of the Planning Director to see that these regulations are enforced through the proper legal channels. Appeal from the decision of the Planning Director may be made to the board of zoning adjustment. The Planning Director, and his/her designees, which may include a zoning official and code enforcement officers, are generally empowered to carry out or conduct any activities essential to the proper administration and enforcement of these regulations; said activities to include, but not be limited to, the following:

1. Permits: To issue a building permit, and certificate of occupancy when compliance is made with these regulations; to refuse to issue the same in the event of noncompliance; and to give written notice of such refusal and reason thereof to the applicant.

2. Collections: To cause the collection of the designated fees as set forth in these regulations:

3. Records: To make and to keep all records necessary and appropriate to the office, including records of the issuance and denial of all zoning and building permits, and certificates of occupancy, and the receipt of complaints of violation of these regulations and action taken on the same, and to file such for record.

4. Inspections: To inspect any building or land to determine whether violations of these regulations have been committed or exist.

5. Enforcement: To enforce these regulations and take all necessary steps to remedy any condition found in violation. The city may enjoin any individual or property owner who is in violation of these regulations to prevent or correct such violation. Any individual aggrieved by a violation of these regulations may request an injunction against any individual or property owner in violation of these regulations, or may mandamus any official to enforce the provisions of these regulations.

6. Advisements: To keep the mayor, city council, planning commission, and board of zoning adjustment advised of all matters other than routine that relate to the administration and enforcement of these regulations. (ACA 14-56-421)

(b) Code Enforcement Official: The City Code Enforcement official shall have the power to

regulate and enforce the provisions of the city Code regarding land use. Further the code enforcement official shall have the authority to develop rules and regulations for the orderly administration and enforcement of the land development code. The code enforcement official shall have the power to appoint an assistant code enforcement official to serve for such periods of time as he/she shall deem necessary and with the approval of the City Council.

Sec. 8-232. Building and Grading Permits.

(a) **Issuance of permits:** It shall be unlawful to commence the construction, reconstruction, moving, demolition or structural alteration of any building until a building and grading permit have been issued. No building or grading permit shall be issued unless the proposed construction or use is in full conformity with all the provisions of these regulations and other applicable building codes, laws, or regulations. A permit shall also be required for the use or reuse of property, buildings, or structures where building permits are not required. Compliance with paved parking and other site standards shall be achieved as a condition a change of use for commercial, industrial and multi-family purposes. In addition, a permit evidencing compliance with the provisions of these regulations shall be a pre-requisite to the issuance of a city business license.

All applications for building permits shall be accompanied by a plan drawn to scale, showing the size of the building to be erected and its location on the zoning lot, the location of any existing buildings or structures, location and dimensions of all driveways and parking or loading areas, drainage, landscaping and such other information as may be necessary to provide for the administration of these regulations.

Site plans shall be required for all multi-family development proposals, as well as for all new commercial and industrial development and redevelopment Site plan decisions by the planning commission shall be subject to appeal to the city council.

(b) **Appeal Process:** A person may appeal by petition to the City Council following disapproval of a proposed amendment or conditional use by the Planning Commission. The petitioner must state specifically in writing to the city recorder why he/she considers the Planning Commission's findings and decisions to be in error. Such appeal shall be filed with the city recorder within fifteen (15) days from the date of the Commissions actions.

Sec. 8-233. Certificate of Occupancy.

(a) **Purpose and Authority.** Certificates of occupancy are required to ensure that completed structures and the development of property of which such structures are a part, comply with the provisions of this chapter, as well as any site plans or conditional use approvals for such structures and development. The Building Department/Building Inspector shall have the authority and responsibility to issue and keep records of certificates of occupancy in accordance with the requirements set forth in these regulations, and the building code. A certificate of occupancy must be applied for, and issued by the building official prior to occupancy and use of

a structure or premises for any of the following:

1. Any new structure.
2. Any addition to an existing nonresidential structure.
3. Any change in Building Code occupancy or use of a building or premises that involves nonresidential occupancy. (This does not include change of ownership, as long as occupancy and use do not change.)
4. Placement or change in occupancy of any manufactured home on any lot or parcel, regardless of use.

(b) Procedure: A certificate of occupancy shall be applied for after final inspection and Large Scale requirements are met, and must be issued before occupancy and permanent connection of utilities to such building.

The Planning Director or his designated agent shall inspect the property that is the subject of an application within a reasonable time after a completed application has been filed, and shall issue a certificate of occupancy if the premises and the property comply in all respects with the applicable development regulations in effect for the city. If the premises do not so comply, the Planning Director shall deny the application in a written notice mailed to the applicant with five

(5) days, excluding weekends and holidays, after the inspection of the property, specifying the provisions of which regulation or code the structure or development does not comply.

The site inspection shall include all site requirements, including by not limited to paving, landscaping, drainage, etc as set forth in the plans approved by the Planning Commission. If construction of items such as landscaping, striping and some drainage issues are not completed per approved plans a bond, check or letter of credit may be required. The Planning Director may at his/her discretion accept the bond, check or letter of credit as a method of assurance for completion and may recommend a Certificate of Occupancy be issued.

(c) Contents of Certificate of Occupancy application: Information required for submission to obtain a certificate of occupancy shall include:

1. Name of applicant.
2. Nature and extent of the applicant's ownership interest in the subject property.
3. Address of the property for which a certificate is requested.
4. A legal description of the property, the zoning classification for the property, and a statement that the use of the property is allowed or permitted in the zoning classification for the property.

5. A site plan for any new construction (same as required for a building permit) for the structure, or the development of which such structure is a part, is required.

6. Such other information as requested by the building official to ensure conformance with applicable development regulations.

Sec. 8-234. Penalty for Violation. Any person, firm or corporation who shall violate any of the provisions of these zoning regulations, or fail to comply thereafter with any of the requirements thereof, or who shall build, alter, move, or occupy any building in violation of any detailed statement or plans submitted and approved hereunder, shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine not exceeding five hundred dollars (\$500.00) or double such sum for each repetition thereof. If the violation is, in its nature, continuous in respect to time, the penalty for allowing the continuance thereof is a fine not to exceed two hundred fifty dollars (\$250.00) for each day that the same is unlawfully continued. The owner or owners of any building or premises or part thereof where anything in violation of these regulations shall be placed, or shall exist, and any architect, builder, contractor, agent, engineer, person, firm or corporation employed in connection therewith, and who may have assisted in the commission of any such violation, shall be guilty of a separate offense, and upon conviction thereof shall be fined as hereinabove provided.

Violations of these regulations that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a penalty, however, does not prevent the simultaneous granting of equitable relief in appropriate cases.

Sec. 8-235. Amendments. Two (2) types of amendments to these zoning regulations are recognized; one being a revision in the text provisions, and the other being a change of boundary in a zoning district (a.k.a. a map amendment or rezoning).

(a) Text Amendments: Amendments to the text may be initiated by the planning commission, the city council, or by the mayor. Proposed amendments shall be processed in accordance with the procedures set forth in this section.

1. Notice: The Planning Director shall be responsible for scheduling a public hearing before the planning commission. He shall prepare the content of a public notice, and ensure that the notice is published in a newspaper of general circulation within the city at least fifteen (15) days before the public hearing.

2. Hearing and Recommendation by the Planning Commission: The planning commission shall conduct a public hearing on the proposed amendment, hearing both the proponents and opponents, if any. Following the public hearing, the commission shall determine its recommendation(s) regarding the proposed amendment, and make such known to the city council.

3. Action by the City Council: After receiving the recommendation of the planning commission, the city council may approve the amendment as submitted; approve a revised version they deem appropriate; return it back to the planning commission for further study and reconsideration; table it; or deny it. If the city council action does not take place within six (6) months after the planning commission's public hearing, the amendment process must begin anew.

(b) Change in District Boundary: A change in a zoning district boundary, also referred to as a map amendment or a rezoning, may be proposed by the city council, the planning commission, or by a property owner or his legal agent. Such amendments shall be considered in accordance with the procedures set forth in this section.

1. Application Submittal: A complete application for a change in a zoning district boundary (or map amendment), hereafter referred to as a rezoning, shall be submitted to the Planning Coordinator in a form established for that purpose, along with a non-refundable processing fee as set forth in 8-236. Applications shall be filed to the Planning Department no later than 4:00 pm on the submission date for items requiring public hearing as set forth in the annual planning schedule. No application shall be processed until the Planning Coordinator determines that the application is complete, and the required fee has been paid. Applicant shall provide correct legal description to be verified by City Planning Department and submitted on electronic disc in word format.

2. Notice: Promptly upon determining that the application is complete, the Planning Coordinator shall schedule a public hearing date before the planning commission, notify the applicant of the hearing date, and provide at least fifteen (15) days notice of the hearing in a newspaper of general circulation in the city. The notice shall indicate the time and place of the public hearing; give the general location and description of the property, such as the street address and acreage involved; describe the nature, scope and purpose of the application; and indicate where additional information about the application can be obtained.

The applicant shall (1) post notice on weatherproof signs provided by the city; (2) place the signs on the property that is the subject of the application at least ten (10) days before the public hearing; and (3) ensure that the signs remain continuously posted until a final decision is made by the city council. At least one (1) sign shall be posted by the applicant for each one hundred and fifty feet (150') of street frontage, up to a maximum of four (4) signs. Signs shall be placed along each abutting street in a manner that makes them clearly visible to neighboring residents, and passers-by. There shall be a minimum of one (1) sign along each abutting street.

Individual property owners applying for changes to the official zoning map shall present evidence or an affidavit, at least ten (10) days prior to the required public hearing, that all property owners within three hundred feet (300') have been notified of the proposed zoning change and of the time, date, and place of the public hearing.

3. Hearing and Recommendation by the Planning Commission: The planning commission shall hold a public hearing on the proposed rezoning. At the conclusion of the hearing, and after deliberation, the commission shall recommend approval as submitted; may

recommend approval of less area and/or of a lesser intense, but like classification than what was applied for; table with cause, not to exceed one time for consideration at the next meeting; or deny the application.

4. Hearing and Action by the City Council. After the planning commission recommends approval of an application, the Planning Coordinator shall be responsible for preparing the appropriate ordinance, and requesting that the city clerk place it on the city council agenda. The Planning Coordinator shall review the proposed rezoning ordinance, prior to its placement on the city council agenda, to verify that the contents of the document and the property description therein, accurately reflect the action taken by the planning commission.

(c) Appeal Process: A person may appeal by petition to the City Council following disapproval of a proposed amendment or conditional use by the Planning Commission. The petitioner must state specifically in writing to the city recorder why he/she considers the Planning Commission's findings and decisions to be in error. Such appeal shall be filed with the city recorder within fifteen (15) days from the date of the Commissions actions.

In considering an application for approval, whether on appeal or not, the city council may reduce the amount of land area included in the application, but not increase it; and may change the requested classification in whole or in part, to a less intense zoning district classification than was indicated in the planning commissions required public notice.

(d) Approval Criteria: The criteria for approval of a rezoning are set out in this section. Not all of the criteria must be given equal consideration by the planning commission or city council in reaching a decision. The criteria to be considered shall include but not be limited to the following:

1. Consistency of the proposal with the purpose of these regulations.
2. Compatibility of the proposal with the zoning, uses and character of the surrounding area.
3. Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment.
4. Extent to which approval of the proposed rezoning will detrimentally affect nearby property including, but not limited to, any impact on property value, traffic, drainage, visual impairment, odor, noise, light, vibration, hours of use/operation, and any restriction to the normal and customary use of the affected property.
5. Length of time the subject property has remained vacant as zoned, as well as its zoning at the time of purchase by the applicant; and

6. Impact of the proposed development on community facilities and services, including those related to utilities, streets drainage, parks, open space, fire, police, and emergency medical services.

7. Taking the comprehensive plan into consideration as a guideline.

(e) Successive Applications: In the event that the city council denies an application for a rezoning, a similar application involving any of the property considered in the previous rezoning request shall not be considered by the planning commission for six (6) months from the date of the denial by the city council, unless the planning commission, upon recommendation by the city planner, determines that there is a significant change in the size or scope of the project, or that conditions have changed in the area affected by the proposed rezoning.

Sec. 8- 236. Fees. Before any action shall be taken as provided in these regulations, the applicant shall submit a fee with the application in accordance with the schedule below. Under no condition shall said sum or any part thereof be refunded for failure of said action to be approved by the city.

Planned Unit Development	\$500.00
Large Scale Development	\$500.00
Preliminary plat fee	\$500.00
Final plat	\$400.00
Rezoning application	\$250.00
Replat fee	\$150.00
Use on Appeal	\$100.00
Variance request	\$100.00
Informal plat fee	\$100.00
Lot line adjustment	\$100.00
Certificate of Occupancy	\$100.00
Grading permit	\$250.00 for up to one acre and \$500.00 for greater than one acre.

DIVISION 12. VALIDITY AND REPEAL

Sec. 8-241. Validity. These zoning regulations and the various parts, sections, subsections, sentences, phrases, and clauses thereof are hereby declared to be severable. If any part, sentence, or paragraph, section or subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of these zoning regulations shall not be affected thereby.

The city council hereby declares that all such remaining parts would have been passed irrespective of the validity or invalidity of any parts found to be invalid.

Sec. 8-242. Repeal. All ordinances, codes, or regulations, or parts of ordinances, codes, or regulations, in conflict with these zoning regulations, or inconsistent with provisions of these regulations are hereby repealed to the extent necessary to give these zoning regulations full force and effect upon their adoption by the city council.

Schedule of Uses- Nonresidential

Class Name	NO	BP	NS	R/O	R	C	TC	LI
Abstracters	P	P	P	P	C		P	
Acoustical Contractors					C	P		P
Acupuncturists	P	P	P	P			C	
Adhesives & Glues- Manufacturing								C
Adoption Agencies	P	P	P	P				
Agriculture/Farm						C		C
Agricultural Chemicals								C
Air Cargo & Package pick up/drop off location	P	P	P	P	P	P	P	P
Air Conditioning - Parts & Supplies						P		P
Air Conditioning Contractors						P		P
Air Conditioning Repair						P		P
Airports								
Alarm System Companies and Monitoring			P	P	P	P	C	C
Alcohol and/or drug Treatment Program- nonresidential	P	C	P	C				
Alcohol and drug Treatment Centers- residential				C		C		
Alterations - Clothing	P		P	P	P	P	C	
Aluminum & Steel- Manufacturing								C

Class Name	NO	BP	NS	R/O	R	C	TC	LI
Ambulance Service	C	C	C	C	C	C	C	C
Ammunition Sales			C	C	C	C	C	C
Amusement Devices Manufacturing								P
Amusement Devices Sales	C	C	C	C	C			
Amusement Places	C	C	C	C	C	C	C	C
Animal Health Products Sales			P	P	P	P	C	P
Animal Shelters						C		C
Antiques - Dealers			P	P	P	P	P	P
Antiques - Repair & Restore	C	C	C	C	C	P		P
Apartments		C				C		C
Apartments- Efficiency		C				C		C
Apartment Rental Information & Services	P	P	P	P	P	P	P	C
Appliances - Major - Dealers/Parts/Repair & Service				P	P	P		P
Appraisers	P	P	P	P	P	P	P	
Aquariums Retail & Aquarium Supplies			P	P	P	P	C	C
Aquatic gardens or parks	C		C	C	C	C	C	C
Arcades			C	C	C	C	C	C
Archery Equipment & Supplies			P	P	P	P	C	C
Archery Ranges			C	C	C	C		C
Art Galleries, Dealers & Consultants			P	P	P	C		
Art Instruction & Schools		C	C			P	C	
Arts & Crafts Supplies - Retail			P	P	P	P	C	C
Asphalt/Asphalt Products Manufacturing & Storage								
Assisted Living Facilities				C		C		
Athletic Organizations Offices	P	P		P		P	C	
Attorneys	P	P	P	P		P	P	
Auction Houses				P	P	P		
Audio - Visual Equip & Supplies			P	P	P	P	C	C
Auditorium						C	C	C
Auto Alarms & Security Systems			P	P	P	P	C	C
Auto Auctions						C		
Auto Body Repair & Painting						C		C
Auto Body Shop New Equipment & Supplies			P	P	P	P		C
Auto Dealers - New/Used Cars					C	P		C
Auto Parts & Supplies - New			P	P	P	P		C

Class Name	NO	BP	NS	R/O	R	C	TC	LI
Auto Parts & Supplies used - Salvage Auto						C		C
Auto Renting & Leasing						P		C
Auto Repair & Service			C	C	P	P		P
Automated Teller Machines	P	P	P	P	P	P	C	C
Awards Sales			P	P	P	P	C	
Awnings & Canopies - Dealers/ Service & Repair					P	P		P
Bail Bonds				C		C		
Bait Shops			P	P	P	P		
Bakers - Wholesale			C			P		P
Bakery			P	P	P	P	C	P
Balloons - Novelty & Toys - Retail & Delivery			P	P	P	P	C	
Bank/Savings & Loans/Financial Institutes	P	P	P	P	P	P	C	
Banquet Facilities			C	P	C	P	C	
Bar Supplies			P	P	P	P		
Barbers	P		P	P	P		C	
Baseball Batting Ranges						C		C
Battery Supplies Sales			P	P	P	P		
Batting Cages- Outdoor						C		C
Beauty Salons - Equip & Supplies - Retail			C	P	P	P		
Beauty Salons & Service	P		P	P	P	P	C	
Beauty Schools		C	C			C	C	
Boutique- Shops			P	P	P	P	C	
Bed & Breakfast							C	
Beekeepers						C		C
Bicycles - Dealers & Repair			P	P	P	P		C
Billiard Equip & Supplies			P	P	P	P		C
Billiard Parlors			C	C	C	C		C
Bird Baths & Statuary					P	P		
Birds & Bird Supplies			P	P	P	P	C	C
Blueprinting office	P	P	P	P		P		
Boarding Houses				C		C		
Boat Builders								P
Boat Dealers, Equip & Supplies and or Repair						P		C
Boat Storage						P		P
Body Piercing	C		P	P	P			
Boilers - Repair & Clean						P		P
Book Binders			C	C	C	P		P

Class Name	NO	BP	NS	R/O	R	C	TC	LI
Book Dealers - Retail			P	P	P	P		
Boots – Wholesale & Manufacturing						P		P
Botanical gardens or parks	C		C	C	C	C	C	C
Bottlers						P		P
Bowling			C	C	C	C		
Bowling Equip & Accessories			P	P	P	P		
Boxes - Corrugated & Fiber- Mfg.						P		P
Brake Service			C	C	P	P		P
Brick-Common & Face-Retail					P	P		P
Bridal Shops			P	P	P	P	C	
Bus Lines						C		C
Buses - Charter & Rental						C		C
Camper Shells						P		C
Campgrounds & Recreational Vehicle Parks						C		C
Candy & Confectionery - Retail			P	P	C	P	C	P
Car Stereos - Sales & Service			P	P	P	P	C	C
Car Washing & Polishing						P		P
Carpet & Rug Dealers - New			P	P	P	P	C	
Carpet & Rug Distributors & Manufacturing						P		P
Carport Sales						P		P
Carriages - rentals, rides	C	C	C				C	
Carriages - sales or manufacturing						P		C
Cash Registers & Supplies			P	P	P	P		
Caskets- Manufacturing						P		P
Caskets- Sales			P	P	P	P		
Catalog Showrooms	C		P				C	
Caterers			P	P	C	P	C	P
Cement – Wholesale & Mfrs						C		C
Cemetery Equip & Supplies						P		P
Ceramic Products - Decorative, Retail, Equip & Supplies			P	C	C	P	C	
Ceramics - Instruction		C	C			P	C	
Chairs - Renting			P	P	C	P	C	P
Chambers Of Commerce	P	P	P	P	C	P	P	C
Charcoal manufacturing or wholesale distribution						C		C
Chauffer Service			P	P	C	P	C	
Check Cashing Service	P	C	P	P		C		

Class Name	NO	BP	NS	R/O	R	C	TC	LI
Chemicals-Mfg						C		C
Child Abuse Information & Treatment Centers	P	C	P	C				
Child Care & Preschool	C	P	P	P	C	P	C	C
Child Care Facilities	C	P	P	P	C	P	C	C
Children & Infants Wear - Retail			P	P	P	P	C	
Chimney Builders & Repair					P	P		P
China, Crystal & Glassware - Retail			P	P	P	P	C	
Church/ Religious Organization Meeting Space	P	P	P	P	C	P	C	
Clinics- Medical and Dental	P	P	P	P		P	C	
Clock - Retail, Repair & Service			P	P	P	P	C	C
Closed Circuit TV- sales, repair			P	P	P	P	C	C
Clothing - Retail			P	P	P	P	C	
Coffee Service & Supplies	C	C	P	P	P	P	P	C
Coin Dealers			P	P	P	P	C	
Compact Discs, Tapes & Records - Retail			P	P	P	P	C	
Compressors-Rental, Repair, Retail						P		P
Computer - Parts & Supplies - Retail			P	P	P	P	C	
Computer Cable & Wire Installation			P	P	P	P		C
Computers - Wholesale & Mfrs						P		P
Concessionaires	C	C	P	P	P	P	C	C
Concrete Products			C	C	C	P		P
Concrete Pumping Service						C		C
Conference Centers				C	C	C	C	C
Consignment Service		C	C			C		C
Contractor Offices	P	P	P	P	C	P		
Contractors Equip & Supplies			C	P	P	P		C
Contractors Equip-Lifts-Rental						P		P
Convenience Stores			P	P	P	P	C	C
Convention Service & Facilities				C	C	C	C	C
Copiers & Supplies			P	P	P	P		
Copying & Duplicating Service	P	P	P	P	P	P	C	C
Costumes - Masquerade & Theatrical			P	P	P	P	C	
Counseling Services	P	C	P	C				
Counter Tops- Manufacturing and or Sales			C	C	C	P		P
Country Club	C	C	C	C		C	C	
Cranes - Renting & Leasing						P		P
Cremation Services/crematorium						C		C

Class Name	NO	BP	NS	R/O	R	C	TC	LI
Crisis Intervention Service	P	C	P	C				
Manufacturing of dairy products						P		P
Dairy Equip & Supplies						P		P
Dancing Instruction		C	C			C	C	
Dancing Supplies			P	P	P	P	C	
Day Care Centers - Adult	C	P	P	P	C	P	C	C
Day Care Centers - Child	C	P	P	P	C	P	C	C
Decks & Awnings					P	P		P
Delicatessens			P	P	C	P	C	
Dental Equip & Supplies			C	P	P	P		C
Dental Laboratories	P	P	P			P		P
Dentists	P	P	P			P	C	
Department Stores		C		P	P	P	C	
Detective Agencies	P	P	P	P			C	
Diabetic Equip & Supplies			C	P	P	P		C
Diamond Brokers	P	P	P	P	P	P	C	
Disabled Persons Equip & Supplies			C	P	P	P		C
Discount Stores		C		P	P	P	C	
Divers Equip & Supplies			P	P	P	P	C	
Dock Builders					P	P		P
Dog & Cat Foods - Retail			P	P	P	P		
Dog & Cat Grooming & Supplies			P	P	P	P		
Dog & Pet Training						C		C
Dogs - Breeders						C		
Donuts			P	P	C	P	C	C
Doors - Overhead Type, sales/service						P		P
Doors & Gate Operating Devices-sales			P	P	P	P		C
Draperies & Curtains - Retail & Custom Made			P	P	P	P	C	
Draperies & Curtains - Wholesale & Mfrs						P		P
Dressmakers	P	P	P	C	C	P	C	P
Drive-in establishment, not otherwise specified	C	C	C	C	C	C	C	C
Drug Abuse Testing & Screening	P	P	P			P		
Dry Cleaners	C		P	P		P		C
Dry Wall Contractors Equip & Supplies			C	P	P	P		C
Electric Contractors			C	P	P	P		C
Electric Equip - Mfrs								P
Electric Equip - Repair & Service						P		P

Class Name	NO	BP	NS	R/O	R	C	TC	LI
Electric Equip & Supplies - Retail & Wholesale						P		
Electronic Equip & Supplies			P	P	P	P	C	
Electronic Equip & Supplies - Repair & Service			C	C	C	C	C	
Employment Agencies	C	C	P			C	C	
Engravers			P	P	P	P	C	
Escort Service								C
Escrow Service	P	P	P	P	C		C	
Excavating Equip						P		P
Explosives- Mfg.								
Exterminators						C		P
Fabric Shops			P	P	P	P	C	
Farm Equip & Supplies			P	P	P	P		C
Fence Companies						P		P
Fertilizer Dealers						C		C
Fiberglass Fabricators						C		C
Fiberglass Repair						C		C
Fire Protection Equip & Supplies			P	P	P	P		
Fireplace Equip - Retail			P	P	P	P	C	
Fireworks Sales (permanent structure)						C		C
Fitness Centers	C	P	P	P	C	P	C	
Flea Markets			P	P	P	P	C	
Floor Coverings- Sales			P	P	P	P	C	
Florists - Retail	P		P	P	P	P	P	
Formal Wear - Rental & Sales			P	P	P	P	C	
Foundries								C
Foundry Equip & Supplies						P		C
Fraternal Organizations	C	C	C	C		C	C	
Freight Terminal						P		P
Fuels-wholesale								C
Funeral Director Equip & Supplies			P	P	P	P	C	
Funeral Homes	C		P	P	P	P	C	C
Furniture Dealers - Retail			P	P	P	P	C	
Furniture Renting & Leasing			P	P	P	P	C	
Furniture Repair & Refinish						C		P
Garden Centers		C		P	P	P		
Gas - Industrial & Medical						C		C
Gas - Liquefied Petroleum -Bottled (propane sale & refill)			C	C	C	P		P

Class Name	NO	BP	NS	R/O	R	C	TC	LI
Gas – Propane-wholesale & bulk								C
Gasoline – Wholesale/Diesel fuel								C
Gift Shops			P	P	P	P	C	
Go - Karts sales			P	P	P	P	C	
Golf Cars & Carts-sales			P	P	P	P		
Golf Courses - Miniature						C		C
Golf Equip & Supplies - Retail/Repair			P	P	P	P	C	
Golf Equip & Supplies - Wholesale & Mfrs						P		P
Golf Practice Ranges						C		C
Grass- Sod Retail/Wholesale						P		P
Grinding - Precision & Production						P		P
Grocers - Retail			P	P	P	P	C	
Guns- Retail	C	C	C	C	P	P		
Guns - Certification & Safety Instruction			C			C		C
Gunsmiths	C	C	C	C	C	P		
Guns- Indoor Shooting Range						C		C
Gymnasiums	C	P	P	P		C	C	
Gymnastics Instruction	C	P	P	P		P	C	
Hardware - Retail			P	P	P	P	C	
Hazardous Materials Disposal								
Hazardous Waste								
Health Agencies	P	P	P			P	C	
Health Clubs	C	P	P	P	C	P	C	
Health Food Products - Retail			P	P	P	P	C	
Health Food Products - Wholesale & Mfrs						P		P
Hearing Aids & Hearing Assistive Devices	P		P	P	P	P	C	
Hobby & Model Shops			P	P	P	P	C	
Home Health Agencies	P	P	P			P	C	
Home Health Care Equip & Supplies			P	P	P	P		
Home Theater Systems			P	P	P	P	C	
Homes - Mentally and/or Developmentally Disabled						C		
Homes - Nursing						C		
Homes - Residential Care Facility						C		
Honey-Manufacturing (Bee Keeping)						C		C
Horse - Boarding						C		C
Horse Breeders						C		C

Class Name	NO	BP	NS	R/O	R	C	TC	LI
Horse Training						C		C
Hospices- Office (Non-residential)	P	P	P	P			C	
Hospice- Residential						C		C
Hospital Equip & Supls						P		P
Hospital Equip & Supplies- Renting						P		P
Hospitals		C		C		C		C
Hot Tubs & Spas - Dealers				P	P	P		P
Hotels				C	C	P	C	C
Humane Societies						C		C
Hunting Equip & Supplies (excluding guns and firearms)			P	P	P	P	C	C
Ice Cream & Frozen Desserts - Mfrs & Distributor						P		P
Janitor Equipment, Supplies & Service						P		P
Jewelers - Retail/Repair			P	P	P	P	P	
Kennels						C		C
Kennels - Equip & Supplies			P	P	P	P		
Labor Organizations Office	P	P		P		P	C	
Laboratories - Analytical/Medical/Pathological/Testing	C	C	C			P		
Landfills								
Landscaping Equipment & Supplies				P	P	P		
Laser Hair Removal & Peels	P	P	P			P	C	
Laundries-Coin operated	C		P			C		C
Laundries- Commercial						P		P
Lawn Mowers - Sales, Parts, Equip & Repair						P		P
Libraries	P		P	P			P	
Lighting Fixtures - Wholesale & Mfrs						P		P
Lighting Systems & Equip			P	P	P	P	C	C
Limousine Service						P		C
Linen Supply Service			P	P	P	P		
Liquor Stores (if legalized)			C	C	C	C		
Livestock Auction Markets								
Lodges	C	C	C	C		C	C	
Lounges			C	C	C	C		
Lumber - Retail & Wholesale						P		P
Machine Shops						P		P
Machine Tools - Repair & Rebuild						P		P

Class Name	NO	BP	NS	R/O	R	C	TC	LI
Mail Box Rental & Receiving	P	P	P	P	P	P	P	P
Manicuring & Pedicuring	P		P	P	P			
Manufactured Homes- Manufacturing								P
Manufactured Homes- Sales & Service						P		P
Manufacturing- not otherwise specified						C		C
Marble - Retail/Wholesale			P	P	P	P		
Marine Equip, Supplies & Repair						P		C
Martial Arts Equip & Supplies			P	P	P	P		
Martial Arts Instruction	C	P	P	P		P	C	
Massage-Therapists	P		P	P	P	P		
Massage - Equip & Supplies			P	P	P	P		
Mattresses – Retail			P	P	P	P		
Mausoleums								
Meat – Wholesale & Retail			P	P	P	P		
Meat Processing						C		C
Medical Equip & Supplies						P		P
Messenger Service		P	P	P	P	P	C	
Metal Buildings- Manufacturing								P
Metal Buildings- Sales & Service						P		P
Metal Fabricators								P
Metal Finishers Equip & Supplies						P		P
Microfilming & Imaging	C	C	P	P	P	P		
Millwork						P		P
Mini Storage						C		C
Mining or Quarrying								
Mobile Home Supply						P		P
Mobile Homes - Parks & Communities								
Mobile Homes - Sales						P		P
Mobile Homes - Repair & Service						P		P
Mobile Homes - Transporting						P		P
Modeling Agencies	P	P	P	P		P	C	
Monogramming	P		P	P	P	P	C	
Monuments- Sales			P	P	P	P		
Monuments- manufacturing						P		P
Motels				C	C	P		C
Motion Picture Producers & Studios						P		P
Motorcycle Racing								

Class Name	NO	BP	NS	R/O	R	C	TC	LI
Motorcycles - Customizing						C		C
Motorcycles & Motor Scooters - Dealers					C	P		C
Motorcycles & Motor Scooters-Repairing & Service			C	C	P	P		P
Motorcycles Parts & Supplies - Retail			P	P	P	P		C
Movers						P		P
Moving Equip Rental						P		P
Mufflers & Exhaust Systems			C	C	P	P		P
Museums	P		P	P			P	
Music Instruction - Instrumental & Vocal	C		P	P	P	P	C	
Musical Instruments - Retail & Repair			P	P	P	P	C	
Newspaper Distributors (coin operated machines)	P	P	P	P	P	P	C	P
Newspapers- Companies						P		P
Novelties - Retail			P	P	P	P		
Novelties - Adult (Retail)								
Nurseries - Plants & Trees/Commercial Greenhouse						P		P
Nutritionists	P	P	P	P		P		
Occupational Safety & Health	P	P	P	P		P		
Office Furniture & Equip - Dealers			P	P	P	P	C	
Office - General use, not otherwise specified	P	P	P	P		P	C	
Office Records - Destruction						C		C
Office Records - Storage						C		C
Office Supplies			P	P	P	P	C	
Oil Change & Lubricating Service			C	C	P	P		P
Optical Goods - Retail- Repair & Service			P	P	P	P	C	
Optical Goods - Mfrs						P		P
Organs/Pianos- Tune & Repair						P		P
Orthopedic Appliances-Sales			P	P	P	P		
Oxygen- Sales						P		P
Packaging Materials & Service			P	P	P	P		
Paging & Signaling Equip & Systems			P	P	P	P	C	P
Paint - Retail			P	P	P	P		
Paint - Wholesale & Mfrs						C		C
Pallets & Skids						C		C
Paper Mfrs								C
Parking Lot Facility or Commercial parking lot						C		C

Class Name	NO	BP	NS	R/O	R	C	TC	LI
Parking Lot Maintenance & Marking						P		P
Party Supplies			P	P	P	P		
Party Supplies - Renting			P	P	P	P	C	
Patio & Porch & Deck Covers & Enclosures					P	P		P
Paving Contractors & Materials								P
Pawnbrokers			P	P	P	P		
Pest Control Service, Equip & Supplies			C	C	C	C		P
Pet Cemeteries & Crematories								
Pet Shops			P	P	P	P		
Pet Supplies - Wholesale & Mfrs						P		P
Pet Supplies & Foods - Retail			P	P	P	P		
Pharmacies	P		P	P	P	P	C	
Photo Finishing - Retail			P	P	P	P		
Photo Finishing - Wholesale								C
Photographers - Portrait & Commercial	C		P	P	P	P	C	
Photographic Equip & Supplies - Retail			P	P	P	P		
Photographic Retouching & Restoration			P	P	P	P		
Physical Therapy	P		P	P		P		
Physical Therapy Equip			P	P	P	P		
Physicians -	P	P	P			P	C	
Physicians & Surgeons Equip & Supplies			P	P	P	P		
Physicians Chiropractic	P	P	P			P	C	
Pipe						P		P
Pipe Bending & Fabricating						P		P
Pipes & Smokers Articles			P	P	P	P	C	
Pizza			P	P	P	P	C	
Planetarium	C		C	C	C	C	C	C
Plasterers Equip & Supplies			C	P	P	P		C
Plastics – Fabricating								C
Plastics - Machinery & Equip						C		C
Plastics - Products - Finished – Wholesale			P	P	P	P		
Playground Equip Sales			P	P	P	P		
Playground Equip Manufacturing						P		P
Plumbing Fixtures, Parts & Supplies - Retail			P	P	P	P		
Plumbing Fixtures, Parts & Supplies - Wholesale & Mfrs			C	C	C	C		P
Police Departments	C	C	C	C	C	C	C	C
Polyurethane Products- Manufacturing						C		C

Class Name	NO	BP	NS	R/O	R	C	TC	LI
Pool & Spa Supplies				P	P	P		P
Post Offices	C	C	C	C	C	C	C	C
Poultry – Wholesale						C		C
Poultry Equip & Supplies			P	P	P	P		
Powder Coating						C		C
Pressure Cleaning						P		P
Pressure Washing Equip & Service						P		P
Produce – Retail			P	P	P	P		
Produce – Wholesale						P		P
Propane Gas- Liquefied Petroleum- Bottled sales.			C	C	C	C		C
Propane Gas – wholesale, bulk & refill						C		C
Pumps - Repairing						P		P
Race Tracks								
Race Tracks - Horse								
Racquetball Courts	C	P	P	P		C	C	
Radio Stations			P	P	P	P	C	P
Railroad Equip & Supplies						P		P
Railroad Equip & Supplies - Repairing						P		P
Real Estate Agents	C	P	P	P	P	P	C	
Real Estate Schools		C	C			P	C	
Recording Studios			C	C	C	C	C	
Recreational Vehicle Parks						C		C
Recreational Vehicles & Campers - Dealers						P		C
Recreational Vehicles & Campers - Mfrs & Distributor						P		P
Recreational Vehicles & Campers - Repair & Service						P		P
Recreational Vehicles & Campers - Storage						C		C
Recruiting - Armed Forces Offices	P	P	P	P	C	C	C	
Recycling Centers						C		C
Rehabilitation Services-non-residential office	P	C	P	C				
Rehabilitation Services-residential				C		C		
Religious Organizations- Offices	P	P	P	P	C	C	C	
Rendering Companies						C		C
Rental Equip- not otherwise specified						C		C
Rental Services - not otherwise specified					C	C		C
Resale Shops			P	P	P	P		

Class Name	NO	BP	NS	R/O	R	C	TC	LI
Resorts						C	C	C
Restaurant Equip - Repair & Service & Sales						P		P
Restaurants/General- Non drive-thru type	P	P	P	P	P	P	C	
Restaurants- Carry Out Foods/Fast Food	P	P	P	P	P	P	C	C
Retail, not otherwise specified			C	C	C	C	C	
Riding Apparel & Equipment			P	P	P	P	C	
Rock Shops			P	P	P	P	C	
Rodeos						C	C	C
Roofing Materials						P		P
Rubber & Plastic Stamps-sales			P	P	P	P	C	
Rubbish & Garbage Removal						C		C
Saddles - New & Used Sales & Repair					C	C		C
Saddles - New & Used Sales			P	P	P	P		
Safes & Vaults Sales			P	P	P	P	C	
Safes & Vaults Manufacturing						P		P
Safety Equip & Clothing- Sales			P	P	P	P		
Salvage Yards						C		C
Sand & Gravel						C		C
Sandblasting						C		C
Sandblasting Equip & Supplies						P		P
Sanitation Service						C		C
Satellite Equipment - Sales & Service			P	P	P	P		
Savings & Loans	P	P	P	P	P	P	C	
Sawmills						C		C
Saws - Sharpen & Repair						C		P
Scales						P		P
Scales- Trucking						C		C
Schools - Children with Disabilities		C	C	C	C	C	C	
Schools - Industrial & Technical & Trade		C	C	C	C	C	C	
Schools - Parochial		C	C	C	C	C	C	
Schools - Preschool & Elementary		C	C	C	C	C	C	
Schools - Preschool & Kindergarten		C	C	C	C	C	C	
Schools - Private		C	C	C	C	C	C	
Schools - Public		C	C	C	C	C	C	
Schools - Universities & Colleges		C	C	C	C	C	C	
Scrap Metals						C		C
Security Guard & Patrol Service		P	P	P		P		C

Class Name	NO	BP	NS	R/O	R	C	TC	LI
Self Defense Instruction		C	C			P	C	
Septic Tank Cleaning & Installation						C		P
Septic Tanks- Sales & Repair						C		C
Service Station Equip & Supplies						C		C
Service Stations			P	P	C	C	C	C
Sewer & Drain Cleaning						C		P
Sexually oriented / adult entertainment								C
Sharpening Service						C		P
Sheet Metal Work						C		P
Shelter- Human			C	C	C	C	C	
Shipping Terminal						P		P
Shoes - Retail			P	P	P	P	C	
Shoes & Boots - Repair			P	P		P		P
Shopping Centers & Malls		C	C	P	P	P	C	C
Signs - Erectors & Hangers						P		P
Signs - Maintenance & Repair						P		P
Signs-Engravers-Plastic-Wood-Etc						P		P
Skate Board Parks & Rinks						C		C
Skating Equip & Supplies			P	P	P	P		
Skating Rinks						C		C
Snow Removal Service						C		P
Sod & Sodding Service						C		P
Sporting Goods - Retail			P	P	P	P	C	
Sports Cards & Memorabilia			P	P	P	P	C	
Sports complex	C	P	P	P		C	C	
Sportswear - Retail			P	P	P	P	C	
Spraying Booths & Equip						C		C
Stables						C		C
Stadiums, & Arenas						C		
Steam Cleaning - Automotive						P		P
Steam Cleaning - Industrial						C		P
Steel Distributors & Warehouses						C		C
Steel Erectors						C		C
Steel Fabricators						C		C
Steel Mills or Processing								C
Stock Yards								
Storage - Automobile								C

Class Name	NO	BP	NS	R/O	R	C	TC	LI
Storage - Household & Commercial						C		C
Storm Shelters						C		P
Stump Grinding						C		C
Sunrooms & Solariums-sales					P	P	C	C
Surplus & Salvage Merchandise			C	C	P	P	C	C
Surveyors - Land	P	P	P	P				
Swimming Pool Contractors & Dealers						P		P
Swimming Pool Equip & Supplies						P		P
Swimming Pool Repair & Service						P		P
Swimming Pools - Private						C	C	C
Swimming Pools - Public						C	C	C
Tanks - Metal						C		C
Tanks - Repair						C		C
Tanning Salons	P		P	P	P			
Tanning Salons - Equip & Supplies						P		
Tattooing & Removal	C		P	P	P			
Taverns			C	C	C	C		
Taxidermists						P		P
Telemarketing Services		C	P	P	P	P		
Telephone Companies						P		P
Telephone Equip & Systems - Dealers			P	P	P	P	C	C
Telephone Equip & Systems - Service & Repair			P	P	P	P	C	C
Television - Cable & Satellite Equip & Supplies			P	P	P	P	C	C
Television - Cable, CATV & Satellite System Cos			P	P	P	P	C	C
Television Dealers - Retail, sales, service				P	P	P	C	C
Television Stations				C	C	P	C	P
Tennis Courts						C		C
Textiles - Mfrs						C		P
Theatres - Live or Movie		C	P	P	C	P	C	C
Thrift Shops			P	P	P	P		
Ticket Agencies	P	P	P	P				
Tile & Floor Cleaning						P		P
Tire Dealers - Retail			P	P	P	P		
Tire Dealers - Used			P	P	P	P		
Tire Distributors & Manufacturers						P		P
Tire Recap, Retread & Repair						P		P
Tobacco Products - Retail			P	P	P	P		

Class Name	NO	BP	NS	R/O	R	C	TC	LI
Toilets – Portable, Sales or Construction						C		C
Tool & Die Makers						C		P
Tool & Die Makers Equip & Supplies						C		P
Tool Grinding - Industrial						C		P
Tools- Retail			P	P	P	P		
Tools - Used			P	P	P	P		
Tourist Information	P	P	P	P	P	P	P	C
Towers - Communications						C		C
Towing Service- Automotive- Boats etc.						C		C
Toys - Retail			P	P	P	P		
Tractor/Trailer - Repair & Service						C		P
Tractor/Trailer Dealers						P		C
Tractor Equip & Parts			C	C	C	C		
Trailer - Repair & Service						C		C
Trailer Mfrs						C		C
Transportation Providers						C		C
Trash Hauling						C		C
Travel Agencies & Bureaus	P	P	P	P			C	
Tree & Shrub Fertilization, spraying & Service						P		P
Tree Service Equip & supplies						P		P
Truck Stops								
Truck Washing & Cleaning						C		P
Trusses - Construction						C		P
Turbines						C		P
Typing Service	P	P	P	P				
Uniform Supply Service						P		P
Upholsterers						P		P
Utility Contractors						P		P
Variety Stores			P	P	P	P	C	
Vending Machines - Parts & Supplies						P		P
Veterinary Clinics & Hospitals (large animal or with outside kennel)						C		C
Veterinary Clinics & Hospitals (small animal with no outside kennel)	C		C	C		C		C
Warehouses - Cold Storage						C		P
Warehouses - Merchandise						P		P
Waste Recycling & Disposal Equipment						C		C
Waste Recycling & Disposal Service -						C		C

Class Name	NO	BP	NS	R/O	R	C	TC	LI
Industrial								
Water – Bottling and Distribution						C		P
Water Companies-Utility						C		P
Water Filtration & Purification Equip						P		P
Water Treatment Equip						C		C
Water Treatment Plant								C
Water Treatment Equip - Service & Supplies						C		P
Water Well Drilling & Service						P		P
Wedding Chapels & Ceremonies			C	C	C	C	C	
Wedding Service & Supplies			P	P	P	P	C	
Weight Loss Offices	P	P	P	P			C	
Welding-Services						C		P
Welding Equip – Repair						C		P
Welding Equip & Supplies						P		P
Wheels - Aligning & Balancing, Frame & Axle Servicing			C	C	P	P		P
Wigs & Hairpieces	P		P	P	P	P	C	
Wildlife Sanctuaries						C		C
Window Tinting						P		P
Windows				P	P	P		
Windshields - glass manufacturing						P		P
Wire & Cable- Sales & Distribution						P		P
Women's Apparel - Retail			P	P	P	P	C	
Woodworking - Manufacturing						P		P
Wrecker Service						C		C
X - Ray Apparatus & Supplies						P		P
Yoga - Instruction	C	P	P	P		C	C	
Youth Centers	C	C	C	C		C	C	
Zoological Gardens	C		C	C	C	C	C	C

